

SHIRE OF CORRIGIN



2012

POLICY MANUAL



Version: November 2012

The Shire of Corrigin Policy Manual has been prepared to provide Council with a formal written record of all policy decisions.

The Policy Manual aims to:

- provide staff with precise guidelines in which to act in accordance with Council's wishes;
- enable staff to act promptly in accordance with Council's requirements but without continual reference to Council;
- enable Councillors to adequately handle enquiries from electors without undue reference to the staff or Council;
- enable Council to maintain a continual review of Council policy decisions and to ensure they are in keeping with community expectations, current trends and circumstances; and
- enable ratepayers to obtain immediate advice on matters of Council Policy.

As new policies are adopted, or existing policies are amended, the manual will be updated with the issue of new pages in order that the manual can be kept current.

The manual will be reviewed annually to ensure that the policies are consistent with Council's current policy position.

Julian Murphy
Chief Executive Officer

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1. FINANCE

1.1. Budget Adoption

Every effort is to be made to adopt the budget prior to 31 July each year in an effort to have the rate notices circulated as early as possible.

Policy Adopted: 31 March 1989

1.2. Rates – Procedure for Unpaid Rates

The following procedures shall be adopted by staff for the collection of unpaid rate assessments, where the ratepayer has not chosen to pay by installments:-

- 1) A final notice shall be forwarded at the end of the 35 day discount period.
- 2) After a period of twenty one (21) days from the date of the final notice, a letter is to be sent to the ratepayer advising that legal action may be instigated for recovery after a further fifteen (15) days from the date of the letter.
- 3) Unless a suitable explanation is given for the non-payment of the rates, a Collection Agent will be appointed to collect the outstanding amount.

Policy Adopted: 31 March 1989

1.3. rates – Request for time to pay

A request for an extension of time to pay rates must be submitted to the Chief Executive Officer in writing. The request for an extension of time shall also state the date that it is expected payment in full may be made.

Policy Adopted: 31 March 1989

Policy Amended: 15 August 2006

1.4. Rates Discount

To attract the rates discount, rates must be received in the Shire Office by the usual closing time (4:30pm) on the due date. Under no circumstances will a discount be allowed after the due date.

Policy Adopted: 31 March 1989

1.5. Rubbish Service Charge Discount

A 25% discount will be allowed on the Rubbish Service charge to Pensioner Concession holders who have registered and are eligible for a rebate on their rates under the Rates and Charges (Rebates and Deferments) Act 1992.

Where the eligible pensioner is co-owner with a non-pensioner the full discount will still be allowed and any person who becomes eligible during the rating year will be allowed a pro-rata discount.

Policy Adopted: 15 August 2001

Policy Amended: 4 July 2007

1.6. Bank Authority – Specimen Signatures

Following the Shire Elections, if a new Councillor is elected, Council's bank shall be provided with a list of names and specimen signatures of the Councillors and Officers authorised to sign cheques.

Policy Adopted: 31 March 1989

1.7. Price Preference Policy

General Purchasing (other than Tenders)

That when officers seek quotations or purchase goods or services, quotes must be obtained from businesses (if in existence) that could provide the good or service required that are located within the Shire of Corrigin.

- a) For goods and services up to the value of \$15,000 it shall not be deemed necessary to obtain competitive quotes, but the officer placing the order shall ensure that the price is within the figure allowed in the budget and that due regard is given to economy and expediency of supply.
- b) That for goods or services with a value between \$15,000 and \$49,999 at least three competitive quotes or tenders shall be obtained wherever possible. These shall be in writing.
- c) That for goods or services over \$50,000 the Local Government (Functions and General) Regulations 1998 apply.

Tenders – Regional Price Preference

i) That a Regional Price Preference will be provided to businesses operating within the boundary of the Shire of Corrigin for all goods and services in accordance with Regulation 24D of the Local Government (Function and General) Regulations 1996.

- a) Up to 10%-where the contract is for goods and services, up to a maximum reduction of \$50,000.
- b) Up to 5%-where the contract is for construction (building) services, up to a maximum price reduction of \$50,000, or
- c) Up to 10%-where the contract is for goods or services (including construction services), up to a maximum price reduction of \$500,000 if the Local Government is seeking tenders for the first time, due to goods or services previously being undertaken by the Shire of Corrigin.

- ii) A copy of this policy must be supplied with each tender document.
- iii) The Regional Price Preference Policy will apply to all tenders unless otherwise resolved by Council and that decision is include in the advertising and specifications.

Other

When the provision of goods or services is not being sought by tender the following preference will be provided to local suppliers whose business is based within the Shire of Corrigin and the product quality is comparable.

5% for any purchase up to \$3,000.

2% for any purchase between \$3,001 and \$49,999.

Policy Adopted: 17 May 2000

1.8. Budget Consideration

Any group or organisation that requires a major grant or donation from Council must make a submission to Council prior to 15th May to ensure that their application will be considered in the draft budget.

Policy Adopted: 6 November 2002

1.9. Investment Policy

Objectives

To invest the Shire of Corrigin's surplus funds, with consideration of risk and at the most favourable rate of interest available to it at the time, for that investment type, while ensuring that its liquidity requirements are being met.

While exercising the power to invest, consideration is to be given in preservation of capital, liquidity and the return of investment.

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.

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.

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 principals.

Legislative Requirements

All investments are to comply with the following:

- Local Government Act 1995 – Section 6.14;
- The Trustees Act 1962 – Part III Investments;

- Local Government (Financial Management) Regulations 1996 – Regulation 19, Regulation 28, and Regulation 49; and
- Australian Accounting Standards

Delegation of Authority

Authority for implementation of the Investment Policy is delegated by Council to the CEO in accordance with the *Local Government Act 1995*. The CEO may in turn delegate the day-to-day management of Council's Investment to senior staff or Deputy Chief Executive Officer subject to regular reviews.

Prudent Person Standard

The investment will be managed with the care, diligence and skill that a prudent person would exercise. Officers are to manage the investment portfolios to safeguard the portfolios in accordance with the spirit of this Investment Policy, and not for speculative purposes.

Ethics and Conflicts of Interest

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.

Approved Investments

- Without approvals from Council, investments are limited to:
- State/Commonwealth Government Bonds;
- Interest bearing deposits;
- Bank accepted/endorsed bank bills;
- Commercial paper; and
- Bank negotiable Certificate of Deposits.

Prohibited Investments

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

- Derivative based instruments;
- 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.

Benchmarking

Performance benchmarks are established as follows:

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 activity. The report will detail the investment portfolio in terms of performance, percentage exposure of total portfolio, maturity date and changes in market value, and enable the identification of —

- (a) the nature and location of all investments; and
- (b) the transactions related to each investment.

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

Policy Adopted: 20 May 2008

Amended: 17 August 2010

1.10. Asset Accounting Capitalization Thresholds

Council adopts the following capitalization thresholds for each classification of property, plant, equipment and infrastructure assets as below;

• Land	\$Nil
• Buildings	\$2,000
• Plant & Equipment	\$2,000
• Furniture & Equipment	\$2,000
• Infrastructure - Roads	\$5,000
• Infrastructure – Drainage	\$5,000
• Infrastructure – Parks & Gardens	\$5,000
• Infrastructure – Footpaths and Cycle-ways	\$5,000
• Infrastructure – Airports	\$5,000*
• Infrastructure – Sewerage	\$5,000
• Infrastructure – Other	\$5,000

*Airports have various components, such as building and plant and equipment and the thresholds applicable to these components should be applied to each component.

Policy Adopted: 18 August 2009

1.11. Land Under Roads

In Western Australia, all land under roads is Crown Land, the responsibility for managing which, is vested in the local government.

Effective as at 1 July 2008, Council elected not to recognise any value for land under roads acquired on or before 30 June 2008. This accords with the treatment available in Australian Accounting Standard AASB1051 - Land Under Roads and the fact Local Government (Financial Management) Regulation 16(a)(i) prohibits local governments from recognising such land as an asset.

In respect of land under roads acquired on or after 1 July 2008, as detailed above, Local Government (Financial Management) Regulation 16(a)(i) prohibits local governments from recognising such land as an asset.

Whilst such treatment is inconsistent with the requirements of AASB 1051, Local Government (Financial Management) Regulation 4(2) provides, in the event of such an inconsistency, the Local Government (Financial Management) Regulations prevail.

Consequently, any land under roads acquired on or after 1 July 2008 is not included as an asset of the Council.

Policy Adopted: 15 June 2010

1.12. Significant Accounting Policies

The significant accounting policies which have been adopted in the preparation of this financial report are:

(a) Basis of Preparation

The financial report is a general purpose financial report which has been prepared in accordance with Australian Accounting Standards (as they apply to local governments and not-for-profit entities), other mandatory professional reporting requirements and the Local Government Act 1995 (as amended) and accompanying regulations (as amended).

The report has also been prepared on the accrual basis under the convention of historical cost accounting as modified by the accounting treatment relating to the revaluation of financial assets and liabilities at a fair value through profit & loss and certain clauses of non-current assets.

Critical Accounting Estimates

The preparation of a financial report in conformity with Australian Accounting Standards requires management to make judgements, estimates and assumptions that effect the application of policies and reported amounts of assets and liabilities, income & expenses.

The estimates and associated assumptions are based on historical experience and various other factors that are believed to be reasonable under the circumstances. The results of this experience and other factors combine to form the basis of making judgements about carrying values of assets and liabilities not readily apparent from other sources. Actual results may differ from these estimates.

(b) The Local Government Reporting Entity

All funds through which the Council controls resources to carry on its functions have been included in the financial statements forming part of this financial report.

In the process of reporting on the local government as a single unit, all transactions and balances between those funds (for example, loans and transfers between Funds) have been eliminated.

All monies held in the Trust Fund are excluded from the financial statements, but a separate statement of those monies appears at Note 19 to this financial report.

(c) Goods & Services Tax

In accordance with recommended practice, revenues, expenses and assets capitalised are stated net of any GST recoverable. Receivables and payables in the statement of financial position are stated inclusive of applicable GST.

(d) Cash & Cash Equivalents

Cash and cash equivalents in the statement of financial position comprise cash at bank and in hand and short-term deposits with an original maturity of three months or less that are readily convertible to known amounts of cash and which are subject to an insignificant risk of changes in value.

For the purposes of the Cash Flow Statement, cash and cash equivalents consist of cash and cash equivalents as defined above, net of outstanding bank overdrafts. Bank overdrafts are included as short-term borrowings in current liabilities on the statement of financial position.

(e) Trade & Other Receivables

Trade receivables, which generally have 30 – 90 day terms, are recognised initially at fair value and subsequently measured at amortised cost using the effective interest rate method, less any allowance for uncollectible amounts.

Collectability of trade receivables is reviewed on an ongoing basis. Debts that are known to be uncollectible are written off when identified. An allowance for doubtful debts is raised when there is objective evidence that they will not be collectible.

(f) Inventories

General

Inventories are valued at the lower of cost and net realisable value. Net realisable value is the estimated selling price in the ordinary course of business less the estimated costs of completion and the estimated costs necessary to make the sale. Inventories held for trading are classified as current even if not expected to be realised within the next 12 months.

Land Held for Resale

Land purchased for development and/or resale is valued at the lower of cost and net realisable value. Cost includes the cost of acquisition, development and interest incurred on the financing of that land during its development. Interest and holding charges incurred after development is complete are recognised as expenses.

Revenue arising from the sale of property is recognised in the statement of comprehensive income as at the time of signing a binding contract of sale.

Land held for resale is classified as a current except where it is held as a non-current based on Council's intention to release for sale.

(g) Fixed Assets

Initial Recognition

All assets are initially recognised at cost. Cost is determined as the fair value of the of the assets given as consideration plus costs incidental to the acquisition. For assets acquired at no cost or for nominal consideration, cost is determined as fair value at the date of acquisition. The cost of non-current assets constructed includes the cost of all materials, direct labour and variable or fixed overheads.

Revaluation

Certain asset classes may be revalued on a regular basis such that the carrying values are not materially different from fair value. For infrastructure and other asset classes where no active market exists, fair value is determined to be the current replacement cost of an asset less, where applicable, accumulated depreciation calculated on a basis to reflect the already consumed or expired future economic benefits.

Those assets carried at a revalued amount, being their fair value at the date of revaluation less any subsequent accumulated depreciation and accumulated impairment losses, are to be revalued with sufficient regularity to ensure the carrying amount does not differ significantly from that determined using fair value at a balance date.

Land under Roads

In Western Australia, all land under roads is Crown Land, the responsibility for managing which, is vested in the local government.

Effective as at 1 July 2008, Council elected not to recognise any value for land under roads acquired on or before 30 June 2008. This accords with the treatment available in Australian Accounting Standard AASB1051 – Land Under Roads and the fact Local Government (Financial Management) Regulation 16(a)(i) prohibits local governments from recognising such land as an asset.

In respect of land under roads acquired on or after 1 July 2008, as detailed above, Local Government (Financial Management) Regulation 16(a)(i) prohibits local governments from recognising such land as an asset.

Whilst such treatment is inconsistent with the requirements of AASB1051, Local Government (Financial Management) Regulation 4(2) provides, in the event of such an inconsistency, the Local Government (Financial Management) Regulations prevail.

Consequently, any land under roads acquired on or after 1 July 2008 is not included as an asset of the Council.

(h) Depreciation of Non-Current Assets

All non-current assets having a limited useful life are separately and systematically depreciated over their useful lives in a manner which reflects the consumption of the future economic benefits embodied in those assets.

Depreciation is recognised on a straight-line basis, using rates which are reviewed each reporting period. Major depreciation periods are:

Buildings	33 to 100 years
Furniture & Equipment	10 years
Plant & Equipment	5 to 15 years
-Heavy	15 years
-Other	7.5 years
-Light Vehicles	not depreciated
Sealed Roads & Streets	
clearing & earthworks	not depreciated
construction/road base	50 years
original surfacing and major re-surfacing	
-bituminous seals	20 years
-asphalt surfaces	25 years
Gravel Roads	
clearing and earthworks	not depreciated
construction/road base	50 years
gravel sheet	12 years
Formed Roads (unsealed)	
clearing and earthworks	not depreciated
construction/road base	50 years
Footpaths – slab	40 years
Sewerage Piping	100 years
Water Supply piping & drainage systems	75 years

(i) Investments & Other Financial Assets

Classification

Council classifies its investments in the following categories: financial assets at fair value through profit or loss, loans and receivables, held-to-maturity investments and available-for-sale financial assets. The classification depends on the purpose for which the investments were acquired. Management determines the classification of its investments at initial recognition and, in the case of assets classified as held-to-maturity, re-evaluates this designation at each balance date.

(i) Financial assets at fair value through profit and loss

Financial assets at fair value through profit or loss are financial assets held for trading. A financial asset is classified in this category if acquired principally for the purpose of selling in the short term. Derivatives are classified as held for trading unless they are designated as hedges. Assets in this category are classified as current assets.

(ii) Loans and receivables

Loans and receivables are non-derivative financial assets with fixed or determinable payments that are not quoted in an active market. They are included in current assets, except for those with maturities greater than 12 months after the balance sheet date which are classified as non-current assets. Loans and receivables are included in trade and other receivables in the statement of financial position.

(iv) Available-for-sale financial assets

Available-for-sale financial assets, comprising principally marketable equity securities, are non-derivatives that are either designated in this category or not classified in any of the other categories. They are included in non-current assets unless management intends to dispose of the investment within 12 months of the balance sheet date. Investments are designated as available-for-sale if they do not have fixed maturities and fixed or determinable payments and management intends to hold them for the medium to long term.

Recognition and derecognition

Regular purchases and sales of financial assets are recognised on trade-date – the date on which Council commits to purchase or sell the asset. Investments are initially recognised at fair value plus transaction costs for all financial assets not carried at fair value through profit or loss. Financial assets carried at fair value through profit or loss are initially recognised at fair value and transaction costs are expensed in the statement of comprehensive income. Financial assets are derecognised when the rights to receive cash flows from the financial assets have expired or have been transferred and Council has transferred substantially all the risks and rewards of ownership.

When securities classified as available-for-sale are sold, the accumulated fair value adjustments recognised in equity are included in the statement of comprehensive income as gains and losses from investment securities.

Subsequent Measurement

Loans and receivables and held-to-maturity investments are carried at amortised cost using the effective interest method.

Available-for-sale financial assets and financial assets at a fair value through profit and loss are subsequently carried at fair value. Gains or losses arising from changes in the fair value of the financial assets at fair value through profit of loss category are presented in the statement of comprehensive income with other income or expenses in the period which they arise. Dividend income from financial assets at fair value through profit and loss is recognised in the statement of comprehensive income as part of the revenue from continuing operations when Council's right to receive payments is established. Changes in the fair value of other monetary and non-monetary securities classified as available-for-sale are recognised in equity.

Impairment

Council assesses at each balance date whether there is objective evidence that a financial asset or group of financial assets is impaired. In the case of equity securities

classified as available-for-sale, a significant or prolonged decline in the fair value of a security below its cost is considered as an indicator that the securities are impaired. If any such evidence exists for available-for-sale financial assets, the cumulative loss-measured as the difference between the acquisition cost and the current fair value, less any impairment loss on that financial asset previously recognised in profit or loss – is removed from equity and recognised in the statement of comprehensive income. Impairment losses recognised in the statement of comprehensive income on equity instruments classified as available-for-sale and are not reversed through the statement of comprehensive income.

(j) Estimation of Fair Value

The fair value of financial assets and financial liabilities must be estimated for recognition and measurement on for disclosure purposes.

The fair value of financial instruments traded in active markets is based on quoted market prices at balance date.

The fair value of financial instruments that are not traded in an active market is determined using valuation techniques. Council uses a variety of methods and makes assumptions that are based on market conditions existing at each balance date. These include the use of recent arm's length transactions, reference to other instruments that are substantially the same, discounted cash flow analysis, and option pricing models making maximum use of market inputs and relying as little as possible on entity-specific inputs.

Quoted market prices or dealer quote for similar instruments are used for long-term debt instruments held. Other techniques, such as estimated discounted cash flows, are used to determine fair value on the remaining financial instruments.

The nominal value less estimated credit adjustments of trade receivables and payables are assumed to approximate their fair values. The fair value of financial liabilities for disclosure purposes is estimated by discounting the future contractual cash flows at the current market interest rate that is available to the Council for similar financial instruments.

(k) Impairment

In accordance with the Australian Accounting Standards the Council's assets, other than inventories are assessed at each balance date to determine whether there is any indication they may be impaired.

Where such an indication exists, an estimate of the recoverable amount of the asset is made in accordance with the AASB 136 '*Impairment of Assets*' and appropriate adjustments made.

An impairment loss is recognised whenever the carrying amount of an asset or its cash-generating unit exceeds its recoverable amount. Impairment losses are recognised in the statement of comprehensive income.

For non-cash generating assets such as roads, drains, public buildings and the like, value in use is represented by the depreciated replacement cost of the asset.

(l) Trade & Other Payables

Trade and other payables are carried at amortised cost. They represent liabilities for goods and services provided to the Municipality prior to the end of the financial year that are unpaid and arise when the Municipality becomes obliged to make future payments in

respect of the purchase of these goods and services. The amounts are unsecured and are usually paid within 30 days of recognition.

(m) Employee Benefits

The provisions for employee benefits relates to amounts expected to be paid for long service leave, annual leave, wages and salaries that are calculated as follows:

(i) **Wages, Salaries, Annual Leave and Long Service Leave (Short-term Benefits)**
The provision for employees' benefits to wages, salaries, annual leave and long service leave expected to be settled within 12 months represents the amount the municipality has a present obligation to pay resulting from employees services provided to balance date. The provision has been calculated at nominal amounts based on remuneration rates the Council expects to pay and includes related on-costs.

(ii) **Long Service Leave (Long-term Benefits)**
The liability for long service leave is recognised in the provision for employee benefits and measured as the present value of expected future payments to be made in respect of services provided by employees up to the reporting date using the projected unit credit method. Consideration is given to expected future wage and salary levels, experience of employee departures and periods of service. Expected future payments are discounted using market yields at the reporting date on national government bonds with terms to maturity and currency that match as closely as possible, the estimated future cash outflows. Where Council does not have the unconditional right to defer settlement beyond 12 months the liability is recognised as a current liability.

(n) Interest-bearing Loans & Borrowings

All loans and borrowings are initially recognised at the fair value of the consideration received less directly attributable transaction costs.

After initial recognition, interest-bearing loans and borrowings are subsequently measured at amortised cost using the effective interest method. Fees paid on the establishment of loan facilities that are yield rated are included as part of the carrying amount of the loans and borrowings.

Borrowings are classified as current liabilities unless the Council has an unconditional right to defer settlement of the liability for at least 12 months after the balance date.

Borrowing Costs

Borrowing costs are recognised as an expense when incurred except where they are directly attributable to the acquisition, construction or production of a qualifying asset. Where this is the case, they are capitalised as part of the cost of the particular asset.

(o) Provisions

Provisions are recognised when: The Council has a present legal or constructive obligation as a result of past events; it is more likely than not that an outflow of resources will be required to settle the obligation; and the amount has been reliably estimated. Provisions are not recognised for future operating losses.

Where there are a number of similar obligations, the likelihood that an outflow will be required in settlement is determined by considering the class of obligations as a whole. A provision is recognised even if the likelihood of an outflow with respect to any one item included in the same class of obligations may be small.

(p) Leases

Leases of fixed assets, where substantially all the risks and benefits incidental to the ownership of the asset, but not legal ownership, are transferred to the company, are classified as finance leases. Finance leases are capitalised recording an asset and a liability equal to the present value of the minimum lease payments, including any guaranteed residual value. Leased assets are amortised over their estimated useful lives. Lease payments are allocated between the reduction of the lease liability and the lease interest expense for the period.

(q) Joint Venture

The municipality's interest in a joint venture has been recognised in the financial statements by including its share of any assets, liabilities, revenues and expenses of the joint venture within the relevant items reported in the statement of financial position and statement of comprehensive income. Information about the joint venture is set out in Note 16.

(r) Rates, Grants, Donations and Other Contributions

Rates, grants, donations and other contributions are recognised as revenues when the local government obtains control over the assets comprising the contributions. Control over assets acquired from rates is obtained at the commencement of the rating period or, where earlier, upon receipt of the rates.

Where contributions recognised as revenues during the reporting period were obtained on the condition that they be expended in a particular manner or used over a particular period, and those conditions were undischarged as at the reporting date, the nature of and amounts pertaining to those undischarged conditions are disclosed in Note 2(c). That note also discloses the amount of contributions recognised as revenues in a previous reporting period which were obtained in respect of the local government's operation for the current reporting period.

(s) Superannuation

The Council contributes to the Local Government Superannuation Scheme and the Occupational Superannuation Fund. Both funds are defined contribution schemes.

Contributions to defined contribution plans are recognised as an expense as they become payable. Prepaid contributions are recognised as an asset to the extent that a cash refund or a reduction in the future payments is available.

(t) Current & Non-Current Classification

In the determination of whether an asset or liability is a current or non-current, consideration is given to the time when each asset or liability is expected to be settled. The asset or liability is classified as a current if it is expected to be settled within the next 12 months, being the Council's operational cycle. In the case of liabilities where Council does not have the unconditional right to defer settlement beyond 12 months, such as vested long service leave, the liability is classified as current even if not expected to be realised in the next 12 months. Inventories held for trading are classified as current even if not expected to be realised in the 12 months except for land held for resale where it is held as a non-current based on Council's intentions to release for sale.

(u) Rounding Off Figures

All figures shown in this annual financial report, other than a rate in the dollar, are rounded to the nearest dollar.

(v) Comparative Figures

Where required, comparative figures have been adjusted to conform with changes in presentation for the current financial year.

(w) Budget Comparative Figures

Unless otherwise stated, the budget comparative figures shown in this annual financial report relate to the original budget estimate for the relevant item of disclosure.

2. ADMINISTRATION - GENERAL

2.1. Media Releases

The Shire President and the Chief Executive Officer are permitted to make media releases prior to minutes being confirmed and made public.

Policy Adopted: 31 March 1989

2.2. Permission to use explosives

The Chief Executive Officer is empowered to issue written permits approving the use of explosives within the district without reference to Council.

Policy Adopted: 31 March 1989

2.3. Legal Advice

The Chief Executive Officer is authorized to obtain from Solicitors such legal advice and opinions as deemed necessary for him to enable the proper legal administration of Council's business.

Policy Adopted: 31 March 1989

2.4. Legal Representation

Introduction

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

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

General Principles

- The local government may provide financial assistance to members and employees in connection with the performance of their duties provided that the member or employee has acted reasonably and has not acted illegally, dishonestly, against the interests of the local government or otherwise in bad faith.

- The local government may provide such assistance in the following types of legal proceedings:
 - Proceedings brought by members and employees to enable them to carry out their local government functions (eg where a member or employee seeks a restraining order against a person using threatening behaviour);
 - Proceedings brought against members or employees [this could be in relation to a decision of Council or an employee which aggrieves another person (eg refusing a development application) or where the conduct of a member or employee in carrying out his or her functions is considered detrimental to the person (eg defending defamation actions)]; and
 - Statutory or other inquiries where representation of members or employees is justified.

- The local government will not support any defamation actions seeking the payment of damages for individual members or employees in regard to comments or criticisms leveled at their conduct in their respective roles. Members or employees are not precluded, however, from taking their own private action. Further, the local government may seek its own private action. Further, the local government may seek its own advice on any aspect relating to such comments and criticisms of relevance to it.

- The legal services the subject of assistance under this policy will usually be provided by local government's solicitors, where this is not appropriate for practical reasons or because of a conflict of interest then the service may be provided by other solicitors approved by the local government.

Applications for Financial Assistance

- a) Subject to item (e), decisions as to financial assistance under this policy are to be made by the Council.

- b) A member or employee requesting financial support for legal services under this policy is to make an application in writing, where possible in advance, to the Council providing full details of the circumstances of the matter and the legal services required.

- c) An application to the Council is to be accompanied by an assessment of the request and with a recommendation which has been prepared by, or on behalf of, the Chief Executive Officer (CEO).

- d) A member or employee requesting financial support for legal services, or any other person who might have a financial interest in the matter, should take care to ensure compliance with the financial interest provisions of the Local Government Act 1995.

- e) Where there is a need for the provision of urgent legal services before an application can be considered by Council, the CEO may give an authorisation to the value of \$5000 provided that the power to make such an authorisation has been delegated to the CEO in writing under section 5.42 of the Local Government Act 1995.

- f) Where it is the CEO who is seeking urgent financial support for legal services the Council shall deal with the application.

Repayment of Assistance

a) Any amount recovered by a member or employee in proceedings, whether for costs or damages, will be off set against any moneys paid or payable by the local government.

b) Assistance will be withdrawn where the Council determines, upon legal advice that a person has acted unreasonably, illegally, dishonestly, against the interests of the local government or otherwise in bad faith; or where information from the person is shown to have been false or misleading.

c) Where assistance is so withdrawn, the person who obtained financial support is to repay any moneys already provided, the local government may take action to recover any such moneys in a court of competent jurisdiction.

Policy Adopted: 15 November 2000

2.5. Office Hours

The Shire Office shall be open to the public from 8.30am to 4.30pm on Monday to Friday.

Policy Adopted: 31 March 1989

Policy Amended: 15 August 2006

2.6. Liquor Permits

The Chief Executive Officer is authorized to approve or reject applications to consume liquor in Council buildings or on Council controlled reserves without reference to Council. All applications to consume liquor are to be in writing and addressed to the Chief Executive Officer.

Policy Adopted: 31 March 1989

2.7. Freeman – Guidelines for Appointments

Objective

To enable Council to honour exceptional individuals who have served the community in an outstanding and meritorious manner that stands above the service and contribution of most other persons in provision of benefits to the community and advancing the interests of the Shire of Corrigin.

Policy

Award Criteria:

A person may be nominated for the honorary award 'Freeman of the Shire of Corrigin' under the following circumstances:

- They will have identifiable and long standing connections with the community in the Shire of Corrigin and have made an outstanding, significant and meritorious contribution to the Shire and community across a range of endeavours.
- Their exceptional service is a matter of public record.
- Their endeavours will have benefited the community of the Shire of Corrigin, Australia and humanity.

Process of Nomination:

- Nominations will be considered infrequently or as the need is identified by Council.
- A nomination may be submitted by any person at any time, provided that nomination is in writing and addresses the criteria for the award.
- A nomination must be sponsored by an elected member and supported in writing by at least 2 other elected members.
- A nominee must not be made aware of their nomination.
- Any nominations received will be validated and the findings presented at a meeting of Council behind closed doors, with recommendations to approve/not approve a nominee for the award. The decision will be based on a simple majority vote.
- Acceptance of the award must be determined prior to being conferred.

Entitlements:

- Any person who has the honour of Freeman bestowed may refer to themselves as Freeman of the Shire of Corrigin.
- The Freeman will be presented with a special name badge and framed certificate at a function to be hosted by Council to acknowledge their Freemanship.
- The Freeman shall be invited to formal civic events and functions held by Council.
- A photograph and plaque of the Freeman is to be displayed in an appropriate place.

Limitations:

- In recognition of the significance and standing of Freeman consideration should be given to the number of living persons who hold the title of Freeman of the Shire of Corrigin at any time.
- Bestowing of the title Freeman of the Shire of Corrigin carries with it no legal rights or privileges.

Policy Adopted: 31 March 1989

Policy Amended: 27 October 2009

2.8. Flag – Flown for Funerals

The National Flag is to be flown at half mast at the Shire Office as a mark of respect for a present or past resident of the Shire of Corrigin from the time of death of the resident until the funeral.

Policy Adopted: 31 March 1989

2.9. Advertising – Christmas Greetings

Christmas greetings are not to be advertised in the Narrogin or Merredin newspapers.

Policy Adopted: 31 March 1989

2.10. Vandalism

Council Staff be authorized to report incidents of vandalism to the police immediately after they are discovered and the Chief Executive Officer to be notified as soon as possible.

Policy Adopted: 23 August 1995

2.11. Donation Feedback

All organisations that have money donated to them by Council will be requested to provide feedback on the benefit gained to the organisation by the usage of those funds.

Policy Adopted: 19 December 2001

2.12. Life Membership Recognition

Council recognises community members who have had life membership bestowed upon them by an organisation in the Corrigin Shire, in the following manner, on the first convenient Council meeting day after each sporting season.

1. To invite the recipients and their partners to a presentation ceremony where the recipients will be presented with a signed certificate from Council, recognising their valuable contribution to the community.
2. To invite the recipients and their partners to lunch with Council on meeting day.

Policy Adopted: 16 June 2004

2.13. Recognition of Birthdays & Anniversaries

Council recognises community members who have had milestone birthdays and anniversaries, upon request of a friend or relative. This recognition is in the form of a certificate signed by the Chief Executive Officer and Shire President.

The milestones to be recognized are:

- Birthdays 90th and 100th
- Wedding Anniversaries 50th, 60th and 70th

Policy Adopted: 16 June 2003

Policy Amended: 15 august 2006

3. COUNCIL / ELECTED MEMBERS

3.1. Notice of Ordinary Meetings

Five days notice of ordinary meetings of Council shall be given in writing to members of the Council and shall be signed by, or on behalf of the Chief Executive Officer, and state the place, date and hour of holding of the meeting.

Note: Section 5.5 of Local Government Act 1995 requires at least 72 hours notice for ordinary meetings

Policy Adopted: 31 March 1989

3.2. Conference Expenses

Council representatives attending conferences are to be reimbursed for their accommodation expenses which includes breakfast, and a reasonable daily allowance for expenses incurred in the attendance at these conferences.

Policy Adopted: 31 March 1989

3.3. Local Government Week – Official Dinner

Council will meet the cost of all Councillors, the CEO and their partners if they wish to attend the Official Dinner at Local Government Week.

Policy Adopted: 15 November 1995

3.4. Invitation to Christmas Luncheon

Current Councillors and partners, all past Presidents, the Freemen of the Shire and all local Members of Parliament (including their partners) are to be invited to the Christmas luncheon of Council.

Policy Adopted: 20 November 1996

3.5. Circulation of Council Minutes

Copies of the minutes of Ordinary Meetings of Council are to be sent to all retiring Councillors, on request, plus the Wheatbelt Mercury, Narrogin Observer, Local Members of Parliament and the ABC.

Policy Amended: 17 November 2009

3.6. Dress Standard

Dress requirements for Councillors and Staff attending:

- Special and Ordinary Council meetings is to be coat and tie for males, with equivalent standard of dress for females; and
- Committee Meetings is to be neat casual clothes or good work clothes (depending on the nature of the business to be discussed).

Policy Adopted: 20 June 2001

3.7. Reports of Seminars or Meetings

Councillors who represent the Shire at meetings or seminars make every effort to present a written report back to Council for the Agenda, where minutes are not being made available.

Policy Adopted: 17 October 2001

3.8. Meetings – When Held

The Ordinary meeting of Council will be held on the third Tuesday of each month commencing at 3.00pm, unless varied by Council for a specific purpose. Council meetings will not be held during January of each year, unless a Special meeting is arranged. A general discussion forum will be held prior to the meeting commencing at 1.00pm.

Policy Adopted: 21 July 1999

Policy Amended 19 December 2006

3.9. Council Elections – Returning Officer

Unless otherwise nominated, the Chief Executive Officer will act as the Returning Officer and the Deputy Chief Executive Officer will act as the Presiding Officer at Council Elections

Policy Adopted: 31 March 1989

3.10. Newly Elected Councillors

All Councillors when first elected are to be issued with a Councillors Guide to Local Government.

Policy Adopted: 31 March 2008

3.11. Members Sitting Fees & Traveling Expenses

At the end of December and June, Council staff shall arrange payment to Councillors for travelling expenses incurred and sitting fees earned during the preceding 6 months for the attendance of meetings or representing Council on official business. The rate of reimbursement shall be the amount specified by the Local Government Act 1995 and Regulations.

Policy Adopted: 6 November 2002

Policy Amended: 15 August 2006

4. EMPLOYEE MATTERS

4.1. Senior Employees

The following positions are classified as Senior Employees for the purposes of Section 5.37 (1) of the Local Government Act 1995.

- Chief Executive Officer
- Deputy Chief Executive Officer
- Environmental Health Officer/Building Surveyor

Policy Adopted: 20 May 1998

4.2. Compassionate Leave

The Chief Executive Officer is authorised at his discretion to allow compassionate leave with pay to any employee for a maximum of 5 days as per the appropriate awards.

Policy Adopted: 15 November 2000

4.3. Conference Expenses – Staff

Attendance at conferences by Council staff is to be encouraged as it is the philosophy of Council that generally these conferences will benefit the Shire by the increased knowledge gained by the Officer.

The following policy in relation to attendance at conferences applies:-

- Council shall pay conference fees.
- Council shall pay accommodation fees for the staff member and partner, as well as in-house meal expenses.
- Officers who do not have the use of a Council vehicle to attend a conference shall be entitled to be reimbursed the fuel usage.
- Staff attending conferences shall conscientiously attend all conference proceedings unless carrying out other duties on behalf of the Shire during the term of the conference.
- Where insufficient time is available to refer to Council, the Chief Executive Officer is authorised to allow staff attendance at conferences and seminars pertaining to a particular officers duties.

Policy Adopted: 20 August 1997

4.4. Staff Training

The Shire of Corrigin recognises the need for attention to and investment in staff training and development and authorises the allocation in each year's draft budget an adequate amount of funds towards staff training and development.

The Chief Executive Officer is responsible for the management of funds allocated for staff training and development and any expenditure may, subject to provision being made in the budget, be endorsed by the Chief Executive Officer without reference to Council.

Policy Adopted: 31 March 1989

Policy Amended: 15 August 2006

4.5. Phones in Staff & Council Houses

Council will bear the following costs in relation to telephone expenses:-

- Chief Executive Officers Residence - Total Bill
- Deputy Chief Executive Officer - Rental plus \$530 of calls per annum
- Manager Environmental Health and Building Services – Rental plus \$360 of calls per annum
- Works Supervisor – Rental

Policy Adopted: 31 March 1989

Policy Amended: 17 November 2009

4.6. Staff Retirement

Any employee who serves twenty years or more will be provided with a retirement gift and will be taken to a luncheon by Council.

Policy Adopted: 31 March 1989

4.7. Council vehicles issued to Staff

The following conditions shall apply to staff who have vehicles issued to them by Council:-

Chief Executive Officer

Unrestricted use of the vehicle, in the South West Land Division of Western Australia.

Deputy Chief Executive Officer

Unrestricted use of the vehicle within the South West Land Division (except for periods of annual leave and long service leave unless otherwise approved by the CEO).

Works Supervisor

Unrestricted use of the vehicle in the South West Land Division of Western Australia, except for periods of annual leave and long service leave, unless otherwise approved by the CEO.

Environmental Health Officer

Unrestricted use of the vehicle in the South West Land Division of Western Australia, except for periods of annual leave and long service leave, unless otherwise approved by the CEO.

Manager Environmental Health and Building Services

Unrestricted use of the vehicle in the South West Land Division of Western Australia, except for periods of annual leave and long service leave, unless otherwise approved by the CEO.

Building Supervisor

Unrestricted use of the vehicle in the South West Land Division of Western Australia, except for periods of annual leave and long service leave unless otherwise approved by the CEO, with the officer to provide fuel for private use.

Any alterations to the above allowances will be taken to Council for approval.

Policy Adopted: 6 November 2002

Policy Amended: 17 November 2009

4.8. Employee Plant Use

Employees may use the Shire plant after hours free of charge on their own residential land and Shire Residences, with the express approval of the Chief Executive Officer, this approval will be allowed or disallowed depending on the nature of the work to be carried out. Any damage from misuse to be paid for by the operator.

All other work outside of normal working hours will be carried out at Private Works rates (with the employee being paid through the payroll), further that the following be expressly prohibited:

1. Employee's commercial operations.

The intent of the above policy is that employees are not using the equipment for their own private commercial business.

Policy Adopted: 15 November 2000

4.9. Loss of Drivers Licence by Staff

If a member of the staff loses their motor drivers licence and they rely on their licence to carry out their duties, they may be stood down until they have their licence back again.

The decision on whether the staff member is to be stood down will be made by the Chief Executive Officer.

Policy Adopted: 7 June 1995

4.10. Removal Expenses

Reimbursement of employee removal expenses to be provided as follows:-

- Chief Executive Officer – 50% after 6 months satisfactory service and remaining balance after completion of 12 months service to a maximum of \$5,000
- Deputy CEO - 50% after 6 months satisfactory service and the balance after completion of 12 months service to a maximum of \$2,500
- Pool Manager - 50% after 6 months satisfactory service and the balance after completion of 12 months service to a maximum of \$2,000
- Works Supervisor - 50% after 6 months satisfactory service and the balance after completion of 12 months service to a maximum of \$2,000
- Other Staff – 50% after 6 months satisfactory service and the balance after completion of 12 months service to a maximum of \$2000

Policy Adopted: 21 June 1995

Policy Amended: 17 November 2009

4.11. St John Ambulance Course

The outside staff be encouraged to complete the Senior St John Ambulance first aid course and that any person who does complete the course successfully be paid an extra \$1040 over award payment per annum for the period that the first aid course is current.

Policy Adopted: 15 May 1996

4.12. Cheque Signing Arrangements

The President, Deputy President, CEO and DCEO are authorised signatories for payments to Creditors between meetings, provided each cheque or EFT transfer has at least two signatories, with 3 councillors nominated as backup signatories.

The following items can be paid by the above method; Payroll, Police licensing, Staff Training Courses, Conference Expenses, Payroll Deductions and any other expenditure deemed necessary by the CEO, on the condition that the expenditure is within the current budget.

Policy Adopted: 20 August 1997

Policy Amended: 17 November 2009

4.13. Severance Pay Policy

1. The purpose of this policy is to set down the maximum severance payable to terminating employees for the purpose of Section 5.50(1) of the Local Government Act (the 'Act'). Note,

however, these severance payments may be exceeded in accordance with clause 7 at the discretion of Council.

2. A terminating employee is entitled to severance pay and benefits in accordance with:-

- Any Federal or State award or industrial agreement applicable to that employee.
- Any applicable provisions within the employee's contract of employment.
- Any applicable award or order made by a Federal or State Industrial Tribunal arising from the circumstances of that employee being specifically brought before that tribunal, subject to any right of appeal.
- Where Council so agrees, any recommendation made by a Federal or State Industrial Commissioner arising from the circumstances of that employee being specifically brought before that Commissioner.

3. Where a dismissed employee has taken, or is proposing to take litigation for alleged unfair dismissal, Council may decide to settle to avoid expensive litigation.

Matters to be taken into consideration by Council as to whether it will seek a settlement, and if so, the extent of any financial offers may include:-

- the strength of the respective cases in any litigation;
- the cost of legal advocacy and support;
- the cost of witnesses;
- the cost of travel and accommodation in running the case;
- the cost of having staff tied up in the preparation and hearing of the case; and
- the disruption to operations.

4. Redundancy benefits shall be made as outlined below. This does not prevent Council from agreeing to higher severance benefit where clauses 2 or 3 above apply. The redundancy benefits are:-

- a. A maximum period of notice possible, but in any event, no less than 4 weeks or payment in lieu of notice to a maximum of 4 weeks.
- b. Payment of two weeks pay.
- c. Plus 2 weeks pay for each year of service with the Shire of Corrigin.
- d. The maximum payable under (b) and (c) shall be 26 weeks pay.
- e. Where an employee had been employed with the Shire of Corrigin for a minimum period of 5 years, pro rata long service leave shall be provided if the employee is not otherwise entitled to pro rata long service leave under the Local Government Long Service Leave Regulations.
- f. All other pro rata entitlements payable under the appropriate award or agreement to a terminating employee.
- g. Where the circumstances of a retrenched employee are such that it will be extremely difficult for that employee to find another job, Council may exercise its discretion to provide additional benefits to such employees. In this event, details of the total redundancy package for such an employee shall be published, in accordance with Section 5.50(2) of the Act.

5. Council may decide to settle in a situation where an employee, due to illness or impairment is unable to perform his/her job and there has been mutual agreement that employment must end.

Matters to be taken into consideration by Council in determining the extent of any financial offers may include:-

- the length of service;
- the conscientiousness of the employee over the past employment;
- the value of the employees service having regard to position(s) held and the regard given by Council to the employee contribution;
- the length of time to retirement;
- the personal circumstances of the employee, including family responsibility, future employment prospects and alternative sources of income; and
- possible exposure to litigation if the employee was dismissed having regard to obligations of Council under the State Equal Opportunity Act, the Commonwealth Disability Discrimination Act and the Commonwealth Workplace Relations Act.

The term 'weeks pay' means the normal weekly salary or wage payable to the employee including any penalty rates normally paid but excluding overtime or intermittent payments. The term also includes salary or wages specifically sacrificed for additional award benefit, but does not include the value of any non-award benefit normally provided for the employee's position (such as a vehicle in the case of a senior position, the normal superannuation provided to all employees, etc).

6. Nothing in this policy prevents Council from determining that in special circumstances, terminating employees may be paid additional monies or provided additional benefits where justified. If Council so determines, details of the severance pay and benefits shall be published in accordance with Section 5.50(2) of the Act.

Policy Adopted: 18 September 1997

4.14. Reports of Conferences/Seminars

That staff who represent the Shire at meetings or seminars make every effort to present a written report back to Council for the Agenda, where minutes are not being made available.

Policy Adopted: 17 October 2001

4.15. Protective Clothing

In lieu of providing protective clothing for outside workers, an amount of \$500 p.a will be given to each employee to purchase their own clothing and boots. This action is taken to avoid the need to pay fringe benefits tax.

Staff are to be advised that they will be asked to leave the workplace if they do not wear the correct clothing and they run the risk of being dismissed if they continue to come to work in unsuitable clothing.

The staff are to be advised that the clothing allowance is subject to income tax and that it is their responsibility to state this income on their taxation return each year.

Policy Adopted: 31 March 1989

4.16. Overtime – Outside Staff

The Chief Executive officer and Works Supervisor to be empowered to authorise overtime for the outside staff without reference to Council when either the need arises or optimum conditions exist for road maintenance.

Policy Adopted: 31 March 1989

4.17. Sexual Harassment

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

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

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

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

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

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

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

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

Policy Adopted: 23 August 1995

4.18. Use of Motor Vehicle for Council Related Business

Council allows Councillors, Staff and other members of the community use of a Shire vehicle to attend training seminars, conferences or meetings when they are acting as a representative of Council, at the discretion of the CEO and/or President. If in the event that a suitable car is unavailable the attendee will be reimbursed a rate as specified in the Local Government Officers Award for use of their private vehicle, provided an appropriate invoice is submitted.

Policy Adopted: 20 April 2005

4.19. Superannuation Contributions

Council will make superannuation contributions for employees on the following basis:

- Council will contribute to employees' superannuation up to a maximum of 5% on a matching dollar for dollar basis for staff who voluntarily contribute up to 5% of their ordinary salary to superannuation.
- Council will contribute to employees' total superannuation up to a maximum of 14% comprising 9% Superannuation Guarantee contributions and 5% matching employees' voluntary contributions.
- This policy applies to all permanent employees except where superannuation benefits have been varied for Senior Employees who are employed under negotiated performance based contracts.

Policy Adopted: 20 May 2008

4.20. Local Government Holidays

Employees of the Shire of Corrigin shall be entitled to Western Australian Gazetted public holidays. In addition to Gazetted public holidays employees shall be entitled take paid Local Government holidays on 2 January and Easter Tuesday.

When a Local Government holiday occurs on a day on which an employee is required to work, the employee will be paid a day's pay at ordinary rates in addition to the ordinary week's pay. The Shire of Corrigin may instead of making such additional payment, grant a day's leave for each Local Government holiday which may be taken at such time as is mutually agreed to between the Shire of Corrigin and the employee.

Policy Adopted 18 October 2012

5. BUSH FIRE CONTROL

5.1. Roadside Burning & Spraying

No roadside burning is allowed by any persons within the Shire without the approval of the Council. Similarly, any application to use chemicals on road reserves for firebreak protection must be submitted to the Chief Executive Officer for approval.

Policy Adopted: 20 August 1998

5.2. Bush Fire Prosecutions

Council's policy is that Fire Control Officers recommend to the Chief Bush Fire Control Officer persons who are to be prosecuted under the Bush Fires Act for failing to comply with the provisions of the Act, with the knowledge that they may be called upon to give evidence when charges are heard.

Policy Adopted: 31 March 1989

5.3. Bush Fire Control Officers – Eligibility

To be eligible for appointment, all Bush Fire Control Officers must have attended a Fire Control Officers course conducted by the Bush Fires Board before being able to act in that position. Expenses that are borne by the officers in attending these courses that are not met by the Bush Fires Board will be paid by Council.

Policy Adopted: 21 June 1995

5.4. Bush Fire Permits

No permits shall be issued to set fire to the bush during the prohibited burning period except for reasons as specified under the Bush Fires Act. When a Bush Fire Control Officer issues a permit, he must advise the Chief Executive Officer that a permit has been issued with details of any conditions that are attached to the permit.

When a Bush Fire Control Officer refuses to issue a permit, he must also advise the Chief Executive Officer that the permit has been refused and details of the grounds for refusal to ensure that a permit is not obtained from another officer.

Policy Adopted: 31 March 1989

5.5. Annual Meeting of Bush Fire Brigades

The Annual Bush Fires Advisory Meeting is to be held in March/April each year and all Bush fire Brigades are to be encouraged to hold their annual meetings prior to the advisory meeting.

Policy Adopted: 31 March 1989

5.6. Fire Control Officers – Appointment

The following persons are appointed as Bush Fire Control Officers for the Shire of Corrigin:-

Chief Bush Fire Control Officer: Wes Baker

Deputy Chief Bush Fire Control Officer: Greg Evans

Bilbarin Brigade

Sadow Jacobs	PO Box 37, Corrigin	Ph 9065 2042	Mob 0427 652 042
Paul McBeath	PO Box 87, Corrigin	Ph 9062 9024	
Bruce Mills	Post Office, Corrigin	Ph 9062 9012	Mob 0428 956 779
Steven Bolt	PO Box 226, Corrigin	Ph 9065 2043	Mob 0427 652 043

Bullaring Brigade

Andrew Szczecinski	PO Box 124, Corrigin	Ph 9065 7014	Mob 0429 657 014
Greg Evans	Post Office, Bullaring	Ph 9065 7021	Mob 0429 657 021
Greg Doyle	PO Box 109, Corrigin	Ph 9880 9048	Mob 0427 809 044
Craig Jespersen	PO Box 18, Yealering	Ph 9888 7075	Mob 0427 887 075
Charlie Bell	PO Box 177, Corrigin	Ph 9063 2546	Mob 0409 657 044

Bulyee Brigade

Wes Baker	PO Box 39, Corrigin	Ph 9065 8034	Mob 0427 658 034
Ray Hathaway	PO Box 90, Brookton	Ph 9642 7045	Mob 0488 138 904
Clive Turner	PO Box 55, Corrigin	Ph 9065 8024	Mob 0427 788 992

Corrigin East Brigade

Tim George	PO Box 159, Corrigin	Ph 9065 5045	Mob 0427 655 045
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Central Brigade

Don Stevens	PO Box 97, Corrigin	Ph 9063 2286	Mob 0428 928 038
Julian Murphy	PO Box 221, Corrigin	Ph 9063 2203	Mob 0427 425 727
Adam Rendell	PO Box 200, Corrigin	Ph 9063 2291	Mob 0427 632 291

Gorge Rock Brigade

Bryce Nicholls	PO Box 71, Corrigin	Ph 9063 7014	Mob 0429 883 799
Bruce Talbot	PO Box 75, Corrigin	Ph 9063 2132	Mob 0427 632 224

Kunjin Brigade

Tony Guinness PO Box 35, Corrigin Ph 9065 7079 Mob
John Hewett PO Box 239, Corrigin Ph 9063 2480 Mob 0427 632 480

Dual Fire Control Officers

Quairading Shire	Bruce Mills, Ray Hathaway
Wickepin Shire	Craig Jespersen & Greg Doyle
Bruce Rock Shire	Sadow Jacobs & Tim George
Narembeen Shire	Tim George
Kondinin Shire	Bruce Talbot
Kulin Shire	Greg Doyle & Bryce Nicholls
Pingelly Shire	Greg Evans, Wes Baker
Brookton Shire	Ray Hathaway, Wes Baker

The Following Persons are appointed as Fire Weather Officers;
Wes Baker, Greg Evans & Sadow Jacobs.

Policy Adopted: 17 April 2007
Policy Amended: 15 May 2012

5.7. Harvesting Ban Officers

The officers authorised to impose harvesting bans (including the movement of vehicles) within the Shire of Corrigin are as follows:

Julian Murphy	
Taryn Dayman	
Adam Rendell	Peter Rendell (in place of Adam Rendell)
Sadow Jacobs	Steve Bolt (in place of Sadow Jacobs)
Paul Baker	Andrew Szczecinski (in place of Paul Baker)
Ray Hathaway	Clive Turner (in place of Ray Hathaway)
Wes Baker	

Policy Adopted: 23 April 2004
Policy Amended 15 May 2012

5.8. Harvesting Ban Procedures

The procedure to be followed in relation to imposing a harvesting ban is as follows:-

The harvest ban officers as listed above will confer as much as necessary and make the decision to impose the harvesting ban. The ban will always be imposed 'until further notice'.

Generally, either the CEO or Deputy CEO will carry out the procedures to inform the relevant authorities and people to impose the ban.

After the ban has been imposed:-

- I. Alert the radio stations and surrounding Shires by email of the ban on the email addresses.

ABC radio does three announcements of Harvest Bans daily – 10.05am, 12.35pm and 2.05pm.
The deadlines to get harvest bans to the ABC are 9.45am, 11.45am and 1.45pm.

ABC radio require us to use the following as our subject line:

Corrigin Shire: ABC Perth/Albany/Geraldton

The subject line for all other emails (in group list) should say: Shire of Corrigin – Notice of Harvest/Movement of Vehicles in Paddocks Ban

RadioWest -	harvestbans@radiowest.com.au	Kondinin -	enquires@kondinin.wa.gov.au
ABC -	harvestbans@abc.net.au	Brookton -	mail@brookton.wa.gov.au
Quairading -	qshire@wn.com.au	Wickepin -	admin@wickepin.wa.gov.au
Bruce Rock -	admin@brucerock.wa.gov.au	Kulin -	admin@kulin.wa.gov.au
Narembeen -	admin@narembeen.wa.gov.au		
Western Power	terrance.pick@westernpower.com.au		
	tegan.addink@westernpower.com.au		
Water Corp -	vicki.musca@watercorporation.com.au		
	kerry.hunter@watercorporation.com.au		
	frank.walker@watercorporation.com.au		
	ross.mcdonald@watercorporation.com.au		

- II. Advise the CBH Bins, other utilities and farmers by SMS that are registered

- III. Alter Harvest Ban recorded messages

Policy Adopted: 20 March 1997

Policy Amended: 15 May 2012

5.9. Extension of burning periods

The Chief Fire Control Officer, the Shire President and the Deputy Chief Fire Control Officer are authorised to extend the prohibited and the restricted burning periods for periods of up to 14 days at a time, without reference to Council.

Policy Adopted: 18 August 1998

5.10. Burning in the Townsite

No fires in large open areas are to be lit in the townsite by Shire staff unless the Chief Fire Control Officer or the Deputy Chief Fire Control Officer is advised of the intention to burn.

Policy Adopted: 16 March 1994

5.11. Burning on Sundays and Public Holidays

From the start of the restricted burning time to April 15th, no person is allowed to light a fire on a Sunday or Public Holiday.

Policy Adopted: 18 August 2004

5.12. Burning on Roadside Vegetation

Anybody who is found to have burnt any roadside vegetation or reserve vested in the Shire, either deliberately, by neglect or carelessness as per the Bush Fires Act 1954, be made to pay the cost of spraying or re-vegetating the area.

Policy Adopted: 18 September 1997

5.13. Reimbursement of Costs – escaped fire

Should a fire escape from private land onto a road reserve and as a result Council is forced to remove the trees from the road, then Council is to seek reimbursement from the landholder concerned.

Policy Adopted: 15 April 1998

5.14. Automatic Harvest Bans

Council impose an automatic Harvest Ban on Christmas Day and New Years Day.

Policy Adopted: 18 August 2004

5.15. Restricted & Prohibited Burning Periods

Restricted 19th September – 31st October

Prohibited 1st November – 1st March

Restricted 2nd March – 15th April

Policy Adopted: 15 November 2000

5.16. Fire Permit Procedure

Any Fire Control Officer that issues a Fire Permit during the Prohibited Burning Period must inspect the area to be burnt prior to issuing a permit and that permit be faxed to the Chief Bush Fire Control Officer

Policy Adopted: 20 February 2002

5.17. Movement of Vehicle Ban – Contractors in Paddocks

Contractors carting lime, gypsum and fertilizers are allowed to enter into property owners paddocks to unload at any time there is a total movement of vehicles ban in place, on the condition that a manned fire unit with at least 400 litres of water in attendance.

Policy Adopted: 17 April 2007

5.18. Easter coinciding with Close of Restricted Burning Period

When Easter falls within the Restricted Burning Period, no burning is to be allowed during the Easter break.

Policy Adopted: 23 May 2006

6. DOG CONTROL

6.1. Impounding Dogs

Any Staff member that catches and impounds a stray dog is to be paid \$30.00.

Policy Adopted: 15 November 2000

7. COMMUNITY SERVICES

7.1. Rubbish Removal Service

Landowners/Occupiers who are provided with a rubbish removal service, but do not take advantage of that service are still required to meet the Council charges for the service.

Policy Adopted: 31 March 1989

7.2. Doctor & Dentist residence gardens

The Shire staff will mow and maintain the lawns at the Doctors and Dentists residence as required.

Policy Adopted: 31 March 1989

7.3. Hire of Community Bus

The rate for the hire of the community bus will be set at 60 cents per kilometre (plus fuel).

Smoking is not to be permitted on the community bus.

Council does not object to the hire of the community bus to people from outside the Shire of Corrigin. If, however, the bus is hired by somebody who is not a resident of Corrigin, and the bus is subsequently required by a local, the non-local be advised that the bus is no longer available to them. At least one weeks notice must be given to the non-local of the cancellation of the hire to enable them to make other arrangements.

If the bus is returned in an untidy state and it is not possible to contact the hirer responsible prior to the next hire of the bus, the bus will be cleaned and the hirer will be responsible for the cost of the cleaning.

Failure to comply with any of the above conditions may result in refusal to hire the bus to that organisation in the future.

The Mechanic (or other suitable person) must inspect the Community Bus after every hiring to ensure that it has been returned in an adequate state with no damage.

Policy Adopted: 20 August 1997

Policy Amended: 15 July 2008

7.4. Hire of Community Bus – senior citizens

Council will provide free use of the community bus for the following Senior Citizens activities each calendar year on the provision that fuel costs are paid by the hirer:

- Rotary trip to Perth
- Seniors Games
- One other event each calendar year

Policy Adopted: 17 June 2008

7.5. Cemetery Planning

No planting of trees around the gravesites be permitted. Any beautification of gravesites involving vegetation be submitted to the CEO.

Policy Adopted: 19 December 2001

8. HOUSING & LAND

8.1. Standard of gardens

All tenants in Shire houses will be expected to maintain a satisfactory standard of garden and if this standard is not met to the satisfaction of Council, the Chief Executive Officer is required to discuss the matter with the tenant.

Policy Adopted: 31 March 1989

8.2. Annual inspection of Council houses

An annual inspection of all Council houses is to be carried out to ascertain the housing maintenance items that should be included in the next budget.

Policy Adopted: 31 March 1989

8.3. Building alterations

All tenants are to be advised that Council permission is required prior to any structural alteration being made to Shire houses.

Policy Adopted: 31 March 1989

8.4. Vacating Shire Houses

All tenants of Shire owned houses and flats are to get the carpets professionally cleaned prior to vacating the residence.

Policy Adopted: 17 April 1996

8.5. Dogs & Cats in Shire Employee Residences

Councils preferred position in regards to this policy is that there be no cats and dogs allowed inside of Shire houses.

However, should officers have pets that they wish to allow into their residence then Council will require a Bond of 4 weeks rent plus \$100 pet bond per pet and upon vacating the officer will be required to make full restitution of any damage that may occur (other than normal wear and tear) including replacement of carpets if deemed necessary by the HBP Committee and CEO. The costs of repair/replacement will be taken from the bond and any monies such as unpaid wages and Holiday Pay owing by Council to the officer. Should the cost of restitution be higher

than the monies owing the officer will be required to pay the outstanding amount (See also Policy 9.1.5).

The CEO will conduct spot monthly inspections for the first three months, thereafter inspections will be conducted on a random basis at no less than two monthly intervals.

Note: Residential Tenancies Act permits a landlord to charge a pet bond up to \$100

Policy Adopted: 19 August 1998

Policy Amended: 15 August 2006

8.6. Dogs & Cats in other Houses/Units

There be no cats and dogs allowed in other Council owned residences.

Policy Adopted: 15 November 2000

8.7. Colours in Shire Residences

That Council use neutral tones in all Council owned residential buildings, however if a resident wishes to vary the colour of a room, that they be allowed to do so upon approval of the CEO, or if necessary, Council.

Policy Adopted: 18 September 2002

8.8. Water Consumption

Council will bear the cost of water rates on Shire houses and that tenants be expected to pay for the annual consumption in excess of 650kl.

Policy Adopted: 18 August 2004

Policy Amended: 17 September 2010

8.9. Proceeds of Sale of Industrial or Residential Land

The proceeds of the sale of any residential or industrial land be placed in the Land Subdivision Reserve Fund.

Policy Adopted: 6 November 2002

8.10. Assistance to Business

Any request by people seeking business assistance from the Shire be referred to a Council Meeting.

Policy Adopted: 17 April 2002

9. PLANNING & DEVELOPMENT

9.1. Shire Planner

The Shire Planner is delegated the authority to submit all submissions relating to the Shire of Corrigin.

Policy Adopted: 6 November 2002

9.2. Use of Reflective MATERIALS in Rural Residential Zones

Zincalume roofing (or similar other non complying roofing materials) is permitted on buildings in a Rural Residential zone except in areas where due to height and/or exposure the use of such materials could cause glare and/or view disturbance issues.

(This Town Planning Policy modifies the requirement for non reflective roofing on all buildings in a Rural Residential zone under clause 3.5.5(e) of the Shire's Town Planning Scheme No. 2.)

Policy Adopted: 20 March 2007

9.3. Patio/Pergola Roofing not limited in area

Where a patio/pergola is constructed in a manner where it forms and functions as part of the residence on-site and is constructed of materials which tie it in colour and texture to the residence, such patio/pergola be not considered an outbuilding under the provisions of the Shire of Corrigin Town Planning Scheme.

(This Town Planning Policy modifies the requirements limiting the floor area of outbuildings under clause 5.6.12 of the Shire's Town Planning Scheme No.2)

Policy Adopted: 20 November 2007

9.4. Outbuilding Size

PURPOSE/OBJECTIVE

To modify the current provisions contained in the Shire's Town Planning Scheme and give guidance to Developers and the Community on sizes of outbuildings that will be considered in relation to residential development within the shire.

POWERS

Council's delegation of power to the Chief Executive Officer (CEO) to approve Variations to Clause 5.6.12 of the Town Planning Scheme No2.

POLICY

Council delegates to the CEO power to approve variations to Clause 5.6.12 of the Shire of Corrigin Town Planning Scheme without reference back to Council using the following guidelines:

1. The references to materials used in construction are to be no longer applicable except in reference to the need to use non reflective materials in highly visible situations where the approval of such would detract from amenity.
2. The references to maximum outbuilding sizes in clause 5.6.12 is to be replaced by table 5.5.12 (attached)
3. In considering the application of this policy the views of any potentially affected neighbors are to be sought and considered in cases where any potential adverse impact is detected.
4. The approval of any variation being subject to not reducing the maximum site coverage/minimum open space requirements set out in the Residential Design Codes.
5. Applications proposing variations outside this policy will be considered by Council.

Policy Adopted 19 May 2009

LOT AREA (m²)	MAXIMUM SINGLE OUTBUILDING (m²)	TOTAL OUTBUILDINGS (m²)	MAXIMUM WALL HEIGHT	MAXIMUM RIDGE HEIGHT
Up to 599	10% of lot	10% of lot	2.4	3.3
600 – 799	60	78	3.0	3.6
800-899	72	90	3.0	3.6
900-999	81	99	3.3	4.2
1000-1199	108	120	3.3	4.2
1200-1499	108	140	3.3	4.2
1500-1999	120	160	3.6	4.5
2000 – 5000	144	180	3.6	4.5
Rural Residential Zone	144	200	4	5
Rural Zone less than 2Ha	144	200	4	5

10. COMMUNITY RECREATIONAL / LEISURE SERVICES

10.1. Hall & Pavilion Hire

All applicants that wish to hire the Town Hall, Cyril Box Pavilion, Senior Citizens or Agricultural Hall be required to sign a 'Conditions of Hire' form. This form is to contain details of the standard of cleanliness required of the building after use and if the hirer does not meet these requirements, the following steps are to be taken:

- The Chief Executive Officer should contact the hirer and request that the items that do not meet the required standard be attended to immediately.
- If the required cleaning is not carried out to the satisfaction of the Chief Executive Officer, the Shire cleaner should attend to the matter and the hirer is to be levied the necessary cleaning expenses based on the hours that the cleaner was required to work on the building.

Policy Adopted: 31 March 1989

10.2. Max number of Persons – Cyril Box Pavilion

All hirers be advised that maximum number of persons allowed in the Cyril Box Pavilion under the provisions of the Health Act is 163.

Policy Adopted: 23 August 1995

10.3. Dancing - Cyril Box Pavilion

No hire be permitted of the Cyril Box Pavilion where adults are expected to dance on the carpeted area. If dancing by adults is requested, it must be pointed out to the hirer that the dancing must be restricted to the tiled floor area at the front of the pavilion.

Hire of the Cyril Box Pavilion for Blue Light Disco's for children is permitted.

Policy Adopted: 31 March 1989

10.4. Annual inspection of buildings

An inspection of all halls and other buildings be carried out in April/May each year to ascertain the necessary budget maintenance items for the following year.

Policy Adopted: 31 March 1989

10.5. Council Building – Smoking

The Cyril Box Pavilion, Council Offices, Town Hall, Depot Office, Old Ambulance Building and O’Shea Place and any public buildings under Shire control are Smoke Free Zones.

Policy Adopted: 16 September 1992

Policy Amended: 15 November 2011

10.6. Max number of Persons – Town Hall

All hirers be advised that the maximum number of persons allowed in the Town Hall under the provisions of the Health Act is 400.

Policy Adopted: 23 August 1995

10.7. Hire of Halls – Charitable Purposes

Council allows all Corrigin Service Organisations to utilise the Town Hall and Cyril Box Pavilion free of charge for fund-raising and charitable purposes.

Policy Adopted: 16 April 1997

10.8. Hire of Chairs & Tables

Council does not hire the chairs and tables from the Town Hall or Cyril Box Pavilion, other than to the Corrigin Agricultural Society for use during the annual Agricultural Show at no cost.

Policy Adopted: 17 July 2002

10.9. Sporting Clubs

The football and hockey clubs are allowed a maximum of two sets of keys for the Cyril Box Pavilion.

Policy Adopted: 18 April 2001

11. SWIMMING POOL

11.1. School use of the pool for carnivals

When the Corrigin School is given exclusive use of the pool for faction and inter-school carnivals, all children and adults be allowed free entry to the pool.

Policy Adopted: 31 March 1989

11.2. Vacation Swimming Lessons – Parents

Parents accompanying children who are participating in vacation swimming classes and who are not swimming are permitted to enter free of charge provided they leave the pool as soon as the classes are finished.

Policy Adopted: 31 March 1989

11.3. Vacation Swimming Lessons – Teachers

Swimming teachers are allowed to have free entry to the pool while they are teaching vacation and in term swimming classes.

Policy Adopted: 18 August 2004

12. ROADS / TRANSPORT / ENGINEERING

12.1. Traffic Signs

The Chief Executive Officer and the Shire Works Supervisor are authorised to proceed with the purchase of road and street signs as necessary without reference to Council. Budget constraints are to be taken into account with these purchases.

Policy Adopted: 31 March 1989

12.2. School bus stop signs

Councils policy is to provide school bus stop warning signs at the point where a hazard exists. A hazard generally constitutes a blind area within 200 metres of the school bus stop.

Policy Adopted: 31 March 1989

12.3. Land Resumption for gravel

If landowners are unwilling to allow Council access for gravel reserves, that it be Council policy to resume the land to enable the gravel to be obtained.

Policy Adopted: 31 March 1989

12.4. Gravel supplies – road reserves

It is Councils policy that where possible gravel for road building not be obtained from road reserves.

Policy Adopted: 31 March 1989

12.5. Maintenance grading regularity

Every effort is to be made to ensure that all major rural roads be graded biannually and that other roads be graded as required, but at least once a year.

Policy Adopted: 31 March 1989

12.6. Gravel Royalties – WT Matthews

Mr WT Matthews is to be paid an amount of \$5 per cubic metre for all gravel that is sold from his property.

Policy Adopted: 17 February 1993

12.7. Road Inspections

A road inspection will be held each year and following this inspection, the road construction program for the following year is to be set. A road inspection may also be held during the winter months at the discretion of Council.

Policy Adopted: 20 August 1997

12.8. Rural Crossovers

Where landowners require a new culvert crossover, Council will provide one crossover free of charge and if an additional crossover is required, Council will provide the labour to install the culvert if the landowner pays for the culverts. A standard rural crossover is to be 8 metres wide.

Policy Adopted: 19 August 1998

12.9. Gravel & Sand Supplies

Where gravel supplies are required for roadworks, the Chief Executive Officer, nearest Councillor and Works Supervisor are to approach the landowner concerned at least one month prior to the time when the works are due to commence with a request for the gravel. This notice is necessary to give the landowner time to make any domestic arrangements in relation to stock, etc. An agreement must also be signed by the Corrigin Shire and the landowner.

All gravel pits opened on private property are to be reclaimed before the plant moves to the next programmed job unless other firm arrangements are negotiated with the landowner.

All care is to be taken to ensure that the least amount of inconvenience is caused to the landowner as possible.

Policy Adopted: 19 June 2002

12.10. Road Name Changes

Anyone wishing to alter a road name to recognise a pioneering family is to apply to Council stating their reasons, and Council is to write to all the landholders adjoining the affected road to obtain their views.

Policy Adopted: 15 November 2000

12.11. Road Width

All roads that are reconstructed are to be cleared to 14 metres.

Policy Adopted: 15 August 2001

12.12. Natural Crossings

Council upgrade natural crossings to an adequate standard (20m) when requested for conservation purposes with 900mm pipes. Where the requested crossing is not in the natural drainage the landowners are to pay for the pipe and Council to do the work.

Policy Adopted: 16 November 2002

12.13. Tidy Towns contest

Council fully support the KABC Tidy Towns Competition and the Chief Executive Officer is authorised to carry out the following functions in relation to the Roadside Litter Removal program.

- Receive applications from interested organisations to carry out rural road cleanups.
- Allocate lengths and sections of roads for cleanup.
- Advise the organisation where to place litter bags and to inspect the work to ensure the road has been cleaned satisfactorily.
- Complete payment voucher and forward the details to KABC.

Policy Adopted: 31 March 1989

12.14. Street Tree Removal

No trees are to be removed within the Corrigin Townsite without due consideration by the Chief Executive Officer.

Policy Adopted: 18 September 1996

12.15. Minimum standard of footpath

Footpaths and pathways in public areas are to be constructed to a minimum width of 1,800mm, in addition these footpaths shall have a vertical clearance of at least 2,000mm.

Policy Adopted: 18 August 2004

12.16. Townsite Crossovers

Council will provide one 4 metre crossover per lot free of charge to rate payers. Additional costs involved in wider or additional crossovers (less the footpath portion) will be at the cost of the ratepayer.

Policy Adopted: 19 August 1998

12.17. Air Strip Maintenance

The Corrigin St John Ambulance Australia Sub Centre and Corrigin District Hospital are to be kept informed by the Corrigin Shire of any works being carried out on the air strip, and when the sub centre requests work to be done, that it be of priority.

Policy Adopted: 21 October 1998

12.18. Street Tree Planting

Street tree planting is only to be carried out during optimum planting periods and the species of tree to be planted must suit the location with due regard to Western Power, Telstra and the Water Authority services.

The street tree replacement program is to be continued which will replace all the gum trees in the townsite that are currently causing problems with power lines and the roads and footpaths, and these trees are to be replaced with a more suitable variety.

Policy Adopted: 15 November 2000

12.19. Plant Repairs

During periods when the Chief Executive Officer is away on annual leave, the President will be contacted for approval before any major amounts of money are spent on plant repairs.

Policy Adopted: 16 February 1994

12.20. Motor Vehicle Replacement

The intent of this policy is to facilitate better understanding and minimise the whole of life costs for the Shire of Corrigin light vehicle fleet.

Fleet cycle costs vary regularly due to a variety of factors including fuel costs, used vehicle prices, and market and industry trends. The Shire will review these costs and replacement periods on a regular basis to ensure the most cost effective outcome at all times as part of the development of annual budgets and plant replacement programs.

Regular advice will be sought from vehicle dealers on the optimum changeover period and vehicle type to minimise the whole of life costs to the Shire. This information will provide the basis of decision making as to when optimum replacement/changeover of light vehicles is deemed appropriate as market industry trends vary. The Chief Executive Officer is responsible for overseeing the replacement of motor vehicles within budget guidelines.

Policy Adopted: 21 August 1996

Policy Amended: 17 November 2009

12.21. No Smoking Areas

All Shire vehicles are no smoking areas.

Policy Adopted: 21 May 1997

12.22. Use of Depot for Servicing Vehicles

There is to be no servicing or maintaining of private vehicles in the Shire Yard without the express permission of the Chief Executive Officer.

Policy Adopted: 19 August 1998

12.23. Unauthorized Structures

Where a building, work or structure is constructed in breach of any provisions of the Building Regulations 1989 and/or Building Code of Australia, the Building Surveyor is authorised to give notice to the owner for the building work or structure to conform with the Building Regulations 1989 and/or Building Code of Australia:

- Serve written notice on the owner of the building or builder drawing notice to the existence of the structure in breach of the Building Regulations 1989 and/or the Building Code of Australia and requiring written explanation within 14 days of the Notice.
- Provided a satisfactory explanation is received and the relevant action is taken to comply with the requirements of the Notice, the Building Surveyor is authorised to issue a building licence.

- Should the owner or builder fail to comply with the requirements of the Notice within the prescribed time, or show good and sufficient reason for not doing so, the matter should be placed before Council for their consideration.

Policy Adopted: 31 March 1989

12.24. Prohibition of unsightly objects

No person shall cause, allow or permit to be placed on any lot an object which is visible from the street and in the opinion of the Council is offensive, unsightly or otherwise considered to be detrimental to the amenity of the neighbourhood.

Where the land is to be used for the storage of goods, Council may require that land to be enclosed with a fence of suitable construction that the stored goods are not visible from the street.

Policy Adopted: 31 March 1989

12.25. Septic Tank Installation

All effluent disposal systems are to be sized in accordance with Schedule 8: Method of Determining Absorptive Capacity of a Soil contained within the Treatment of Sewerage and Disposal of Effluent and Liquid Waste Regulations. All conventional effluent disposal systems are to be installed as per Councils Standard Drawing.

Policy Adopted: 18 September 1997

12.26. Vegetation on new fencelines

When farmers are installing a new fence, they are not to remove any vegetation on the road reserve, other than within 1 metre of the survey line with all debris to be placed on the farmers property.

Policy Adopted: 15 November 2000

13. RURAL / CULTURE SERVICES

13.1. DrumMuster

Council will hold as many DrumMuster collections throughout the year as is considered necessary. It is also noted that Apex usually holds a collection in conjunction with the DrumMuster collection.

Policy Adopted: 16 March 1994

13.2. Ram Field Days

The only people permitted to display rams in the recreation ground area for ram field days be those groups approved by Corrigin Ram Breeders Association, and only hay supplied by the Corrigin Ram Breeders Association is to be used. The Eastern portion only of the grassed area is to be used for such events. Refer to Policy 13.1.4

Policy Adopted: 20 August 1997

13.3. Circus Visits

No bookings are to be taken, nor the hire of the Oval or any other facility be allowed to any Circus or event of the same nature, 2 months prior to the Agricultural Show.

Policy Adopted: 19 September 2001

13.4. Agricultural Show Reception

Council share hosting a luncheon reception with the Corrigin Agricultural Society at Cyril Box Pavilion at the Agricultural Society's discretion regarding timing and venue. All Councillors and Freeman of the Shire and their partners to be invited and both parties to share the costs.

Policy Adopted: 21 July 2004

13.5. Use of Oval

Only activities of a sporting nature be allowed on the Football and Hockey areas, with the exception of the Corrigin Show, Dog and a Ute Event and Easter Tennis Tournament and that the Eastern portion of the grassed area be used for both sporting and other events.

Policy Adopted: 16 February 2005

14. RISK MANAGEMENT POLICIES

14.1. Bullying in the Workplace Policy

POLICY STATEMENT

The Shire of Corrigin considers workplace bullying unacceptable and will not tolerate it under any circumstances.

Workplace bullying is behaviour that harms, intimidates, offends, degrades or humiliates an employee, possibly in front of other employees, clients or customers.

Workplace bullying may cause the loss of trained and talented employees, reduce productivity and morale and create legal risks.

The Shire of Corrigin believes all employees should be able to work in an environment free of bullying. Managers and supervisors must ensure employees are not bullied.

The Shire of Corrigin has grievance and investigation procedures to deal with workplace bullying. Any reports of workplace bullying will be treated seriously and investigated promptly, confidentially and impartially.

The Shire of Corrigin encourages all employees to report workplace bullying. Managers and supervisors must ensure employees who make complaints, or witnesses, are not victimised.

Disciplinary action will be taken against anyone who bullies a co-employee. Discipline may involve a warning, transfer, counselling, demotion or dismissal, depending on the circumstances.

The contact person for bullying at this workplace is the Deputy Chief Executive Officer

Policy Adopted: 15 August 2006

14.2. Consultation & Communication Policy

POLICY STATEMENT

Shire of Corrigin are committed to communicating and consulting with all internal and external stakeholders. The organisation welcomes all feedback from stakeholders. Any negative feedback or constructive criticism is perceived as valuable information and will be addressed under the continuous improvement programme of Shire of Corrigin. The internal stakeholders will be consulted on their feedback and they will form part of the improvement teams to address any of the negative issues identified.

Shire of Corrigin will also celebrate the positive feedback from internal and external stakeholders and will celebrate individual staff achievements and any performance awards that they receive.

External stakeholder will be actively consulted on all major decisions of Shire of Corrigin, their input and perceptions will be included in the decision-making processes.

Shire of Corrigin will actively promote the values of whole organisation and where appropriate will encourage outlying staff to participate on organisational committees or continuous improvement teams. Likewise Shire of Corrigin is committed to building strong partnerships with the community and government agencies.

Shire of Corrigin will comply with the requirement of the relevant Acts in its communications with the community and the external stakeholders as well as the consultation and communications requirements of the Occupational Safety and Health Act and Regulations.

SCOPE

This Policy applies to whole of organisation and all external stakeholders.

REFERENCES

- Occupational Safety and Health Act, 1984 (Act)
- Occupational Safety and Health Regulations 1996, and 2005 amendments (Regulations)
- Local Government Act

RESPONSIBILITIES

CEO is responsible for:

- Ensuring that there is active communications both up and down the organization.
- Ensuring response to perceived issues, and ensuring that they are addressed in a timely manner.
- Ensuring communications with all external stakeholders and taking action where appropriate.
- Ensuring response to customer complaints in a timely manner.
- Building strong relationships with communities and government agencies.

Senior Managers/Line Managers/Supervisors are responsible for:

- Communicating organisational issues to their staff on a regular basis.
- Responding to staff issues.
- Responding to customer complaints.
- Building strong relationships with internal and external customers.

Employees are responsible for:

- Reporting any hazards, complaints and risks associated with their workplace.

APPLICATION

The following communications and consultative processes will be adopted throughout Shire of Corrigin:

Internal communication and consultation systems:

- Email communication to staff
- Toolbox tasks and engineering and works staff

- Induction manuals for all new staff and contractors
- Organisation Charts display the chain of command in the organisation
- Specific staff meetings; Internal staff bi-monthly meetings will be documented and all staff have access to all minutes.
- Internal audit schedule for OSH and Risk Management Program
- Electronic access to all organisation policies and procedures
- Position descriptions and annual performance appraisal feedback for all staff
- Occupational Health and Safety Committee access through safety officers and management.
- Internal and on the job training programs
- Organisational wide Planning documents
- Staff workshops for risk identification, and organisational planning process
- Ensuring EEO options English as a second language, communicating for those employees with disabilities
- Presentations to Council – reports and monthly management information reports, access to all staff
- Social events

External communication consultation options

- Ensure Council Elections-information is approved complying with the Local Government Act.
- Council Meetings-
- Public access to meetings
- Minutes of all Council meetings and their sub committees, all minutes are available for public access.
- Advertising of council meetings, Tenders, Positions, Expressions of interest and public notices.
- Central Emails to and from Community Groups.
- Community forums.
- Community Focus Groups.
- Internet Website.
- Customer service and complaint register.
- Special Public meetings
- Community surveys
- Supplier surveys
- Community Service Liaison staff
- Government grant application assistance to community groups
- Government partnerships
- Tendering process and transparency
- Customer Service Charter
- Newsletters
- Letter drops
- Availability of plans for Public comment
- Input into the Strategic Planning process
- Published Plans and Reports for access by community
- Published Financial Statements/ Annual Reports

Policy Adopted: 15 August 2006

14.3. Contractor Management Policy

POLICY STATEMENT

The Shire of Corrigin recognises the complications that may be introduced by outsourcing some of its functions and relying on contractors. The presence of contractors and sub-contractors has the potential to create greater risks in the workplace/worksites; this can be attributed to a number of reasons; unfamiliar work sites, less training and supervision than regular employees, pressure of time and long working hours.

The Shire of Corrigin acknowledges that they have the same Occupational Safety and Health obligations to contractors, and sub-contractors, as they do to their employees. As the Principal, the Shire of Corrigin understands that the duty of care to contractors/sub-contractors cannot be contracted out, and to ensure that all contractors/sub-contractors are protected from risk of injury or ill health while on the premises or when carrying out their designated duties.

Relevant Legislation

- Occupational Safety and Health Act 1984, and 2005 amendments
- Occupational Safety and Health Regulations 1996, and 2005 amendments

14.4. Equal Opportunity Employment Policy

POLICY STATEMENT

The Shire of Corrigin shall comply with the WA Equal Employment and Opportunity Act (1984).

The Shire of Corrigin recognizes that the WA Equal Employment Opportunity Act (1984) is concerned with:

- The recognition and acceptance of the equality of all persons regardless of gender, race, religious or political convictions, impairments or ages.
- The elimination of discrimination on the basis of the grounds covered in the Act.

SCOPE

This applies to whole organisation.

RESPONSIBILITY

Executive Management

Shire of Corrigin has the responsibility to protect employees against harassment and discrimination in the workplace and to effectively manage breaches of policy in a fair and equitable manner.

Employees

All employees are subject to relevant state and federal laws governing Equal Employment Opportunity (EEO).

It is unlawful for a person to subject or threaten to subject another person to any detriment where that person has made a complaint or proposes to make a complaint under the Act.

Managers / Supervisors Responsibility

Managers and Supervisors must:

- Handle complaints and grievances consistent with the policy objectives
- Take prompt action re these issues
- Seek advice where appropriate
- Ensure confidentiality
- Monitor issues / resolutions
- Assist with access to counselling where appropriate.

Policy Adopted: 15 August 2006

14.5. Injury Management & Rehabilitation Policy

POLICY STATEMENT

Taken from the "Municipal Workcare Scheme Injury Management Policy and Procedural Manual 2006".

Of the Employer:

- To make provision for the injury management and rehabilitation of all workers who have sustained a compensable work related illness, injury or disability.
- To treat all workers with dignity and respect.
- To guarantee that all information is treated with sensitivity and confidentiality.
- To return the injured worker to the fullest capacity for gainful employment of which they are capable.

With this in mind the "Key Principles of Injury Management", as identified by WorkCover, will be adopted. They are:

- Recognition that employers and injured workers are the primary stakeholders within the workers' compensation system.
- Maintenance in or a safe return to work is the expected outcome.
- Medical practitioners and employers play a central decision making role in the return to work of injured workers.
- The focus of all services should be workplace based.
- The injury management process should be transparent, cost efficient and effective.
- Early intervention and pro-active injury management is critical in achieving return to work goals.
- When vocational rehabilitation is required, all parties are involved in a process that is transparent and requires joint decision-making.

To assist in the timely and effective injury management of employees, the employer has appointed an employee to the role of Workplace Injury Management Coordinator as part of their duties, to implement and monitor the injury management and rehabilitation procedures.

This appointment is in the knowledge that Municipal WorkCare Scheme employs a dedicated Injury Management Advisor to assist and guide this individual. Further to this, the Scheme's claims Team Leader, appointed to the employer, is available to discuss any issues related to the management of the worker's claim.

Policy Adopted: 15 August 2006

14.6. Noise Policy

POLICY STATEMENT

The Shire of Corrigin is committed to identifying and reducing all noise hazards in the workplace. The Organisation will, so far as is practicable, ensure that noise to which a person is exposed at the workplace does not exceed the exposure standard for noise (Occupational Safety and Health Regulation 3.46), namely an exposure equivalent to 85 dB(A) for 8 hours a day or a peak noise of 140 dB(C). If there is an exposure to machinery and equipment over 85dB(A) there shall be a regularly updated and maintained "Noise Exposure (Machinery and Equipment) Register".

It is mandatory to refer to the "Noise Procedure" for the Management of noise in the workplace.

It is mandatory that everyone exposed to high noise levels at the workplace shall have a base line hearing test at time of employment and annual testing there after, and recorded on their personal file, which is stored in a secured location.

Policy Adopted: 15 August 2006

14.7. Occupational Safety & Health Policy

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

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

The Shire of Corrigin acknowledges a duty to achieve their objectives by:

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

Employees have a duty of co-operation in the attainment of these objectives by:

- Working with care for their own safety and that of other employees, contractors and public who may be affected by their acts or omissions.
- Reporting conditions which appear to be unsafe to their supervisor.
- Co-operating in the fulfilment of the obligations placed on their employer.
- Assisting in the investigation and the reporting of any accidents with the objective of introducing measures to prevent re-occurrence.

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

Policy Adopted: 15 August 2006

14.8. Risk Management Policy

PURPOSE

The purpose of risk management is to develop a culture, processes and structures that are directed towards the effective management of potential opportunities and adverse effects. It also is designed to reduce the potential costs of risk by reducing liability, preventing litigation and improving loss control.

Risk management is a key process in developing the strategic direction of the organisation.

The key drivers for risk management are Management's responsibility for due diligence as good corporate governance practice and the due diligence requirements by the insurance industry which impacts on the cost of insurance.

POLICY STATEMENT

The Shire of Corrigin is committed to managing risk in the organisation and will implement the AS/NZ 4360: 2004 Risk Management, as the minimum standard.

It is understood by the organisation that Risk Management is the systematic application of management policies, procedures and practices to the tasks of establishing the context, identifying, and analysing, evaluating, treating, monitoring and communicating risk.

The Senior Management Group will be responsible for developing a Risk Management Plan for the organisation. The CEO recognises that adequate resources are needed to implement the risk management program.

The CEO and Senior Management Group are to ensure that all of the risk management processes are fully documented and managed through the records management system.

REFERENCES

- AS/NZS 4360: 2004 Risk Management

SCOPE

This policy covers all the operations of the organisation including corporate governance, strategic Planning, Internal and External Communications, Information Technology, Resource Management Financial and human resources as well as operational risks such as legal compliance, business risks, Tenders and contract management, Project Management, Asset Management, Infrastructure Management and Emergency Preparedness and Response.

OBJECTIVES

- To implement the Risk Management Standard AS/NSZ 4360
- To define the organisation's tolerance to risk and communicate it throughout the organisation
- To communicate with the community about the organisation's approach to risk.
- To protect the reputation of the organisation
- To develop a Risk Management Plan that is aligned to the Strategic planning process.

RESPONSIBILITIES

Managers and/or Directors are responsible for:

- Ensuring that a Risk Management Policy has been developed, adopted and communicated throughout the organisation
- Ensuring that the CEO has implemented the Risk Management Standard AS/NZS 4360.
- Reviewing the Risk Management Policy and Plan annually.
- Annual performance review of the risk management implementation with the CEO.

CEO is responsible for:

- The full implementation of AS/NZS 4360 throughout the organisation.

This includes developing:

- A risk management plan for the organisation.
- Establishing the risk tolerance level of the organisation for adoption by Management
- Reporting to Council on the implementation progress of the risk management standard on a monthly basis.
- Communicating the policy to all employees.
- Displaying a copy of the policy on staff notice boards.
- Ensuring that Risk Management is a standard agenda item at all meetings including toolbox meetings.
- Development of Risk Management skills through training and education.
- Identifying and measuring performance indicators for risk management that cascade from the risk management plan to position descriptions and performance appraisals.
- Establishing and Maintaining the Central Risk Register.
- Establishing and maintaining the Strategic Risk Planning Register.

Management are responsible for:

- Identifying and assessing all the potential risks in their area of responsibility.

- Collating, assessing, treating and reporting to the Risk Management Committee of all areas and tasks under their responsibility.

Employees are:

- To comply with the organisation's Risk Management Policy and Procedure.
- To attend the risk management training.
- Actively participate in the risk management program and organisational performance review and evaluation program.
- Actively participate in the organisation's continuous improvement program.

DOCUMENTATION

The CEO will ensure that all risk management processes are fully recorded throughout the organisation.

Policy Adopted: 15 August 2006

14.9. Training & Development Policy

People are the major asset of the Shire of Corrigin and Training Policy aims to invest in your development to ensure the continuing success of the business.

The Shire of Corrigin Training Policy is founded on the following principles:

- You have a major role in determining your specific training and development needs.
- Your line Manager has a primary responsibility for ensuring your training is directly linked to the Shire of Corrigin business objectives and plans.
- A performance review system operates to ensure your training and development needs are discussed annually to ensure your skills are kept up to date.
- A comprehensive training system operates, which is reviewed annually using internal and external trainers.
- To encourage you to become professionally qualified, there is appropriate financial assistance and study leave (see section on Educational Expenses).

INDUCTION

As a new employee you will be taken through an induction programme. The aim of the programme is to introduce you to the structure of the Shire of Corrigin, where you sit within it and take you through all the basic things you need to know about life in your new position. If for any reason you do not get taken through all the sections on the induction in your first few days do not be afraid to ask your Supervisor to complete the process.

EMPLOYEE DEVELOPMENT PLAN

When you get towards the end of your probationary period your Manager will take you through your final Progress Review. An important part of the Progress Review is the "Employee Development Plan". The purpose of this is to identify areas of training, either to build on your strengths or to cover those elements of your job that you may have limited experience. The

training needs will be put in writing and will form the basis of your individual training plan for the period until your next review.

Your next review will be your annual Performance Appraisal and it will also have an "Employee Development Plan" for the next 12 months.

The Shire of Corrigin is committed to creating a "learning culture". The Shire of Corrigin will continue to succeed because we recognise that the business environment is constantly changing and that we need to acquire knowledge and expertise to keep us ahead of the game.

PROFESSIONAL/VOCATIONAL QUALIFICATIONS

The Shire of Corrigin recognises that there are many professional skills required to ensure that the Shire of Corrigin is successful. Graduate and professional qualifications in such areas as Occupational Health and Safety, Risk Management, Accountancy, Information Technology and Human Resources are valued.

Subject to prior agreement with your Manager, the fees for relevant professional education will be met or subsidised by the Shire of Corrigin.

PROVISO

Reimbursement of fees for non-obligatory courses is on the proviso that you undertake to remain with the Shire of Corrigin for a period of at least one year from successful completion of the course. You will be asked to sign an undertaking to repay fees should you leave within 12 months, including giving the Shire of Corrigin the right to deduct such monies from final salary and outstanding holiday pay.

Having regard to changing Government policy on student contribution towards the cost of study, the Shire of Corrigin will keep its policy on reimbursement of educational expenses under review.

STUDY LEAVE

It is the Policy of the Shire of Corrigin to encourage staff to undertake external courses of study relevant to their vocation. If it is necessary for staff to have time off to attend classes and/or examinations they may do so, provided the study is considered of benefit to the staff member in their career with the Shire of Corrigin. Approval for such absence must be obtained from the Supervisor and/or Manager.

Normally staff are allowed half a day study leave in the week prior to an exam and half a day for each exam. Any need for extended study leave should be discussed with your Supervisor/Manager in conjunction with the Human Resources Co-ordinator.

PROFESSIONAL AND REPRESENTATIVE BODIES

If you are a member of an appropriate professional body which is recognised by the Shire of Corrigin, your subscription fee will be reimbursed.

Policy Adopted: 15 August 2006

14.10. Visitor Management Policy

POLICY STATEMENT

Shire of Corrigin is committed to ensuring that visitors to workplaces are not exposed to hazards. Severe penalties apply under the Occupational Safety and Health Act 1984, if visitors to workplaces are injured through not being appropriately cared for.

POLICY FOR THE PROTECTION OF VISITORS

All visitors who wish to enter workplaces or specified locations of a workplace shall obtain the prior permission of the Supervisor.

Visitors are not permitted to wander around workplaces unaccompanied. All visitors are to report to the front counter (where applicable) or to the appropriate supervisor before entering any workplaces/sites.

Prior to being authorised to enter a workplace, all visitors must be provided with workplace specific induction on the nature of hazards within the workplace and must be instructed in emergency evacuation procedures. It is important that the promotion of a safety culture within the workplace is transferred to the visitor by way of instruction and induction training.

Staff members are to accompany all visitors at all times.

Visitors are restricted from entering all high hazard areas.

It is essential to ensure that the work environment allows safe access/egress of visitors at all times. This can be achieved by ensuring that all walkways remain clear of obstacles.

Policy Adopted: 15 August 2006

14.11. Volunteer Management Policy

INTRODUCTION

Shire of Corrigin recognises the responsibility to ensure that the following points apply to the management of volunteers in the organisation. The Shire of Corrigin will maintain a register of volunteers to ensure they are covered by the organisation's insurance policy.

The Council will comply with the national standards for volunteer involvement which represent and explain the tenets of best practice in the management of volunteers.

The following points identify policy considerations for volunteering involving organisations and can be addressed as part of the process to implement the national standards.

- interview and employ volunteer staff in accordance with anti discrimination and equal opportunity legislation;

- provide volunteer staff with orientation and training;
- provide volunteer staff with a healthy and safe workplace;
- provide appropriate and adequate insurance coverage for volunteer staff;
- not place volunteer staff in roles that were previously held by paid staff or have been identified as paid jobs;
- differentiate between paid and unpaid roles;
- define volunteer roles and develop clear job descriptions;
- provide appropriate levels of support and management for volunteer staff;
- provide volunteers with a copy of policies pertaining to volunteer staff;
- ensure volunteers are not required to take up additional work during industrial disputes or paid staff shortage;
- provide all volunteers with information on grievance and disciplinary policies and procedures;
- acknowledge the rights of volunteer staff;
- ensure that the work of volunteer staff complements but does not undermine the work of paid staff;
- offer volunteer staff the opportunity for professional development;
- reimburse volunteer staff for out of pocket expenses incurred on behalf of the organisation;
- treat volunteer staff as valuable team members, and advise them of the opportunities to participate in agency decisions;
- acknowledge the contributions of volunteer staff.

SCOPE

This policy applies to all management, employees, councillors and volunteers working on Shire activities or official Shire committees.

VOLUNTEER REGISTER

A register will be kept; Volunteers between the ages of 16 and 80 are covered for personal accident insurance. If volunteers are outside this age group, contact will be made with Local Government Insurance Services to seek approval for insurance cover.

Policy Adopted: 15 August 2006

15. FIT TO WORK POLICY

15.1. Shire of Corrigin Fit To Work policy

PURPOSE

The Shire of Corrigin is committed to providing a safe system of work and a safe work environment by eliminating conditions and work practices that could lead to illness or personal injury, equipment or other property damage, and disruption to operations.

Accordingly Council employees or any person performing work for or on behalf of the Shire of Corrigin shall not report to work, operate any Council equipment, or perform any work services while under the influence of any drugs or alcohol and shall not possess, distribute, purchase, sell or consume alcohol or drugs on Council property or while otherwise on Council business.

In order to reduce the hazards and risks in the workplace associated with alcohol and other drugs the Shire of Corrigin will implement and maintain an Alcohol and Other Drugs Policy in its workplaces.

Anyone who refuses to participate in, cooperate with, or abide by the rules of this policy or the terms of a rehabilitation program will be terminated from employment with the Council. Employees undergoing rehabilitation or who have completed rehabilitation will be required to abide by all other Council rules and regulations including expected levels of job performance.

DEFINITIONS

For the purposes of the Alcohol and Other Drugs Policy the following definitions apply:

“Authorised testing centre” means an accredited laboratory in accordance with Australian Standard 4308 and as approved by the Council.

“Confirmatory test” means a test conducted following the return of a positive screening test result to identify and quantitate the specific drug from the class of drug detected in the screening test.

“Council” means Shire of Corrigin.

“Cut-off level” in relation to alcohol and other drugs is a value at or above which the test result is considered to be positive and below which the test result is considered to be negative.

“Employee” means any person employed by the Shire of Corrigin.

“Employer” means the Shire of Corrigin.

“Invalid sample” is a urine sample which is adulterated and/or which does not conform to the requirements of Australian Standard 4308.

“Negative confirmatory test result” means a result indicating the presence of no drugs or the presence of drugs below the cut-off levels prescribed in this Policy.

“Negative screening test result” means a result indicating the presence of no class of drugs or the presence of a class of drugs below the cut-off levels prescribed in this Policy.

“Other person in the workplace” means any person who performs work for or on behalf of the Shire of Corrigin or any person who performs work on the premises or property of the Shire of Corrigin.

“Policy” means the Shire of Corrigin Fit to Work Policy as amended from time to time.

“Positive confirmatory test result” means a result indicating the presence of drugs at or above the cut-off levels prescribed in this Policy and/or a test result and/or an action that is deemed by the Policy to be a positive confirmatory test result.

“Positive screening test result” means a result indicating the presence of a class of drugs at or above the cut-off levels prescribed in this Policy.

“Screening test” means an initial test to identify the presence of a class of drugs as prescribed in this Policy.

“Valid sample” means an unadulterated urine sample that conforms to the requirements of Australian Standard 4308.

OBJECTIVES

The objectives of the policy are to:

- Provide a safe working environment free from occupational health and safety hazards associated with inappropriate use of drugs and/or alcohol;
- Set out the Council's requirements in relation to the abuse of drugs and alcohol so that everybody is aware of what is expected of them and how they can expect to be treated;
- Use the policy as a deterrent for employees considering alcohol/drug use that may affect their work performance and compromise safety;
- Provide assistance through a range of preventative, educational, and rehabilitative measures to overcome alcohol and other drug problems that could affect individual performance or fitness for work;
- Provide a working environment which is conducive to productivity and to the achievement of business objectives by minimising the potentially harmful impact of alcohol and other drug consumption;
- Ensure that people who are deemed unfit for work as a result of alcohol or other drug misuse are dealt with in a fair and constructive manner;
- Ensure that the Shire of Corrigin meets its obligations to employees, contractors and the general public to carry out its operations safely in accordance with relevant legislation.

DUTY OF CARE

Both the Council and individual employees have obligations under the Duty of Care responsibilities in Occupational Safety and Health Legislation and at Common Law.

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

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

Employees have an obligation to advise the employer if they:

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

APPLICATION

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

MISUSE OF ALCOHOL AND OTHER DRUGS

Everybody performing duties at the Shire of Corrigin is expected to act in a responsible manner and present themselves for work in a fit state. Accordingly, a person adversely affected by alcohol or drugs is not permitted on the premises.

Any person whose alcohol or other drugs test results exceed the limits set out in this Policy will be deemed unfit for work.

This Policy does not apply to prescription drugs which are used for their intended purposes as currently prescribed for the person using them and where use of such drugs does not adversely affect the person's ability to perform work in a safe and productive manner. All personnel who use prescribed drugs must report this to their manager and must also make the manager aware of any possible side effects.

This Policy does not apply to the moderate and responsible consumption of alcohol in accordance with the relevant Council procedure at Council business or social functions or in connection with business travel and entertainment.

COMPULSORY DRUG AND ALCOHOL TESTING

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

1. Random testing
2. Extraordinary testing
3. Incident testing
4. Fitness for Work testing
5. Pre-Employment testing

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

A screening test to identify the presence of alcohol will be conducted by breath analysing equipment that meets the requirements of Australian Standard 3547 and the procedure used will be as recommended by the manufacturer of the device.

All drug testing shall be conducted at a Council approved testing facility. Authorised and trained persons will conduct all alcohol testing at the workplace.

Where an employee or other person in the workplace returns a positive screening test result a confirmatory test will be conducted.

A person who returns a positive screening test will not be permitted to remain in or return to the workplace pending the receipt by the employer of the confirmatory test result. Where a person is so required to leave the Council's premises or property the Council will ensure that it is in a safe and responsible manner.

A positive confirmatory test result will be dealt with in accordance with the "Action in Relation to Test Results" provisions as contained in this Policy.

A person who returns a negative confirmatory test result will be permitted to return to the workplace.

1. Random Testing

All employees and other persons in the workplace may be required to provide a sample for testing as a result of a random selection process. The Council reserves the right to amend and adjust the random selection process from time to time as appropriate.

The CEO has delegated authority to change the computer programme in relation to the frequency of the testing of Staff for Alcohol and Drugs, ensuring at all times that the integrity of the random selection process of the computer programme is maintained.

All employees will be tested at least once in every six months.

2. Extraordinary Testing

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

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

3. Incident Testing

Employees involved in significant incidents may be tested. Significant incidents may include, but are not limited to:

- Vehicle accidents
- Injuries treated by a medical practitioner
- Property/equipment damage
- Reportable near misses

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

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

4. Fitness for Work Testing

Any employee who has reason to believe that another employee, a contractor's employee, or a visitor is under the influence of drugs or alcohol must report their suspicions to their supervisor/manager. If the supervisor/manager agrees that there is cause for suspicion they must arrange for the person to be removed from the workplace and undertake to provide a urine or breathalyser test. The employee reporting the suspicion will also be tested.

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

Employees have the opportunity to voluntarily self-test "without prejudice" at least 10 minutes prior to the commencement of work if they are in doubt of their fitness for work. An employee who removes themselves from the workplace prior to any incident or disciplinary action will do so either on annual or unpaid leave. Repeated events will be treated as a performance matter.

5. Pre Employment Testing

All prospective employees shall be required to provide a urine sample that will be analysed for traces of prohibited or restricted drugs in accordance with Australian Standard 4308 as a pre-requisite for employment with the Council.

The prospective employee will be requested to declare to the person administering the test whether they are taking any medication, including prescription and/or non-prescription over the counter drugs.

REFUSAL TO UNDERTAKE A TEST

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

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

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

The employee will present themselves for another test within 24 hours of the second refusal and undergo a test. If the employee continues to refuse to take a test, it will be treated as a Third Positive result.

Formal disciplinary procedures will be invoked to ascertain if any mitigating circumstances exist and to allow the employee to state their case. Unless there are convincing arguments to the contrary, the individual may be dismissed without notice.

PROVISION OF AN INVALID SAMPLE OR INABILITY TO PROVIDE A SAMPLE

An employee or other person in the workplace who provides an invalid sample for testing will be required to provide a valid sample for testing within 24 hours at an authorised testing centre and to comply with the instructions of the authorised testing centre to ensure the provision of a valid sample.

In the absence of a medical explanation acceptable to the employer for the provision of an invalid sample, the provision of a second consecutive invalid sample will be treated as a Positive result for the purposes of this Policy.

Where an employee or other person in the workplace asserts that they are unable to provide a sample for testing, in the absence of an explanation acceptable to the employer and when given a reasonable timeframe, the person will be deemed to have returned a positive confirmatory test result for the purposes of this Policy.

REQUIREMENT TO DECLARE USE OF DRUGS PRIOR TO TESTING

As part of the drug testing process where Staff are on certain medication or prescriptions they are to provide a photocopy of same in a sealed envelope which is placed in the employees file and only opened if a positive reading is registered.

Where a positive test result is returned indicating the presence of a class of drugs consistent with the declared prescription and/or over the counter drugs no further action will be taken pending receipt of the confirmatory test results and provided the person is fit for work.

If the confirmatory test result is consistent with the proper and/or prescribed use of the declared prescription and/or non-prescription over the counter drugs it will not be considered a Positive result for the purposes of this Policy and no further action will be taken, provided that the person is fit for work.

Where the confirmatory test result is not consistent with the proper and/or prescribed use of the declared prescription and/or non-prescription over the counter drugs or where the use of prescription and/or non-prescription over the counter drugs has not been declared it will be considered a Positive result for the purposes of this Policy.

TESTING LEVELS

The screening test cut-off levels are:

Class of Drug	Cut-off Level
Alcohol (0.02%)	0.02mg/100mL
Methylamphetamine and Amphetamine	500
Cannabis metabolites	50
Cocaine metabolites	300
Benzodiazepines	200

The confirmatory test cut-off levels are:

Compound	Cut-off Level
Alcohol (0.02%)	0.02mg/100ml
Opiates*	300
Codeine	300
Amphetamine	300
Methylamphetamine	300
Methylenedioxymethylamphetamine	300
Phentermine	500
Ephedrine	500
Pseudoephedrine	500
11-nor- Δ^9 – tetrahydrocannabinol -9-carboxylic acid	15
Benzoylecgonine	150

Ecgonine methyl ester	150
Oxazepam	200
Temazepam	200
Diazepam	200
Nordiazepam	200
7-amino-clonazepam	200
7-amino-flunitrazepam	200
7-amino-nitrazepam	200

ACTION IN RELATION TO TEST RESULTS

First Positive

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

- They will be provided with a copy of the laboratory drug and alcohol test results.
- The employee will be sent home on either annual leave or unpaid leave at the employee's choice and given a verbal warning. This will be performed in accordance with the Council's relevant disciplinary procedure which requires a record to be kept including the full details of the misconduct, time and date of warning, and names of witnesses.
- The employee shall enter into discussions with their manager and the CEO regarding the positive result. The employee may request a representative to be present in a purely observatory capacity.
- The Council will recommend to the employee that they seek medical and/or counselling help.
- In the event of the positive result being for alcohol or drugs other than cannabis, the employee will present themselves within 48 hours at an authorised testing centre and undergo a further urine or breath test. If the test is positive, it will be treated as a Second Positive.
- Only if the test is negative will the employee be able to resume their normal duties.
- In the event of the positive result being for cannabis, the employee shall undertake weekly drug testing at an authorised testing centre. The employee will not be permitted to commence work until a negative result is achieved. This may continue for a maximum period of up to six weeks.

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

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

of the employee's intention not to return to work and may terminate the contract of employment accordingly.

- In the case of any other person in the workplace they will be removed from Council premises and will not be permitted to perform work for or with the Council or to enter Council premises until a negative result is achieved. The cost of testing to provide a negative result shall be at the person's own cost and shall be conducted by an authorised testing centre approved by the Council.
- On return to work the employee or other person in the workplace will be subject to extraordinary testing in addition to the usual testing programme. Further contravention of this Policy will result in disciplinary action up to and including termination of employment.
- Disputed results will be dealt with in accordance with Australian Standard 4308 and at the employee's own cost. The referee sample will be made available for testing by an authorised testing centre and all records of the original test made available for re-examination. Due to possible degradation of sample over time, re-testing need only detect the presence of the drug or metabolite using mass spectrometry.

Second Positive

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

- They will be provided with a copy of the laboratory drug and alcohol test results.
- The employee will be sent home on either annual leave or unpaid leave at the employee's choice and given a final written warning.
- The employee shall present themselves as soon as possible to a panel consisting of:
 - Direct Manager
 - Chief Executive Officer, and
 - Health and Safety Representative (employee's choice)

The objective of the panel is to discuss;

- Source of problem
 - Explain the repercussions of a Third Positive test
 - Reinforce the Fit to Work Policy
 - Organise counselling and/or medical help
- The employee shall undertake counselling and provide some proof or display an undertaking as to a change in lifestyle. The Counsellor shall decide when such proof or display is sufficient and when enforced counselling is over. Failure to complete enforced counselling or to provide sufficient proof of a change in lifestyle will result in disciplinary action up to and including termination of employment.
 - In the event of the positive result being for alcohol and drugs other than cannabis, the employee will present themselves within 48 hours at an authorised testing centre and

undergo a further urine or breath test. If the test is positive, it will be treated as a Third Positive.

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

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

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

- The employer will consider failure to undertake weekly drug testing as required and to return a test result that indicates a decline in the level of the drug which was found to be at or above the cut-off level prescribed in this Policy or to return a test result which indicates the presence of any other drug at or above the cut-off level prescribed in this Policy as evidence of the employee's intention not to return to work and may terminate the contract of employment accordingly.
- In the case of any other person in the workplace they will be removed from Council premises and will not be permitted to perform work for or with the Council or to enter Council premises until a negative result is achieved. The cost of testing to provide a negative result shall be at the person's own cost and shall be conducted by an authorised testing centre approved by the Council.
- On return to work the employee or other person in the workplace will be subject to extraordinary testing in addition to the usual testing programme. Further contravention of this Policy will result in disciplinary action up to and including termination of employment.
- Disputed results will be dealt with in accordance with Australian Standard 4308 and at the employee's own cost. The referee sample will be made available for testing by an authorised testing centre and all records of the original test made available for re-examination. Due to possible degradation of sample over time, re-testing need only detect the presence of the drug or metabolite using mass spectrometry.

Third Positive

The employee will be immediately suspended from work without pay pending an investigation of the incident or occurrence. Formal disciplinary procedures will be invoked to ascertain if any mitigating circumstances exist and to allow the employee to state their case. Unless there are convincing arguments to the contrary, the individual may be dismissed without notice.

Where a person in the workplace other than an employee returns a positive confirmatory test result for the third time The Shire of Corrigin may refuse to permit the person to perform work for or on behalf of the Council or to perform work on the premises or property of the Council.

DISCIPLINARY RECORD

Where an employee has not breached this Policy for a period of not less than 24 months the individual will be regarded as successfully rehabilitated and any future incident or occurrence will be treated as a First Positive.

MISCONDUCT

The following behaviours shall be deemed gross misconduct and will be subject to instant dismissal:

- The possession, cultivation, distribution, sale, purchase, or consumption of illegal substances;
- The unauthorised consumption, sale or supply of alcohol;
- The possession, sale, distribution or consumption of prescription drugs except as properly prescribed;
- The use of alcohol or any other drug such that a person's work performance or ability to work safety may be jeopardised;
- Breaches of confidentiality;
- Tampering with an alcohol or drug test sample.

COUNSELLING AND REHABILITATION

All personnel will be offered the opportunity to seek appropriate counselling and rehabilitation services where the need arises. The Council intends in appropriate circumstances to help employees with problems associated with the abuse of drugs and alcohol and to encourage their rehabilitation.

However no part of this Policy or any related procedures is intended to affect the Council's right to manage its workplace and discipline its employees or to offer employment or continued employment, nor to make the Council liable for the costs associated with counselling and rehabilitation.

If an employee feels they require assistance with a substance abuse or dependence related issue they may bring this to the attention of their Safety Representative, Supervisor or CEO. No disciplinary action will result from such a request, even if it is obvious that the Policy must have been previously breached, provided that the request is made well in advance of and not as a result of a drug and alcohol test.

Counselling and Rehabilitation, if required, can be arranged on a strictly confidential basis. This may be arranged through other agencies as listed below:

Occupational Services (WA)	9225 4522 (metro area) 1800 198 191 (country areas)
Alcohol and Drug Information Service (24hrs)	9442 5000 (metro area) 1800 198 024 (country areas)
Alcoholics Anonymous (24 hrs)	9325 3566
Narcotics Anonymous	9227 8361
Parents Alcohol and Drug Information Service	9442 5050 (metro area)

ENSURING CONFIDENTIALITY

All employee information generated as a result of the implementation of this Policy will be safeguarded according to normal requirements for confidential human resource and medical information.

The information will only be provided to those people in the Council who have a legitimate need to know to ensure safety, health, or performance. No information relating to this Policy and identifying a particular individual will be released to any third party except with the individual's consent or to obtain professional or legal advice or if required by law.

Statistics will be compiled from time to time and made available to all staff. Any published statistics will not identify individuals.

Breaches of confidentiality shall result in the termination of employment.

COUNCIL PREMISES

Alcohol is allowed on Council owned residential property or accommodation units that constitute an employee's private accommodation.

To monitor compliance with this Policy the Council reserves the right to conduct searches, inspections and tests on Council premises in accordance with applicable law and without prior notice of the clothing, personal effects, lockers, toolboxes, baggage, vehicles and quarters of any person subject to this Policy.

If it is intended to conduct such a search the person/s concerned will be informed of the reason and be allowed to have another person present. The person conducting the search should request another supervisor/manager to be present and all details must be fully documented.

Where any employee or other person in the workplace refuses to submit to a search, inspection or test the incident will be referred to the local authorities. Where any employee is found to be in possession of a prohibited item they will be subject to disciplinary action up to and including termination of employment. Any other person in the workplace found to be in possession of a prohibited item will not be permitted to perform work for or with the Council or to enter or remain on Council premises.

The possession, cultivation, distribution, sale, purchase or consumption of illegal substances on Council property or while otherwise on Council business will be considered a criminal matter and be referred to the appropriate authorities. Such matters will be dealt with in accordance with the relevant Council procedure.

CLIENT'S SITES

Council employees on other clients' sites are required to abide by and cooperate with the requirements of the client's drug and alcohol policy and procedures. This includes, where

required, undertaking alcohol and other drug screening and submitting to searches and inspections so long as they are conducted in accordance with applicable law.

In the event of an employee testing positive in these circumstances or being found in possession of a prohibited item, the employee should immediately contact their manager who will undertake to arrange safe transport of the employee to an appropriate location. The employee's manager should immediately contact the Council's Occupational Health and Safety representative.

Council employees testing positive to alcohol or drugs on clients' sites will also be shown as a positive result on their drug and alcohol records at the Shire of Corrigin and the provisions of this Policy will apply.

ACCOUNTABILITIES

Chief Executive Officer and Executives

The Chief Executive Officer and Executives are accountable for ensuring the successful implementation and operation of the Alcohol & Other Drugs Policy. This will ensure that all employees understand and support the Policy and adequate resources are provided for appropriate education, training, counselling, and other requirements of the Policy.

Managers and Supervisors

Managers and Supervisors are accountable for ensuring that all individuals are aware of and comply with the provisions of this Policy and that the Policy is applied fairly and consistently to everybody in their areas of responsibility. This includes the provision of training, education, and other support programmes and periodic review of the implementation, application, and effectiveness of the Policy.

Managers and Supervisors also have responsibility for determining the fitness for work of individuals under their control and for taking prompt and appropriate action to address declining safety or work performance as a result of alcohol or other drug misuse. Failure to apply and enforce the Policy in a timely and effective manner will be treated as a performance matter.

All Managers and Supervisors will be appropriately trained to ensure their competency in handling these matters.

All Individuals

Everybody is accountable for:

- Ensuring that they are not in an unfit state for any reason, including the adverse effects of alcohol or other drugs;
- Raising any concerns about their own fitness for work;
- Raising any concerns about another person's fitness for work with their Manager or Supervisor;
- Notifying their Supervisor or Manager of any situation in which this Policy may have been breached. This includes unauthorised possession or consumption of alcohol or other drugs on site or during work and failure to provide details of prescription medication and

associated limitations to carry out normal duties. Medical confidentiality will be maintained as appropriate.

REVIEW

This policy is to be treated as a live document so that it can be altered at any time by suggestions from Staff, providing Council agrees.

A review of the Policy will be held as appropriate. The review will be a formal mechanism to consider any concerns that any employee may have with the application and operation of the Policy.

Policy Adopted: 19 November 2003

16. PURCHASING POLICY

OBJECTIVES

- To provide compliance with the Local Government Act, 1995 and the Local Government Act (Functions and General) Regulations, 1996 (as amended in March 2007).
- To deliver a best practice approach and procedures to internal purchasing for the Shire of Corrigin.
- To ensure consistency for all purchasing activities that integrates within all the Shire of Corrigin operational areas.

WHY DO WE NEED A PURCHASING POLICY?

The Shire of Corrigin is committed to setting up efficient, effective, economical and sustainable procedures in all purchasing activities. This policy:

- Provides the Shire of Corrigin with a more effective way of purchasing goods and services.
- Ensures that purchasing transactions are carried out in a fair and equitable manner.
- Strengthens integrity and confidence in the purchasing system.
- Ensures that the Shire of Corrigin receives value for money in its purchasing.
- Ensures the Shire of Corrigin is compliant with all regulatory obligations.
- Promotes effective governance and definition of roles and responsibilities.
- Uphold respect from the public and industry for the Shire of Corrigin's purchasing practices that withstand probity.

ETHICS & INTEGRITY

All officers and employees of the Shire of Corrigin 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 Corrigin.

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:

- full accountability shall be taken for all purchasing decisions and the efficient, effective and proper expenditure of public monies based on achieving value for money;
- all purchasing practices shall comply with relevant legislation, regulations, and requirements consistent with the Shire of Corrigin policies and code of conduct;
- purchasing is to be undertaken on a competitive basis in which all potential suppliers are treated impartially, honestly and consistently;

- all processes, evaluations and decisions shall be transparent, free from bias and fully documented in accordance with applicable policies and audit requirements;
- any actual or perceived conflicts of interest are to be identified, disclosed and appropriately managed; and
- any information provided to the Shire of Corrigin 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 Corrigin. 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.

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:-

Amount of Purchase	Policy
Up to \$1000	Direct purchase from suppliers requiring only two verbal quotes
\$1,001 - \$19,999	Obtain at least three verbal or written quotes
\$20,000 - \$39,999	Obtain at least three written quotes
\$40,000 - \$99,999	Obtain at least three written quotes containing price and specification Of goods and services (with procurement decision based on all

	value for money considerations)
\$100,000 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 \$100,000 threshold (excluding GST). If a decision is made to seek public tenders for Contracts of less than \$100,000, 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 Shire of Corrigin 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 \$39,999

For the procurement of goods or services where the value exceeds \$20,000 but is less than \$39,999, 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.

\$40,000 to \$99,999

For the procurement of goods or services where the value exceeds \$40,000 but is less than \$99,999, 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 Corrigin 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 \$100,000, thereby avoiding the need to publicly tender.

Tender Criteria

The Shire of Corrigin shall, before tenders are publicly invited, determine in writing the criteria for deciding which tender should be accepted.

The evaluation panel shall be established prior to the advertising of a tender and include a mix of skills and experience relevant to the nature of the purchase.

For Requests with a total estimated (Ex GST) price of:

Between \$40,000 and \$99,999, the panel must contain a minimum of 2 members; and
\$100,000 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 Corrigin 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 Corrigin 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 Corrigin 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 Council 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 Shire of Corrigin. Members of the public are entitled to be present.

The Tenderer's Offer form, Price Schedule and other appropriate pages from each tender shall be date stamped and initialled by at least two Local Government Officers present at the opening of tenders.

No Tenders Received

Where the Shire of Corrigin 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 \$40,000 & \$99,999 (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 Corrigin 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 Corrigin 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 Corrigin and tenderer have entered into a Contract, a minor variation may be made by the Shire of Corrigin.

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;
- Notification and award documentation.

For a direct purchasing process this includes:

- Quotation documentation;
- Internal documentation;
- Order forms and requisitions.

Record retention shall be in accordance with the minimum requirements of the State Records Act, and the Shire of Corrigin's internal records management policy.

Policy Adopted: 20 February 2007

17. CODE OF CONDUCT

PREAMBLE

The 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.

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

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

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

STATUTORY ENVIRONMENT

The Code of Conduct observes statutory requirements of the Local Government Act 1995 (S 5.103 – Codes of Conduct) and Local Government (Administration) Regulations 1996 (Regs 34B and 34C).

RULES OF CONDUCT

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

1. 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 Councillor —

- (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 endeavours to meet the needs of current and future generations through an 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 fulfilment of their professional duties.
- (b) Staff will not engage in private work with or for any person or body with an interest in a proposed or current contract with the 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) a gift worth between \$50 and \$300; or*
- (b) a gift that is one of 2 or more gifts given to the employee by the same person within a period of 6 months that are in total worth between \$50 and \$300;*

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

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

- (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 recognising their special duty to their own constituents.

4.2 Honesty and Integrity

Council Members, Committee Members and staff will:

- (a) observe the highest standards of honesty and integrity, and avoid conduct which might suggest any departure from these standards;
- (b) bring to the notice of the 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 Government's business and ensure that their work is carried out efficiently, economically and effectively, and that their standard of work reflects favourably both on them and on the Local Government.
- (b) Council Members and Committee Members will at all times exercise reasonable care and diligence in the performance of their duties, being consistent in their decision making but treating all matters on individual merits. Council Members and Committee Members will be as informed as possible about the functions of the Council, and treat all members of the community honestly and fairly.

4.4 Compliance with Lawful Orders

- (a) Council Members, Committee Members and staff will comply with any lawful order given by any person having authority to make or give such an order, with any doubts as to the propriety of any such order being taken up with the superior of the person who gave the order and, if resolution can not 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.

Adopted by the Council of the Shire of Corrigin on 15 June 2010

Adapted from the Western Australian Local Government Model Code of Conduct February 2008.

18. FOOD SAFETY COMPLIANCE AND ENFORCEMENT POLICY

1 SCOPE AND OBJECTIVES

1.1 Scope

The Department of Health (WA) administers the Food Act 2008 (The Act). The Shire of Corrigin is a designated enforcement agency under the provisions of the Act.

The objectives of the Act as defined in Section 3 of the Act include the following:

- to ensure food for sale is both safe and suitable for human consumption,
- to prevent misleading conduct in connection with the sale of food,
- to provide for the application in the State of the Food Standards Code.

The Food Standards Code means the Australia New Zealand Food Standards Code as defined in the Food Standards Australia New Zealand Act, 1991 of the Commonwealth of Australia.

Enforcement of the Food Act is essential for the effective management of food safety risks and the prevention of misleading conduct in connection with the sale of food. Accordingly the Department of Health (WA) and the Shire of Corrigin are committed to ensuring there is a high level of compliance with the Food Act and Regulations.

This policy sets out the Shire's policy on compliance and enforcement that will facilitate the effective achievement of the regulatory goals of the Act in a manner that is:

- Authorised by law;
- Procedurally fair;
- Accountable and transparent;
- Consistent; and
- Proportionate.

The policy recognises that most food businesses want to comply with the law and produce food that is safe and correctly labelled. The compliance and enforcement role of the Shire of Corrigin is to protect consumers from a minority who may not act in the interests of food safety. The enforcement options of this policy are not required to be enacted on food businesses who act responsibly and it is the Council's aim to provide education to food handlers to maintain the safety of food products produced or sold within the Shire of Corrigin. It is however important that these enforcement options are clearly understood so that any action the Council takes against a food handler or food premises is within the scope of the law and is appropriate for the given circumstances.

The range of offences under the Act and Regulations vary greatly in their seriousness and accordingly a variable range of penalties and enforcement options that are available under the Act and Regulations. This policy describes the options that are available and provides details of the matters that will be considered in their application toward achieving the objectives of the Act. This policy also sets out the principles the Council will apply in its compliance and enforcement

activities. Breaches of the Act are classified as criminal offences and penalties of up to \$500,000 and/or two years imprisonment apply.

1.2 Objectives

The objectives of this policy are:

- To provide transparency to consumers and industry on how the Shire of Corrigin will make decisions on enforcement action;
- To guide decision making and action by Council Officers in the use of enforcement options;
- To use regulatory implements in such a way as to best achieve the Council's strategic and operational objectives.

2 COMPLIANCE AND ENFORCEMENT PRINCIPLES

As a regulatory authority the Shire of Corrigin will endeavour to:

- Act in the public interest;
- Act consistently, impartially and fairly according to law;
- Promote consistency through effective liaison with field staff and the adherence to policies and procedures;
- Ensure we do not discriminate on the basis of race, religion, sex, national origin or political association;
- Ensure that enforcement action is taken against the right person for the right offence;
- Ensure that all relevant evidence is placed before the courts or appeals tribunals;
- Make food businesses aware of their legal obligations through the widest possible dissemination of information;
- Explain the benefits of compliance to food businesses and discuss specific compliance failures or problems;
- Provide advice on mechanisms that can be used by food businesses to improve compliance;
- Confirm advice in writing when requested and provide written advice in a clear and simple manner, explaining what and why remedial work is to be undertaken, over what time period and ensure that all legal requirements are clearly explained;
- Advise proprietors of their right of appeal where provided by law;
- Provide alleged offenders with an opportunity to discuss the circumstances of their case; and
- Seek the support of industry leaders to influence compliance levels.

3 DECISION MAKING CRITERIA

Each case will be considered individually and the appropriate enforcement action to be taken determined on the particular circumstances of the case.

The Prosecution Policy of the Commonwealth states:

"The objectives previously stated – especially fairness and consistency – are of particular importance. However, fairness need not mean weakness and consistency

does not mean rigidity. The criteria for the exercise of this discretion cannot be reduced to something akin to a mathematical formula; indeed it would be undesirable to do so. The breadth of the factors to be considered in exercising this discretion indicates a candid recognition of the need to tailor general principles to individual cases" (1)

The following issues need to be considered and balanced in making a decision as to the type of enforcement action, if any, that is applied:

- The knowledge of the alleged offender as to the consequences of their actions;
- The degree of care taken by the alleged offender to ensure they did not commit an offence;
- The capability of the alleged offender to understand, cope and comply with the relevant requirements;
- The alleged offender's antecedents and background, including culture and language ability;
- The openness, honesty and cooperation demonstrated by the alleged offender;
- The contrition demonstrated by the alleged offender;
- Any mitigating or aggravating circumstances;
- The culpability of the alleged offender and role played by other parties that may have contributed to the offence;
- The timeliness, the age, duration and magnitude of the offence;
- The totality of offences that may have been allegedly committed;
- The proportionality of the selected enforcement option so that the action will not be unduly harsh or oppressive;
- The prevalence of the alleged offence within the industry and any need for a deterrent effect;
- The difficulty and resources expended by the Shire of Corrigin in investigating and proving the elements of the particular offence or the type of offence;
- The efficiency and cost to the Shire of Corrigin of the compliance and enforcement option that is used;
- Whether the enforcement action required to achieve the objectives of the Act are appropriate;
- Whether or not the enforcement action would be perceived as counterproductive – for example, by bringing the law into disrepute;
- Whether or not the offence is of considerable general public concern;
- The necessity to maintain public confidence in the enforcement of the Act;
- The existence of any risk to public health and the nature and extent of that risk;
- The extent to which consumers have been defrauded;
- The need to protect the consumers either in or visiting the Shire of Corrigin.

The overriding consideration in taking enforcement action will always be the public interest.

(1) Commonwealth Director of Public Prosecutions 2004, *Prosecution Policy of the Commonwealth*.

4 *PRIVACY*

The Shire of Corrigin must observe the privacy principles set out in the *Freedom of Information Act 1992*. Information relating to compliance and enforcement action will generally be made available only where consistent with the *Freedom of Information Act 1992* and Section 121 of the *Food Act 2008*.

5 APPLICATION OF COMPLIANCE AND ENFORCEMENT OPTIONS

A range of compliance and enforcement options are available to Authorised Officers. This section gives guidance on when these options may be applied. The decision-making criteria outlined in Section 3 will be considered in deciding which, if any, enforcement action is appropriate in each case.

5.1 Types of Compliance and Enforcement Action

The compliance and enforcement options available to Authorised Officers include:

- Verbal advice;
- Warning letters;
- The issuing of a statutory Improvement Notice which requires cleaning, repair, replacement, revision of food safety program, implementation of a food safety program or implementation of the Food Safety Standards;
- The issuing of a Prohibition Order which controls certain activities where there is failure to comply with an Improvement Notice or to prevent or mitigate a serious danger to public health;
- The seizure of food, vehicles, equipment, and labelling or advertising materials which do not comply with a provision of the Act or Regulations;
- The issuing of a Penalty Infringement Notice;
- The institution of proceedings in the Magistrates Court;
- Request for court orders for corrective advertising by a person found guilty of an offence;
- Publication of the names of offenders immediately after conviction.

5.1.1 Verbal Advice and Warning

Authorised Officers will routinely give advice on compliance to food businesses. This advice will relate to principles of food safety and explain the benefits of compliance or the purpose of the law. Verbal warnings should normally only be given for extremely trivial offences, where the offence is only of a technical nature or where there is insufficient evidence to justify a warning letter.

5.1.2 Written Warnings

Where there is evidence that minor breaches of the Act have occurred, warning letters may be issued at the discretion of the Authorised Officer. Warning letters may be inappropriate where there are a large number of minor offences on one occasion within one food business. Similarly warning letters will not normally be issued for a series of offences within a relatively short period of time or in those cases where warning letters have previously been issued. The totality of the offences should be considered in deciding the appropriate course of action. Where significant non-compliance is evident, more significant enforcement action may be appropriate. Warning letters will detail the exact nature of the offence, required remedial action, cite relevant clauses of

the legislation, and specify the maximum penalty for the offence and the intention of the Council to enforce the legislation. Warning letters will be followed-up within no less than 3 months to ensure the required actions have been taken. Further written warnings will not be issued for a subsequent similar offence except in exceptional circumstances.

5.1.3 Improvement Notices

Authorised Officers may serve Improvement Notices under Section 63 of the Act. An Improvement Notice is an order that may require, in relation to premises, food transport vehicles or equipment, cleaning, repair, replacement, and relating to the handling of food, revision of a food safety program, implementation of a food safety program or implementation of the Food Safety Standards. The orders may also require food to be handled in a specified way or for a specified purpose.

Improvement Notices should be issued with the same considerations as for a warning letter but should also only be used where there is an intention to proceed to a Prohibition Order following non-compliance with that Improvement Notice. In other circumstances a warning letter or other enforcement options should be considered.

An Improvement Notice must specify the specific legislative provision to which it relates and may specify the particular action to be taken by a person. The Improvement Notice must specify the date by which compliance must be achieved. While extension of the date of compliance is at the discretion of the Authorised Officers, extensions of time for compliance will not be granted for matters related to cleaning or food handling without the prior approval of the Chief Executive Officer. Appeals concerning Improvement Notices will be considered by the Chief Executive Officer.

Improvement Notices must be served on the proprietor of the food business. The person on whom an Improvement Notice has been served must be provided with a copy of the Improvement Notice upon request. Should the proprietor wish to seek an extension of time for compliance, that request must be in writing stating the reasons the extension is being sought. That request is to be submitted to the Shire of Corrigin before the date of compliance as indicated in the Notice.

Improvement Notices are differentiated from warning letters in that they are a statutory notice that may lead to the issuing of a Prohibition Order under Section 65 of the Act. The issuing of an Improvement Notice does not preclude the issuing of a Penalty Infringement Notice or the institution of court proceedings in circumstances where these types of actions may be warranted.

5.1.4 Prohibition Orders

Prohibition Orders may be issued where an Improvement Notice has been issued and there has been a failure to comply with the Improvement Notice by the date of completion or where the issue of a Prohibition Order is necessary to prevent or mitigate a serious danger to public health.

A Prohibition Order will take a form that prohibits the handling of food on specified food premises, vehicle or equipment, or that food is not to be handled in a specified way or for a specified purpose. It should be noted that Section 8 of the Act defines food handling very broadly, including activities such as collection, transporting, storing or displaying food. Breach of a Prohibition Order will normally result in prosecution.

A Prohibition Order will remain in place until a Certificate of Clearance is issued following a written request for an inspection. An inspection will be undertaken within 48 hours of a written request being made by the proprietor of the food business to the Shire of Corrigin or to the Authorised Officer who made the order. If an inspection is not made within 48 hours of the written request for an inspection, a Certificate of Clearance is deemed to have been granted.

Section 69 of the Act provides for appeal to the State Administrative Tribunal (SAT) if there is a refusal to issue a Certificate of Clearance. Section 70 of the Act provides for compensation to be paid if there were no grounds for the making of the Prohibition Order.

Prohibition Orders may only be issued by the Chief Executive Officer, being a duly authorised delegate under Section 118 of the Act. A brief of evidence sufficient to prove all elements of a prosecution will be the normal standard required prior to the issue of a Prohibition Order.

5.1.5 Seizure Powers

Authorised Officers have power under Section 40 of the Act to seize food, vehicles, equipment, and labelling and advertising materials which the Authorised Officer reasonably believes do not comply with a provision of the Act or Regulations or which there is evidence that an offence has been committed.

Whilst seizures are undertaken to collect evidence or to prevent further offences being committed, they effectively impose a penalty upon the person from whom the food, vehicle, equipment and labelling or advertising materials is seized. The impact of a seizure should be considered in the application of any other enforcement action. Persons from whom items are seized must be provided with a statement that describes the items seized, states the reasons for the seizure and the address at which the items will be held.

Where it becomes evident that there has been no contravention of the Act or Regulations in relation to items which have been seized they are to be returned as soon as possible to the person from whom the items were seized. The person from whom items have been seized must also be informed of their right under Section 57 to appeal within 10 days of the seizure to the Magistrates Court for an order disallowing the seizure. Compensation may be paid if there has been no application to a Magistrates Court and no contravention of the Act or Regulations had occurred in relation to the seized items.

5.1.6 Penalty Infringement Notices

An Infringement Notice is a notice to the effect that the person to whom it is directed has committed a specified offence and that, if the person does not wish to have the matter dealt with by a court, the person may pay the specified amount for the offence within a specified time.

A penalty notice is issued under Section 126 of the Act. The notice requires payment of a specified monetary penalty, unless the person alleged to have committed the offence elects to have the matter dealt with by a court.

When an Authorised Officer during an inspection of premises, vehicles or equipment, detects or observes conditions or circumstances that give rise to the potential for the issue of an infringement notice, verbal advice will be given, at that time, to the person allegedly responsible for the alleged offence that an infringement notice may be issued for that alleged offence.

Prior to an infringement notice being issued, Authorised Officers must prepare briefs of evidence, which prove each element of the alleged offence to the standard required for prosecution. Further than establishing a prima facie case there must also be a reasonable prospect of a conviction being secured if the alleged offender chooses to have the matter heard in a court. That brief is to be submitted to the Principal Environmental Health Officer for consideration and authorisation for the penalty notice to be issued.

When a decision has been made that an infringement notice is to be issued, that notice will be forwarded by post or hand delivered to the person alleged to have committed the offence. The infringement notice is to be accompanied by a written advice giving the reasons for the issuing of the infringement notice in that instance and also providing advice and information as to the means or requirements for the remedying or rectification of that condition or circumstance that gave rise to the infringement notice.

The decision-making criteria outlined in Section 3 will be considered in the issuing of an infringement notice. Infringement notices provide a cost effective and efficient method of dealing with offences and will generally be sufficient response to breaches of the Act.

Infringement notices should not be used where the penalty is considered totally inadequate for the offence or where the penalty is likely to have no impact on the proprietor of the food business.

Infringement notices are not available for serious offences contained in Part 3, Division 1 of the Act. These relate to the handling of food in a manner that a person knows will render, or is likely to render, the food unsafe or where the food is handled in a manner that the person ought reasonably to know is likely to render the food unsafe.

A payment of a penalty notice is not an admission of liability and the person is not liable to any further proceedings for the alleged offence.

5.1.7 Prosecution

Prior to any prosecution being launched Authorised Officers must prepare briefs of evidence which prove each element of the alleged offence to the standard required for prosecution. That brief is to be submitted to the Chief Executive Officer for consideration and authorisation for the prosecution to proceed.

The resources available for prosecuting are finite and should not be expended pursuing inappropriate cases. The decision-making criteria outlined in Section 3 will be considered in making a decision to prosecute. Prosecution will normally be reserved for the more serious breaches.

While the Act provides that proceedings must be commenced within 6 months for matters relating to food samples and 12 months for other matters, all matters should be prepared for hearing as quickly as possible.

The Act extends liability to a wide range of persons who may be involved in some way with contraventions of the Act or Regulations, including employees, proprietors, and individual directors of companies. Where the Shire of Corrigin has selected prosecution as the appropriate option, the Council will not necessarily proceed against all those who may be potentially liable under the legislation.

Prosecutions are eligible for publication by the Department of Health (WA).

6 CONCLUSION

This policy provides information as to the processes and actions that will be followed in the cases dealt with under the Food Act 2008, however due to the variety of circumstances that may be encountered through the range of inspections and enforcement procedures, the policy cannot be used to limit the discretion of the Shire of Corrigin to take any enforcement action for the purposes of obtaining high standards of food safety. The policy is to be interpreted as general guidance on how the Council will undertake enforcement action. It should further be recognised that it is not the aim of the Shire of Corrigin to undertake enforcement action except where absolutely necessary and that priority should be given to educating food handlers to prevent food safety standards from being compromised in any instance.

Policy Adopted: 18 October 2011