



SHIRE OF  
**MOUNT MAGNET**

# **Policy Manual**

Adopted by Council - 17<sup>th</sup> June, 2005



# Shire of Mount Magnet

## Policy Manual

### Index

<b>Disclaimer .....</b>	<b>25</b>
<b>1. Governance .....</b>	<b>26</b>
1.1 COUNCIL AGENDAS: .....	26
1.2 COUNCIL MEETINGS, MONTH AND TIME: .....	26
1.3 CITIZEN OF THE YEAR AWARD: .....	26
1.4 PERSIDENT AND COUNCILLORS FEES ALLOWANCES AND EXPENSES: .....	26
1.5 OUT OF POCKET EXPENSES: .....	26
1.6 TRAVELLING AND OTHER ALLOWANCES:.....	26
1.7 COUNCILLORS CONFERENCES AND SEMINARS: .....	27
1.8 COUNCIL CONFIDENTIALITY: .....	27
1.9 LEGISLATION AND COUNCIL ADVERTISING: .....	27
1.10 ANNUAL RESOLUTIONS REQUIRED: .....	27
1.11 ELECTRONIC FUNDS TRANSFER (EFT) AND DIRECT DEBITS:.....	27
1.12 NON COUNCIL COMMITTEES:.....	28
1.13 ELECTION SIGNS:.....	28
1.14 WELL WISHES FROM COUNCILLORS:.....	28
1.15 POLICY ON LEGAL REPRESENTATION COSTS INDEMNIFICATION:.....	28
1.16 RELOCATION EXPENSES:.....	30
1.18 SEXUALHARRASSMENT POLICY–COMPLAINTS/GRIEVENCES PROCEDURE: ..	32
1.19 SENIOR EMPLOYEES: .....	34
1.20 EQUAL OPPORTUNITIES: .....	35
1.21 EMPLOYEE HOUSING RENTAL SUBSIDIES: .....	35
1.22 PAYMENTS ON TERMINATION TO EMPLOYEES IN ADDITION TO CONTRACTS OR AWARD:.....	35
1.23 ALCOHOL AND DRUG POLICY:.....	36
1.25 STAFF TRAINING: .....	42
1.26 SATELITTE TELEPHONE – ROADWORKS CREW: .....	43
1.27 PROVISION OF TEA, COFFEE AND SUGAR: .....	43
1.28 SALARIED STAFF OVERTIME: .....	43
1.29 ROSTERED DAY OFF – SALARIED STAFF: .....	43
1.30 EXECUTION OF DOCUMENTS: .....	43
1.31 MINUTES OF COUNCIL AND COMITTEES – .....	43
DISTRIBUTION AND RELEASE OF MINUTES: .....	43
<b>2. Administration and Human Resources Policy .....</b>	<b>45</b>
2.1 GENERAL STAFF MANAGEMENT:.....	45
2.2 CEO MANAGEMENT AND RESPONSIBILITIES:.....	45
2.3 TEMPORARY RELIEF STAFF:.....	45
2.4 CEO ANNUAL REVIEW: .....	45
2.6 RESPONSIBILITY OF SENIOR STAFF WHEN CEO IS UNAVAILABLE: .....	46
2.7 ADMINISTRATION OFFICERS WEEKLY WORKING HOURS: .....	46
2.8 ADMINISTRATION OFFICE OPEN TO THE PUBLIC:.....	46
2.9 WORKS UNIT WEEKLY WORKING HOURS:.....	46
2.10 OVERTIME FOR THE WORKS UNIT: .....	46
2.11 RDO WORKS UNIT: .....	46
2.12 ADVERTISING AND ASSOCIATED COSTS FOR NEW EMPLOYEES:.....	46
2.13 ASSOCIATED COSTS IN APPOINTING SENIOR STAFF: .....	46
2.14 STAFF SELECTION AND APPOINTMENTS: .....	47
2.15 ADDITIONAL ALLOWANCES: .....	47
2.16 ALLOWANCES AND SUBSIDIES FOR NEW AND EXISTING STAFF:.....	47

2.17	SUPERANNUATION PAYMENTS:	47
2.18	ANNUAL LEAVE AND LOADING:	47
2.19	ANNUAL LEAVE (STAFF LEAVE):	47
2.20	ROSTERS:	47
2.21	UNIFORMS – CLOTHING ALLOWANCE:	48
2.22	MEDICALS, POLICE CLEARANCE AND PROBATIONARY PERIODS FOR NEW STAFF:	48
2.23	POLICE CLEARANCE FOR NEW APPOINTMENTS:	48
2.24	PROBATIONARY APPOINTMENTS FOR NEW APPOINTMENTS:	48
2.25	DUTY STATEMENTS FOR NEW AND EXISTING STAFF:	48
2.26	NEW AND EXISTING STAFF POLICES:	48
2.27	EMPLOYEE HEALTH AND SAFETY MANUAL:	49
2.28	NEW EMPLOYEES PAYROLL PROCEDURES:	49
2.29	ANNUAL PERFORMANCE AND DEVELOPMENT REVIEW:	49
2.30	STUDY LEAVE, TUITION AND FBT:	49
2.31	ADMINISTRATION DELEGATION AND PROTOCOL:	49
2.32	DELEGATIONS REGISTER:	49
2.33	COMPLAINTS CONCERNING STAFF MEMBERS:	50
2.34	LOCAL GOVERNMENT OMBUDSMAN:	50
2.35	ADMINISTRATION AND HR PROCEDURES FOR THE CUSTOMER SERVICE CHARTER:	50
2.36	FREEDOM OF INFORMATION: (FOI)	50
2.37	NEIGHBOURHOOD COMPLAINTS:	50
2.38	PUBLIC USE OF COUNCIL CHAMBERS:	50
2.39	PROCEDURES FOR PUBLIC RELATIONS & COMMUNITY EVENTS:	50
	CITIZENSHIP CEREMONIES:	50
2.40	PRESS RELEASE:	51
2.42	AUTHORISED OFFICERS for TAXATION & SUPERANNUATION RECORDS	51
2.43	PAYMENT OF FINES:	51
2.44	NATIVE TITLE CLAIMS:	51
2.45	INTERNET AND EMAIL USAGE:	52
2.46	PAYMENTS TO EMPLOYEES IN ADDITION TO CONTRACT OR AWARD	52
2.47	Workplace Bullying	54
<b>3.</b>	<b>Customer Service Charter</b>	<b>57</b>
	1) Policy – Shire Council Image:	57
	The professional and positive way to work with Customers:	58
	Building Rapport	58
	GETTING THE FACTS	58
	DISCUSSING SOLUTIONS	58
	TAKING ACTION	59
	POINTERS TO REMEMBER	59
	TELEPHONE CALLS:	59
	CORRESPONDENCE RESPONSE TIMES:	60
	DEALING WITH CUSTOMER COMPLAINTS AND DIFFICULT CUSTOMERS:	60
	Promoting the Shire of Mt Magnet	61
<b>4.</b>	<b>Environmental Health</b>	<b>62</b>
4.2	FEES:	62
4.3	REMOVAL AND DISPOSAL OF ASBESTOS:	62
4.4	DISPOSAL OF ASBESTOS AT A WASTE DISPOSAL SITE	63
4.5	RELOCATION OF SECONDHAND BUILDINGS WITHIN THE MOUNT MAGNET TOWNSITE:	63
4.6	SMOKE FREE:	64
<b>5.</b>	<b>Building Control - Building License Policy</b>	<b>65</b>
5.1	BUILDING CONDITIONS:	65
5.2	PROHIBITED OCCUPATION:	65
5.3	BUILDING LICENCE EXPIRY:	65
5.4	TEMPORARY ACCOMMODATION:	66
5.5	HEALTH LICENCE AND REGULATION:	66

<b>6. Housing</b> .....	<b>67</b>
6.1 PENSIONER UNITS: .....	67
6.2 STAFF HOUSING:.....	67
6.3 SENIOR OFFICERS HOUSING: .....	67
6.4 CARAVAN PARK: .....	67
6.5 WINDOW LOCKS:.....	67
6.6 INSPECTION OF PROPERTIES: .....	67
6.7 BUILDING MAINTENENCE: .....	67
6.8 SWIMMING POOL:.....	68
6.9 HOUSING – TENANCY AGREEMENTS: .....	68
6.10 CLEANING OF MOUNT MAGNET AIRPORT TERMINAL:.....	69
<b>7. Town Planning</b> .....	<b>70</b>
7.1 SEWERAGE DISPOSAL:.....	70
7.2 PUBLIC OPEN SPACE: .....	70
7.3 OPEN SPACE CONTRIBUTIONS:.....	70
7.4 BUILDING SETBACKS: .....	70
7.5 TRANSPORTABLES:.....	70
7.6 CONDITIONS RELATING TO ERECTION OF A SECOND DWELLING IN MOUNT MAGNET: .....	71
7.7 PUBLIC TOILETS – ANTI GRAFITTI PAINT:.....	71
7.8 ENVIRONMENT – COUNCIL RECOGNITION:.....	71
7.9 TOURISM PROMOTION AND DELELOPMENT: .....	72
<b>8. Recreation &amp; Culture</b> .....	<b>74</b>
8.1 PUBLIC HALLS AND RECREATION CENTRE – RECREATION FACILITY IMPROVEMENTS:.....	74
8.2 HERITAGE:.....	74
8.3 COMMUNITY / CHARITABLE ORGANISATIONS: .....	74
8.4 LIBRARY SERVICES – MUNICIPAL HISTORY:.....	74
8.5 ANZAC HALL BOOKINGS: .....	74
8.6 RECREATION CENTRE BOOKINGS:.....	74
<b>9. Outside Works Program policy</b> .....	<b>75</b>
9.1 ROAD VERGE PLANTING:.....	75
9.2 REGIONAL ROADS 5 YEAR PROGRAM: .....	75
9.3 SHIRE OF MOUNT MAGNET – ROAD OBJECTIVES:.....	75
9.4 HEAVY HAULAGE PERMITS: .....	76
9.5 HIRE OF PRIVATE PLANT: .....	76
9.6 ROAD BUILDING RESOURCES – COSTINGS: .....	76
9.7 RESEALS: .....	76
9.8 ANNUAL WORKS PROGRAM: .....	76
9.10 ADOPTED POLICY IN RESPECT OF PROPERTY DRAINAGE: .....	76
9.11 STANDARD PROPERTY ENTRENCES (CROSSOVERS):.....	77
9.12 THE DEVELOPER SHALL EITHER: .....	77
9.13 RURAL LAND:.....	77
9.14 ROAD/DRAINAGE UPGRADING - RURAL LAND: .....	77
9.15 SPECIAL RESIDENTIAL DEVELOPMENTS:.....	77
9.16 RESIDENTIAL SUBDIVISIONS: .....	78
9.17 GENERAL:.....	78
9.18 PAYMENT:.....	78
9.19 STREET TREES: .....	78
9.20 COUNCIL HAS THE FOLLOWING 3 WORKPLACES:.....	79
9.21 VEHICLE REPLACEMENT PROGRAM: .....	79
9.22 TOOLS:.....	79
9.23 CROSSOVERS – INDUSTRIAL AND COMMERCIAL ( + EXISTING):.....	79
9.24 RESIDENTIAL CROSSOVERS:.....	80
9.25 FOOTPATH – CONSTRUCTION PRIORITY: .....	80
9.26 ROAD MAINTENANCE (AND 1.8 EXISTING):.....	80
9.27 GUIDELINES FOR MAINTENANCE GRADING:.....	80
9.28 TIMING OF ROADWORKS: .....	80

9.29	RIGHT TO EXTRACT GRAVEL: .....	81
9.30	BASIC TOOL KIT FOR EACH MACHINE: .....	82
9.31	WATER PIPE UNDER ROADS: .....	82
9.32	COMPLAINTS – MINOR MAINTENANCE: .....	82
9.33	TRAFFIC COUNTS: .....	82
9.34	TRUCK - COLOURS: .....	82
9.35	DAILY MAINTENENCE OF SHIRE PLANT: .....	82
9.36	SCHOOL – SUPPLY OF SAND: .....	83
9.37	ACCESS – DISABLED PEOPLE: .....	83
9.38	SHIRE PLANT AND EQUIPMENT – AFTER HOURS USE BY EMPLOYEES FOR COMMUNITY PURPOSES: .....	83
9.39	PROHIBITED AND RESTRICTED BURNING TIMES: .....	83
9.40	BURNING OF RUBBISH TIPS: .....	83
9.41	APPLICATION TO COLLECT SEED: .....	84
9.42	GRADING OF STATION AND REMOTE AIRSTRIPS: .....	84
<b>10.</b>	<b>Private Works Policy .....</b>	<b>85</b>
10.1	PRIVATE WORKS: (LGA 520, AD 37) [170296] .....	85
10.2	COUNCIL POLICY WITH RESPECT TO PAYMENTS IS AS FOLLOWS: .....	85
10.3	JOB'S BILLED AFTER EACH FORTNIGHT AFTER: .....	86
10.4	COUNCIL'S PLANT HIRE FEES AND CHARGES SCHEDULE TO BE REVIEWED AT LEAST ANUALLY: .....	86
10.5	COUNCIL'S STAFF ARE ENCOURAGED TO SEEK PRIVATE WORKS FOR AND ON BEHALF OF: .....	86
<b>11.</b>	<b>Plant &amp; Equipment Policy .....</b>	<b>87</b>
11.1	TENDERS, QUOTATIONS : .....	87
<b>12.</b>	<b>Financial - Rates and Borrowing Policy .....</b>	<b>88</b>
12.1	DONATIONS COUNCIL SHALL SUPPORT: .....	88
12.2	CERTIFICATION, JUSTIFICATION, VARIATION – FINANCE: .....	88
12.3	THE CEO SHALL CERTIFY/ADVISE COUNCIL IN WRITING OF: .....	88
12.4	MONTHLY FINANCIAL STATEMENTS: .....	89
12.5	REPORTING: .....	89
12.6	MONTHLY STANDARD FINANCIAL REPORTING FORMAT: .....	89
12.7	COMMUNITY GROUPS – PURCHASE ORDERS: .....	89
12.8	RATES FOR COLLECTION – POLICY: .....	89
12.9	SUNDRY DEBTORS UNPAID ACCOUNTS: .....	89
12.10	INVESTMENTS – INVESTMENT OF SURPLUS FUNDS: .....	91
12.11	WITH RESPECT TO THE INVESTMENT OF SURPLUS FUNDS TO THE COUNCIL: .....	93
12.12	RESTRICTED ASSETS – RESTRICTED ASSETS: .....	96
12.13	SHIRE INSURANCE –DAMAGE TO BUILDINGS: .....	96
12.14	ANNUAL REVIEW – INSURANCE: .....	96
12.15	SIGNING OF CHEQUES: .....	96
12.16	COUNCIL BUDGETS: .....	96
12.17	GOODS AND SERVICES TAX: .....	96
12.18	PAYMENT OF ACCOUNTS BETWEEN MEETINGS: .....	97
12.19	Land Under Roads .....	97

# Shire of Mount Magnet

## Policy Manual

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### STATEMENT

The policy manual is a tool whereby the decisions of Council may be made in a consistent manner and in accordance with considered resolution.

Unless specifically relating to Statutes, policies may be changed by an absolute majority of Councillors at an ordinary meeting of the Council, provided that, at least one month's notice of intention to do so is given.

Standard practice is for Council to review this document annually.

**D N Burton**  
**CHIEF EXECUTIVE OFFICER**

# **Disclaimer**

Council has adopted as policy the following Disclaimer which is to be displayed in the Administration Office in a prominent position. Visitors to the Council and customers must be made aware of the Disclaimer.

## **DISCLAIMER**

No responsibility whatsoever is implied or accepted by the **Shire of Mount Magnet** for any act, omission or statement or intimation occurring during Council/Committee meetings or during formal/informal conversations with Staff. The **Shire of Mount Magnet** disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council/Committee meetings or discussions. Any person or legal entity who acts or fails to act in reliance upon any statement does so at person's or legal entity's own risk.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or limitation of approval made by a member or officer of the **Shire of Mount Magnet** during the course of any meeting is not intended to be and is not taken as notice of approval from the **Shire of Mount Magnet**. The **Shire of Mount Magnet** warns that anyone who has an application lodged with this **Shire** must obtain and only should rely on **Written Confirmation** of the outcome of the application, and any conditions attaching to the decision made by the **Shire of Mount Magnet** in respect of the application.

# Shire of Mount Magnet

## Policy Manual

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### **1. Governance**

#### **1.1 COUNCIL AGENDAS:**

To ensure that Councillors are given every opportunity to prepare for a meeting Council Agendas close at 4pm on the Friday prior to the Council meeting, and be dispatched as soon as practicable thereafter to all Councillors. Late urgent items will only be placed before the Council meeting after consultation between the President and CEO.

#### **1.2 COUNCIL MEETINGS, MONTH AND TIME:**

Ordinary Council meetings commence at 3pm am on the third Friday of each month with the exception of January, or unless Council by resolution decides to amend the meeting date or time.

#### **1.3 CITIZEN OF THE YEAR AWARD:**

Presentation of the Citizen of the Year Award shall take place on the 26<sup>th</sup> January (Australia Day).

#### **1.4 PERSIDENT AND COUNCILLORS FEES ALLOWANCES AND EXPENSES:**

In accordance with Section 5.98 of the Local Government Act Council sets the minimum fee for attendance at the following meetings in the Shire of Mount Magnet, the president shall receive \$120.00 and Councillors \$60.00 with provision for vehicle travel as set by the ASU Award.

- a) Council or Electors Meetings
- b) Committee Meetings of Council

#### **1.5 OUT OF POCKET EXPENSES:**

Councillors to be reimbursed for any out of pocket expenses incurred on official Council business.

Attendance at Conferences as Council delegate. Council to meet expenses of Councillor and spouse within the provisions of the Local Government Act.

#### **1.6 TRAVELLING AND OTHER ALLOWANCES:**

Council to make payment of travelling and other allowances for attendance at Council meetings, Council Committee meetings, any work or function by direction of the Council or President, or if the occasion arises between meetings at the request/suggestion of the CEO, when unforeseen circumstances dictate such action.

- WALGA Conferences
- Murchison Zone, WALGA Conference
- Delegates to Regional Advisory Council
- Local Government Conferences
- Councillors Training Courses.



**1.7 COUNCILLORS CONFERENCES AND SEMINARS:**

With prior Council approval each Councillor may attend seminars or conferences of their choice. Council will pay the cost of seminar registration and will accept costs associated with the seminar on the receipt of a copy of documentation. These costs may include meals to a specified value, accommodation and/or travel to and from the conference.

**1.8 COUNCIL CONFIDENTIALITY:**

All Council meetings should be conducted in public, and all material relevant to the meeting be available to the public in advance of the meetings unless:

- a) it relates to the negotiation of any employment agreement;
- b) it discloses the contents of tenders prior to their closing date;
- c) the Council resolves by absolute majority that the matter should remain confidential.

**1.9 LEGISLATION AND COUNCIL ADVERTISING:**

Where Council and/or legislation requires that advertisements shall appear "in a newspaper circulating throughout the district" this is to read as meaning the local press only unless expressly stated by Council to be another format or newspaper. With respect to local press the preferred local newspaper shall be the Geraldton Guardian, a newspaper registered with Australia Post and available throughout the district.

With respect to Town Planning Scheme Amendments generally the requirement shall be for such an advertisement to be in the West Australian newspaper generally recoupable. Policies and Planning Consents required of the schemes shall be in the Geraldton Guardian.

Where deemed necessary or appropriate to apply with the principles of competitive tendering, place advertisements for tenders in the West Australian.

**1.10 ANNUAL RESOLUTIONS REQUIRED:**

For each financial year Council authorises:

- The advance of Petty Cash of \$500.00.
- The advance of till float of \$30.00.
- Payments to due and payable creditors pursuant to procedures applied under clause 11 of the F.M Regulations (other than payments to Council itself) may only be made by Council from its Municipal Fund or Trust Fund as follows:-
  - (a) If the payment is authorised in advance by resolution of Council; or
  - (b) Under delegated authority of the CEO.

**1.11 ELECTRONIC FUNDS TRANSFER (EFT) AND DIRECT DEBITS:**

- The Chief Executive Officer or delegated officer by Council is authorised to approve transactions.
- That a list of the accounts paid by EFT and/or direct debit is to be presented to the next ordinary meeting of the Council and included in the minutes of that meeting.

- That vouchers, supporting invoices and other relevant documentation be made available for inspection by Councillors at any time following the date of payment and at the next ordinary meeting of the Council; and
- EFT's and direct debits may only be used for the purpose of direct lodgment of payroll payments to the personal bank accounts of employees, the depositing and withdrawal of investments to and from bank accounts in the name of the Shire, and loan repayments.
- All other payments to be endorsed by Council resolution in advance and to contain the CEO, or officer acting in that capacity's signature, plus any 2 Councillors signatures.
- Subject to all of the above being allowed for and approved in the Councils Budget or by Council resolution, and these payments being clearly identified and reported on at the next ordinary meeting of Council following the payment.

#### **1.12 NON COUNCIL COMMITTEES:**

- District Committees are to be requested to provide copies of minutes for Council information if a Council delegate is to be in attendance. (not apply to Committees/Organisations, which have Council representation and are statutory bodies eg. W.A Planning Commission, Bush Fires Board etc as representation is for local government as an industry and is not specific to the Shire of Mount Magnet.)
- Council representatives/delegates on non Council Committees/Organisations shall prepare a written report on any matters arising at these meetings which may require a Council resolution or which may affect Council operations

#### **1.13 ELECTION SIGNS:**

Council will allow erection of approved signs for candidates in Federal, State and Local Government elections on the following conditions:-

- (1) Signs must first be submitted to the Chief Executive Officer to ensure they are not offensive in nature.
- (2) Payment of a one hundred dollar (\$100) deposit which will be refundable if signs are all removed within seventy two hours of election day.
- (3) If signs have not been removed within seventy two hours, the Council's workforce will remove them and the deposit will be forfeited.

#### **1.14 WELL WISHES FROM COUNCILLORS:**

It is the Council's Policy to send flowers, cards or small gifts and insert suitable notices in the local paper to recognise personal events in the lives of staff members, Councillors, past Councillors, close affiliates of Council or their families.

In so doing, assistance with the procedure is to be encouraged from staff and Councillors, but due regard is to be had always to such things as length of service (staff or Councillors), community attitudes, input and involvement from others.

#### **1.15 POLICY ON LEGAL REPRESENTATION COSTS INDEMNIFICATION:**

##### **1.0 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.

## **2.0 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 interest of the local government or otherwise in bad faith.
- The local government may provide such assistance in the following types of legal proceedings:
  - i) proceedings brought by members and employees to enable them to carry out their local government functions( eg where a member or employee seeks restraining order against a person using threatening behaviour);
  - ii) proceedings brought against members or employees [this could be in relation to a decision of Council or an employee which 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
  - iii) 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 levelled at their conduct in their respective roles. Members or employees are not precluded, however, from taking their own private action. Further, the local government may seek its own advice on any aspect relating to such comments and criticisms of relevance to it.
- The legal services the subject of assistance under this policy will usually be provided by the local government's solicitors. Where this is not appropriate for practical reasons or because of a conflict of interest then the service may be provided by other solicitors approved by the local government.

## **3.0 Applications for Financial Assistance**

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

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

#### **4.0 Repayment of Assistance**

- 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.
- 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.
- 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.

**5.0** Council requires a person who is going to receive legal support from Council to acknowledge in writing the details of this policy prior to Council providing that legal assistance.

### **1.16**

#### **RELOCATION EXPENSES:**

##### **1. Senior Officers**

Council will meet all reasonable relocation expenses on the appointment of the following employees: -

- Chief Executive Officer
- Deputy Chief Executive officer
- Works Supervisor
- Swimming Pool Manager

Subject to the terms and conditions contained in sub-clause (4).

##### **1. All Other Employees**

For other employees, the Chief Executive Officer, at his discretion, may approve meeting relocation expenses up to a maximum contribution of \$2,500, subject to the terms and conditions as contained in sub-clause (4).

##### **2. Alternative Arrangements For Other Employees**

For all employees, other than those listed in sub-clause (1), where their relocation expenses exceed the \$2,500 limit, Council may, at the discretion of the Chief Executive Officer, meet the relocation costs up to \$4,000 on their behalf providing any amount exceeding the \$2,500 as provided for in sub-clause (2) is repaid to Council over a period not exceeding two years, by entering into a simple written agreement and making authorised payroll deductions

(4). The base amount of \$2,500 is then subject to the terms and conditions as stated in sub-clause

### 3. Terms and Conditions

The new employees may select one of the following options:-

**Option One:** If Council pays the relocation expenses in accordance with either sub-clause (1) or sub-clause (2), then the employee will be required to remain with Council for a period of 2 years. If the employee leaves before 12 months, then the full relocation expenses will be met by the Council. After 12 months of service, pro-rata repayment to Council shall be made.

**Option Two:** If an employee pays for their own relocation costs initially, then reimbursement will be made by Council after 12 months of service by the employee to the levels as provided for in sub-clause (1) and (2).

### 4. Relocation Expenses - Definition

In respect to this Policy, "Relocation Expenses", generally means costs incurred in the removal of household furniture and effects to Mount Magnet.

The Chief Executive Officer, may however, consider approving requests for other expenses incurred by the employee in relocation to Mount Magnet, subject to these costs being of a reasonable nature, and, if approved, will be included in any consideration of the amounts mentioned in the foregoing sub-clauses.

## 1.17 OCCUPATIONAL HEALTH AND SAFETY POLICY:

It is the policy of the Shire of Mount Magnet to promote and maintain the highest degree of health, safety and well-being of all staff by aiming to:

- prevent accidents and ill-health caused by working conditions;
- protect staff from any health hazard which may arise out of their work or the conditions in which it is carried out; and
- place and maintain staff in an occupational environment designed to satisfy their needs for health, safety and well-being at work.

This policy provides for:

- establishing and maintaining work practices which are safe and minimise risk to health;
- all levels of management and supervisory staff to be responsible and accountable for minimising the potential for occupational injury to and illness of staff within their area of responsibility;
- training, placing and supervising of all staff to enable the safe performance of duties;

- developing and implementing preventative strategies which include workplace and job design, the identification of hazards in the workplace and taking appropriate remedial action to control the hazards.

1.18

## **SEXUAL HARASSMENT POLICY–COMPLAINTS/GRIEVANCES PROCEDURE:**

### **Sexual Harassment Policy**

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 and expressed as being 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 explicit demands for sexual activities or molestation.
- Intrusive enquires 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 and work performance has been affected by sexual harassment will not have their employment status or conditions disadvantaged in any way.

A formal complaints/grievance procedure is **attached** to this Policy and will be utilised to effectively resolve complaints of sexual harassment.

### **Complaints/Grievance Procedure**

## **Introduction**

All complaints of sexual harassment will be treated confidentially and resolved promptly.

Wherever possible, the handling of complaints and resolution of such will be at the workplace where they occurred. Care will be taken throughout the investigation to ensure that neither the complainant nor the alleged harasser are victimised.

It is recognised that cases of sexual harassment may occur between supervisor and employee and as such, alternative methods of raising complaints are provided for by this procedure.

## **Procedure**

1. A complaint of sexual harassment may be lodged with any of the following persons:-
  - Immediate Supervisor/Manager (except where this person is the alleged harasser)
  - Division Manager (if applicable - except where this person is the alleged harasser)
  - Chief Executive Officer (if the alleged harasser is a Divisional Manager or the Shire President)
  - Shire President (only if the alleged harasser is the Chief Executive Officer or Councillor)
  
2. A person receiving a complaint of sexual harassment will:-
  - Decide, in consultation with the complainant, whether the matter can be resolved at this level or whether it should be referred to a more senior level of management.
  - Assure the complainant that all details of the complaint will be treated confidentially and allow the person to decide on procedure.
  - Prepare a confidential report for the Chief Executive Officer on the nature of the complaint and ensure follow-up reports are provided until the matter is resolved.
  - Ensure no information regarding the complaint is discussed outside this procedure.
  - In a case where a union shop steward receives the complaint, the divisional manager and/or grievance officer is to be advised of the details of the complaint.
  
3. The person handling the complaint, whether it is the person who received the complaint or a more senior person, will, with the approval of the complainant:-
  - As soon as possible, advise the alleged harasser of the nature of the complaint and provide an opportunity for that person to comment. Where appropriate the alleged harasser should be invited to discontinue any perceived unwelcome behaviour.
  - Advise the alleged harasser of the right to contact their Union for advice and representation.

- Advise the alleged harasser that no disciplinary action will be taken without the person being given the opportunity to be heard.

#### **Procedure**

- Keep simple, brief notes of the facts of the interviews held with both the complainant and alleged harasser.
4. If it is not possible to resolve the complaint simply by discussion with the complainant and the alleged harasser:-
    - The matter will be investigated and where the complainant or the alleged harasser is a member of a Union, the Union will be party to the investigation.
    - All documentation relating to the complaint will remain confidential and will not be produced or made available for inspection, except on the order of a Court or a request from the Commissioner of Equal Opportunity.
  5. During the period of the investigation of a case of serious sexual harassment:-
    - The investigation is to be conducted in a manner that is fair to all parties and all parties are to be given a fair and reasonable opportunity to put their case to have witnesses in attendance and to respond to any proposed adverse findings that may be made against them.
    - If requested by either party or by management, alternative working arrangements may be made.
    - Any reasonable request by either party for legal or union representation shall not be denied.
  6. If, following investigation and resolution, a complaint is judged to have been proved:-
    - Remedial action will be taken.
    - A record of the detail of the remedial action will remain on the employee's personal file for a period of 12 months, whereupon the record will be destroyed unless otherwise decided by the Chief Executive Officer.
  7. If, following investigation, a complaint is judged to have been unproven:-
    - The complainant will be counselled and if it is considered that the complaint was made frivolously or maliciously, disciplinary action may be taken against the complainant.
    - Continued reference to a complaint and its aftermath could be considered as either a continuing or new incident of harassment.

#### **Procedure**

8. While it is Council's wish to attempt to deal with complaints of harassment internally, no employee will be penalised for bringing a complaint to any appropriate external statutory body unless that complaint is ultimately proven to be made frivolously or maliciously.



For the purposes of Section 5.37 of the Local Government Act 1995, the Council designates the following employees to be “senior employees”

Manager of Works  
Corporate Services Manager

**1.20**

**EQUAL OPPORTUNITIES:**

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

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

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

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

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

The equal employment opportunity goals of this Council are designed to provide an enjoyable, challenging, involving, harmonious work environment for all employees where each has the opportunity to progress to the extent of their ability. Council in no way deems the adoption of this policy as meaning that Council's current attitude, or those of its current employees, as requiring to be changed or modified.

**1.21**

**EMPLOYEE HOUSING RENTAL SUBSIDIES:**

Where Council cannot provide a Shire residence for a fulltime permanent employee, the Council will offer a rental subsidy, to a maximum amount as set by Council from time to time.

Where a current or prospective employee owns or is purchasing their own residence in Mount Magnet, Council will pay a housing subsidy at the minimum rental subsidy, set by Council from time to time. The payment of the subsidy is subject to the employee being responsible for the purchase and upkeep of the property, and must be residing at the property.

Applications for rental subsidy shall be determined by the Chief Executive Officer in accordance with Delegation No.

**1.22**

**PAYMENTS ON TERMINATION TO EMPLOYEES IN ADDITION TO CONTRACTS OR AWARD:**

**Comment**

Section 5.50 of the Local Government Act 1995 requires that Council prepares a policy in respect to payments in addition to contracts or awards, made to employees whose employment is finishing.

Council may consider payments in excess of provisions within awards or contracts. The adopted policy is to set out under what circumstances additional payments are to be made and how the level of payment is to be determined.

### **Policy**

1. It is the policy of the Shire of Mt Magnet that the payments or entitlements to employees who are finishing their employment for any reason, are limited to, and made in accordance with the provisions within the relevant Industrial Award, Registered Workplace Agreement or Contract.
2. Council may give consideration to making payments in addition to that prescribed in subclause (i) in circumstances where Council deems justified. Each individual case will be considered on its merits at the time the employee's employment is finishing.
3. In determining whether an additional payment should be made pursuant to subclause (ii) and the extent of that payment, Council shall have regard for the following:-
  - The length of service of the employee;
  - The conscientiousness of the employee over the period of employment;
  - The value of the employee's service having regard to position(s) held and the regard given by Council to the employee's contribution;
  - The employees sick leave record;
  - The length of time to retirement;
  - The personal circumstances of the employee including family responsibility, future employment prospects and alternative source of income;
  - 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; and
  - Any other factor/s Council considers relevant.
4. Should Council decide to make an additional payment in accordance with subclause (ii), before such payment is made, public notice is to be given in relation to the payment to be made in accordance with section 5.50(2) of the Local Government Act 1995.
5. In this policy, the term "payment" may include cash or contributions (such as removal costs) or gifts.

## **1.23**

### **ALCOHOL AND DRUG POLICY:**

#### **1. OVERVIEW**

The Shire of Mount Magnet and its employees are concerned about safety and job performance due to abuse of alcohol and drugs.

We recognise our obligations under the Occupational Health and Safety Act and in the interests of safety and uniformity for all employees, the Shire of Mount Magnet and its employees have established the following as an agreed policy for the use or possession of alcohol and drugs at the workplace during working hours.

#### **2. OBJECTIVE**

The objectives of this policy is to implement an effective Drug and Alcohol Policy within the Mount Magnet Shire workplace.

### **3. AIMS**

The aims of the policy are to:

- 3.1 Create a safe and healthy work environment for our employees which is free from the hazards associated with drugs and alcohol in the workplace.
- 3.2 To foster an attitude among all employees that it is not acceptable to come to work under the influence of alcohol or any other drug that will prevent them from performing their duties in a safe manner.
- 3.3 To ensure that the Shire of Mount Magnet meets it's legal and social obligations with respect to providing a safe working environment for its employees and the general public.

### **4. DUTY OF CARE RESPONSIBILITIES**

The Shire of Mount Magnet and its employees have obligations under the Occupational Safety and Health Act, 1984, and the Occupational Safety and Health Regulations, 1996.

#### **4.1 Identification of hazards, and assessing and addressing risks, at workplaces.**

(Section 3.1 – Occupational Safety and Health Regulations).

A person who, at a workplace, is an employee, the main contractor, a self employed person, a person having control of the workplace or a person having control of access to the workplace must, as far as practicable:-

- (a) Identify each hazard to which a person a the workplace is likely to be exposed;
- (b) Assess the risk of injury or harm to a person resulting from each hazard, if any, identified under paragraph (a); and
- (c) Consider the means by which the risk be reduced.

All employees have a duty of care in Common Law to take reasonable care so as not to expose themselves or fellow employees to unnecessary risks.

### **5. EDUCATION AND AWARENESS**

Information will be provided to all employees at the Shire of Mount Magnet on the Shire's Drug and Alcohol Policy.

The policy will provide for awareness of health and safety implications of drug and alcohol abuse.

Employees will have access to education regarding safe levels of drug and alcohol consumption and alcohol testing equipment will be made available for employees who wish to test themselves to assist in awareness of alcohol limits.

### **6. PRESCRIPTION AND OVER-THE-COUNTER DRUGS**

The use of prescription or over-the-counter drugs may impair an employee's ability to perform safely or efficiently. Studies have shown that up to 20 percent of workers may be taking medication.

There are several types of drugs which may impair performance, including:-

- Hypnotics and sedatives
- Anti-depressants
- Antihistamines

- Stimulants and appetite suppressants
- Analgesics/Codeine

Employees using prescribed drugs should seek advice from their chemist or doctor on the effects or impairment the medication might have and, if applicable, provide a doctors letter regarding the effect of the drug outlining any limitation on normal duties and present the letter to their section Supervisor. Medical confidentiality will be maintained.

Any limitation to normal duties will be either treated as alternative duties, if applicable, otherwise the employee will be required to take sick leave.

## 7. TESTING FOR DRUGS AND ALCOHOL

It is a condition of employment as from the date of implementation of this policy for all employees of the Shire to submit to testing.

Testing for alcohol and other substances will be according to the table below:-

• Amphetamines	:	1.0ug/ml
• Opiates	:	0.3 ug/ml
• Barbiturates	:	0.2 ug/ml
• Cocaine	:	0.3 ug/ml
• Methadone	:	0.3 ug/ml
• Benzodiazepines	:	0.1 ug/ml
• Alcohol	:	0.5 ug/100ml
• Cannabis	:	100 ng/ml

The protocol for testing of drugs and alcohol is described in Appendix 1.

## 8. TYPES OF TESTING

### 8.1 A random Drug and Alcohol Testing procedure will apply to all employees and will include contractors.

The random system for Mount Magnet will be determined by a combined management/general employee group including the Chief Executive Officer, the Works Supervisor and two employees – one from administration and one from the Works section as nominated by the respective groups.

### 8.2 Random Testing and Prescription and Over-the-Counter Drugs

When selected for a random test the employees must advise the tester if they are taking over the counter or prescription drugs.

Prescription drugs should have already been notified.

When an employee is taking over-the-counter or prescription drugs a urine sample will be taken and forwarded to Perth for laboratory testing and results acted on when available.

### 8.3 Cause 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 damage
- Reportable near misses

#### 8.4 Testing if suspected of being impaired by Drugs or Alcohol

Any employee who has reason to believe that another employee or a contractors' employee is under the influence of alcohol or drugs may initiate a test.

The request must be in writing stating the reasons for the request and be signed by the employee requesting the test and witness by the elected safety representative of the section concerned.

If the reasons are considered appropriate by the relevant safety representative and a management representative the test will be conducted.

### **9. REFUSAL TO UNDERTAKE TEST**

Refusal by an employee to submit to, or co-operate fully, with the administration of a drug and alcohol test, will be treated as a positive result, and in accordance with the Workplace Agreement, Council's Policy Manual, and the Code of Conduct, the following ruling applies:

"Bringing intoxicating liquor or prohibited drugs onto the job, or attending work under the influence of either is strictly prohibited. Breaches of this rule render you liable to summary dismissal".

### **10. TAMPERING WITH AN ALCOHOL OR DRUG TEST SAMPLE**

Tampering with an alcohol or drug sample will lead to dismissal.

### **11. POSSESSION OF ALCOHOL AND ILLEGAL DRUGS**

Employees found in possession or consuming alcohol or drugs in the workplace during working hours will be dismissed. Social occasions outside of working hours authorised by management are permitted in respect to the consumption of alcohol but do not include that taking of prohibited drugs.

### **12. PERSONS REGISTERING A POSITIVE RESULT**

Where an employee returns a positive result they will be liable for summary dismissal.

### **13. DRUG AND ALCOHOL REHABILITATION PRINCIPLES AND GUIDELINES**

The Shire of Mount Magnet recognises that drug and alcohol dependency is a treatable condition. Employees who recognise or suspect that they have a problem are encouraged to seek advice and take appropriate treatment before their job performance is impaired or they are subject to testing under this policy. Participation in a rehabilitation programme will be kept confidential and information received will not be passed on without permission of the person concerned.

### **14. REVIEW OF POLICY**

This Policy will be reviewed in accordance with normal Council Policy every 12 months. If requested by any parties the policy may be reviewed at any time and comments from all effected employees will be sought.

## **APPENDIX 1 – PROTOCOLS DRUG AND ALCOHOL TESTING PROCEDURES**

### **DRUG TESTING**

1. Employees selected under the types of testing as referred to in Section 8 of this policy will be advised, and transported to the Mount Magnet Hospital, where the testing will be

carried out by the Medical Practitioner. Where the Medical Practitioner may be absent, a person, nominated by both parties as being appropriately qualified to conduct the tests, may do so.

2. The employee shall establish his/her identity with the relevant Medical Officer and advise details of any medicines or drugs they may be taking or have been prescribed including the name of drug/medicine and the dosage taken and when. Details included on the form provided in Appendix 2.
3. Employee shall provide the required specimen and hand it to the tester.
4. The tester shall take a portion of the sample and return it to the employee, if requested, then seal the sample container using tape and sign their name across the tape and complete the details of the procedure on the relevant form provided including labelling the specimen bottle with the employees name and the date and time of the specimen collected.
5. The employee shall sign the form provided indicating consent to the procedure and the authenticity of the sample.
6. The Medical Officer of Health, as applicable, shall carry out all recognised procedures for the maintenance of the sample, collection by the relevant courier service and pathology testing as required within the shortest possible time frame.
7. Details of the test results shall be forwarded to the Chief Executive Officer of the Shire under cover and he shall peruse the comments and take immediate steps to advise the effected employee of the outcome and the steps to be taken, if any.

#### NOTE

The procedure as provided above shall be applicable to contractors employed by the Shire and shall be agreed as part of the contract arrangements prior to employment.

Contractors who refuse to participate under this policy will not be eligible for employment by Council and in the event of a contractor refusing to participate in any part of the procedure when called upon shall be immediately stood down from the contract and his superiors (if applicable) shall be advised accordingly.

#### **ALCOHOL BREATH TESTING PROCEDURES**

1. Employee shall be asked to blow into the screening unit  
If negative : Employee advised test negative and return to work  
If positive : Perform a further confirmation test 30 minutes later.
2. If confirmation test performed:-  
If negative : Employee advised test negative and return to work.  
If positive : Employee advised test positive, result is documented on file. Employee taken home and advised to report to

the Chief Executive Officer or relevant Manager for action to be taken, as appropriate, at 8.00 am the following day.

When the employee is advised that the confirmation test is positive and if he feels that the test is not accurate, he has the option of further testing as described under APPENDIX 1 – Protocols Drug and Alcohol Testing Procedures Section 1 to 8 Inclusive, but this test must be completed within 1 hour of the original breath test. The employee shall make themselves responsible for ensuring that there is no undue delay in this procedure.

If the test proves negative the Shire of Mount Magnet will be liable for the costs involved in the testing, however, if the test is positive, the employee will be liable for the costs, and will face the appropriate disciplinary action.

The employee will be taken home until the result of the test is known.

If the test proves negative, the employee will be entitled to be appropriately reimbursed for the stand down period.

**DRUG TESTING PROCEDURES – FORM**

Name of Participant : .....

Position : .....

**PRESCRIBED DRUGS OR MEDICINES TAKEN**

TYPE	WHEN TAKEN	DOSAGE

**PROCEDURE FOR TAKING SPECIMEN**

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Name of Tester : \_\_\_\_\_

Signature of Tester : \_\_\_\_\_

Signature of Employee : \_\_\_\_\_

**STAFF TRAINING:**

Council has adopted the following as its policy on staff training:

1. Council has a responsibility to organise its labour resources in the most efficient manner possible so as to maximise the services provided in an effective, economic and efficient manner.
2. Council's workforce is its most important resource necessary for the achievement of Council's objectives and the skills of the workforce are of the most fundamental significance.
3.
  - a) Education (being the acquisition of general tertiary and professional skills and qualifications) is the responsibility of the individual employee. This does not preclude Council from assisting an employee (eg study leave) but such assistance extended at the discretion of the Council is not an employee right.
  - b) Training (being an extension and/or enhancement of skills and knowledge) to enable employees to be more effective in their jobs and/or provide for future progression is the joint responsibility of Council and the employee.
4. Council recognises the need for attention to and investment in staff training and authorises the allocation in each year's draft budget an appropriate amount for staff training.
5. The Chief Executive Officer is responsible for the management of the funds allocated for staff training in each department and any expenditure may, subject to provision being made in the budget, be endorsed by the Chief Executive Officer without reference to the Council.
6. Funds allocated by Council for staff training may be directed towards any "training expenditure" and without limiting the generality of this clause, may include:
  - a. Cost of salaries, registration fees, travelling and accommodation involved in attending training courses and where appropriate seminars or conferences.
  - b. The wages and overheads associated with the employment of training officers and similar appropriate persons for the provision of internal training courses and on the job side by side training.
  - c. Purchase of videos, books and other appropriate training aids
  - d. Other appropriate training initiatives at the Chief Executive Officer's discretion.
8. As a general guide Council's preferences for staff training activities are:
  - a. Utilisation of any local courses.
  - b. Co-ordination with other local training exercises (eg with local businesses and with government departments).
  - c. In-house training activities.



**1.26**                    **SATELITTE TELEPHONE – ROADWORKS CREW:**

**Council provides Roadworks with a Satellite Telephone.**

The primary uses for the satellite telephone are to provide an effective means of communication in emergency situations or liaison between the Crew and Management.

**1.27**                    **PROVISION OF TEA, COFFEE AND SUGAR:**

Council agrees to provide tea, coffee and sugar for use by the works crew members on the following basis.

The Works Supervisor is authorised to order on an “as need” basis, tea, coffee and sugar having due regard to how much is required based on what is fair and reasonable.

**1.28**                    **SALARIED STAFF OVERTIME:**

Without the specific authority of the Chief Executive Officer, salaried staff are not authorised to claim overtime.

**1.29**                    **ROSTERED DAY OFF – SALARIED STAFF:**

Council acknowledges the practice of Salaried Office Staff working a 40 hour week, being paid for the normal working hours and accruing 2 hours per week towards a paid Rostered Day Off.

Rostered Days Off will be subject to the following conditions:

- (a)        A maximum of 3 RDO’s can be accumulated
- (b)        RDO’s accumulated will not be paid out on termination of employment.

**1.30**                    **EXECUTION OF DOCUMENTS:**

It is Council’s Policy that, for a document to be validly executed, the common seal is to be affixed to the document and the President and the Chief Executive Officer attest the affixing of the seal. Any documents executed in this manner must be endorsed by Council resolution.

**1.31**                    **MINUTES OF COUNCIL AND COMITTEES –  
DISTRIBUTION AND RELEASE OF MINUTES:**

1.        A copy of the minutes of all Council Meetings and Committees Meetings, endorsed with the wording – “Please Note” – These Minutes have yet to be confirmed by Council/Committee as a true record of proceedings,” are to made available for perusal by members of the public at the Council Office and Council Library as soon as possible following each meeting but within the time limits prescribed by Local Government (Administration) Regulation No 13.
2.        Any person may be provided with photocopy of any page or pages of any Council Meeting Minutes, on payment of the photocopying charges that apply. Such copies issued that have not been confirmed are to be endorsed with the wording – “Please Note – these Minutes have yet to be confirmed by Council/Committee as a true record of proceedings.”

3. A copy of the Minutes of all Council Meetings, endorsed with the wording “Please Note – These Minutes have yet to be confirmed by Council as a true record of proceedings” are to be forwarded, on request and free of charge, to all media outlets within or servicing the district as soon as possible following each meeting.
4. Any individual or organisation, may, on payment of an annual subscription set by Council each year, have a copy of the Minutes of all Council Meetings, posted to them following each meeting. The minutes are to be endorsed with the wording “Please Note – These Minutes have yet to be confirmed by Council/Committee as a true record of proceeding.” These minutes are to be posted to the subscribers as soon as possible following each meeting.
5. Upon request, a copy of the minutes of all or any council meeting may be posted to Local Members of State or Federal Parliament, free of charge, if unconfirmed, the minutes are to be endorsed with the wording – “Please Note- These minutes have yet to be confirmed by Council as a true record of proceedings.”

# Shire of Mt Magnet

## Policy Manual

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## **2. Administration and Human Resources Policy**

### **2.1 GENERAL STAFF MANAGEMENT:**

- In general terms Council agrees to the Model manual prepared by the WALGA Industrial Services, concerning the management of human resources as a guide to decision making regarding administrative and general staff.

### **2.2 CEO MANAGEMENT AND RESPONSIBILITIES:**

- All Council employees to be responsible to the CEO with the CEO responsible to Council.
- The CEO's function is to include the responsibility for the overall management of administration.
- Council Policy, as determined from time to time advising Council on all relevant matters and providing necessary guidance to ensure an appropriate course of action.
- Represent Council when necessary at functions, conferences and meetings.
- Report regularly to Council and generally ensure the smooth and efficient running of the Council's administration and management functions.

### **2.3 TEMPORARY RELIEF STAFF:**

- Where employment of staff is required for either temporary or relief duties, the CEO is authorised to engage such staff.

### **2.4 CEO ANNUAL REVIEW:**

- A suggested format by the Local Government sets out duties of the CEO and as such his function has been generally determined in the Act. In addition, most of the foregoing is covered in the CEO's service contract, which is reviewed annually.

### **2.5 CEO ACCOMMODATION AND EXPENSES:**

- **Conferences.** Council to meet reasonable costs incurred by the CEO in carrying out his duties for attendance at conferences, meetings or functions as a Council

representative/delegate. When the CEO's attending the annual Local Government Week and the LGMA Conference, reasonable expenses of the CEO's partner will be met, in accordance with the provisions of the Local Government Act.

**2.6 RESPONSIBILITY OF SENIOR STAFF WHEN CEO IS UNAVAILABLE:**

- The Work's Manager shall take responsibility of the Shire works operations during the CEO's absence and the Deputy Chief Executive Officer shall take responsibility of the administration duties during the CEO's absence.

**2.7 ADMINISTRATION OFFICERS WEEKLY WORKING HOURS:**

- Administration officers employed to work a 40-hour week. Start time 8am finish at 5:pm with one hour for lunch. (With one RDO per month)
- Officers shall stagger a 10-minute break in the morning and afternoon.

**2.8 ADMINISTRATION OFFICE OPEN TO THE PUBLIC:**

- Office hours open to the public (9:am to 4:pm) Monday to Friday.

**2.9 WORKS UNIT WEEKLY WORKING HOURS:**

- A 38-hour working week for the outside works units. Start time in summer 6:30AM finishing at the Depot at 3:PM, winter start time 7:AM finishing time at the Depot 3:30PM. (Further details are outlined in the Employee Terms and Conditions policy).

**2.10 OVERTIME FOR THE WORKS UNIT:**

- Outside Work Units shall be paid overtime accordingly within the guidelines of the Municipal Employees 1982, Western Australian Award. The Work's Supervisor and/or the CEO shall allocate overtime.

**2.11 RDO WORKS UNIT:**

- RDO shall not be introduced at this stage for the outside works units.

**2.12 ADVERTISING AND ASSOCIATED COSTS FOR NEW EMPLOYEES:**

**Advertising for new and existing positions – MEDIA:**

- All vacant positions are to be advertised internally and current staff given the opportunity to apply for the position. All vacant positions are to be advertised locally to the local community and positions to appear on the local notice boards. For external advertising the vacant positions are to be advertised in the West Australian Newspaper and the Mid West Times.

**2.13 ASSOCIATED COSTS IN APPOINTING SENIOR STAFF:**

- Staff, who are appointed in the following positions CEO, DCEO and Works Supervisor, shall have reasonable costs associated with attending interviews. Council shall meet the costs involved to attend the interview. All attempts by the interviewer

(generally the CEO) are to be made to reduce cost where possible by organising the interview at the interviewees location.

**2.14**                    **STAFF SELECTION AND APPOINTMENTS:**

- The CEO and/or designated senior officer shall short list applicants for interview and discusses with the CEO for consideration. The CEO shall appoint senior officers and administration staff and/or delegate to senior officers to appoint. The Works Supervisor shall short list applicants for works crew vacancies and the CEO shall approve/reject.

**2.15**                    **ADDITIONAL ALLOWANCES:**

- Detailed in the new employee letters of appointment shall be the fortnightly salary, allowances and/or subsidies each individual is to expect. (District, Industry, Trade, Skill, Tool allowances).

**2.16**                    **ALLOWANCES AND SUBSIDIES FOR NEW AND EXISTING STAFF:**

**Subsidies for new employees:**

- Council property- a house shall be made available at reduced rent (\$55.00 per week). The CEO will use his discretion to make available council property when appointing new staff.
- Water subsidies for council employees renting Council property – Council shall subsidise annual water consumption to 1650kl per annum.
- Telephone allowances may be made available for staff working outside normal hours. (This is at the discretion of the CEO).

**2.17**                    **SUPERANNUATION PAYMENTS:**

- Council shall pay 9% superannuation to all permanent and casual employees.
- In addition there is an option for the employee to pay 5% - Shall the option be taken Council shall provide a further 5% towards the superannuation fund.
- All employees may choose to contribute a personal nominated amount to the fund.

**2.18**                    **ANNUAL LEAVE AND LOADING:**

- Council shall pay annual leave at 17.5% after 1<sup>st</sup> year of appointment for permanent employees only.

**2.19**                    **ANNUAL LEAVE (STAFF LEAVE):**

- Staff leave shall be staggered so that a number of personnel staff are not absent at the during the same period.

**2.20**                    **ROSTERS:**

- A monthly roster shall be prepared for administration staff to cover absences such as lunch, holidays, meetings, sick days and RDO's.

**2.21 UNIFORMS – CLOTHING ALLOWANCE:**

- **Administration Officers** – Council shall provide a clothing allowance of \$500 per person per annum for the administration staff. These uniforms are to be worn during office hours and to be clean and presentable at all times to represent Council’s image.
- **Outside Work Units** – Council shall provide a clothing allowance of \$250 per person per annum. The work units will receive additional safety clothing as detailed in the Employee Health and Safety Manual.

**2.22 MEDICALS, POLICE CLEARANCE AND PROBATIONARY PERIODS FOR NEW STAFF:**

**Staff medicals – New Appointments:**

- All new permanent employees shall be required to undertake a Pre-Employment medical examination at Council’s expense before commencement of employment. Should a medical examination take place after commencement it must be within one month of employment. The medical is to be conducted by a medical practitioner and the medical report filed in the personnel file.

**2.23 POLICE CLEARANCE FOR NEW APPOINTMENTS:**

- A National police clearance must be SUBMITTED before commencement of employment. If not available before commencement of employment it must be received within the three months trial period.

**2.24 PROBATIONARY APPOINTMENTS FOR NEW APPOINTMENTS:**

- All permanent employees shall have a three-month probationary period. A review of the performance of the employee is to take place prior to the probationary period ending to assess current performance and suitability.

**2.25 DUTY STATEMENTS FOR NEW AND EXISTING STAFF:**

**Duty Statement – New Appointments:**

- On commencement of employment all permanent and casual staff (employed for more than one month) shall receive a duty statement. The duty statement shall detail key objectives, skills and knowledge required for the position and the key duties and responsibilities of that position.

**2.26 NEW AND EXISTING STAFF POLICES:**

**Promotions and /or changes to current duty statement:**

**New**

- Shall an Administration Officer or member of the Works Unit position alter or change through promotion, change in job title, or salary increase all details to be added to the duty statement and filed in the individual’s personnel file.

**2.27**                    **EMPLOYEE HEALTH AND SAFETY MANUAL:**

**Existing**

- On commencement of employment all staff shall receive the Council's Employee Health and Safety Manual. All procedures relating to Individual, Equipment, Wearing of Safety Clothes, Environment and Safety to co-workers must be adhered to at all times.

**2.28**                    **NEW EMPLOYEES PAYROLL PROCEDURES:**

**Employee payroll details:-**

- The CEO and Finance Officer to complete the payroll form.
- Organise Medicals and Police Clearance.
- All personal and personnel details are to be entered in to payroll system.
- Certificates, changes to award and other personnel details to be filed in-
- A new personnel file and all personal details kept on record.
- All sick, annual leave details to be filed and any other correspondence relative to that person.

**2.29**                    **ANNUAL PERFORMANCE AND DEVELOPMENT REVIEW:**

- All permanent staff shall undertake a performance development review annually. The review shall identify individual objectives in both the short and long term to enable Council to meet the individuals training and development requirements. This shall enable the employee to meet the standards of his/her classified position and any changes to the Council operating systems.

**2.30**                    **STUDY LEAVE, TUITION AND FBT:**

- Noting that FBT is payable by the Council on reimbursement of study costs.
  1. Where an employee of Council applies through Council to undertake further education through university payment of fees (tuition and HEC) shall form part of salary negotiations as a separate revision to the study leave covered by the industrial award. Noting that FBT is payable by Council on reimbursement of study costs.
  2. Qualification studies up to and including TAFE diploma and associate diploma levels shall be considered on an individual basis in accordance with the provisions of the industrial award.

**2.31**                    **ADMINISTRATION DELEGATION AND PROTOCOL:**

**Communication Standards Practices and Protocol all staff:**

- All staff are to recognise and observe appropriate protocol is practiced at all times.
- Council and Administration to be comfortable with free debate at Council meetings.

**2.32**                    **DELEGATIONS REGISTER:**

- The functions delegated to the appropriate officers in accordance with the Local Government Act and other Acts are to be annually reviewed and contained in the Delegations Register.

**2.33**                    **COMPLAINTS CONCERNING STAFF MEMBERS:**

- Any complaint concerning staff members shall be in writing and supported by evidence of the alleged offence to the CEO.

**2.34**                    **LOCAL GOVERNMENT OMBUDSMAN:**

The following practice be adopted when handling complaints received from the Parliamentary Commissioner;

- a) That any complaint received from a Parliamentary Commissioner be considered by Council behind closed doors.
- b) That the administration refers any correspondence in relation to complaints of a significant importance under the act to Council inclusive of a written and confidential report on the complaint received.
- c) That where the complaint is of a trivial nature the administration be authorised to prepare a reply to the Parliamentary Commissioner with a subsequent confidential report on how the matter was handled being provided to Council.

Correspondence to the Commissioner is under the hand of the Shire President that the CEO in consultation with the Shire President undertakes the research and drafting of the letter.

**2.35**                    **ADMINISTRATION AND HR PROCEDURES FOR THE CUSTOMER SERVICE CHARTER:**

**CUSTOMER SERVICE CHARTER –(see section 3. Customer Service Charter)**

- The Shire of Mount Magnet Customer Service Charter sets guidelines and key service standards for all Council staff when dealing with the public and internal customers.

**2.36**                    **FREEDOM OF INFORMATION: (FOI)**

- Freedom of Information Statement will be reviewed annually.

**2.37**                    **NEIGHBOURHOOD COMPLAINTS:**

- That all neighborhood complaints be in writing before an officer attends to the complaint.

**2.38**                    **PUBLIC USE OF COUNCIL CHAMBERS:**

- That the CEO be authorised to use his discretion as to the use of the Council Chambers by the wider community.

**2.39**                    **PROCEDURES FOR PUBLIC RELATIONS & COMMUNITY EVENTS**  
**CITIZENSHIP CEREMONIES:**

**Australian Citizenship Ceremonies:**

- The CEO is requested to advise Council of certificates he has issued. Administration to coordinate and liaise with appropriate parties and organise dignitaries to attend.



2.40

**PRESS RELEASE:**

- That the Shire President and CEO (with the approval of the Shire President) be authorised to make press releases or act as spokesperson on behalf of Council in accordance with the Local Government Act 1995.

2.41

**DONATIONS:**

*Amendment and removed on 26 February 2010 Resolution 2010-02-10*

2.42

**AUTHORISED OFFICERS for TAXATION & SUPERANNUATION RECORDS**

- The authorised officers of Council for the purposes of the Taxation Department and Superannuation Records are the CEO and DCEO.

2.43

**PAYMENT OF FINES:**

- Where a speeding fine is incurred while driving a Council vehicle the payment of the fine is the responsibility of the person concerned

2.44

**NATIVE TITLE CLAIMS:**

It is Council policy that immediately following the receipt of any Native Title Claim involving land within the Mount Magnet Shire, that the Chief Executive Officer is to register an interest in the application and to inform the parties of Council's position, being:

1. Although the Shire of Mount Magnet (the Shire) is not directly affected by the native title applications at present, except to the extent as discussed at point 3, it must be able to continue to go about its lawful business, fulfilling its objects and purposes in the service of its constituents (including aboriginal people), in a timely fashion.
2. The Shire is interested also to ensure that industry and business operating within its boundaries is also able to continue to go about its lawful business, for the existing and future betterment of the Shire's constituents.
3. With regards to all reserves vested in Council and other land under the care, control and management of Council, including but not limited to:- road reserves and public roadways, gravel reserves, mining tenements, recreation reserves, drainage reserves, pedestrian access ways, community purpose reserves and so on, Council is of the opinion that these reserves have been vested in Council for their care, control and management on behalf of all residents of the Shire, and accordingly, all such reserves and other lands should be excluded from the native title application.
4. The Shire is anxious that the native title determination applications be dealt with as quickly as possible, so that the objectives under paragraphs 1 and 2 above can continue to be achieved without undue frustration and interference.
5. The Shire does not express a view as to whether or not any of the applicants holds native title over the claimed land. This is not a matter for the Shire. There appears to be, in some cases, disagreement between the applicant groups as to who speaks for the land. Consequently, there must be some doubt about the ability of some of the applicant groups to be able to claim a continuing traditional connection with the land claimed.

6. The Shire is concerned in relation to some claims, about the multiplicity of claims, by different groups over the same areas, and wants to be in a position to know that it can talk to a defined group of people with known rights (where they exist), where the applicant's claim influences the Shire's business and the pursuit of its objects and purposes.
7. In relation to claims where a defined group of people with known rights cannot be determined in respect of these applications quickly (and in the opinion of the Shire, this appears to be the case), then the Shire considers that the applications should be referred to the Federal Court for decision.

## **2.45 INTERNET AND EMAIL USAGE:**

All communication using Council's internet and council facilities must be undertaken in a professional manner, while responsibly representing the goals, objectives and image of the Shire of Mt Magnet.

Inappropriate use of this technology is viewed as a serious disciplinary issue and will result in a reassessment of access privileges. Employees and other users of the Council's internet resources should not access, and should have no cause to access, material considered objectionable or restricted under the Censorship Act 1996.

All files (work related or private) that are downloaded from the internet must be scanned for viruses immediately.

Where employees receive electronic mail that is inappropriate, it is their obligation to immediately delete its contents and any attachments, and then advise the sender of its inappropriateness and instruct them not to send such correspondence again.

### **Objective**

Internet access is provided to employees as a business tool. Its purpose is to assist in research, training, communication and to provide better access to information.

### **Responsibility**

Council may monitor usage of the internet. There can be no expectation of personal privacy in the use of the Council's internet and or email facilities.

## **2.46 PAYMENTS TO EMPLOYEES IN ADDITION TO CONTRACT OR AWARD**

<b>ENABLING LEGISLATION - LOCAL GOVERNMENT ACT 1995 SECTION 5.50</b>
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### **OBJECTIVE**

To set down the maximum amount payable to employees whose employment with the Shire of Mount Magnet is finishing and where the payment is in addition to the employee's entitlement under a contract of employment or award relating to the employee.

**POLICY**

- 1 The Shire shall purchase a gift for those officers or employees who have completed service with the Shire as follows:
  - a. Five years - a gift to the value of \$75.00.
  - b. Ten years - a gift to the value of \$100.00.
  - c. Twenty years or more - a gift to the value of \$150.00.
  
- 2 As a token of appreciation the provision of a gratuity to officers and employees who are finishing employment will be paid as follows:
  - a. Prior to completion of ten year's service - Nil.
  - b. Upon resignation/retirement prior to completion of ten year's service, on account of illness – at Council's discretion.
  - c. On completion of ten year's service – one day's salary.
  - d. Eleven year's service and above – one day's salary plus 50% of a day's salary for each completed year of service over ten years.

Nothing in this policy prevents Council from determining that in special circumstances officers or employees whose employment with the Shire of Mount Magnet is finishing may be paid additional monies or provided with additional benefits where justified. Details of such payment and benefits shall be published in accordance with Section 5.50(2) of the Act.

ADOPTED: 19<sup>th</sup> December 2009      REVIEWED .....

## 2.47 Workplace Bullying

### Policy Statement

That the CEO include in a Procedures Manual readily accessible to employees the Complaints and Grievance Procedure to be followed where allegations of workplace bullying arise.

### Purpose

To provide an environment within the Shire of Mount Magnet free of bullying and harassment and to establish a clearly defined procedure for investigating complaints of bullying and harassment.

### Application

Bullying and harassment can be defined as repeated inappropriate behaviour, direct or indirect, whether verbal, physical or otherwise, conducted by one or more persons against another or others, at any level in the organisation. Inappropriate behaviour means behaviour that a reasonable person, having regard to all circumstances, would expect to harm, intimidate, offend, degrade, bully or humiliate another person in front of others, or alone. This inappropriate behaviour may come from another employee, or member of the general public.

The following examples may constitute bullying:

- Abusive, insulting or offensive language by one or more persons to another or others
- Behaviour or language that frightens, humiliates, belittles, degrades, criticism that is verbally aggressive
- Inappropriate comments about a person's appearance, lifestyle or their family
- Teasing or regularly making someone the brunt of pranks or practical jokes
- Interfering with a person's personal effects or work equipment
- Physical assaults or threats
- Behaviour that undermines, treats less favourably or disempowers others
- Excluding or isolating employees
- Constant criticisms or insults
- Manipulating the impression of others to split the work group into taking sides
- Displaying, written or pictorial material which may degrade or offend certain employees
- Initiation pranks
- Where bullying involves assault or threat of assault it becomes a police matter.

All employees are encouraged to report workplace bullying. Where bullying is believed to be present, the matter should be immediately reported to the Chief Executive Officer, Corporate Services Manager or Works Supervisor. Any complaints of bullying made against another person associated with the organisation will be viewed seriously, treated confidentially and thoroughly investigated by appropriately trained persons following the recommended guidelines and procedures.

Any person making a claim for bullying and harassment will be protected at all times to ensure that further victimisation does not occur. 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.

The alleged harasser will be treated with due regard with equal consideration to confidentiality, privacy and support until the matter is resolved as per natural justice principles.

An employee whose health or work performance has been affected by bullying will not have his/her employment status or conditions disadvantaged in any way.

All incidents and outcomes will be reported to the Chief Executive Officer. Action will be taken against anyone who is found to have bullied an employee. Discipline may involve a warning, counselling, demotion or dismissal depending on the circumstances.

### **Complaints Handling and Grievance Procedure**

All complaints of bullying and harassment will be treated confidentially and resolved promptly.

The issue of confidentiality is a vital one because of legal implications. All personnel involved in the investigation and resolution of a bullying and harassment complaint are under obligation to maintain absolute confidentiality for the following reasons:

- The complainant has a right for his/her complaint to remain strictly confidential.
- The possibility of defamation suits against staff who discuss a complaint indiscriminately.
- Prevention of victimisation of the parties involved.

Prompt successful resolution relies on a minimum number of people being involved in discussion and management of a complaint. Staff may tend to take sides resulting in an escalation of the complaint. The respondent has a right as a requirement of natural justice, to expect allegations to be kept confidential.

Wherever possible, the handling of complaints and resolution of such will be at the workplace where they occurred. Care will be taken throughout the investigation to ensure that neither the complainant nor the alleged harasser are victimised in order to uphold principles of natural justice.

It is recognised that cases of bullying may occur between supervisor and employee and as such, alternative methods of raising complaints are provided for by this procedure.

A complaint of bullying may be lodged with any of the following persons:

- Chief Executive Officer
- Corporate Services Manager
- Works Supervisor

A person receiving a complaint of bullying harassment will:

- Decide, in consultation with the complainant, whether the matter can be resolved at this level or whether it should be referred to a more senior level of management.
- Assure the complainant that all details of the complaint will be treated confidentially and allow the person to decide on procedure.
- Ensure no information regarding the complaint is discussed outside this procedure.
- In a case where a union shop steward received the complaint, the divisional director and/or grievance officer is to be advised of the details of the complaint. The same care and confidentiality should be exercised by the union steward.
- Any investigation to be carried out as part of the resolution of an allegation or complaint will only be carried out by the Chief Executive Officer and the Corporate Services Manager.

If it is not possible to resolve the complaint simply by discussion with the complainant and the alleged bully:

- The matter will be investigated and where the complainant or alleged bully is a member of a union, the union may be party to the investigation.

- All documentation relating to the complaint will remain confidential and will not be produced or made available for inspection, except on the order of a Court of law or a request from the Commissioner of Equal Opportunity.

During the period of the investigation of a case of serious claim:

- If requested by either party or by management, alternative working arrangements may be made.

If, following investigation and resolution, a complaint is judged to have foundation:

- Appropriate remedial action will be taken including where appropriate disciplinary/counselling action relevant to the circumstances and/or seriousness of the matter.

A record of the detail of the disciplinary action will remain on the employee's personal file for a period of 12 months, whereupon the record will be destroyed unless otherwise decided by the Chief Executive Officer.

### **Reference Documents**

- Occupational Safety and Health Act 1984, revised 2005
- Occupational Safety and Health Regulations 1996, revised 2005
- Guidance Notes: Dealing with Workplace Bullying – A Guide for Employers. WorkSafe WA Commission (2003).

# THE SHIRE OF MT MAGNET

## Policy

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### 3. Customer Service Charter

**This Customer Service Charter is designed to focus on Council's commitment to excellence in customer service to all our dealings and contacts with customers. The Charter is to align with the Council's Strategic Principal Activities Plan to deliver best practice in all areas of Council's services.**

It is important to first recognise who our customers are, we deal daily face to face over the telephone, written correspondence, faxes and emails to a diversity of people. Their information requests vary depending on their business or community needs. Customer Service is about providing information to customers, therefore the involvement of people in our services is the very nature of Customer Service.

Recognising the diversity of our customers and their needs assist in delivering the right information to each customer. Best practice Customer Service promotes a positive image, efficiency and professionalism through the excellent standards of our service and knowledge of information.

The Shire of Mt Magnet is committed to promote an efficient, friendly working environment where every employee and their contribution, is valued and respected by organisations and the community.

Customer Service represents two types of customers, the External and the Internal Customer both requiring the same level of service.

The **External Customer** are people who require services and information from us. They are customers in the traditional sense of the word.

The **Internal Customer** are people who work for the Shire Council, and rely on our service and information that they need to get their job done, they are not traditional customers, yet they require the same level of service as the external customer.

A commitment by Council is to encourage that all staff has a **Customer Friendly Attitude**. The success of excellent customer service is having a **Genuine Customer Friendly Attitude**. Customers are to be viewed as the most important part of Council's work ethics. No customer is to be viewed as an interruption, and wishing they would leave while work is piling up.

**Following are the methodologies Council has adopted to introduce this policy:**

1. All current staff are to receive a copy of the Customer Service Charter. The reasoning behind Council's adopted charter is to increase the level and focus of all staff in the value of customer service and how best we can deliver a professional service to all our customers.
2. The Charter is to be issued to new staff as part of their induction and to all current staff members at a full staff meeting.

#### **1) Policy – Shire Council Image:**

Council image plays an important role in delivering quality customer service. Employees project this image when meeting and communicating Council's information and services to the public.

Portraying a professional image:

- **Uniforms** – Are provided for the administration officers, these uniforms are to be worn at all times. They shall be smart, clean, neat and appropriate for the office environment.
- **Safety Clothing and uniforms** – outside works units shall wear the supplied safety clothing and uniforms. This enables customers to recognise the works units working on Council projects. Contractors are advised to wear their corporate uniforms when working on Council projects.
- **Body Language** – plays an important role in customer service. Maintaining eye contact, do not slouch or lean forward when serving a customer.
- **Manners** – a customer appreciates good manners even if they are complaining. Good manners show the professionalism of the person serving them and a positive image of the Council.

The Customer Service and administration officers are usually the first people the public comes into contact with at the Shire office. It is important those front line staff are well-trained in customer service practices and how to deal with customer complaints in a manner that represents a professional image of Council.

### **The professional and positive way to work with Customers:**

The following is a guide to working with customers in a professional way that projects a positive image to the customer.

#### **Building Rapport**

- Make the customer feel important and valued.
- Establish and maintain good eye contact.
- Smile, and be friendly & courteous.
- Use the customers' name, at each opportunity.
- **Listen** to the customers. Customers who have a complainant need to be listened to and not interrupted.
- Be conscious of **WHAT** you say and **HOW** you say it.
- Use language the customer understands do not use technical jargon.
- Make time to deal with each problem and respond professionally.
- Be open and honest.
- Have a customer friendly attitude at all times.

#### **GETTING THE FACTS**

- Get the customer focused on the specific situation and establish the facts.
- Do not make assumptions.
- Ask questions.
- **Listen**
- Summarise and check for understanding.

#### **DISCUSSING SOLUTIONS**

- Determine what the customer would like to achieve.
- Advise the people of what you are able to do, and what you cannot do. This is to be addressed in a tactful, courteous, and honest manner.
- Ask the customer for their suggestions.
- Discuss alternative ways the situation can be dealt with.
- Try a win, win solution at all times.
- Determine the solutions that you are able to deliver, with the resources available to you at the time.
- Check for understanding of summaries.



## **TAKING ACTION**

- Determine the action to be taken.
- Determine who is to be involved.
- Determine when and where the action is to be taken.
- A summary for understanding, that you and the customer have the same picture that is to occur next.
- End the conversation in a positive and courteous manner.

## **POINTERS TO REMEMBER**

- Where appropriate advise the customer of your name and position.
- If the customer has arranged an appointment with you, organise to see them in a suitable location i.e.; meeting room or in your office if applicable.
- Treat all customers, as you would like to be treated, regardless of how the customer may be treating speaking to you.
- Assess if the problem is personal or sensitive and organise a private space. A customer's dignity must be maintained.
- Do not make promises that cannot be delivered. Be Honest.
- Customer Service is communication, whether dealing with internal or external customers.

## **TELEPHONE CALLS:**

### **When making a call**

- Always identify yourself, and that you are from the Shire of Mount Magnet.
- Always be polite and courteous.
- Make sure you have all the information you need before making calls.
- Where possible, ask for a particular person.
- Cut out unnecessary discussions.
- Reduce to a minimum the time to make a call.

### **When answering the telephone**

Shire of Mt Magnet answering procedures.

- Allow the phone to ring twice before answering.
- Goodmorning/Afternoon Shire of Mt Magnet this is (your name)
- Speak pleasantly and clearly.

### **When directing calls**

- Advise the customers to whom you are directing the call, their position and department if appropriate.

When the requested officer is not available

- Explain that the requested officer is unavailable, and provide a time when the officer will be back in the office. Offer to help or take a message.
- If the officer is not in the office that day, explain to the customer that the particular officer requested will not be available until tomorrow or Monday and ask if they can return the call then.

### **Never Say to a Customer The requested person is:-**

- At lunch
- On a roster day off
- On a days off
- In the toilet

- At morning tea
- That you don't know where they are
- That the person is not at work yet.

#### **CORRESPONDENCE RESPONSE TIMES:**

1. General correspondence that requires a response shall be acknowledged within 3 working days. Explaining that correspondence from Mt Magnet may take a day or two longer.
2. Appropriate dates of correspondence shall be filed in the Records Management System.(As appropriate).
3. Correspondence requiring Council's approval will be discussed at the next Council meeting (notify date) and correspondence will be sent out 5 days after the meeting. (Or as appropriate)

#### **Telephone Messages**

1. Telephone messages are to be returned as a priority upon return to the office, and must be returned on the day of receiving.
2. If you are unable to provide the required information in relation to a telephone message, return the call with the intent to advise that you have been unable to locate the required information, and will get back to them as soon as the information comes to hand.

#### **DEALING WITH CUSTOMER COMPLAINTS AND DIFFICULT CUSTOMERS:**

##### **Dealing with a customer complaint**

Customer complaints offer an excellent opportunity to improve the service areas of the future, at the same time improve the image of Council with its customers.

There are a number of steps to follow when having to deal with an angry or upset customer. The following six steps are a guide to how best to deal with these situations. Think of these steps when you are confronted with an angry or difficult customer:

1. **Be attentive and let the customer have their say**

The first step when dealing with angry people is to calm the person down. This can be achieved by **listening**. Arguing with a customer only fuses the situation, stay calm. Maintain eye contact to indicate you are following the customers' complaint. Allow for a pause before giving a response, this conveys that you are **listening** and absorbing the information, and aids in maintaining calm.

2. **Summarise or Paraphrase**

Summarise or repeat the main essence of the problem back to the customer in your own words, calmly and clearly. Do not paraphrase your own assumptions, just the problem. This shows you have been **listening**.

3. **Empathise**

Empathy is putting you in another person's shoes. As soon as you show the customer that you understand their situation and are seen to be leaning on their side, in the customer's eyes you are leaning on their side and working with them, not against them. You become more an ally than an enemy.

Empathising and paraphrasing do not necessarily agree with the customers issue. You do however, demonstrate your compassion for how the situation is affecting the customer.

##### **Examples of statements showing empathy are:-**

“ I know these regulations seem confusing and overpowering.”

“ I would be angry too if I got an account I had paid.”

“ Running a business in today’s economic times must be difficult.”

4. **When to Apologise**

Example, do not apologise over an alleged error or account if your are not familiar with the customers account. However, if it is the third time the customer has complained, apologise for the problem not being addressed earlier.

5. **Asking the right questions**

Ask detailed questions to get all the facts before you decide to take action. Finding all the details can save you and the Council a lot of time, and avoid further problems later. The customer should never have to repeat his/her problem on more than one occasion.

6. **Taking Immediate Action and Explaining**

When all the issues have been addressed, explain to the customer what the next step is, how you will approach it and when you expect to get an answer, or to have the problem resolved.

It is inevitable that some customers will demand the impossible. In this situation you must draw them out so that you can suggest alternative solutions. **Never tell a customer what you cannot do. Always tell a customer what you can do.**

Once you have agreed with the customer the course of action to be taken, follow up with the customer and fellow workers to ensure things are being done as agreed.  
**Do not promise what you cannot deliver.**

Provide advice that is consistent and based on proper analysis.

If the problem has not been resolved, make a follow up call to the customer to inform him/her to advise the problem is still being resolved.

**If the person continues to be angry, move into a continuous loop between step 1 to 4.**

**Promoting the Shire of Mt Magnet**

Inform customers of programs, priorities and service standards implemented by the Shire of Mt Magnet.

Implement processes that provide regular identification of the needs and expectations of the customer.

Develop and use performance measures and benchmark on a regular basis that indicates the extent to which the Shire of Mt Magnet meets the needs of the customer.

A total commitment from all Council employees to deliver best practice customer service.

# Shire of Mount Magnet

## Policy Manual

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### **4. Environmental Health**

#### **4.1 PREVENTITIVE SERVICES – SEPTIC TANK PLANS (BUILDING LICENCE):**

##### **Building Licence:**

- A building licence shall not be issued unless an onsite sewerage disposal system application form is included in the application to build with the relevant fees.

##### **Asbestos Dumping: (see attached ASBESTOS DUMPING POLICY)**

That Council's policy with respect to used asbestos dumped at Council tips be as follows:-

- a) Only material from within the Shire boundary be admitted to landfill sites.
- b) Compliance with DOHWA and the Health Department and EPA Regulations.
- c) The Shire of Mount Magnet must be contacted 72 hours prior to intentions to dump.
- d) Costs will be set out in Council's Schedule of Fees and Charges.
- f) Fee to be paid prior to dumping of asbestos.
- g) Special arrangements to be made with management staff of the Mt Magnet tip site.

#### **4.2 FEES:**

- Appropriate Costs of providing a hole (proportional)?
- Time to fill after a consolidated tip manager is in attendance at the time of tipping/dumping.

#### **4.3 REMOVAL AND DISPOSAL OF ASBESTOS:**

1. Councils Health Department requires contractors who are involved in the removal and disposal of asbestos materials adhere to the following policy that Council resolved and adopted at its ordinary Council Meeting on the 25 September 1995.

##### **The Health Disposal of Asbestos Waste Regulations States:-**

2. A person who stores breaks, damages, maintains, repairs, removes, moves, or disposes of, or uses any asbestos cement sheet without making reasonable measures to prevent asbestos fibers entering the atmosphere commits an offence.
3. For the purpose of sub regulation (30) "reasonable measures" include –
  - a) Using water or other practical measures to keep airborne material containing asbestos to a minimum.
  - b) Not using and tools other than non-powered hand tools or portable power tools that incorporate dust suppression or dust extraction attachments designed to collect asbestos fibers.
  - c) Using only vacuum cleaning equipment designed to collect asbestos fibers or wetting the area before sweeping up material containing asbestos.
  - d) Not using compressed air, or a high pressure water jet, when working with materials containing asbestos.
  - e) Handling asbestos cement sheet in such a manner as to minimise its breakage or abrasion.
  - f) Ensuring that waste material containing asbestos is disposed of in accordance with these regulations as soon as practical.

## **“POLICY”**

### **4.4**

#### **DISPOSAL OF ASBESTOS AT A WASTE DISPOSAL SITE**

- 1) Transport of asbestos material to the refuse site be wrapped in heavy duty plastic and sealed in individual parcel not exceeding 400kg in weight to the satisfaction of Council.
- 2) Vehicles transporting in excess of 400kg of asbestos materials must comply with the transportation of dangerous goods by road and rail regulations 1983 (as amended) in regards to the transportation of class 9 materials, which is enforced by the Department of Minerals and Energy.
- 3) The transporters of the asbestos materials must notify Council with at least 24 hours notice of the time, date type and volume of the asbestos material to be deposited and must pay or relevant disposal charges to both Council and the Council site refuse collector.
- 4) The transporter of the asbestos material must provide on arrival at the site proof of payment of all relevant disposal charges.
- 5) The Environmental Health Officer shall inspect the vehicle load (wearing protective clothing in accordance with the occupational Health, Safety and welfare regulations 1988 and AS176) to ensure all materials are adequately sealed and ensure the transporter and contractor have the approved protective clothing.
- 6) The transporter will then be directed to the asbestos disposal trench where the material will be placed in the designated asbestos trench (taking as much care as possible in the placement of the asbestos material in the trench to not break the seal around the material) by the transporter.
- 7) All protective clothing will then be removed and placed in a heavy duty plastic bag, sealed and then either delivered to a commercial laundry for cleaning (duly wetted) or disposed of in accordance with point 7 above.
- 8) It is the responsibility of Councils refuse manager, contractor and the transporter of the asbestos containing material to ensure all persons under their control in dealing with transporting and or handling of asbestos containing material complies with the Occupational Health, Safety and Welfare Act 1984, transport of dangerous goods by road and rail regulations 1983, the environmental protection Act 1986. All parties will be required to wear a minimum of a particulate half face respirator, class p2 filter type that conforms to AS176-1991.
- 9) Council will not accept asbestos material that is not wrapped in heavy-duty plastic in accordance with the Health Act (Asbestos Disposal) regulations.

### **4.5**

#### **RELOCATION OF SECONDHAND BUILDINGS WITHIN THE MOUNT MAGNET TOWNSITE:**

Secondhand buildings generally will not be approved for re-erection within the townsite areas. Council, at its absolute discretion, may give such approval, subject to the conditions listed below and subject to any additional conditions which may be imposed by Council.

All relocated buildings are to comply with the relevant provisions of the Building Code of Australia, Health Act, Town Planning Scheme and other local laws and regulations.

The buildings are to be inspected by Council's Environmental Health Officer/Building Surveyor at the expense of the applicant (to be paid in advance) and a list of required work will be made. Alternatively,

Council will consider a written report from the Building Department of the appropriate Local Authority or from a Structural Engineer.

For the assessment of the proposed relocation, Council requires the submission of a Building Licence Application, together with plans, site plans and photographs of the buildings and requires payment of the normal building application fee.

The Council may seek comment from adjoining and affected landowners prior to determining the application.

Council will consider the affect on surrounding properties and may require alterations to the design and site location so as to compliment the surrounding properties.

The applicant will be required to complete all specified remedial works within 12 weeks of the relocated building being placed on site.

A bank guarantee/bond, as decided by Council, will be required to be lodged and will be released when the work is completed at the discretion of the Environmental Health Officer/Building Surveyor.

#### 4.6

#### **SMOKE FREE:**

Council recognises that passive smoking is hazardous to health and that non-smokers should be protected from the inhalation of tobacco smoke.

To protect the health of all employees and the public users of Council's facilities, it is Council's Policy that no one is permitted to smoke in any enclosed Council work place, meeting room or vehicle.

All employees, public facilities users and visitors to work places where the Council's smoking policy applies must be informed of the Smoke Free Policy and encouraged not to smoke by use of strategically located and well designed signage; or if they wish to smoke, to do so in an open area outside the building or vehicle, but away from open windows or doors.

# Shire of Mt Magnet

## Policy

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### 5. Building Control - Building License Policy

Pursuant to the provisions of the Building Regulations Order 1989 the Building Surveyor is authorised to approve all applications for a building licence when that officer is satisfied that all drawings conform to the regulations. All building licenses issued are to be advised to Council.

[Refer policy # CA 4.1 and policy # CA 5.4.]

#### 5.1 **BUILDING CONDITIONS:**

- a) Council must be notified 24 hours prior to slabs and footings being poured, or stumps being backfilled.
- b) Stormwater drainage to be piped clear of sand pad and footings to prevent erosion and shall shed clear of leach drain area and discharge to a legal point of discharge.
- c) Council's Building Surveyor to notified of the date of commencement of the building.
- d) A Certificate complying with the requirements of Australian Standard 2057-1977, which refers to the treatment of buildings against subterranean termites, shall be lodged at Councils Office when applicable.
- e) No second hand material shall be used unless specifically inspected and approved by the Building Surveyor.
- f) It is an offence to occupy any building unless it has been approved as a dwelling No temporary on-site living will be permitted without the express authority of the Mount Magnet Shire Council.

#### 5.2 **PROHIBITED OCCUPATION:**

New dwellings are not be occupied until;

1. Certificate of Approval is obtained for the use of a septic tank installation.
2. In extraordinary circumstances prior to approval is obtained from the Shire in writing.

#### 5.3 **BUILDING LICENCE EXPIRY:**

- a) Where a building has not substantially commenced within one year of the date of issue of the licence. The builder then applies for an extension of up to six months to permit a commencement of the building, the Building Surveyor is authorised to approve the application without payment of further fees.
- b) Where the extension applied for is more than six months and up to twelve months the Building Surveyor is authorised to issue a new licence upon payment of the prescribed fees.

- C) In the event of the Building Surveyor not being prepared to approve the application, it shall be referred to the Council for consideration

## 5.4 TEMPORARY ACCOMMODATION:

That the Mount Magnet Shire Council authorise the CEO and/or the Environmental Health/Building Officer to issue Temporary Accommodation Permits within the Shire of Mount Magnet under the following conditions:-

### 1. Duration:

Only one permit for a period of 3 months from the date of the installation and approval of an authorised septic system is prohibited on private land.

- a) A written request must be made for occupancy of temporary accommodation and permission received before such temporary accommodation is taken up.
- b) Temporary Accommodation is permitted only in a caravan. Caravan and legislation need consideration time frame?
- c) Plans and specifications for the erection of a dwelling house must be submitted prior to the granting of permission to live in an alternate structure. Such dwelling house to comply with the requirements of the Building Code of Australia.
- d) An adequate supply of water fit for human consumption must be available on the property. Water can be provided by means of a bore, well or other supply approved by the Environmental Health Officer
- e) A septic system and leach drain approved and connected to W.C, shower and laundry must be provided prior to occupying the temporary structure.
- f) The sand pad, footings and slab (or stumps) must be complete before permission to occupy temporary accommodation can be given.

### 2. Conditions:

- The applicant must provide a written detailed works program, showing the various stages of construction and the associated time frames, with the application.
- This program will be used in considering any application for further extensions permitted under the policy.

### 3. Extensions

- Any request for extensions beyond the initial 3 months must be an application for extensions and must be received a minimum of one (1) month prior to the expiry of the initial permit. The approval of the Health/Building Committee, based on a program progress report by staff, is required for any extension of the permit in accordance with the CP & CG Act whereby the Minister for Local Government must give permission.

## 5.5 HEALTH LICENCE AND REGULATION:

The initial application for a licence or registration for:

1. Itinerant vendor
2. Eating House
3. Offensive trade
4. Lodging House

**Shall require approval of Council.**

- The renewal of a licence, or registration may be issued by the Environmental Health Surveyor, subject to compliance with the relevant regulations and local laws.
- The appropriate licence fee shall be paid.



# Shire of Mount Magnet

## Policy Manual

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## 6. Housing

### 6.1 PENSIONER UNITS:

- Council is committed to providing quality housing for the elderly of Mt Magnet by providing Pension units for pensioners' 65 years and over.

### 6.2 STAFF HOUSING:

- Staff housing shall a subsidised rent by Council, with a set amount to be paid to Council by the employee.

### 6.3 SENIOR OFFICERS HOUSING:

- Senior housing is available for the CEO, Works Supervisor, DCEO and Swimming Pool Manger. The CEO and Shire Engineers accommodation full subsidies as outlined in their Contract of Employment.

### 6.4 CARAVAN PARK:

- The Caravan Caretakers House is available only for the caretakers and their family. The house and services are all generally subsidised by Council as laid out in the Caravan Caretakers Contract.

### 6.5 WINDOW LOCKS:

All windows shall be fitted with keyed window locks.

### 6.6 INSPECTION OF PROPERTIES:

All Councils housing is due for an inspection annually and prior to the tenant vacating the house. Any damage or repair to the property will be deducted out of the staff final payment and other tenants billed for repair to damaged property.

### 6.7 BUILDING MAINTENENCE:

It is the Council policy to carry out an annual inspection of all Council buildings in April of each year. The Chief Executive Officer is to arrange the annual inspection.

The Chief Executive Officer is to prepare a report on the outcome of each annual inspection and submit the report with recommendations to the Council's April meeting so that estimates can be considered for inclusion in the following budget.

All tenants of Council buildings are to be given 48 hours notice of the time of the impending inspection.

## 6.8

### **SWIMMING POOL:**

No running, pushing, ducking or bombies allowed.

No dogs, littering, swearing, alcohol or abusive language permitted on the premises.

No child under the age of 10 years to enter the pool without a parent or guardian being present, unless at the discretion of the Swimming Pool Manager.

The Shire accepts no responsibility for loss of possessions (clothing, money, equipment etc).

Respectable swimming costumes must be worn at all times.

No food or drinks may be brought into the premises without the approval of the Swimming Pool Manager.

The Swimming Pool Manager has the right to refuse any person wishing to enter the premises.

In conjunction with the Education Department guidelines, Mount Magnet School, when involved in water-based activities, will supply as a minimum, the following supervisory staff:

- One qualified supervisor for every 32 students or part thereof, and
- For every 12 students or part thereof, there will be one supervisor (inclusive of the qualified supervisor)

The following conditions will also apply:

- At all times the school staff (including teacher in charge (TIC) and supervisor) will exercise its 'Duty of Care' toward its students, under the Education Department's guidelines.
- A suitable number of supervisors will be on duty while the students are in and around the pool, with the School accepting the leading combat authority role for any incident occurring, relating to the school, before, during and after any swimming or water based activity.
- The school will notify all relevant authorities of the date and time of all water based excursions, including the pool manager, the Hospital and any other relevant agencies the School feels are a priority.
- In the event of a student emergency, the TIC will seek assistance from the Pool Manager (who will in his/her capacity as Pool Manager, be on scene) who will work together to rectify the problem. At all times the school TIC will be responsible for all or any actions that may arise during any part of the student emergency.
- The Pool Manager will provide a safe physical aquatic environment for the purpose of public recreation. He/she will make available, the pool's first aid facilities, and the use of a phone.
- In addition, as centre lifeguard, the Pool Manager may be available for some supervisory requirements when needed during lesson times, or any water based activities.
- In the event of a student emergency he/she will render assistance to the TIC and offer his/her skills as a pool lifeguard to help.
- In the event of pool (plant) emergency, the Pool Manager will liaise with the TIC who will comply with all instructions given, and in the event of any help being needed, will offer assistance as required.

## 6.9

### **HOUSING – TENANCY AGREEMENTS:**

All persons occupying Shire owned houses are to complete and sign a Tenancy Agreement. A bond of \$500.00 is required for each property.

**6.10****CLEANING OF MOUNT MAGNET AIRPORT TERMINAL:**

Council acknowledges that the cleanliness and appearance of the Mount Magnet Airport Terminal (including the interior and exterior of the building, public toilets and surrounding grounds) is important in conveying a positive “first impression” to people flying into Mount Magnet.

As such, Council accepts the responsibility to keep the building and surrounds in a neat and tidy condition, and maintain the grounds, gardens, lawn areas and reticulation to a high standard, utilizing Council employees.

Council does however believe that the cost of cleaning and maintenance, should be bourn in part, by the regular users of the airport who also benefit from this, and will therefore take this into account when reviewing the airport landing fees as part of the annual fee setting process in June of each year.

# Shire of Mount Magnet

## Policy Manual

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### **7. Town Planning**

#### **7.1 SEWERAGE DISPOSAL:**

- That all new septic systems in the Mt Magnet area, below the **65m?** contour be an ATU system with nutrient removal facilities or any equivalent system until such time as an Effluent Disposal Scheme is installed and that septic system installations above the 65m contour may remain at current standard.

#### **7.2 PUBLIC OPEN SPACE:**

**That Council, for new subdivisions, negotiate with developers for Special Rural lot contributions to be used for:**

- the provision of services
- crossovers as per the requirements of Council's Policy for Subdivisional Roadworks and Drainage
- funding of capital fire expenses
- water supplies for fire use
- rural numbering
- purchase of recreation land and infrastructure

and that any land provided by the owner/developer to be deducted at rural valuation except for:-

- firebreaks
- environmental sensitive land.

#### **7.3 OPEN SPACE CONTRIBUTIONS:**

- For Special Residential developments the subdivider shall provide **10%?** of the in-globe landholding for public open space. Where the intent is to preserve natural vegetation or recreation facilities outside the land to be subdivided the Council may accept a cash in lieu contribution based upon the unimproved land value at the time of Subdivision.
- That Council adopt a policy that where cash in lieu arrangements are made as a result of subdivisions the proceeds be paid into a Cash Backed Reserve for particular designated purposes.

#### **7.4 BUILDING SETBACKS:**

Refer to Town Planning Scheme.

#### **7.5 TRANSPORTABLES:**

- A transportable dwelling may be erected in the Shire of Mount Magnet subject to the TPS No. 5 Amendment No. 25.

## 7.6

### **CONDITIONS RELATING TO ERECTION OF A SECOND DWELLING IN MOUNT MAGNET:**

- All applications to transport used dwelling houses into the Shire must be accompanied by photographs clearly showing four separate elevations of the used dwelling house. All applications must also be accompanied by floor plans, elevations, cross section, site plan and specifications. A septic tank form must also be submitted.
- Furthermore, it is required that a practising structural engineer certifies the design of the used dwelling house as suitable for transportation and re-erection. A white ant certificate must be provided.
- Used dwelling houses intended for re-erection within the Shire of Mount Magnet shall be subject to an inspection by the Shire Building Surveyor. His decision will be considered as final. The amount paid will not be refunded in the event of a Building Licence being refused. Council's policy is that where the building is acceptable a \$10,000 bond (in cash) must be lodged, (bank or other guarantees not acceptable) with the Shire. This money will be refunded without interest when the following requirements have been satisfied:-

1. When the house is transported to the site and stumped, joined, all walls internal and external doors and windows in working order and all external surfaces re-painted to the satisfaction of the Shire's Building Surveyor, and the house complies with the Building Code of Australia.

That Council include the requirement for secondhand **jinkered** dwellings to be re-roofed with new cladding or approved restoration to suit existing building as part of the policy on Transportable Buildings in Town Planning Scheme # 5.

2. When all septic tanks, drains and plumbing are completed and the site cleared of all debris.
3. The time for completion of the work is 12 months from the issue of Building Licence but where the external paintwork or appearance of the building is considered by the Health/Building Surveyor as unsightly it shall be painted or repaired to the satisfaction of the Health/Building Surveyor within one calender month of the arrival of the house on site.
4. Failure to comply with all conditions will result in forfeiture of the bond in accordance with TPS # 5, Amendment # 33, unless otherwise expressed by Council.

## 7.7

### **PUBLIC TOILETS – ANTI GRAFITTI PAINT:**

- That all new public toilets or public toilets requiring repainting be painted with anti graffiti paint.

## 7.8

### **ENVIRONMENT – COUNCIL RECOGNITION:**

The term 'environment' means living things, their physical, biological and social surroundings, and interaction between all of these.

The good management of the environment is a primary task of the Council and should be considered in all of its decisions.

The Council decisions affecting the environment shall be based on the development of sound policies developed through consultation with the community.

A co-ordinated approach to all environmental matters is required. Activities of the Council should be co-ordinated with each other as well as with those of outside bodies wherever necessary to ensure that maximum benefit is obtained.

The Council will initiate measures to identify environmental issues important to the residents of the Shire and will take action as necessary to address those issues.

The Council will inform the public of issues concerning the environment through press releases, and other methods as appropriate.

## 7.9

### **TOURISM PROMOTION AND DEVELOPMENT:**

The Shire of Mount Magnet recognises that a growth in tourism presents an opportunity to increase the benefits that tourism brings to the local community. If the benefits of tourism activity are to be maximised, and the disadvantages minimised, clear planning, management and tourism policies need to be formulated at local government level.

This policy provides a means whereby Council can recognise the considerable social and economic influence of tourism in this area and plan the management and development of the industry in an appropriate manner.

#### **Objectives**

In establishing this policy, Mount Magnet Shire Council has, as its major objectives:

1. To recognise tourism as a social and economic force and as a potential employer within the Mount Magnet Shire.
2. *To foster and create a community awareness of the benefits of tourism within the Mount Magnet Shire.*
3. To ensure that Council will guide and influence the development of tourism in the Mount Magnet Shire.
4. *To provide the basic facilities and infrastructure sufficient to encourage tourism development.*
5. To ensure that facilities within the area are adequate to cater for visitors and residents.

#### ***Policy Guidelines***

The following policy guidelines are provided for the direction and development of tourism throughout the Mount Magnet Shire and to ensure a consistent approach to this development.

Council will:

1. Liaise with the Western Australian Tourism Commission and other relevant tourism organisations, Government agencies and members of the community in aspects of tourism development.
2. Direct the Tourism Committee to deal with all issues pertaining to tourism.
3. Endeavour to provide an adequate budget allocation for tourism related expenditure.
4. Endeavour to assist (financially and/or by other means) community organisations or events which have the potential to develop tourism in the Mount Magnet Shire.
5. Seek representation where appropriate on tourism organisations operating in the Murchison region.
6. In developing or reviewing planning instruments including Town Planning Schemes, Strategic Plans, Local Laws etc., have regard for the requirements of tourism developments and take into consideration policies on tourism.

7. Have regard to the impact of its local laws and regulations on tourism and the balanced development of the Mount Magnet Shire.
8. Encourage tourism product development and investment throughout the area and to facilitate the development application process.
9. Encourage a high standard of design and aesthetics in all forms of tourism development.
10. Ensure the welfare of the whole community when supporting tourism development and the provision of facilities.
11. Consider the social, cultural, economic and environmental impact of any tourism development proposal.
12. Ensure that areas where sensitive environmental, historic or cultural areas exist, will be adequately protected in relation to any development or usage.
13. Seek financial involvement from other sources wherever possible in the provision of tourist facilities.
14. Encourage the landscaping of residential and commercial areas within the area.
15. Within the region, support the enhancement of specific natural features, areas of outstanding beauty, and recognise items and areas of heritage significance wherever practicable.

# Shire of Mount Magnet

## Policy Manual

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### **8. Recreation & Culture**

#### **8.1 PUBLIC HALLS AND RECREATION CENTRE – RECREATION FACILITY IMPROVEMENTS:**

- a) Council will encourage and support those sporting clubs or other recognised associations which offer \$ for \$ contributions for improvements to recreation facilities.
- b) Notwithstanding this Council may, at its discretion, decline to assist in the regard, or may accept full responsibility for the provision and maintenance of recreation facilities.

#### **8.2 HERITAGE:**

- That Council supports and recommends the retention and upgrading of the identified Heritage buildings and sites. (review -Municipal Inventory)

#### **8.3 COMMUNITY / CHARITABLE ORGANISATIONS:**

- Where Council, from time to time, receive requests from charitable and/or community organisations for funding to construct and/or provide facilities which will be held or managed by that organisation then the Council will satisfy itself that:-
  - a) The organisation has the necessary management and organisational structure to manage the item funded.
  - a) The organisation has the necessary assets and/or finances or the ability to meet or raise those finances.
- In order to satisfy Council as to parts (a) and (b) above the Council may require from an organisation the following:-
  - 1) The provision of the previous years audited financial statement.
  - 2) A statement of the organisations current assets and liabilities.
  - 3) A statement of how the organisation proposes to meet the ongoing costs of management and/or maintenance.
  - 4) A copy of the organisations proposed budget for the next financial year.

#### **8.4 LIBRARY SERVICES – MUNICIPAL HISTORY:**

The CEO be authorised to purchase 1 copy of Western Australian Municipal histories as and when they become available for stocking the Shires library (subject to normal budgetary constraints/provisions).

#### **8.5 ANZAC HALL BOOKINGS:**

- (1) Payment of fees must be made when booking. When stating your requirements ensure time is allowed for set up and clean up.
- (2) Hirers are advised that the hall is made available on a first come first served basis.

#### **8.6 RECREATION CENTRE BOOKINGS:**

See information for Anzac Hall bookings.



# Shire of Mount Magnet

## Policy Manual

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### **9. Outside Works Program policy**

#### **9.1 ROAD VERGE PLANTING:**

**That Council actively support the re-vegetation of road verges subject to landowners being advised that:-**

- (a) Tree planting is to be restricted to 2 metres from property boundaries.
- (b) Tree planting under powerlines is to be strictly in accordance with Western Power Guidelines and Policies.

#### **9.2 REGIONAL ROADS 5 YEAR PROGRAM:**

- That Council endorse the 5 year program as presented and authorise its submission to Main Roads W.A.

#### **9.3 SHIRE OF MOUNT MAGNET – ROAD OBJECTIVES:**

1. To construct or reconstruct all local roads in the Shire with an annual average daily traffic in excess of twenty (20) vehicles per day to a minimum standard of:-
  - Pavement width - 10.8 m
  - Shoulder width - 1.5 m
  - Table drain and verges - To suit drainage needs
  - Culverts - 9.76 m minimum width
  - Culverts - 375 mm minimum diameter
  - Headwalls - Precast or in SITU concrete on each culvert
  - Guide Posts - As per Australian Road Standards
  - Advisory Signs - As per Australian Road Standards
2. To seal all local roads in the Shire of Mount Magnet with an annual average daily traffic in excess of sixty (60) vehicles per day to a minimum standard of:-
  - Seal width 6.8 m
3. To actively promote revegetation on land adjacent to road reserves for flora and fauna avenues to ensure that the road reserve is available for its primary purpose of a service corridor.
4. To prepare and strictly adhere to a regular maintenance program to ensure that there is minimum deterioration of the road network.
5. To endeavour to retain all existing sealed roads to an accepted seal standard.
6. To utilise the Guidelines for the Clearing and Maintenance of Roadside Vegetation by Local Government produced by the Roadside Vegetation Committee as the basis for road standards where applicable.

**9.4 HEAVY HAULAGE PERMITS:**

**Council delegate the authority to the CEO to approve heavy haulage permits on Council roads as follows:-**

The CEO is authorised to give Council permission to applications to operate 4 axle truck/4 & 5 axle trailer and B doubles on local roads subject to:-

- a) The CEO being satisfied that the roads are suitable.
- b) The CEO being able to give specific approval subject to weather conditions and road standards.
- c) Agreement being for a maximum of 12 months at a time.
- d) Maximum gross tonnage and length being 64 tonne and 20.5 meters in length respectively.
- e) Applications for use of the graveled portion of Wells Glover Road to be specific Council resolution only.

**9.5 HIRE OF PRIVATE PLANT:**

- That Council declare that Shire staff shall not be permitted to hire private vehicles to the Shire when Shire plant is available in the depot.

**9.6 ROAD BUILDING RESOURCES – COSTINGS:**

- That where Council owns the road building resources only the costs of winning and loading of those resources be costed to the job.

**9.7 RESEALS:**

- Where reseals are considered drainage, lopping and shoulder maintenance be completed prior to the reseal.

**9.8 ANNUAL WORKS PROGRAM:**

- 1) The CEO and/or Works Supervisor be given the accountability and responsibility for the management of the work program for the efficient and productive operation of the work force for the greatest benefit to the community subject to the Council being notified of non standard maintenance work prior to commencement.

**9.10 ADOPTED POLICY IN RESPECT OF PROPERTY DRAINAGE:**

- a) Proponent to obtain written permission, to be sighted by Council, in accordance Land Conservation Act.
- b) Obtain written permission from the land owner of property onto which the water is to be drained stating that he is happy with the arrangement (ie. excavation on his land to take water to creek or his property.)
- c) Submit all levels and culvert size to be submitted to Works Supervisor in writing.
- d) Prepay excavation and materials (culverts, headwalls, gravel etc) costs as estimated by the Works Supervisor.

- e) Council to lay culverts and headwalls, back fill and compact and control traffic on roadway.  
(By doing this work Council has insurance cover and can minimise and control quality.)

f) All the above to be checked by Works Supervisor.

**9.11 STANDARD PROPERTY ENTRANCES (CROSSOVERS):**

Specification for the construction of standard property entrances (crossovers).

That Council adopt the following policy:

NEW CLAUSE 3.4 - CONTRIBUTIONS

SPECIAL RURAL SUBDIVISIONS

**9.12 THE DEVELOPER SHALL EITHER:**

- (1) Pay to the Shire of Mount Magnet the amount of **\$1,100.00** per lot created. The monies paid shall be held by the Shire of Mount Magnet in Trust Reserve. Fund until the property access is requested by the landowner.

NOTE: The amount of **\$1,100.00 relates to 1995** costs and shall be subject to annual review.

**OR**

- (2) Construct/establish crossovers/property access to each lot created by the subdivision to the standards and specifications contained in the Shire of Mount Magnet Subdivision Roads and Drainage Guidelines in place at the time of subdivision.

Any additional crossovers/property access will be on the basis of full cost recovery from the landowner at the time of application.

**9.13 RURAL LAND:**

As defined by Shire of Mount Magnet Town Planning Scheme # 5 or future Town Planning Schemes:-

- (1) Mount Magnet Shire Council shall contribute to the cost of one crossover/property access per farming enterprise for contiguous farming operations.
- (2) Any additional crossovers/property access will be on the basis of full cost recovery from the landowner at the time of application.

**NOTE:** Where a rural landowner elects to construct/install the crossover the materials used and method of construction shall be in accordance with Council's standards and specifications and the proposed position shall be approved by the Works Supervisor.

**9.14 ROAD/DRAINAGE UPGRADING - RURAL LAND:**

- Where Council undertakes a major upgrade of a rural road and/or drainage any crossover/property access which does not meet Council's standards and specifications will be upgraded or rationalised by negotiation between the landowner and Council through the Works Supervisor.

**9.15 SPECIAL RESIDENTIAL DEVELOPMENTS:**

**The developer shall either:-**

- (1) Pay to the Shire of Mount Magnet the amount of **\$1,100.00** per lot created. The Shire of Mount Magnet shall hold the monies paid in a Trust fund until the property access is requested by the landowner.

**NOTE:** The amount of **\$1,100.00** relates to **1995** costs and shall be subject to annual reviews.

**OR**

2. Construct/establish crossovers/property access to each lot created by the subdivision to the standards and specifications contained in the Shire of Mount Magnet Subdivision Roads and Drainage Guidelines in place at the time of subdivision and subject to the work being undertaken under the supervision of the Works Supervisor.

Any additional crossover/property access shall be on the basis of full cost recovery from the landowner at the time of application.

**NOTE:** Council will consider the use of kerbing and an approved drainage system as an alternative to pipe crossovers.

#### **9.16**      **RESIDENTIAL SUBDIVISIONS:**

- The developer shall pay to the Shire of Mount Magnet the amount of **\$1,100.00** per lot created. The Shire of Mount Magnet shall hold the monies paid in a Trust fund until a building application or property access application is received from the landowner.

**NOTE:** The amount of \$1,100.00 relates to 1995 costs and shall be applied to one entrance only per lot or enterprise.

#### **9.17**      **GENERAL:**

- Where any Council contribution is applicable to a crossover it shall be applied to one entrance only per lot or enterprise.

#### **9.18**      **PAYMENT:**

- Prior to the commencement of any construction, payment shall be made to the Council of the net cost of such work. The net cost shall be calculated as being the total estimated cost less the Council's contribution, if any.
- Any work within a road reserve is subject to the approval of the Council. Where this work is to be undertaken by anyone other than the Council, the net cost shall be lodged as a deposit, prior to the Council approving the work to commence. Such deposit shall be refundable on completion of the works to an approved standard.

**NOTE:** The cost of a standard installation as at May 1995 is \$1,100.00 Council contribution towards such installation is \$550.00.

#### **9.19**      **STREET TREES:**

- To meet the requirements for vegetation control for traffic movements on roads and clearance distances for overhead powerlines it is Council Policy that the planting of trees on road reserves be restricted. The restrictions are to be an area 4 metres from the top of the drainage back cut and 10 metres either side of any overhead powerlines alignment for tree varieties that may grow greater than 4 metres in height and a 4 metre set back for trees that have a growing height of under 4 metres.
- Where road and power line alignments are designed through existing tree/bush areas the clearing shall be to the limits described above.
- Wherever possible and practical tree planting in subdivisions shall be on the newly created lots rather than on the road reserve.

## 9.20

### **COUNCIL HAS THE FOLLOWING 3 WORKPLACES:**

- a) Council's Offices Mt Magnet.
- b) Council's Works Depot, Mt Magnet
- c) Roadworks – Road Reserves and Gardens

- With respect to workplace (a) above, Council ensures that public areas, including the Council Chambers and entrances, library and foyer areas are free of obstructions and hazards.
- With respect to workplace (b) above, Council ensure that appropriate signage prohibits the unauthorised entry to Council's Works Depot.
- With respect to works by Council's employees and contractors on Council's road reserves and parks. Council ensure that its employees and contractors comply with the Occupational Health and Safety handbook for employees (especially the wearing of safety vests on road reserves) and that Council's staff be cognisant of the potential dangers relating to mowing/slashing and chemical spraying to the general public.

## 9.21

### **VEHICLE REPLACEMENT PROGRAM:**

The Chief Executive Officer shall prepare a five year purchase and replacement program to provide for the economical replacement of, or purchase of additional, plant and vehicles.

The five year programme shall be prepared in time to allow Council consideration for inclusion for both the Future Financial Plan and the draft Budget for the following year.

In determining the Vehicle Purchase and Replacement Programme of plant, machinery and light vehicles, the CEO should use the guide below to determine their changeover date.

- (1) Earthmoving machinery, when 6 years old, or have reached 7,500 hours or when repairs and parts are equivalent to 20% of their original purchase price.
- (2) Trucks, when 5 years old, or have reached 200,000 kilometres or when repairs and parts are equivalent to 25% of their original purchase price.
- (3) Light vehicles, purchased including GST, should be changed over when optimum return is possible, but no longer than 1 year old.
- (4) Light vehicles, purchased GST exempt, are a standard 2 years or 40,000 kilometres, whichever comes first.

## 9.22

### **TOOLS:**

All tools and equipment purchased to be either engraved or stencilled "Shire of Mount Magnet".

## 9.23

### **CROSSOVERS – INDUSTRIAL AND COMMERCIAL ( + EXISTING):**

Industrial and commercial crossover widths at property boundaries be at a standard 4 metres for a distance of 2.1 metres from the property boundary, then tapered to a standard access of a maximum of 8 metres in length. The cost of the standard crossover shall be borne one half by the Council and one half by the owner and/or occupier and the cost of additional widths if required up to a maximum of 11 metres and/or additional crossovers being paid in full by the owner and/or occupier.

The crossover shall be 100mm compacted gravel and bitumen sealed off sealed roads, and compacted gravel off gravel roads. Where concrete is requested and the cost is above the standard, the extra cost shall be borne by the owner and/or occupier. The concrete shall be 100mm - 25MPA test or equivalent, have F62 reinforce mesh suspended at centre and slump test 85.

Except in the case of a government authority or department where a proper work authority shall be sufficient, Council requires prepayment by the owner/occupier for their 50% contribution. In the case of above standard crossings, prepayment of 75% of the additional cost estimate is required, with the balance being finalised on the completion of works.

Council shall make a Budget allocation in each years budget to allow for Council's contribution to crossovers.

It is Council policy to comply with requests for crossovers on a first come first served basis, within the budget provision and consideration of Council's works program.

#### **9.24 RESIDENTIAL CROSSOVERS:**

Residential crossovers width at property boundaries be at a standard of 3 metres for a distance of 2.1 metres from the property boundary, then tapered to a standard access of 4 metres in length. The cost of the standard crossover shall be borne one half by the Council and one half by the owner/occupier with the costs of additional widths, if required, up to a maximum of 5 metres, and/or additional crossovers, being paid in full by the owner and/or occupier.

The crossover shall be 100mm compacted gravel and bitumen sealed off sealed road and compacted gravel off gravel roads. Where concrete is requested and the cost is above the standard, the extra cost shall be borne by the owner and/or occupier. The concrete shall be 100mm - 25MPA compression test or equivalent and slump test.

#### **9.25 FOOTPATH – CONSTRUCTION PRIORITY:**

The Chief Executive Officer prepare a list of priorities for the development of a footpath system having regard to pedestrian usage, safety and convenience, for consideration in Budget preparation.

#### **9.26 ROAD MAINTENANCE (AND 1.8 EXISTING):**

It is the Council policy that the Chief Executive Officer will arrange an annual programme of road maintenance which is to be submitted to Council for consideration leading up to the preparation of the budget.

It is the policy of the Council that the Works Supervisor will arrange for normal maintenance works to be carried out in accordance with the programe and any urgent maintenance to provide safety where required.

#### **9.27 GUIDELINES FOR MAINTENANCE GRADING:**

Council graders are permitted to maintain all table drains on road reserves. Maintenance of batters is also permitted, but only in situations where they relate to being a vehicle safety problem or other circumstances of an immediate nature dictate, e.g. erosion. Where battering is done the operator is to ensure that the material is not pushed to the top of the batter and left in a windrow, but is distributed along the working face of his blade.

Where any trees, bushes or shrubs are removed from within the road reserve then they are to be deposited at such locations along that road reserve so as to remain clear of any fence line.

Every attempt is to be made to cause the minimum environmental damage.

Offshoot drains are to be renewed as often as is practical and at all times be left free from windrows and any other obstructions.

#### **9.28 TIMING OF ROADWORKS:**

Roadwork programs will, wherever practical, be instigated on the basis of spending funds in the following order:

1. Main Roads Western Australia – Major projects or Regional Road Group Grants
2. Roads to Recovery (Federal)
3. Other Government Grant Sources -.
4. Private Sources
5. Own Resources

## **9.29 RIGHT TO EXTRACT GRAVEL:**

Council is authorised to extract gravel for road making and road maintenance from land that it does not own or control pursuant to provisions of Section 3.27 of the Local Government Act 1995 (LGA) and Schedule 3.2 of the LGA.

In carrying out its functions, involving the extraction of gravel, Council acknowledges that consent of the owner/occupier of the land must first be obtained, or alternatively, notice is given to the owner/occupier, prior to removing the gravel in accordance with the provisions of the Act.

Whilst it is considered that native title holders do not fall within the meaning of “owners or occupiers”, Council does recognise the need to advise native title holders as a permissible future Act pursuant to Section 23 of the Native Title Act 1993 (Cth).

This policy applies to extraction of gravel from new gravel pits established from the date of adoption of this policy. Council has assumed that in relation to any existing gravel pits at the time of adoption of this policy, that all necessary approvals were obtained and procedures had been complied with at the time of creating those respective gravel pits.

### **Procedure**

For any new gravel pits required to be established from the date of adoption of this policy, for future road construction or maintenance, that is not on Council owned or controlled land, the Shire shall give notice that it intends to extract gravel by doing **all** of the following:-

- (a) Notify any representative Aboriginal bodies for the area concerned by sending to the body, by certified mail, a letter setting out:
  1. a clear description of the land affected by the act; and
  2. a description of the general nature of the act (being the extraction of gravel); and
  3. the time at which it is intended that the act begin; and
  4. the time during which it is intended that the act will continue; and
  5. an indication of the kind of disturbance that the doing of the act will cause to the land;(collectively “the Criteria”)
- (b) Notify any occupier/s (if there is any) of the land concerned by sending to:
  1. if the occupier of land is a corporation, the corporation’s registered office;  
or
  2. if the occupier is an individual, the individual’s last known address,by certified mail, a letter setting out the Criteria.
- (c) Notify the public by placing a notice that contains the Criteria in both “*The West Australian*” or “*Geraldton Guardian*” newspapers.

### **9.30 BASIC TOOL KIT FOR EACH MACHINE:**

Council agrees to provide a basic tool kit for each item of plant, necessary for the ongoing maintenance and good repair of that item of plant.

The Manager of Works and Services is to determine:-

- The items of plant requiring a tool kit
- The list of tools to be supplied as part of each tool kit
- The employee responsible for each respective tool kit.

Provision of the tool kits, is dependent on the nominated machinery operator, signing a declaration upon receiving the tool kit to the effect that all tools are present and in good condition, and taking responsibility for their care.

Should any tools be lost or damaged (beyond reasonable wear) for whatever reason, the responsible employee will have to replace the items at their expense.

It is also a condition that upon an employees resignation or termination, the Manager of Works and Services will conduct an inspection of the tool kit, and if necessary authorise the deduction of any necessary amount to replace any lost or damaged items.

### **9.31 WATER PIPE UNDER ROADS:**

The Chief Executive Officer is authorised to approve applications to install water pipes under roads subject to the following:

- 1) Water pipe to be placed at least 0.375 metres below the bottom of the road table drain.
- 2) Water pipes to be encased (sleeved) for 13 metres across the roadway.
- 3) The alignment to be defined by suitable markers on each side of the road bearing the words "WATER PIPE" in black letter not less than 65mm high on a white background.
- 4) The applicant to meet total cost of re-instating roadway.
- 5) Council to be free of any liability from damage caused to any approved water pipe under a road.

### **9.32 COMPLAINTS – MINOR MAINTENANCE:**

The Chief Executive Officer and Works Supervisor are authorised to attend to all complaints and requests for minor maintenance etc., without reference to Council.

### **9.33 TRAFFIC COUNTS:**

It is the policy of the Council that counts of traffic be carried out on as many roads as possible as frequently as possible and that all counts taken be recorded in a suitable register.

### **9.34 TRUCK - COLOURS:**

That when practicable all trucks are to be white in colour.

### **9.35 DAILY MAINTENANCE OF SHIRE PLANT:**



The operator of any Shire Plant shall be responsible for the daily maintenance of the item of plant operated that day, and that daily maintenance includes the replacing of minor items such as fuses, light bulbs, greasing, refuelling, mirrors, tightening of fixtures and making sure that Works Supervisor and Services has a copy of a plant report of any defects on the machine that may render it unroadworthy. One half hour each day is to be allowed to the operators of Shire Plant in order for the operator to carry out the specified maintenance.

**9.36 SCHOOL – SUPPLY OF SAND:**

The Chief Executive Officer is authorised to allow delivery without charge, of an occasional load or loads of sand to schools within the district for use in jumping pits and similar activities.

**9.37 ACCESS – DISABLED PEOPLE:**

Council policy is to provide for the needs of disabled people in its design of roads, footpaths, public buildings (including requirements on private development of shops, Government Department buildings, etc.) by allowing for:

1. Gentle sloping wide paved paths, and paved walkways to rest rooms.
2. Picnic tables with spaces for wheelchairs.
3. Low level water drinking facilities.
4. Rest rooms without entrance steps, or with ramps and handrails; with enough space inside to be able the manoeuvring of wheel chairs; cubicles with wide opening doors, handrails and benches; with special clothes hanging facilities.
5. Where roadsides are kerbed, that every 100 metres a ramp is provided for wheelchairs and prams, in the case where mountable kerbing is used, that the face of the kerb is trowelled to road level.

**9.38 SHIRE PLANT AND EQUIPMENT – AFTER HOURS USE BY EMPLOYEES FOR COMMUNITY PURPOSES:**

The Chief Executive Officer, in consultation with the Works Supervisor, is authorised to permit after hours usage of Shire Pant and Equipment by Shire employees at no cost provided that plant and equipment:

1. Is operated by Shire employees only;
2. Is used to facilitate a works undertaking for a local community organisation or sporting body.
3. Does not leave the Shire of Mount Magnet.
4. Is available at the relevant depot and does not involve unnecessary transportation.

**9.39 PROHIBITED AND RESTRICTED BURNING TIMES:**

That the Chief Executive Officer, Chief Bush Fire Control Officer, and Deputy Bush Fire Officers (2 of) be jointly empowered to vary the restricted and prohibited burning times.

Any variation to the restricted and prohibited burning period should be notified to the following:

- a) All adjacent local authorities
- b) All government authorities who have specifically requested that they be notified.
- c) The public by way of notices in the local newspapers.
- d) Local Bush Fire Advisory Committee

**9.40 BURNING OF RUBBISH TIPS:**

Tips will only be burnt under strict Health Guidelines and only those tips with Section 25B suspension will be burnt.

**9.41 APPLICATION TO COLLECT SEED:**

Council approve applications from persons wanting to collect seeds from Council land and with the permission of land owner, from private land, and this decision be a policy of Council.

**9.42 GRADING OF STATION AND REMOTE AIRSTRIPS:**

If the Shire grades a station/remote airstrip, Council has a responsibility to carry out the work in a responsible and professional manner, but only if the station owner requests the strip to be graded. The extent of the work must be clearly defined, prior to the work commencing.

At the completion of the work, the station owner must accept responsibility for the finished product. The machine shall not leave the site until this event takes place. The Works Supervisor will travel to the site to inspect the work on the strip, and attempt to negotiate a settlement with the station owner. Once the owner accepts responsibility for the completed work, the Shire has discharged all responsibilities associated with the strip.

The responsibility for ensuring that the strip will meet CASA standards rests with the owner of the strip.

Should station owners grade their own air strips, the Shire will inspect the finished product, and if the costs claimed are representative of the work carried out, will reimburse them.

# Shire of Mount Magnet

## Policy Manual

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### 10. Private Works Policy

#### 10.1 PRIVATE WORKS: (LGA 520, AD 37) [170296]

- Private works of a chargeable nature may be entered into during normal business hours utilising Council plant and staff at the discretion of the CEO. The plant hire rates and labour rates may be determined by Council, from time to time and must be accounted for in accordance with the Local Government Act 1995 and Regulations and directions.
- Private works outside of normal business hours may only be authorised where the hourly rates of labour performed account for normal extra costs of overtime incurred for that work. This will be detailed similarly in Councils' adopted plant and labour hire rates, from time to time.
- Letters/Approvals providing estimates or quotations are limited to 30 days as a general practice but in any **case 3 months?** maximum.
- Private works with a quoted value in excess of **\$50,000?** are required to be presented to Councillors prior to being undertaken.

#### 10.2 COUNCIL POLICY WITH RESPECT TO PAYMENTS IS AS FOLLOWS:

- 1) Non-ratepayer/residents is 100% cash in advance.
  - 2) Government and semi Government Statutory Authorities - by negotiation.
  - 3) Ratepayers/Residents - invoice unless the amount exceeds **\$1,000. Over \$1,000** by negotiation.
- Works not to be performed in this instance until such time as the monies have been paid. Works over **\$1,000** value will be supported by a written estimate/quote. The letter to be a duplicate with provision for the 'Client' to sign and authorise works to proceed. Works under **\$1,000** value can utilise the Private Works Triplicate Book (consecutive numbers). The Book to be retained in the office by the CEO in the Leading Hands' tray. The Book shall record:-
    - Name
    - Postal Address
    - Lot numbers and address where works will be carried out.
    - Description of works required.
    - Signature of 'Client'
    - Contact phone number of Client
  - Officers interacting with respect to this policy include the CEO, DCEO and Works Supervisor.
  - Employees are to complete the workbook or have it signed by the person/company for whom the work is done. The second copy is to be given to the person signing as accepting the work listed and agreeing to pay in accordance with the quote or adopted plant hire rates. The CEO consults with the Works Supervisor, work performed completed on time sheet, pay clerk photocopies time sheet and extracts for invoicing/checking with CEO.

- Recording on time sheets of GL E142170, name of person doing work for, location of work being performed ie lot number, road, Triplicate Form Folio #.
- Most important that any materials such as gravel, culverts, fuels (other than used through the costed plant), guide posts etc are recorded on the time sheet. Most important that details such as to whether it is overtime, public holidays etc is on time sheet.

**10.3 JOBS BILLED AFTER EACH FORTNIGHT AFTER:**

- The Works Supervisor has confirmed the job has been completed and/or the job requires a progressive payment. Jobs that are continuing will be held over to the following fortnight. It is the responsibility of the Works Supervisor to determine whether all the required hours, materials and plant are placed on the time sheets for invoicing.
- Employees who are requested to do grading or other private works on the job are required to contact the Works Supervisor for prior approval if at all practical. Once approved the work can be undertaken subject to the signature of the person requesting the work being recorded on the time sheet. The Works Supervisor should then write out a triplicate book form with the details.

**10.4 COUNCIL'S PLANT HIRE FEES AND CHARGES SCHEDULE TO BE REVIEWED AT LEAST ANUALLY:**

- The Senior Finance Officer to complete Sundry Debtor based on all materials, labour and plant at the appropriate fee schedule or quote. Any pre-payments received by non-resident ratepayers (100%) to be recouped from Trust. Reconciliation to prove any losses - losses to be reported to Council as per Accounting Directions 1985 to be done by Finance Officer. Invoices raised to have the invoice number, date of invoice, amount of invoice entered onto the stapled time sheets/triplicate form relative to each private works job. These to be kept in a file titled 'Private Works' to be retained by the Finance Officer. Copy of the invoice will also be retained on that file and stapled with those relevant time sheets.
- Council policy limits the competing for private works to Councils' road reserves and associated works eg crossovers, culverts, formation drainage, cartage. Nothing in this policy permits the Councils' staff to contract against private contractors for such things as house pads, leach drains and building works.

**10.5 COUNCIL'S STAFF ARE ENCOURAGED TO SEEK PRIVATE WORKS FOR AND ON BEHALF OF:**

Residents/Ratepayers  
 MRWA  
 Telstra  
 Western Power  
 Water Corporation and semi Government Statutory Authorities.

- Councils' staff are encouraged to seek private works for an on behalf of residents/ratepayers who seek internal access roads, culverts, drainage works and firebreaks (not associated directly with buildings).
- Each month the Works Supervisor shall prepare a report to Council summarising the estimates provided for Private Works and the work undertaken.

# Shire of Mount Magnet

## Policy Manual

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### 11. Plant & Equipment Policy

#### Maintenance, Operation & Replacement Plant/Vehicle Replacement:

##### 11.1 TENDERS, QUOTATIONS :

That Council adopt the following policy for the sale of surplus Council assets of a value of between **\$100 and \$19,999**

- (a) All items that are surplus to Council requirements shall be offered for purchase annually, after the annual review of Council assets.
- (b) They shall be listed on a schedule available from the office of the Council with spacing for the quotation amount against each item, which the prospective purchaser shall fill out.
- (c) The purchaser shall sign and date the offer and place it in an envelope, marked "Quotation for surplus equipment" and deliver or post it to the Council office.
- (d) On the receipt of the envelope, the Council staff shall place the envelope in a box to be titled "Tenders.
- (e) At the time and date for the closure of quotations, the box will be opened by the CEO or the Works Supervisor, and a list of the names and amounts quoted shall be immediately written in a tender book as the envelopes are opened.
- (f) At the next meeting of the Council, the CEO shall provide a summary report of the tenders received for Council information, together with a recommendation as to which quotation should be received.
- (g) Advertising shall be as set out above.
- (h) No quotations submitted by facsimile shall be accepted.
- (i) All quotations shall be opened by the CEO or the Deputy CEO in company with one other person as soon as practicable after the closing date and time, who shall immediately write in a specific register, the name of the tenderer and the amount offered for the item of equipment listed on the outside of the envelope.  
Items of a value below **\$100** may be sold by the CEO or, in his absence, the Works Supervisor at what appears to be the best advantage to the Council at any time during the year.

# Shire of Mount Magnet

## Policy Manual

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## **12. Financial - Rates and Borrowing Policy**

### **12.1 DONATIONS COUNCIL SHALL SUPPORT:**

- When requests for donations are received :-

Councils annual members donations budget lines be utilised for the following purposes:-

- a) Donations to schools that serve children from within this Shire.
  - b) Cultural, voluntary, education, artistic and sporting organisations within the Shire.
  - c) Tourism, agricultural, environmental and similar not for profit organisations that operate within the Shire.
  - d) Donations to fire/flood/tempest/storm damage appeals throughout Western Australia.
  - e) The Country Medical Foundation of Western Australia.
  - f) Local Organisation
  - g) Regional bodies if and when requested on a “merit basis” where special circumstances warrant consideration of a contribution to another organisation.
- Requests for donations from statewide charitable organisations not be considered by Council as Council believes donations to these charities should be supported by residents and/or government agencies/funding.

*Resolution 2010-02-10 26 February 2010*

### **12.2 CERTIFICATION, JUSTIFICATION, VARIATION – FINANCE:**

#### **Urgent Capital Purchases:**

- The CEO be authorised to expend up to **\$15,000.00** amounts in excess of a budget allocation to be reported to Council for endorsement. The Shire President and CEO are authorised to expend funds up to the limit defined in the tender regulations or budgetary guidelines in circumstances requiring decision prior to the Council meeting.
- The CEO is generally empowered to make minor capital purchases and expend necessary funds within budgetary and program guidelines to ensure the proper functioning of Council and its activities. Where necessary to liaise with the Shire President and Councillors.
- It should be noted that once a budget allocation is made and the budget is adopted, it becomes authorised expenditure.

### **12.3 THE CEO SHALL CERTIFY/ADVISE COUNCIL IN WRITING OF:**

- a) The correctness of:
  - (1) The minutes of all meetings when submitting them for confirmation;
  - (2) All staff comments in agenda items;
  - (3) All reports of outside work.
- a) The justification for and authorisation of all expenditure.

- c) That all recommendations by the CEO or any officer or consultant comply with all relevant statutory requirements.
- d) The circumstances of and necessity for any variations in works programs or other expenditure.
- e) That each financial statement submitted to the Council complies with the requirements of the Accounting Directions.

**12.4 MONTHLY FINANCIAL STATEMENTS:**

- All monthly financial statements shall have budget comparisons against each item.

**12.5 REPORTING:**

Any unauthorised use of Council funds be reported immediately by any person aware of it to the Council's auditor and Council.

**12.6 MONTHLY STANDARD FINANCIAL REPORTING FORMAT:**

That the monthly standard financial reporting format be:

1. A list of vouchers for endorsement of an approval for payment. Voucher numbers to be sequential and payments other than those included in the Agenda are to be minimised.
2. A bank reconciliation for each fund as at the end of the calendar month immediately preceding the ordinary meeting.
3. Schedules # 3 - 16 plus details of movement in trust and reserve fund as at the end of the calendar month immediately preceding the ordinary meeting.
4. A list of all outstanding debtors (rate debtors from 1 February to 30 June) as at the end of the calendar month immediately preceding the ordinary meeting.
5. A works costing report for plant by location as at the end of the pay period month immediately preceding the ordinary meeting.
6. Significant activity outside the reporting date to be by notation

**12.7 COMMUNITY GROUPS – PURCHASE ORDERS:**

- That Council advise all community groups that Council shall only be responsible/liable for works/purchases made through the issue of an official shire purchase order and any costs incurred outside this system shall be the liability of the person/group commissioning the work/purchase.

**12.8 RATES FOR COLLECTION – POLICY:**

- Final notice to be sent two weeks following 15 December allowing until 31 January. Notice of intention to issue a summons, unless alternative arrangements acceptable to Council are made by the end of October. Recovery action to be taken from Councils October meeting. The Credipac to pursue recovery action or issue of warrants of execution after delivery of summons unless some arrangements for payment, acceptable to Council are made.

**12.9 SUNDRY DEBTORS UNPAID ACCOUNTS:**

- The Credipac to instigate recovery action where considered necessary, after reasonable requests for payment have been made and it is apparent that they are being ignored or deferred.



## INVESTMENT POLICY

### OBJECTIVES

This policy establishes the following objectives:

- To invest the Council's Reserves and short term 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 principles.

### POLICY STATEMENT

The Shire of Mount Magnet will invest 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.

### PRINCIPLES

Council will adopt the following key principles in implementing its investment policy:

- The investment will be managed with the care, diligence, and skill that a prudent person would exercise. Officers are to manage the investments to safeguard the portfolios in accordance with the spirit of this Investment Policy, and not for speculative purposes;
- Officers shall refrain from personal activities that may 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.
- Investments are to be limited to Australian "Prime Banks", as defined and identified by the Australian Financial Markets Association with the following banks to be the main locations for considerations of investments :-
  - ✓ ANZ Banking Group Limited
  - ✓ Commonwealth Bank of Australia Limited
  - ✓ National Australia Bank Limited
  - ✓ Westpac Banking Corporation Limited

Smaller Australian Banks may also be considered, as follows:

- ✓ St George Bank Limited
  - ✓ Bank of Queensland Limited
  - ✓ Bankwest Limited
  - ✓ Bendigo Bank Limited
  - ✓ ING Bank (Australia) Limited
- Without approvals from Council, investments are limited to:
    - State/Commonwealth Government Bonds;
    - Interest bearing deposits;
    - Bank accepted Bills (BAB)/endorsed bank bills;
    - Commercial paper;
    - Bank Negotiable Certificate of Deposits (NCD); and
    - Managed Funds with a minimum long term Standard & Poor (S&P) rating of “AA-” and short term rating of “A1+”.
  - 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.

## **APPLICATION**

Implementation of investment management will occur through the Investment Management Procedures.

**12.11 WITH RESPECT TO THE INVESTMENT OF SURPLUS FUNDS TO THE COUNCIL:**

**INVESTMENT MANAGEMENT PROCEDURES**

**INTERNAL CONTROL PROCEDURES**

Internal control of investments will be achieved through the separation of duties as follows:

- The Chief Executive Officer (CEO) shall maintain the overall responsibility for the placement and redemption of investments;
- The Manager of Corporate Services, or a Financial Consultant assisting the CEO, may be delegated responsibility for the placement and redemption of investments, execution of transactions, and monthly and annual reporting; and
- Staff are to prepare and record transactions relating to investments including placement, re-investments and redemption of funds.
- Investments will not be limited to Council's current Banker, but will be placed with a Bank which provides the most advantageous arrangement and return.

**RISK MANAGEMENT GUIDELINES**

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

- Portfolio Credit Framework: So as to limit overall credit exposure of the portfolio;
- Counterparty Credit Framework: To limit exposure to individual counterparties and/or institutions
- Term to Maturity Framework: To control cash flows and to place limits upon maturity of securities.

**Overall Portfolio Limits**

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

S&P Long Term Rating	S&P Short Term Rating	Direct Investment Maximum %	Managed Funds Maximum %
AAA	A-1+	100%	100%
AA	A-1	100%	100%
A	A-2	60%	80%

## Counterparty Credit Framework

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

S&P Long Term Rating	S&P Short Term Rating	Direct Investment Maximum%	Managed Funds Maximum %
AAA	A-1+	45%	50%
AA	A-1	35%	45%
A	A-2	20%	40%

(NOTE: Given that Investments are limited to Australian Prime Banks, and a few smaller Australian Banks, these maximums are not expected to be ever exceeded).

## Term to Maturity Framework

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

Overall Portfolio Term to Maturity Limits	
Portfolio % <1 year	100 Max; 40% Min
Portfolio % >1 year	60%
Portfolio % > 3 year	35%
Portfolio % > 5 year	25%
Individual Investment Maturity Limits	
ADI	5 years
Non ADI	3 years

(NOTE: Investments have been restricted to only some 3 months, and this is considered as quite adequate from Council's needs).

## BENCHMARKS

The following performance benchmarks are to be obtained :-

Investment	Performance Benchmark
Cash	Cash Rate
Enhanced/Direct Investments	UBSWA Bank Bill
Diversified Funds	CPI + appropriate margin over rolling 3 year periods (depending upon composition of fund)

Reporting of Actual Performance to Budget and other Benchmarks will occur monthly.

## CASHFLOW CONTROLS

Detailed Cash Flow projections are to drawn up, with Out Flows to be adequately aligned to Council's projected In Flows.

Sufficient funds are to be held in an "At Call/24 Hour Call" account, so as to meet any unpredictable situations.

## **INVESTMENT REPORTING FRAMEWORK**

The Shire of Mount Magnet Investment Reporting Framework provides for monthly and annual reports to Council and the residents and ratepayers on the performance and value of the investment portfolio.

The monthly report on investment activity is to include the following:

- a list of individual securities, by investment date;
- the percentage of the portfolio held by investment type and names of counterparties;
- the value of the investment portfolio;
- reporting on investment category and disclosure of market value, and maturity dates;
- where applicable, the comparison of overall performance against anticipated return and reference against benchmarks; and,
- where needed, a note on compliance with investment policy or explanation of breaches.

**12.12**            **RESTRICTED ASSETS – RESTRICTED ASSETS:**

That all restricted assets be cash backed unless decided otherwise of an absolute majority of Council.

**12.13**            **SHIRE INSURANCE –DAMAGE TO BUILDINGS:**

Council will meet the cost of insurance of buildings leased by progress associations. Without recoup as a contribution towards the operation of that community building. Where a claim has been met by the lessees insurer Council will cover any excesses applicable on claims for buildings or property owned by Council.

**12.14**            **ANNUAL REVIEW – INSURANCE:**

It is Council policy that all of Council's insurances are to be updated progressively during each financial year so that the acquisition or disposal of any insurable plant, equipment, building or other thing is appropriately noted on Council's insurances policies.

The DCEO is to arrange an annual review of all Council's insurances by July of each year or earlier and provide a report on Council's insurances to Council for consideration.

**12.15**            **SIGNING OF CHEQUES:**

It is Council policy that Council cheques are to be signed as follows -

- Shire President, one Councillor and the Chief Executive Officer are to sign all cheques.
- If the Shire President is unavailable, the Deputy President or one other Councillor may sign in the absence of the Shire President.
- The DCEO may sign on behalf of the Chief Executive Officer when the Chief Executive Officer is absent on approved leave.

Only one signature is required on the 'list pay' document that is used to authorise the deposit of pays into employees' personal accounts.

A cheque is to be prepared to support that document and that cheque must be signed by the usual signatories.

The 'list pay' can be signed by any of the following:

- Chief Executive Officer
- DCEO
- Shire President

**12.16**            **COUNCIL BUDGETS:**

All projects which Councillors wish to be considered in the Budget deliberations should be submitted to the Chief Executive Officer by 31<sup>st</sup> May.

The Chief Executive Officer is to submit a draft budget to a meeting prior to the end of July, it being acknowledged that estimates of receipts will be subject to variation depending on government grants.

Council aims to settle the Budget and strike the rates by 31 July.

**12.17**            **GOODS AND SERVICES TAX:**

Under no circumstance is Council to become involved in the purchase of goods or assets on behalf of any group or organisation, unless those bodies are procuring fixed assets of a non removable nature, which

become the property of Council and the transaction complies in full with the legislation granting Council Goods and Services Tax Exemption, i.e. the goods are for use in local government and are not for resale.

## **12.18 PAYMENT OF ACCOUNTS BETWEEN MEETINGS:**

Pursuant to Section 157A of the Local Government Act, the Chief Executive Officer or Acting CEO (as the case may be) be authorised to approve payments between Council Meetings, provided that:

- The authority extends only to the making of investments, the payment of salaries and wages, payments for fuel and supplies, loan repayments, petty cash recoups, freight and the payment of general trade creditors accounts of up to \$20,000;
- The authority extends only to payments for items previously authorised by the Council either by inclusion in the budget.
- A list of the accounts so paid be presented to the next meeting of the Council and included in the minutes of that meeting; and

The vouchers, supporting invoices and other relevant documents be made available for inspection by Councillors at any time following the date of the payment and at the next ordinary meeting of the Council.

## **12.19 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.