



# ***Shire of Peppermint Grove Policy Manual***

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*CODE OF CONDUCT FOR ELECTED MEMBERS & STAFF*



## What is a Policy?

A policy is a general rule to be applied in the exercise of a function (power or duty) and includes a statement of conditions under which an authorisation may, or is to be given or withheld.

A policy will ordinarily apply irrespective of whether a matter is to be determined –

- by an employee with delegated authority; or
- at a meeting of the Council.

Policies should not be confused with delegations and procedures. A delegation for the purposes of the Act, will only apply when –

- a 'person' has a statutory power or duty;
- the person has the power of delegation;
- the person commits that power or duty, in writing to another to perform;
- the person has the power to make the delegation to the delegatee.

A "procedure" (Macquarie dictionary) is "the act or manner or proceeding in any action or process; conduct", and procedural statement can be construed accordingly.

In very simple terms –

Policy provides what can;  
Delegation provides who can;  
Procedures provide how to.

Policies are the province of Council. Delegations are primarily the province of the CEO – ie Council can delegate only to a committee or the CEO, whereas the latter delegates to employees. Procedures are appropriately a function of management.

Only policies should be in the Policy Manual.

# **SECTION ONE**

## **Governance Policies**

## 1.1 CODE OF CONDUCT

<b>Purpose</b>	To articulate the manner in which Elected Members and Staff are expected to conduct themselves when performing their duties and fulfilling their roles.
<b>Status</b>	GOVERNANCE - STATUTORY
<b>Policy</b>	<p><b>PREAMBLE</b></p> <p>The Model Code of Conduct provides Council Members, Committee Members and staff in Local Government with consistent guidelines for an acceptable standard of professional conduct. The Code addresses in a concise manner the broader issue of ethical responsibility and encourages greater transparency and accountability in individual Local Governments.</p> <p>The Model Code is complementary to the principles adopted in the Local Government Act and regulations, which incorporates four fundamental aims to result in—</p> <ul style="list-style-type: none"><li>a) better decision-making by local governments;</li><li>b) greater community participation in the decisions and affairs of local governments;</li><li>c) greater accountability of local governments to their communities; and</li><li>d) more efficient and effective local government.</li></ul> <p>The Code provides a guide and a basis of expectations for Council Members, Committee Members and staff. It encourages a commitment to ethical and professional behaviour and outlines principles in which individual and collective Local Government responsibilities may be based.</p> <p><b>STATUTORY ENVIRONMENT</b></p> <p>The Model Code of Conduct observes statutory requirements of the Local Government Act 1995 (S 103 — Codes of Conduct) and Local Government (Administration) Regulations 1996 (Regs 34B and 34C).</p> <p><b>RULES OF CONDUCT</b></p> <p>Council Members acknowledge their activities, behavior and statutory compliance obligations may be scrutinised in accordance with prescribed rules of conduct as described in the Local Government Act 1995 and Local Government (Rules of Conduct) Regulations 2007.</p>

## **1. ROLES**

### **1.1 Role of Council Member**

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

The Role of Council Members as set out in S 2.10 of the Local Government Act 1995 follows:

*"A Councilor*

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

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

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

In carrying out its functions, a local government is to use its best endeavors to meet the needs of current and future generations through integration of environmental protection, social advancement and economic prosperity.

## **1.2 Role of Staff**

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

*“The CEO’s functions are to —*

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

## **1.3 Role of Council**

The Role of the Council is in accordance with S 2.7 of the Local Government Act 1995:

*“(1) The council —*

- (a) directs and controls the local government’s affairs; and*
- (b) is responsible for the performance of the local government’s functions.*

*(2) Without limiting subsection (1), the council is to —*

- (a) oversee the allocation of the local government’s finances and resources; and*
- (b) determine the local government’s policies.”*

## **1.4 Relationships between Council Members and Staff**

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

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

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

### **2.1 Conflict of Interest**

- a) Council Members, Committee Members and staff will ensure that there is no actual (or perceived) conflict of interest between their personal interests and the impartial fulfillment of their professional duties.
- b) Staff will not engage in private work with or for any person or body with an interest in a proposed or current contract with the Local Government, without first making disclosure to the Chief Executive Officer. In this respect, it does not matter whether advantage is in fact obtained, as any appearance that private dealings could conflict with performance of duties must be scrupulously avoided.
- c) Council Members, Committee Members and staff will lodge written notice with the Chief Executive Officer describing an intention to undertake a dealing in land within the local government area or which may otherwise be in conflict with the Council's functions (other than purchasing the principal place of residence).
- d) Council Members, Committee Members and staff who exercise a recruitment or other discretionary function will make disclosure before dealing with relatives or close friends and will disqualify themselves from dealing with those persons.
- e) Staff will refrain from partisan political activities which could cast doubt on their neutrality and impartiality in acting in their professional capacity. An individual's rights to maintain their own political convictions are not impinged upon by this clause. It is recognised that such convictions cannot be a basis for discrimination and this is supported by anti-discriminatory legislation.

### **2.2 Financial Interest**

Council Members, Committee Members and staff will adopt the principles of disclosure of financial interest as contained within the Local Government Act.

## 2.3 Disclosure of Interest

*Definition:*

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

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

- a) A person who is an employee and who has an interest in any matter to be discussed at a council or committee meeting attended by the person is required to disclose the nature of the interest -
  - (i) in a written notice given to the CEO before the meeting; or
  - (ii) at the meeting immediately before the matter is discussed.
- b) A person who is an employee and who has given, or will give, advice in respect of any matter to be discussed at a council or committee meeting not attended by the person is required to disclose the nature of any interest the person has in the matter -
  - (i) in a written notice given to the CEO before the meeting; or
  - (ii) at the time the advice is given.
- c) A requirement described under items (a) and (b) exclude an interest referred to in S 5.60 of the Local Government Act 1995.
- d) A person is excused from a requirement made under items (a) or (b) to disclose the nature of an interest if –
  - (i) the person’s failure to disclose occurs because the person did not know he or she had an interest in the matter; or
  - (ii) the person’s failure to disclose occurs because the person did not know the matter in which he or she had an interest would be discussed at the meeting and the person discloses the nature of the interest as soon as possible after becoming aware of the discussion of a matter of that kind.
- e) If a person who is an employee makes a disclosure in a written notice given to the CEO before a meeting to comply with requirements of items (a) or (b), then -
  - (i) before the meeting the CEO is to cause the notice to be given to the person who is to preside at the meeting; and
  - (ii) immediately before a matter to which the disclosure relates is discussed at the meeting the person presiding is to bring the notice and its contents to the attention of the persons present.

f) If

- (i) to comply with a requirement made under item (a), the nature of a person's interest in a matter is disclosed at a meeting; or
- (ii) a disclosure is made as described in item (d)(ii) at a meeting; or
- (iii) to comply with a requirement made under item (e)(ii), a notice disclosing the nature of a person's interest in a matter is brought to the attention of the persons present at a meeting,

the nature of the interest is to be recorded in the minutes of the meeting.

### **3. PERSONAL BENEFIT**

#### **3.1 Use of Confidential Information**

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

#### **3.2 Intellectual Property**

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

#### **3.3 Improper or Undue Influence**

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

#### **3.4 Gifts**

*Definitions:*

*In this clause, and in accordance with Regulation 34B of 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;*

*“gift” has the meaning given to that term in S 5.82(4) except that it does not*

*include -*

- (a) a gift from a relative as defined in S 5.74(1); or*
- (b) a gift that must be disclosed under Regulation 30B of the Local Government (Elections) Regulations 1997, or*
- (c) a gift from a statutory authority, government instrumentality or non-profit association for professional training;*

*“notifiable gift”, in relation to a person who is an employee, means*

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

*“prohibited gift”, in relation to a person who is an employee, means -*

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

- (a) A person who is an employee is to refrain from accepting a prohibited gift from a person who
  - (i) is undertaking or seeking to undertake an activity involving a local government discretion; or
  - (ii) it is reasonable to believe is intending to undertake an activity involving a local government discretion.
- (b) A person who is an employee and who accepts a notifiable gift from a person who -
  - (i) is undertaking or seeking to undertake an activity involving a local government discretion; or
  - (ii) it is reasonable to believe is intending to undertake an activity involving a local government discretion, notify & the CEO, in accordance with item (c) and within 10 days of accepting the gift, of the acceptance. -
- (c) The notification of the acceptance of a notifiable 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 a notifiable gift under paragraph (b) of the definition of “notifiable gift” (whether or not it is also a notifiable gift under paragraph (a) of that definition) -
    - (1) a description; and
    - (2) the estimated value; and

(3) the date of acceptance,

of each other gift accepted within the 6 month period.

- (d) The CEO is to maintain a register of notifiable gifts and record in it details of notifications given to comply with a requirement made under item (c).
- (e) This clause does not apply to gifts received from a relative (as defined in S 5.74(1) of the Local Government Act) or an electoral gift (to which other disclosure provisions apply).
- (f) This clause does not prevent the acceptance of a gift on behalf of the local government in the course of performing professional or ceremonial duties in circumstances where the gift is presented in whole to the CEO, entered into the Register of Notifiable Gifts and used or retained exclusively for the benefit of the local government.

#### **4. CONDUCT OF COUNCIL MEMBERS, COMMITTEE MEMBERS AND STAFF**

##### **4.1 Personal Behaviour**

- (a) Council Members, Committee Members and staff will:
  - (i) act, and be seen to act, properly and in accordance with the requirements of the law and the terms of this Code; -
  - (ii) perform their duties impartially and in the best interests of the Local Government uninfluenced by fear or favour; -
  - (iii) act in good faith (i.e. honestly, for the proper purpose, and without exceeding their powers) in the interests of the Local Government 'and the community;
  - (iv) make no allegations which are improper or derogatory (unless true and in the public interest) and refrain from any form of conduct, in the performance of their official or professional duties, which may cause any reasonable person unwarranted offence or embarrassment; and
  - (v) always act in accordance with their obligation of fidelity to the Local Government.
- (b) Council Members will represent and promote the interests of the Local Government, while recognizing their special duty to their won constituents.

##### **4.2 Honesty and Integrity**

Council Members, Committee Members and staff will:

- (a) observe the highest standards of honesty and integrity, and avoid conduct which might suggest any departure from these standards;
- (b) bring to the notice of the Mayor/President any dishonesty or possible dishonesty on the part of any other member, and in the case of an

- employee to the Chief Executive Officer.
- (c) be frank and honest in their official dealing with each other.

#### **4.3 Performance of Duties**

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

#### **4.4 Compliance with Lawful Orders -**

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

#### **4.5 Administrative and Management Practices**

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

#### **4.6 Corporate Obligations**

- (a) Standard of Dress -  
Council Members, Committee Members and staff are expected to comply with neat and responsible dress standards at all times. Accordingly:
  - (i) Council Members and Committee Members will dress in a manner appropriate to their position, in particular when attending meetings or representing the Local Government in an official capacity.
  - (ii) Management reserves the right to adopt policies relating to corporate dress and to raise the issue of dress with individual staff.
- (b) Communication and Public Relations
  - (i) All aspects of communication by staff (including verbal, written or personal), involving Local Government's activities should reflect the status and objectives of that Local Government. Communications should be accurate, polite and professional.
  - (ii) As a representative of the community, Council Members need to be not only responsive to community views, but to adequately communicate the attitudes and decisions of the Council. In doing so Council Members should acknowledge that:
    - as a member of the Council there is respect for the decision

making processes of the Council which are based on a decision of the majority of the Council;

- information of a confidential nature ought not be communicated until it is no longer treated as confidential;
- information relating to decisions of the Council on approvals, permits and so on ought only be communicated in an official capacity by a designated officer of the Council;
- information concerning adopted policies, procedures and decisions of the Council is conveyed accurately.

(iii) Committee Members accept and acknowledge it is their responsibility to observe any direction the Local Government may adopt in terms of advancing and promoting the objectives of the Committee to which they have been appointed.

#### **4.7 Appointments to Committees**

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

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

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

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

Council Members and staff will:-

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

#### **5.2 Travelling and Sustenance Expenses**

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

#### **5.3 Access to Information**

- (a) Staff will ensure that Council Members are given access to all information necessary for them to properly perform their functions

	and comply with their responsibilities. (b) Council Members will ensure that information provided will be used properly and to assist in the process of making reasonable and informed decisions on matters before the Council.
<b>Related Procedure</b>	
<b>Amendment Authority Level</b>	Council
<b>Related Delegation</b>	
<b>Related Local Law/ Legislation</b>	Local Government Act S. 5.103
<b>Adopted/ Amended</b>	April 2008
<b>Review History</b>	

## 1.2 MEETING POLICY AND PROCEDURE

<b>Purpose</b>	To provide a process for effective meetings for the Shire of Peppermint Grove.
<b>Status</b>	GOVERNANCE - OPERATIONAL
<b>Policy</b>	<p>In general, meetings of the Shire of Peppermint Grove will be conducted in accordance with the principles of effective meeting management. The fundamental principles of meetings are as follows:-</p> <p><b>Principles:</b></p> <p>A fair hearing      Every elected member has the right to expect to have a fair hearing at any meeting of Council;</p> <p>Code of Conduct      All elected members and staff present at a meeting have the right and obligation to abide by the Council's Code of Conduct;</p> <p>Majority decision      All members of Council and staff will accept the decision of the majority of members of council except that there is nothing to prevent an elected member from seeking to move a Recession Motion at a subsequent meeting of Council.</p> <p>Statutory Compliance      Where the local Government Act 1995 provides for requirements relevant to meeting procedure those will be upheld in the course of the meeting.</p> <p>The Shire of Peppermint Grove conducts the following meetings on a monthly basis as determined to be the most useful mix of forums to facilitate strategic discussion and effect good decision-making:</p> <ol style="list-style-type: none"> <li>1.      Concept Forums</li> <li>2.      Agenda Briefing Forums</li> <li>3.      Ordinary Meetings of Council</li> </ol> <p><b>PROCEDURE - CONCEPT FORUMS</b></p> <p>Concept Forums involve Elected Members, staff and, where appropriate, external advisors, experts or proponents. They are to provide the opportunity to exchange information and ideas about issues or ideas that may affect the Shire of Peppermint Grove.</p> <p>Concept forums will generally involve projects or matters that are in the early planning stages and are some time away from being presented to the Council for consideration of a formal decision.</p> <p>During concept forums:</p> <ul style="list-style-type: none"> <li>• The Chief Executive Officer or relevant officers will present on</li> </ul>

agenda items;

- the Chief Executive Officer seeks input from the Elected Members as input into research and further drafting of concepts for any future report;
- Elected Members are fully informed on matters to enable decisions to be made in the best interests of the Shire;
- Elected Members represent the views of the community.

The input through open and free-flowing exchange of ideas and the willingness to contribute to concept forums will provide invaluable direction to the Chief Executive Officer for research and the preparation of any report on the matter if required.

Concept Forums will be closed to the public and agendas will be Confidential. Concept Forums will generally be held on a monthly basis on the same evening, and immediately following, an Agenda Briefing Forum. Additional Concept Forums may be held at the discretion of the Chief Executive Officer in consultation with the President.

Where considered appropriate to ensure Elected Members are fully informed on a matter, guests including experts, consultants or proponents for an item listed on the agenda may be invited to attend and provide a presentation. They will only be present for so much of that forum that applies to their presentation.

Any matter raised during a Concept Forum will generally not be progressed to the Agenda Briefing Forum and Ordinary Meeting of Council scheduled for the following month.

The Chief Executive Officer, in consultation with the President, will prepare the agenda for the Concept Forum. The Chief Executive Officer will ensure timely written notice and a confidential agenda for each forum will be provided to all Elected Members, including briefing papers where necessary.

The President is to be the Presiding Member. If the President is unable or unwilling to assume the role of Presiding Member, then the Deputy President may preside. If the Deputy President is unable or unwilling, those Elected Members present may select one from amongst themselves to preside.

As Council's Meeting Procedures will not apply in Concept Forums, it will be responsibility of the Presiding Member to ensure the good conduct of the meeting.

The Presiding Member shall:

1. Advise Elected Members that no decisions will be made during the forum;
2. Encourage all Elected Members present to participate in the sharing

- and gathering of information;
3. Ensure that all Elected Members have a fair and equal opportunity to participate; and
  4. Ensure the time available is liberal enough to allow for all matters of relevance to be identified.

Elected Members, employees and invited experts, consultants or proponents shall disclose their interests on any matter listed in accordance with the meeting procedures of an Ordinary Meeting of Council.

Elected Members have the opportunity to request matters to be included on the agenda for consideration at a future forum by:

- A request to the Chief Executive Officer; or
- A request made during the forum.

A record shall be kept during the forum, however, as no decisions are made, the record need only be a general record of the items covered but shall record any disclosure of interests as declared by individuals. A confidential copy of the record is to be forwarded to all Elected Members.

#### **PROCEDURE - AGENDA BRIEFING FORUMS**

These are forums for Elected Members to become more informed on matters prior to formal consideration at the Ordinary Meeting of Council. The forums encourage open dialogue between Elected Members, Officers and members of the public, and allow Elected Members to gain maximum knowledge and understanding of issues prior to presentation at the Ordinary Meetings of Council.

Agenda Forums involve Elected Members, staff, residents and/or their representatives, and external advisors (where appropriate) and will be open to the public.

Agenda forums provide the opportunity for Elected Members to be equally informed and seek additional information on matters prior to the presentation of such matters to the next Ordinary Meeting of Council for formal consideration and decision.

Agenda Briefing Forums are not decision-making forums and items on the agenda are not to be debated at the Forum.

Agenda Briefing Forums occur two weeks prior to a Council meeting and consider the agenda prepared for the next Ordinary Meeting of Council.

The Agenda should be read in conjunction with the agenda for the next Ordinary Meeting of Council which will be issued at the same time. Both agendas will be publicly available in the Library and on the Shire's website.

The Agenda Briefing Forum will be open to the public except for matters of a confidential nature. The guide in determining those matters of a

confidential nature shall be in accordance with the Local Government Act 1995 and as detailed in the meeting procedure for the Ordinary Meeting of Council.

The Chief Executive Officer will ensure timely written notice and an agenda for each forum will be provided to all Elected Members. The agenda will be available to the public at the Library and on the Shire's website.

The President is to be the Presiding Member. If the President is unable or unwilling to assume the role of Presiding Member, then the Deputy President may preside. If the Deputy President is unable or unwilling, those Elected Members present may select one from amongst themselves to preside.

The Meeting Procedures for the Ordinary Meetings of Council will generally apply including procedures around deputations and questions from the public which will be adhered to.

There is to be no debate or decision-making amongst Elected Members on any matters raised, however elected members may seek further information or request additional information be supplied prior to the Ordinary Meeting of Council.

Relevant employees of the Shire will make a presentation on agenda items and be available to respond to questions on matters listed on the agenda.

All Elected Members will be given a fair and equal opportunity to participate.

The Presiding Member will ensure that time is made available to allow for all matters of relevance to be covered.

Elected Members and employees shall disclose their interests on any matter listed in accordance with the meeting procedure for Ordinary Meetings of Council.

A record shall be kept during the forum, however, as no decisions are made, the record need only be a general record of the items covered but shall record requests for further information and any disclosure of interests as declared by individuals. A copy of the record is to be forwarded to all Elected Members and shall be posted on the Shire's website.

Additional requested information will be provided to elected members prior to the Ordinary Meeting of Council as soon as available.

Members of the public may make a deputation by making a written request to the Chief Executive Officer on the working day immediately prior. Deputations must relate to matters listed on the agenda.

## **ORDINARY MEETINGS OF COUNCIL**

### **1. Convening Meetings**

Council can decide to hold a meeting by resolution.

In the case of special meetings, the President, or at least one third of Councillors, can do so by giving the CEO written notice setting out the date and purpose of the meeting. The CEO will convene a meeting by giving the notice required by the Local Government Act 1995.

Ordinary Meetings will be set each year for the following twelve months.

### **2. Presiding at Meetings**

The President will preside at all Shire of Peppermint Grove Ordinary Meetings of Council at which he/she is present and able to preside at.

If the Presiding Member is not present or is unable to preside, the Deputy Shire President will automatically take the chair. If he/she is also not present or unable to preside, the elected members present will choose a chair from amongst themselves.

No member who has disclosed an interest in a matter is able to preside while that matter is dealt with.

### **3 Confidentiality**

In general, all Council meetings are open to the public. Any report on a matter that the Chief Executive Officer considers should be dealt with at a closed meeting will contain an explanation of why confidentiality is recommended. If Council resolves to deal with the matter in this way, the report will be deferred until immediately before the end of the meeting when the public will be asked to leave.

### **4 Processing Business**

The order of business will be as stated on the agenda paper unless Council resolves otherwise.

Public question time will precede the making of any decisions by Council.

Only business shown on the agenda will be discussed.

At Special Meetings only business specified in the notice of the purpose of the meeting will be discussed.

The order of business used will be as follows:-

1. Declaration of Official Opening
2. Recording of Attendance, Apologies and Leaves of Absence
3. Delegations and Petitions
4. Public Question Time
5. Declarations of Interest
6. Announcements and Declarations by Members
7. Confirmation of Minutes
8. Chief Executive Officer's Reports

9. Delegates Reports
10. New Business of An Urgent Nature
11. Motions on Notice
12. Confidential Items of Business
13. Closure

#### **5 Apologies and Leave of Absence (S2.25 Local Government Act 1995)**

Leave of absence may be granted to a member by resolution of Council. A member wishing to apply for leave should give notice of this to the CEO prior to the meeting. Leave cannot be granted for more than 6 consecutive ordinary meetings.

A member who is absent from more than 3 consecutive ordinary meetings without obtaining leave is disqualified as a member.

#### **6 Public Question Time**

Public Question Time provides the public with an opportunity to put questions to the Council. Questions should only relate to the business of the council and should not be a statement or personal opinion.

During the Council meeting, after public question time, no member of the public may interrupt the meeting's proceedings or enter into conversation.

Whenever possible, questions should be submitted in writing at least 48 hours prior to the start of the meeting.

All questions should be directed to the President and only questions relating to matters affecting Council may be answered at an ordinary meeting, and at a special meeting only questions that relate to the purpose of the meeting may be answered. Questions may be taken on notice and responded to after the meeting at the discretion of the President.

The person presiding will control public question time and ensure that each person wishing to ask a question is given a fair and equal opportunity to do so. A person wishing to ask a question should state his or her name and address before asking the question. If the question relates to an item on the agenda, the item number should also be stated. In general, people seeking to ask questions will be given two minutes within which to address their question to the Council. The Presiding Member may shorten or lengthen this time at their discretion.

#### **7 Confirmation of Minutes**

Minutes of all Council meetings are to be submitted to the next ordinary Council meeting for confirmation. No discussion regarding the minutes will take place other than as to their accuracy. The President must sign and date the minutes to certify confirmation.

#### **8 Disclosure of Interest**

A member who has a financial or proximity interest in any matter that is to be discussed at a meeting of Council or a Committee must disclose the nature of that interest if the member will be in attendance at the meeting.

Disclosure must be made in a written notice to the CEO before the meeting; or at the earliest possible time after the member has become aware of the interest.

### **9 Announcements by the President Without Discussion**

The person presiding may make any announcements on any matters that he/she considers of interest to Council. No discussion will take place or resolution regarding the matters raised.

### **10 Delegations and Petitions**

In the event that a guest speaker (or speakers) is in attendance as a delegation to address council on a specific issue, the guests will speak immediately after the President has made announcements without discussion. Following presentations, the President may facilitate questions and answers from elected members.

In the event of any petitions being presented, the Presiding Member will present the petition immediately following any delegation. Where a petition is presented, the Presiding Member shall read aloud the petition and advise council of the number of petitioners. The Presiding Member may move a motion as follows:-

- That the petition be received; or
- That the petition be referred to the Chief Executive Officer for a report to be presented at the next ordinary meeting.

There will be no debate on petitions at the meeting to which they are presented.

### **11 Chief Executive Officer's Reports**

The Chief Executive Officer may make any announcements on any matters relevant to the council as a matter of update for information. No discussion will take place or resolution regarding the matters raised.

All officer reports presented to Council are considered to be reports of the Chief Executive Officer. The order of reports for consideration will be:

1. Urban Planning
2. Infrastructure
3. Community Development
4. Management/Governance/Policy
5. Corporate

### **13 Motions on Notice**

A member may raise any matter which relates to the good government of the Shire, providing he or she gives notice of the motion to the CEO for distribution to other members.

Such notice should be given at least 7 clear days prior to the day of the meeting to enable distribution to other members and availability to the public prior to the meeting. (7 clear days is 7 business days – therefore Motions on Notice would need to reach the CEO by the Thursday two weeks before the meeting (ie – 9 days prior to the meeting).

Motions on Notice will be treated procedurally by being referred to the Chief Executive Officer, without debate, for a report to be presented to the next Ordinary Meeting of Council.

### **14 Closure**

If the business of an ordinary or special meeting of Council is not completed by 11pm the person presiding may seek the leave of Council to proceed to the transaction of unopposed business, and to then adjourn the meeting. If a simple majority of members agree to this, unopposed business will be transacted and the remaining business will be adjourned to a specified time or to a time to be advised.

### **DEBATE**

All motions under consideration require a proposer and a seconder, unless the Local Government Act 1995 requires otherwise. (eg for a motion to revoke a decision which was made by absolute majority see Administration regulation 10)

### **15 Recommended Motions**

The recommendations in reports will be drafted as motions recommended for adoption.

### **16 Moving Recommendations**

The person presiding will invite members to move the recommendations in the reports, in the order they appear in the agenda.

Members may move recommendations individually; or may move a number of recommendations in numerical sequence up to any recommendation which has been identified as subject to an interest disclosure, or on which Members have indicated they would like to debate or where a member has indicated that they have a disclosure of interest.

### **17 Recommendations Identified for Interest Disclosure**

Before the recommendation of a report that has been identified as subject

to an interest disclosure is moved:

- the person presiding will bring the contents of any written notice of an interest regarding that report to the attention of the meeting;
- any member who has an interest in the report which is not yet disclosed will disclose the nature of the interest;
- any member who has disclosed an interest which is a direct or indirect financial interest or a proximity interest will leave the room while the matter is dealt with unless the interest is of the kind which falls under S5.63 of the Local Government Act 1995.
- Should the member wish to seek council approval to remain in the room but not take part in the discussion or the vote on the matter, they must leave the room while the council determines whether they will be allowed to remain in the room during discussion. In these circumstances, the nature and extent of the interest must also be disclosed. (S 5.68 & 5.69 Local Government Act 1995)

### **18 Clarification of Reports**

Members may request that Officers explain or clarify reports prior to, or during, any discussion of a recommended motion.

### **19 No Opposition**

The person presiding will ask the meeting if any member opposes the motion. If it is not opposed the motion will be declared carried without debate or taking a vote.

### **20 Opposition to the Motion**

If there is opposition to a motion the person presiding will (in the following order):

- invite the mover of the motion to speak to the motion;
- invite any member opposing the motion to speak to it;
- allow other members who wish to speak for or against the motion to speak.

### **21 Members to Only Speak Once**

Members may speak more than once on a motion. The person moving the motion he/she has the right at the end of debate to reply to any matters raised during the debate. Seeking points of clarification or seeking additional information relevant to the report is not considered to be speaking more than once.

### **22 Person Presiding to Control Debate**

The person presiding will ensure that points of view on a motion are given a fair and reasonable opportunity to be expressed and debated. However, he/she is not obliged to permit every member to speak on a motion nor to permit members to speak for excessive periods of time.

The general rule will be:

- each member permitted to speak will have approximately three minutes to present his/her case;
- the person presiding will determine when he or she believes that a motion has been given a fair and reasonable opportunity to be debated;
- all decisions of the person presiding will be final except if a motion of dissent with a ruling is moved by a member, such a motion will be put to the meeting without a seconder and without debate;
- the decision of the majority of members present will be final; and
- the person presiding will follow the meeting's ruling.

### **23 Amending a Motion**

Amendments to a motion on the table:

- may be moved at the conclusion of any speech on the motion;
- cannot negate the meaning of the substantive motion;
- must be of a minor nature such as omitting, substituting or adding words;
- must be seconded;
- must be accurately recorded by the Minute Secretary to the satisfaction of the mover.
- Only one amendment may be considered at a time, but as often as an amendment is lost, another amendment may be moved before the substantive motion is put to the vote.
- Where an amendment is carried, one further successful motion to the substantive motion, as amended, and no more, may be carried.

### **24 Seconding the Amendment**

An amendment must be seconded. Once seconded, the amendment becomes the motion under consideration.

### **25 Amendment not Seconded**

If an amendment is proposed and not seconded the debate returns to the substantive motion.

### **26 Amendment Passed**

If an amendment is passed:

- the amended motion is the motion before the meeting;

- the person presiding will follow the same process used when dealing with a motion.

### **27 Reasons for Decision**

If an amended motion is adopted instead of an officer recommendation and the change from the recommendation is significant, the person presiding will:

- summarise the meeting's reasons for coming to that decision; and
- request the meeting to confirm the reasons for the decision for the purposes of recording in the minutes.

### **29 All Members Must Vote**

All members present must vote in all decisions of Council unless they cannot participate because of an interest disclosure.

### **30 Determining the Vote**

The person presiding can ask members to indicate their position on a motion as often as he/she believes is necessary to determine what the vote is. The outcome of the vote will be determined by a simple majority unless the decision requires an absolute majority.

### **31 Other Options**

A recommended motion may be:-

- adopted;
- referred back to the Administration for further report;
- amended;
- not adopted;
- replaced by an alternative motion.

### **32 Referring Back**

Before a motion to refer a recommendation back to the Administration is debated the person presiding will request that an officer provide advice on the implications of delaying the matter. The motion to refer an item back to the Administration must identify the action to be taken by the officer.

If an elected member moves a motion to refer back an item, the motion will be dealt with immediately, without debate.

### **33 Not Adopted**

If a motion is not adopted it is negated. If an officer recommendation is negated the person presiding will:

- summarise the meeting's reasons for coming to that decision;

- request that the meeting confirms those reasons for recording in the minutes.

### **34 Proposing an Alternative Motion**

If a recommendation is not adopted an alternative motion may be moved with the simple majority consent of Council. The minutes must show the reasons for the alternative motion being considered and adopted. If the alternative motion is not adopted, discussion will cease on the matter.

## **URGENT BUSINESS**

### **35 Person Presiding Consents**

If a matter of urgent business is raised:

- the person presiding will determine whether he/she considers the matter sufficiently urgent to be dealt with at the meeting;
- if he/she considers it is, he/she will permit a motion to be moved; and
- will deal with the motion in the same way as an officer recommendation.

### **36 Meeting consents**

If the person presiding determines a matter is not sufficiently urgent to be dealt with as urgent business:

- a member may move a motion of dissent with the ruling;
- the motion will be put to the meeting without a seconder and without debate;
- the decision of the majority of members present will be final;
- the person presiding will follow the meeting's ruling and permit a motion to be moved;
- the motion will be dealt with in the same way as an officer recommendation except that, prior to a final vote on the matter. The person presiding shall invite the Chief Executive Officer to provide advice on the impact of the proposed motion.

## **RULES OF DEBATE**

### **37 Official Title to be Used**

During meetings, speakers should address others by using their accepted title. For example: Mayor, Deputy Mayor, Councillor, or in the case of staff by their position title.

### **38 Order of Speakers**

When two or more members indicate they wish to speak at the same time, the President will decide who may speak first.

**39 Members not to Interrupt**

A member must not interrupt or speak out of turn during a meeting, other than to raise a point of order, make a personal explanation or move a procedural motion.

**40 President may Participate in Discussion**

The President may discuss any motion before the meeting, provided that he/she addresses the meeting before the right of reply is exercised. The President must exercise a deliberate vote and if the votes are tied may exercise a casting vote.

**41 President to be Heard without Interruption**

If the President wishes to speak during a debate, all other members should be silent so that the President may be heard without interruption.

**42 Members not to Reflect Adversely on Resolution of Council**

A member shall not reflect adversely upon the resolution of the Council except on a motion that the resolution be rescinded.

**43 Members not to Reflect Adversely on other Members or Officers**

A member shall not reflect adversely upon the character or actions of another member or an officer of the Shire of Peppermint Grove nor impute any motive to a member or an officer unless the Council resolves that the motion then before the Council cannot otherwise be adequately considered.

**44 Members to Apologise if Adversely Reflect**

Any member who, in the opinion of the President, uses offensive language or expressions during a Council meeting may be requested by the President to withdraw the statement and formally apologise.

If the member refuses or fails to comply, the President may refuse to hear any further comments from the member on the business currently being discussed.

**45 Relevance to Debate**

Members must ensure that any comments or remarks made are relevant to the business or motion under discussion.

## **ORDER**

### **46 Point Of Order**

A member may bring to the President's attention, any breach of these Meeting Procedures by stating the grounds for the breach and the name of the offending member.

A member expressing a difference of opinion with, or contradicting, a speaker shall not be recognised as raising a point of order.

The President shall decide all questions of order or practice. The decision is final and must be accepted by the meeting without discussion or argument unless a different ruling is resolved by majority.

A motion, amendment or other business deemed out of order shall not be further discussed and need not be subject of a resolution.

Where anything said or done by a member is deemed out of order, the President may require the member to make an explanation, retraction or apology.

### **47 Preservation of Order**

The President's role is to preserve order and he/she may call any member to order whenever he/she believes it necessary.

If a member persists in any conduct which the President decides is out of order, or the member refuses to explain, retract or apologise as requested by the President the President may direct the member not to take part in the proceedings of the meeting other than to record the members vote. The member must comply with this direction.

### **48 Serious Disorder**

The President may adjourn a Council meeting for fifteen minutes if he/she believes business cannot be effectively continued. Once reassembled, the Council will decide, without debate, whether to continue with business.

If, having once adjourned the meeting, the President again believes that the business of the Council cannot effectively be continued, the meeting may be closed or adjourned by the President.

### **49 Interpretation**

Where a situation arises where no provision or insufficient provision is made in this Policy, the President shall determine the procedure to be observed, based on the principles of fairness and equity. He/she may use the procedure of the Western Australian Parliament as a guide.

<b>Related Procedure</b>	
<b>Amendment Authority Level</b>	
<b>Related Delegation</b>	
<b>Related Local Law/ Legislation</b>	
<b>Adopted/ Amended</b>	19 July 2010
<b>Review History</b>	

### 1.3 POLICY AND DELEGATIONS REVIEW

<b>Purpose</b>	To ensure good governance through regular review of Statutory and Operational Policies and Delegations
<b>Status</b>	GOVERNANCE - STATUTORY
<b>Policy</b>	<p>The Shire of Peppermint Grove will:</p> <ol style="list-style-type: none"> <li>1. Review all Statutory and Operational Policies on a bi-annual basis commencing 2016.</li> <li>2. New policies or existing policies may be approved or reviewed when necessary and outside of the scheduled review process.</li> <li>3. The Code of Conduct will be reviewed within six (6) months of a Local Government election.</li> <li>4. Delegations will be reviewed annually.</li> </ol>
<b>Related Procedure</b>	
<b>Amendment Authority Level</b>	Council
<b>Related Delegation</b>	
<b>Related Local Law/ Legislation</b>	Local Government Act S 5.103 (2) – Code of Conduct Local Government Act S 5.18 and s 5.46 (2) - Delegations
<b>Adopted/ Amended</b>	18 September 2000 14 August 2007
<b>Review History</b>	

## 1.4 ELECTED MEMBERS' ALLOWANCES AND REIMBURSEMENTS

<b>Purpose</b>	<p>The purpose of this policy is to:</p> <ol style="list-style-type: none"><li>1. Provide elected members with an appropriate level of remuneration and support in fulfilling their role.</li><li>2. Clarify those payments that elected members have a right to receive and those that are payable at the discretion of the Shire of Peppermint Grove.</li><li>3. Assist with budgeting and financial management.</li><li>4. Promote transparency and accountability.</li></ol>
<b>Status</b>	GOVERNANCE - STATUTORY
<b>Policy</b>	<p>This policy complies with the requirements of the <i>Local Government Act 1995</i> ("the Act") and Local Government (Administration) Regulations 1996 ("the Regulations").</p> <p>Section 5.98 of the Act provides that an elected member is entitled to be paid a fee for attending a council or committee meeting. Under section 5.98 (1) of the Act each elected member has the right to decide whether he or she wishes to be paid meeting attendance fees. Each elected member must have the freedom to make their own decision on this matter without influence or pressure from other members. If an elected member wishes to receive meeting fees, he or she is entitled to the prescribed minimum fee under the regulations or to a higher fee set by the Council.</p> <p>The Council of the Shire of Peppermint Grove has determined that elected members will be paid an Annual Attendance Fee in lieu of fees for attending meetings.</p> <p>Each year prior to the development of the Budget, Council will consider the quantum of the Annual Fee to be paid to elected members in the forthcoming financial year as specified in Regulation 34 of the Local Government (Administration) Regulations 1996.</p> <p>Further, each year prior to the budget process the Chief Executive Officer will formally and confidentially ask each elected member if they wish to receive the Annual Allowance. A full budget allocation will be made.</p> <p><b>FEES AND ALLOWANCES</b></p> <p><b>Shire President</b></p> <p>The Shire President is entitled to an Annual Attendance Fee in lieu of</p>

meeting fees in accordance with Regulation 34 (2), paid quarterly in arrears.

The Shire President is also entitled to an Annual Shire President Allowance under regulation 33.

**Deputy Shire President**

The Deputy Shire President is entitled to an Annual Attendance Fee in Lieu of meeting fees in accordance with Regulation 34 (1), paid quarterly in arrears.

The Deputy Shire President is also entitled to a maximum of 25% of the Annual Shire President Allowance as prescribed in regulation 33A.

**Elected Members Annual Attendance**

Elected Members are entitled to an Annual Attendance Fee in Lieu of meeting fees in accordance with Regulation 34 (1), paid quarterly in arrears.

**Expenses That Must Be Reimbursed**

Elected members are entitled to be reimbursed upon request for the following expenses covered under Regulation 31:

1. Telephone and facsimile machine rental charges
2. Child care expenses
3. Travel costs

Claims for these expenses must relate to the actual cost incurred and be supported by documentation. Claims are for reimbursement of costs and are not an allowance.

**Expenses That May Be Reimbursed**

In accordance with Section 5.98 (3) of the Act and Regulation 32, elected members may be reimbursed for expenses incurred:

1. In performing a function under the express authority of the Shire;
2. By reason of being accompanied by no more than one other person while performing an official function where the Shire considers it to be appropriate;
3. In performing a function in the elected member's official capacity.

A decision to reimburse these expenses is at the absolute discretion of the Chief Executive Officer and will only be considered following verification of sufficient information. Where a conflict arises relating to a decision not to reimburse an expense, then the matter will be referred to Council.

**Information Technology**

The Shire of Peppermint Grove will provide each elected member with a fully maintained laptop configured with standard Shire software and wireless internet connection.

<b>Related Procedure</b>	
<b>Amendment Authority Level</b>	Council
<b>Related Delegation</b>	
<b>Related Local Law/ Legislation</b>	Local Government Act 1995 S. 5.98 and 5.99 Local Government Administration Regulations 33 and 34 .
<b>Adopted/ Amended</b>	27 July 2010
<b>Review History</b>	

## 1.5 SMOKE FREE POLICY

<p><b>Purpose</b></p>	<p>The Shire recognises the extreme negative health impact that tobacco smoke, including environmental tobacco smoke, has on all people exposed to it.</p> <p>Tobacco smoking increases the risk of cancers, cardiovascular and respiratory diseases and other illnesses.</p> <p>It is the greatest single risk factor for health and has been estimated to cause 10 per cent of the total Australian burden of disease (NT Department of Health).</p> <p>The Smoke Free Policy has been developed to protect and promote the best health outcomes for its staff and for the users of our services. The Policy has been developed to:</p> <ul style="list-style-type: none"> <li>• Safeguard our staff against the health impacts of tobacco smoke, including environmental tobacco smoke</li> <li>• Protect those who use our services and visit our facilities</li> <li>• Promote an attitudinal and behavioural change to smoking</li> </ul>
<p><b>Status</b></p>	<p>GOVERNANCE - OPERATIONAL</p>
<p><b>Policy</b></p>	<p>This Smoke Free Policy applies to the Grove Precinct where tobacco smoking will not be permitted within the buildings and grounds. This policy extends to all staff, contractors, volunteers and customers.</p> <p>Appropriate signage will be provided to advise that the precinct is a smoke free area.</p> <p>The Grove Precinct includes the Shire Office, Community Centre, Library and all grounds.</p>
<p><b>Related Procedure</b></p>	<p>Nil</p>
<p><b>Amendment Authority Level</b></p>	<p>Council</p>
<p><b>Related Delegation</b></p>	<p>Nil</p>
<p><b>Related Local Law/Legislation</b></p>	<p>Nil</p>
<p><b>Adopted/Amended</b></p>	<p>22 February 2011</p>
<p><b>Review History</b></p>	<p>Nil</p>

## 1.6 COUNCILLOR'S WORKS REQUESTS

<b>Purpose</b>	To ensure Councillors requests are appropriately identified and handled promptly and efficiently.
<b>Status</b>	
<b>Policy</b>	<p>All general enquiries made by Councillors should be directed to the Chief Executive Officer or relevant Senior Officers for advice.</p> <p><b>Special Note</b></p> <ol style="list-style-type: none"><li>1. The officer in charge will inspect the request or complaint and place it on the list of maintenance works according to priority.</li><li>2. Special works requests or major works should be discussed with the Chief Executive Officer.</li><li>3. The CEO can then recommend to the Council that it is / is not possible to modify the Works Programme or the matter be placed for consideration on following years budget.</li></ol>
<b>Related Procedure</b>	Nil
<b>Amendment Authority Level</b>	Council
<b>Related Delegation</b>	Nil
<b>Related Local Law/Legislation</b>	Nil
<b>Adopted/Amended</b>	18 September 2000
<b>Review History</b>	19 April 2010

## 1.7 MEMBERS ATTENDANCE AT CONFERENCES, SEMINARS & TRAINING

<b>Purpose</b>	To maximise training opportunities for Elected Members.
<b>Status</b>	
<b>Policy</b>	<ol style="list-style-type: none"><li>1. That Council support and wherever possible take advantage of appropriate training opportunities for elected members according to the following guidelines -</li><li>2. Priority be given to any course or Seminar that is specifically relevant to Councillors and attendance at such course or Seminar is subject to approval by Council, Shire President or Chief Executive Officer.</li><li>3. Priority be given to the attendance of any new Councillor at any Induction or Training Course specifically organised for the benefit of new Councillors.</li><li>4. Conference, Seminars or Courses organised by organizations of which Council is a member or has an interest in would usually be attended by Council's appointed representatives to those organizations, e.g., Local Government Association Conference would be attended by the Local Government Association Delegates.</li><li>5. In the case of Conferences relevant to specific disciplines the Presiding Member of the relevant Standing Committee would have priority in attending.</li><li>6. When determining costs of a conference all reasonable costs including travel, accommodation, meals and telephone are to be supported by receipts and paid for by Council. (Refer Policy F5)</li><li>7. Conferences in other States would be dealt with in the same way as any other Conference within the State except that whenever attendance at the conference entails travelling outside the State, the proposal be referred for the approval of full Council if time permits.</li><li>8. Reports of conference attendance to be provided in</li></ol>

	<p>writing to Council.</p> <p>9. The type of conferences that Councillors attend would generally be related to a particular function or activity in which council is involved rather than individual or personal development type Conference/Seminars.</p>
<b>Complementary Legislation/Agencies</b>	
<b>Related Procedure</b>	
<b>Amendment Authority Level</b>	Council
<b>Related Delegation</b>	
<b>Related Local Law/Legislation</b>	Finance Policy F5 "Travel and Accommodation Expenses at Conferences
<b>Adopted/Amended</b>	18 September 2000
<b>Review History</b>	19 April 2010

## 1.8 CONFERENCE ATTENDANCES – REPRESENTATION AND RELATED ISSUES

<b>Purpose</b>	To determine the nature and extent of Council's representation at international/interstate/state conferences, study tours, seminars or conventions
<b>Status</b>	
<b>Policy</b>	<p>The following guidelines are to be considered for any proposal for representatives of the Council to attend conferences, study tours, seminars or conventions:-</p> <ol style="list-style-type: none"> <li>1. when it is considered desirable that the Council be represented at an international/interstate and/or state conference, study tour, seminar or convention, a maximum of two councillors and one officer may attend;</li> <li>2. following attendance at such conferences, the councillors and officer be required to submit a report on the conference proceedings for the Council's information and records;</li> <li>3. a list be maintained on the Council's records of councillors' attendance at conferences;</li> <li>4. the representatives be determined by the Council and a list of previous attendances be submitted on each occasion to assist with that decision;</li> <li>5. where it is not appropriate for the Chief Executive Officer to attend a particular conference, other senior officers be given the opportunity to gain valuable experience as part of their career development.</li> </ol>
<b>Related Procedure</b>	Nil
<b>Amendment Authority Level</b>	Council
<b>Related Delegation</b>	Nil
<b>Related Local Law/Legislation</b>	Nil
<b>Adopted/Amended</b>	18 September 2000
<b>Review History</b>	19 April 2010

## **SECTION TWO**

### **ADMINISTRATIVE POLICIES**

## 2.1 RECORD KEEPING POLICY

<b>Purpose</b>	<p>The purpose of this policy is to define the principles of the Shire of Peppermint Grove records management function and to document an orderly and efficient approach to the proper management of records. The policy incorporates applicable legislative requirements into standard Shire of Peppermint Grove practices and enumerates basic records management requirements.</p> <p>Records are recognised as an important information resource for the Shire of Peppermint Grove, and it is accepted that sound record management practices will contribute to the overall efficiency and effectiveness of the Shire of Peppermint Grove. Due to legislative requirement, the Shire of Peppermint Grove is obliged to maintain a records management system that completely, accurately and reliably creates and maintains evidential records, and to dispose of those records only through an approved scheme.</p> <p>The policy applies to all external and internal records, which are handled, received or generated by the Shire of Peppermint Grove, regardless of their physical format or media type.</p>
<b>Status</b>	ADMINISTRATIVE - STATUTORY
<b>Policy</b>	<ul style="list-style-type: none"><li>(a) All records created and received in the course of Shire business are to be captured at the point of creation, regardless of format, with required metadata, into appropriate recordkeeping and business systems, that are managed in accordance with sound recordkeeping principles;</li><li>(b) All records are to be managed according to whether they are significant or ephemeral records, vital or non-vital records, and in accordance with their security classification;</li><li>(c) All records are to be categorized as to their level of sensitivity and adequately secured and protected from violation, unauthorized access or destruction, and kept in accordance with necessary retrieval, preservation and storage requirements;</li><li>(d) Registers are to be maintained of all records series and special categories, including but not limited to, registers of policies, databases, FOI applications, assets, tenders and quotations, forms, vital records, files and contracts;</li><li>(e) All contractual arrangements are to ensure the Shire of Peppermint Grove ownership of significant records;</li></ul>

- (f) Access to the 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 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;
- (g) Only approved record formats are to be used in effecting the Shire of Peppermint Grove business;
- (h) All records kept by the Shire will be retained and disposed of in accordance with the General Disposal Authority for Local Government Records produced by the State Records Office; and
- (i) Records are not to be removed from the Shire of Peppermint Grove sites unless in accordance with the approved retention and disposal schedule, or in the custody of an officer performing official business.

## **ROLES AND RESPONSIBILITIES**

### **1. Elected Members**

All Elected Members are to create and maintain records relating to their role as an Elected Member for the Shire of Peppermint Grove in line with legislation and state policies and procedures for the management of records. Political and personal records of Elected Members are exempt.

### **2. Chief Executive Officer**

In accordance with section 5.41 of the Local Government Act 1995, the Chief Executive Officer is to "Ensure that records and documents of the local government are properly kept for the purpose of this act and any other written law."

### **3. Managers**

All managers are to ensure that there are records management systems established to manage the records under their control. They are also to ensure that all new staff are inducted as to their record keeping responsibilities.

### **4. All Staff**

All staff (including contractors) are to create, collect and retain records relating to business activities they perform. They are to;

- (a) Identify significant and ephemeral records, ensuring that the significant records are captured into the record keeping system, and that all records are handled in a manner compliant with legislation and the Shire of Peppermint Grove policies and procedures for record keeping.

- (b) Ensure that only authorised disposal of records occur in accordance with the General Disposal Authority (GDA) for Local Government.

#### **5. Records Staff**

The Records and Administration Officer is responsible for providing a records management service which complies with the Shire of Peppermint Grove records management policy and procedures, and Western Australia State Records Office requirements.

### **STATUTORY OBLIGATIONS**

There are legislative requirements for managing records, the primary legislation relating to the keeping of public records being the State Records Act 2000 (previously sections 22-23 of the Library Board Act of Western Australia).

In accordance with Section 19 of the State Records Act 2000, the Shire of Peppermint Grove has a Record Keeping Plan that has been approved by the State Records Commission.

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

- Evidence Act 1906
- Limitation Act 1935
- Freedom of Information 1992
- Local Government Act 1995
- Financial and Administration and Audit Act 1985
- Criminal Code 1913 (section 85)
- Electronic Transactions Act 2000
- Privacy Act 2001
- Crimes Act 1914

### **DEFINITIONS**

#### **1. Ephemeral Records**

Ephemeral records are duplicated records and/or those that have only short term value to the Shire of Peppermint Grove, with little or no on-going administrative, fiscal, legal, evidential or historical value. They may include insignificant drafts and rough notes, records or routine enquiries.

#### **2. General Disposal Authority (GDA)**

The General Disposal Authority for Local Government records (the schedule) is designed to provide consistency throughout Local Government in disposal activities and decisions. It is a continuing authority for the disposal and archival of records which document a Local Government's operations.

**3. Government Record**

A record created or received by a government organisation or a government organisation employee in the course of their work for the organisation.

**4. Information Services**

Is the service area within the Administrative Services section of the Shire of Peppermint Grove responsible for records and archives.

**5. Record**

A record is information recorded in any form created or received and maintained by an organisation in the transaction of business and kept as evidence of such activity.

**6. Record Keeping Plan**

The Record Keeping Plan ensures that records are created, managed and maintained over time and disposed of in accordance with principles and standards issued by the State Records Commission. It is the primary means of providing evidence of compliance with the Act, and that best practices have been implemented in the organisation.

**7. Records Disposal**

Disposal is by way of depositing records in the State Archives, managing the records as designated by State Archives, or by destruction in accordance with policy.

**8. Significant Records**

Significant records contain information, which is of administrative, legal, fiscal, evidential or historical value, and are not recorded elsewhere on the public record. They describe an issue, record who was involved, why a decision was made, and may include actual guidelines.

**9. State Record**

A parliamentary or government record.

**10. Vital Records**

Vital records are records, which are essential to the continued business of the Shire of Peppermint Grove. Vital records include those that protect the rights of the individual and the organisation, and are absolutely essential for reconstruction in the event of a

	disaster.
<b>Related Procedure</b>	
<b>Amendment Authority Level</b>	
<b>Related Delegation</b>	
<b>Related Local Law/ Legislation</b>	
<b>Adopted/ Amended</b>	17 May 2010
<b>Review History</b>	April 2011, December 2015

## 2.2 PUBLIC INTEREST DISCLOSURE

<b>Purpose</b>	To ensure that elected members and staff are supported under the <i>Public Interest Disclosure Act 2003</i> .
<b>Status</b>	ADMINISTRATIVE - STATUTORY
<b>Policy</b>	<p>The Shire of Peppermint Grove:</p> <ol style="list-style-type: none"> <li>1. Does not tolerate corrupt or other improper conduct, including mismanagement of public resources, in the exercise of the public functions of the Shire of Peppermint Grove and its officers, employees and contractors</li> <li>2. Is committed to the aims and objectives of the Public Interest Disclosure Act 2003. It recognises the value and importance of contributions of staff to enhance administrative and management practices and strongly supports disclosures being made by staff as to corrupt or other improper conduct.</li> <li>3. Will take all reasonable steps to provide protection to staff who make such disclosures from any detrimental action in reprisal for the making of a public interest disclosure.</li> <li>4. Does not tolerate any of its officers, employees, or contractors engaging in actions of victimisation or reprisal against those who make public interest disclosures.</li> </ol> <p>Disclosures of public interest information shall be made to the Public Interest Disclosure Officer (PID Officer) of the Council. The person holding the position of Manager Corporate Services shall be designated as the Public Interest Disclosure Officer, or PID Officer, for the Shire of Peppermint Grove.</p>
<b>Related Procedure</b>	
<b>Amendment Authority Level</b>	Council
<b>Related Delegation</b>	
<b>Related Local Law/ Legislation</b>	Public Interest Disclosure Act 2003
<b>Adopted/ Amended</b>	19 July 2004
<b>Review History</b>	

## 2.3 SENIOR EMPLOYEES

<b>Purpose</b>	To designate senior employees as required under the Local Government Act.
<b>Status</b>	ADMINISTRATIVE - STATUTORY
<b>Policy</b>	The Chief Executive Officer is the only employee designated as a Senior Employee under the Local Government Act.
<b>Related Procedure</b>	
<b>Amendment Authority Level</b>	Council
<b>Related Delegation</b>	
<b>Related Local Law/ Legislation</b>	Local Government Act S. 5.37
<b>Adopted/ Amended</b>	18 September 2000 Amended 14 August 2007
<b>Review History</b>	

## 2.4 OCCUPATIONAL HEALTH AND SAFETY POLICY

<b>Purpose</b>	To provide for the occupational health and safety of Shire employees.
<b>Status</b>	ADMINISTRATIVE - STATUTORY
<b>Policy</b>	<p>The Shire of Peppermint Grove recognises its moral and legal responsibility to provide and maintain a work environment in which employees, contractors, customers and visitors are not exposed to hazards. This commitment extends to ensuring that the organisation's operations do not place the local community at risk of injury, illness or property damage.</p> <p>The Shire of Peppermint Grove will:</p> <ul style="list-style-type: none"> <li>• Provide and maintain safe workplaces, safe plant and safe systems of work.</li> <li>• Provide written procedures and instructions to ensure safe systems of work.</li> <li>• Provide information, instruction, training and supervision to employees, contractors and customers to ensure that they are not exposed to hazards.</li> <li>• Ensure compliance with legislative requirements, Australian Standards, Codes of Practice, Guidance Notes and current industry standards.</li> <li>• Provide support and assistance to employees.</li> </ul> <p>All levels of management are accountable for implementing this policy in their area of responsibility and implementation of this policy will be measured by annual performance reviews. Management responsibilities include the following:</p> <ul style="list-style-type: none"> <li>• The provision and maintenance of the workplace in a safe condition.</li> <li>• Involvement in the development, promotion and implementation of safety and health policies and procedures.</li> <li>• Training employees in the safe performance of assigned tasks.</li> <li>• The provision of resources to meet the safety and health commitment.</li> </ul> <p>Employees are to:</p> <ul style="list-style-type: none"> <li>• Follow all safety and health policies and procedures.</li> <li>• Report all known or observed hazards to their immediate Manager.</li> </ul> <p>This policy is applicable to employees in all its operations and functions including those situations where employees are required to work off site.</p>
<b>Related Procedure</b>	
<b>Amendment</b>	

<b>Authority Level</b>	
<b>Related Delegation</b>	
<b>Related Local Law/ Legislation</b>	Occupational Safety and Health Act 1984
<b>Adopted/ Amended</b>	New
<b>Review History</b>	

## 2.5 COMPLAINTS POLICY

<b>Purpose</b>	To provide procedures to control the processing of complaints as a way of improving services to our customers, enhancing the image of the Shire, and ensuring that complaints are investigated efficiently and effectively.
<b>Status</b>	ADMINISTRATIVE – OPERATIONAL
<b>Policy</b>	<p><b>Objectives</b></p> <ul style="list-style-type: none"> <li>• To recognise, promote and protect the customer's right to complain about their dealings with the Shire of Peppermint Grove;</li> <li>• To ensure an accessible complaints procedure is in place;</li> <li>• To recognise the need to be fair to both the complainant and the organisation, or the person complained about;</li> <li>• To provide a mechanism for responding to complaints in a timely and courteous manner;</li> <li>• To determine and implement remedies if appropriate;</li> <li>• To provide adequate resources to support the complaints management process;</li> <li>• To provide an appeal and review process;</li> <li>• To record, assess and review complaints on a regular basis to ensure responsiveness and on-going commitment to service improvement.</li> </ul> <p><b>Definition</b></p> <p>A service complaint is a grievance against a process or the quality of service that a customer receives when dealing with the Shire of Peppermint Grove.</p> <p>Complaints are not:</p> <ul style="list-style-type: none"> <li>• Requests for services;</li> <li>• Requests for information or explanation of policies or procedures;</li> <li>• Lodging of an appeal in accordance with standard policy or procedure.</li> </ul> <p>Complaints can be made:</p> <ul style="list-style-type: none"> <li>• By letter – either through the mail, facsimile or email</li> <li>• Verbally – either in person or over the telephone</li> </ul> <p>Complainants may be residents, members of the public, other local governments, State government agencies, service providers, businesses or community organisations.</p> <p>Complaints cannot be made where another avenue of appeal already exists e.g. State Administrative Tribunal.</p>

Complaints which when assessed relate to corrupt or improper conduct must be referred to the Shire's nominated Public Interest Disclosure Officer for investigation under the Public Interest Disclosure Act.

**Commitment**

This Policy will be disseminated to all staff and included in all staff inductions. Information about how to lodge a complaint will be included on the Shire's website and in a printed brochure available at the Shire.

All complaints will be reviewed in a timely and efficient manner, with a view to resolving issues in a non-confrontational and non-adversarial way.

Complaints will be documented and reviewed regularly as part of on-going service quality assessment.

The privacy of a complainant will be maintained at all times.

**Complaints Handling Process**

This Policy will be supported by a complaints handling process map and procedure approved by the Chief Executive Officer.

A Complaints Handling Officer with responsibility for recording and monitoring complaints will be appointed by the Chief Executive Officer. The Complaints Handling Officer will refer the complainant to the appropriate manager for review and response to the complainant.

If the Manager's response is appealed, then it will be referred to the Chief Executive Officer for review and response.

In the event that a complaint is made against the Chief Executive Officer, the Manager of Corporate Services will be responsible for the complaint and if appealed, the complaint will be referred to the Shire President and Deputy Shire President for review and determination.

Complaints will be responded to within five working days of being lodged. Appeals will be responded to within five working days of being lodged.

Complainants will be advised of the Complaints Handling process available within the Shire of Peppermint Grove.

Complainants will be advised of external avenues for further review of their complaint if they are not satisfied with the resolution provided.

The Complaints Handling Officer will also provide regular reports to the Chief Executive Officer to ensure on-going service improvement.

<b>Related Procedure</b>	Complaints Process Map and Procedure
<b>Amendment Authority</b>	Nil Council

<b>Level</b>	
<b>Related Delegation</b>	Nil
<b>Related Local Law/ Legislation</b>	Nil
<b>Adopted/ Amended</b>	New 26 July 2011
<b>Review History</b>	Nil

## 2.6 GRATUITY POLICY

<b>Purpose</b>	To outline the circumstances in which gratuity payments may be made to an employee as a token of appreciation for their commitment and service to the Shire upon termination.								
<b>Status</b>	ADMINISTRATIVE – STATUTORY								
<b>Policy</b>	<p><b>Commitment</b> The Shire is committed to recognising long serving employees within the parameters set by the <i>Local Government Act 1995</i> and the associated regulations</p> <p><b>Eligibility for Gratuity Payments</b> An employee may be entitled to a gratuity payment as outlined within this policy based on the completed years of service when an employee's services are ceasing with the Local Government for any of the reasons identified below:</p> <ul style="list-style-type: none"> <li>• Resignation (not as a result of any performance management or investigation being conducted by the Local Government);</li> <li>• Retirement; or</li> <li>• Redundancy.</li> <li>•</li> </ul> <p>An employee who has been dismissed by the [Local Government] for any reason other than redundancy, will not be eligible to receive any Gratuity Payment under this policy</p> <p>The Chief Executive Officer is authorised to approve Petty Cash claims in accordance with the limits prescribed by this policy. Funds will be allocated as part of the Local Government's budget preparation process and unexpended amounts will be returned to general revenue.</p> <p><b>Prescribed amounts for Gratuity Payments</b></p> <table border="1" data-bbox="488 1381 1471 1890"> <thead> <tr> <th data-bbox="488 1381 808 1451">Number of Years' Service</th> <th data-bbox="808 1381 1471 1451">Amount of Gratuity</th> </tr> </thead> <tbody> <tr> <td data-bbox="488 1451 808 1556">Continuous service less than 2 years</td> <td data-bbox="808 1451 1471 1556">A Statement of Service and a gift, or contribution towards a gift, to the value of \$0</td> </tr> <tr> <td data-bbox="488 1556 808 1692">Continuous service greater than 2 years and up to 5 years</td> <td data-bbox="808 1556 1471 1692">A Statement of Service and a gift, or contribution towards a gift, to the value of \$25</td> </tr> <tr> <td data-bbox="488 1692 808 1890">Continuous service greater than 5 years and up to 10 years</td> <td data-bbox="808 1692 1471 1890">Certificate of Appreciation and a gift to the value of \$100  Items to be presented to the employee by the Chief Executive Officer, or nominated representative at a function to be determined by</td> </tr> </tbody> </table>	Number of Years' Service	Amount of Gratuity	Continuous service less than 2 years	A Statement of Service and a gift, or contribution towards a gift, to the value of \$0	Continuous service greater than 2 years and up to 5 years	A Statement of Service and a gift, or contribution towards a gift, to the value of \$25	Continuous service greater than 5 years and up to 10 years	Certificate of Appreciation and a gift to the value of \$100  Items to be presented to the employee by the Chief Executive Officer, or nominated representative at a function to be determined by
Number of Years' Service	Amount of Gratuity								
Continuous service less than 2 years	A Statement of Service and a gift, or contribution towards a gift, to the value of \$0								
Continuous service greater than 2 years and up to 5 years	A Statement of Service and a gift, or contribution towards a gift, to the value of \$25								
Continuous service greater than 5 years and up to 10 years	Certificate of Appreciation and a gift to the value of \$100  Items to be presented to the employee by the Chief Executive Officer, or nominated representative at a function to be determined by								

		the Chief Executive Officer.
	10 to a maximum of 15 Years Continuous Service	\$10 per year of continuous service up to a maximum of \$150
		Items are to be presented to the employee by the President or nominated representative, at a function to be determined by the Chief Executive Officer.
	15 to a maximum of 20 Years Continuous Service	\$10 per year of continuous service up to a maximum of \$200
		Items are to be presented to the employee by the President or nominated representative, at a function to be determined by the Chief Executive Officer.
	Above 20 Years Service	\$10 per year of continuous service up to a maximum of \$250
		Items are to be presented to the employee by the President or nominated representative, at a function to be determined by the Chief Executive Officer.

The Shire acknowledges that at the time this policy was introduced, employees may be entitled to payments in addition to this policy as a result of accrued unused long service leave benefits, redundancy payments or notice periods as prescribed by, legislation or a relevant industrial instrument. The Shire has considered these provisions when setting the prescribed amount of any gratuity payment in this policy.

### **Determining Service**

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

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

For the purpose of this policy, continuous service shall not include:

	<ul style="list-style-type: none"> <li>• Any period of unauthorised absence from duty unless the Shire determines otherwise;</li> <li>• Any period of unpaid leave unless the Shire determines otherwise; or</li> <li>• Any period of absence from duty on parental leave unless the Shire determines otherwise.</li> </ul> <p><b>Financial Liability for Taxation</b> The employee accepts full responsibility for any taxation payable on a gratuity payment, and agrees to fully indemnify the Shire in relation to any claims or liabilities for taxation in relation to the gratuity payment.</p> <p><b>Payments in addition to this Policy</b> The Shire agrees not to make any gratuity payment in addition to that contained within this policy until the Policy has been amended to reflect the varied amount and the Shire has caused local public notification to be given in relation to the variation.</p> <p><b>Financial Implications</b> The Shire acknowledges that at the time the policy was introduced, the financial implications were understood and that these financial implications had been investigated based on the workforce position current at that time. The Shire will take reasonable steps to notify employees prior to the variation of this policy or the introduction of any new gratuity policy.</p> <p><b>Consequences of Breaching this Policy</b> The policy constitutes a lawful instruction to anyone involved in administering a gratuity payment. Any breaches of the policy may lead to disciplinary action.</p> <p>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.</p>
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<b>Related Procedure</b>	
<b>Amendment Authority Level</b>	Council
<b>Related Delegation</b>	
<b>Related Local Law/Legislation</b>	<i>Local Government Act 1995 (Sections 5.36 (2 - 3), 5.41 (g) &amp; 5.50) Local Government (Administration) Regulations 1996 (Reg. 19A)</i>
<b>Adopted/Amended</b>	<i>December 2016</i>
<b>Review History</b>	

## 2.7 SOCIAL MEDIA

**Purpose** To guide all councillors, employees, contractors, agents and volunteers of the Shire of Peppermint Grove in the appropriate use of social media.

**Status** ADMINISTRATIVE - STATUTORY

### **Policy**

#### **Context**

The Shire of Peppermint Grove recognises that social media provides new opportunities for dynamic and interactive two-way communications which can complement existing communication and further improve information, access and delivery of key services.

The intent of this policy is to provide understanding and guidance for the appropriate use of social media platforms and tools by council staff, councillors and contractors, agents and volunteers of the Shire of Peppermint Grove who purport to use social media for the purpose of conducting Council business.

#### **Statement**

The policy outlines requirements for compliance with confidentiality, governance, legal, privacy and regulatory parameters when using social media to conduct council business. It aims to:

- Inform appropriate use of social media tools for the Shire of Peppermint Grove;
- Promote effective and productive community engagement through social media;
- Minimise miscommunication or mischievous communications
- Help the Shire of Peppermint Grove manage the inherent challenges of speed and immediacy.

The policy applies to those digital spaces where people may comment, contribute, create, forward, post, upload and share content, including – but not limited to:

- Blogs
- Bulletin boards
- Citizen journalism and news sites
- Forums and discussion boards
- Instant messaging facilities
- Microblogging sites (e.g. Twitter)
- Online encyclopaedias (e.g. Wikipedia)
- Podcasts
- Social networking sites (e.g. Facebook, MySpace, Bebo, Friendster, LinkedIn)
- Video and photo sharing sites (e.g. Flickr, YouTube)
- Video podcasts
- Wikis

- Any other websites that allow individuals to use simple publishing tools or new technologies emerging from the digital environment.

This policy is not intended to cover personal use of social media where:

- the author publishes information in their personal capacity and not on behalf of, or in association with the Shire of Peppermint Grove; and
- no reference is made to the Shire of Peppermint Grove, its councillors, staff, policies and services, suppliers or other stakeholders or council related issues.
- Individuals should use discretion and keep personal use of social media to a minimum during work hours. For guidance on acceptable levels of personal use of social media during work hours see your manager.

This policy should be read in conjunction with other relevant policies and procedures of the Shire of Peppermint Grove.

### **Social Media Policy/Guidelines**

When using social media, council staff and contractors are expected to:

- Seek prior authorisation from the Communications team
- Adhere to the Shire of Peppermint Grove Code of Conduct, policies and procedures
- Behave with caution, courtesy, honesty and respect
- Comply with relevant laws and regulations
- Reinforce the integrity, reputation and values of the Shire of Peppermint Grove

The following content is not permitted under any circumstances:

- Abusive, profane or sexual language
- Content not relating to the subject matter of that blog, board, forum or site
- Content which is false or misleading
- Confidential information about Council or third parties
- Copyright or Trade Mark protected materials
- Discriminatory material in relation to a person or group based on age, colour, creed, disability, family status, gender, nationality, marital status, parental status, political opinion/affiliation, pregnancy or potential pregnancy, race or social origin, religious beliefs/activity, responsibilities, sex or sexual orientation
- Illegal material or materials designed to encourage law breaking
- Materials that could compromise council, employee or system safety
- Materials which would breach applicable laws (defamation, privacy, trade practices, financial rules and regulations, fair use, trademarks)
- Material that would offend contemporary standards of taste and decency
- Material which would bring the Council into disrepute
- Personal details or references to councillors, council staff or third parties, which may breach privacy laws

- Spam, meaning the distribution of unsolicited bulk electronic messages
- Statements which may be considered to be bullying or harassment

If you have any doubt about applying the provisions of this policy, check with the Communications team before using social media to communicate. Depending upon the nature of the issue and potential risk, it may also be appropriate to consider seeking legal advice.

### **Authorisation**

Ensure appropriate authorisation has been obtained before using social media including but not limited to uploading content and acting as a spokesperson on behalf of Council.

### **Expertise**

Do not comment outside your area of expertise. Do not commit Council to actions or undertakings.

### **Disclosure**

Only discuss publicly available information. Do not disclose confidential information, internal discussions or decisions of Council, employees or third parties. This includes publishing confidential, personal or private information where there is sufficient detail for potential identification of councillors, Council staff or third parties.

### **Accuracy**

Be accurate, constructive, helpful and informative. Correct any errors as soon as practicable. Do not publish information or make statements which you know to be false or may reasonably be taken to be misleading or deceptive.

### **Identity**

Be clear about professional identity or any vested interests. Do not use fictitious names or identities that deliberately intend to deceive, mislead or lie. Do not participate anonymously or covertly via a third party or agency.

### **Opinion**

Clearly separate personal opinions from professional ones and be mindful of Council's Code of Conduct when discussing or commenting on council matters. In general, don't express personal opinions using Council tags or other identifications. Only where this is not possible, consider using a formal disclaimer to separate official council positions from personal opinions and distance council from comments made by public and other outside interests.

### **Privacy**

Be sensitive to the privacy of others. Seek permission from anyone who appears in any photographs, video or other footage before sharing these via any form of social media. If asked to remove materials do so as soon as practicable.

**Intellectual Property**

Seek permission from the creator or copyright owner to use or reproduce copyright material including applications, audio tracks (speeches, songs), footage (video), graphics (graphs, charts and logos), images, artwork, photographs, publications or music. Also seek permission before publishing or uploading material in which the intellectual property rights, such as Trademarks, are owned by a third party e.g. company logos. Seek permission from the website's owner wherever possible before linking to another site (including a social media application).

**Defamation**

Do not comment, contribute, create, forward, post, upload or share content that is malicious or defamatory. This includes statements which may negatively impact the reputation of another.

**Reward**

Do not publish content in exchange for reward of any kind.

**Transparency**

Do not seek to buy or recompense favourable social media commentary. Encourage online publishers to be open and transparent in how they engage with, or review council personnel, services or wares.

**Political bias**

Do not endorse any political affinity or allegiance.

**Respect**

Always be courteous, patient and respectful of others' opinions, including detractors.

**Discrimination**

Be mindful of anti-discrimination laws and do not publish statements or information which may be discriminatory.

**Language**

Be mindful of language and expression.

**State of Mind**

Do not use social media when inebriated, irritated, upset or tired.

**Be safe**

Protect your personal privacy and guard against identity theft.

**Media**

Do not issue statements or make announcements through social media channels unless authorised. Do not respond directly if approached by media for comment

through social media.

Refer the inquiry to the Communications team as per Council's Media policy.

**Modification and moderation**

Ensure that any social media sites created or contributed to can be readily edited, improved or removed and appropriately moderated.

**Access**

Be mindful of the requisite government web standards for accessibility. Information made available via non-compliant platforms should be made accessible in another form where practical.

**Be responsive**

Specify the type of comments and feedback that will receive a response and clearly communicate a target response time. Make it easy for audiences to reach Council via other methods by publishing Council's phone number, generic email, Facebook, Skype and Twitter accounts.

**Roles and responsibilities**

Roles	Responsibilities
Members	<ul style="list-style-type: none"> <li>• Seek approval for any council branding of social media;</li> <li>• Register social media account/tools/site with the Communications team;</li> <li>• Understand and comply with the provisions in this policy;</li> <li>• Seek training and development for using social media;</li> <li>• Seek advice from the Communications team if unsure about applying the provisions of this policy;</li> </ul>
Staff and contractors	<ul style="list-style-type: none"> <li>• Seek approval from relevant manager for business strategy incorporating social media;</li> <li>• Seek advice and authorisation from Communications team on using social media and developing a communications plan to support business strategy</li> <li>• Seek approval for council branding of social media;</li> <li>• Register social media account/tools/site with the Communications team;</li> <li>• Seek training and development for using social media;</li> <li>• Understand and comply with the provisions in this policy;</li> <li>• Maintain records of email addresses, comments, 'friends', followers and printed copies or electronic 'screen grabs' when using externally hosted sites to the extent practicable;</li> <li>• Seek advice from the Communications team if unsure about applying the provisions of this policy;</li> <li>• Ensure relevant contractors are provided with a copy of this policy.</li> </ul> <p>Familiarise self with the End User Licence Agreements of any external social media tools being used</p>
Business Unit Managers	<p>Approve business strategy incorporating use of social media</p> <p>Ensure staff consult and obtain authorisation from the Communications team on their planned use of social media</p>

		<p>Ensure contractors are provided with a copy of the social media policy</p> <p>Offer training for staff using social media</p> <p>Authorise use of social media tools for conducting Council business</p> <p>Provide advice and assist with the development of communication plans using social media</p> <p>Educate councillors, staff and contractors about this policy and their responsibilities when using social media</p> <p>Advise appropriate precautions eg disclaimers</p> <p>Maintain a register of social media being used for conducting Council business including records of the business case for using social media, its strategic imperative, the intended administrator, URL, login, password and audience</p> <p>Assist staff to retain some record explaining the context or purpose of social media, and a sample of posts where it is impractical to retain large volumes of screen grabs</p> <p>Monitor social media accounts/tools/sites registered for conducting Council business</p> <p>Monitor social media for references to the Shire of Peppermint Grove</p> <p>Seek legal advice as appropriate where an issue is likely to be contentious or may create legal risk for Council.</p> <p>Advise IT of approval to access social media for business purposes</p>
	IT Department	<p>Facilitate secure access to support delivery of council business via social media</p> <p>Regularly back up and archive internally hosted social media sites</p>
	Communications Department	<p>Authorise use of social media tools for conducting Council business</p> <p>Provide advice and assist with the development of communication plans using social media</p> <p>Educate councillors, staff and contractors about this policy and their responsibilities when using social media</p> <p>Advise appropriate precautions eg disclaimers</p> <p>Maintain a register of social media being used for conducting Council business including records of the business case for using social media, its strategic imperative, the intended administrator, URL, login, password and audience</p> <p>Assist staff to retain some record explaining the context or purpose of social media, and a sample of posts where it is impractical to retain large volumes of screen grabs</p> <p>Monitor social media accounts/tools/sites registered for conducting Council business</p> <p>Monitor social media for references to the Shire of Peppermint Grove</p> <p>Seek legal advice as appropriate where an issue is likely to be contentious or may create legal risk for Council</p>

**Enforcement**

The Shire of Peppermint Grove actively monitors social media for relevant contributions that impact on the Shire, its operations and reputation. The Shire will be able to find and act upon – contributions made by councillors and staff if deemed necessary.

This policy will be published and promoted to councillors and staff of the Shire of

	Peppermint Grove. Breaching this policy may result in disciplinary action, performance management and review. Serious breaches may result in suspension or termination of employment or association. The Shire of Peppermint Grove reserves the right to remove, where possible, content that violates this policy or any associated policies.
<b>Related Procedure</b>	<ul style="list-style-type: none"> <li>• Media Policy</li> <li>• Community Engagement Policy</li> <li>• Communication Protocol</li> <li>• Shire of Peppermint Grove Code of Conduct</li> <li>• Shire of Peppermint Grove employment contracts</li> <li>• Shire of Peppermint Grove Human Resource Policy</li> <li>• Shire of Peppermint Grove Information and Communications Technology Policy</li> </ul>
<b>Amendment Authority Level</b>	
<b>Related Delegation</b>	
<b>Related Local Law/ Legislation</b>	<ul style="list-style-type: none"> <li>• Copyright Act 1968</li> <li>• Fair Work Act 2009</li> <li>• Freedom of Information Act 1992</li> <li>• Local Government Act 1995</li> <li>• Equal Opportunity Act 1984</li> <li>• Australian Human Rights Commission Act 1986</li> <li>• Spam Act 2003</li> <li>• Privacy Act 1988</li> </ul>
<b>Adopted/ Amended</b>	December 2015
<b>Review History</b>	



## 2.8 ORDERING OF GOODS & SERVICES – PROCEDURES & AUTHORITY LEVELS

<b>Purpose</b>	To maintain control over expenditure.
<b>Status</b>	ADMINISTRATIVE - STATUTORY
<b>Policy</b>	<p>All purchases of goods and services on behalf of the Shire of Peppermint Grove shall:</p> <ul style="list-style-type: none"> <li>• Comply with relevant legislation, regulations and Council's policies and code of conduct;</li> <li>• Be transparent, free from bias and fully documented in accordance with applicable policies and audit requirements; and</li> <li>• Ensure effective and proper expenditure of public moneys based on achieving value for money.</li> </ul>
<b>Related Procedure</b>	<ol style="list-style-type: none"> <li>1. Council purchase orders are to be signed only by Officers authorised by Council, namely the : <ul style="list-style-type: none"> <li>• Chief Executive Officer: No Limit,</li> <li>• Manager Corporate Services Limit: \$5,000</li> <li>• Manager Infrastructure Services Limit: \$5,000</li> <li>• Manager Development Services, Limit: \$5,000</li> <li>• Manager Library &amp; Community Services Limit: \$5,000</li> </ul> <p>or those officers acting in the above positions from time to time;</p> </li> <li>2. An official purchase order must be placed for all goods or services (including consultants' opinions, eg legal, engineering, town planning, etc) ordered and there are to be no exceptions;</li> <li>3. When ordering by telephone a purchase order number must be quoted and the original of the order to be forwarded to the supplier endorsed "Confirmation of Telephone Order on "(date)";</li> <li>4. All Officers are to ensure that when issuing a Council order for goods or services that a current account number (which will reflect the budget estimate for those goods or services) be quoted on the Council order. This will ensure that:- <ul style="list-style-type: none"> <li>• expenditure is allocated to the correct budget item (with the job number account being noted on the Council order); and</li> <li>• that sufficient funds are identified against the job number account before expenditure is authorised;</li> </ul> </li> <li>5. In order that costs are adequately controlled before issuing a Council purchase order officers must check against their current budget estimates for the current financial year and monthly expenditure reports to ensure that there are sufficient funds to</li> </ol>

	cover the cost of the goods or services being ordered; 6. All Council orders exceeding \$5,000 are to be referred to the Chief Executive Officer for approval;
<b>Amendment Authority Level</b>	
<b>Related Delegation</b>	
<b>Related Local Law/ Legislation</b>	Purchasing and Tendering Policy Local Government Act 1995 (Sections 5.18; 5.42; 5.43; 5.44; 5.45; 5.46)
<b>Adopted/ Amended</b>	December 2015
<b>Review History</b>	

## 2.9 PURCHASING AND TENDERING

<b>Purpose</b>	To ensure all purchases of goods and services are conducted efficiently, ethically and in compliance with legislation
<b>Status</b>	ADMINISTRATIVE – STATUTORY
<b>Policy</b>	<p>The Shire of Peppermint Grove is committed to setting up efficient, effective, economical and sustainable procedures in all purchasing activities. This policy:</p> <ul style="list-style-type: none"><li>• Provides the Shire of Peppermint Grove with a more effective way of purchasing goods and services.</li><li>• Ensures that purchasing transactions are carried out in a fair and equitable manner.</li><li>• Strengthens integrity and confidence in the purchasing system.</li><li>• Ensures that the Shire of Peppermint Grove receives value for money in its purchasing.</li><li>• Ensures that the Shire of Peppermint Grove considers the environmental impact of the procurement process across the life cycle of goods and services.</li><li>• Ensures the Shire of Peppermint Grove is compliant with all regulatory obligations.</li><li>• Promotes effective governance and definition of roles and responsibilities.</li><li>• Uphold respect from the public and industry for Shire of Peppermint Grove purchasing practices that withstands probity.</li></ul> <p><b>Ethics &amp; Integrity</b></p> <p>All officers and employees of the Shire of Peppermint Grove 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 Shire of Peppermint Grove.</p> <p>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:</p> <ul style="list-style-type: none"><li>• 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;</li><li>• all purchasing practices shall comply with relevant legislation, regulations, and requirements consistent with the Shire of Peppermint Grove policies and code of conduct;</li><li>• purchasing is to be undertaken on a competitive basis in</li></ul>

which all potential suppliers are treated impartially, honestly and consistently;

- all processes, evaluations and decisions shall be transparent, free from bias and fully documented in accordance with applicable policies and audit requirements;
- any actual or perceived conflicts of interest are to be identified, disclosed and appropriately managed; and
- any information provided to the Shire of Peppermint Grove by a supplier shall be treated as commercial-in-confidence and should not be released unless authorised by the supplier or relevant legislation.

### **Value for Money**

Value for money is an overarching principle governing purchasing that allows the best possible outcome to be achieved for the Shire of Peppermint Grove. 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:

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

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

### **Sustainable Procurement**

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

The Shire of Peppermint Grove 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 of Peppermint Grove shall endeavour at all times to identify and procure products and services that:

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

### **Purchasing Thresholds**

Where the value of procurement (excluding GST) for the value of the contract over the full contract period (including options to extend) is, or is expected to be:-

<b>Amount of Purchase</b>	<b>Model Policy</b>
Up to \$1,000	Direct purchase from suppliers requiring only two verbal quotations.

\$1,001 - \$19,999	Obtain at least three verbal or written quotations.
\$20,000 - \$49,999	Obtain at least three written quotations
\$50,000 - \$149,999	Obtain at least three written quotations containing price and specification of goods and services (with procurement decision based on all value for money considerations).
\$150,000 and above	Conduct a public tender process.

Where it is considered beneficial, tenders may be called in lieu of seeking quotations for purchases under the \$150,000 threshold (excluding GST). If a decision is made to seek public tenders for Contracts of less than \$150,000, a Request for Tender process that entails all the procedures for tendering outlined in this policy must be followed in full.

**Up to \$1,000**

Where the value of procurement of goods or services does not exceed \$1,000, purchase on the basis of at least two verbal quotations is permitted. However it is recommended to use professional discretion and occasionally undertake market testing with a greater number or more formal forms of quotation to ensure best value is maintained.

This purchasing method is suitable where the purchase is relatively small and low risk.

Record keeping requirements must be maintained in accordance with record keeping policies. The Local Government Purchasing and Tender Guide contains a sample form for recording verbal quotations.

**\$1,001 to \$19,999**

This category is for the procurement of goods or services where the value of such procurement ranges between \$1,001 and \$19,999.

At least three verbal or written quotations (or a combination of both) are required. Where this is not practical, e.g. due to limited suppliers, it must be noted through records relating to the process.

The general principles for obtaining verbal quotations are:

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

Record keeping requirements must be maintained in accordance with record keeping policies. The Local Government Purchasing and Tender Guide contains sample forms for recording verbal and written quotations.

**\$20,000 to \$49,999**

For the procurement of goods or services where the value exceeds \$20,000 but is less than \$49,999, it is required to obtain at least three written quotes (commonly a sufficient number of quotes would be sought according to the type and nature of purchase).

The responsible officer is expected to demonstrate due diligence seeking quotes and to comply with any record keeping and audit requirements. Record keeping requirements must be maintained in accordance with record keeping policies.

**NOTES:** The general principles relating to written quotations are;

- An appropriately detailed specification should communicate requirement(s) in a clear, concise and logical fashion.
- The request for written quotation should include as a minimum:
  - Written Specification
  - Selection Criteria to be applied
  - Price Schedule
  - Conditions of responding
  - Validity period of offer
- 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.

**\$50,000 to \$149,999**

For the procurement of goods or services where the value exceeds \$50,000 but is less than \$149,999, it is required to obtain at least three written quotations containing price and a sufficient amount of information relating to the specification of goods and services being purchased.

The Local Government Purchasing and Tender Guide has a series of forms including a Request for Quotation Template which can assist with recording details. Record keeping requirements must be maintained in accordance with record keeping policies.

For this procurement range, the selection should not be based on price alone, and it is strongly recommended to consider some of the qualitative factors such as quality, stock availability, accreditation, time for completion or delivery, warranty conditions, technology, maintenance requirements, organisation's capability, previous relevant experience and any other relevant factors as part of the assessment of the quote.

**Regulatory Compliance**

**Tender Exemption**

In the following instances public tenders or quotation procedures are not required (regardless of the value of expenditure):

- An emergency situation as defined by the Local Government Act 1995;
- 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;
- The purchase is under auction which has been authorised by Council;
- The contract is for petrol, oil, or other liquid or gas used for internal combustion engines;
- 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.

#### **Anti-Avoidance**

The Shire of Peppermint Grove 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 \$150,000, thereby avoiding the need to publicly tender.

#### **Tender Criteria**

The Shire of Peppermint Grove 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 request with a total estimated (Ex GST) price of:

- Between \$50,000 and \$149,999, the panel must contain a minimum of 2 members; and
- \$150,000 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 brief description of the goods or services required;
- information as to where and how tenders may be submitted;
- the date and time after which tenders cannot be submitted;
- particulars identifying a person from who more detailed information as to tendering may be obtained;
- detailed information shall include;
- such information as the Shire of Peppermint Grove decides should be disclosed to those interested in submitting a tender;
- detailed specifications of the goods or services required;
- the criteria for deciding which tender should be accepted;
- whether or not the Shire of Peppermint Grove has decided to submit a tender; and

- 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 as if clarifications, 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 Shire of Peppermint Grove 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 Tenders 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 Shire of Peppermint Grove Officers present at the opening of tenders.

### **No Tenders Received**

Where the Shire of Peppermint Grove has invited tenders, however no compliant submissions have been received, direct purchases can be arranged on the basis of the following:

- a sufficient number of quotations are obtained;
- the process follows the guidelines for seeking quotations between \$50,000 & \$149,999 (listed above);
- the specification for goods and/or services remains unchanged;
- 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 Shire of Peppermint Grove 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 Shire of Peppermint Grove 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 Shire of Peppermint Grove and tenderer have entered into a Contract, a minor variation may be made by the Shire of Peppermint Grove.

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:

- The name of the successful tenderer
- 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 Tenders 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:

- Tender documentation;
- Internal documentation;
- Evaluation documentation;
- Enquiry and response documentation;

	<ul style="list-style-type: none"> <li>• Notification and award documentation.</li> </ul> <p>For a direct purchasing process this includes:</p> <ul style="list-style-type: none"> <li>• Quotation documentation;</li> <li>• Internal documentation;</li> <li>• Order forms and requisitions.</li> </ul>
	Record retention shall be in accordance with the minimum requirements of the State Records Act, and the Shire of Peppermint Grove's internal records management policy
<b>Related Procedure</b>	
<b>Amendment</b>	
<b>Authority Level</b>	
<b>Related Development</b>	
<b>Related Local Law/Legislation</b>	Regulation 11 & 11A of the Local Government (Functions and General) Regulations 1996 Section 3.57 of the <i>Local Government Act 1995</i>
<b>Adopted/Amended</b>	December 2014
<b>Review History</b>	December 2015

## 2.10 ICT USE POLICY

<b>Purpose</b>	To ensure effective security is maintained by every employee who deals with information and/or information systems and devices.
<b>Status</b>	ADMINISTRATIVE – STATUTORY
<b>Policy</b>	<p><b>General Use of ICT Equipment</b></p> <ul style="list-style-type: none"><li>• While the Shire’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. Because of the need to protect the Shire’s network, the confidentiality of personal (non-work-related) information stored on any network device belonging to the Shire cannot be guaranteed; and</li><li>• A degree of personal use is allowed on Shire’s equipment/devices/systems. Employees should exercise conservative judgement regarding the reasonableness of personal use but should be guided by the following principles:<ul style="list-style-type: none"><li>○ Personal use should be conducted either before or after contracted hours of work or authorized breaks;</li><li>○ Personal use should be limited and brief, avoiding excessive download or transmission. An example of acceptable personal use would be conducting brief transactions through internet banking;</li><li>○ Personal use should not breach anything in the policy, particularly relating to the downloading of offensive or copyrighted materials;</li><li>○ 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</li><li>○ If there is any uncertainty regarding acceptable personal use then employees should consult their supervisor or manager for guidance.</li></ul></li><li>• For security and network maintenance purposes, authorized individuals within the Shire may monitor equipment, systems and network traffic at any time according to the specific nature and requirements of their roles.</li><li>• The Shire reserves the right to audit networks and systems on a periodic basis to ensure system integrity and compliance with this policy.</li></ul> <p>All emails sent by Shire staff should include the ‘signature’ and disclaimer at the foot of the body of the email, in the format specified by the Shire’s style guide or as otherwise advised by the CEO</p>

## **Security and Proprietary Information**

- All information stored on the Shire'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;
- 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 the Shire's advice from the ICT consultant.
- All devices connect to the Shire's computing systems/networks, regardless of ownership, must be running approved and up to date virus-scanning software; and
- People 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 the Shire's ICT systems or resources.

## **Systems and Network Activities**

The following activities are not permitted:

- 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 or the end user;
- Unauthorised copying or digitising of copyrighted material and the installation of any copyrighted software for which the Shire or the end user does not have an active license;
- 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 in unclear;
- Introduction of malicious programs or code into the network or onto devices connected to the network;
- Revealing your account password to others or allowing use of your account by others;
- The Shire's equipment is not be used for the downloading or distribution of any material that could be considered as offensive. If a user receives such material they should notify their manager and also the ICT Team;
- Making fraudulent offers of products, items, or services, or running private business interests via any Shire equipment, device or account; and

- Undertaking private work

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

- 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;
- Executing any form of network monitoring which will intercept data not intended for the user's host;
- Attempting to avoid or bypass the Shire's network security measures;
- Interfering with any other user's account, by whatever means; and
- 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:

- Except in the course of 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;
- Any form of harassment via electronic/ICT means;
- Unauthorised use, or forging, of email header information;
- 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;
- Creating or forwarding "chain letters" or "pyramid" schemes of any type;
- Use of any of the Shire's network or systems for the purpose of generating unsolicited communications;
- Providing information about, or lists of the Shire's employees to parties outside the Shire or to personal email addresses;
- Communicating in a manner that could adversely affect the reputation or public image of the Shire; and
- Communicating in a manner that could be construed as making statements or representations on behalf of the Shire without express permission to do so.

Users should also endeavor to clean out their Inbox, Sent Items, Deleted Items and other email boxes on a regular basis, by either deletion 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**

Users with remote access should be reminded that, when they are connected to the Shire'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's corporate equipment and systems. That is, their machines need to connect and communicate reliably with the Shire's network and servers to ensure the security and integrity of data and records.

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

- Family members must not violate any of the Shire's policies, perform illegal activities, or use the access for outside business interests;
- The device that is connected remotely to the Shire's corporate network should be secure from access by external non-Shire parties and should be under the complete control of the user;
- The use of non-Shire email accounts (e.g. Yahoo, Hotmail, Gmail etc.) or other external resources is not permitted for the conduct of Council business, thereby ensuring official business is not confused with personal business; and
- All devices (whether personal or corporate) connected to the Shire'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 people will be supplied with a mobile phone and/or other mobile computing device if it is deemed necessary to their position. All mobile devices supplied remain the property of the Shire and users must not change service providers unless permitted to do so.

Where a mobile 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 should be through the Shire'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 user found to have breached this policy may be subject to disciplinary action including possible termination of employment. The Shire 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 user being obligated to pay any extra costs incurred.

	<p><b>Valuation to This Policy</b></p> <p>This policy may be cancelled or varied from time to time. All the Shire's employees will be notified of any variation to this policy by the normal correspondence method. All users of the organisations ICT are responsible for reading this policy prior to accessing the organisations ICT.</p>
<b>Related Policies/Procedures</b>	<ul style="list-style-type: none"> <li>• Code of Conduct</li> <li>• Social Media Use Policy</li> </ul>
<b>Amendment Authority Level</b>	Council
<b>Related Local Law/Legislation</b>	
<b>Adopted/Amended</b>	December 2015
<b>Review History</b>	

## 2.11 GRIEVANCES, INVESTIGATION & RESOLUTION POLICY

<b>Purpose</b>	To ensure all employees have a right to express any genuine grievances or complaints via an impartial internal process
<b>Status</b>	ADMINISTRATIVE – STATUTORY
<b>Policy</b>	<p><b>Roles</b></p> <p><b>Complainant</b> – An employee who raises a complaint about a matter regarding the workplace.</p> <p><b>Respondent</b> – An employee who is alleged to have acted in a manner which caused the complainant to raise a complaint.</p> <p><b>Support Person</b> – 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.</p> <p><b>Witness</b> – A person (including an employee) who is requested by the Local Government to assist the process by providing relevant information regarding the complaint.</p> <p><b>What to do if you have a Complain</b></p> <p>If an employee (Complainant) is the victim of behaviour of another employee (Respondent) which is inconsistent with the Local Government’s policies, procedures or guidelines, 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 Human Resources directly.</p> <p>If the inappropriate behaviour continues, the Complainant is encouraged to make a formal complaint to their direct manager. If the direct manager is the Respondent in the matter or if the employee feels uncomfortable approaching their manager, the Complainant should approach the Human Resources Manager.</p> <p>The employee who receives the complaint must contact Human Resources 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.</p>

## 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 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 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

	<p>specifically as possible) of any allegations when reasonably practicable;</p> <ul style="list-style-type: none"> <li>○ A Respondent is entitled to receive verbal or written communication from the [Local Government] of the potential consequences of given forms of conduct, as applicable to the situation;</li> <li>○ The Respondent is given an opportunity to respond to any allegations made against them by a Complainant;</li> <li>○ Any mitigating circumstances presented to the [Local Government] through the grievance process are investigated and considered;</li> <li>○ the Respondent has the right to have an appropriate support person present during any inquiry or investigation process where practicable or necessary;</li> <li>○ any witnesses who can reasonably be expected to help with any inquiry or investigation process should be interviewed; and</li> <li>○ All interviews of witnesses are conducted separately and confidentially.</li> </ul> <p><b>Outcome of Making a Complaint</b></p> <p>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.</p> <p>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 Human Resources, may elect to discipline the Respondent in accordance with the Disciplinary Policy.</p> <p><b>Vexatious or Malicious Complaints</b></p> <p>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.</p> <p><b>Variation to This Policy</b></p> <p>This policy may be cancelled or varied from time to time. All the Shire's employees will be notified of any variation to this policy by the normal correspondence method.</p>
<b>Related</b>	Discrimination, Harassment, & Bullying Policy

<b>Policies/Procedures</b>	<ul style="list-style-type: none"> <li>• Code of Conduct</li> <li>• EEO Policy</li> </ul>
<b>Amendment Authority Level</b>	
<b>Related Delegation</b>	
<b>Related Local Law/Legislation</b>	
<b>Adopted/Amended</b>	December 2015
<b>Review History</b>	

## 2.12 DISCRIMINATION, HARASSMENT & BULLYING

<b>Purpose</b>	To provide 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 in any capacity).
<b>Status</b>	ADMINISTRATIVE - STATUTORY
<b>Policy</b>	<p><b>Unlawful Discrimination</b></p> <p>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 acknowledges its responsibilities and obligations pursuant to State and Federal equal opportunity and anti-discrimination laws.</p> <p>The Shire and its employees acknowledge they are subject to State and Federal equal opportunity and anti-discrimination legislation. The following is a non-exhaustive list of the grounds of discrimination for which it is unlawful to discriminate against an individual:</p> <ul style="list-style-type: none"><li>• Age;</li><li>• Family responsibility or status;</li><li>• Race or colour;</li><li>• Sex including gender identity, sexual orientation and intersex status;</li><li>• Physical or mental disability;</li><li>• Marital status;</li><li>• Political or religious conviction;</li><li>• Pregnancy;</li><li>• Criminal record;</li><li>• Breastfeeding;</li><li>• Gender history;</li><li>• Impairment;</li><li>• National extraction or social origin; and</li><li>• Trade union activity</li></ul>

## **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:***

- Physical contact (touching, rubbing, patting, embracing, brushing up against etc.);
- Gestures of a sexual nature;
- Leering or staring;
- Offensive telephone calls, emails, text messages or notes;
- Sexual suggestive jokes or comments;
- Tales of sexual exploits;
- Repeated requests for a date;
- Unwelcome comments or questions about a person's sex life, appearance or dress; and
- 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:***

- Loud, abusive or offensive language or comments;
- Yelling and screaming;
- Unjustified criticism and insults;
- Unjustified threats of dismissal or other disciplinary action;
- Acts of sabotaging another's work by withholding information which is required to fulfil tasks;
- Spreading malicious rumours or misinformation;
- Inappropriate comments about an employee's appearance,

lifestyle of family;

- Deliberately excluding an employee from workplace meetings or activities;
- Hiding documents or equipment or withholding vital information required for effective work performance;
- Constantly changing targets or work guidelines;
- Overloading an employee with work and impossible deadlines;
- Setting tasks that are unreasonably below or beyond an employee's level of skill;
- Threats of assault or violence or actual violence;
- Teasing and practical jokes; and
- 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 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:***

- The establishment and regular use of performance management systems;
- The setting of reasonable performance targets and deadlines;
- Providing employees with constructive feedback or counselling to assist workers to improve their work performance or the standard of their behaviour;
- Issuing a lawful and reasonable direction to an employee to complete a work task;
- Preparing and amending a roster for employees;
- Transferring an employee to a different work location for operational reasons;
- Implementing organisational change;
- Informing an employee about inappropriate behaviour in a confidential manner; and
- 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,

### **What are the 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 must assume certain responsibilities.

#### **The Employer**

- The Shire will endeavour to:
- provide all workplace participants with a workplace free from discrimination, sexual harassment and bullying;
- provide and maintain safe systems of work;
- provide a fair and effective procedure to investigate and resolve complaints of sexual harassment, discrimination and bullying;
- treat all employees fairly; and
- 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:

- report any incidents of sexual harassment, discrimination or bullying they may see happening around them to an appropriate manager or supervisor;
- follow all policies and procedures of the Shire;
- ensure they do not victimise any person making a complaint of

	<p>sexual harassment, discrimination or bullying; and</p> <ul style="list-style-type: none"> <li>• treat all employees fairly and with respect.</li> </ul> <p><b>Support</b> The Shire engages the services of an external Employee Assistance Provider who can provide employees with confidential counselling. Please see Human Resources for details of the Employee Assistance Provider.</p> <p><b>Consequences of Breaching This Policy</b> Any breach of this policy, may result in disciplinary action up to and including termination of employment.</p> <p><b>Variation to This Policy</b> This policy may be cancelled or varied from time to time. All the Shire's employees will be notified of any variation to this policy by the normal correspondence method.</p>
<b>Related Policies/Procedures</b>	<ul style="list-style-type: none"> <li>• Grievance Policy</li> <li>• Grievance Procedure</li> </ul>
<b>Amendment Authority Level</b>	
<b>Related Delegation</b>	
<b>Related Local Law/Legislation</b>	
<b>Adopted/ Amended</b>	December 2015
<b>Review History</b>	

## 2.13 DISCIPLINARY POLICY

<b>Purpose</b>	To outline the process of employee disciplinary action when required
<b>Status</b>	ADMINISTRATIVE - STATUTORY
<b>Policy</b>	<p><b>Application</b> This policy applies to all employees who work at Shire of Peppermint Grove including contractors, volunteers and any person performing work for or with the Shire in any capacity.</p> <p><b>Commitment</b> The Shire is committed to providing the best possible service and ensuring its employees perform and conduct themselves in accordance with Shire policies, procedures and guidelines. 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.</p> <p><b>Authority to take Disciplinary Action</b> Disciplinary action may only be taken when authorised by the Chief Executive Officer or Department Manager. The authorising officer may only approve disciplinary action after consultation with WALGA Workplace Solutions.</p> <p><b>When the Disciplinary Policy Applies</b> Some examples of when this policy may be invoked include breaches of Council policy and procedures including, but not limited to:</p> <ul style="list-style-type: none"><li>• breaches of the Code of Conduct such as failing to disclose a conflict of interest, or accepting a prohibited gift; or</li><li>• poor performance such as frequently attending for work late or producing a poor quality or work; or</li><li>• Inappropriate personal behaviour such as theft, violating the Discrimination, Harassment and Bullying Policy, or wilfully disobeying a lawful instruction.</li></ul> <p><b>General Disciplinary Principles</b> The following principles will apply to any disciplinary action taken.</p> <ul style="list-style-type: none"><li>• <b>Nature of allegation and investigation:</b> 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 ensue, in accordance with the Grievances, Investigations &amp; Resolution Policy and Procedure;</li><li>• <b>Right to a support person:</b> Where an employee is required to</li></ul>

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 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 (Cth)* 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 the reputation, viability or profitability of the organisation;
- the employee, in the course of the employee's employment, engaging in:
  - (i.) Theft; or
  - (ii.) fraud; or
  - (iii.)** 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 Council'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, 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, 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 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 Council’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 Council’s Grievances, Investigations, and Resolutions Procedure.

**Investigation Procedures for Alleged Misconduct**

Investigations into alleged misconduct should follow the processes detailed in Council’s Grievances, Investigations, and Resolutions Policy and Procedure.

**Reporting Obligations**

If an officer or employee of the Shire 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.

<b>Related Policies &amp; Procedures</b>	<ul style="list-style-type: none"> <li>• Managing and Developing Performance Guideline.</li> <li>• Grievances, Investigations, and Resolutions Policy</li> <li>• Grievances, Investigations, and Resolutions Procedure</li> <li>• Code of Conduct.</li> </ul>
<b>Amendment Authority Level</b>	
<b>Related Delegation</b>	
<b>Related Local Law/Legislation</b>	
<b>Adopted/Amended</b>	December 2015
<b>Review History</b>	

## 2.14 DRUG & ALCOHOL POLICY

<b>Purpose</b>	To manage employer and employee responsibilities with respect to drugs and alcohol.
<b>Status</b>	ADMINISTRATIVE - STATUTORY
<b>Policy</b>	<p><b>The Shire's Commitment</b> The Shire and its employees must take all reasonable care not to endanger the safety of themselves or others (including customers) in the workplace. Alcohol and other drug usage becomes an occupational safety and health issue if a worker's ability to exercise judgment, coordination, motor control, concentration and alertness at the workplace is impaired. For the purposes of this policy, the term "employee/s" shall extend to cover contractors, volunteers and any person performing work for or with the Shire in any capacity.</p> <p><b>The Individual's Responsibility</b> Under the <i>Occupational Safety and Health Act 1984</i> (the OSH Act), workers must take reasonable care of their own safety and health and not endanger the safety and health of others at the workplace. The consumption of alcohol and/or drugs while at work is unacceptable, except in relation to any authorised and responsible use of alcohol at workplace social functions. Employees are required to present themselves for work and remain, while at work, capable of performing their work duties safely. An employee who is under the influence of alcohol and/or drugs at the workplace, or is impaired, may face disciplinary action including possible termination of employment.</p> <p><b>Reporting Requirements</b> Employees must report to their employer any situation where they genuinely believe that an employee may be affected by alcohol and/or other drugs.</p> <p><b>Drug Use on the Premises</b> Employees who buy, take, or sell drugs on Shire premises may be found to have engaged in serious misconduct. Such behaviour may result in disciplinary action up to and including dismissal. Employees who have been prescribed medication/drugs by a medical practitioner that could interfere with their ability to safely carry out their role must inform their manager or Human Resources and disclose any side effects that these medication/drugs may cause.</p> <p><b>Consumption of Alcohol on the Premises</b> Except in situations where the Shire holds a function on the premises and alcohol is provided, employees must not bring in and/or consume alcohol in the workplace.</p>

### **Drug/Alcohol Treatment Programs**

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

The Shire will allow an employee to access any accrued personal or annual leave they are undergoing treatment.

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

Where an employee acknowledges that they have an alcohol or drug problem and are receiving help and treatment, the line manager or members of senior management, will review the full circumstances and agree on a course of action to be taken. This may include redeployment to suitable alternative employment, or possible termination from employment if the employee is unable to safely carry out the requirements of their role.

### **Managers' Responsibilities - Consumption of Alcohol at Work Sponsored Functions**

Managers shall:

- encourage their people to make alternative arrangements for transport to and from work prior to the function;
- ensure that the following is made available: - Low alcohol beer, soft drinks and water - Beverages: Tea, Coffee and Food;
- if the manager believes a person may be over the BAC 0.05 limit, assist the person with safe transport home (including contacting a family member or arranging a taxi); and
- if the manager has to leave the function early, appoint a delegate to oversee the rest of the function.

### **Pre-Employment Medical Tests**

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

### **Identification of Impairment & Testing**

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

issue.

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

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

- direct an employee to attend a medical practitioner and submit to a medical assessment to determine whether the employee is fit to safely perform their duties;
- require that an employee undergo drug and alcohol testing administered by a representative of the Shire; or
- direct an employee to go home.

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

In circumstances where an employee indicates the consumption of prescription or pharmacy drugs, the Shire may request further information from the medical practitioner conducting the assessment about the effects and proper usage of the prescription or pharmacy drugs being taken. The Shire may direct the employee to go home following the medical assessment until it can be established that they are fit to undertake their duties.

If an employee refuses to attend a medical examination or refuses to submit to an alcohol or drug test, the employee will be immediately directed to go home. Refusal to attend a medical assessment or refusal to go home constitutes a breach of this policy and may result in disciplinary action being taken against the employee up to and including the termination of employment.

The following steps are to be taken where an employee who has submitted to a medical assessment returns a positive test result for alcohol and/or drugs:

- The employee tested and the supervisor (or respective employer) will be informed of the result;
- A disciplinary discussion will take place in accordance with the disciplinary policies and procedures of the Shire.

	<p>An employee who returns a positive test will be in breach of this policy. A breach of this policy may result in disciplinary action being taken against the employee up to and including the termination of employment.</p> <p><b>Education, Training &amp; Awareness</b>  Employees who recognise that they have a drink or drug problem, or that they are at risk of developing one, are encouraged to come forward so that they can be assisted to get the appropriate help.  The Shire engages the services of an external Employee Assistance Provider who can provide the organisation's people with free and confidential counselling.</p> <p><b>Consequences of Breaching this Policy</b>  An employee engaged by the Shire who breaches the provisions of this policy may face disciplinary action including possible termination of employment.</p> <p><b>Variation to this Policy</b>  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.</p>
<b>Related Policies</b>	<ul style="list-style-type: none"> <li>• Disciplinary Policy</li> <li>• Grievances, Investigations, &amp; Resolutions Procedure (where applicable)</li> </ul>
<b>Amendment Authority Level</b>	
<b>Related Delegation</b>	
<b>Related Local Law/Legislation</b>	
<b>Adopted/Amended</b>	December 2015
<b>Review History</b>	

## 2.15 LEGISLATIVE COMPLIANCE POLICY AND PROCEDURES

<p><b>Purpose</b></p>	<p>A fundamental principle of good public administration is that public officials comply with both the letter and the spirit of the law.</p> <p>Council has an obligation to ensure that legislative requirements are complied with. The community and those working at Council have a high expectation that Council will comply with applicable legislation and that all appropriate measures to ensure that that expectation is met.</p>
<p><b>Status</b></p>	<p>ADMINISTRATIVE - STATUTORY</p>
<p><b>Policy</b></p>	<p>Council shall have appropriate processes and structures to ensure that legislative requirements are achievable and are integrated into the everyday running of the Council.</p> <p>These processes and structures will aim to:-</p> <ul style="list-style-type: none"> <li>• Develop and maintain a system for identifying the legislation that applies to Council's activities.</li> <li>• Assign responsibilities for ensuring that legislation and regulatory obligations are fully implemented in Council.</li> <li>• Provide training for relevant staff, Councillors, volunteers and other relevant people in the legislative requirements that affect them.</li> <li>• Provide people with the resources to identify and remain up-to-date with new legislation.</li> <li>• Conduct of audits to ensure there is compliance.</li> <li>• Establish a mechanism for reporting non-compliance.</li> <li>• Review accidents, incidents and other situations where there may have been non-compliance.</li> <li>• Review audit reports, incident reports, complaints and other information to assess how the systems of compliance can be improved</li> </ul>
<p><b>Related Procedure</b></p>	<p><b>Responsibilities:</b></p> <p><b>Councillors and Committee Members</b></p> <p>Councillors and Committee members have a responsibility to be aware and abide by legislation applicable to their role.</p> <p><b>Senior Management (Chief Executive Officer Managers)</b></p> <p>Senior Management should ensure that directions relating to compliance are clear and unequivocal and that legal requirements which apply to each activity for which they are responsible are identified. Senior</p>

Management should have systems in place to ensure that all staff are given the opportunity to be kept fully informed, briefed and/or trained about key legal requirements relative to their work within the financial capacity to do so.

### **Employees**

Employees have a duty to seek information on legislative requirements applicable to their area of work and to comply with the legislation. Employees shall report through their supervisors to Senior Management any areas of non-compliance that they become aware of.

### **Implementation of Legislation**

Council will ensure that when legislation changes steps are taken to ensure that actions comply with the amended legislation.

### **Identifying Current Legislation Legislation**

Council accesses electronic up to date versions of legislation through the Western Australian legislation website at [www.slp.wa.gov.au](http://www.slp.wa.gov.au) The WA legislation website is the official State Government site for the online publication of legislation, and is provided and maintained by the Dept. of Premier and Cabinet

### **Australian Standards**

Council is a subscribing member to Standards Australia and maintains a library of Australian Standards related to Council's activities. As a member, Council receives alert updates to amendments of the Standards it has purchased.

### **Identifying New or Amended Legislation**

#### **WA Government Gazette**

Council provides website access for its staff to the WA Government Gazette which publishes all new or amended legislation applicable to WA. Details of such new or amended legislation are distributed to the applicable officers within Council by email or hard copy.

#### **Department of Local Government**

Council receives regular circulars from the Department of Local Government on any new or amended legislation. Such advices are received through Council's Records section and are distributed by the Records staff to the relevant Council officers for implementation.

#### **Department of Planning**

Council receives regular circulars from the Department of Planning on any new or amended legislation. Such advices are received through

Council's Records section and are distributed by the Records staff to the relevant Council officers for implementation.

#### **WA Local Government Association**

Council receives a weekly circular from the WA Local Government Association. These circulars have sections on Legal and Finance and Planning and Environment that highlight changes in legislation applicable to Councils.

#### **Special Interest Groups and Networking**

Council is involved in a number of Council networking and alliance groups including planning, human resources, governance, risk management and records groups. These special interest groups meet periodically to discuss matters which include legislative changes.

#### **Obtaining Advice on Legislative Provisions**

Council shall obtain advice on matters of legislation and compliance where this is necessary. Contact can be made with the relevant Legal Officer in either of the following for advice:-

- WA Local Government Association (Legal Officer)
- Department of Local Government (Legal Services Branch)
- Council's Solicitors

#### **Informing Council of Legislative Change**

If necessary the Chief Executive Officer or his delegated officer will, on receipt of advice of legislative amendments, submit a report to a Council meeting on the new or amended legislation.

Council's format for all its reports to Council meetings provides that all reports shall have a section headed "***Statutory Environment***" which shall detail the current Council policy and sections of any Act, Regulation or other legislation that is relevant to the report before the Council.

#### **Review of incidents and complaints for Non-compliance**

Council shall review all incidents and complaints in accordance with its incident reporting and complaint handling procedures. Such reviews and investigations will assess compliance with legislation, standards, policies and procedures that are applicable

#### **Reporting of Non-compliance**

All instances of non-compliance shall be reported immediately to the supervising manager. The supervising manager shall determine the appropriate response and, if necessary, report the matter to the Chief Executive Officer.

The CEO may investigate any reports of significant non-compliance and

	<p>if necessary report the non-compliance to the Council and/or the Dept. of Local Government. The CEO will also take the necessary steps to improve compliance systems.</p> <p><b>Audit on Legislative Compliance</b>  Council shall incorporate a review of its processes to ensure legislative compliance is included into its internal audit function. This internal audit function is currently the responsibility of the Corporate Services Manager.</p>
<b>Amendment Authority Level</b>	
<b>Related Delegation</b>	
<b>Related Local Law/Legislation</b>	
<b>Adopted Amended</b>	<b>December 2015</b>
<b>Review History</b>	

## 2.16 ACTING CHIEF EXECUTIVE OFFICER

<b>Purpose</b>	To maintain continuity in the office of the CEO
<b>Status</b>	
<b>Policy</b>	That where the CEO is to be absent from office for a period exceeding 2 weeks the Council appoint an Acting CEO with authority to exercise the powers and duties of that position.
<b>Special Note</b>	Depending on the length of absence involved a relieving officer or senior employee will be appointed.
<b>Related procedure</b>	
<b>Amendment Authority Level</b>	
<b>Related Delegation</b>	
<b>Related Local Law/Legislation</b>	Local Government Act S.5.36 provides that a local government is to employ a person to be the CEO of the local government.  Delegation No. 1 to the CEO
<b>Adopted Amended</b>	18 September 2000
<b>Review History</b>	19 April 2010

## 2.17 PRE PLACEMENT MEDICAL REPORT

<b>Purpose</b>	To ensure that prospective employees are medically fit and suitable for employment.
<b>Status</b>	
<b>Policy</b>	That there be a pre placement medical report by a suitably experienced, qualified and recognised medical authority (e.g., the Australian College of Occupational Medicine) prior to employment by local government. This applies to all employees. Council to pay for the examination and report and the person not be employed if the report shows that the candidate is not medical suitable.
<b>Related procedure</b>	
<b>Amendment Authority Level</b>	
<b>Related Delegation</b>	
<b>Related Local Law/Legislation</b>	
<b>Adopted Amended</b>	18 September 2000
<b>Review History</b>	19 April 2010

<b>2.18 CASH DONATIONS</b>	
<b>Purpose</b>	To outline the circumstances in which donations may be made to an eligible recipient.
<b>Status</b>	ADMINISTRATIVE - STATUTORY
<b>Policy</b>	<p><b>Commitment</b> The Shire is committed to recognising the value of charitable organisations within the local community and will provide assistance where appropriate.</p> <p><b>Eligibility</b> Priority for assistance will be given to requests where:</p> <ul style="list-style-type: none"> <li>• Applicant is a not-for-profit organisation and is based in, or has a visible presence or significant impact in either Peppermint Grove or immediately adjacent local government districts;</li> <li>• Applicant can demonstrate that the funded project will provide an on-going benefit to Peppermint Grove residents;</li> <li>• Funding is required for a new initiative or a significant one-off project with evidence of other funding sources having been pursued (successfully or otherwise);</li> <li>• Applicant has not received a donation from Council for a similar project within the previous two financial years;</li> <li>• If donation is for an event, entry to the event is free of charge to Peppermint Grove residents to attend or participate; and</li> <li>• Application should be made by 30<sup>th</sup> April preceding the financial year that payment is requested to be made in.</li> </ul> <p>Notwithstanding the above Council is prepared to make ongoing cash donations for the following purposes:</p> <ul style="list-style-type: none"> <li>• Cat Haven (\$500 per annum)</li> <li>• Shenton Christian Council (Chaplaincy - \$650 per annum)</li> </ul> <p>Cash donations will not be considered from the following:</p> <ul style="list-style-type: none"> <li>• Individuals;</li> <li>• Private or for profit organisations;</li> <li>• Not-for-profit organisations with access to own fund-raising ability such as via bar trading;</li> <li>• General fundraising by organisations with State, national or international significance; or</li> </ul> <p>Funding for conferences, conventions or sporting events.</p>
<b>Related Procedure</b>	
<b>Amendment Authority Level</b>	<b>Council</b>
<b>Related Delegation</b>	

<b>Related Local/Law Legislation</b>	
<b>Adopted</b>	

## **SECTION THREE**

### **FINANCIAL POLICIES**

### 3.1 RATES – PROCEDURE OF COLLECTION

<b>Purpose</b>	To establish a firm, consistent rate collection policy to apply on a year by year basis.
<b>Status</b>	
<b>Policy</b>	<ol style="list-style-type: none"> <li>1. As soon as possible after the expiry of 35 days following the issue of the Rate Notices, a Final Notice shall be sent to all ratepayers who have not paid the rates imposed, or an instalment.</li> <li>2. After a further period of 30 days, a further notice is to be issued to those debtors who have not responded seeking payment within 14 days to avoid action for collection.</li> <li>3. That action for recovery be taken after that time to the extent allowed in the Act.</li> </ol> <p><b>Special Note:</b> See also Delegation No.6</p>
<b>Related procedure</b>	
<b>Amendment Authority Level</b>	
<b>Related Delegation</b>	
<b>Related Local Law/Legislation</b>	
<b>Adopted Amended</b>	18 September 2000
<b>Review History</b>	19 April 2010

### 3.2 PAYMENT OF ACCOUNTS

<b>Purpose</b>	To establish procedures for the authorisation, payment and approval of accounts.
<b>Status</b>	
<b>Policy</b>	<p>That the procedures for the authorization, payment and approval of accounts be as follows –</p> <ol style="list-style-type: none"><li>1. that an order form be issued for the purchase of goods and services except in the case of small purchases from petty cash.</li><li>2. that all purchases from petty cash be acquitted by a receipt;</li><li>3. that where feasible and practical, price be negotiated in advance of a purchase and recorded on the order form.</li><li>4. that invoices, where practicable, be certified by the person who placed the order so as to indicate –<ol style="list-style-type: none"><li>(i) that the purchase was duly authorized; and</li><li>(ii) that the goods and services were received in a satisfactory condition, or to a satisfactory standard, and the price and computations on the invoice are correct;</li></ol></li><li>5. that the CEO place a list of accounts paid under delegated authority before the Council each month in accordance with Financial Management Regulation 13 (1) (together with vouchers and invoices) for recording in the minutes;</li><li>6. that two signatories be required to all cheques –<ol style="list-style-type: none"><li>(i) the CEO (or Acting CEO in his/her absence or inability) and the Accountant / Senior Administration Officer or the Manager of Development Services</li></ol></li><li>7. Library Advance Account: that one signatory be required to all cheques.<ol style="list-style-type: none"><li>(i) the CEO (or the Acting CEO) in his/her absence or inability).</li><li>(ii) the Manager of Library Services (or the Deputy Manager of Library Services in his/her absence or inability).</li></ol></li></ol>

	<p>8. that cheques drawn on the Library Advance Account shall not exceed \$1,000.</p> <p>9. that the funds held in the Library Advance Account has not exceed \$4,000.</p> <p><b>Special Note:</b> See also Delegation No. 2</p>
<b>Related procedure</b>	
<b>Amendment Authority Level</b>	
<b>Related Delegation</b>	
<b>Related Local Law/Legislation</b>	<p>Local Government (Financial Management) Regulations 11, 12 and 13 (Extract from Practice Notes) –</p> <p><b>“Payment of Accounts</b> A local government is to develop procedures for the authorisation of and the payment of accounts to ensure that there is effective security for and properly authorised use of –</p> <ul style="list-style-type: none"> <li>• cheques, credit cards, computer encryption devices and passwords, purchasing cards and any other devices or methods by which goods, services, money or other benefits may be obtained; and</li> <li>• petty cash systems.</li> </ul> <p>A local government is to develop procedures for the approval of accounts to ensure that before payment of an account a determination is made that –</p> <ul style="list-style-type: none"> <li>• the relevant debt was incurred by a person who was properly authorised to do so; and</li> <li>• the goods or services to which each account relates were provided in a satisfactory condition or to a satisfactory standard as the case requires.</li> </ul> <p>Payments made by a local government –</p> <ul style="list-style-type: none"> <li>• are to be made in a manner which allows identification of – <ul style="list-style-type: none"> <li>– the method of payment;</li> <li>– the authority for the payment; and</li> <li>– the identity of the person who authorised the payment.</li> </ul> </li> </ul>

### **Payments from Municipal Fund or Trust Fund**

A payment may only be made from the municipal fund or the trust fund –

1. if the local government has delegated to the CEO to exercise its power to make payments from those funds by the CEO; or
2. otherwise, if the payment is authorised in advance by a resolution of the council.

The council must not authorise a payment from those funds before having before it a list containing the prescribed details of the accounts to be paid.

### **List of Accounts**

If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared –

- (a) the payee's name;
- (b) the amount of the payment;
- (c) the date of the payment; and
- (d) sufficient information to identify the transaction.

A list of accounts for approval to be paid is to be prepared each month showing –

- (a) for each account which requires council authorisation in that month –
  - (i) the payee's name;
  - (ii) the amount of the payment;
  - (iii) sufficient information to identify the transaction; and
- (b) the date of the meeting of the council to which the list is to be presented.

A list of accounts paid by the CEO or for approval to be paid (by the council) is to be presented to the council at the next ordinary meeting of the council after the list is prepared and is to be recorded in the minutes of that meeting.

<b>Adopted</b>	18 September 2000
<b>Amended</b>	
<b>Review History</b>	19 April 2010

### 3.3 ATTENDANCE AT LOCAL GOVERNMENT WEEK

<b>Purpose</b>	To recognise the importance of providing Council members with the opportunity to meet other persons in local government and to participate in a state wide forum on issues relevant to local government.
<b>Status</b>	
<b>Policy</b>	That budget provision be made for four persons to attend Local Government Week each year, with in-house accommodation, these to be – <ul style="list-style-type: none"><li>• President</li><li>• CEO</li><li>• Two Council-appointed delegates, preference to be given to LGA zone delegates.</li></ul>
<b>Related procedure</b>	
<b>Amendment Authority Level</b>	
<b>Related Delegation</b>	
<b>Related Local Law/Legislation</b>	
<b>Adopted Amended</b>	18 September 2000
<b>Review History</b>	19 April 2010

### 3.4 ASSET MANAGEMENT

<b>Purpose</b>	To set the broad framework for decision making by Council in undertaking asset management in a structured, coordinated and organised approach.
<b>Status</b>	ADMINISTRATIVE - STATUTORY
<b>Policy</b>	<p>Asset Management in the Shire is the utilisation of best practise within available resources ensuring that the assets under its control are maintained in a safe and functional condition and replaced according to adopted strategies and plans.</p> <p>Asset Management involves Council, administration and the community; from those that plan services, provide services and manage assets and services to those who use the assets. Council will utilise integrated decision making in order that the built, social, economic and natural impacts of asset provision and maintenance are properly considered throughout the asset management lifecycle.</p> <p>The primary goal of asset management is to provide the required level of service in the most cost effective way through the creation, acquisition, maintenance, operation, rehabilitation and disposal of assets to provide for present and future generations.</p> <p>Asset management is a key objective in the Shire's ten (10) year Strategic Community Plan and Corporate Business Plan and shall be incorporated in to long term financial planning and management plans. The Shire's strategic financial planning will ensure that:</p> <ul style="list-style-type: none"><li>a) Sufficient funds are allocated as a priority each year for operating, maintenance and refurbishment or replacement of existing assets; and</li><li>b) Additional funds are identified and allocated where appropriate for the investment in new or upgraded assets.</li></ul> <p>Long term financial models will be prepared which identify the whole of life costs for all Shire infrastructure assets. Where appropriate this should include performance modelling of assets based on different funding scenarios.</p> <p>Investments in new infrastructure creation shall consider whole of life costs of the asset assessing benefit/cost ratios, net present values and the environmental and social benefits of investment.</p> <p>This policy shall be read in conjunction with the ten (10) year Strategic Community Plan, Strategic Plan, four (4) year Corporate Business Plan and various strategic documents including but not limited to:</p>

	<ul style="list-style-type: none"> <li>• Asset Management Strategy;</li> <li>• Asset Management Plans;</li> <li>• Forward Financial Plans; and</li> <li>• Disability Access and Inclusion Plan.</li> </ul>
<b>Related Procedure</b>	<ul style="list-style-type: none"> <li>• Asset Management Strategy;</li> <li>• Asset Management Plans</li> </ul>
<b>Amendment Authority Level</b>	Council
<b>Related Delegation</b>	
<b>Related Local Law/Legislation</b>	
<b>Adopted/Amended</b>	December 2014
<b>Review History</b>	

### 3.5 RISK MANAGEMENT

<b>Purpose</b>	The Shire of Peppermint Grove's Risk Management Policy documents the commitment and objectives regarding managing uncertainty that may impact the Shire's strategies, goals or objectives.
<b>Status</b>	ADMINISTRATIVE – STATUTORY
<b>Policy</b>	<p>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.</p> <p>Risk management will form part of the strategic, operational, project and line management responsibilities and where possible be incorporated within the Shire's integrated planning framework.</p> <p>The senior management team will determine and communicate the risk management policy, objectives and procedures as well as direct and monitor implementation, practice and performance.</p> <p>Every employee within the Shire is recognised as having a role in risk management from the identification of risks to implementing risk treatments and shall be invited and encouraged to participate in the process.</p> <p>Consultants may be retained at times to advise and assist in the risk management process or management of specific risks or categories of risk.</p> <p><b>Definitions (from AS/NZS ISO 31000:2009)</b></p> <p><b>Risk:</b> - The effect of uncertainty on objectives.</p> <ul style="list-style-type: none"> <li>• Note 1: An effect is a deviation from the expected – positive or negative;</li> <li>• Note 2: Objectives can have different aspects (such as financial, health &amp; safety and environmental goals) and can apply at different levels (such as strategic, organisation-wide, project, product or process).</li> </ul> <p><b>Risk Management:</b> Coordinated activities to direct and control an organisation with regards to risk.</p> <p><b>Risk Management Process:</b> 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.</p>

	<p><b>Risk Management Objectives</b></p> <ul style="list-style-type: none"> <li>• Optimise the achievement of our vision, mission, strategies, goals and objectives.</li> <li>• Provide transparent and formal oversight of the risk and control environment to enable effective decision-making.</li> <li>• Enhance risk versus return within our risk appetite.</li> <li>• Embed appropriate and effective controls to mitigate risk.</li> <li>• Achieve effective corporate governance and adherence to relevant statutory, regulatory and compliance obligations;</li> <li>• Enhance organisational resilience.</li> <li>• Identify and provide for the continuity of critical operations.</li> </ul> <p><b>Risk Appetite</b></p> <p>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.</p> <p>All organisational risks to be reported at a corporate level are to be assessed according to the Shire’s risk assessment and acceptance criteria to allow consistency and informed decision-making. For operational requirements such as projects or to satisfy external stakeholder requirements alternative risk assessment criteria may be utilised. However these cannot exceed the organisation’s appetite and are to be noted within the individual risk assessment.</p> <p><b>Roles, Responsibilities and Accountabilities</b></p> <p>The Chief Executive Officer is responsible for the allocation of roles, responsibilities and accountabilities. These are documented in the Risk Management Procedures (operational document).</p> <p><b>Monitor and Review</b></p> <p>The Shire will implement and integrate a monitor and review process to report on the achievement of the risk management objectives, the management of individual risks and the ongoing identification of issues and trends.</p> <p>This policy will be kept under review by the Shire’s senior management team and its employees. It will be formally reviewed every two years.</p>
<b>Related Procedure</b>	Shire of peppermint Grove Risk Management Procedures
<b>Amendment Authority Level</b>	Council
<b>Related Delegation</b>	

<b>Related Local Law/:Legislation</b>	Local Government (Audit) Regulations 1996 (Regulation 17)
<b>Adopted/Amended</b>	December 2015
<b>Review History</b>	

### 3.6 STAFF SUPERANNUATION POLICY

<b>Purpose</b>	To set out the criteria for the payment of employee staff superannuation contributions in addition to payments made in accordance with the <i>Superannuation Guarantee (Administration) Act 1992</i> .
<b>Status</b>	ADMINISTRATIVE – STATUTORY
<b>Policy</b>	<p>Council will contribute an additional 7% of an employee's gross salary to a complying superannuation fund provided that an employee contributes 6% of their gross salary, either as an after-tax deduction or via salary sacrifice.</p> <p>Employees are free to contribute more than 6% of their gross salary but Council's contribution is capped at 7%.</p> <p>Employees are also able to contribute less than 6% of their gross salary but such deductions shall not give rise to any contribution by Council beyond that made in accordance with its obligations under the <i>Superannuation Guarantee (Administration) Act 1992</i>.</p>
<b>Related Procedure</b>	
<b>Amendment Authority Level</b>	
<b>Related Delegation</b>	
<b>Related Local Law/Legislation</b>	<i>Superannuation Guarantee (Administration) Act 1992</i> <i>Local Government Act 1955 (Part VIA – Employee Superannuation)</i>
<b>Adopted/Amended</b>	<i>December 2015</i>
<b>Review History</b>	

### 3.7 INVESTMENT POLICY

<b>Purpose</b>	To invest the local government's surplus funds, with consideration of risk and the most favourable rate of interest available to it at the time, for that investment type, while ensuring that its liquidity requirement is being met.
<b>Status</b>	ADMINISTRATIVE - STATUTORY
<b>Policy</b>	<p><b>OBJECTIVES:</b></p> <p>While exercising the power to invest, consideration is to be given in preservation of capital, liquidity, and the return of investment.</p> <ul style="list-style-type: none"> <li>• Preservation of capital is the principal objective of the investment portfolio. Investments are to be performed in a manner that seeks to ensure security and safeguarding the investment portfolio. This includes managing credit and interest rate risk within identified thresholds and parameters.</li> <li>• The investment portfolio will ensure there is sufficient liquidity to meet all reasonably anticipated cash flow requirements, as and when they fall due, without incurring significant costs due to the unanticipated sale of an investment.</li> <li>• The investment is expected to achieve a predetermined market average rate of return that takes into account the Council's risk tolerance. Any additional return target set by Council will also consider the risk limitation and prudent investment principles.</li> </ul> <p><b>Prudent Person Standard</b>          The investment will be managed with the care, diligence and skill that a prudent person would exercise. Officers are to manage the investments portfolios to safeguard the portfolios to safeguard the portfolios in accordance with the spirit of this Investment Policy, and not for speculative purposes.</p> <p><b>Ethics And Conflicts Of Interest</b>          Officers shall refrain from personal activities that would conflict with the proper execution and management of Council's investment portfolio. This policy requires officers to disclose any conflict of interest to the CEO.</p>

**Approved Investments**

Without approvals from Council, investments are limited to:

- State/Commonwealth Government Bonds;
- Interest bearing deposits;
- Bank accepted/endorsed bank bills;
- Commercial paper;
- Bank negotiable Certificate of deposits.

**Prohibited Investments**

This investment policy prohibits any investment carried out for speculative purposes including:

- Deposit(s) with an institution except an authorised institution
- Deposit(s) for a fixed term of more than 12 months
- Investments(s) in bonds that are not guaranteed by the Commonwealth Government, or a State or Territory government
- Investments(s) in bonds with a maturity of more than 3 years
- Investment(s) in a foreign currency
- Derivative based instruments
- Managed Funds with a minimum long term Standard & Poor (S&P) rating of "A" and short term rating of "A2".
- Principal only investments or securities that provide potentially nil or negative cash flow; and
- Stand-alone securities issued that have underlying futures, options, forwards contracts, and swaps of any kind.

This policy also prohibits the use of leveraging (borrowing to invest) of an investment.

**Risk Management Guidelines**

Investments obtained are to comply with three key criteria relating to:

- Portfolio Credit Framework: limit overall credit exposure of the portfolio
- Counterparty Credit Framework; limit exposure to individual counterparties/institutions
- Term to Maturity Framework: limits based upon maturity of securities.
- Overall Portfolio Limits

To control the credit quality on the entire portfolio, the following credit framework limits the percentage of the portfolio exposed to any particular rating category.

S&P Long Term Rating	S&P Short Term Rating	Direct Investment Maximum %
AAA	A-1+	100%
AA	A-1	100%
A	A-2	60%

### Counterparty Credit Framework

Exposure to an individual counterparty/institution will be restricted by its credit rating so that single entity exposure is limited, as detailed in the table below:

S&P Long Term Rating	S&P Short Term Rating	Direct Investment Maximum %
AAA	A-1+	45%
AA	A-1	35%
A	A-2	20%

If any of the local government investments are downgraded such that they no longer fall within the investment policy, they will be divested as soon as practicable.

Investments for greater than 12 months are to be approved by Council and reviewed on a regular term and invested for no longer than 3 years.

### Term to Maturity framework

The investment portfolio is to be invested within the following maturity constraints:

Overall Portfolio Term to Maturity Limits	
Portfolio % <1 year	100%; 40% min
Portfolio % <1 year	60%
Portfolio % <3 year	35%
Individual Investment Maturity Limits	
ADI	5 years
Non ADI	3 years

### Investment Advisor

The Shire does not use an investment advisor, however if it wishes to, the investment advisor must be approved by Council and licenced by the Australian Securities and Investment

Commission. The advisor must be an independent person who has no actual or potential conflict of interest in relation to investment products being recommended; and is free to choose the most appropriate product within the terms and conditions of the investment policy.

**Measurement**

The investment return for the portfolio is to be regularly reviewed by an independent financial advisor by assessing the market value of the portfolio. The market value is to be assessed at least once a month to coincide with monthly reporting.

**Benchmarking**

Performance benchmarks need to be established.

Investment	Performance Benchmark
Cash	Cash Rate
Enhanced/Direct Investments	UBSWA Bank Bill

**Reporting and Review**

A monthly report will be provided to Council in support of the monthly statement of financial activity.

An Investment Strategy will run in conjunction with the investment policy. The investment strategy will be reviewed once a year.

The Strategy will outline:

- Council’s cash flow expectations;
- Optimal target allocation of investment types, credit rating exposure, and term to maturity exposure and;
- Appropriateness of overall investment types for Council’s portfolio

This Investment Policy will be reviewed at least once a year or as required in the event of legislative changes.

Documentary evidence must be obtained from the financial institutions confirming the amounts of investments held on the Council’s behalf as at 30 June each year and reconciled to the Investment Register.

<b>Related Procedure</b>	
<b>Amendment Authority Level</b>	

<b>Related Delegation</b>	Delegation to CEO and on-delegation to Manager Corporate Services to invest surplus funds
<b>Related Local Law/Legislation</b>	<ul style="list-style-type: none"> <li>• Local Government Act 1995 – Section 6.14</li> <li>• The Trustees Act 1962 – Part III Investments</li> <li>• Local Government (Financial Management) Regulations 1996</li> <li>• Regulation 19C, Regulation 28, and Regulation 49.</li> <li>• Australian Account Standards</li> </ul>
<b>Adopted Amended</b>	February 2014, September 2014
<b>Review History</b>	December 2014

**SECTION FOUR**

**INFRASTRUCTURE POLICIES**

#### 4.1 RESERVES – PUBLIC USE

<b>Purpose</b>	To provide direction on the public use of the Shire's three public reserves.
<b>Status</b>	INFRASTRUCTURE - OPERATIONAL
<b>Policy</b>	<p>This Policy applies to the following reserves:</p> <ol style="list-style-type: none"><li>1. Manners Hill Park (reserve 7802)</li><li>2. Keane's Point Reserve (reserve 22156)</li><li>3. Foreshore Reserve (reserve 17113)</li></ol> <p>Public usage of the Shire's reserves will be determined in accordance with relevant Local Laws and the following conditions:</p> <ol style="list-style-type: none"><li>1. Public use of reserves is encouraged for individuals, families and groups for recreational and family activities.</li><li>2. Exclusive use of reserves for events and functions, including weddings, is permitted on the basis that they do not negatively impact on local amenity, in particular parking and noise. Other users must have some access to public toilets and other public facilities.</li><li>3. Commercial use of reserves will be considered on the basis that they do not adversely limit public access to the reserve or impact on the amenity of residents. Commercial use includes using the reserve for film making.</li><li>4. Fees charged for the hire of reserves will be used to offset the cost of maintenance and where necessary, for remedial costs in the event of damage to the reserve and associated facilities.</li><li>5. A service charge may be applied when Shire staff are required to provide services to accommodate traffic and parking arrangements, or to provide assistance with assessing and erecting approved equipment.</li><li>6. All applications for hiring of reserves must be submitted on the prescribed form and be approved by the Chief Executive Officer.</li><li>7. All applications will incur a bond charge, a commercial or non-commercial hire fee, and where necessary a service charge, at a rate determined by Council each year in the budget.</li><li>8. Where determined by the Chief Executive Officer due to the nature or size of an event, approval may be sought from Council.</li></ol>

	9. Consumption or sale of alcohol at approved events will require an Occasional Liquor Licence from the Department of Racing, Gaming and Liquor, a copy of which will be provided to the Shire.
<b>Related Procedure</b>	
<b>Amendment Authority Level</b>	Council
<b>Related Delegation</b>	
<b>Related Local Law/ Legislation</b>	
<b>Adopted/ Amended</b>	18 September 2000 Amended 14 August 2007
<b>Review History</b>	

## 4.2 WASTE MANAGEMENT – BULK RUBBISH COLLECTION SERVICE

<b>Purpose</b>	To provide a comprehensive, economical and efficient waste removal service for all households in the Shire of Peppermint Grove.
<b>Status</b>	
<b>Policy</b>	<ol style="list-style-type: none"><li>1. A kerbside Bulk Rubbish Collection Service will be provided to all residential properties within the Shire three times a year, subject to the following conditions:<ol style="list-style-type: none"><li>a) All items for disposal are to be neatly placed on the front verge. Residents are to be considerate with the placement of these items to ensure they do not obstruct the footpath or the line of sight for pedestrians, cyclists or vehicles.</li><li>b) Any goods placed out on the verge after the start time will not be collected and the contractor will not return for late pickups.</li><li>c) Strictly no waste is to be placed on the verge before the advertised dates. Any material put out before this date will be treated as illegal dumping by the Shire Ranger.</li><li>d) All waste is to be placed at least 0.5m away from fences and 1.0m away from street trees.</li><li>e) Greenwaste and hard waste must be placed in clearly separate piles at least 1 metre apart.</li><li>f) The maximum amount of waste that will be collected from any property should not exceed 2 cubic metres.</li><li>g) Tree branches are to be no longer than 1.5 metres in length, 150mm in diameter and the cut ends are to be placed facing the street.</li><li>h) Loose material such as lawn clippings, small cuttings and leaves must be placed in sealed boxes or bags. These containers will not be returned.</li><li>i) For child safety reasons all whitegoods such as fridges, freezers, washing machines, ovens etc <b>MUST</b> have the doors / lid removed.</li></ol></li><li>2. The Shire and its contactors <b>WILL NOT</b> collect the following:<ol style="list-style-type: none"><li>a) Gas bottles</li><li>b) Vehicle parts, tyres or batteries</li><li>c) Paint, liquids of any description, oils, flammable materials, acids or solvents</li><li>d) Building materials, cement or cement products, bricks, sand, rubble, plate glass etc.</li><li>e) Asbestos</li><li>f) Food waste</li></ol></li></ol>

	<p>g) Poisons, pesticides, medicines or other hazardous material</p> <p>h) Mattresses or bed bases</p> <p>3) Council reserves the right to approach any householder for a financial contribution where the amount of rubbish so left on the verge is, in the opinion of the Chief Executive Officer, unreasonably large in comparison with other collections.</p> <p>4) A person other than the owner or occupier of the premises is not to remove any material which has been left on the verge for collection unless authorised to do so by the owner or occupier of the premises, or authorised in writing to do so by the Chief Executive Officer.</p> <p>5) The local government will advise residents of the timing of a bulk rubbish collection service in their area by distributing pamphlets to all households prior to the collection.</p>
<b>Related procedure</b>	
<b>Amendment Authority Level</b>	
<b>Related Delegation</b>	
<b>Related Local Law/Legislation</b>	<p>Thoroughfares' Local Law, clause 2.2 –</p> <p>(1) <i>A person shall not, without a permit -</i></p> <p>(a) <i>subject to Division 3 of this Part, throw, place or deposit any thing on a verge except for removal by the local government under a bulk rubbish collection, and then only in accordance with the terms and conditions and during the period of time advertised in connection with that collection by the local government.</i></p>
<b>Adopted Amended</b>	September 2000 November 2015
<b>Review History</b>	November 2020

### 4.3 KERB NUMBERING

<b>Purpose</b>	To establish that kerb numbering is not a Council service, and if undertaken, is not to prejudice the performance of any other function by the council.
<b>Status</b>	
<b>Policy</b>	<p>That Council will permit street numbers to be painted on kerbs by contractors, subject to the following conditions:</p> <ol style="list-style-type: none"><li>1. It is understood that kerbside number painting is not a Shire requirement and all costs are the sole responsibility of the property owner.</li><li>2. Council may request the removal of the number at any time and for any reason by the ratepayer, or carry out removal at the ratepayer's expense</li><li>3. Council accepts no responsibility for the maintenance or future re-markings of kerbside numbers.</li><li>4. That the work being undertaken is performed by suitably qualified person to the Chief Executive Officer's satisfaction and in accordance with this policy.</li><li>5. That the correct house number is to be painted, not the lot number, and that it is not considered a replacement for the main number displayed on the property fence.</li><li>6. That all numerals and letters shall be centrally located within the background and not more than 200mm in diameter at its widest point.</li><li>7. That all markings be retro-reflective in accordance with AS1743. The standard colours shall be a reflective dark green numeral set against a light background.</li></ol>
<b>Related procedure</b>	
<b>Amendment Authority Level</b>	
<b>Related Delegation</b>	
<b>Related Local Law/Legislation</b>	

<b>Adopted</b>	September 2000
<b>Amended</b>	September 2001
<b>Amended</b>	November 2015
<b>Review History</b>	November 2015

#### 4.4 VEHICLE ACCESS/CROSSOVERS

<b>Purpose</b>	To ensure effective vehicle access / crossover design, construction, maintenance and specification for ease of access and safety.
<b>Status</b>	
<b>Policy</b>	<p>To enable Council to effectively administer its powers and responsibilities regarding Crossing Places, and to ensure a uniform approach to the construction of vehicle crossovers within the Shire of Peppermint Grove whilst ensuring that crossovers provide ease of access, safety and give priority to footpaths users.</p> <p>More detailed information can be found in the Shire of Peppermint Grove <i>'Vehicular Crossovers – General Requirements and Specifications 2012'</i> booklet which can be downloaded from the Shire website or supplied in hardcopy via the Administration upon request.</p> <p><b>SPECIFICATION</b></p> <p><b>1.1 Standard Crossing – Concrete</b> A 'Standard Crossover' is defined by the Shire of Peppermint Grove as:</p> <ul style="list-style-type: none"><li>• a minimum of 3.0 metres wide at the property boundary</li><li>• constructed in reinforced grey concrete</li><li>• a crossover that is constructed to the Shire's specifications</li><li>• a crossover that is for a residential property</li></ul> <p><b>1.2 Alternative Crossing – Bitumen</b> When council considers that the circumstances warrant, it may approve a crossing to the standard dimensions provided in the appended sketch plan to be constructed with a base course of 125mm minimum depth compacted road base surface with a 20mm minimum depth of bituminous concrete.</p> <p>It should be noted the Shire cannot be held responsible for reinstatement works, by any party and for any reason, matching the existing crossover in materials, colour or texture.</p> <p><b>1.3 Alternative Crossing – Brick Or Block Paving</b> Council may permit brick or block paving or crossing places provided that:</p> <p>(a) The bricks or paving blocks or slabs shall be solid clay or concrete of a minimum depth of 60mm laid on an evenly graded, compacted base with all edges laid in a header</p>

pattern and retained in a mortar.

- (b) Cast in-situ concrete shall be used to connect to the street for a minimum distance of 900mm towards the building line as shown on the appended sketch plan of the standard concrete crossing place.
- (c) Unless Council approves an alternative material, cast in-situ concrete shall be used for any footpath intersecting the crossing place.

**2. Shire Contribution Towards Construction Of The First Crossing**

The Shire shall bear one half of the cost of a standard crossing, as estimated by the Council, for those crossing places constructed as the *first crossing to the abutting land*. In respect of the alternatives specified in Clause 1 hereof the council's share of the cost will be one half of the cost as estimated by the Council of a standard crossing – concrete as detailed in paragraph 1.1 of that Clause. The Shire will not contribute towards the construction of a new crossover when the Lot is, or has ever previously been, serviced by a crossover.

**3. Second Crossing Places – Overwidth Crossing Places – Repairs And Resurfacing Costs**

The Shire will not contribute towards the cost of second crossing places, the cost of any area resulting from an increase to the standard width of 3.0 metres as specified or for repairs, resurfacing and reconstruction.

**4. Commercial And Industrial Properties**

There is no subsidy applicable to crossovers for commercial or industrial properties

**5. Maintenance Of Crossovers**

The property owner is required to fully maintain the crossover once constructed.

**6. SECOND CROSSING PLACES – OVERWIDTH CROSSING PLACES – REPAIRS AND RESURFACING COSTS**

**7. SECOND CROSSING PLACES – OVERWIDTH CROSSING PLACES – REPAIRS AND RESURFACING COSTS**

## SPECIAL NOTES

- **Construction** The Shire of Peppermint Grove does not have a register of preferred contractors for the construction of crossovers. It is the owner's responsibility to engage a suitably qualified private contractor or have the crossover constructed under contract with their builder.
- **Reinstatements** It should be noted the Shire cannot be held responsible for reinstatement works, by any party and for any reason, matching the existing crossover in materials, colour or texture.
- **Maintenance Or Repair Of Existing Crossovers** When requested by a ratepayer, the Shire will assess an existing residential crossover and provide advice regarding the maintenance options available.
- **Footpaths** The footpath is to take priority over any crossover constructed within a verge. Where a crossover is required to cross a pathway and is in good condition, the pathway shall be retained and the crossover constructed to match up with it. Where the existing pathway is in poor condition, or is less than 100mm thick, the pathway is to be neatly saw cut along the nearest expansion joints to the proposed crossover alignment and removed. The pathway is then to be reinstated in 100mm thick grey in-situ concrete and including F62 reinforcement mesh and the balance of the crossover constructed either side of the pathway in accordance with the Shire's Specifications.
- **Street Trees** Where a street tree is within 1.5 metres of the proposed crossover, the Applicant shall submit a written request to the Shire's Manager Infrastructure Services requesting an assessment of the street tree with regard to the street tree's relocation or removal and replacement (size and species dependent). For public liability purposes, all works associated with the removal and replacement of any street tree shall be undertaken by the Shire at the Applicant's/Owner's cost.
- **Clearances** Crossover shall have the following minimum clearances: Side Boundary (at front property line) 0.5m, Street Trees 1.5m, Drainage side entry pits 0.5m, Western Power poles

	<p>0.6m</p> <ul style="list-style-type: none"> <li>• <b>Redundant Crossovers and Kerbing</b> All redundant crossovers and damaged or modified kerbing are to be removed and / or reinstated according to specifications by the applicant at their expense without delay.</li> </ul>
<b>Related procedure</b>	
<b>Amendment Authority Level</b>	
<b>Related Delegation</b>	
<b>Related Local Law/Legislation</b>	<ul style="list-style-type: none"> <li>• Under the provisions of the Local Government Act 1995 (Schedule 9, clause 7) and the Local Government (Uniform Local Provisions) Regulations 1996 (Regulation 12), property owners must make application to the Shire of Peppermint Grove for approval to construct a crossover prior to the works on the verge commencing.</li> <li>• Local Government (Uniform Local Provisions) Regulations – “Contribution to cost of crossing 15. (1) where – <ul style="list-style-type: none"> <li>(a) a local government <ul style="list-style-type: none"> <li>(i) under regulation 12 constructs or approves the construction of; or</li> <li>(ii) under regulation 13(1) requires the construction of, a crossing giving access from a public thoroughfare to private land or a private thoroughfare serving the land;</li> </ul> </li> <li>(b) the crossing is the first crossing in respect of the land; and</li> <li>(c) the crossing is a standard crossing or is of a type that is superior to a standard crossing,</li> </ul> <p><i>“the local government is obliged to bear 50% of the cost, as estimated by the local government, of a standard crossing, but otherwise the local government is not obliged to bear, nor prevented from bearing, any of the cost.”</i>  <i>“first crossing”</i> and <i>“standard crossing”</i> are defined in sub regulation (2) of this regulation.</p> </li> <li>• Main Roads Department if a Government road is involved. See ULP Reg 14.</li> </ul>
<b>Adopted</b>	September 2000
<b>Amended</b>	November 2015
<b>Review History</b>	November 2020



## 4.5 STREET MANAGEMENT

<b>Purpose</b>	To ensure that Peppermint Grove retains its treasured leafy ambience through the sound management of its street trees and verges.
<b>Status</b>	
<b>Policy</b>	<p>The Shire accepts responsibility for the establishment and maintenance of street trees and footpaths on street verges, and welcomes the assistance of residents in the watering of street trees. Council affirms that the Shire of Peppermint Grove's <i>agonis flexuosa</i> street trees are a valuable community asset for environmental, aesthetic and social reasons including shade, heat reduction, and habitat for native fauna, visual amenity and replenishment of the atmosphere.</p> <p>The Shire does not accept responsibility for the establishment and maintenance of lawn on street verges, but encourages residents to establish and maintain the approved grasses to a high standard.</p> <p>The Shire is not responsible for reticulation on street verges.</p> <p><b>Policy</b></p> <p>The Policy recognises that verges are required principally to contain:</p> <ol style="list-style-type: none"><li>a) Utility services and associated equipment such as communication, electricity, water, gas; sewer, storm water drainage and street lighting.</li><li>b) Footpaths, cycle paths and shared paths</li><li>c) Street trees</li><li>d) Road furniture such as street name signs, regulatory and advisory traffic signs, traffic signals, bus stops, bus shelters and bus bays, parking spaces, vehicle and pedestrian movement control devices, seating and litter bins.</li></ol> <p>Reticulation of verges is encouraged within the following conditions:</p> <ol style="list-style-type: none"><li>a) Owners and/or occupiers are responsible for the installation, maintenance, operation and related costs of reticulation in street verges and its operation must comply with watering roster requirements set by the Water Corporation.</li><li>b) Such reticulation is to be installed centrally in the verge, not parallel or adjacent to paths, crossovers or kerbs and no wiring or solenoids are to be installed in road reserve and verge areas.</li><li>c) The local government will take due care and may, at its cost, reinstate reticulation equipment it damages during works carried out by or authorised for the local government.</li></ol>

1. **Street Trees** The standard tree is the Peppermint Tree (*Agonis Flexuosa*). Other species presently standing are to be replaced with Peppermint Trees when they have deteriorated. Street trees may only be planted, pruned and removed by the Shire unless a specific approval is granted by the Chief Executive Officer.
2. **Retention of Existing Street Trees** Developers will be encouraged to retain existing street trees wherever possible.
3. **Planting of New Street Trees** Council will budget funds each year to plant sufficient new street trees to at least maintain total street tree numbers and preferably increase them. Spacing of street trees shall be the minimum required to maintain a near continuous tree canopy in the street even if this means multiple trees per lot frontage
4. **Maintenance of Street Trees** Council will budget sufficient funds each year to properly maintain and water young street trees to ensure a good survival rate.
5. **Pruning of Street Trees** Street trees shall generally only be pruned to improve their form, structural integrity or health, clear infrastructure such as street lights, street signs and to maintain pedestrian and vehicle access and/or sight lines. Only authorised Council contractors may prune street trees under instruction from the Shire.
6. **Removal of Street Trees** Street trees will generally only be removed where they are dead, diseased or dangerous.
7. **Street Verges** Street verges at the front, side or rear of all lots, are to be grassed and the establishment and maintenance is the responsibility of the ratepayer. Couch, Buffalo, Dichondra or Lippia are the approved grasses. Vegetation other than Peppermint Trees and approved grasses, are not permitted. Verges already developed with other plants and grasses, shall be allowed to remain, but their continuance may be terminated by Council. If, due to health or financial reasons, a ratepayer is no longer unable to maintain a street verge, they are welcome to discuss this matter with the Chief Executive Officer.
8. **Verge Grade** Footpaths are the responsibility of the Shire. Crossovers are to be constructed to Council specification and maintained in a good condition. The surface of street verges and crossovers should be constructed as close as possible to a grade of 2% from the road edge.

	<p>9. <b>Overhanging Vegetation</b> It is the responsibility of the land owner to ensure that branches of trees, shrubs and creepers on their property do not extend beyond the boundary of the property.</p>
<b>Related procedure</b>	
<b>Amendment Authority Level</b>	
<b>Related Delegation</b>	
<b>Related Local Law/Legislation</b>	<ul style="list-style-type: none"> <li>• Activities on Thoroughfares and Trading In Thoroughfares and Public Places Local Law, particularly Part 2, Div 3 – Verge Treatments.</li> <li>• Local Government Act – Schedule 3.1, items 8 &amp; 9 Re trees on private property obstructing or endangering persons on a thoroughfare.</li> <li>• Local Government Act (ULP) Regs –“Disturbing local government land or anything on it”  <i>A person who, without lawful authority –</i> <ul style="list-style-type: none"> <li>(a) <i>interferes with the soil of, or anything on, land that is local government property; or</i></li> <li>(b) <i>takes anything from land that is local government property, commits an offence the penalty for which is a fine of \$1,000.”</i></li> </ul> </li> </ul>
<b>Adopted</b>	September 2000
<b>Amended</b>	September 2004
<b>Amended</b>	November 2015
<b>Review History</b>	November 2020

#### 4.6 VERGE MANAGEMENT

<b>Purpose</b>	To discourage the placement of materials or equipment on street verges which may detract from the ambience of the suburb or may obstruct or interfere with the safety and convenience of the public.
<b>Status</b>	
<b>Policy</b>	<p>Council discourages the storage of skip bins or building and landscaping materials on street verges and right of ways, but will consider applications in cases where there are exceptional circumstances.</p> <p>Applications must be made in writing and accompanied with a deposit of \$1,000 to cover the need for any reinstatement cost or the cost of removal of materials when the permit expires.</p>
<b>Related procedure</b>	
<b>Amendment Authority Level</b>	
<b>Related Delegation</b>	
<b>Related Local Law/Legislation</b>	Thoroughfares' Local law, clause 2.2 (1) (i), which requires a permit, and clause 6.3 (g) under which a bond may be imposed.
<b>Adopted Amended</b>	September 2000 November 2015
<b>Review History</b>	November 2020

#### 4.7 GRAFFITI VANDALISM POLICY

<b>Purpose</b>	This policy establishes the principles for the Shire of Peppermint Grove in relation to the removal of graffiti from commercial and residential properties viewable from the public domain.
<b>Status</b>	
<b>Policy</b>	<p>The Shire of Peppermint Grove views graffiti as distasteful, damaging and unwelcome vandalism. The Shire wishes to retain and demonstrate its commitment to maintaining an attractive environment and a strong sense of neighbourhood pride by preserving a graffiti-free environment within the municipality, and endorses the following principles:</p> <p>In order to maintain the ambience of Peppermint Grove, the Shire will endeavor to:</p> <ol style="list-style-type: none"> <li>1.Clean, remove or cover all graffiti on buildings, fences and structures that are under the care, control and management of the Shire within five working days of notification.</li> <li>2.If the damage is particularly offensive (e.g. racially motivated, of a sexual nature etc), every effort will be made by the Shire and the nominated contractor to have the graffiti removed within 24 hours.</li> <li>3.Where the structure is a wall, building or fence on a shared boundary between private property and the Shire controlled land, permission will be sought from the landowner for the Shire to clean, remove or cover the graffiti provided a written approval and damage indemnity is given for action to be taken.</li> <li>4.Where graffiti has been placed on private property or a structure belonging to another Government Authority the vandalism will be reported to the owner/authority and a request made for its removal.</li> <li>5.Report incidents of graffiti vandalism to the Police and liaise with neighbouring Local Governments to reduce graffiti vandalism in the Western Suburbs.</li> </ol>
<b>Related procedure</b>	
<b>Amendment Authority Level</b>	
<b>Related</b>	

<b>Delegation</b>	
<b>Related Local Law/Legislation</b>	
<b>Adopted</b>	September 2004
<b>Amended</b>	November 2015
<b>Review History</b>	November 2020

## 4.8 DINGHY MANAGEMENT POLICY

<b>Purpose</b>	<p>The aim of this Dinghy Management Policy is to formally manage the storage of dinghies along the Shire of Peppermint Grove's river foreshore areas, in accordance with SRT policy, for the protection of the foreshore amenity and environment, whilst optimising convenient access to moored vessels.</p> <p><b>Scope</b> The Shire of Peppermint Grove Dinghy Management Policy applies to all persons, organisations or others seeking to store or tether a dinghy, canoe, ski, board or tender type vessel ('dinghy') on the river foreshore areas that fall within the jurisdiction of the Shire of Peppermint Grove.</p> <p><b>Objective</b> The objectives of the Shire of Peppermint Grove <i>Dinghy Management Policy</i> are:</p> <ol style="list-style-type: none"><li>1. To prohibit the uncontrolled storage of dinghies along the Shire's foreshore areas</li><li>2. To control and manage the storage of dinghies in a defined area</li><li>3. To ensure the needs of all foreshore users are considered when addressing the management of dinghy storage</li><li>4. To facilitate convenient access to moored vessels</li><li>5. To further protect and enhance the amenity and ecological value of the foreshore</li><li>6. Maintain and improve public safety and access to the river foreshore</li><li>7. Support the SRT in the implementation of its dinghy management policy</li></ol>
<b>Status</b>	
<b>Policy</b>	<p>The <i>Shire of Peppermint Grove Dinghy Management Policy</i> provides for the management of dinghies along the river foreshore areas of Peppermint Grove, while achieving compliance with the Swan River Trust's September 2010 policy <i>SRT/D26 – Dinghy Management along the Swan Canning Riverpark Shoreline</i>.</p> <p><b>Policy Details</b></p> <ol style="list-style-type: none"><li>1. The ad hoc storage of dinghies is not permitted in any area of the foreshore. Storage of dinghies is only permitted in the formal dinghy storage area and only with the appropriate Dinghy Storage Registration as issued by the Shire.</li></ol>

	<ol style="list-style-type: none"> <li>2. Dinghy storage will be limited by the available space (as determined by the Shire), not by demand.</li> <li>3. Any dinghy found outside a designated dinghy storage area, or any unregistered dinghy within a designated dinghy storage area may be subject to confiscation, impoundment and disposal by the Shire or Swan River Trust.</li> <li>4. With the Swan River being a State asset, dinghy storage is available to the general public.</li> <li>5. An annual registration fee of \$66 (including GST) is applicable.</li> <li>6. Registration is a flat fee for a calendar year and will not be varied on a pro-rata basis, irrespective of when the application is received or approved.</li> <li>7. The Shire accepts no responsibility for any damage, theft or vandalism to property in or around this storage facility.</li> <li>8. The Shire reserves the right to terminate any dinghy registration at any time.</li> <li>9. Storage bays are non-transferrable.</li> <li>10. If a storage bay is not renewed within 28 days of renewal date falling due, the bay will be considered 'abandoned' by the Shire, the dinghy impounded and the bay re-let to another applicant on the wait list.</li> </ol>
<b>Related procedure</b>	
<b>Amendment Authority Level</b>	
<b>Related Delegation</b>	
<b>Related Local Law/Legislation</b>	September 2010 SRT policy <i>SRT/D26 – Dinghy Management along the Swan Canning Riverpark Shoreline</i>
<b>Adopted Amended</b>	November 2015
<b>Review History</b>	November 2020

#### 4.9 INFRASTRUCTURE DAMAGE BONDS (CONSTRUCTION SITES)

<b>Purpose</b>	
<b>Status</b>	The purpose of this policy is to set out the guidelines for cost recovery in the instance that any damage is done to the Shire's infrastructure from building construction activity
<b>Policy</b>	<p>The Shire of Peppermint Grove provides various types of infrastructure such as footpaths, kerbs, verges, crossovers and road surfaces. In order to discourage damage to this type infrastructure from building construction activity, the Shire will implement the following program based on recovering all re-instatement costs plus overheads:</p> <ol style="list-style-type: none"><li>1. Where a building approval is sought for a new building or substantial additions or demolition, Council requires a damage bond to cover potential damage to footpaths, verges, street trees, crossovers, drainage infrastructure, kerbs and road surfaces.</li><li>2. The amount charged will reflect potential actual cost plus overheads.</li><li>3. Bond amounts for construction / demolition activities will be set at a price of \$2,000</li></ol>
<b>Related procedure</b>	
<b>Amendment Authority Level</b>	
<b>Related Delegation</b>	
<b>Related Local Law/Legislation</b>	
<b>Adopted Amended</b>	November 2015
<b>Review History</b>	November 2020

#### 4.10 MANAGEMENT RIGHT OF WAYS

<b>Purpose</b>	To establish how the Shire's Right of Ways (laneways) are managed and maintained.
<b>Status</b>	
<b>Policy</b>	<p>The Shire of Peppermint Grove has a network of Right of Ways running throughout the municipality. These are mostly unsealed and unnamed thoroughfares which are primarily used by residents for accessing their properties and for the passage of rubbish trucks. To a lesser extent, these are used by pedestrians as pathways.</p> <p>Council will undertake maintain this network of Right of Ways by the following processes:</p> <ol style="list-style-type: none"><li>1. Grading the unsealed surfaces as and when required</li><li>2. Maintaining the drainage network</li><li>3. Spraying weeds on a regular basis as required, taking seasonal conditions into consideration.</li><li>4. Pruning overhanging vegetation and obstructions to permit the passage of vehicles and pedestrians.</li><li>5. Regularly inspections by the Shire's Rangers to deter illegal parking</li><li>6. Sweeping sealed sections when required</li></ol>
<b>Related procedure</b>	
<b>Amendment Authority Level</b>	
<b>Related Delegation</b>	
<b>Related Local Law/Legislation</b>	
<b>Adopted Amended</b>	November 2015
<b>Review History</b>	November 2020

#### 4.11 CLOSED CIRCUIT TELEVISION

<b>Purpose</b>	The purpose of this policy is to provide guidelines on the provision of Closed Circuit Television (CCTV) by the Shire to assist in the safety and enjoyment of residents, visitors and staff within the Shire of Peppermint Grove.
<b>Status</b>	
<b>Policy</b>	<p>The Shire may provide CCTV in buildings, facilities and public areas when determined by the Chief Executive Officer as necessary.</p> <p>The aim is to deter offences against persons and property, protect assets, and provide video recordings/evidence to events or incidents which may have occurred in the area of use.</p> <p>Images or records will be captured, accessed and stored in accordance with the Shire of Peppermint Grove Record Management Policy and the Freedom of Information Act.</p>
<b>Related procedure</b>	
<b>Amendment Authority Level</b>	
<b>Related Delegation</b>	
<b>Related Local Law/Legislation</b>	<ul style="list-style-type: none"><li>• Relevant Legislation: State Records Act 2000</li><li>• Freedom of Information Act 1992</li><li>• Evidence Act 1906</li></ul>
<b>Adopted Amended</b>	November 2015
<b>Review History</b>	November 2020

## **SECTION FIVE**

### **PLANNING POLICIES**





## **SECTION SIX**

### **COMMUNITY SERVICES POLICIES**

## EQUAL OPPORTUNITY ACT 1984

### GROUND OF SEXUAL ORIENTATION

Following the passing of the *Acts Amendment (Lesbian and Gay Law Reform) Act 2001* by Parliament, the *Equal Opportunity Act* (“the Act”) has been amended so that discrimination on the ground of a person’s sexual orientation is unlawful in Western Australia (with effect from 21 September 2002)

- **Definition**

“Sexual Orientation” is defined by the Act as meaning “in relation to a person heterosexuality, homosexuality, lesbianism or bisexuality and includes heterosexuality, homosexuality, lesbianism or bisexuality imputed to the person”.

The definition originally did not include a reference to “heterosexuality.”

- **Operation**

Consistent with the operation of the other grounds of discrimination under the Act, it is unlawful to discriminate against a person on the ground of that person’s

- actual sexual orientation
- a characteristic that appertains generally to persons of the same sexual orientation as that person; or
- a characteristic that is generally imputed to persons of the same sexual orientation as that person

It is also unlawful to discriminate against a person on the ground of the sexual orientation of a relative or associate of that person.

The Act makes *indirect* discrimination on the ground of sexual orientation unlawful.

- **Areas of Life**

Discrimination on the ground of sexual orientation is unlawful in the following areas –

- employment, including contract for service, casual, commission agents, contract workers, partnerships of 6 or more persons, membership of employee or employer organisations, qualifying bodies, and employment agencies
- education (discrimination by an education authority)
- access to places and vehicles
- provision of goods, services, or facilities (which by definition includes a range of services typically provided by the public and private sectors)
- accommodation (discrimination by a principal or agent)
- disposal of land (other than by will or gift)
- membership of a club (as defined)

- **Exceptions**

Discrimination on the ground of sexual orientation is not unlawful in the following areas: -

- employment to perform domestic duties in a person's home
- accommodation in premises in which the person who provides the accommodation, or that person's near relative, also resides, and the accommodation is for no more than 3 other persons
- accommodation provided by a religious body
- disposal of an estate or interest in land by will or by way of gift
- measures intended to ensure that persons of a particular sexual orientation have equal opportunities with other persons as provided for by the Act, or to afford those persons access to facilities, services or opportunities to meet special needs in respect to employment, education, training and welfare
- compliance with an order of the Equal Opportunity Tribunal, or a court
- charitable benefits for persons of particular sexual orientation
- discrimination by a voluntary body, as defined, in connection with membership or benefits or facilities provided to members
- religious bodies, in respect to the appointment, training, education, performance of duties, or any other act or practice that conforms with the doctrines, tenets or beliefs of that religion
- educational institutions established for religious purposes in respect to employment of staff or contract workers, or the provision of education or training conducted in accordance with the doctrines or beliefs of that religion

- **Other related amendments**

The definition of "marital status" in the Act has been amended by replacing the term "de facto spouse" with "de facto partner."

The definition of "near relative" has been amended by replacing the term "de facto spouse" with 'de facto partner'.

The exception that permitted discrimination on the ground of sex and marital status in the area of superannuation has been repealed, to take effect from 21 September 2003.

The definition of "services" has been amended by expressly removing from the definition an assessment of an application for suitability for adoptive parenthood, or the placement of a child for adoption or with a view to the child's adoption, under the *Adoption Act 1994*.



## **ELECTORAL CODE OF CONDUCT**

### **Introduction**

This code of conduct contains the principles and standards we are to apply in performing electoral officer duties.

Elections are the very foundation of our democratic society and vigilance is required in preserving the integrity of the electoral process.

Elections can also be an emotional experience for winning and losing candidates and a fertile area for disputation if cause exists. All candidates are entitled to expect that we will so conduct ourselves as to ensure the election outcome is a true expression of the will of the electorate. -

An election is also an opportunity for personal contact with a big number of the Shire's customers. Casting a vote will be one of the few direct contacts some will have with the Shire during the course of the year. Our goal is to project an image of professionalism, impartiality, and friendliness.

The charter for this Code of Conduct is contained in Elections Regulation 8, which provides –

- “8. (1) This regulation applies to the ordinary elections to be held in 1999 and to each subsequent election.
- (2) The RO for any election to which this regulation applies is to prepare or adopt an electoral code of conduct for the election which aims to ensure that all electoral officers, act -
- a) lawfully;
  - b) professionally;
  - c) fairly and impartially;
  - d) with honesty and integrity; and
  - e) without any conflict of interest,
- in relation to the election.

- (3) The RO is to provide each electoral officer with a copy of or access to a copy of the electoral code of conduct
- (4) An electoral officer is to observe and comply with the electoral code of conduct”

This Code of Conduct is a living document in that it will be examined by us each year to ensure that the guidance contained therein remains relevant and attuned to on-the-job experiences. Your contribution to this on-going review will be appreciated and in the interim, do not hesitate to raise, either directly with the RO or through an appropriate forum, ethical issues impacting on our role as electoral officers

## **OUR COMMITMENT**

### **Act Lawfully**

We will -

- complete the Form 1 declaration before acting
- prepare ourselves so that we are familiar with the Act and Regulations, and the duties expected of us and ask questions so that uncertainties are resolved before election day
- exercise care in carrying out duties and making decisions: penalties for electoral offences are high
- abide by the detail of the Act, Regulations, and instructions issued, in performing all duties
- maintain surveillance to ensure security of election papers and secrecy of the ballot
- report offences to the appropriate authority.

We will not -

- make improper use of official information for the gain or detriment of any person, or falsify reports.

### **Act Professionally**

We will -

- dress in a manner which depicts the professional position we hold
- open on time
- behave in a consistently ethical, competent and reliable manner
- be familiar with the Local Government Act and Regulations
- obey promptly any lawful instruction of a supervising officer
- assist and cooperate with other staff

### **Act Fairly and Impartially**

We will -

- act impartially to serve the common good, while recognising that equity can involve treating people differently according to their circumstances
- be polite and sensitive to customer needs : explain the reason for decisions

- be alert to any attempt by candidates/scrutineers to gain an unfair advantage : report any questionable activities in this regard to the appropriate authority
- refrain from making comments of a political nature, or about candidates or local referendum issues, or policies of the Council.

We will not -

- solicit or accept gifts, fees, favours - or remuneration of any kind, from a candidate or person assisting a candidate

### **Act with Honesty and Integrity**

We will -

- advise if we cannot allow a vote, and why
- have available a supply of Enrolment Eligibility Claim forms
- invite aggrieved persons to exercise their rights of appeal or complaint
- explain processes and procedures

### **Duty of Care**

As electoral officers we must exercise a duty of care in order to fulfill our obligations effectively and without causing harm. Such a duty of care includes -

- ensuring the efficient and effective use of the resources placed at our disposal
- being accountable for the use of those resources; and
- setting an example by supporting and monitoring ethical behaviour.

### **Act with No Conflict of Interest**

Electoral officers are to act without conflict of interest.

Generally, a conflict of interest exists if the relationship between a prospective electoral officer and a candidate is such as could influence, or be seen by others to influence, the partiality with which electoral provisions are administered.

Examples of “closely associated” relationships an officer could have to a candidate where a conflict of interest might arise include:

- A spouse (includes defacto) of the candidate
- A parent of a candidate
- A close relative of a candidate
- A partner of a candidate
- An employee of a candidate
- A trustee, if a candidate is a beneficiary
- Associated through his/her spouse who is living with the officer and is –

(a) parent of a candidate living with them

(b) partner of a candidate

- (c) an employee of a candidate or
- (d) a trustee, if a candidate is a beneficiary

If any officer has such a “close association” or is the director of a company associated with a candidate they must disclose the relevant detail to the RO and accept that person’s judgement as to whether or not the ‘interest’ should preclude their engagement as an electoral officer.

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**JOHN MERRICK**  
**Chief Executive Officer**

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**Adoption Date**