



MINUTES OF AUDIT
COMMITTEE MEETING HELD 10 NOVEMBER 2009.

I hereby certify that the Minutes of the Audit Committee meeting held 10 November 2009 are a true and accurate record of the proceedings contained therein.

Chairperson Confirmed

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1 Declaration of Opening

The meeting was opened by the A/Chief Executive Officer at 5.30pm who assumed the Chair for the election of a Presiding Member for the Audit Committee as this was the first Audit Committee following the October 2009 Local Government election, and the first meeting of the new Audit Committee appointed by Council at its Ordinary Council meeting held on the 20 October 2009.

2 Record of Attendance

Cr K Wright	Committee Member (elected Chair)
Cr F Mills	Committee Member
Cr J Parker	Committee Member
Alex Douglas	A/Chief Executive Officer
Jo-Anne Ellis	Executive Manager Corporate Services
Ian Dempsey	Manager Human Resources

Apologies

Cr D Ausburn	Committee Member
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3 Election of the Chair of the Audit Committee

The A/Chief Executive Officer called for nominations for Chair of the Audit Committee.

COMMITTEE RESOLUTION

Minute AC192

Moved: Cr J Parker

Seconded: Cr F Mills

That Cr K Wright be nominated chair of the Audit Committee.

Carried Unanimously: 3/0

No further nominations were The A/Chief Executive Officer declared that Cr K Wright was elected unopposed and welcomed Cr Wright to the Chair.

Cr K Wright assumed the Chair.

4 Declaration of Interest

- Financial

Nil

- Members Impartially Interest

Cr's K Wright, F Mills and J Parker declared an impartiality interest in item 5.5 Review of Policies in Division – Members of Council as the item includes benefits to Members.

A Douglas, J Ellis and I Dempsey declared an impartiality interest in item 5.4 Review of Policies in Division – Human Resources as the item includes benefits to Staff.

- Proximity Interest

Nil

5 Acceptance of Minutes of Previous Meeting

4.1 Audit Committee Meeting Minutes 8 September 2009

Recommendation

That the minutes of the Audit Committee meeting of the 8 September 2009 be accepted as a true and accurate record of proceedings.

COMMITTEE RESOLUTION

Minute AC193

Moved: Cr F Mills

Seconded: Cr J Parker

That the minutes of the Audit Committee meeting of the 8 September 2009 be accepted as a true and accurate record of proceedings.

Carried Unanimously: 3/0

6 Officer's Report

6.1 Auditors Report 2008-09.

DATE:	10 November 2009
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Shire of Wyndham East Kimberley
AUTHOR:	Jo-Anne Ellis, Executive Manager Corporate Services
REPORTING OFFICER:	Jo-Anne Ellis, Executive Manager Corporate Services
FILE NO:	61.34.01

PURPOSE

To review the Independent Audit Report and Management Report for the Year Ended 30 June 2009 issued by the Council Auditors UHY Haines Norton.

BACKGROUND

UHY Haines Norton, Councils appointed auditors conducted the annual audit for 2008-09. The result of this audit is an Independent Audit Report and a Management Report. The Management Report is an internal document to Council and the Independent Audit Report is published with the Annual Report.

The role of the audit Committee is to examine and consider the results of the annual audit as well as the management response to any issues raised by auditors.

STATUTORY IMPLICATIONS

Local Government Act 1995

7.9. Audit to be conducted

- (1) An auditor is required to examine the accounts and annual financial report submitted for audit and, by the 31 December next following the financial year to which the accounts and report relate or such later date as may be prescribed, to prepare a report thereon and forward a copy of that report to —
 - (a) the mayor or president;
 - (b) the CEO of the local government; and
 - (c) the Minister.
- (2) Without limiting the generality of subsection (1), where the auditor considers that —
 - (a) there is any error or deficiency in an account or financial report submitted for audit;
 - (b) any money paid from, or due to, any fund or account of a local government has been or may have been misapplied to purposes not authorised by law; or
 - (c) there is a matter arising from the examination of the accounts and annual financial report that needs to be addressed by the local government, details of that error, deficiency, misapplication or matter, are to be included in the report by the auditor.
- (3) The Minister may direct the auditor of a local government to examine a particular aspect of the accounts and the annual

- financial report submitted for audit by that local government and to —
- (a) prepare a report thereon; and
 - (b) forward a copy of that report to the Minister, and that direction has effect according to its terms.
- (4) If the Minister considers it appropriate to do so, the Minister is to forward a copy of the report referred to in subsection (3), or part of that report, to the CEO of the local government to be dealt with under section 7.12A.

7.12A. Duties of local government with respect to audits

- (1) A local government is to do everything in its power to —
 - (a) assist the auditor of the local government to conduct an audit and carry out his or her other duties under this Act in respect of the local government; and
 - (b) ensure that audits are conducted successfully and expeditiously.
- (2) Without limiting the generality of subsection (1), a local government is to meet with the auditor of the local government at least once in every year.
- (3) A local government is to examine the report of the auditor prepared under section 7.9(1), and any report prepared under section 7.9(3) forwarded to it, and is to —
 - (a) determine if any matters raised by the report, or reports, require action to be taken by the local government; and
 - (b) ensure that appropriate action is taken in respect of those matters.
- (4) A local government is to —
 - (a) prepare a report on any actions under subsection (3) in respect of an audit conducted in respect of a financial year; and
 - (b) forward a copy of that report to the Minister, by the end of the next financial year, or 6 months after the last report prepared under section 7.9 is received by the local government, whichever is the latest in time.

POLICY IMPLICATIONS

N/A

FINANCIAL IMPLICATIONS

N/A

STRATEGIC IMPLICATIONS

Accountability and transparency of the Shire's accounting functions.
The Audit Committee fulfilling the functions and responsibilities of the Committee.

COMMENT

Independent Audit Report

Auditor's Opinion

An unqualified opinion was given on the financial report.

Other Matters

No adverse trends in financial position or financial management practices were noted. No issues of Statutory Compliance were raised.

Management Report

Other matters arising during course of audit not required to be included in the Audit Report.

Annual and Primary Returns of Councillors and Staff.

Management Response

- 1 The requirement to complete all sections, including those with no disclosure is noted.
2. The employee submitted two annual returns with the same date range in error.
This has been amended and all returns are now on file with the correct dates.

Corrective Actions.

- 1 Letters to Councillors and Staff requesting the Annual Returns be completed will include relevant guidance regarding leaving blanks in the return.
- 2 All Annual Returns will be checked by the Executive Support Officer to ensure compliance.

Convening Electors' Meetings.

Management Response

Management acknowledges that the notice in the Kimberley Echo was not 14 days prior to the Annual Electors Meeting, however 14 days notice was given by way of Public Notices on notice boards in Wyndham and Kununurra.

Corrective Actions.

Adequate local public notice via the Kimberley Echo will be given for future Electors Meetings.

Special Council Meeting Minute not Confirmed.

Management Response

This was an oversight and the minutes have been included for confirmation in the meeting of 17 November 2009.

Corrective Actions.

No further corrective action is required.

Major Land Transaction.

Management Response

At the time of budgeting for the sale of the Ewin Centre Land and Buildings it was not anticipated that this would be a major land transaction. Tenders for sale of the property were called and Council adopted the disposal in accordance with the relevant provisions for Sale of Land. It was not considered that a retrospective business plan was required. The non compliance is noted.

Corrective Actions.

No further corrective action is required.

ATTACHMENTS

Independent Audit Report to the Electors of the Shire of Wyndham-East Kimberley.

Management Report for the Year Ended 30 June 2009
(Confidential Attachment provided under separate cover)

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

The Audit Committee

1. Receives the Independent Audit Report to the Electors of the Shire of Wyndham East Kimberley.
2. Receives and the Management Report for the Year Ended 30 June 2009
3. Notes the management response to audit issues and corrective actions being proposed by management.
4. Recommends to Council to receive the Independent Audit Report the Electors of the Shire of Wyndham East Kimberley.
5. Recommends to Council to receive Management Report for the Year Ended 30 June 2009
6. Recommends to Council the following actions be taken in relation to the results of Audit for the Year Ended 30 June 2009
 - a. Letters to Councillors and Staff requesting the Annual Returns be completed will include relevant guidance regarding leaving blanks in the return.
 - b. All Annual Returns will be checked by the Executive Support Officer to ensure compliance.
 - c. Adequate local public notice via the Kimberley Echo will be given for future Electors Meetings.
7. Recommends to Council that a report on the status of actions taken in relation to the results of Audit for the Year Ended 30 June 2009 is included in the Audit Committee Agenda as a standing item until all issues are resolved.
8. Recommends to Council that the actions in relation the results of Audit for the Year Ended 30 June 2009 are reported to the Minister following the May 2010 Audit Committee Meeting.

COMMITTEE RESOLUTION

Minute AC194

Moved: Cr J Parker

Seconded: Cr F Mills

The Audit Committee

1. **Receives the Independent Audit Report to the Electors of the Shire of Wyndham East Kimberley.**
2. **Receives and the Management Report for the Year Ended 30 June 2009**
3. **Notes the management response to audit issues and corrective actions being proposed by management.**
4. **Recommends to Council to receive the Independent Audit Report the Electors of the Shire of Wyndham East Kimberley.**
5. **Recommends to Council to receive Management Report for the Year Ended 30 June 2009**

6. Recommends to Council the following actions be taken in relation to the results of Audit for the Year Ended 30 June 2009
 - a. Letters to Councillors and Staff requesting the Annual Returns be completed will include relevant guidance regarding leaving blanks in the return.
 - b. All Annual Returns will be checked by the Executive Support Officer to ensure compliance.
 - c. Adequate local public notice via the Kimberley Echo will be given for future Electors Meetings.
7. Recommends to Council that a report on the status of actions taken in relation to the results of Audit for the Year Ended 30 June 2009 is included in the Audit Committee Agenda as a standing item until all issues are resolved.
8. Recommends to Council that the actions in relation the results of Audit for the Year Ended 30 June 2009 are reported to the Minister following the May 2010 Audit Committee Meeting.

Carried Unanimously: 3/0

COMMITTEE RECOMMENDATION 1

The Council having considered the recommendation of the Audit Committee:

1. Receives the Independent Audit Report to the Electors of the Shire of Wyndham East Kimberley.
2. Receives and the Management Report for the Year Ended 30 June 2009
3. That the following actions be taken in relation to the results of Audit for the Year Ended 30 June 2009
 - a. Letters to Councillors and Staff requesting the Annual Returns be completed will include relevant guidance regarding leaving blanks in the return.
 - b. All Annual Returns will be checked by the Executive Support Officer to ensure compliance.
 - c. Adequate local public notice via the Kimberley Echo will be given for future Electors Meetings.
4. That a report on the status of actions taken in relation to the results of Audit for the Year Ended 30 June 2009 is included in the Audit Committee Agenda as a standing item until all issues are resolved.
5. That the actions in relation the results of Audit for the Year Ended 30 June 2009 are reported to the Minister following the May 2010 Audit Committee Meeting.

**Attachment to Item 6.1
Independent Audit Report to the Electors of the Shire of Wyndham-East
Kimberley.**



**INDEPENDENT AUDIT REPORT
TO THE ELECTORS OF THE SHIRE OF WYNDHAM-EAST KIMBERLEY**

Report on the Financial Report

We have audited the accompanying financial report of the Shire of Wyndham-East Kimberley, which comprises the balance sheet as at 30 June 2009 and the income statement by nature or type, income statement by program, statement of changes in equity, cash flow statement, rate setting statement for the year ended on that date and a summary of significant accounting policies and other explanatory notes.

Council's Responsibility for the Financial Report

Council is responsible for the preparation and fair presentation of the financial report in accordance with Australian Accounting Standards (including the Australian Accounting Interpretations), the Local Government Act 1995 (as amended) and the Local Government (Financial Management) Regulations 1996 (as amended). This responsibility includes establishing and maintaining internal controls relevant to the preparation and fair presentation of the financial report that is free from material misstatement, whether due to fraud or error; selecting and applying appropriate accounting policies; and making accounting estimates that are reasonable in the circumstances.

Auditor's Responsibility

Our responsibility is to express an opinion on the financial report based on our audit. We conducted our audit in accordance with Australian Auditing Standards. These Auditing Standards require that we comply with relevant ethical requirements relating to audit engagements and plan and perform the audit to obtain reasonable assurance whether the financial report is free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial report. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial report, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial report in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by the Council, as well as evaluating the overall presentation of the financial report.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Independence

In conducting our audit, we have complied with the independence requirements of Australian professional ethical pronouncements.

Auditor's Opinion

In our opinion, the financial report of the Shire of Wyndham-East Kimberley is in accordance with the Local Government Act 1995 (as amended) and the Local Government (Financial Management) Regulations 1996 (as amended), including:

- a. giving a true and fair view of the Shire's financial position as at 30 June 2009 and of its performance for the year ended on that date; and
- b. complying with Australian Accounting Standards (including the Australian Accounting Interpretations), the Local Government Act 1995 (as amended) and the Local Government (Financial Management) Regulations 1996 (as amended).

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16 Lakeside Corporate 24 Parkland Road Osborne Park WA 6017
PO Box 1707 Osborne Park Perth WA 6916

t + 61 8 9444 3400
f + 61 8 9444 3430

e perth@uhyhn.com.au
w www.uyhainesnorton.com.au

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**INDEPENDENT AUDIT REPORT
TO THE ELECTORS OF THE SHIRE OF WYNDHAM-EAST KIMBERLEY (continued)**

Other Matters

In accordance with the Local Government (Audit) Regulations 1996, we also report that:

- a) There are no matters that in our opinion indicate significant adverse trends in the financial position or the financial management practices of the Shire.
- b) No matters indicating non-compliance with Part 6 of the Local Government Act 1995 (as amended), the Local Government (Financial Management) Regulations 1996 (as amended) or applicable financial controls of any other written law were noted during the course of our audit.
- c) All necessary information and explanations were obtained by us.
- d) All audit procedures were satisfactorily completed in conducting our audit.

UHY HAINES NORTON
CHARTERED ACCOUNTANTS



DAVID TOMASI
PARTNER

Date: 9 November 2009
Perth, WA

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6.2 Audit Committee Meeting Dates 2010.

DATE:	10 November 2009
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Shire of Wyndham East Kimberley
AUTHOR:	Jo-Anne Ellis, Executive Manager Corporate Services
REPORTING OFFICER:	Jo-Anne Ellis, Executive Manager Corporate Services
FILE NO:	61.34.04

PURPOSE

To set the meeting dates for the Audit Committee in 2010.

BACKGROUND

Records show the first meeting of the Audit committee was on 14 June 2005. The Audit Committee has bi-monthly in 2009 and 2008, prior to this the committee met quarterly or on a needs basis.

STATUTORY IMPLICATIONS

Local Government Act 1995.

POLICY IMPLICATIONS

No policies apply to this item

FINANCIAL IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

The Audit Committee assists Council to fulfil its corporate governance, stewardship, leadership and control responsibilities in relation to the local government's financial reporting and audit responsibilities.

COMMUNITY CONSULTATION

Nil.

COMMENT

It is recommended that bi-monthly meetings of the Audit Committee be held with the exception of January 2010.

The meeting schedule recommended is:

Tuesday 9 March 2010	4.30pm Kununurra Council Chambers
Tuesday 11 May 2010	4.30pm Kununurra Council Chambers
Tuesday 13 July 2010	4.30pm Kununurra Council Chambers
Tuesday 14 September 2010	4.30pm Kununurra Council Chambers
Tuesday 9 November 2010	4.30pm Kununurra Council Chambers

ATTACHMENTS

Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That the Audit Committee recommends the following meeting dates of the Audit Committee for 2010 to be adopted and advertised on Councils website:

Tuesday 9 March 2010	4.30pm Kununurra Council Chambers
Tuesday 11 May 2010	4.30pm Kununurra Council Chambers
Tuesday 13 July 2010	4.30pm Kununurra Council Chambers
Tuesday 14 September 2010	4.30pm Kununurra Council Chambers
Tuesday 9 November 2010	4.30pm Kununurra Council Chambers

COMMITTEE RESOLUTION

Minute AC195

Moved: Cr F Mills

Seconded: Cr J Parker

That the Audit Committee recommends the following meeting dates of the Audit Committee for 2010 to be adopted and advertised on Councils website:

Tuesday 9 March 2010	4.30pm Kununurra Council Chambers
Tuesday 11 May 2010	4.30pm Kununurra Council Chambers
Tuesday 13 July 2010	4.30pm Kununurra Council Chambers
Tuesday 14 September 2010	4.30pm Kununurra Council Chambers
Tuesday 9 November 2010	4.30pm Kununurra Council Chambers

Carried Unanimously: 3/0

COMMITTEE RECOMMENDATION 2

1. That Councils Audit Committee will meet on the following date and times in 2010:

Tuesday 9 March 2010	4.30pm Kununurra Council Chambers
Tuesday 11 May 2010	4.30pm Kununurra Council Chambers
Tuesday 13 July 2010	4.30pm Kununurra Council Chambers
Tuesday 14 September 2010	4.30pm Kununurra Council Chambers
Tuesday 9 November 2010	4.30pm Kununurra Council Chambers

2. That the meeting times and dates of the Audit Committee will be displayed on Councils website.

6.3 Council Policy Manual

DATE:	10 November 2009
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Shire of Wyndham East Kimberley
AUTHOR:	Jo-Anne Ellis, Executive Manager Corporate Services
REPORTING OFFICER:	Jo-Anne Ellis, Executive Manager Corporate Services
FILE NO:	60.02.01

PURPOSE

To review and recommend to Council the structure of the Council Policy Manual.

BACKGROUND

The latest hard copy of the Council Policy Manual appears to have been updated in 2005.

While an electronic copy of the manual has been maintained it is not clear how accurate or complete or up to date this is.

The status of the policies in Division – Members of Council was reviewed in May 2009 and presented to the Audit Committee. At the 8 September Audit Committee meeting an item was presented with a timetable for review of Human Resource policies.

The current Council Policy Manual contains polices of a strategic nature as well as some administrative polices.

STATUTORY IMPLICATIONS

Local Government Act 1995.

2.7. The role of the council

(1) The council —

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

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

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

POLICY IMPLICATIONS

All policies of Council should be regularly reviewed and easily accessible.

Policies adopted by Council should be strategic.

Operational Polices should be approved by the Chief Executive Officer.

FINANCIAL IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Council adopts policies for the governance of the organisation. These policies should be up to date, regularly reviewed and readily available so Councillors and Staff are aware of and can adhere to the adopted policies of Council.

COMMUNITY CONSULTATION

Community Consultation is not required in relation to this item.

COMMENT

Council is responsible for the strategic governance of the organisation and the CEO is responsible for the administration of the organisation. Therefore the policies Council adopts should have a strategic focus. Some policies that have previously been adopted by Council have an administrative focus. It is recommended that guidelines to document the structure, format and responsibility of the Council Policy Manual be recommended to Council for adoption and the new structure of the Council Policy Manual implemented.

ATTACHMENTS

Guidelines for policy development and review of the Council Policy Manual.

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That the Audit Committee recommends to Council the attached guidelines for policy development and review of the Council Policy Manual.

COMMITTEE RESOLUTION

Minute AC196

Moved: Cr F Mills

Seconded: Cr J Parker

That the Audit Committee recommends to Council the attached guidelines for policy development and review of the Council Policy Manual.

Carried Unanimously: 3/0

COMMITTEE RECOMMENDATION 3

That Council endorses the attached guidelines for policy development and review of the Council Policy Manual.

Attachment to Item 6.3

Guidelines for policy development and review of the Council Policy Manual

Structure of Council Policy Manual

Councils Policy Manual is divided into the following sections:

1. Delegations Manual – Council Delegations
2. Delegations Manual – CEO Sub-delegations
3. Council Policies
4. Administrative Polices
5. Procedures

A prefix will precede the delegation/policy/procedure number to readily identify the relevant section of the Policy Manual the items belongs.

Delegations Manual – Council Delegations (CD)

This section will record the delegations to the CEO by absolute majority decision of Council under section 5.42 of the Local Government Act 1995 (the Act).

To be reviewed at least once every financial year as per section 5.46(2) of the Act.

All such delegations will be preceded by the prefix CD.

Delegations Manual – CEO Sub-delegations (SD)

This section will record the powers of the CEO under the Act (for completeness) and will record the delegations by the CEO to any employee. These delegations include sub-delegation of Council delegations to the CEO, the discharge of the CEO's duties or exercise of any of the CEO's powers under the Act.

To be reviewed at least once every financial year as per section 5.46(2) of the Act.

All such delegations will be preceded by the prefix SD.

Council Policies (CP)

This section will record the policies adopted by Council as per section 2.7 of the Act.

These polices will be of a strategic nature regarding the good governance of the local government and its affairs.

To be reviewed at least once every financial year.

All such policies will be preceded by the prefix CP.

Administrative Polices (AP)

This section will record polices approved by the CEO on the recommendation of the Executive Management group. These policies will be of an administrative nature relating to employees or the day to day operations of the local government.

To be reviewed at least once every financial year.

All such policies will be preceded by the prefix AP.

Procedures and Work Instructions (WI)

This section will record procedures or work instructions relevant to specific positions or functions. The procedures are approved by the relevant Executive Manager.

To be reviewed at least once every financial year.

All such procedures will be preceded by the prefix WI.

Format of Council Policy Manual

One official hard copy of the Council Policy Manual will be maintained and this will be located in the office of the Executive Manager Corporate Services.

An electronic copy of the Council Policy Manual will be maintained and this will be stored on the Public Drive with read only access for all staff except the Executive Manager Corporate Services and Finance Project Officer who will have full access rights.

All delegations and policies adopted by Council will be available on the Shire of Wyndham East Kimberley website within 5 days of Council adopting the policy. All delegations and policies repealed by Council will be removed from the Shire of Wyndham East Kimberley website within 5 days of the Council decision.

Responsibility for Council Policy Manual

The Executive Manager Corporate Services is responsible for ensuring the Council Policy Manual is maintained and reviewed.

6.4 Review of Policies in Division – Human Resources

DATE:	10 November 2009
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Shire of Wyndham East Kimberley
AUTHOR:	Ian Dempsey, Manager Human Resources
REPORTING OFFICER:	Jo-Anne Ellis, Executive Manager Corporate Services
FILE NO:	63.02.04

PURPOSE

To review a selection of policies of Council falling under the Division - Human Resources.

BACKGROUND

At the 8 September Audit Committee meeting an item was presented with the following timetable for review of Human Resource policies.

Policy Number	Subject	Adopted Date	Last Review Date	Status / Action
HR1	Travel Allowance	24.06.2003	20.06.2006	To be reviewed - target for presentation November 2009
HR2	Members of Staff Conduct	26.06.2003	24.06.2003	To be reviewed - target for presentation November 2009
HR3	Employee Assistance Program	16.12.2003	16.12.2003	To be reviewed – target for presentation January 2010
HR7	Private Use of Council Motor Vehicles	24.06.2003	17.02.2006	To be reviewed - target for presentation November 2009
HR8	Professional Development / Study Assistance	24.06.2003	24.06.2003	To be reviewed - target for presentation November 2009
HR9	Recognition of Staff	24.06.2003	24.06.2003	To be reviewed – target for presentation January 2010
HR10	Relocation Expenses	24.06.2003	17.02.2006	To be reviewed - target for presentation November 2009
HR11	Sexual Harassment	24.06.2003	24.06.2003	To be reviewed – target for presentation January 2010
HR12	Smoking in the Workplace	24.06.2003	17.02.2006	To be reviewed - target for presentation November 2009
HR13	Staff Housing	24.06.2003	24.06.2003	To be reviewed - target for presentation November 2009
HR14	Staff Severance	15.08.2002	31.01.2003	To be reviewed – target for presentation January 2010
HR15	Staff Uniforms/Personal Protective Equipment	24.06.2003	17.02.2006	To be reviewed – target for presentation January 2010
HR16	Superannuation	03.07.2003	20.02.2006	To be reviewed - target for presentation November 2009
HR17	Telephone Usage	24.06.2003	27.03.2006	To be reviewed - target for presentation November 2009
HR18	Workplace Drug & Alcohol Use	24.06.2003	24.06.2003	To be reviewed - target for presentation November 2009
HR20	Recruitment Strategy	17.10.2006	17.10.2006	To be reviewed - target for presentation November 2009
HR21	Retention of Contract Staff	15.05.2007	15.05.2007	To be repealed and replaced with tax effective policy. Target for presentation November 2009

STATUTORY IMPLICATIONS

Local Government Act 1995.

POLICY IMPLICATIONS

All policies of Council should be regularly reviewed and easily accessible.

FINANCIAL IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Council adopts policies for the governance of the organisation. These policies should be up to date, regularly reviewed and readily available so Councillors and Staff are aware of and can adhere to the adopted policies of Council.

COMMUNITY CONSULTATION

Nil.

COMMENT

The following policies have been reviewed by management and are presented to the Audit Committee for recommendation to Council.

Policy Number	Subject	Action to Recommend to Council	Action required by Administration
HR1	Travel Allowance	To be repealed	Administrative Policy AP/HR01 Annual Leave Travel Allowance to replace
HR2	Members of Staff Conduct	To be reviewed CP/HR02 Members of Staff Code of Conduct	N/A
HR3	Employee Assistance Program	To be repealed	Administrative Policy AP/HR03 Employee Assistance Program to replace
HR7	Private Use of Council Motor Vehicles	To be repealed	Administrative Policy AP/HR07 Use of Council Motor Vehicles
HR8	Professional Development / Study Assistance	To be repealed	Administrative Policy AP/HR08 Seminar, Conference and Training Attendance and Further Studies Assistance to replace
HR10	Relocation Expenses	To be repealed	Administrative Policy AP/HR10 Relocation Expenses to replace
HR12	Smoking in the Workplace	To be repealed	Administrative Policy A/HR12 Smoking in the Workplace to replace
HR13	Staff Housing	To be repealed	Administrative Policy AP/HR13 Remote Area Staff Housing to replace
HR16	Superannuation	To be reviewed CP/HR16 Superannuation	N/A
HR17	Telephone Usage	To be repealed	Administrative Policy AP/HR17 Mobile Telephone Usage to replace
HR18	Workplace Drug & Alcohol Use	To be reviewed CP/HR18 Fitness for Work Policy	N/A
HR21	Retention of Contract Staff	To be repealed – not tax effective policy.	New policy to be drafted to replace

ATTACHMENTS

Existing Policies have been provided as separate attachments (yellow pages)
Proposed Council Policies are attached to this agenda

Draft Administrative Policies have been provided as separate confidential attachments (pink pages)

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That the Audit Committee recommends the following policies to Council for adoption

1. CP/HR02 Members of Staff Code of Conduct
2. CP/HR16 Superannuation
3. CP/HR18 Fitness for Work Policy

That the Audit Committee recommends the following policies to Council for repeal

1. HR1 - Travel Allowance
2. HR 3 - Employee Assistance Program
3. HR7 - Private Use of Council Motor Vehicles
4. HR8 - Professional Development / Study Assistance
5. HR10 - Relocation Expenses
6. HR 12 - Smoking in the Workplace
7. HR13 - Staff Housing
8. HR17 - Telephone Usage
9. HR21 - Retention of Contract Staff

COMMITTEE RESOLUTION

Minute AC197

Moved: Cr J Parker

Seconded: Cr F Mills

That the Audit Committee recommends the following policies to Council for adoption

- 1. CP/HR02 Members of Staff Code of Conduct**
- 2. CP/HR16 Superannuation**
- 3. CP/HR18 Fitness for Work Policy**

That the Audit Committee recommends the following policies to Council for repeal

- 1. HR1 - Travel Allowance**
- 2. HR 3 - Employee Assistance Program**
- 3. HR7 - Private Use of Council Motor Vehicles**
- 4. HR8 - Professional Development / Study Assistance**
- 5. HR10 - Relocation Expenses**
- 6. HR 12 - Smoking in the Workplace**
- 7. HR13 - Staff Housing**
- 8. HR17 - Telephone Usage**
- 9. HR21 - Retention of Contract Staff**

Carried Unanimously: 3/0

COMMITTEE RECOMMENDATION 4

That the Council adopts the following policies as attached:

- 1. CP/HR02 Members of Staff Code of Conduct**
- 2. CP/HR16 Superannuation**
- 3. CP/HR18 Fitness for Work Policy**

COMMITTEE RECOMMENDATION 5

That Council repeals the following policies as they are administrative in nature and subject to policy set by the Chief Executive Officer:

- 1. HR1 - Travel Allowance**
- 2. HR 3 - Employee Assistance Program**
- 3. HR7 - Private Use of Council Motor Vehicles**
- 4. HR8 - Professional Development / Study Assistance**
- 5. HR10 - Relocation Expenses**
- 6. HR 12 - Smoking in the Workplace**
- 7. HR13 - Staff Housing**
- 8. HR17 - Telephone Usage**
- 9. HR21 - Retention of Contract Staff**

Attachment to Item 6.4

POLICY NO:	CP/HR02
DIVISION:	Human Resources
SUBJECT:	Members of Staff Code of Conduct
REPORTING OFFICER:	Chief Executive Officer
ENABLING LEGISLATION:	Local Government Act 1995 Section 5.103 Schedule 9.3 Clause 22

OBJECTIVE

To provide members of staff with consistent guidelines for an acceptable standard of professional conduct. The Code addresses the broader issue of ethical responsibility and encourages greater transparency and accountability in individual Local Governments with the aim of providing:

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

POLICY

Code of Conduct for Members of Staff

1. Conflict and Disclosure of Interest

- 1.1 Members of staff will ensure that there is no actual (or perceived) conflict of interest between their personal interests and the impartial fulfilment of their professional duties.
- 1.2 Staff will not engage in private work with or for any person or body with an interest in a proposed or current contract with the Shire of Wyndham East Kimberley, without first making disclosure to the Chief Executive Officer. In this respect, it does not matter whether advantage is in fact obtained, as any appearance that private dealings could conflict with performance of duties must be scrupulously avoided.
- 1.3 Members of staff will lodge written notice with the Chief Executive Officer describing an intention to undertake a dealing in land within the municipality or which may otherwise be in conflict with the Council's functions (other than purchasing the principal place of residence).

- 1.4 Members of staff who exercise a recruitment or other discretionary function will make disclosure before dealing with relatives or close friends and will disqualify themselves from dealing with those persons.
- 1.5 Staff will refrain from partisan political activities, which could cast doubt on their neutrality and impartiality in acting in their professional capacity.

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

2. Financial Interests and Interests that May Affect Impartiality

2.1 Pecuniary Interest

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

2.2 Disclosure of Interest Affecting Impartiality

- a) Appropriate staff will disclose, in a written return or at the relevant meeting, the interests, which might be in conflict with their public or professional duties.
- b) Whenever disclosure is required, recommendation in this Code, or otherwise seems appropriate, it will be made promptly, fully and in writing within the register provided.

3. Personal Benefit

3.1 Use of Confidential Information

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

3.2 Intellectual Property

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

3.3 Improper or Undue Influence

Members of staff will not take advantage of their position to improperly influence other members or staff in the performance of their duties or functions, in order to gain undue or improper (direct or

indirect) advantage or gain for themselves or for any other person or body.

3.4 Gifts or Bribery

- a) Members of staff will not seek or accept (directly or indirectly) from any person or body, any immediate or future gift, reward or benefit (other than gifts of a token kind, or moderate acts of hospitality) for themselves or for any other person or body, relating to their status with the Local Government or their performance of any duty or work which touches or concerns the Local Government.
- b) If any gift, reward or benefit is offered (other than gifts of a token kind, or moderate acts of hospitality), disclosure will be made in a prompt and full manner and in writing in the appropriate register.

4. Conduct of Members of Staff

4.1 Personal Behaviour

Members of staff will;

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

4.2 Honesty and Integrity

Members of staff will;

- a) observe the highest standards of honesty and integrity, and avoid conduct which might suggest any departure from these standards;

- b) bring to the notice of the Chief Executive Officer any dishonesty or possible dishonesty on the part of any other member of staff.
- c) be frank and honest in their official dealing with each other.

4.3 Performance of Duties

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

4.4 Compliance with Lawful Orders

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

4.5 Administration and Management Practices

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

4.6 Corporate Obligations

a) Standard of Dress

Staff are expected to comply with neat and responsible dress standards at all times. Management reserves the right to raise the issue of dress with individual staff.

b) Communication and Public Relations

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

4.7 Relationships between Members and Staff

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

5. Dealing with Council Property

5.1 Use of Local Government Resources

Members of staff will;

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

5.2 Travelling and Sustenance Expenses

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

5.3 Access to Information

Staff will ensure that Members of Council are given access to all information necessary for them to properly perform their functions and comply with their responsibilities as members.

ADOPTED: 24/06/2003

REVIEWED:

ACCEPTED:

POLICY No:	C/HR16
DIVISION:	Human Resources
SUBJECT:	Superannuation
REPORTING OFFICER:	Chief Executive Officer
ENABLING LEGISLATION:	Local Government Act 1995 Section 5.47(1)

OBJECTIVE

To meet legislative requirements and to maintain a competitive position in the recruitment and retention of staff.

POLICY

That Council contributes the statutory contribution of 9% of an employees ordinary time earnings (OTE) for superannuation, plus an amount equal to 3% and up to 4% after 4 years service and up to 5% after 5 years service or more, of the OTE.

The above is subject to the staff member matching the additional Council contribution unless otherwise negotiated.

Employee contribution to superannuation can be salary sacrificed.

ADOPTED: 03/07/2003
REVIEWED: 20/02/2006
ACCEPTED: 20/02/2006

POLICY No:	CP/HR18
DIVISION	Human Resources
SUBJECT:	Fitness for Work
REPORTING OFFICER	Chief Executive Officer
ENABLING LEGISLATION	Local Government Act 1995 Workers Compensation and Rehabilitation Act 1981

OBJECTIVE

The aim of this policy is to ensure a safe and healthy workplace free from the effects of fatigue, illness, drugs and alcohol. The Policy is directed towards the welfare of the individual and the safety and health of other people. Although disciplinary action may be necessary, the focus is on preventative measures.

POLICY

Employees are obliged to present themselves for work in a fit state so that in carrying out normal work activities they do not expose themselves, their co-workers or the public to unnecessary risks to safety and health. The employee is responsible for any civil or criminal penalty, which results from being under the influence of fatigue, drugs or alcohol in the workplace.

The use of drugs or alcohol in the workplace - including Council premises, parks, reserves, vehicles, plant, or any other Local Government building or physical asset, is forbidden.

The Chief Executive Officer may waive this requirement where circumstances warrant (for example, during a social event). The focus of this Policy is fatigue, illness, drug and alcohol dependence, which affects the work performance of the individual. This Policy is directed towards maintaining a satisfactory level of employee health, safety and work performance.

Testing individuals for presence of drugs or alcohol

Worksafe Australia (1993) stated that because drug testing in the workplace raised issues of privacy, it should be carried out only if "substantial" risk existed for the employee, co-workers or the public. Employees should be notified of testing programs—not individual tests—and the consequences. The Privacy Committee of NSW (1993) Report stated that drug and alcohol testing should be limited to certain justifiable circumstances including:

- Where an employee's impairment by drugs or alcohol poses a substantial and demonstrable safety risk to the employee or to other people.
- where there is reasonable cause to believe that the employee to be tested may be impaired by drugs or alcohol.
- where the type of test to be used can identify the presence of a drug or alcohol at concentrations which may cause impairment.
- where it is a legislative requirement to be drug and alcohol free e.g. heavy vehicles and working at airports.

Procedure

In general, intoxication is the temporary loss of control, due to alcohol or drug abuse, over psychological or physical faculties.

If a Manager or Supervisor has justifiable cause to doubt an employee's fitness for duty, the Chief Executive Officer (or appropriate employee) may have the employee removed from the workplace and may initiate any reasonable action considered necessary. If it is believed that fatigue, illness and drugs or alcohol renders risk to the health or safety of the employee, co-workers or the public, the Shire of Wyndham East Kimberley reserves the right to remove the employee from duty pending an urgent medical examination to determine fitness for duty.

The procedure for dealing with drug and alcohol abuse is divided into three stages:-

- Stage One - discussion between the employee and immediate Supervisor.
- Stage Two - discussion between the employee, supervisor, manager and representative (optional).
- Stage Three - disciplinary action.

Stage One

The employee and immediate Supervisor should participate in Stage One, although the employee may request a representative to be present. An observer should be present if an employee representative attends.

The first stage of the process should be presented as a counselling session. Procedural fairness must be observed and the Supervisor must clearly state the performance-related reasons for the interview with the employee must be given the opportunity to respond. The Supervisor must clearly state what standards of performance are required or expected.

The Supervisor should offer assistance by encouraging the employee to participate in an Employee Assistance Program, although the employee is not obliged to accept.

A timeframe for a review should be established. The employee should be informed of expected changes, on-going performance monitoring by the supervisor and the compulsory interview at the end of the review period.

The employee should be made aware of possible consequences if there is no significant improvement.

The Supervisor should prepare a brief summary of the interview and give two copies to the employee. After reading the summary, the employee should sign one of the copies and return it to the Supervisor. This copy should be placed under confidential cover on file.

The review interview should be held at the prescribed time. The points discussed should respond exactly to those raised at the first interview; improvements should be acknowledged. Continuing problems, such as continued decline in performance, and any new performance-based problems should also be identified and discussed. The Supervisor should again prepare a summary of the interview.

Stage Two

The participants at Stage Two should be the employee, supervisor, manager, at the option of the employee, a representative.

The second meeting should be held using the same procedure as the first, although the employee should be made fully aware of the possible consequences if there is no significant improvement and that this represents a final warning.

Stage Three

If the issue remains a problem, the third stage of the procedure is in accordance with Council's disciplinary procedure.

Responsibilities

Managers and Supervisors are responsible for ensuring compliance with the Policy.

It is the employee's responsibility to advise their Supervisor if they are taking any prescribed drug or medication, which may affect their fitness for duty or work performance. The employee should also find out from their doctor or pharmacist what the effects of the prescribed drugs are on work performance.

ADOPTED: 15/05/2007

REVIEWED:

ACCEPTED:

6.5 Review of Policies in Division – Members of Council

DATE:	10 November 2009
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Shire of Wyndham East Kimberley
AUTHOR:	Jo-Anne Ellis, Executive Manager Corporate Services
REPORTING OFFICER:	Jo-Anne Ellis, Executive Manager Corporate Services
FILE NO:	63.02.04

PURPOSE

To present revised Policies from division Members of Council to the Audit Committee for review and recommendation to Council.

BACKGROUND

The process for review of policies falling under the division – Members of Council commenced in May 2009 with one policy being reviewed, one policy being repealed and replaced and two new policies being recommended by the Audit Committee and adopted by Council. .

The status of policies in Division – Members of Council is shown in the tables below.

Current Policies:

Policy Number	Subject	Adopted Date	Last Review date	Status / Action
MC1	Code of Conduct	17 July 1997	20 January 2009 (Minute 8538)	Review Current
MC5	Elected Members Entitlements	15 August 2002	17 May 2005	Requires Review
MC6	Councillors Presentation on Retirement	15 May 2005	May 2009	Review Current
MC7	Freedom of Information Statement	15 August 2002		Requires Review
MC8	Legal Representation and Cost Indemnification	17 July 1997	15 August 2002	Requires Review
MC13	Public Relations Policy			Requires Review
MC14	Community Recognition	15 December 2005		Requires Review
MC15	Councillor Briefing Sessions/Forums	20 May 2008 (Minute 8224)		Requires Review
MC16	Freeman of the Shire of Wyndham East Kimberley	16 May 2009		Review Current
MC17	Elected Member Induction Program	16 May 2009		Review Current
MC18	Elected Member Training	16 May 2009		Review Current

Repealed Polices:

Policy Number	Subject	Adopted Date	Last date Review	Status / Action
MC2	Repealed (Council Meetings and Information Availability)	15 August 2002		Repealed
MC3	Repealed (Conference Attendance)	15 August 2002	Repealed	Repealed
MC4	Repealed (Meeting Procedures)	15 August 2002		Repealed
MC9	Repealed (Freedom of Information Statement)			Repealed
MC10	Repealed (Meeting Fees and Reimbursement of Expenses)			Repealed
MC11	Repealed (Mobile Phones in Council and Committee Meetings)			Repealed
MC12	Repealed (Submission of Late Items for Council Consideration)			Repealed

STATUTORY IMPLICATIONS

Local Government Act 1995.

POLICY IMPLICATIONS

All policies of Council should be regularly reviewed and easily accessible.

FINANCIAL IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Council adopts polices for the governance of the organisation. These policies should be up to date, regularly reviewed and readily available so Councillors and Staff are aware of and can adhere to the adopted policies of Council.

COMMUNITY CONSULTATION

Community Consultation is not required in regard to this item.

COMMENT

MC5 – Elected Members Entitlements

This policy was adopted on 15 August 2002 and reviewed and amended on 17 May 2005.

Further review since this time is not evident.

Under the Local Government Act 1995 there are meeting fees, allowance and expenses payments that members have a right to receive and other payments that elected members may receive at the discretion of the local government. The Act and associated Regulation sets minimum and/or maximum amounts that apply to payments an elected member is entitled to receive. Where not specified in the legislation a local government can determine whether to reimburse the expense and the amount that is considered appropriate.

The meeting fees, allowances and expenses entitled under the Act are not required to be included in policy as they are an entitlement. The value must be set each year as part of Budget Adoption. Amendments to the current policy include removal of these payments as part of the policy but retention of reference

to these to increase understanding of the full entitlement elected members have to meeting fees, allowances and expense payments.

Annual budget allocations are required to meet costs of Elected Member Entitlements under this policy and the Local Government Act 1995.

Local Government Operational Guideline Number 15 – Meeting Fees, Allowances and Expenses for Elected Members provides relevant guidance.

MC13 – Public Relations Policy

The adoption date of this policy is unclear.

The recommended changes to this policy are minor

- correction of enabling legislation
- inclusion of requirement for consent to be written
- changes to ensure consistence with Delegation 90 – Signing of Council Correspondence.

MC14 – Community Recognition

This policy was adopted on 15 December 2005.

The changed recommended to this policy are primarily due to Council adopting policy MC16 – Freeman of the Shire of Wyndham East Kimberley in May 2009. Previously 3 categories of recognition were involved. The proposed policy only has one category – certificate of appreciation and gift. There seemed to be little distinction between this and certificate of appreciation only as the policy allows the value of the gift to be determined based on merit of recipient.

MC15 – Councillor Briefing Sessions/Forums

This policy was adopted on 20 May 2008 (Minute 8224).

The review of this policy recommends changes to order of items to group similar points together and additional points to improve the policy in line with the Local Government Operational Guideline Number 5 – Council Forums.

ATTACHMENTS

Existing Policies have been provided as separate attachments (yellow pages)

Proposed Council Policies have been provided as separate attachments (green pages)

Local Government Operational Guidelines have been provided as separate attachments

- Number 15 – Meeting Fees, Allowances and Expenses for Elected Members
- Number 5 – Council Forums

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That the Audit Committee having reviewed and considered the following policies recommends to Council for adoption:

- CP/MC5 - Elected Members Entitlement
- CP/MC13 – Public Relations Policy
- CP/MC14 – Community Recognition
- CP/MC15 – Councillor Briefing Sessions/Forums

COMMITTEE RESOLUTION

Minute AC198

Moved: Cr K Wright

Seconded: Cr J Parker

That this item be deferred to the 19 March Audit Committee Meeting and the documentation be distributed to all Councillors to enable feedback to be given to Audit Committee Members.

Carried Unanimously: 3/0

COMMITTEE RECOMMENDATION

Nil

6.6 Standing Item - 90 Day Aged Debtors Listing

DATE:	10 November 2009
PROPONENT:	N/A
LOCATION:	N/A
AUTHOR:	Kelly D'Arcy, Senior Finance Officer
REPORTING OFFICER:	Jo-Anne Ellis, Executive Manager Corporate Services
FILE NO:	60.14.03
ASSESSMENT NO:	N/A

PURPOSE

To present the listing of Aged Debtors with balances outstanding for 90 days or longer.

BACKGROUND

The listing of 90 Day Sundry Debtors has traditionally been provided at the Ordinary Council Meeting on a monthly basis. At the 21 February Audit Committee Meeting the Committee resolved to recommend to Council that the Audit Committee be presented with the item as this falls within the scope of the committee's purpose.

The following recommendation was adopted by Council at Ordinary Meeting on 18 March 2008:

Minute No: 8102

Moved: Cr K Wright

Seconded: Cr Paul Caley

That Council:

- 1. That the 90 days debtor list be removed from the Council Agenda as a standing item and be presented to the Audit Committee for consideration and to make recommended actions to Council.*

Carried Absolute Majority 8/0

STATUTORY IMPLICATIONS

Nil.

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Ongoing management of Council funds.

STRATEGIC IMPLICATIONS

Key Result Area 5 – Governance

COMMUNITY CONSULTATION

Community Consultation is not required in relation to this item.

COMMENT

The listing of 90 Day Sundry Debtors is presented to the Audit Committee as per Council resolution.

ATTACHMENTS

Sundry Debtors as at 31st October 2009
Sundry Debtors as at 31st October 2009 including debtor names
(Confidential Attachment provided under separate cover)

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That the Audit Committee

1. receives and accepts the listing of 90 Day Sundry Debtors as at 31st October 2009 totalling \$119,866.02 (GST inclusive); and
2. reports to Council that the actions being undertaken by the administration in regard to 90 Day Sundry Debtors are sufficient and appropriate and no further actions are recommended at this time.

COMMITTEE RESOLUTION

Minute AC199

Moved: Cr K Wright

Seconded: Cr J Parker

That the Audit Committee

1. **receives and accepts the listing of 90 Day Sundry Debtors as at 31st October 2009 totalling \$119,866.02 (GST inclusive); and**
2. **reports to Council that the actions being undertaken by the administration in regard to 90 Day Sundry Debtors are sufficient and appropriate and no further actions are recommended at this time.**

Carried Unanimously: 3/0

COMMITTEE RECOMMENDATION 6

That Council acknowledges that the Audit Committee has reviewed the listing of 90 Day Sundry Debtors and reports to Council that the actions being undertaken by the administration in regard to 90 Day Sundry Debtors are sufficient and appropriate and no further actions are recommended at this time.

Attachment Item 6.6
Sundry Debtors as of 31 October 2009

Debtor Number	90 Days	Balance as at 31 October 2009	Debt Collection Status for Debts over 90 Days
96224	11,000.00	11,303.14	Further research being undertaken.
7	198.00	198.00	Message left for customer to make contact.
96340	78,856.49	78,856.49	Final acquittal requires letter of certification – to be completed by Engineering Department.
96465	378.00	903.50	Invoice being disputed. Currently with Engineering Department.
95	40.00	40.00	Invoice being disputed. Currently with Engineering Department.
129	230.00	251.00	Message left for customer to make contact.
82636	10.00	10.00	Customer disputing charges related to them. Investigations occurring.
96235	400.00	400.00	All correspondence being returned. Attempting to locate customer.
80737	199.00	199.00	Message left for customer to make contact.
82288	216.00	664.00	Chq sent but not presented – debtor to re-issue chq
96244	40.00	40.00	Attempting to locate customer.
80165	13,453.53	23,005.55	Refer Council minute 8797 - Customer instructed payment to be made in full by 30 September 2009.
71	1,120.00	1,120.00	Company in the hands of a receiver. Have notified receivers of debt.
98563	12,300.00	12,300.00	Refer Agenda Item Debts Under Legal Action.
97	110.00	110.00	Customer advised payment will be paid shortly once Treasurer is contacted.
82551	1,023.00	1,805.00	Spoke to debtor – waiting for reply to advise payment date.
96375	292.00	292.00	Spoke to debtor – awaiting payment.
	\$119,866.02	\$131,497.68	

6.7 Standing Item - Debts Currently in Legal Process

DATE:	10 November 2009
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Shire of Wyndham East Kimberley
AUTHOR:	Kathy Linthorne, Rates Officer
REPORTING OFFICER:	Jo-Anne Ellis, Executive Manager Corporate Services
FILE NO:	61.23.02 / 61.22.14

PURPOSE

To the Audit Committee with an update regarding debts currently in legal process.

BACKGROUND

At the Ordinary Council Meeting, 16 October 2007, Council moved the following resolution:

Minute No. 7936

That Council direct the CEO to provide a written report to Council under confidential cover each month in regard to all debts currently in legal process.

Carried Unanimously 5/0

At the Ordinary Council Meeting, 18 March 2008, Council moved the following:

Minute No: 8148

Moved: Cr J Parker

Seconded: Cr F Mills

That Council:

- 1. note the confidential report provided to it in relation to debts owed to Council and under legal action.*
- 2. direct the Executive Manager Corporate Services to provide a written report to the Audit Committee under confidential cover at each Audit Committee meeting in regard to all debts currently in legal process.*
- 3. request the Audit Committee to make recommendations to Council as required and appropriate in relation to the report provided under confidential cover regarding debts currently in legal process.*
- 4. resolve that this requirement replaces the previous requirement on the CEO to report information to Council.*

Carried Unanimously 8/0

This report is therefore presented.

STATUTORY IMPLICATIONS

This item in a Council Meeting needs to be discussed behind closed doors under Section 5.23. (2) (e) (iii) of the Local Government Act 1995 because the item may disclose information about the business, professional, commercial or financial affairs of a person and because the item also contained legal advice to the Council.

As the Audit Committee has no delegated powers it does not need to open to the public and therefore the provisions of Section 5.23 are not relevant.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Legal fees may be incurred to recover debts or revenue written off if debt recovery is considered not economically viable.

STRATEGIC IMPLICATIONS

The costs associated with legal fees to recover debt need to be weighed up against the debt to ensure and economically viable action is being taken.

COMMUNITY CONSULTATION

Community Consultation is not required in relation to this item.

COMMENT

The listing of Debtors currently in legal process is presented to the Audit Committee as per Council resolution.

ATTACHMENTS

Sundry Debtors under legal action as at 31 October 2009
(Confidential Attachment provided under separate cover)
Rates Debtors under legal action as at 31 October 2009
(Confidential Attachment provided under separate cover)

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

That the Audit Committee

1. notes the confidential report provided to it in relation to debts owed to Council and under legal action; and
2. reports to Council that the actions being undertaken by the administration in regard to debts under legal action are appropriate and sufficient and that no additional actions are recommended in relation to these debts at this time.

The officer recommendation was not dealt with

COMMITTEE RESOLUTION

Minute AC200

Moved: Cr K Wright

Seconded: Cr J Parker

That item 6.7 – Debts Currently in Legal Process be referred directly to Council for Consideration.

Carried Unanimously: 3/0

COMMITTEE RECOMMENDATION 7

That Council consider Audit Committee Item 6.7 Debts Currently in Legal Process behind closed doors.

6.8 Write Off – Rates Assessment 2474

DATE:	10 November 2009
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Shire of Wyndham East Kimberley
AUTHOR:	Kathy Linthorne
REPORTING OFFICER:	Jo-Anne Ellis – Executive Manager Corporate Services
FILE NO:	01.2474.04

PURPOSE

Audit Committee to recommend that Council write off outstanding rates and penalties on Assessment 2474

BACKGROUND

In February 2007 the mining tenement was granted. All costs relating to this tenement were paid in full up to 2 July 2008. The tenement was forfeited on 14 April 2009.

As part of the standard debt recovery process undertaken by Council's debt collection, a Notice of Intention to Summons was issued on the 12 May 2009.

On the 15 June 2009 the ratepayer advised that he had forfeited the tenement and was deregistering the Company. He advised it was a two dollar company and had no funds to pay rates. A Search of ASIC has shown that the company has an application for Voluntary Deregistration of Company lodged and completed 5 November 2009

Total outstanding debt as at 5 November 2009 is \$2,192.16 (this is represented by outstanding rates \$2,081.08 and penalties \$109.79).

STATUTORY IMPLICATIONS

Local Government Act 1995

6.12. Power to defer, grant discounts, waive or write off debts

- (1) Subject to subsection (2) and any other written law, a local government may —
 - (a) when adopting the annual budget, grant* a discount or other incentive for the early payment of any amount of money;
 - (b) waive or grant concessions in relation to any amount of money; or
 - (c) write off any amount of money, which is owed to the local government.

* Absolute majority required.

(2) Subsection (1)(a) and (b) do not apply to an amount of money owing in respect of rates and service charges.

POLICY IMPLICATIONS

Policy 12 – Rate Collection Policy

FINANCIAL IMPLICATIONS

Total outstanding debt recommended for write off as at 10 November 2009 is \$2,192.16.

STRATEGIC IMPLICATIONS

The costs associated with legal fees to recover debt needs to be measured against the debt and the realistic prospect of recovery, to ensure an economically viable action is being taken.

COMMUNITY CONSULTATION

Not Required

COMMENTS

Further debt collection action shows little realistic prospect of recovery therefore a write –off of the debt is recommended.

ATTACHMENTS

Nil

VOTING REQUIREMENTS

Simply majority. (Absolute majority for Council)

OFFICER’S RECOMMENDATION

That the Audit Committee recommends to Council the outstanding debt of \$2,192.16 plus additional accrued penalties relating to assessment 2474 be written off.

COMMITTEE RESOLUTION

Minute AC201

Moved: Cr F Mills

Seconded: Cr J Parker

That the Audit Committee recommends to Council the outstanding debt of \$2,192.16 plus additional accrued penalties relating to assessment 2474 be written off.

Carried Unanimously: 3/0

COMMITTEE RECOMMENDATION 8

That the outstanding debt of \$2,192.16 plus additional accrued penalties relating to assessment 2474 be written off.

7 Project Updates

This item is to provide information to the Audit Committee on

- ongoing projects not subject to officers reports
- items that do not require a Council decision

A confidential attachment has been provided under separate cover.

8 Requests for Officers Reports

This section is included in the agenda in place of General Business to improve the meeting process and to enable the Audit Committee to make informed decisions based on adequate research and an officer recommendation. Even though this item exists committee members can request officer reports at any time (giving suitable preparation time prior to the agenda deadline).

9 Closure of Meeting

With all the business of the meeting concluded the Chair thanked the members for their attendance and closed the meeting at 6.40pm



Shire of Wyndham East Kimberley
Council Policy Manual
HR1

POLICY NO:	HR1
DIVISION:	Human Resources
SUBJECT:	Travel Allowance
REPORTING OFFICER:	Chief Executive Officer
ENABLING LEGISLATION:	Local Government Act 1995 Section 5.47(1)

OBJECTIVE

To maintain a competitive position in employee labour market and contribute to the reimbursement of travel costs/airfares.

POLICY

The policy applies to Level 6 (Local Government Officers' (WA) Award 1999) and above. This policy does not apply to staff that are employed on contract or receive the East Kimberley Allowance under the EBA.

After a period of twelve (12) months continuous service the employee shall be entitled to an annual travel allowance on the following basis:

- Two (2) adult return airfares or cash equivalent (spouse and/or dependant child) \$2600 max
- One (1) adult return airfare or cash equivalent (single) \$1300 max
- The fares are to the capital city of the state of residence when appointed.
- Airfares and/or cash equivalent are to be based on a seven (7) day advanced purchase fare, unless otherwise negotiated.

For the purpose of this policy the term **spouse** includes a de facto spouse (but does not include a former de facto spouse).

For the purpose of this policy the term **dependant child** includes an adopted child, a stepchild or an ex-nuptial child, under the age of eighteen years, and who is dependant upon the employee for sustenance, shelter and financial support. It may also include a child of the employee who is eighteen years and over but under twenty-five years and is full time student at a school, college or university.

The entitlement to the travel allowance does not apply in regard to the employee's spouse/dependant where the spouse/dependant receives a similar subsidy or entitlement from his/her place of employment or receives an equivalent government subsidy.

Allowance payable within three months of taking leave and is not accruable without written authority by the CEO.

ADOPTED: 24/06/2003
REVIEWED: 17/02/2006
ACCEPTED: 20/06/2006



Shire of Wyndham East Kimberley
Council Policy Manual
HR2

POLICY NO:	HR2
DIVISION:	Human Resources
SUBJECT:	Members of Staff Code of Conduct
REPORTING OFFICER:	Chief Executive Officer
ENABLING LEGISLATION:	Local Government Act 1995 Section 5.103 Schedule 9.3 Clause 22

OBJECTIVE

To provide members of staff with consistent guidelines for an acceptable standard of professional conduct. The Code addresses the broader issue of ethical responsibility and encourages greater transparency and accountability in individual Local Governments with the aim of providing:

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

POLICY

Code of Conduct for Members of Staff

1. Conflict and Disclosure of Interest

- 1.1 Members of staff will ensure that there is no actual (or perceived) conflict of interest between their personal interests and the impartial fulfilment of their professional duties.
- 1.2 Staff will not engage in private work with or for any person or body with an interest in a proposed or current contract with the Shire of Wyndham East Kimberley, without first making disclosure to the Chief Executive Officer. In this respect, it does not matter whether advantage is in fact obtained, as any appearance that private dealings could conflict with performance of duties must be scrupulously avoided.
- 1.3 Members of staff will lodge written notice with the Chief Executive Officer describing an intention to undertake a dealing in land within the municipality or which may otherwise be in conflict with the Council's functions (other than purchasing the principal place of residence).

- 1.4 Members of staff who exercise a recruitment or other discretionary function will make disclosure before dealing with relatives or close friends and will disqualify themselves from dealing with those persons.
- 1.5 Staff will refrain from partisan political activities, which could cast doubt on their neutrality and impartiality in acting in their professional capacity.

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

2. Financial Interests and Interests that May Affect Impartiality

2.1 Pecuniary Interest

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

2.2 Disclosure of Interest Affecting Impartiality

- a) Appropriate staff will disclose, in a written return or at the relevant meeting, the interests, which might be in conflict with their public or professional duties.
- b) Whenever disclosure is required, recommendation in this Code, or otherwise seems appropriate, it will be made promptly, fully and in writing within the register provided.

3. Personal Benefit

3.1 Use of Confidential Information

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

3.2 Intellectual Property

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

3.3 Improper or Undue Influence

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

3.4 Gifts or Bribery

- a) Members of staff will not seek or accept (directly or indirectly) from any person or body, any immediate or future gift, reward or benefit (other than gifts of a token kind, or moderate acts of hospitality) for themselves or for any other person or body, relating to their status with the Local Government or their performance of any duty or work which touches or concerns the Local Government.
- b) If any gift, reward or benefit is offered (other than gifts of a token kind, or moderate acts of hospitality), disclosure will be made in a prompt and full manner and in writing in the appropriate register.

4. Conduct of Members of Staff

4.1 Personal Behaviour

Members of staff will;

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

4.2 Honesty and Integrity

Members of staff will;

- a) observe the highest standards of honesty and integrity, and avoid conduct which might suggest any departure from these standards;
- b) bring to the notice of the Chief Executive Officer any dishonesty or possible dishonesty on the part of any other member of staff.
- c) be frank and honest in their official dealing with each other.

4.3 Performance of Duties

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

4.4 Compliance with Lawful Orders

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

4.5 Administration and Management Practices

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

4.6 Corporate Obligations

a) Standard of Dress

Staff are expected to comply with neat and responsible dress standards at all times. Management reserves the right to raise the issue of dress with individual staff.

b) Communication and Public Relations

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

4.7 Relationships between Members and Staff

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

5. Dealing with Council Property

5.1 Use of Local Government Resources

Members of staff will;

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

5.2 Travelling and Sustenance Expenses

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

5.3 Access to Information

Staff will ensure that Members of Council are given access to all information necessary for them to properly perform their functions and comply with their responsibilities as members.

ADOPTED: 24/06/2003



Shire of Wyndham East Kimberley
Council Policy Manual
HR3

POLICY No:	HR3
DIVISION	Human Resources
SUBJECT:	Employee Assistance Program
REPORTING OFFICER	Chief Executive Officer
ENABLING LEGISLATION	Local Government Act 1995 Workers Compensation and Rehabilitation Act 1981

OBJECTIVE

To offer a prevention and early intervention service, an Employee Assistance Program for all employees, to an external agency for assistance with personal and/or work related issues.

POLICY

The Shire of Wyndham - East Kimberley recognises the central role of all its employees in the success of the organisation. It acknowledges that employees can have difficulties that may or may not relate to their employment but these problems may affect their quality of life and in some cases can have adverse effects on their work performance.

These problems being experienced may be work related, or they may be of a health, marital, or behavioural nature. In some cases the underlying causes can be attributed to stress, drugs, accidents, trauma etc. Left unresolved, these problems cannot only be detrimental to the individual's performance but also to his/her well-being.

Help and guidance through such difficulties can be beneficial for people experiencing problems. To ensure that this all is available when required, the Shire of Wyndham - East Kimberley has made arrangements for all employees to have access to an external counselling service. The company's Employee Assistance Program (EAP) is designed to provide assistance to all employees and if so counselled, their direct families, on a voluntary and confidential basis.

APPLICATION

The program applies to all direct employees of the Shire and, if counselled, their immediate families. It is provided free of charge (max 6 visits per contract year) and is a completely confidential service.

In some situations as a result of using EAP, the counsellor may suggest that further specialised counselling may be of benefit. In such cases every effort will be made by the

counsellor to recommend a service that is either free, covered by health insurance, or has a fee scale based on the employee's ability to pay.

COUNSELLING SERVICE

Assistance is available for all employees' concerns. The EAP can be called upon to give assistance with a wide range of personal, and/or work related problems, such as:

- Marriage and family difficulties
- Alcohol and other drug problems
- Interpersonal conflicts
- Stress
- Health concerns
- Work related problems
- Trauma counselling

All counsellors are professionally qualified psychologist experienced in helping people solve their problems. The counsellor is able to discuss and assess the problem with the employee sympathetically, constructively and in strict confidence.

Where an employee is unsure whether the EAP may be able to help, they may ring and discuss their concerns with a counsellor before making an appointment. Using the EAP may prevent a relatively minor concern developing into a major one.

Referral System

Employees may obtain professional assistance in the following ways:

Self-Referral

Any employee can telephone the counselling agency direct to make arrangements for an appointment after working hours. No other employee needs to know about it.

If time off work is required the employee must notify his/her Supervisor and request leave to attend, which will generally be granted as unpaid but under special circumstances maybe paid at the discretion of Supervisors. The employee will not be required to give his/her Supervisor details of the reason for the appointment. (Note: Maximum of one self-referral per annum. Subsequent referrals/visits must be authorised).

Company Referral – Offering help by suggesting a referral

Supervisors can assist employees by offering the option of counselling to an employee whose work performance has noticeably declined below their normal standard. An employee has the right to either accept or refuse the offer of counselling assistance.

Other

Supervisors or other employees very often have close ties with employees and their families. They may become aware of developing situations where the EAP could be of benefit and may suggest self-referral at an early stage.

Opportunity to improve work performance

Any employee who exhibits unsatisfactory job performance will not be prejudiced because of their problems, without first being given the opportunity to seek assistance through the EAP and then to improve his/her performance to a satisfactory level.

Confidentiality

The strictest confidentiality will be assured to protect the privacy of employees in situations where employees have either voluntarily made their problem known or where the problem has been identified through the deterioration of job performance. To achieve this objective, the Shire will limit its interests to the effect problems have on work performance and shall not, unless requested by the employee, become involved in matters of a personal nature.

Locations

The EAP has a local counsellor based in Kununurra who is also available to Wyndham.

Monitoring and Evaluation

The EAP is to be continually monitored and employee feedback is welcomed.

An integral part of the programme is the monitoring process, which ensures the service continues to operate effectively.

In monitoring and evaluating the EAP, the Shire wants to establish that:

- The principles and spirit of the service are being adhered to by all parties;
- Adequate emphasis is given to the preventative side of the problems which become apparent;
- The service is making contact with those who are most in need of assistance, and such people are receiving the benefits of the service;
- Following successful counselling through the programme no person shall suffer any future disadvantage;
- Information and education to promote the health and well-being of employees is being provided;
- Special attention is being devoted to facets of the work environment that may contribute to personal problems.

Critical Incident Response (Additional to the EAP)

A critical incident is any traumatic event that causes people to experience unusually strong emotional reactions. These reactions can disrupt a person's ability to function normally during, or following the incident. Examples of critical incidents are:

- Witnessing death or serious physical injury caused by traffic, machinery accidents etc.,
- The unexpected death of a relative, friend or co-worker,
- Involvement as a victim or observer of serious crime, assaults etc.,
- The loss of valued possessions by fire or other accidents.

Through the EAP counselling can be provided to initially access the needs of people who have undergone such trauma, and act accordingly. Those involved will be given information, which will assist them to understand the experience and respond effectively. This information generally includes:

- The nature of the critical incident (thorough debriefing),
- Symptoms of post traumatic,
- How the care for yourself after a critical incident, and
- Availability of ongoing professional support services.

ADOPTED 16/12/2003



Shire of Wyndham East Kimberley
Council Policy Manual
HR7

POLICY NO:	HR7
DIVISION:	Human Resources
SUBJECT:	Private Use of Council Motor Vehicles
REPORTING OFFICER:	Chief Executive Officer
ENABLING LEGISLATION:	Local Government Act 1995 Section 5.47(1)

OBJECTIVE

To provide guidelines to employees on the standards of use and care of Council Vehicles plus recognition that the provision of vehicles for private use by employees is of benefit to those employees and assists Council in attracting high calibre applicants for employment.

POLICY

The Chief Executive Officer and Executive Managers shall be provided with a vehicle as per their employment contract.

Where a vehicle is assigned to particular staff members for work duties – commuting use only.

Non assigned or pool vehicles may be garaged at a private residence at the Chief Executive Officers' discretion.

A vehicle made available for commuting use shall be subject to the following conditions:

- Use shall be restricted to the work purposes only;
- The vehicle shall only be driven by a Designated Driver or an Authorised Driver as defined;
- The vehicle shall be operated in accordance with all relevant Acts, Regulations and Council policies.

Designated Driver

The Designated Driver of a specific vehicle shall be an employee of the Council who has:

- Been assigned the vehicle as part of their Council duties and/or conditions of employment;
- Hold an appropriate licence;
- Is responsible for the care and management of the vehicle.

Authorised Driver

The following persons holding an appropriate driving licence shall be Authorised Drivers of any Council vehicle:

- Any Councillor or employee other than the Designated Driver on Council business and acting with the prior knowledge of the Chief Executive Officer;
- Any other person authorised in writing by the Chief Executive Officer; or
- Any other person authorised by a Designated Driver in emergency situations, and where the Designated Driver is physically present in the vehicle.

General Conditions

It is the officer's responsibility to ensure the vehicle is maintained in a clean and tidy condition.

ADOPTED: 24/06/2003

REVIEWED: 17/02/2006



Shire of Wyndham East Kimberley
Council Policy Manual
HR8

POLICY No:	HR8
DIVISION:	Human Resources
SUBJECT:	Professional Development/Study Assistance
REPORTING OFFICER:	Chief Executive Officer
ENABLING LEGISLATION:	Local Government Act 1995

OBJECTIVE

To maintain a competitive position in the employee labour market and ensure staff remain up to date with legislative/policy changes within their respective professions.

POLICY

Staff attendances at conferences/seminars will be at the discretion of the Chief Executive Officer and will be subject to funds being available in the relevant budget.

Approval Procedure

Prior to attendance at any conference, a Training Request Form is to be completed and forwarded to the immediate Manager/Supervisor. The request will then be forwarded to the employee's Executive Manager for approval.

All requests for conference attendance are forwarded to a meeting of the Executive Management Group for consideration and final ratification.

Employee Obligations

Where the Council pays for a conference, all resources provided, as part of the conference, including books, videos and audiocassettes, will remain the property of Council. These resources will then be placed in the Shire of Wyndham East Kimberley's corporate library.

The Council may also require the employee to provide a report summarising the key elements and highlights of the conference.

Reimbursement of Costs

As per Councillors Conference Attendance (refer policy MC3)

Study Assistance

Officers undertaking approved courses of study shall be permitted time off with pay of up to three (3) hours per week (including travelling time) to attend lectures in normal working hours subject to the following provisos:

- That such courses are appropriate to local government, and
- That such courses and the method of undertaking are relevant to the officer's appointed position and authorised by the Executive Manager.

Time taken to attend the course should be reciprocated by the officer, in undertaking an equivalent portion of the course within his or her own time or by making up the time in consultation with their Manager.

Officers undertaking examinations arising from an approved course of study shall be entitled to time off with pay for the duration of the examination/s if during normal working hours or can combine leave entitlements to enable a full day off.

An officer who undertakes an approved course of study shall be entitled to a reimbursement of tuition fees and recommended text book/s to maximum of \$300.00 per unit, for a maximum of four (4) units per annum following the successful completion.

Claims for reimbursement for subjects successfully passed must be made within two (2) months of the date of the examination passed and must be accompanied by the official receipts of fees paid and official statement of examination results.

Note: Supplementary examinations, late enrolment and late examination entry fees are excluded.

ADOPTED: 24/06/2003



Shire of Wyndham East Kimberley
Council Policy Manual
HR10

POLICY No:	HR10
DIVISION:	Human Resources
SUBJECT:	Relocation Expenses
REPORTING OFFICER:	Chief Executive Officer
ENABLING LEGISLATION:	Local Government Act 1995 Section 5.36

OBJECTIVE

To alleviate any comparative disadvantages caused by perceived remoteness in terms of Council's labour market.

POLICY

That Council will pay relocation costs for approved staff appointments at the discretion of the Chief Executive Officer, subject to presentation of 3 (three) quotations for the transportation of household effects and up to one motor vehicle from his/her previous address.

1. Council subsidy to be repaid in full if the staff member leaves within 12 months from the date of commencement of duties or pro-rata of the subsidy if the staff member leaves between 12 and 36 months;
2. Signed acknowledgement of repayment conditions being a condition of appointment.
3. Relocation expenses to be repaid to Council on date of termination.

Note: It is not the intention of this policy for Council to assist with the relocation of; boats, caravans, trailers, horse and horse float or other chattels, or pets not seen within the realm of a standard family.

ADOPTED: 24/06/2003

REVIEWED: 17/02/2006

ACCEPTED: 20/06/2006



Shire of Wyndham East Kimberley
Council Policy Manual
HR12

POLICY No:	HR12
DIVISION	Human Resources
SUBJECT:	Smoking in the Workplace
REPORTING OFFICER	Chief Executive Officer
ENABLING LEGISLATION	Health Act 1911

OBJECTIVE

To protect the health of employees by eliminating risks of smoking in the workplace.

POLICY

It is recognised that it is the right of individuals to decide whether they choose to smoke or not. However, Council is committed to the safety and well being of its employees.

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

Smoking by employees, visitors and members of the public is prohibited in all internal or enclosed work areas.

1. There will be no smoking within all internal or enclosed work areas. This includes all offices, buildings and machinery, which are regularly occupied by employees, such as:
 - Fire escapes and stairs,
 - Foyers and passageways,
 - Lunchrooms, kitchens and common rooms,
 - Toilets,
 - Meeting rooms, and
 - Motor Vehicles, Plant Machinery

Smoking is also strictly prohibited in those areas or workplaces, which are signposted with prohibitive signs, where there is a high fire risk or in all Organisation vehicles.

2. Employees who wish to quit smoking by utilising a recognised 'quit program' may be supported. Smokers will regularly be offered assistance to quit.
3. Where practicable non-smoking signs will be displayed in all Council locations and motor vehicles.

4. New employees will be advised of Council's Smoking Policy as part of the induction process.

Responsibilities

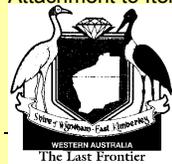
Managers and Supervisors are responsible for ensuring compliance with the Policy.

All employees have a responsibility for ensuring that Council's Policy is politely brought to the attention of anyone who may be in contravention of it.

ADOPTED: 24/06/2003

REVIEWED: 17/02/2006

ADOPTED: 20/06/2006



Shire of Wyndham East Kimberley
Council Policy Manual
HR13

POLICY NO:	HR13
DIVISION:	Human Resources
SUBJECT:	Staff Housing
REPORTING OFFICER:	Chief Executive Officer
ENABLING LEGISLATION:	Local Government Act Section 5.47(1)

OBJECTIVE

To maintain a competitive position in the employee labour market.

POLICY

Council will provide the following standard housing for its employees (subject to availability).

Type of Residence

- | | | |
|----|---|---|
| 1. | Chief Executive Officer | - 4 x 2 executive style residence |
| 2. | Executive Managers | - 4 x 2 or 3 x 2 residence |
| 3. | Local Government Officers' (WA)
Award Employees, Level 5 and above | - appropriate housing to suit their
family needs |

Rental

- Chief Executive Officer/Executive Managers – as per negotiated contract.
- All other staff – 40 % of gross rental value as determined by the Valuer General.

Council will provide the following utility subsidies for Officers under the Local Government Officers' Award, level 6 and higher:

Electricity

- Chief Executive Officer/Executive Managers – as per negotiated contract.
- All other staff – 8000 units in any given financial year.

Water Supply

- Chief Executive Officer/Executive Managers – as per negotiated contract.
- All other staff – 500 kilolitres in any given financial year.

The above subsidies are payable subject to no other subsidy being received by any other occupant of the residence.

Part subsidy may be payable to bring subsidy received per household up to total payable.

Grounds Maintenance

Council will maintain grounds of staff housing whilst staff are on annual leave.

Alternative Rental Options

If staff housing is not available, Council will offer the staff member the following allowances, to be paid in full as a single housing allowance:

- Chief Executive Officer - as per contract
- Executive Managers - as per contract
- Local Government Officers' (WA) Award Employees, Level 5 and above - \$8,000 per annum

Please note the above allowance will be paid in addition to the employee's salary and will be subject to PAYG Tax at the appropriate rate.

Rental payments made by employees may be salary sacrificed subject to taxation law/rulings.

It is the employees' responsibility to assess their own taxation liabilities in this regard.

ADOPTED: 24/06/2003



Shire of Wyndham East Kimberley
Council Policy Manual
HR16

POLICY No:	HR16
DIVISION:	Human Resources
SUBJECT:	Superannuation
REPORTING OFFICER:	Chief Executive Officer
ENABLING LEGISLATION:	Local Government Act 1995 Section 5.47(1)

OBJECTIVE

To maintain a competitive position in the employee labour market.

POLICY

That Council contribute the statutory contribution of 9% of employees ordinary time earnings (OTE) for superannuation, plus an amount equal to 3% and up to 4% after 4 years service and up to 5% after 5 years service or more, of the salary subject to the staff member matching that contribution unless otherwise negotiated. Changes will come into effect as of 1st July 2009.

Employee contribution of superannuation can be salary sacrificed.

ADOPTED: 03/07/2003

REVIEWED: 20/02/2006

ACCEPTED: 20/06/2006



Shire of Wyndham East Kimberley
Council Policy Manual
HR17

POLICY No:	HR17
DIVISION:	Human Resources
SUBJECT:	Telephone Usage
REPORTING OFFICER:	Chief Executive Officer
ENABLING LEGISLATION:	Local Government Act 1995 Section 5.47(1)

OBJECTIVE

To ensure appropriate Council staff are contactable out of hours or whilst absent from the district or administration offices.

POLICY

Council will provide the following telephone allowances;

Chief Executive Officer and Executive Managers – as per contract

All other staff requiring after hours contact – will be provided with a mobile phone.
All personal calls are to be refunded to Council upon receipt of a monthly account.

A fixed phone in an Officer's residence may be provided if required at the discretion of the Chief Executive Officer.

If the amount is less than \$5 per month (excluding GST) an account will not be issued.

ADOPTED: 24/06/2003

REVIEWED: 27/03/06

ACCEPTED: 20/06/2006



Shire of Wyndham East Kimberley
Council Policy Manual
HR18

POLICY No:	HR18
DIVISION	Human Resources
SUBJECT:	Workplace Drug & Alcohol Use
REPORTING OFFICER	Chief Executive Officer
ENABLING LEGISLATION	Local Government Act 1995 Workers Compensation and Rehabilitation Act 1981

OBJECTIVE

The aim of this policy is to ensure a safe workplace free from the effects of drugs and alcohol. The Policy is directed towards the welfare of the individual and the safety and health of other people. Although disciplinary action may be necessary, the focus is on preventative measures.

POLICY

Employees are obliged to present themselves for work in a fit state so that in carrying out normal work activities they do not expose themselves, their co-workers or the public to unnecessary risks to safety and health. The employee is responsible for any civil or criminal penalty, which results from being under the influence of drugs or alcohol in the workplace.

The use of drugs or alcohol in the workplace - including Council premises, parks, reserves, vehicles, plant, or any other Local Government building or physical asset, is forbidden.

The Chief Executive Officer may waive this requirement where circumstances warrant (for example, during a social event). The focus of this Policy is drug and alcohol dependence, which affects the work performance of the individual. This Policy is directed towards maintaining a satisfactory level of employee health, safety and work performance.

Testing individuals for presence of drugs or alcohol

Worksafe Australia (1993) stated that because drug testing in the workplace raised issues of privacy, it should be carried out only if “substantial” risk existed for the employee, co-workers or the public. Employees should be notified of testing programs—not individual tests—and the consequences. The Privacy Committee of NSW (1993) Report stated that drug and alcohol testing should be limited to certain justifiable circumstances including:

where an employee’s impairment by drugs poses a substantial and demonstrable safety risk to the employee or to other people.

where there is reasonable cause to believe that the employee to be tested may be impaired by drugs.

where the type of drug test to be used can identify the presence of a drug at concentrations which may cause impairment.

Procedure

In general, intoxication is the temporary loss of control, due to alcohol or drug abuse, over psychological or physical faculties.

If a Manager or Supervisor has justifiable cause to doubt an employee's fitness for duty, the Chief Executive Officer (or appropriate employee) may have the employee removed from the workplace and may initiate any reasonable action considered necessary. If it is believed that the use of drugs or alcohol renders risk to the health or safety of the employee, co-workers or the public, the Local Government reserves the right to remove the employee from duty pending an urgent medical examination to determine fitness for duty.

The procedure for dealing with drug and alcohol abuse is divided into three stages:-

Stage One - discussion between the employee and immediate Supervisor.

Stage Two - discussion between the employee, supervisor, manager and representative (optional).

Stage Three - disciplinary action.

Stage One

The employee and immediate Supervisor should participate in Stage One, although the employee may request a representative to be present. An observer should be present if an employee representative attends.

The first stage of the process should be presented as a counselling session. Procedural fairness must be observed and the Supervisor must clearly state the performance-related reasons for the interview with the employee must be given the opportunity to respond. The Supervisor must clearly state what standards of performance are required or expected.

The Supervisor should offer assistance by encouraging the employee to participate in an Employee Assistance Scheme, although the employee is not obliged to accept.

A timeframe for a review should be established. The employee should be informed of expected changes, on-going performance monitoring by the supervisor and the compulsory interview at the end of the review period.

The employee should be made aware of possible consequences if there is no significant improvement.

The Supervisor should prepare a brief summary of the interview and give two copies to the employee. After reading the summary, the employee should sign one of the copies and return it to the Supervisor. This copy should be placed under confidential cover on file.

The review interview should be held at the prescribed time. The points discussed should respond exactly to those raised at the first interview; improvements should be acknowledged. Continuing problems, such as continued decline in performance, and any new performance-based problems should also be identified and discussed. The Supervisor should again prepare a summary of the interview.

Stage Two

The participants at Stage Two should be the employee, supervisor, manager, at the option of the employee, a representative.

The second meeting should be held using the same procedure as the first, although the employee should be made fully aware of the possible consequences if there is no significant improvement and that this represents a final warning.

Stage Three

If the issue remains a problem, the third stage of the procedure is in accordance with Council's disciplinary procedure.

Responsibilities

Managers and Supervisors are responsible for ensuring compliance with the Policy.

It is the employee's responsibility to advise their Supervisor if they are taking any prescribed drug or medication, which may affect their fitness for duty or work performance. The employee should also find out from their doctor or pharmacist what the effects of the prescribed drugs are on work performance.

ADOPTED 24/06/2003

POLICY No:	HR 21
DIVISION:	Human Resources
SUBJECT:	Retention of Contract Staff
REPORTING OFFICER:	Chief Executive Officer
ENABLING LEGISLATION:	Local Government Act 1995 Section 5.36

OBJECTIVE

To improve retention of contract staff within the Shire of Wyndham East Kimberley whilst at the same time making a positive contribution to relieving the housing shortage in the Shire of Wyndham East Kimberley.

POLICY

Staff who are eligible to have a Council residence provided to them through their contract of employment are:-

Chief Executive Officer
Executive Manager Corporate Services
Executive Manager Engineering & Development
Executive Manager Community Services
Manager Financial Services
Manager Technical Services
Town Planners
Building Surveyors
Environmental Health Officers
Wyndham Operations Coordinator
Wyndham Child Care Coordinator

The above listed staff will be given the option of residing in a Council owned house and paying rent to Council at 40% of the Gross Rental Value. The contract employee who is entitled to a Council residence will be given the option to purchase their own property within the Shire of Wyndham East Kimberley. If it is used as their permanent place of residence the staff member will receive an increase in salary to the after tax value of \$12,000 to compensate for that choice. The increase in salary, of \$12,000 tax free, will replace the \$8000 housing allowance. The employee must first contact the Executive Manager of Corporate Services to ensure that the cost to Council will not exceed \$17,500 in PAYG or FBT including the \$12,000 tax free payment. This amount (\$12,000) will be made payable to the employee through payroll on a fortnightly basis when -

1. The employee moves out of their Council owned residence.
2. The employee provides a certificate of title to the Executive Manager of Corporate Services with the name of either the employee or a representative entity of which the employee is a recognised beneficiary on the title.

ADOPTED: 15 MAY 2007