



Flinders Council Policy & Procedure Manual

Amended October 2018

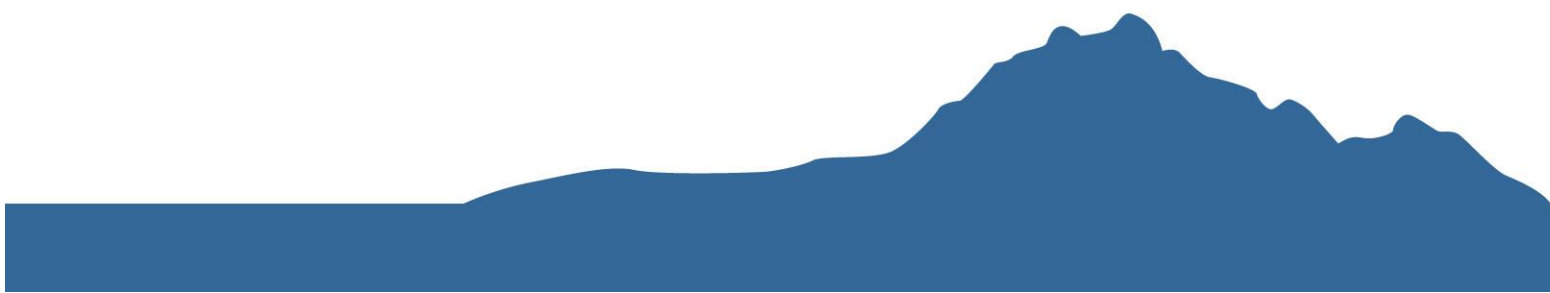


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SUBJECT: <i>AVIATION POLICY</i>	FILE NO:	COM/0104
ADOPTED BY COUNCIL ON: 13 June 2002	MINUTE NO:	253.05.02
AMENDED BY COUNCIL ON: 25 August 2005	MINUTE NO:	494.08.05
AMENDED BY COUNCIL ON: 13 October 2005	MINUTE NO:	611.10.05
AMENDED BY COUNCIL ON: 13 February 2014	MINUTE NO:	739.02.2014
AMENDED BY COUNCIL ON: 10 April 2014	MINUTE NO:	782.04.2014
AMENDED BY COUNCIL ON: 17 March 2016	MINUTE NO:	44.03.2016

Council policy for air services to the Furneaux group is:

1. That Flinders Island Airport maintains its CASA certification.
2. That Council supports Regular Passenger Transport (RPT) operations and locally based charter operators which provide a consistent and reliable service.
3. That Council continues to provide staff assistance for medical retrieval for the duration of the current RFDS contract.
4. That Council continues to seek financial assistance from the State and Federal Governments to support the maintenance and upgrade of the islands' Airport facilities.
5. That Council liaises with the management of Launceston and Essendon Airports to ensure that these organisations continue to be aware of the importance of their facilities to the residents of the Furneaux Islands.

SUBJECT: <i>DOG MANAGEMENT POLICY</i>	FILE NO:	ANI/0204
ADOPTED BY COUNCIL ON: 15 th May 2008	MINUTE NO:	218.05.08
AMENDED BY COUNCIL ON: 21 st February 2013	MINUTE NO:	446.02.2013
AMENDED BY COUNCIL ON: 20 th October 2016	MINUTE NO:	237.10.2016

Policy Purpose

The purpose of this Policy is to:

- articulate the Council's role/response to the effective management of dogs; and
- implement the requirements of the *Dog Control Act 2000*.

Policy Statement

The Flinders Council recognises the value of companion animals and the importance of encouraging a relationship with the Community through which it can promote and enforce responsible dog ownership.

The Dog Management Policy sets out the priorities for Council after taking into consideration the views of the Community, the requirements of the *Dog Control Act 2000* and the need to balance these with other considerations such as budget constraints.

Principles

To achieve the aims of the Policy, the Council will be guided by the following principles:

1. The Council recognises the significant contribution a well-trained and well cared for dog can make to build a healthy community.
2. Council's role will be consistent with the desires of the Community to achieve a compatible relationship between dogs, dog owners and the local community in order to minimise effects on neighbours and the environment and to achieve legislative compliance.
3. All dog owners residing and visiting the Municipality with their dogs will abide by the requirements of the *Dog Control Act 2000* and the Council's Dog Management Policy.

Objectives

The dog management objectives are:

- Promoting responsible dog ownership and the welfare and safety of dogs;
- Promoting the effective management of dogs (including registration, microchipping and de-sexing);
- Reducing public and environmental nuisance caused by dogs;
- Responding to calls from the general public of a dog wandering at large;
- Impounding unidentified dogs in accordance with the Act with the priority being to return the dog to the owner;

- Reinforcing complying behaviour; that is to give warnings to first offences that are of a minor nature where no harm to a person or property has occurred. Penalties prescribed by the Act will be applied for re-offenders;
- Applying fees collected from registration to address dog management; and
- Actively communicating, consulting and involving dog owners and the community in the on-going delivery of dog control services.

Responsibility

The General Manager is responsible for the operation of this policy.

Policy Review

This Policy will be reviewed at least once every four (4) years in accordance with Section 7(4) *Dog Control Act 2000* and the Flinders Council Policy Manual Policy.

SUBJECT: CODE FOR RESPONSIBLE DOG OWNERSHIP	FILE NO:	ANI/0204
ADOPTED BY COUNCIL ON: 20 th October 2016	MINUTE NO:	237.10.2016

Purpose

It is acknowledged that dogs can be wonderful work mates, companions, protectors and family members. As their owner, they depend on you for their care and welfare. Council also depends on you being a responsible owner.

The Code for Responsible Dog Ownership is a requirement under the *Dog Control Act 2000*. It is a voluntary code. Essentially the Code provides an overview of the actions that will assist in producing healthy and happy dogs and a congenial community for dog owners and non-dog owners alike. Responsible dog owners provide a safe, caring and happy environment for their animals. They aim to minimise animal welfare concerns, neighbourhood nuisance and the destruction of native wildlife and its habitat. The Code also assists in understanding the dog control regulations.

Being a Responsible Dog Owner

Responsible dog ownership means accepting full responsibility for your dog's needs and the standards set in relation to dog management as set out in the *Dog Control Act 2000*.

The privilege and benefits of owning a dog carries responsibilities of care for the animal and respect for your neighbours and the local community.

Prior to Purchasing a Dog

Before you acquire a dog it is important to consider a number of things to be sure you are able to provide the best outcome for you, your dog and the community where you live. Things to think about are:

- Your property, lifestyle and budget are suited to a dog, e.g. the breed of dog, the number and age of family members, compatibility with other pets, housing for the dog and arrangements (and costs) if you plan to go on holidays
- Your property is secure and any impacts on public safety are minimised by considering the size of the yard, adequacy of fencing, proximity of neighbours, socialising your dog and obedience instruction
- You understand the needs and requirements of the particular breed including correct practices in relation to exercise, housing, dietary requirements, ongoing veterinary requirements and grooming *and* you are able to provide these requirements consistently
- You are clear that you can afford the initial and ongoing costs of vaccinations and veterinary checks, annual registration, microchipping and de-sexing (if required), kennel costs, grooming and obedience training

After Purchasing a Dog

When you have matched your own aspirations with the dog's requirements and brought your dog home you have made a commitment to the ongoing welfare, health and safety of your dog, your family and the wider community. Ongoing commitment relates to:

- Socialising your dog by exposing it to a variety of other dogs, people and situations
- Providing opportunities for training it to be obedient
- Participating with your dog in regular exercise and play
- Registering your dog annually once it reaches 6 months of age and securing the current registration tag to your dog's collar
- Permanently identifying your dog by microchip as required by the Act
- Providing your dog with a healthy diet
- Providing adequate and hygienic shelter

Considering other people

- When you are in public places (including when your dog is on the back of a vehicle) ensure that the dog is under effective control by means of a lead
- Ensure your dog does not bark excessively
- Prevent your dog from wandering off your property
- Always clean up after your dog by removing faeces from public places
- Do not allow your dog to jump at, or lick people. This may be playful but is not appreciated by everyone.
- When exercising your dog, stay on established tracks and trails and keep away from wildlife such as nesting shore birds just above the high tide mark.

As a Council we will:

- Recognise that a well-trained and cared for dog can make a significant contribution to establishing a healthy community.
- Promote responsible dog ownership.
- Ensure Council's Dog Policy and procedures are consistent with the desires of the community to achieve a compatible relationship between dogs, dog owners and non-dog owners, and to minimising impact on the environment.
- Enforce the *Dog Control Act 2000* and Council's Policy.
- Charge for the collection of a lost or wandering dog and for daily impoundment.

SUBJECT: <i>FUNERAL DIRECTOR</i>	FILE NO:	CSV/0600
ADOPTED BY COUNCIL ON: 9 September 2004	MINUTE NO:	415.09.04
AMENDED BY COUNCIL ON: 25 August 2005	MINUTE NO:	497.08.05
AMENDED BY COUNCIL ON: 18 August 2011	MINUTE NO:	226.08.2011
AMENDED BY COUNCIL ON: 26 March 2015	MINUTE NO:	(none)

Introduction

This policy has been introduced to support the community due to the absence of a private Funeral Director within the Flinders Municipality.

Objectives

The policy gives the community the ability to utilise Flinders Council as Funeral Directors.

Procedure

It is the policy of the Flinders Council that Management is authorised to act as a Funeral Director within the Flinders Council area when approached by a client requesting such services.

Related Legislation, Regulations and Policies

Burial and Cremation Act 2002

Responsibilities

The responsibility of this policy rests with the General Manager.

SUBJECT: <i>SPONSORSHIP OF THIRD PARTY PROJECTS AND EVENTS</i>	FILE NO:	FIN/1002
ADOPTED BY COUNCIL ON: June 2008	MINUTE NO:	262.06.08
AMENDED BY COUNCIL ON: 23 September 2010	MINUTE NO:	288.09.10

Introduction

Council supports Community Organisations which might not have the correct status to be eligible to apply for grants.

Objectives

Council wishes to support Community Organisations because of the benefit that the community receives due to their efforts.

Procedure

Council recognises that Community groups and other small not-for-profit organisations can require assistance to complete projects that provide benefits to the community.

Council provides assistance to these Community groups in two forms:

1. Financial assistance through annual "Community Grant" and "Gunn Bequest" funding (advertised annually)
2. Sponsorship/Management/Stewardship of projects.

Council also recognises that Government agencies and departments regularly require applications for funding assistance from community groups and other organisations to be sponsored by an incorporated body such as Council.

It is accepted that Council has the ability to:

1. Manage projects/events within budgetary and administrative guidelines.
2. Receive and manage funds and process same within the constraints of the "New Tax System"

To reduce the potential for future difficulties with administration of grant submissions and to ensure that any financial risk to Council is minimized, all projects (valued at over \$1,000) must be submitted to the Finance Manager (or his nominee) for review at least three weeks prior to the closure date for the grant application.

Where the requirement for pre-submission budget approval is not met, Council reserves the right to reject sponsorship entirely, or may seek a written undertaking that any funding shortfalls related to the grant would be met by the organizing body.

Related Legislation, Regulations and Policies

NA

Responsibilities

The responsibility of this policy rests with the General Manager and the Finance Manager.

SUBJECT: <i>WYBALENNA</i>	FILE NO:	CUL/0103
ADOPTED BY COUNCIL ON: 11 October 1994	MINUTE NO:	237.10.94
AMENDED BY COUNCIL ON: 13 December 2001	MINUTE NO:	301.12.01
AMENDED BY COUNCIL ON: 25 August 2005	MINUTE NO:	486.08.05
AMENDED BY COUNCIL ON: 15 November 2012	MINUTE NO:	347.11.12

Council recognises the importance of Wybalenna to Australian, Aboriginal and local history. It also recognises that Wybalenna and its environs is a local, state and national significance.

Flinders Council believes the local management committee for the Wybalenna site should include representatives of the Flinders Island Aboriginal Association Incorporated, and Flinders Council.

SUBJECT: <i>CITIZEN OF THE YEAR AWARD POLICY</i>	FILE NO:	PUB/0800
ADOPTED BY COUNCIL ON: 13 February 2014	MINUTE NO:	738.02.14
AMENDED BY COUNCIL ON:	MINUTE NO:	

Introduction

The Flinders Municipality has the highest volunteer participation rate in Australia. The 2011 Census identified Flinders' volunteer participation rate at 39% while the Australian average is less than 18% and Tasmania less than 20%. Many community members volunteer their time to assist organisations and individuals for the overall benefit of the Furneaux Community.

Objectives

Council wishes to recognise the outstanding voluntary contribution made by community members and to honour one worthy community member as Citizen of the Year on an annual basis.

Procedural Guidelines

- 1.1 Advertising for nominations will be undertaken at least twice in the Island News.
- 1.1 Nominations are to be submitted on the prescribed form.
- 1.2 Nominations will be considered and the Citizen of the Year determined by Full Council in Closed Council
- 1.4 The Award will be presented at the Flinders Island Show by the Mayor or the Mayor's nominee.
- 1.5 A framed Citizen of the Year Award certificate will be presented to the recipient.
- 1.6 The name of the Citizen of the Year will be added to the Citizens Honour Board which is displayed in the Flinders Art & Entertainment Centre, Whitemark.
- 1.7 Council may, at its discretion, grant a Special Council Award for outstanding contribution to the community. The recipient does not have to come from the pool of Citizen of the Year nominations but can be selected by Council.
- 1.8 Nominations are to be considered prior to consent being sought from nominees, but consent must be sought from the nominee chosen as Citizen of the Year before any announcement of that individual as recipient is made. Should the nominee not agree to being named Citizen of the Year, Council will reconsider other nominations, if any.

- 1.9 Nominations will remain on the table for consideration for 3 years after which time a new nomination is required.

Criteria for selection

- 2.1 Only individuals are eligible to be nominated, not organisations.
- 2.2 Nominees must be over sixteen (16) years of age as of the 1st day of July in the year of the nomination.
- 2.3 The award will be given to the person who has made the most significant voluntary contribution for the benefit of the Furneaux Community, organisations or individuals.
- 2.4 Recipients can receive only one Citizen of the Year Award during their lifetime.
- 2.5 Selection should be based on the quality of the contribution along with the quantity of the contribution.

Related Legislation, Regulations and Policies

Local Government Act 1993

Responsibilities

The responsibility of this policy rests with the General Manager.

POLICY MANUAL

Policy No 1	Furneaux Islands Festival Policy
Purpose	The purpose of this policy is to outline Council's role in relation to the Furneaux Islands Festival
Department	Community Development
Author	Stacey Wheatley, Dan Pitcher
Council Meeting Date	19 April 2018
Minute Number	76.04.2018
Next Review Date	April 2022

POLICY

1 Definitions

Nil.

2 Objective

To deliver an event that highlights our history, culture and community spirit, increases local participation and creative expression, provides local economic benefit and stimulates tourism.

3 Scope

This policy applies to the Council, employees, contractors, volunteers, stakeholders and community members involved in the delivery of the Furneaux Islands Festival.

4 Policy

It is policy that:

- 4.1 Council will manage, coordinate and deliver an annual Furneaux Islands Festival in partnership with the Community.
- 4.2 Council will allocate recurring financial support, sufficient to deliver the Festival on an annual basis, to provide surety for planning.
- 4.3 Council will carry full responsibility and risk management for the event.
- 4.4 Council will form a Committee to help coordinate the Festival.
- 4.5 Council will be provided with a comprehensive Festival report in conjunction with the third quarterly report.

5 Legislation

Building Regulations for Temporary Structures

Food Safety Policy and Regulations

Liquor Licensing Act

Local Government Act 1993

Traffic and Pedestrian Management Plan

Workplace Health and Safety Act

6 Responsibility

The General Manager has delegated power under this policy to implement decisions of Council relating to staging the Furneaux Islands Festival in accordance with section 22(1) of the *Local Government Act*.

The General Manager may sub-delegate such powers and functions in accordance with section 64(b) of the *Local Government Act*. This means that the General Manager or sub-delegate has the authority to make any decisions relating to the event.

SUBJECT: <i>ASSET MANAGEMENT POLICY</i>	FILE NO:	FIN/0300
ADOPTED BY COUNCIL ON: 20 th Sept 2012	MINUTE NO:	278.09.2012
AMENDED BY COUNCIL ON:	MINUTE NO:	
AMENDED BY COUNCIL ON:	MINUTE NO:	

1. Purpose To set guidelines for implementing consistent Asset Management processes throughout Flinders Council.

2. Objective To ensure adequate provision is made for the long-term replacement of major assets by:

- Ensuring that Council’s services and infrastructure are provided in a sustainable manner, with the appropriate levels of service to residents, visitors and the environment.
- Safeguarding Council assets including physical assets and employees by implementing appropriate asset management strategies and appropriate financial resources for those assets.
- Creating an environment where all Council employees take an integral part in overall management of Council Assets by creating and sustaining an asset management awareness throughout the organisation by training and development.
- Meeting legislative requirements for asset management.
- Ensuring resources and operational capabilities are identified and responsibility for asset management is allocated.
- Demonstrating transparent and responsible asset management processes that align with demonstrated best practice.

3. Scope This Policy applies to all Council activities.

4. Policy **4.1 Background**

4.1.1 Council is committed to implementing a systematic asset management methodology in order to apply appropriate asset management best practices across all areas of the organisation. This includes ensuring that assets are planned, created, operated, maintained, renewed and disposed of in accordance with Council’s priorities for service delivery.

4.1.2 Council currently owns and uses approximately \$51 million of non-current assets to support its core business of delivery of service to the community.

4.1.3 Asset management practices impact directly on the core business of the organisation and appropriate asset management is required to achieve our strategic service delivery objectives.

4.1.4 Adopting asset management principles will assist Council in achieving its Strategic Longer-Term Plan and Long Term Financial objectives.

4.1.5 A strategic approach to Asset Management will ensure that the Council delivers the highest appropriate level of service through its assets. This will provide positive impact on:-

- Members of the public and staff;
- Council's financial position;
- The ability of Council to deliver the expected level of service and infrastructure;
- The political environment in which Council operates; and
- The legal liabilities of Council.

4.2 Principles

4.2.1 A consistent Asset Management Strategy must exist for implementing systematic asset management and appropriate asset management best-practice throughout all Departments of Council.

4.2.2 All relevant legislative requirements together with political, social and economic environments are to be taken into account in asset management.

4.2.3 Asset Management principles will be integrated within existing planning and operational processes.

4.2.4 Asset Management Plans will be developed for major service/asset categories. The plans will be informed by community consultation and financial planning and reporting.

4.2.5 An inspection regime will be used as part of Asset Management to ensure agreed service levels are maintained and to identify asset renewal priorities.

4.2.6 Asset renewals required to meet agreed service levels and identified in adopted Asset Management Plans and Long Term Financial Plans will be fully funded in the Annual Budget Estimates.

4.2.7 Service levels agreed through the budget process and defined in adopted Asset Management Plans will be fully funded in the Annual Budget Estimates.

4.2.8 Asset renewal plans will be prioritised and implemented

progressively based on agreed service levels and the effectiveness of the current assets to provide that level of service.

- 4.2.9 Systematic and cyclic reviews will be applied to all asset classes and are to ensure that the assets are managed, valued and depreciated in accordance with appropriate best practice and applicable Australian Standards.
- 4.2.10 Future life cycle costs will be reported and considered in all decisions relating to new services and assets and upgrading of existing services and assets.
- 4.2.11 Future service levels will be determined in consultation with the community.
- 4.2.12 Training in Asset and Financial Management will be provided for all Councillors and relevant staff.

5. Legislation

Local Government Act 1993
Local Government (Highways) Act 1982
Local Government (Buildings & Miscellaneous Provisions) Act 1993
Land Use Planning & Approvals Act 1993
ISO 31000:2009 Risk Management - Principles & Guidelines
 Australian Standards (AS)

6. Related Documents

Asset Management Strategy and associated Asset Management Plans.

7. Responsibility

Councillors are responsible for adopting the Policy and ensuring that sufficient resources are available to manage all assets.

The **General Manager** has overall responsibility for developing an Asset Management Strategy, plans and procedures and reporting on the status and effectiveness of Asset Management within Council.

8. Review Date

This policy has a life of 4 years. It will be reviewed in July 2016.



CODE FOR TENDERS AND CONTRACTS

FILE NO: ADM/0900, WOR/0300
ADOPTED BY COUNCIL: 16 July 2009
AMENDED BY COUNCIL: 18 June 2015
AMENDED BY COUNCIL: 17 August 2017

MINUTE NO: 263.07.09
MINUTE NO: 05.01.2016
MINUTE NO: 204.08.2017

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1 Introduction

The purpose of this Code for Tenders and Contracts (the Code) is to provide a policy framework on best practice tendering and procurement methods in accordance with the requirements of the Local Government Act 1993 (Act) and the Local Government (General) Regulations 2015 (Regulations).

This Code is consistent with the Act and the Regulations and includes procedures and guidelines for prescribed matters.

The Act and Regulations require Council to invite tenders for any contract it intends to enter into for the supply or provision of goods or services valued at or above the Prescribed Amount.

This Code also addresses procurements valued at or below the Prescribed Amount.

This Code applies to the Flinders Council and Council's officers with respect to the purchase of goods and services and the management of tenders and contracts.

2 Definitions

In this document the following terms have the following meanings:

Act means the Local Government Act 1993;

Code means this Code for Tenders and Contracts (as may be amended from time to time);

Contractor - a person or organisation, external to the council, engaged under a contract for service (other than as an employee) to provide specified services to a council.

Consultant means- a person or organisation, external to a council, engaged under a contract on a temporary basis to provide recommendations or high level specialist or professional advice to assist decision making by council. The consultant will be expected to exercise his or her own skills and judgement independently of the council. It is the advisory nature of the work that distinguishes a consultant from a contractor.

Council means the Flinders Council established under s.18 and s.19 of the Act;

Council officer means an employee, contractor or consultant of Council;

EOI means 'Expression of Interest';

General Manager means the person appointed to the position of General Manager of the Council from time to time pursuant to s.61 of the Act;

GST means goods and services tax pursuant to the *A New Tax System (Goods and Services Tax) Act 1999* (Cth);

Local Business means suppliers whose principal place of business is located within the Municipal Area;

Municipal Area means the municipal area of the Council as specified by s.16 of the Act;

Prescribed Amount means the dollar figure prescribed in r. 23(1) of the Regulations which as at the date of this Code is \$250,000 (excluding GST);

Regulations means the Local Government (General) Regulations 2015;

RFQ means 'Request for Quotation';

RFT means 'Request for Tender'; and

Tender means a proposal, bid or offer that is submitted in response to a Request for Tender from the Council and includes a quotation being either a verbal or written request for offers from businesses capable of providing a specified work, good or service.

TRC means a Tender Review Committee which may be established by the General Manager from time to time comprised of Council officers appointed by the General Manager in relation to new procurement exceeding the Prescribed Amount.

3 Legislation

This Code has been made and adopted by Council in accordance with s.333B of the Act.

In accordance with s.333B(2) of the Act, this Code:

- a) is consistent with the Act; and
- b) includes all matters prescribed by the Regulations; and
- c) promotes all prescribed principles.

4 Aims of Code

The aims of this Code are to:

- a) ensure compliance with all relevant legislation;
- b) enhance value for money through the use of fair, competitive, non-discriminatory procurement practices;
- c) promote the use of resources in an efficient, effective and ethical manner;
- d) encourage probity, accountability and transparency in procurement;
- e) provide reasonable opportunity for competitive local businesses to supply to Council;
- f) minimise the cost to tenderers of participating in the tendering process;
- g) allow Council to appropriately manage risk; and
- h) promote Council's economic, social and environmental plans and policies.

5 Scope of Code

5.1 Procurement procedures

This Code provides an overview of the procedures to be applied by Council in the procurement of goods and/or services.

In accordance with r.28 of the Regulations, this Code:

- a) promotes the principles set out in r.28(a) of the Regulations;
- b) establishes and maintains procedures to ensure all potential service providers are provided with the same information relating to the requirements of a tender or contract and are given equal opportunity to meet those requirements;
- c) establishes and maintains procedures to ensure that fair and equitable consideration is given to all tenders or quotations received;
- d) establishes and maintains procedures to ensure that Council deals honestly with, and is equitable in the treatment of, all potential or existing service providers;
- e) establishes and maintains procedures to ensure that prompt and courteous responses are given to all reasonable requests for advice and information from potential or existing service providers;
- f) seeks to minimise costs to tenderers of participating in the tendering process;
- g) protects commercial in confidence information;
- h) prescribes when 3 written quotations are required for contracts valued at less than the Prescribed Amount;
- i) establishes and maintains procedures for the use of multiple-use registers for contracts valued at less than the Prescribed Amount;
- j) establishes and maintains procedures for reporting by the General Manager to Council in relation to the purchase of goods or services in circumstances where a public tender or quotation process is not used; and
- k) establishes and maintains procedures for the review of each tender process to ensure that each tender process is in accordance with the Regulations and this Code;
- l) establishes and maintains procedures for:
 - (i) amending or extending a tender once it has been released;
 - (ii) opening tenders;
 - (iii) the consideration of tenders that do not fully conform with tender requirements;
 - (iv) debriefing unsuccessful tenderers; and
 - (v) handling complaints regarding processes related to the supply of goods or services.

5.2 Application of Code

The Code applies to Council, Council employees, Council agents and any service provider wishing to supply goods and/or services to Council.

Service providers engaged by Council will, where it is practical to do so, be required to apply the principles of this Code (as applicable) when seeking tenders or quotations from their sub-contractors and suppliers.

6 Procurement Principles

In accordance with r.28(a) of the Regulations, this Code promotes the following principles to which Council will have regard when procuring goods and services.

6.1 Open and effective competition

Council will ensure that the procurement of goods and/or services is an impartial and open process which encourages the making of competitive offers.

In practice this means that Council will:

- a) use transparent and open procurement processes to ensure that both service providers and the public can have confidence in both the process and its outcomes;
- b) adequately test the market by seeking quotations or tenders as appropriate;
- c) avoid biased specifications;
- d) treat all service providers consistently and equitably; and
- e) ensure that prompt, courteous and informative responses are given to all reasonable requests for advice and information received from service providers.

6.2 Value for Money

Council will ensure that it is procuring goods and/or services at the most competitive price available whilst at the same time recognising that value for money does not always equate to buying at the lowest available price.

In practice this means that Council will:

- a) assess the contribution that the relevant goods and/or services make towards achieving Council's strategic plans or policies;
- b) weigh the anticipated benefits of a procurement against the costs of that procurement;
- c) perform an assessment of the risks associated with the procurement, including the preferred procurement method;
- d) assess how well the proposed goods and/or services meet Council's needs;
- e) assess the maintenance and running costs over the lifetime of a product;
- f) consider the relevant disposal value;
- g) have regard to any relevant time constraints;
- h) consider the impact of the procurement decision on the local economy, including but not limited to any impacts (both positive and negative) on industrial development and the creation of employment opportunities;
- i) consider the impacts (both positive and negative) of the procurement decision on the environment, taking into account the need to minimise waste and reduce the demand for goods and/or services which have a negative impact on the environment; and
- j) consider the impact of the procurement decision on local society, taking into account the need to eliminate discrimination and promote equal opportunity, training, and other identified social objectives.

6.3 Enhancement of the capabilities of local business and industry

Council will ensure that, where the required capability and/or expertise is held by Local Businesses, Council will look to engage Local Businesses and encourage their participation in procurement processes.

In practice this means that Council will use reasonable endeavours to:

- a) actively invite tenders and seek quotes from Local Businesses that have the requisite capability and/or expertise to respond to a given procurement;
- b) where local capability exists, ensure that discretionary elements of specifications do not prevent Local Businesses from effectively participating in the procurement process; and
- c) not give preferential treatment to Local Businesses where it cannot be reasonably justified.

6.4 Ethical behaviour and fair dealing

6.4.1 Council will promote procurement practices that are legal, ethical, fair and unbiased.

In practice this means that Council will:

- a) comply with all applicable legislative requirements, including the Act, the Regulations and this Code;
- b) conduct all business in the best interests of the Council;
- c) establish, maintain and document all tender and quotation procedures;
- d) be as effective and efficient as possible when sourcing, ordering and paying for goods and/or services;
- e) expect individuals involved in procurement processes to disclose any actual or perceived conflicts of interest;
- f) ensure that all specifications are clearly stated;
- g) ensure that any information or clarification provided to a potential service provider is also provided to all other relevant potential service providers;
- h) maintain confidentiality in its dealings with service providers and potential service providers, including the protection of commercial-in-confidence information;
- i) ensure that conditions of contract are not excessively onerous; and
- j) decline gifts or benefits offered by those involved in the procurement process, particularly from existing or potential service providers.

Expectations of service providers

6.4.2 Expectations of service providers

Council expects service providers to:

- a) ensure that they are acquainted with the requirements identified in this Code;
- b) be familiar with the particulars relating to a specific tender and quotation process, including all relevant specifications;
- c) not submit a tender or quotation unless they have, where applicable, the relevant financial, technical, physical, work health and safety, management resources or other relevant capabilities requirement to fulfil the tender or quotation requirements;
- d) not seek to influence a procurement process by improper means or collude with other service providers;
- e) disclose any actual or perceived conflicts of interest relevant to a procurement process;
- f) comply with all applicable legislative, regulatory and statutory requirements, including Acts of the Commonwealth and State, regulations, by laws and proclamations made or

issued under such Acts and lawful requirements or directions of public and other authorities; and

- g) not offer gifts or benefits to any Council officer.

7 Procurement Methods

7.1 Overview of procurement requirements

While open and fair competition is often best achieved by undertaking a public tender process, there are times when this practice will not deliver the most appropriate outcomes for Council. In those instances, and where the law permits, other more appropriate methods may be adopted.

After having regard to the procurement principles set out in Part 6 of this Code, all applicable legislative requirements and any other relevant factors, Council will determine the appropriate method to be employed in the procurement of goods and/or services at any particular time.

The minimum or 'default' procurement methods to be employed by Council are summarised in the table below:

Procurement Value	Minimum Requirement
\$3,000 and below	<p>Minor Purchases</p> <p>Minor purchases relate to individually small purchases of goods, services, small appliances or equipment, stationary and other aspects where there is a known supplier. Wherever possible Council will seek to use local businesses (if available).</p>
Between \$1000 and \$10,000	<p>Purchase Orders</p> <p>Purchase orders relate generally to purchases of general goods and services that do not fall under the Minor Purchase category and where for practical reasons generally only one quotation is obtained. In doing so the rationale for doing so shall be recorded.</p>
Between \$10,000 and \$50,000	<p>Written Quotations</p> <p>Where possible, at least two written quotations will be obtained, of which Council will seek at least one from a local business (if available). Where for practical reasons only one quotation is obtained the rationale for doing so shall be recorded.</p>
Between \$50,000 and \$100,000	<p>Written Quotations</p> <p>As a minimum requirement written quotations will be sought by advertising in the Island News and on the Flinders Council website. Where possible, at least three written quotations will be obtained, of which Council will seek at least one from a local business (if available).</p>
\$100,000 and greater	<p>Public Tender</p> <p>As a minimum requirement tenders will be advertised in an edition of The Examiner newspaper and the next edition of the Island News. Each of the tenders will be advertised on Council's own website. Council will seek at least one tender from a local business (if available).</p>

Flinders Council will apply the above requirements to the purchase of all goods and services with the exception of certain circumstances. The circumstances in which the above requirements may not be used are described under the Exemptions Section.

7.2 Procurement by Public Tender

S.333A of the Act provides that, subject to specific exemptions, Council must invite tenders for any contract it intends to enter into for the supply or provision of goods or services valued at or above the Prescribed Amount.

7.2.1 Tender Procedures

Pursuant to r. 28(l)(i), (ii) and (iii) of the Regulations, Council is to establish and maintain procedures for amending or extending a tender once it has been released, opening tenders and the consideration of tenders that do not fully conform with the tender requirements. Council's procedures are set out in Appendix A to this Code.

7.2.2 Open Tenders

An open tender process is an invitation to tender by public advertisement referred to as a RTF. There are generally no restrictions regarding who can submit a tender, however, service providers are required to submit all required information and will be evaluated against the selection criteria set out in the RFT.

General Manager – open tender responsibilities

In accordance with r.24(1) of the Regulations, when open tenders are used as a method of procurement the General Manager will invite tenders by notice published at least once in a daily newspaper circulating in the municipal area and such notice will specify:

- a) the nature of the goods and or services the Council requires;
- b) the period within which the tender must be lodged (which in accordance with r.24(2) of the Regulations must be at least 14 days after the date on which the notice is published);
- c) where tenders must be lodged;
- d) the details of the person (or persons) from whom more detailed information relating to the tender may be obtained; and
- e) any identification details allocated to the relevant contract.

In accordance with r.24(3) of the Regulations, the General Manager will ensure that all prospective tenderers are provided with the following details as part of the RFT:

- a) the specifications of the goods and/or services required;
- b) the duration of the contract, including any extensions that are specified in the contract;
- c) any mandatory tender specifications and contract conditions;
- d) the criteria for evaluating tenders;
- e) the method of evaluating tenders against the relevant evaluation criteria; and
- f) a reference to this Code including where a copy of this Code can be obtained.

Service Provider – open tender responsibilities

In accordance with r.24(4) of the Regulation's, a person or entity making a tender must:

- a) do so in writing;
- b) specify the goods or services tendered for; and
- c) lodge their tender within the period specified in the notice referred to in paragraph 7.4.2 of this Code.

7.2.3 Multiple Stage Tenders

In accordance with r.26 of the Regulations, under appropriate circumstances Council may use a multi-stage tender process.

A multiple-stage tender will typically be used by Council to gain knowledge about the relevant market, obtain industry input (i.e. where it is unclear what goods and services are available) and/or to shortlist appropriate suppliers.

At each stage of a multi-stage tender process, service providers may be selected according to those who are most suited to the specific contract requirements. Service providers will be evaluated against criteria determined by Council.

Once a short list of potential service providers is developed, these service providers may be invited to participate in an open tender process.

General Manager – Multiple-stage tender responsibilities

In accordance with r.26(3) of the Regulations, as the first stage of a multiple-stage tender process the General Manager will invite EOI's from prospective tenderers by causing to be published at least once in a daily newspaper circulating in the municipal area and such notice will specify:

- a) the nature of the goods and or services Council requires;
- b) any contract identification details;
- c) the period within which the EOI must be lodged;
- d) where the EOI must be lodged; and
- e) the details of a person from whom more detailed information relating to the EOI may be obtained.

The General Manager will ensure that prospective tenderers are provided with the following in order to lodge an EOI:

- a) the specifications of the goods and or services required;
- b) the criteria for evaluating the EOI;
- c) the method of evaluating EOI's against the criteria;
- d) details of any further stages in the tender process; and
- e) a reference to this Code including where a copy of this Code can be obtained.

In accordance with r.26(5) of the Regulations, at the final stage of a multiple-stage tender process, the General Manager will invite all service providers who have met the criteria determined by Council to tender for the supply of the relevant goods and/or services.

In accordance with r.26(6) of the Regulations, if only one service provider meets the criteria determined by Council at the first stage, the Council may contract with that supplier after:

- a) a tender from that service provider; or
- b) a decision by the absolute majority of the Council to do so.

Service Provider – multiple-stage tender responsibilities

A person or entity making an EOI must:

- a) do so in writing;
- b) specify the goods or services tendered for; and
- c) lodge the EOI within the period specified in the invitation.

7.2.4 Tender Review Committee – Review of Tender Processes

A TRC may be established to review all tenders prior to the awarding of contracts and/or to review proposed tenders.

Subject to its terms of reference, the TRC may:

- a) review each tender process to ensure compliance with the Act, the Regulations and this Code;
- b) perform reviews prior to advertising tenders and again prior to awarding a contract to a successful tenderer; and

- c) review and consider aspects of a tender including but not limited to the tender and evaluation process adopted, the final tender evaluation report and any other issue or information it considers relevant.

7.2.5 Extension of contracts entered into by tender

In accordance with r.23(5) of the Regulations, Council may extend a contract entered into by tender:

- a) in the manner specified in the relevant contract; or
- b) if the relevant contract does not specify extensions, by a resolution of Council made by absolute majority.

7.3 Standing contracts

In accordance with r.23(3) of the Regulations, through a public tender process Council may establish a standing contract in which a single tenderer or multiple tenderers may be contracted for a specified period to provide specified goods and/or services during that period without the need for a further tender process. Where multiple tenderers are engaged, those tenderers form part of a 'panel' of prospective suppliers.

A separate contract is formed under the standing contract (on terms specified in the standing contract) each time Council purchases goods and/or services under the standing contract from a panel member.

Service providers listed on a standing contract panel will be selected following an evaluation process, the details of which will be set out in the relevant RFT.

7.4 Multiple-Use Register

7.4.1 Introduction

A multiple-use register is a list of suppliers who have satisfied the conditions for participation or inclusion on the register and are pre-qualified to supply certain goods and/or services to Council. Pursuant to r.25(1) of the Regulations, Council may establish a multiple-use register of service providers who meet criteria established by Council in respect to the supply of particular categories of goods and/or services.

Council will invite tenders for a contract for the supply of goods and or services from all service providers included on a multiple-use register for a particular category of goods and/or services.

7.4.2 Procedural requirements

In accordance with r.28(i) of the Regulations, this Code is required to establish and maintain procedures for the use of multiple-use registers for contracts valued at under the Prescribed Amount.

In accordance with r.25(2) of the Regulations, Council will invite applications from suppliers for inclusion on a multiple-use register by publishing on Council's website and at least once in a daily newspaper circulating in the municipal area a notice specifying:

- a) the nature of the goods and/or services Council requires;
- b) any identification details associated with the multiple-use register;
- c) the period within which the application must be lodged;
- d) where the application must be lodged; and
- e) details of the person from whom more detailed information relating to the multiple-use register may be obtained.

The General Manager will ensure that all applicants are provided with the following information in order to enable them to make an application:

- a) details of the categories of goods or services required;
- b) the criteria for evaluating applications;
- c) the method of evaluating applications against the criteria; and
- d) a reference to this Code including where a copy of this Code can be obtained.

Council may accept an application for inclusion on the multiple-use register or reject an application.

For the purposes of r.25(5) of the Regulations, if Council rejects an application the General Manager will advise the applicant of the reasons for rejection.

In accordance with r.25(6) of the Regulations, If Council accepts an application the General Manager will advise the applicant of the category for which the application is to be included on the multiple-use register.

In accordance with r.25(8) of the Regulations, each of Council's multiple-use registers will be reviewed by Council at least once every two (2) years.

In accordance with r.25(9) of the Regulations, Council will allow a service provider to apply for inclusion on the multiple use register at any time unless the service provider has made an application in the previous twelve (12) months and the application has not been accepted.

8 Monetary value of procurement

The monetary value of a procurement is to be calculated as follows:

- a) **single purchase** – the total amount, or estimated amount, of the purchase (excluding GST);
- b) **multiple purchases** – the gross total value, or the estimated total gross value, of the purchase (excluding GST); or
- c) **ongoing purchases over a period of time** – the gross total value, or the gross total estimated value, of all purchases (excluding GST).

For the avoidance of doubt, in estimating the value of any procurement the estimate must include the total value of the initial term, the total value of any options and the total value of any orders that may be made under the relevant contract.

As per r.23(4) of the Regulations, Council will not 'split' a single procurement activity into two (2) or more separate contracts for the primary purpose of avoiding the requirement to publicly invite tenders.

9 Exemptions

The Regulations prescribe situations and contracts where Council is not required to invite public tenders even though the goods and/or services are valued at or above the Prescribed Amount.

Pursuant to r.27 of the Regulations, the prescribed situations and contracts are as follows:

- a) an emergency if, in the opinion of the General Manager, there is insufficient time to invite tenders for the goods or services required in that emergency;
- b) a contract for goods or services supplied or provided by, or obtained through, an agency of a State or of the Commonwealth;
- c) a contract for goods or services supplied or provided by another council, a single authority, a joint authority or the Local Government Association of Tasmania;
- d) a contract for goods or services obtained as a result of a tender process conducted by another council, a single authority, a joint authority, the Local Government Association of Tasmania, any other local government association in the State of Tasmania or in another

- State or a Territory, or any organisation, or entity, established by any other local government association in the State of Tasmania or in another State or a Territory;
- e) a contract for goods or services in respect of which a council is exempted under another Act from the requirement to invite a tender;
 - f) a contract for goods or services that is entered into at public auction;
 - g) a contract for insurance entered into through a broker;
 - h) a contract arising when a council is directed to acquire goods or services due to a claim made under a contract of insurance;
 - i) a contract for goods or services if the Council resolves by absolute majority and states the reasons for the decision, that a satisfactory result would not be achieved by inviting tenders because of:
 - (i) extenuating circumstances; or
 - (ii) the remoteness of the locality; or
 - (iii) the unavailability of competitive or reliable tenderers; and
 - (iv) a contract of employment with a person as an employee of the council.

Without limiting the scope of the above may be applied for one or more of the following reasons:

- (i) where it can be established that there is only one supplier of a product or service and there is no appropriate substitute available, or where alternative options are not viable or do not provide value for money;
- (ii) where the original product or service has been selected through an open tender process and the request for exemption relates to the proposed purchase of an upgrade or addition to the existing system, and there are limited supply options;
- (iii) the product is being trialled to assist in the evaluation of its performance prior to a large scale purchase for which open tenders will be called;
- (iv) to assist in the development of a new product in conjunction with a private sector business;
- (v) where the cost to Council and to suppliers would outweigh the value for money benefits of calling public tenders;
- (vi) projects of genuine urgency (e.g. in the case of a natural disaster or similar emergency circumstances); or
- (vii) other exceptional circumstances, where conclusive justification of the request is provided.

10 Reporting Obligations

The Act and the Regulations impose the following reporting requirements with respect to the procurement of goods and services by Council:

- a) inclusion of information in Council's Annual Report produced in accordance with s.72 of the Act; and
- b) reporting by the General Manager to Council in relation to the purchase of goods or services in circumstances where a public tender or quotation process is not used.

10.1 Annual Report

In accordance with s.72(1) of the Act and r.29 of the Regulations, Council will ensure that its Annual Report contains the following matters:

- a) in relation to any contract, for the supply or provision of goods or services valued at or exceeding the Prescribed Amount, that is entered into or extended under r.23(5)(b) of the Regulations, in the financial year to which the annual report relates:
 - (i) a description of the contract;

- (ii) the period of the contract;
 - (iii) the periods of any options for extending the contract;
 - (iv) the value of any tender awarded or, if a tender was not required, the value of the contract (excluding GST);
 - (v) the business name of the successful contractor; and
 - (vi) the business address of the successful contractor;
- b) all instances where r.27(a) and (i) of the Regulations have been applied, with the following details:
- (i) a brief description of the reason for not inviting public tenders;
 - (ii) a description of the goods or services acquired;
 - (iii) the value of the goods or services acquired;
 - (iv) the name of the supplier; and
- c) in relation to any contract, for the supply or provision of goods or services valued at or exceeding \$100,000 (excluding GST) but less than the Prescribed Amount, that is entered into, or extended, in the financial year to which the annual report relates:
- (i) a description of the contract;
 - (ii) the period of the contract;
 - (iii) the value of the contract (excluding GST);
 - (iv) the business name of the successful contractor; and
 - (v) the business address of the successful contractor.

10.2 Reporting by General Manager

In accordance with r.28(j) of the Regulations, the General Manager will establish and maintain procedures for reporting to Council in relation to the procurement of goods and/or services in circumstances where a public tender or quotation process is not used. Such report will include the following details of each procurement:

- a) a brief description of the reason for not inviting public tenders or quotations (as applicable);
- b) a brief description of the goods or services acquired;
- c) the approximate value of the goods or services acquired; and
- d) the name of the supplier.

11 General Matters

11.1 Availability of Code

In accordance with s.333B(4) of the Act, the General Manager will ensure that a copy of this Code and any approved amendments are made available:

- a) for public inspection at Council's public office during ordinary office hours; and
- b) for purchase at a reasonable charge from Council's public office; and
- c) on Council's website, free of charge.

11.2 Delegation

Pursuant to the powers in s.22 of the Act, Council may delegate to the General Manager the power to enter into contracts for the procurement of goods and/or services. Further, Council may authorise the General Manager to make sub-delegations.

A copy of all relevant delegations and sub-delegations are recorded in Council's delegations register.

11.3 Goods and Services Tax (GST)

All procurement thresholds set out in this Code are GST exclusive.

All tenders and quotations must be sought on a GST inclusive basis.

11.4 Work Health and Safety

Where appropriate, contracts granted for the procurement of goods and/or services by Council will include terms and conditions requiring the service provider to acknowledge and agree that, during the term of the contract, the service provider:

- a) will comply with all applicable laws in relation to work health and safety at all times whilst delivering goods and/or services under the contract; and
- b) will ensure that its employees, subcontractors and agents comply with all applicable laws in relation to work health and safety at all times whilst delivering goods and/or services under the contract.

Where appropriate, invitations to tender will require tenderers to provide Council with a copy of the tenderer's work health and safety management systems such as: policies and procedures, including all safety related documentation, and details of any specific control measures relevant to the particular contract.

11.5 Disputes

For the purposes of r.28(l)(v) of the Regulations, information regarding Council's formal complaint resolution process is available in the Council's Customer Service Charter located on the Council's website or alternatively a copy can be obtained upon request to a relevant Council Officer.

In the first instance, complainants are encouraged to seek resolution through the manager in charge of the Council department that has sought to make the procurement. If relevant, complainants should be encouraged to seek a debriefing if they have not already done so.

All otherwise unresolved complaints relating to the procurement of goods, services or products, or with the tender or contract evaluation/acceptance process, must be made in writing to the General Manager outlining the details of the complaint and providing copies of any relevant supporting materials.

11.6 Evaluation Report

Any procurement following a tender shall follow a tender evaluation report which will document the selection of a successful tenderer to be submitted to the relevant approval authority (e.g. Tender Review Committee and/or General Manager). Council's evaluation reports include but are not limited to the following:

- a) a comprehensive record of the evaluation method
- b) the rationale used to select the preferred supplier, and
- c) whether it is recommended that negotiations should be undertaken, and on what basis; and
- d) reasons for overlooking lower priced tenders.

11.7 Review of Code

In accordance with s.333B(2)(d) of the Act, Council will review the contents of this Code at least once every 4 years.

Appendix A - Tender Procedures

(Regulation 28 (I))

(i) Amendment and Extension to Tender (reg.28(I)(i))

When inviting tenders, Council will ensure that sufficient time has been provided to allow bidders to prepare an adequate response. At a minimum, our tenders will be open for 14 days. However, this may increase dependant on whether the requirements are complex, or if it is likely that interested businesses may need to form partnerships/consortiums with other businesses to fulfil the requirements of the tender;

When issuing a request for tender to a business, the details of that business will be recorded. The details recorded include: name of business; address; contact person; e-mail; telephone; and facsimile.

If for any reason, there is a need to alter the tender documentation once it has been issued, an addendum will be sent to all businesses that have been issued with that documentation; and if it is necessary to extend the closing date of the tender the following will be done:

- a) all businesses that have been issued with tender documentation will be advised in writing of the change in closing date; and
- b) the new closing date will be advertised in all newspapers and websites where the original advertisement was placed.

(ii) Opening Tenders (reg.28(I)(ii))

Tender Box

Council will provide a locked tender box at the designated tender lodgement location. The tender box will not be opened until the time set for the closing of tenders has elapsed. When opening Tenders, Council will ensure that tenders are:

- a) opened in the presence of a minimum of two authorised officers that are not associated with the preparation or future evaluation of the tender; and
- b) clearly identified and recorded.
- c) sent to the appropriate officer for evaluation.

Council staff will arrange for each tenderer to be provided with an acknowledgement that the tender has been received.

Email

Tenders received by email shall be saved in a separate drive on Council's server and an acknowledgement sent by return email. Tenders shall be

- a) clearly identified and recorded.
- b) sent to the appropriate officer for evaluation.

Late Tenders

All tenders received after the set closing time and date shall be clearly identified and recorded with the date and time of receipt. Council staff will arrange for each tenderer to be provided with an acknowledgement that the tender has been received and at the date and time that it was received. The tender shall be sent to the appropriate officer for recording.

Late tenders received would ordinarily not be considered but may at the absolute discretion of Council be set aside for potential later consideration. In potentially doing so Council will ensure that Council are not providing an advantage to that bidder over other bidders.

(iii) Non-conforming Tenders (reg.28(l)(iii))

Flinders Council will evaluate tenders in accordance with the evaluation criteria and methodology specified in the evaluation plan, which was developed prior to offers being invited. Under no circumstances will Council modify the evaluation criteria or methodology after the Request for Tender has been released unless all potential tenderers are advised of the change in writing.

In evaluating tenders Council will screen all offers to ensure that they are complete and comply with all mandatory evaluation criteria. Offers which do not meet all mandatory criteria may be excluded from further evaluation.

Non-compliant offers include those that:

- a) were lodged after the closing time;
- b) are not signed where required;
- c) are incomplete - for example, questions have not been answered, pages are missing, or required documentation has not been attached (for example, insurance certificates);
- d) do not comply with mandatory conditions of tender; or
- e) fail to meet mandatory specifications.

Notwithstanding that a tender may be non-compliant it may still be considered:

- a) by way of seeking clarification from a tenderer if an offer is unclear. Such clarification does not mean that tenderers can revise their original offer. Any clarification sought should be documented.
- b) if all things being equal the tender is deemed to be of potential consideration compared with others received and
- c) if the costs and delays in retendering are considered significant to warrant the consideration.

The reasons and rationale for any non-conforming tender being considered will be documented.

(iv) Tender Debrief Unsuccessful Tenderers (reg.28(l)(iv))

The purpose of the debriefing session is to help unsuccessful tenderers submit more competitive bids in future by identifying ways in which the tenderer's offer could be improved.

Council will provide a debriefing interview to any unsuccessful bidder who requests one. At this interview the unsuccessful bidder will be briefed as follows:

- a) how their offer performed with respect to the evaluation criteria; and
- b) strengths as well as weaknesses of their offer.

During this interview, the following will not happen:

- a) comparisons between the unsuccessful tenderer's offer and the winning, or any other, offer; or
- b) the debriefing interview being used to justify the selection of the successful tenderer.

The Council's debriefing team will include at least one member from the Tender Evaluation Committee. Council will document the proceedings at each debriefing interview including:

- a) who attended (from the agency and from the business concerned);
- b) the information provided to the unsuccessful tenderer;
- c) any issues arising;

- d) the details of any information that was requested, but not disclosed due to commercial-in-confidence considerations; and
- e) any likely future complaints, and recommendations for further action.

Where a multiple-stage purchasing process is used (for example where Expressions of Interest are used to short-list tenderers) suppliers not short-listed may be offered a debriefing interview, in a similar way to unsuccessful tenderers.

(v) Handling of complaints Tender Debrief (reg.28(l)(v))

Tasmanian Councils are provided with broad competency powers under the *Local Government Act 1993* to carry out the role of providing services to their communities. The *Local Government Act 1993* also includes accountability measures under which Councils can be held responsible to their communities for their actions and decisions.

The resolution of complaints against Flinders Council is a responsibility of our Council. Information regarding Council's formal complaint resolution process is available in Council's Customer Service Charter.

In the first instance, complainants are encouraged to seek resolution through the manager in charge of Council's purchasing/tender process. If relevant, complainants are encouraged to seek a debriefing, if they have not already done so.

If a complainant is not satisfied with the response of Council's Manager in charge of the purchasing/tender process, the complainant can write to the General Manager providing copies of all correspondence and other relevant material. Council's General Manager will take whatever action is considered necessary to resolve the complaint. In certain circumstances, our Council may employ a Probity Auditor to investigate the complaint.

Flinders Council will maintain the following for any complaint made against Council in relation to a procurement activity:

- a) the response time; the date the complaint was made;
- b) the complainant's details (e.g., business name, contact details);
- c) a brief description of the complaint;
- d) action in progress (including dates actions are taken);
- e) the outcome (including whether the complaint was resolved or whether it was referred to another body for further review); and
- f) the response time



CORPORATE CREDIT CARD POLICY

FILE NO: FIN/0502
ADOPTED BY COUNCIL: 20 August 2009
AMENDED BY COUNCIL: 18 June 2015
AMENDED BY COUNCIL: 20 July 2017

MINUTE NO: 308.08.09
MINUTE NO: 172.06.2015
MINUTE NO: 173.07.2017

1. Introduction

Flinders Council operates a corporate credit card facility for use by approved persons for purchases in accordance with Council policies. This policy applies to all Council corporate credit cards.

2. Issue of Cards

Corporate credit cards will only be issued to the Mayor and personnel approved by the General Manager and Corporate Services Manager, for expenditure as outlined in the Credit Card Procedure, as endorsed by Council.

Before being issued a card, each cardholder must sign a declaration that she or he has read and understood and will be bound by this policy and associated procedure.

Upon termination of employment or office of Council, the credit card must be returned to Council.

The General Manager has the right to terminate the card at any time.

3. Security

The individual cardholder is responsible for the security and use of their card. The card can only be used by the cardholder except when otherwise authorised by the cardholder.

4. Usage Documentation

Documentation (including a Tax Invoice or receipt) to support all purchases must be provided promptly to the Accounts Department. Failure to provide this documentation may result in the General Manager or Corporate Services Manager determining that the card holder is personally liable for the purchase.

A Tax Invoice is a document which complies with the requirements of a Tax Invoice as determined by the Australian Tax Office. If a Tax Invoice or receipt is not supplied, then a signed Statutory Declaration to that effect must be provided by the cardholder to the General Manager or Corporate Services Manager.

In accordance with the Statutory Rules for Audit Panels, the council Audit Panel will review the internal controls which are in place for the payment of credit card purchases.

5. Credit Limit

The credit limit for each card will be based on the usage of the card and approved by the General Manager or Corporate Services Manager.

6. Cash Withdrawal and Personal Use

Corporate Credit Cards are not to be used to withdraw cash or for personal purchases except when done so in accordance with clause 8.

7. Certification of Purchases

The Corporate Services Manager will certify the purchases incurred on all cards held by staff.

The final certification of all Employee and Councillor purchases will be made by the General Manager.

The final certification of the General Manager's purchases will be made by the Corporate Services Manager.

All expense claims by the General Manager will be reviewed by the Flinders Council Audit Panel.

8. Breach of Principles

Any breach of these principles must be reported to the General Manager or the Corporate Services Manager by the card holder.

Where a private purchase does occur the card holder must arrange for a full reimbursement of the purchases and must provide the General Manager or Corporate Services Manager with an explanation of the breach of the policy.

Where there is an inconsistency between this policy and the Corporate Credit Card Procedure, the provisions of this policy shall take precedence over the provisions of the Corporate Credit Card Procedure.

9. Related Legislation, Regulations and Policies

Local Government Act 1993
Code of Tenders and Contracts Policy
Disciplinary Policy
Risk Management Policy

10. Responsibilities

It is the responsibility of all staff and other cardholders to ensure this policy is adhered to.



CORPORATE CREDIT CARD PROCEDURE

1. Introduction

This procedure provides the basis on which to implement the Corporate Credit Card Policy, which allows Flinders Council to follow best practice when using the corporate credit card and ensures sound governance of expenditure incurred on behalf of Council.

2. Limitations

Corporate credit cards shall only be used as follows:

2.1 For the carrying out of Council authorised business including reasonable travel, accommodation and meal expenses.

2.2 For the meeting of Council Liabilities where it is efficient to do so, a purchase order will need to be completed.

2.3 No private expenditure shall be incurred, even if private funds are transferred or repaid immediately, to offset the expenditure.

3. Transaction Methods

Transactions shall be incurred in the following basis, without exception:

3.1. No private expenditure shall be incurred

3.2. EFTPOS transactions shall be allowed on condition that a receipt and tax invoice is received and provided to the Finance Officer.

3.3. Telephone transactions shall be allowed however a receipt and tax invoice must be sought and provided to the Finance Officer

3.4. Internet transactions shall be allowed however a receipt and tax invoice must be sought and provided to the Finance Officer.

4. Approval of Corporate Credit Card Expenditure

4.1. All expenditure incurred on corporate credit cards shall be supported by a tax invoice and in compliance with the requirements of the goods and services tax.

4.2. Those who are issued with a corporate credit card shall provide, and be responsible for the production of supporting documentation.

4.3. All expenditure incurred on corporate credit cards shall be reviewed and authorised by the Corporate Services Manager for the General Manager's credit card and by the General Manager for all other credit cards.

4.4. Expenditure incurred on corporate credit cards that is not supported by documentation will require a statutory declaration to be to the Finance Officer.

5. Management of Cards

All cards issued shall:

5.1. Be signed on the reverse side of the card upon receipt, prior cards destroyed by cutting the card and returning it to the Corporate Services Manager

5.2. Not to be used for any use other than that outlined in this procedure.

5.3. Be the responsibility of each person issued with a card, including the security of the card.

- 5.4. If a card is lost it shall be reported immediately to the relevant bank by the holder and cancelled. The loss shall also be reported to the Corporate Services Manager.
- 5.5. Not to be permitted to be used by any person other than the card holder unless a purchase order has been issued prior to any purchase and authorised by the card holder.

6. Cessation of Employment

Corporate credit cards shall be returned immediately on the cessation of employment and shall be cancelled by the Finance Officers on the date of the cessation of employment.

SUBJECT: <i>DEBT COLLECTION POLICY</i>	FILE NO:	FIN/1400 – FIN/1205
ADOPTED BY COUNCIL ON: 19 September 2008	MINUTE NO:	381.09.08
AMENDED BY COUNCIL ON: 22 October 2009	MINUTE NO:	406.10.09
AMENDED BY COUNCIL ON: 15 July 2010	MINUTE NO:	188.07.10
AMENDED BY COUNCIL ON: 18 June 2015	MINUTE NO:	173.06.2015

Introduction

The main objective of this policy is to ensure that Council minimises its outstanding rate and debtor balances at all times and that outstanding debts are processed in an orderly and equitable manner.

This policy has been adopted by Council to formalise the procedure for dealing with defaulting debtors including:

- Rate Debtors
- Sundry Debtors

Objective

The objective of this policy is to ensure that all debtors who do not meet their obligations to Council will be treated in a fair and consistent manner. It allows for the following procedure to be followed by Council staff when dealing with overdue debtors.

Identification

Interest and Penalties for rate debts are to be calculated in accordance with the current Rates Resolution of Council.

Sundry debtors have 30 days to pay. This may be extended only by the written permission of the General Manager.

Outstanding rates debtors' accounts are to be pursued in the following manner:

- Once two outstanding accounts or instalments are overdue (at least 21 days from the last due date), totalling over \$50.00, the account holder is to receive a letter requesting payment within 14 days or they will be placed with Council's debt collection agency.
- If payment is not received within 14 days or a payment arrangement entered into, the debt is to be lodged with the agency.
- The account holder is required to pay all costs in relation to the recovery of the debt.

- If payment is not received within 3 years the General Manager may recommend to Council the sale of land by public auction for unpaid rates, in accordance with Section 137 of the Local Government Act 1993.

Outstanding sundry debtor accounts are to be pursued in the following manner:

- Statements are to be issued monthly.
- When the account is 30 days overdue a “Friendly Reminder – Your Account is Overdue” sticker is to be attached.
- When the account is 60 days overdue an “Any Reason?” sticker is to be attached to the statement.
- On the following statement a “Final Notice – Payment within 7 days or legal action will be taken” sticker is to be attached to the statement.
- For any amounts still outstanding over \$50.00, the account holder is to be notified in writing that they are going to be placed with Council’s debt collection agency if payment is not received within 14 days. If payment is not received or a payment arrangement entered into after this period the account is to be lodged with the agency.
- The account holder is required to pay all costs in relation to the recovery of the debt.
- For amounts still outstanding under \$50.00, the account holder is to receive a letter from the General Manager requesting payment.

Payment arrangements may be entered into under the following circumstances:

- Where Council has delegated power to the General Manager in relation to payment arrangements for outstanding rates, for that financial year;
- That the ratepayer or account holder has completed and submitted the prescribed application form.
- That the form be authorised by the General Manager.
- That Council’s Bank is able to accept payment from the ratepayer’s/account holders financial institution through a direct debit facility;
- That the arrangement ensures that the amounts owing (including the final instalment) will be paid on or before the end of the financial year;
- When a ratepayer enters into an agreement to pay the current years rates by direct debit and they pay the current years rates on or before the 30th June in that financial year, no interest or penalties will be charged. If this arrangement to

pay by direct debit includes brought forward arrears, interest will apply to those amounts. This incentive will cease if one (1) payment is dishonoured, in which case interest and penalties will be calculated in accordance with the Rates Resolution of Council.

- Except, in the event that there are any arrears for rate or charges outstanding for previous financial years, the agreement is to ensure that those arrears, including any penalty and interest, are collected as part of the instalments payable under that agreement even if this necessitates the agreement extending into a subsequent financial year.
- Any requests to amend the agreement are to be in writing within 14 days' notice.

In the event that any payment under a payment arrangement is dishonoured:

- The ratepayer/account holder will incur any dishonour fees.
- The ratepayer/account holder is to be notified in writing that they are required to make up the missed payment by alternative means and if they miss the next payment the payment arrangement will be cancelled and they will be placed with Council's debt collection agency unless the outstanding amount is paid in full within 14 days.

Related Legislation, Regulations and Policies

Local Government Act 1993

Rates Resolution

Responsibilities

It is the responsibility of the General Manager to ensure that this policy is adhered to.

SUBJECT: <i>INVESTMENT POLICY</i>	FILE NO:	FIN/0501
ADOPTED BY COUNCIL ON: 21 May 2009	MINUTE NO:	170.05.09
AMENDED BY COUNCIL ON: 18 December 2014	MINUTE NO:	952.12.2014
AMENDED BY COUNCIL ON: 21 January 2016	MINUTE NO:	04.01.2016
AMENDED BY COUNCIL ON: 17 March 2016	MINUTE NO:	51.03.2016

1. Background

Council generally has funds in excess of those needed to meet its immediate day-to-day activities. Those funds are then available for investment until required, with the resultant investment income forming part of Council's budgeted revenue.

When exercising this policy, consideration is to be given to the preservation of capital, liquidity, and the return on the investment.

Preservation of capital and the return on investment in accordance with the parameters contained in Appendix 1, are the principal objectives of the investment portfolio. Investments are to be placed in a manner that is in accordance with these stated parameters.

Investments should be allocated to ensure there is sufficient liquidity to meet all reasonably anticipated cash flow requirements, as and when they fall due, without incurring the risk of significant costs due to the unanticipated realisation of an investment.

Investments are expected to achieve a market average rate of return in line with the Council's risk tolerance as set out in Appendix 1 of this policy.

2. Policy Objective

In accordance with legislative and common law responsibilities the objective of this Policy is to authorise and regulate the investment of Council's uncommitted funds so as to maximise earnings from authorised investments whilst ensuring the security of those funds.

3. Policy Guidelines

Funds for Investment

Any uncommitted Council's funds are to be invested in terms of this Policy document.

Authority for Investment

Investments of Council's funds are to be in accordance with Council's power of investment under:

- *Local Government Act 1993*- Section 75.
- The *Trustee Amendment (Investment Powers) Act 1997*

Prudent Persons Standard

The investment portfolio will be managed with the care, diligence and skill that a prudent person would exercise. As trustees of public monies, officers are to manage the Council's investment portfolio to safeguard the portfolio in accordance with the spirit of this policy, and not for speculative purposes.

Ethics & Conflicts Of Interest

Officers of the Council and Councillors will not engage in personal activities that may conflict with the proper execution and management of the Council's investment portfolio. All officers and Councillors must disclose any actual or potential conflict of interest to the General Manager who shall disclose the interest in accordance with prescribed practice. In the case of the General Manager such a disclosure is to be made to the Mayor.

Any person from whom advice is sought in relation to investments must also declare, in writing, that they have no actual or potential conflict of interest.

4. Approved Investments

Investments made under delegation are limited to the following:-

- A. Commonwealth/State/Territory Government security (eg bonds);
- B. Interest Bearing Deposits issued by an authorised deposit taking institution (ADI);
- C. Bills of Exchange guaranteed by an authorised deposit taking institution; and
- D. Deposits with Tasmanian Public Finance Corporation.
- E. Managed Funds recommended by Council's selected Investment Advisor – refer Clause 6.3

F. Infrastructure for the benefit of the Community.

5. Prohibited Investments

The following investments are prohibited under this policy:-

- A. Derivative based financial instruments;
- B. Principal only investments or securities that provide potentially nil or negative cash flow;
- C. Investments that have underlying futures, options, forward contracts and swaps of any kind;
- D. Any type of collateralised debt obligation investment; and
- E. Any financial investment that requires the Council to borrow (leverage) in order to make that investment.

6. Investment Guidelines

In order to meet the policy objectives the Council must take into consideration all of the following factors when carrying out investment functions:-

- a) The investment strategy detailed in Appendix 1.
- b) Interest Rate;
- c) Access to, and customer service history of, the institution; and
- d) Available history of Managed Funds recommended by the Investment Advisor.

6.1 Risk Assessment Framework

Investments are expected to achieve a market average rate of return taking into consideration the following risk assessment framework.

- a) Preservation of Capital – the requirement for preventing losses in an investment portfolio's total value.

- b) Diversification – the requirement to place investments in a broad range of products so as not to be over exposed to a particular sector of the investment market, as detailed in Appendix 1. Council may at times choose to invest 100% of funds in cash.
- c) Market Risk - the risk that the fair value or future cash flows of an investment will fluctuate due to changes in market prices.
- d) Liquidity Risk - the risk an investor is unable to redeem the investment at a fair price within a timely period.
- e) Maturity Risk - the risk relating to the length of term to maturity of the investment. The larger the term, the greater the length of exposure and risk to market volatilities.

6.2 Interest Rate and Quotations on Investments

Not less than two (2) quotations shall be obtained from authorised deposit taking institutions and Managed Funds investments.

6.3 Investment advisor

Where Council obtains the services of an investment advisor, the advisor must be approved by Council and licensed by the Australian Securities and Investment Commission or operate as a corporate representative of a body and licensed. The advisor must demonstrate their ability to choose the most appropriate product within the terms and conditions of this policy.

The advisor will be required to provide written confirmation that it does not have any actual or potential conflicts of interest in relation to the products that it may be reviewing or recommending.

7. Reporting

Documentary evidence must be held for each investment and details thereof maintained in an investment Register. The documentary evidence must provide the Council legal title to the investment. Certificates must be obtained from the financial institutions confirming the amounts of investments held on the Council's behalf as at 30 June each year and the General Manger to ensure the confirmation is reconciled to the Investment Register.

All investments are to be appropriately recorded in the Council's financial records and reconciled at least on a monthly basis.

A monthly report summarising investment performance will be provided to Council. A quarterly report detailing the investment portfolio in terms of performance, percentage exposure of total portfolio, maturity date and changes in market value will also be provided to Council.

8. Variations to Policy

The General Manager is authorised to approve temporary variations to this policy in exceptional circumstances, if the investment is to Council's advantage and/or also due to revised legislation.

Such variation will be reported to the Mayor immediately. All major variations to this policy will be submitted to Council for approval prior to the enactment.

9. Review

This Investment Policy will be reviewed at least every 2 years, or as required in the event of legislative changes.

Any amendment to the Investment Policy must be by way of Council resolution.

Appendix 1

Flinders Council – Investment Strategy

Introduction

This investment strategy documents the intent of Flinders Council (“Council”) when purchasing, holding and selling investments pursuant to the Investment Policy of which this document forms an integral part.

The general intent is to maintain a well-diversified portfolio to support Council’s requirements for income and possible capital drawings in the both the short and long terms, but bearing in mind the need to preserve the underlying capital investment.

This strategy applies to either direct investments or those made through an Investment Advisor selected under Clause 6.3 of the Investment Policy

Investment Objectives

Council shall always act prudently to obtain the maximum rate of return within the set parameters, the need for income, access to cash and in consideration of appropriate levels of diversification.

Performance Objectives

Council has considered the current and likely expenditure and time frame needs and has determined that it is appropriate to provide a long term return on capital of a minimum of 2% per annum (net of taxes) above the underlying inflation rate.

Interest

Council at budget time shall determine the proportion of interest payments to be reinvested.

Risk Profile

In light of the Investment Objectives of this document Council has determined the asset allocation and appropriate ranges to be applied, either directly or through managed funds, are:

Asset Classes	Minimum	Maximum
Cash	5%	100%
Fixed Interest – Australian	5%	25%
Fixed Interest – International	5%	25%
Property Trusts – Australian	5%	10%
Property Trusts – International	5%	10%
Property Direct	0%	5%
Shares – Australian	5%	30%
Shares – International	5%	30%
Infrastructure	0%	5%
Alternative	0%	15%
Exotic	0%	5%

Australian Fixed Interest

Australian Fixed Interest investments can be made in two forms: ASX listed or unlisted via a managed fund. As a defensive investment, this asset class must be evaluated on its merits as to its potential capacity to provide income and a degree of negative correlation to equity market volatility. As the barriers to entry for direct investments into bonds can be high, Council shall generally consider investing in this asset class through the use of managed funds.

Property

Property in the form of owning a direct asset is typically the least liquid form of investment. Typically, it requires a buyer at the time of offer to purchase the entire building and/or land. This can have a considerable lead time.

However property can provide a relatively secure level of income. The risk is the inability of the tenant to meet their rental obligations.

One final consideration with direct property is the capital required to purchase one asset. This may be a significant proportion of Council's assets.

Should the Investment Advisor consider investment in a direct property it shall obtain appropriate valuations for the purchase price and rental income to satisfy themselves that the price or units of the property reflect the true value of the investment.

An investment in managed funds will generally provide more diversification through exposure to various properties across different property markets in Australia and overseas and will provide a more liquid form of investment as:

- The investment is unlikely to be more than a few percent of the total value of such a managed fund; and
- Because the managed fund is listed, there will generally be a number of potential buyers.

In terms of managed funds property ownership the Investment Advisor will have greater flexibility in their decision making.

Shares – Australian

Share investments can be made in two forms, listed or unlisted via a managed fund.

When considering investments in the form of direct shareholdings Council shall ensure the decision is based upon the anticipated longer term capital appreciation of the investment, as measured by the increase in its share price, as well as the potential dividend stream.

When investing in direct shares Council shall also give due consideration to the current exposure of the Fund to:

- The sectors of business the companies operate within (i.e. industrial, banking, retail, resources etc.);
- The manner in which the companies act and respond in various market conditions, (i.e. recession, recovery etc.); and
- The requirement for ongoing monitoring of such investments on a regular basis.

Where Council is of the opinion it does not hold or have access to the requisite skill set or experience or time to appropriately evaluate and monitor a portfolio of direct shareholdings, then the investments shall be made through managed funds recommended by the selected Investment Advisor approved and appointed by Council.

Managed funds may also be used as an investment option in conjunction with a portfolio of direct shareholdings or in isolation.

The tax effectiveness of franking credits which are derived from holding investments may form part of the investment decision.

The Australian equity component of the portfolio is to be managed within the following guidelines:

- The majority of the exposure to Australian equities is to be held “directly” in stocks in the ASX 50 Index. The exposure to any one stock in the ASX 50 Index is limited to the greater of:
 - 5% of the value of the Australian equity component of the portfolio; or
 - 1.5 times its weighting within the ASX 200 Index.
- The maximum aggregate exposure to Australian small/mid cap stocks is to be limited to 20% of the value of the Australian equity component of the portfolio; and
 - The exposure to any one listed investment company and/or unlisted managed fund and/or other similar investment vehicle is limited to 7.5% of the value of the Australian equity component of the portfolio; and
 - The exposure to any one small/mid cap stock (defined as any stock outside the ASX 50 Index held “directly” is limited to 2.5% of the value of the Australian equity component of the portfolio.

Shares – International

Historically this asset class has provided investors with the highest capital return. Past performance is no guarantee of future performance and this asset class must be evaluated on its merits as to its potential capacity to provide:

- Income return;
- Capital return, in excess of the prevailing inflation rate by a minimum of 2.0% per annum; and
- Volatility in the capital value.

Again this asset class can be accessed through both direct investment and managed funds.

Direct investment in international shares requires more time and administration than its counterpart. As such, Council shall generally consider investing in this asset class primarily through the use of managed funds.

Infrastructure Investments

Infrastructure is a relatively new asset class in Australia for private investors. It comprises investments in such assets as power and water stations and associated distribution; major roads and bridges; and air and sea ports.

The way in which these assets are financed, the nature of the services they provide and the way in which those services are charged for often means an investment in infrastructure can provide reliable and tax advantaged cash flow and potential for capital growth.

In Australia, investments in infrastructure are principally available through listed unit trusts holding a number of assets. More recently, unlisted managed funds holding direct investments and listed unit trusts have become available.

Council shall consider investing in this asset class primarily through managed funds.

Alternate Investments

This category of asset class is varied. It allows for all forms of asset types not covered in the other outlined asset classes. This can include unlisted and tax advantaged investments in specialists industries.

The purpose of 'alternative investments' is to provide risk and return profiles that are not correlated to any particular asset class, but instead seek to deliver 'absolute returns' that are positive in all market conditions.

Exotic Investments

Council may consider investments in assets that may be deemed to be exotic. In considering such an asset, Council must be able to demonstrate the investment in such an asset meets one of the arms of the Objectives of the Fund as well as the risk profile of the Fund.

Risk Management

In relation to the risks involved with investing the assets of the Fund, when making an investment decision Council shall give consideration to the following range of possible risks:

Mismatch Risk – The chosen investment may not be suitable for the various needs, goals and circumstance of Council.

Inflation Risk - The real purchasing power of invested funds may not keep pace with inflation.

Reinvestment Risk – If Council relies on fixed rate investments, maturing funds may have to be reinvested at a lower rate of interest.

Market Risk – Movements in the market mean the value of investments can go down as well as up, and sometimes suddenly.

Timing Risk – Trying to time entry to and exit from markets can involve exposure to potentially greater short-term volatility.

Risk of not diversifying - If all funds are invested into one market a fall in that market will adversely affect all of the capital

Liquidity Risk - Access to funds may not occur as quickly as required without suffering a fall in value.

Credit Risk - The institution that funds are invested with may not be able to make the required interest payments or repay capital

Legislative Risk – Investment strategies or products could be affected by changes in current laws and regulations.

Value Risk – Too much may be paid for the investment or it is sold too cheaply.

Manager Risk –The personnel or ownership of the fund manager may change so that the manager no longer has access to the skills or attitudes that contributed to earlier performance levels.

Currency Risk – Investments in assets located in other countries may rise or fall due to the relative value of the Australian currency.

Declaration

The documented Investment Strategy and its included principles, conditions and regulations are accepted by the Council.



RATES AND CHARGES POLICY

FILE NO: FIN/0701 FIN/1207
ADOPTED BY COUNCIL: 26 July 2012
AMENDED BY COUNCIL: 20TH JULY 2017

MINUTE NO: 220.07.2012
MINUTE NO: 169.07.2017

1 INTRODUCTION

- 1.1 In Tasmania, municipal rates are a form of property tax levied by Local Government entities as the primary source of funding for the many mandatory and discretionary services that they provide. The rating process is administered by the *Local Government Act 1993* (the LG Act) which allows some flexibility for each council to make decisions that best suit its local community.
- 1.2 This policy meets the requirements of section 86B of the LG Act, which states each council must prepare and adopt a 'Rates and Charges Policy' by 31 August 2012 and review that policy at the end of each successive four-year period after that date.
- 1.3 For the 2017/18 financial year the Flinders Council (Council) has been subjected to a municipal wide revaluation by the Valuer General as part of a 6-year revaluation cycle. Given the resultant movements in property values and as part of a continuous improvement process, at the April 2017 Ordinary Meeting of Council it was resolved to undertake a thorough review of Council's rating system and with it a review of Council's Rates and Charges Policy.

2 OBJECTIVES & PRINCIPLES

- 2.1 The objectives of this policy are to outline Council's approach to determining and collecting rates from its community.
- 2.2 Rates constitute taxation for the purposes of Local Government, rather than a fee for service. As such, the total amount of rates paid may not directly relate to or reflect the services used by each individual ratepayer.
- 2.3 Property values (as determined by the Office of the Valuer-General) play an important role in determining how much each individual ratepayer contributes to the cost of delivering Council services and activities. The LG Act advances the principles that the value of rateable land is an indicator of the capacity of the ratepayer in respect of that land to pay rates (s.86A(1)(b)). As such, the higher the value of the property the higher the capacity of the ratepayer of that property to pay municipal rates.
- 2.4 As rates constitute taxation there are a number of principles of taxation that apply and need to be considered. These principles include the following:
 - (a) The Equity Principle
There are two parts to the Equity Principle namely:
 - The 'Capacity to Pay Principle'; the higher the value of the property the higher the rates paid.
 - The 'Benefit Principle': ratepayers should receive some benefits from paying rates but that benefit will not necessarily be directly commensurate to the amount of rates paid. The use of a 'fixed charge' or a 'minimum amount payable' are typical examples.
 - (b) User Pays Principle
He who uses the service pays. A Waste Collection Service is a typical example of this.
 - (c) The Efficiency Principle
Does the rating system significantly distort property ownership and development decisions? In this respect, local government rating is typically modest compared to other costs associated with acquiring and holding property.

- (d) The Simplicity Principles – (Administratively and Compliance Simplicity).
Rates must be easy to understand, hard to avoid and easy to collect.

2.5 Excepting land which is subject to specific exemptions (see s.87 of the LG Act), all land within Council’s municipal area is rateable land. In addition to using a general rate, Council also raises revenue through fees and charges which are set by giving consideration to the cost of the service provided and any equity issues.

3 SCOPE

3.1 This policy covers the following subject matters:

- (a) The relationship between Council’s strategic plans, its budget and rates structure;
- (b) Council’s revenue raising powers;
- (c) Method used to value land;
- (d) Adoption of valuations;
- (e) Fixed Charge vs Minimum Rate;
- (f) Concessions;
- (g) Discounts;
- (h) Payment of rates;
- (i) Late payment of rates;
- (j) Recovery of Rates;
- (k) Sale of land for non-payment of rates;
- (l) Remission and postponement of rates; and
- (m) Rebate of rates.

4 PROCEDURE

Strategic Focus

4.1 Council is faced with balancing its service levels, the needs and expectations of the Community and setting appropriate taxation levels to adequately resource and fulfil its roles and responsibilities.

4.2 In determining rates for the financial year Council gives primary consideration to:

- (a) Council’s Strategic Plan;
- (b) the requirements of the LG Act;
- (c) current economic climate; and
- (d) likely impacts on the Community.

The resources required to successfully achieve this outcome are documented in Council’s Annual Plan.

The General Rate

- 4.3 Council considers the best combination for the making of General Rates is one that is based on two components; namely one which is based on the value of rateable land and the other which is a fixed charge. This combination best reflects the Capacity to Pay and Benefit Principles as outlined in section 2.4(a) of this policy and provides the fairest and most equitable method of charging rates to the Community.
- 4.4 Council considers that the imposition of a fixed charge component is the most fair and equitable means of ensuring that all ratepayers contribute in part on an equal, non-discriminatory basis, for the availability of a range of infrastructure, services and actions that Council provides.
- 4.5 From an equity or fairness consideration the use of a fixed charge is preferable to a minimum rate. A minimum rate arbitrarily assigns a minimum amount to a property but it only applies to a percentage of properties as determined under the LG Act. By contrast, a fixed charge treats everyone equally because, to a degree, all ratepaying properties are considered to derive similar benefit from all of the services and activities of Council.
- 4.6 Council adopts the Capital Value (CV) method as determined by the Valuer-General as the valuation method to be used in determining rates. Council considers that the CV method of valuing land provides a fair method of distributing the rates burden across all ratepayers on the following basis:
- (a) Rates constitute a system of taxation and the capacity to pay aspect of the equity principle of taxation requires that ratepayers of similar wealth pay similar taxes and ratepayers of greater wealth pay more tax than ratepayers of lesser wealth. Property value is the legislated indicator of wealth, and the assessed capital value is reflective and a strong indicator of the overall market value of a property.
 - (b) Essentially, CV is more representative of a ratepayer's capacity to pay under the LG Act. This can be contrasted with Assessed Annual Value (AAV) which is essentially a theoretical rental value. There are also no distortions due to artificial minimum caps imposed under AAV and the data that underpins the valuation is more transparent.
 - (c) Being much easier to explain to ratepayers is an advantage and a change which is in line with the State Government's desire to eventually eliminate AAV as a valuation basis and ultimately reduce the revaluation costs for all councils.

Service Charge

- 4.7 Council considers that the fairest means to charge for waste infrastructure is as part of the General Rate because this service forms just one of many activities that Council undertakes and should not be singled out. Were it to be singled out, only a small percentage of the costs should be recovered as a rate or charge.
- 4.8 Council considers that waste collection services, if provided, would be more equitably funded through the imposition of a waste service charge. This accords with the User Pays Principle set out in section 2.4(b) of this policy. If applied it would be set as a service charge and only levied on those properties that are actually supplied with a waste collection service, the form and frequency of which would be determined by Council.

Differential Rating

- 4.9 Under the LG Act Council is able to vary by declaration a different general rate, service rate or service charge in different parts of the municipal area according to a variety of factors. These include but are not limited to the use or predominant use of land, the non-use of land and any other prescribed factor which includes adoption of Land Use Codes that are provided to the councils by the Valuer-General and published on the internet by the Tasmanian Government as part of the Land Information System Tasmania (see r.33 of the *Local Government (General) Regulations 2015*).
- 4.10 Council has decided that the General Rate will be varied for all Non-Vacant Commercial and Non-Vacant Residential Properties throughout the Municipality. In addition, the General Rate will be also varied for all properties located on Cape Barren Island.
- 4.11 Council has also decided that, if a waste collection service is provided, then the costs and extent of the service will be varied according to locality and/or the level of service being provided.

Fire Protection Service Rate

- 4.12 Council collects a fire service levy on behalf of the State Fire Commission. Council is required to collect a set amount and deliver this, less set collection costs, to the Fire Services Commission.
- 4.13 The Fire Service Rate is based on the cents in the dollar of AAV, with a minimum fire levy charge as set by the Fire Services Commission.

Rate Exemptions

- 4.14 There are a number of properties which are public, educational, religious or charitable in use or ownership and properties as defined under the *Aboriginal Lands Act 1995* which are, in part or in full, exempt from the general rate.

Adoption of Valuations

- 4.15 Council adopts the CV as assessed by the Office of the Valuer-General as the valuation method to be used in determining rates. If a ratepayer is dissatisfied with the valuation made, the ratepayer may object to the Office of the Valuer-General in writing.
- 4.16 Council has no role in the assessment of objections to valuations. The lodgement of an objection does not alter the due date for the payment of rates. Rates must be paid in accordance with the relevant rates notice until otherwise notified by Council.

Objections to Rates Notice

- 4.17 Council will consider any objections to rate notices in accordance with section 123 of the LG Act.

Rate Concessions

- 4.18 The State Government, in providing equity across Tasmania, funds a range of concessions in relation to Council rates. The concessions are administered by various State Government agencies that determine eligibility and pay the concession directly to Council on behalf of the ratepayer. Concessions are available only on a ratepayer's principal place of residence.
- 4.19 Ratepayers seeking a rate concession are not to withhold payment of rates pending assessment of an application by the State Government. Rates must be paid in accordance with the relevant rates notice.
- 4.20 A refund will be paid to an eligible person if Council is advised that a concession applies and rates instalments have already been paid.

Payment of Rates

- 4.21 Council rates are payable by two equal instalments in October and February. The total outstanding balance of rates may be paid in full at any time. Any arrears outstanding are payable along with the first instalment.
- 4.22 Any ratepayer who may, or is likely to, experience difficulty meeting an instalment should contact Council's Rates Officer to discuss alternative payment arrangements. Such enquiries are treated confidentially by Council.
- 4.23 A discount at a rate set by Council's annual Rates Resolution applies for rates paid in full before or on the due date of the first instalment.

Late Payment of Rates

- 4.24 Council has determined that penalties for late payments will be imposed in accordance with the provisions of the LG Act and any relevant Council procedures.
- 4.25 A penalty at a rate set by Council's annual Rates Resolution may be imposed on instalments not paid by or on the due date.
- 4.26 Daily interest at a rate set by Council's annual Rates Resolution may be applied in respect of the unpaid rate or instalment for the period during which it remains unpaid.

Recovery of Rates

- 4.27 In accordance with sound financial management principles, Council's Rates Department will apply prudent debt management practices to Rate Debtors. This includes an ongoing review of rates in arrears and following a systematic debt recovery approach in line with Council's Debt Collection Policy.
- 4.28 Rates, which remain in arrears for a period exceeding 21 days from the due date of an instalment, will be subject to a reminder notice.
- 4.29 Council will seek to recover a rate debt through Council's debt collection agency if an amount remains overdue after the final instalment date.
- 4.30 Prior to taking legal action Council will provide the ratepayer with a notice in writing of its intention to recover the outstanding debt through legal action and provide 14 days for payment prior to lodging the outstanding debt with its debt collection agency.
- 4.31 Prior to taking legal action Council will take all reasonable steps to establish a payment arrangement or negotiate settlement of the outstanding debt.

Sale of Land for Non-payment of Rates

4.32 The LG Act provides that a Council may sell any property where the rates have been in arrears for a period of three years or more. Council is required to among other things:

- (a) Notify the owner of the land of its intention to sell the land;
- (b) Provide the owner with details of the outstanding amounts; and
- (c) Advise the owner of its intention to sell the land if payment of the outstanding amount is not received within 90 days. Except in extraordinary circumstances, Council will enforce the sale of land for arrears of rates.
- (d) In the event the owner cannot be contacted follow the procedure as outlined within the Act.

Remission and Postponement of Rates

4.33 Application for remission of rates and charges or postponement of rates will be considered under the discretionary provisions of section 129 of the LG Act.

Rebate of Rates

4.34 Council has determined that rebates of rates will be only granted when the applicant satisfies the requirements for mandatory rebates under applicable sections of the LG Act.

Compliance with policy

4.35 A rate cannot be challenged on the basis of noncompliance with this policy and must be paid in accordance with the required payment provisions (see s.86B(6) of the LG Act).

4.36 Where a ratepayer believes that Council has failed to properly apply this policy, it should raise the matter with Council. In the first instance contact should be made with Council's Rates Officer.

5 GUIDELINES

- 5.1 Rates constitute taxation for the purposes of Council, rather than a fee for service.
- 5.2 The value of rateable land is an indicator of the capacity of ratepayers to pay rates.
- 5.3 There is a commitment to the broad principle of fairness and equity in the distribution of rates across all ratepayers.
- 5.4 Capital Value (The valuation of the rental potential of the property) as determined by the Valuer-General each year, is used as the basis for valuing land within the Council area.
- 5.5 A general rate comprising a rate in the dollar of Capital Value and a Fixed Charge with variations through differentials according to land use and location will be applied as a means of raising taxation revenue within the Community.
- 5.6 An annual service charge for Waste Infrastructure will now not specifically apply separately to land within the Municipal Area but if a Waste Collection Service is applied it will be set as a Service Charge but only applied to those properties that are actually provided with such a service: the form and frequency of which would be set by Council.
- 5.7 The fire service levy that Council collects on behalf of the State Fire Commission is based on the cents in the AAV dollar.

- 5.8 Eligible Pensioner ratepayers are entitled to a remission of rates, subject to a range of criteria. This remission does not apply to holders of the Commonwealth Seniors Health Cards.
- 5.9 Council will apply rebates in accordance with the LG Act. Council will adhere to the LG Act in granting full or part exemption for general rates for properties which may include public, educational, religious, aboriginal, cultural or charitable in use and ownership.
- 5.10 Council will continue to accept the payment of rates in full or by two instalments. Council will consider other payment arrangements with ratepayers when requested.
- 5.11 Council will impose late payment penalties strictly in accordance with the LG Act.
- 5.12 Council may enforce the sale of land for non-payment of rates in accordance with the LG Act.
- 5.13 Council advises that a rate cannot be challenged on the basis of noncompliance with this policy and rates must be paid in accordance with the required payment provisions.

6 COMMUNICATION

All Councillors and employees will be briefed on this policy as part of the induction program and on an on-going basis as and when required.

7 KEY LEGISLATION

The rating and valuation methods available to Local Government are prescribed under various pieces of legislation. In particular, Part 9 of the LG Act and parts of the *Valuation of Land Act 2001* are the most relevant.

8 DEFINITIONS

Part 9, Section 86, of the LG Act provides definitions for the key terms used in the Local Government rating system.

9 RELATED INSTRUMENTS

Flinders Council Strategic Plan
Local Government Act 1993
Valuation of Land Act 2001
Fire Service Act 1979
Aboriginal Lands Act 1995

10 APPLICATION OF POLICY

- 10.1 The Rates and Charges Policy applies to Councillors in setting annual rates and charges for the Community.
- 10.2 Upon adoption, the Rates and Charges Policy will apply for a 4-year period unless there are circumstances, as envisaged under the LG Act, that warrant its amendment.

SUBJECT: <i>WAIVER OF FEES POLICY</i>	FILE NO:	FIN/0701
ADOPTED BY COUNCIL ON: 21 st May 2015	MINUTE NO:	144.05.2015
AMENDED BY COUNCIL ON:	MINUTE NO:	

1. Purpose

To set guidelines for the waiver of Flinders Council’s Fees and Charges for not-for-profit charitable and community organisations/groups.

2. Objective

To provide a framework for the consistent and equitable assessment of all requests for the reduction or waiver of Council Fees and Charges for the use of facilities and/or services provided by Council.

3. Scope

This Policy applies to the fees and charges listed.

4. Policy Statement

Circumstances may arise where it is appropriate and in the public interest for consideration to be given to waiving, reducing or refunding selected fees and charges as identified in this policy.

This Policy will be applied to assist:

- Not-for-profit community based organisations with the delivery of their projects, activities that provide a community benefit and which align with Council’s policies, strategies and activities;
- Where specific circumstances exist and it is considered appropriate for the Policy to be applied.

5. Application

To be eligible to apply, applicants must:

- Demonstrate the capacity to carry out the proposed project, activity and the need for Council’s support;
- Complete a Request for the Reduction or Waiver of Council Fees and Charges Application Form (Attachment 1);

- Have completed documentation for any previous Council grants or assistance received.

6. Assessment Procedures

- 6.1 All requests to waive or reduce Council fees must be submitted on the Request for the Reduction or Waiver of Council Fees Application Form.
- 6.2 Any request which seeks a waiver or reduction of a fee or charge will be determined by the General Manager.
- 6.3 A written explanation of the reasons for granting, modifying, or refusing a request to waive or reduce Council fees will be provided to each applicant.

7. Fees and Charges

The selected Fees and Charges covered by this policy are:

- Place of Assembly Licence
- Temporary Food Registrations

8. Disclaimer

Any approval given by Council to waive or reduce a Council fee or charge does not imply Council's endorsement of the applicant's event or project or of the applicant's philosophy or objectives.

9. Budgetary Implications

A loss of Council revenue may be incurred as a result of implementing this Policy.

An annual budgetary allocation to provide for the waiver or reduction of Council fees and charges is necessary in order to implement this Policy.

10. Legislation

Local Government Act 1993

REQUEST FOR THE REDUCTION OR WAIVER OF COUNCIL FEES APPLICATION

Applicant:

Contact Details:

Not-for-profit status:

Project Name & Location:

Request relates to:

- Place of Assembly Licence
 Temporary Food Registrations

Set out the reasons why this request is being made:

Signed (Applicant) _____

Date: _____

(Attach additional information if required)

SUBJECT: TRAVEL & ACCOMMODATION POLICY	FILE NO:	FIN/1300
ADOPTED BY COUNCIL ON: 26 March 2015	MINUTE NO:	80.03.2015
AMENDED BY COUNCIL ON:	MINUTE NO:	

1. Introduction

The Flinders Council recognises that staff and Council members need to undertake travel intrastate and on occasions interstate in the course of their Council business.

2. Purpose

This policy sets out the ways in which bona fide travel and accommodation expenses incurred by elected members and staff in the performance of official duties will be reimbursed or paid by Council.

The policy is to ensure that there is accountability and transparency in the reimbursement of expenses incurred or to be incurred by elected members and staff and to ensure that the facilities provided to assist elected members and staff to carry out their civic duties are reasonable.

3. Scope

This policy applies to all staff and elected members of the Flinders Council.

4. Policy Statement

This Policy is underpinned by the following principles:

- Council staff and elected members should not be out-of-pocket as a result of performing and discharging their Council functions and duties.
- To assist Council staff and elected members in performing or discharging their official functions and duties they are entitled to be provided with a range of necessary facilities and support and to be reimbursed for expenses as specified in this policy.
- The accountability of the Council to its community for the use of public monies.

5. Travel & Reimbursements

- Travel both within and outside the Council area must be incurred by the Council staff or elected members as a consequence of attendance at a function or activity on the business of Council;
- All airfares, accommodation and car hire are to be booked with either the front office staff or the Executive Officer;
- Where Council staff and elected members travel by private motor vehicle, the rate of reimbursement is at a rate equal to the appropriate rate per kilometre (determined according to the engine capacity of the vehicle) prescribed for the

purposes of calculating deductions for car expenses under section 28.25 of the *Income Tax Assessment Act 1997* of the Commonwealth;

- Car parking fees will be reimbursed (where they are a consequence of a staff or council member attending a function or activity on the business of the Council);
- Travel by taxi, bus or other means of public transport will be reimbursed on the basis of being expenses where they are incurred as a consequence of the staff or Council member's attendance at a function or activity on the business of the Council however such travel must be by the shortest or most practicable route.
- Reasonable out of pocket expenses (incidentals) will be reimbursed by Council on presentation of receipts. See Appendix 1.
- Council will meet reasonable costs of accommodation and main meals. Receipts of purchases must be presented for reimbursement. See Appendix 1.
- Costs for mini bar use will **not** be paid for by Council.
- Expenses incurred above the nominated allowances must be approved by the General Manager or the Mayor.

6. Legislation

Local Government Act 1993

Income Tax Assessment Act 1997

Appendix 1

Maximum amounts to be paid for by Council, subject to:

- Expenses being in line with this policy
- Receipts and Tax Invoices being provided

Item	Senior Managers, Councillors and Other Employees
Accommodation (Melbourne)	\$228.00
Accommodation (Tasmania)	\$180.00
Breakfast	\$27.60
Lunch	\$39.10
Dinner	\$54.75
Incidentals	\$26.75
Parking	\$25.00

Note:

1. The above rates are based on Australian Taxation Office Determination TD 2014/19 (which sets out the claimable rates for 2014/15) <https://www.ato.gov.au/Business/PAYG-withholding/In-detail/Allowances,-leave-payments-and-repayments/Travel-allowances-and-PAYG-withholding/?page=2>
2. Accommodation in other Capital Cities and in regional centres may be above or below this figure. Payments/reimbursements will be made in accordance with Australian Taxation Office Determination TD 2014/19.
3. There are peak times when major hotels have high bookings and hence they increase their prices. If this occurs and other accommodation is not available Council will pay/reimburse at the increased prices.

SUBJECT: <i>WRITING OFF DEBTS POLICY</i>	FILE NO:	FIN/0501
ADOPTED BY COUNCIL ON: 17 March 2016	MINUTE NO:	53.03.2016
AMENDED BY COUNCIL ON:	MINUTE NO:	
AMENDED BY COUNCIL ON:	MINUTE NO:	

1. Introduction

Section 76 of the *Local Government Act 1993 (Act)* grants Council the power to write off any debts owed to the Council if there are no reasonable prospects of recovering the debt or if the costs of recovery are likely to equal or exceed the amount to be recovered.

2. Purpose of this Policy

The purpose of this policy is to:

- (a) specify the procedures for exercising the power in s.76 of the Act; and
- (b) satisfy the requirements of s.22(2)(ba) of the Act concerning the delegation by Council of the power in s.76 of the Act.

3. Requirements of the Act

Section 76 of the Act provides that:

- (a) Council may write off any debts owed to it if in all the circumstances:
 - i. there are no reasonable prospects of recovering the debt; or
 - ii. the costs of recovery are likely to equal or exceed the amount to be recovered; and
- (b) Council must not write off a debt unless the General Manager has certified that:
 - i. reasonable attempts have been made to recover the debt; or
 - ii. the costs of recovery are likely to equal or exceed the amount to be recovered.

4. Definition of Debt

Council incurs two types of debts; those that are charged against a property and those that are not charged against a property. Debt which is not charged against a property is referred to as 'sundry debt'.

5. Procedure for General Manager

A debt may be written off by the General Manager acting under delegated authority where:

- (a) the debt is equal to or less than \$500;
- (b) reasonable efforts have been made to recover the debt; and
- (c) either:
 - i. the cost of attempting to recover the debt would equal or exceed the amount of the debt owed to Council; or
 - ii. there are no reasonable prospects of recovering the debt because:
 - A. if the debtor is an individual, the debtor is not in a financial position to have a garnishee placed on their income or does not have sufficient assets to satisfy the debt; or
 - B. if the debtor is a company, there are insufficient unsecured assets held by the company to satisfy the debt; or
 - C. the debtor cannot be located.

6. Referral to Council

The decision of whether or not to write off a debt exceeding \$500 must be referred to Council for a decision along with a report prepared by the General Manager containing:

- (a) the following details regarding the debt:
 - i. the amount of the debt;
 - ii. the type of debt; and
 - iii. how long the debt has been outstanding; and
- (b) certification in accordance with s.76(2) of the Act that either:
 - i. reasonable attempts have been made to recover the debt; or
 - ii. the costs of recovery are likely to equal or exceed the amount to be recovered

7. Related Legislation, Regulations and Policies

- *Local Government Act 1993, s.76.*

8. Responsibilities

Responsibility for this policy rests with the General Manager.

DRAFT

SUBJECT: <i>ATTENDANCE AT CONFERENCES (ELECTED MEMBERS)</i>	FILE NO:	PER/0300
ADOPTED BY COUNCIL ON: 9 August 1994	MINUTE NO:	196.08.94
AMENDED BY COUNCIL ON: 13 December 2001	MINUTE NO:	301.12.01
AMENDED BY COUNCIL ON: 23 September 2010	MINUTE NO:	277.09.10
AMENDED BY COUNCIL ON: 15 November 2012	MINUTE NO:	340.11.12

Introduction

This policy ensures that there is fair representation of Flinders Council at the annual Local Government Association of Tasmania (L.G.A.T) conference along with other Local Government related conferences and workshops.

Objective

The Mayor, Deputy Mayor, General Manager, and one other Councillor may attend the annual L.G.A.T conference. Other appropriate conferences and functions will be brought to the attention of Council from time to time.

Procedure

Official delegates to conferences will be those Councillors nominated by resolution of Council.

If an official conference delegate is unable to attend a conference or function, the Mayor may appoint another delegate.

Councillors attending a conference are required to submit a written report for circulation to non-attending Councillors and relevant staff, summarising the most important points and a copy is to be provided to the office for filing.

Related Legislation, Regulations and Policies

N/A

Responsibilities

The responsibility of this policy rests with the General Manager.

SUBJECT: <i>COMMUNICATION BETWEEN COUNCILLORS AND THE GENERAL MANAGER</i>	FILE NO:	PER/0300
ADOPTED BY COUNCIL ON: 14 June 1994	MINUTE NO:	126.06.94
AMENDED BY COUNCIL ON: 13 December 2001	MINUTE NO:	301.12.01
AMENDED BY COUNCIL ON: 23 September 2010	MINUTE NO:	279.09.10
AMENDED BY COUNCIL ON: 21 August 2014	MINUTE NO:	874.07.2014

Introduction

It is the policy of the Flinders Council to encourage open and clear communication processes.

Objective

To outline the principles and protocols for communications between the General Manager and Councillors, and between Councillors, in the carrying out of Council business.

Day to Day

The Mayor liaises with the General Manager regarding the activities and decisions of the Council and the performance of its functions and exercise of its powers. The Mayor is the conduit for information flow between the General Manager and Councillors.

Significant Events

The General Manager will alert the Council through the Mayor regarding any:

- out of the ordinary events that occur that may have effect on the community or the perception of the community regarding the reputation, functions and responsibilities of the Council;
- potential safety issues that may have impact on the community or section of the community;
- significant or material impact on the budget or progress toward achieving the objectives of the Annual Plan;
- factor that arises that is likely to put Council assets at risk or impact on any risk management plan;
- potential legislative or regulatory disputes, including but not limited to unfair dismissal claims, discrimination applications, or alleged Workplace Health and Safety breaches;
- events that could be reasonably determined as having prospective consequence on the activities, functions, performance, or powers of the Council.

The General Manager will need to exercise judgment on the timing on contact with the Mayor regarding many of the events or situations relating to the above criteria; having regard for the accuracy and reliability of information to be provided, balanced against the primacy of informing the Council in a reasonably practical time.

Councillors who become aware of a “significant event” of which they have not previously been informed by the General Manager should inform the Mayor immediately and maintain a level of discretion until such time as the Mayor liaises with the General Manager to ascertain the facts of the matter. The Mayor will report back on the matter at the earliest convenience.

Disputes regarding such judgments are to be dealt with between the General Manager and the Mayor, acting on behalf of the Council collective.

Meeting Agendas

The General Manager is required to provide all relevant documentation and information relating to agenda items in a timely manner as per the requirements of the *Local Government Act 1993*.

- Early distribution of large documents relating to upcoming agenda items is appreciated by Councillors.
- Early lodgement of Notices of Motion is appreciated by the General Manager and staff to allow sufficient time for information to be obtained for the Officers Reports

Any dispute or concern over timing of the delivery of the agenda should be directed through the Mayor.

Information

An individual Councillor may request in writing for the General Manager to provide any document or information that may be required to perform the Councillor’s functions or that relates to agenda items, except personnel files. The written request should outline the relevance of the request to the Councillor’s functions and identify any document by name, title or specific subject matter. If the General Manager were to refuse any such request, the decision and associated reason must be given via a written reply to the Councillor. Process regarding pecuniary interest and confidentiality outlined under Section 28 of the *Local Government Act 1993* must be complied with.

Confidential Communications

For information relating to electronic communication of confidential information, refer to: the Provision of Electronic Services – Elected Members Policy.

Printed communications and information that are considered confidential should all be marked ‘Confidential’ and should be treated with the strictest confidence by the General Manager, Councillors and staff.

General Communication Principles

- Communication is professional, respectful and courteous;
- Communication is to be calm, no raised voices;
- One person speaks at a time - we cannot talk and listen;

- Actively Listen, make sure that what you hear is the same as what the speaker is saying. If in doubt query the speaker to clarify their meaning.
- Disrespectful behaviour, bullying and harassment are not to be tolerated and are to be addressed and corrected as per Council's Antidiscrimination, Harassment & Bullying Policy or via Code of Conduct complaints.

Related Legislation, Regulations and Policies

Local Government Act 1993

Section 27. Functions of Mayors and Deputy Mayors
(ba) to liaise with the general manager on the activities of the council and the performance of its functions and exercise of its powers;

Section 28. Functions of Councillors

Section 28A. Information and documents relating to functions

Section 28B. Requirement to make information and documents available

Section 28C. Confidentiality undertaking

Section 62. Functions and powers of general manager

This policy interacts with the principles of the Flinders Council's Code of Conduct for Elected Members, specifically Principle 4.

Responsibilities

The responsibility of this policy rests with the General Manager and the Mayor

SUBJECT: COUNCIL HOUSES - MAINTENANCE	FILE NO:	ADM/0600
ADOPTED BY COUNCIL ON: 14 February 1995	MINUTE NO:	021.02.95
AMENDED BY COUNCIL ON: 13 December 2001	MINUTE NO:	301.12.01
AMENDED BY COUNCIL ON: 23 September 2010	MINUTE NO:	280.09.10
AMENDED BY COUNCIL ON: 15 November 2012	MINUTE NO:	341.11.12

Introduction

This policy is to ensure that sufficient funds set aside in the annual budget to maintain and improve Council houses.

Objectives

To ensure that Council's houses are maintained in good order and to an acceptable standard.

Procedure

Council should inspect the premises annually and ascertain what improvements are required and then consider these items as well as routine maintenance and ensure that sufficient funds are included in the annual budget. Should maintenance of an emergency nature arise, the General Manager is empowered to take necessary action to alleviate the situation and include this as an agenda item for ratification at the next ordinary meeting of Council.

Related Legislation, Regulations and Policies

Nil

Responsibilities

The responsibility of this policy rests with the Corporate Services Manager and General Manager.

SUBJECT: <i>COUNCIL POLICY MANUAL</i>	FILE NO:	ADM/0600
ADOPTED BY COUNCIL ON: 14 June 1994	MINUTE NO:	123.06.94
AMENDED BY COUNCIL ON: 13 December 2001	MINUTE NO:	301.12.01
AMENDED BY COUNCIL ON: 23 September 2010	MINUTE NO:	281.09.10
AMENDED BY COUNCIL ON: 15 November 2012	MINUTE NO:	342.11.12
AMENDED BY COUNCIL ON: 21 January 2016	MINUTE NO:	08.01.2016

Introduction

The Policy Manual is a living document and needs to be regularly updated.

Objectives

To ensure that Flinders Council's Policy Manual is reviewed periodically.

Procedure

It is the policy of the Flinders Council to be committed to the concepts of Corporate Management as provided for in relevant legislation and set out in the Strategic Plan and to recognise that Councillors are to be involved in the formulation and direction of the Council to best meet the long-term needs of the Community.

The Council recognises that the General Manager has the overall responsibility and authority for the exercise of functions prescribed in the *Local Government Act 1993* and for the administration of matters affecting the day-to-day operations of the Council.

To assist with the development of the policy the General Manager shall co-ordinate the development of the Flinders Council Policy Manual for the consideration of Council. The Policy Manual is to be reviewed every four (4) years at the beginning of each new Council term. Individual Policies will be otherwise updated at Council's discretion.

New policies or amendments to an existing policy will be considered for adoption at Ordinary Meetings of Council. Any new policy or amending policy approved by Council will be advertised on Council's website and in the Island News and lay on the table for public comment for a period of not less than 28 days from the date of advertising in the Island News.

If no public submissions are received within the 28 days the policy shall then be deemed approved and shall be reported as adopted in the next Council Meeting Agenda. When a submission is received the policy shall be considered at the subsequent Ordinary Meeting of Council giving due consideration to the points raised within the submission. Any policy approved after reconsideration due to receipt of a submission shall be deemed to come into immediate effect.

Related Legislation, Regulations and Policies

N/A

Responsibilities

The responsibility of this policy rests with the General Manager.

SUBJECT: <i>CUSTOMER SERVICE CHARTER</i>	FILE NO:	COU/0303
ADOPTED BY COUNCIL ON: 13 April 2006	MINUTE NO:	142.04.06
AMENDED BY COUNCIL ON: 12 June 2008	MINUTE NO:	264.06.08
AMENDED BY COUNCIL ON: 23 September 2010	MINUTE NO:	282.09.10

Introduction

Council's intention is for both staff and customers of Council to have a benchmark against which they can establish service delivery.

Objectives

Council has established the Customer Service Charter to set standards for delivery of service to customers and to allow the public to understand what they can expect from Council and vice versa.

Procedure

What is meant by Customer Service

In line with the Local Government Act 1993, this Customer Service Charter outlines Council's commitment to customers in accordance with its Strategic Plan. It also provides a formalised process for addressing customer enquiries and complaints. Council endorses that a customer is entitled to a prompt response to a complaint, to be kept informed of the progress and outcome of the complaint, to be assured of complete confidentiality and objective investigation in the handling of personal details of a complaint.

Flinders Council places great emphasis on the prompt and efficient handling of service delivery and complaints. Flinders Council is committed to providing quality services to its community and other customers with whom it has dealings with. Within its resources, Flinders Council is continually striving to improve services through professional consultative support, providing appropriate employee training, importing new technology and skills and undertaking consultation and communication with our community.

Its customers are any persons or organisations having internal or external dealings with Flinders Council.

Differentiating between a customer enquiry, a customer request or a customer complaint?

A customer enquiry is an appeal for information. An answer is to be provided to a specific question or a decision is to be made in relation to a specific matter. A list of Council's general enquiry numbers has been provided at the end of this document to assist you.

A customer request is an appeal for assistance to provide, inspect, remove, replace, repair or reinstate Council's facilities or amenities that are damaged or missing as a result of a number of circumstances.

A customer complaint is dissatisfaction with a service or product offered or provided, or not provided, or an appeal for action.

Under Council's commitment to our customers, we intend to:

- Treat customers courteously and with respect;
- Deal with customers in a polite and helpful manner;
- Be positive and receptive to new ideas;
- Listen to customers and take their views into account;
- Aim to communicate clearly and concisely;
- Act on its commitments in a timely manner;
- Be punctual at meetings and appointments.
- Provide customers with necessary and relevant information;
- Treat customers fairly and take account of the customer's particular needs;
- Take a fair, balanced and long-term approach with its decisions;
- Value customer privacy by treating all personal information confidentially;
- Leave a business card with our name and contact number following a visit to a customer's residence if that customer is absent;
- Deal with requests in a timely manner (take messages and phone them back) and ensure the message is passed on to the relevant staff member for action.

Expectations from its customers

To assist Council and staff in providing the services Council asks its customers to:

- Treat Council Officers and Elected Members with respect;
- Provide accurate and complete details of any dealings with Council;
- Phone to make an appointment for a complex enquiry or a need to see a specific Officer.
- Respect the privacy, safety and needs of other members of the community;
- In line with modern prohibitive practices involving harassment and bullying, abusive customers using vulgar language will not be tolerated.
- Where Officers feel threatened by the language or behaviour of the customer, they may refer the incident to the police.
- Respect employees personal time (i.e. out of hours)

Customer complaints

A complaint is an expression of dissatisfaction with a decision (outside of a structured statutory process), level or quality of service, staff or agent issues which can be investigated and acted upon.

A structured Statutory process is where legislation (Act, Regulation, Rule or By-Law) specifically makes provision for an appeal, internal review of a Council decision or some other Statutory process. Any Council Officer having difficulty in determining

whether the query is a complaint or a customer service request should seek advice from the General Manager.

Complaint management process

Each Council Department is responsible for handling its own complaints. Your complaint should be directed to the relevant Department (see back page). If in doubt, ask for help at reception.

Whilst most issues can be resolved very quickly, there may be times when additional or more detailed investigations are required. If your complaint is of a serious nature it will be referred to the General Manager.

Normally your complaint will be responded to within ten (10) working days. If a Councillor has submitted a complaint on your behalf, Council will endeavour to respond to the Councillor within ten (10) working days.

In matters where the complaint is of a complex nature requiring detailed professional investigations and Council involvement, you will be informed of the process of the complaint as it is progressed.

All complaints raised by phone or verbally with staff will need to be put in writing or be sent by email to the respective Department or the General Manager. This will ensure that complaints are processed as quickly as possible.

Complaint recording and initial investigation process

When lodging a formal written complaint, an officer will record your concerns. Details of your complaint will be entered into the Council database and forwarded to the appropriate Council Officer for action. You will be given a reference number so that your complaint can be identified and duly processed. If you need to check on the progress of your request or complaint, call the Council and quote your reference number.

Experience has shown that the majority of complaints will be satisfactorily resolved by the Department staff and Managers. However, if you are not satisfied with the outcome, you can ask for a review of your complaint by the Council's General Manager.

Complaint review process by General Manager

Upon submitting your written concern to the General Manager that you are not satisfied with the Departmental or Manager's response, your complaint will be treated in the following manner.

- The General Manager (GM) will examine and analyse the information already available and follow up on issues requiring clarification;
- The GM will consider whether or not the Council is at fault;

- The GM will specify any necessary action to be taken to correct the fault(s) identified and recommend a review of Council's procedures to avoid recurrence of any similar complaint in the future.
- As soon as the investigation is completed, the GM will inform you of the findings and offer an apology if appropriate.

Other options for non-statutory review of complaints

You have the right to approach any of the elected Councillors in writing, specifying the precise nature of your dissatisfaction to the response to your initial complaint and stating that you are seeking further review of your complaint. The Councillor may decide to then raise your concern with the full Council and respond to you accordingly.

It should be noted that whilst this is the final stage of Council's complaint's procedure, other avenues remain open for you to explore such as the State Ombudsman's Office, or the Local Government Office.

The addresses of these Organisations are:

Ombudsman's Office

Ground Floor,
99 Bathurst Street
Hobart, TAS 7000 Ph. 1300 362 072

Local Government Division (Dept. of Premier & Cabinet)

Department of Premier and Cabinet,
GPO Box 123,
HOBART, TAS 7001 Ph. 1300 135 513

Whilst you are entitled to refer your complaint to these bodies at any time, you are encouraged to allow the Council to address your complaint in the first instance.

Availability and review of this Customer Service Charter

This Customer Service Charter is available for public inspection at the Flinders Council Office during normal office hours and will be displayed on the Council Web page. Being a living document, Council will review its Customer Service Charter bi-annually. A report on the number and nature of complaints received will be submitted to Council by the General Manager and highlighted in Council's Annual Report.

COUNCIL SERVICES

FLINDERS COUNCIL OFFICE:

Address: 4 Davies Street, Whitemark, TAS, 7255.
Postal Address: P.O. Box 40, Whitemark, Flinders Island, TAS, 7255.
Office Hours: 9.00am to 4.30 pm

Telephone: (03) 6359 5001
Facsimile: (03) 6359 2211
Email: office@flinders.tas.gov.au
All Correspondence to: *The General Manager*

WORKS AND SERVICES DEPOT:

Address: 9 Patrick Street, Whitemark, Flinders Island, TAS, 7255
Hours: Weekdays 8.00am to 5.00 pm
Telephone: (03) 6359 5020
Mobile: 0427 592 211 & 0427 592 069
Facsimile: (03) 6359 2069
Email: les.pitchford@flinders.tas.gov.au

After Hours Emergency Service: Ph: 0427 592 211 or 0427 592 069
This is for emergency situations e.g. Trees across roads

AIRPORT: Palana Road, Whitemark, Flinders Island, TAS, 7255
Telephone: (03) 6359 2144
Facsimile: (03) 6359 2145
Mobile: 0428 592 144
Email: airport@flinders.tas.gov.au

INFORMATION CENTRE

Mail address: 4 Davies Street, Whitemark **or**
P.O. Box 40, Whitemark, Flinders Island, TAs 7255
Hours: Weekdays 9.00am to 4.30pm
Telephone: (03) 6359 5002
Email: info@flinders.tas.gov.au

CHILD CARE CENTRE:

Address: Davies Street, Whitemark, TAS, 7255
Hours: Tuesday to Friday 8.30 pm – 4.30 pm
Telephone: (03) 6359 2007

Related Legislation, Regulations and Policies

Local Government Act 1993

Responsibilities

The responsibility of this policy rests with the General Manager and the Office Manager.

SUBJECT: <i>ELECTED MEMBERS' ALLOWANCES & REIMBURSEMENTS</i>	FILE NO:	COU/0600
ADOPTED BY COUNCIL ON: 12 October 2000	MINUTE NO:	161.10.00
AMENDED BY COUNCIL ON: 13 December 2001	MINUTE NO:	301.12.01
AMENDED BY COUNCIL ON: 25 August 2005	MINUTE NO:	486.0805
AMENDED BY COUNCIL ON: 8 December 2005	MINUTE NO:	749.12.05
AMENDED BY COUNCIL ON: 19 January 2006	MINUTE NO:	031.01.05
AMENDED BY COUNCIL ON: 23 September 2010	MINUTE NO:	290.09.10
AMENDED BY COUNCIL ON: 26 March 2015	MINUTE NO:	80.03.2015

Introduction

This Policy records the procedure for paying allowances to Councillors and sets out the allowances which Councillors are entitled to receive. The allowances set out are not exhaustive – other allowances may be payable depending on the circumstances.

Objectives

To ensure allowances and/or reimbursements are processed at the correct rate and in a timely manner.

Procedures

In accordance with the provisions of the *Local Government Act 1993*:

1. Allowances for Councillors, Mayor and Deputy Mayor shall be paid monthly in arrears.
2. Allowances for Councillors, Mayor and Deputy Mayor shall only accrue to the date of resignation or removal from the appropriate office.
3. Travelling expenses, to be paid at the rates prescribed by the Australian Taxation Office, which are outlined in the Travel & Accommodation Policy, will apply to return travel from each Councillor's place of residence in the municipality to meetings of Council, meetings of any committee, including sub-committees and special committees of Council, or any other meetings where the Councillor has been delegated to attend. If a Council meeting is to be attended during a normal working day, appropriate reimbursement will be considered from the workplace to the Council meeting and return to either the workplace or place of residence, whichever place the Councillor travels to directly.
4. Claims for direct costs and out-of-pocket expenses incurred by a Councillor upon business of the Council wherever incurred, where the costs are not directly debited to Council or other alternative arrangements have been made, shall be made to the General Manager on the prescribed form and supported by the appropriate documentation.
5. Telephone expenses shall be reimbursed up to a maximum of \$20 per month for telephone calls claimed in association with the business of Council. A detailed list of calls must be submitted with the claim.

6. Where the Councillor is not supplied by Council with an internet connection & download package, the Councillor may claim up to \$50 per month in lieu of documentation in recognition that Council staff's preferred communication with Councillors is via the internet.
7. Childcare expenses incurred in association with the holding of office shall be reimbursed on receipt of a substantiated claim.
8. Other expenses may be payable depending on the circumstances of the expense. If the expense is not one specifically authorised by this policy then the claim shall be determined by the Mayor or General Manager.
9. Claims for reimbursements shall be submitted not later than two (2) months and within one (1) month after the close of the financial year after the expenses has been incurred.

Related Legislation, Regulations and Policies

Local Government Act 1993

Local Government (General) Regulations 2005

Responsibilities

The responsibility of this policy rests with the Corporate Services Manager.

Review of Policy

This policy has a life of 2 years. It will be reviewed in February 2017.

SUBJECT: <i>FLYING OF FLAGS AT COUNCIL PROPERTY</i>	FILE NO:	CUL/0102
ADOPTED BY COUNCIL ON: 10 September 1996	MINUTE NO:	225.09.96
AMENDED BY COUNCIL ON: 13 December 2001	MINUTE NO:	301.12.01
AMENDED BY COUNCIL ON: 18 November 2010	MINUTE NO:	368.11.10
AMENDED BY COUNCIL ON: 16 June 2011	MINUTE NO:	181.06.2011

Introduction

This policy monitors the flying of flags on Council Property

Objectives

To ensure the correct flags are flown on Council properties.

Procedure

The following policy applies to the flying of flags at Council property:

1. That the Australian, Tasmanian and Flinders Council flags be flown on Council property where practicable.
2. The Aboriginal flag is to be flown at the Flinders Aerodrome and also at the Council Office in Davies St.
3. That other flags are only to be flown with the express permission of Council or the Mayor as appropriate.

Related Legislation, Regulations and Policies

Nil

Responsibilities

The responsibility of this policy rests with the General Manager.

SUBJECT: <i>PROVISION OF ELECTRONIC SERVICES - ELECTED MEMBERS</i>	FILE NO:	PER/0300
ADOPTED BY COUNCIL ON: 14 June 1994	MINUTE NO:	133.06.94
AMENDED BY COUNCIL ON: 13 December 2001	MINUTE NO:	301.12.01
AMENDED BY COUNCIL ON: 25 August 2005	MINUTE NO:	486.08.05
AMENDED BY COUNCIL ON: 15 July 2010	MINUTE NO:	192.07.10
AMENDED BY COUNCIL ON: 16 May 2013	MINUTE NO:	544.05.2013
AMENDED BY COUNCIL ON: 22 September 2016	MINUTE NO:	225.09.2016
AMENDED BY COUNCIL ON: 17 November 2016	MINUTE NO:	279.11.2016
AMENDED BY COUNCIL ON: 11 October 2018	MINUTE NO:	293.10.2018

Introduction

This policy will allow the use of flexible, efficient and modern information and communication practices to be adopted and delivered to all elected members. Under this policy all council papers will be disseminated via electronic delivery methods with printed copies supplied to Councillors on request.

Objectives

To ensure that provision is made to Councillors of information technology services to enable secure, quick and efficient dissemination of information and to minimise paper use, cost and waste.

To enable efficient communication in the carrying out of Mayoral and Councillor responsibilities as determined by the *Local Government Act 1993*, as amended from time to time, and Council policies.

To ensure there are protocols in place for the dissemination of Confidential Information.

Procedure

It is the policy of the Flinders Council:

- To provide all Councillors with a computer notebook or similar electronic device, a Council email address and pay an allowance towards the Councillor's current personal internet connection.
- Council to arrange for the IT contractor to ensure that the provided Council email address is set up on the Councillor's provided electronic device, so they can receive emails through their Council email address.
- All communication from council staff will be sent to the provided Council email address only which will be set up on the provided electronic device.
- That the ownership of the electronic device supplied by Council to the Councillors remains at all times with Flinders Council and the device must be returned to Council upon the resignation or retirement of the Councillor.

Undertaking by Elected Members

- That the electronic devices supplied to elected members be used for lawful purposes only.
- That elected members only use the provided Council email address for electronic communication of Council business. This is to ensure the security of confidential information and that electronic communication received or sent by elected members in their official capacity as a Councillor is retained as a State record, as required by the *Archives Act 1983*.
- If a Councillor's email address is compromised, council staff need to be notified as soon as the Councillor becomes aware.
- As much of the council information communicated via email is strictly confidential, Councillors are to provide written confirmation that they are the only person with access to the email address used to receive and send Council information and that all confidential Council information is securely stored and unable to be accessed by others.
- That all formal communication received or sent by the elected member, other than by email, is forwarded to the Executive Officer for filing within Council's information management system, as per the *Archives Act 1983*. If records are of a sensitive or confidential nature, the elected member should alert the Executive Officer to this fact so that appropriate security controls can be applied.

Related Legislation, Regulations and Policies

Archives Act 1983

Local Government Act 1993

Local Government (Model Code of Conduct) Order 2016

Responsibilities

The responsibility of this policy rests with the elected members and the General Manager.



PUBLIC QUESTION TIME – COUNCIL MEETINGS POLICY

FILE NO: COU/0600

ADOPTED BY COUNCIL: 12 July 1994

AMENDED BY COUNCIL: 14 November 1995

AMENDED BY COUNCIL: 13 December 2001

AMENDED BY COUNCIL: 13 February 2003

AMENDED BY COUNCIL: 8 September 2005

AMENDED BY COUNCIL: 13 October 2005

AMENDED BY COUNCIL: 20 May 2010

AMENDED BY COUNCIL: 19 January 2012

AMENDED BY COUNCIL: 20 April 2017

MINUTE NO: 157.07.94

MINUTE NO: 205.11.95

MINUTE NO: 301.12.01

MINUTE NO: 127.02.03

MINUTE NO: 540.09.05

MINUTE NO: 601.10.05

MINUTE NO: 133.05.10

MINUTE NO: 18.01.2012

MINUTE NO: 66.04.2017

1. Introduction

Under the Local Government (Meeting Procedures) Regulations 2015 councils may provide a minimum of 15 minutes 'Public Question Time' at Ordinary Council Meetings.

It is the policy of the Flinders Council to:

- 1.1 Extend this minimum legislative requirement to provide 30 minutes at each meeting during which time members of the public may ask questions of the Council relating to matters of Flinders Council; and that
- 1.2 Questions being asked by Councillors on behalf of a community member are not considered a Public Question and will be dealt with under Councillors' Questions Without Notice.

2. Objectives

The objective of the policy is to further encourage community involvement by allowing an effective and transparent form of communication.

3. Procedure

The Public Question Time – Council Meetings Procedure provides the guidelines by which members of the public can ask questions of Council at Council Meetings.

4. Related Legislation, Regulations and Policies

Local Government (Meeting Procedures) Regulations 2015

5. Responsibilities

The responsibility of this policy rests with the Chair of the Council Meeting and the General Manager.



PUBLIC QUESTION TIME – COUNCIL MEETINGS PROCEDURE

1. Introduction

This procedure provides the basis on which to implement the Public Question Time – Council Meetings Policy, which allows members of the public to ask questions of the Council, on matters relating to Flinders Council, at Ordinary Council Meetings.

2. Guidelines

Members of the public may ask questions of Council on the following basis:

1.1. Questions in writing

A member of the public may give written notice to the General Manager at least 7 days before an Ordinary Council Meeting of a question to be asked at that meeting.

1.2. Questions asked in person at the meeting

- 1.2.1. All questioners are encouraged to register their intent to question with the General Manager before the meeting. Preference will be given to those who have so registered.
- 1.2.2. All questions will be addressed through the Chair (being the Mayor in normal circumstances) who will answer them as she/he sees fit. Under no circumstances will members of the gallery be permitted to address or question either elected members or officers of the Council. The Chair may delegate answers to the appropriate Councillor or staff member if appropriate.
- 1.2.3. Persons addressing the Chair must pay the respect due to that office. Failure to do so may mean their address is terminated without notice.
- 1.2.4. Where a copy of the question is provided in writing and an answer is given at the meeting, the question & answer will be recorded in the minutes of the meeting.
- 1.2.5. Where the answer cannot be provided immediately, it will be provided in writing within 14 days and tabled in the Agenda at the following Ordinary Council Meeting.
- 1.2.6. Extensive introductory speeches/information are not encouraged and will not be recorded in either the minutes or agendas.
- 1.2.7. Question time shall not extend longer than 30 minutes and may be divided into two 15 minute sessions.
- 1.2.8. The timing of the session(s) is to be immediately after the confirmation of the previous meeting's minutes and advertised as such with the notice of meeting.
- 1.2.9. Questions being asked by Councillors on behalf of a community member are not considered a Public Question and will be dealt with under Councillors' Questions Without Notice.
- 1.2.10. Where the answer to the questions being asked by Councillors on behalf of a community member cannot be provided immediately, it will be provided in writing within 14 days and tabled in the Agenda at the following Ordinary Council Meeting.

SUBJECT: Councillor Committee Representative Procedure	FILE NO:	GOV/1100
ADOPTED BY COUNCIL ON: 15 th December 2016	MINUTE NO:	326.12.2016
AMENDED BY COUNCIL ON:	MINUTE NO:	

1. Objectives

This procedure defines Council's expectations of councillor representatives on different types of committees and organisations in relation to expected meeting process, how to keep fellow Councillors and the Council informed of committee activity and the process to follow to bring committee recommendations to Council for consideration.

2. Procedure

2.1 Council Committees:

(For example - Ideas and Innovation Committee, General Manager's Performance Review Committee.)

2.1.1 Advance notice of meetings (legal requirement):

- *"The general manager is to provide each councillor with a notice in writing of the time and place of a council committee at least 4 days, but not more than 14 days, before an a council committee meeting."* (Local Government (Meeting Procedures) Regulations 2015 S 7)
- The committee chair is to email notification of the date, time and place of the meeting to the Executive Officer ea@flinders.tas.gov.au in time to advertise the meeting as required by the regulations.

2.1.2 Unconfirmed Minutes

- Recommendations from the committee are to be moved and seconded and recorded in the minutes.
- Recommendations are to be presented to the next Council Meeting via a Notice of Motion.
- The committee chair to email the unconfirmed minutes of the meeting to the Executive Officer ea@flinders.tas.gov.au for inclusion in the next Ordinary Council Meeting Agenda produced after receipt of the minutes and more than 7 days after the committee meeting date. (Unconfirmed Minutes will be noted by Council and Confirmed Minutes will be accepted.)

2.2 Special Committees of Council:

(For example - Lady Barron Hall & Recreation, Furneaux (Emita) Hall and Recreational Grounds and Furneaux Community Health Special Committees.)

2.2.1 Meeting rules for Special Committees

- I. The appointed Chair of the Special Committee is to run all meetings. (If the appointed Chair is unavailable a person arranged by the appointed Chair is to Chair the meeting and ensure the appointed Chair receives a report of the meeting in writing.)
- II. The appointed Chair is to determine the day and time of a meeting, book an appropriate meeting place, prepare the Agenda for each meeting using the template provided and invite attendees.
- III. Minutes are required to be recorded for all Special Committee Meetings including Annual General Meetings, using the template provided. The minute taker must be indicated in the minutes.
- IV. Minutes must contain the following details:-
 - Date of meeting, time opened and place
 - Attendance and apologies to be recorded
 - Name of minute taker
 - Confirmation of previous minutes – this must be moved & seconded with names being recorded
 - Agenda items
 - Other Business
 - Time the meeting closed
- V. ALL recommendations are to be moved and seconded and recorded in the minutes. The chair is to take all recommendations to Council for consideration via a Notice of Motion.
- VI. ALL minutes are to be forwarded to the Executive Officer ea@flinders.tas.gov.au for inclusion in the next Ordinary Council Meeting Agenda produced after receipt of the minutes and more than 7 days after the committee meeting date. (Unconfirmed Minutes will be noted by Council and Confirmed Minutes will be accepted.)

2.3 Community Committee Representation:

(For example - FITBA, FIDHS Association)

Council Representative to supply a brief summary report on committee activity as it relates to Council to the Executive Officer ea@flinders.tas.gov.au for inclusion in the next Ordinary Council Meeting Agenda produced after receipt of the report.

2.4 Other representation:

(For example - OTTER, TasWater, LGAT, NTD)

Council Representative to submit report on committee activity to the Executive Officer ea@flinders.tas.gov.au for inclusion in the next Ordinary Council Meeting Agenda produced after receipt of the report.

SUBJECT: <i>INFORMATION MANAGEMENT POLICY</i>	FILE NO:	ADM/0300, ADM/0900
ADOPTED BY COUNCIL ON: 23 March 2017	MINUTE NO:	41.03.2017
AMENDED BY COUNCIL ON:	MINUTE NO:	

1. Purpose

The purpose of this policy is to provide guidance and direction on the creation and management of information and records and to clarify staff and elected members' responsibilities. Flinders Council is committed to establishing and maintaining information and records management practices that meet its business needs, accountability requirements and stakeholder expectations.

The benefits of compliance with this policy will be trusted information and records that are well described, stored in known locations and accessible to staff and clients when needed.

2. Policy Statement

Flinders Council's information and records are a corporate asset, vital both for ongoing operations and also in providing valuable evidence of business decisions, activities and transactions.

All agency records must be managed and maintained regardless of their format in an information management system. All agency staff are required to create and maintain authentic, reliable and useable information, documents and records, and protect their integrity for as long as they are required through:

- Ensuring that full and accurate records are created and maintained for each business process followed in the agency;
- Preserving records, whether hard copy or electronic, safely and securely;
- Ensuring that electronic records are saved and stored in the agency's recordkeeping system, with appropriate naming conventions used to enable their efficient retrieval and use;
- Ensuring records are accessible over time to support the conduct of business, and that they are only retained for as long as required by the agency and relevant legislation; and
- Assigning responsibilities for recordkeeping in the agency.

The agency aspires to proactively implement systems and processes which will enable records and information to be stored in an electronic format wherever possible. All practices and procedures concerning records management within the Flinders Council must be in accordance with this Policy.

3. Scope

This policy applies to the management and maintenance of records through their life cycle from creation, receipt or capture, to preservation and disposal under the provision of the *Archives Act 1983*. It includes records in any format held in the

agency's information systems. This policy covers the work practices of staff, elected members and consultants who:

- Create information;
- Access information;
- Have responsibility for information including storage, retrieval, dissemination and disposal;
- Have management responsibilities for officers engaged in any of these activities; and
- Manage or have design input into information technology infrastructure.

The key distinction between agency records and other types of information is that records provide evidence of business activities (refer to 'Definitions' section in this document for definition of a record). Records exist in a variety of formats including, but not limited to paper documents, electronic messages, word processed letters, web-pages, information in databases, photographs, film, charts etc. Regardless of format, records must be created, captured, maintained, secured and disposed of in accordance with the requirements of this Policy (refer to 'Requirements' section in this document).

4. Goals

The goals of this Policy are:

- to ensure effective agency records management, covering the creation and maintenance of authentic, reliable and useable records;
- to ensure the agency's records support the accountability and transparency of its business functions and activities for as long as those records are required;
- to provide evidence of the agency's commitment to best practice records management;
- to set out the responsibilities of staff and elected members, clarifying their accountability for records and information management (refer to 'Responsibilities' section in this document); and
- to ensure that records and information management is done in accordance with our business and legislative requirements

5. Relevant Legislation

State legislation and Australian Standards have been adopted as a requirement and code of best practice for the management of information and records within Council. They provide details of the conditions and standards by which information management and recordkeeping practices at Council will be guided.

The following information provides an overview of key standards and legislation applicable to Council:

Archives Act 1983 establishes the requirement for Tasmanian government agencies to create and keep State records.

AS:ISO-15489.1 – Information and Documentation – Records Management provides clear guidelines for the establishment and application of records management

practices, procedures and systems that have been incorporated into information management programs.

Corporations Act 2001 defines Council's responsibilities for keeping financial records which correctly record and explain its transactions and financial position and performance; and that enable true and fair financial statements to be prepared and audited.

Crimes Act 1924 covers criminal activity including fraud.

Electronic Transactions Act 2000 facilitates and promotes business and community confidence in the use of electronic transactions. It recognises the legal validity of transactions carried out electronically, and so permits the "recording and retention of information and documents in electronic form". Recordkeeping practices should be applied to all records regardless of the format of those records. Where records are created electronically they should be managed appropriately.

Evidence Act 2001 describes the ways in which documents may be admitted as evidence into court. The Act describes the more acceptable formats and the features that would give more value or "weight" to records. Recordkeeping practices must ensure that the more appropriate format of the record is preserved.

Financial Transaction Reports Act 1988 provides for the reporting of certain transactions and monetary transfers to the Australian Transaction Reports and Analysis Centre (AUSTRAC) and specifies minimum retention periods for account and signatory information.

Income Tax Assessment Act 1997 requires Council to keep records of income tax returns and assessments, and any related accounting documentation such as calculations, income and expenditure records.

Limitations Act 1974 sets out time periods in which legal action can be taken in various instances. The Act imposes a number of limitations on specific types of actions.

Local Government Act 1993 imposes a duty on Councils to create a wide variety of records.

Personal Information Protection Act 2004 sets out rules about information handling, including how the agency may collect, use, store and disclose personal information.

Right to Information Act 2009 provides for greater access to information held by Tasmanian government bodies and encourages proactive disclosure of information held by the agency as well as giving the public access to information upon request.

6. Definitions

Business Classification Scheme

A hierarchical model of the relationship between the Council's functions, activities and transactions. It provides the core foundation for the development of the agency's recordkeeping tools including a retention and disposal schedule.

Destruction Authority

A once-off authorisation from the State Archivist that permits destruction for a defined set of records.

Disposal

Involves either the destruction of records; their transfer to the Tasmanian Archive & Heritage Office for retention as part of the State archives; their transfer to another custodian; or some other process approved by the State Archivist which removes them from the custody of the agency.

Record

Information created, received and maintained as evidence and information by an organisation or person, in the pursuance of legal obligations or in the transaction of business. (Source: *International Standard ISO 15489 - 2002, Records Management, Part 1: General, Clause 3.15*)

Retention and Disposal Schedule

An ongoing authorisation from the State Archivist that specifies minimum retention periods and consequent disposal actions for a defined set of records.

State archive

State record or any other record which is deposited and preserved permanently in the Tasmanian Archive & Heritage Office.

State records

Records of State Government agencies/departments, State Authorities, or Local Authorities. These public bodies are defined in Section 3 of the *Archives Act 1983*.

7. Requirements

Creation and maintenance of records

Business records must be created and captured by everyone subject to this policy. Business records should provide a reliable and accurate account of business decisions and actions. Therefore it is necessary to include all necessary information to support business needs including the names, dates and time, and other key information needed to capture the business context.

Records can be folders, documents or data created, received or maintained as evidence and information of work done for or on behalf of the agency. Records may be either hard copy or electronic.

Examples of the agency's records include (but are not limited to):

- Agendas, minutes and papers;
- Complaint correspondence;
- Contracts and agreements;
- Correspondence received from members of the public, private and public sector organisations that require action;
- Documents related to events organised with or for external organisations, students etc.;
- Facilities hire forms and documentation;
- Documents related to planning and development;
- Personnel recruitment and appointment documentation;
- Policies and guidelines;
- Reports and submissions;
- Risk management registers and documentation;
- Training program documentation; and
- WorkCover documents and files.

Ultimately, if the record contains a business transaction or evidence of any decision that has been made on behalf of the agency it must be kept for the required time as per an approved Retention and Disposal Schedule authorised by the State Archivist. Where no Retention and Disposal Schedule exists for the records they must be retained until such a time as they can be either destroyed according to a Destruction Authority authorised by the State Archivist, or transferred to the Tasmanian Archive & Heritage Office as State archives.

Records that do not have to be kept

Some records do not belong in the agency's recordkeeping system, including:

- External advertising material;
- Externally published newsletters that do not contain material created by or referencing the agency;
- Internal e-mails received by "carbon copy" (cc) or "blind carbon copy" (bcc);
- Junk e-mail;
- Personal items including e-mail;
- Rough notes, working papers and calculations used solely to assist in the preparation of other records such as correspondence, non-auditable reports and statistical tabulations;
- Copies of any documents, preserved solely for reference;
- Published material preserved solely for reference; and
- Electronic revisions of documents in the agency's recordkeeping system which can be purged/deleted when finalising documents.

Documents of this nature may be destroyed, as defined by the Tasmanian Archive & Heritage Office *Retention and Disposal Schedule for short-term value records (DA2158)*.

8. Systems used to maintain records

Records generated within the agency in the course of normal business practice or received from an external source are to be registered and captured in the agency's recordkeeping system.

The following business and administrative databases and software applications are endorsed for the capture and storage of specific information and records. These include:

- Property Wise, a standalone database that contains property, rates, dogs, receipting and vaccinations records;
- Xero Accounting System, a cloud based program for financial and payroll information;
- Interplan, a cloud based program used for planning purposes;
- RecFind 6, a standalone Electronic Records Document Management System in use from 1996 to 2014;
- Shared Drive, for all records since September 2014;
- Finance Drive (restricted access), for financial records ;
- Management Drive (restricted access), for personnel and confidential records; and
- Central Records Drive (restricted access), for copies of permanent records.

These endorsed systems appropriately support information and records management processes such as creation and capture, storage, protection of integrity and authenticity, security, access and retention, destruction and transfer.

Corporate records must not be maintained in email folders, personal drives or external storage media as these lack the necessary functionality to protect business information and records over time. Records created when using social media applications or mobile devices may need to be captured into an endorsed system.

9. Access to records: sharing corporate information within Flinders Council

Information is a corporate resource to which all staff may have access, except where the nature of the information requires restriction. Access restrictions should not be imposed unnecessarily but should protect:

- individual staff, or client privacy; and
- sensitive material such as security classified or material marked as confidential.

When handling information, staff and elected members are reminded of their obligations outlined in their statements of duties and under the Employee Code of Conduct Policy, the Elected Member Code of Conduct and the Personal Information Protection Policy.

10. Release of publicly available information

In accordance with our obligations under the *Right to Information Act 2009* access to publicly available information will be provided on our website. This is the responsibility of all staff.

The public have legislative rights to apply for access to information held by our organisation under the *Right to Information Act 2009*. This applies to all information held by the agency, whether in officially endorsed records management systems or in personal stores such as email folders or shared and personal drives. Responses to applications for access under Right to Information legislation are the responsibility of the Executive Officer.

11. Retention or destruction of records

Agency records are destroyed when they reach the end of their required retention period set out in Records Retention and Disposal Schedules issued by the Tasmanian Archive and Heritage Office (TAHO). Retention periods in disposal schedules take into account all business, legal and government requirements for the records. Our agency uses the following general and agency-specific schedules to determine retention, transfer and destruction actions for its records:

- DA2200 Disposal Schedule of Functional Records of Local Government; and
- DA2158 Disposal Schedule of Short-term Value Records.

Records cannot be disposed of other than in accordance with all relevant Retention and Disposal Schedules and Destruction Authorities authorised by the State Archivist. In addition to this, records cannot be disposed of without the approval of the Corporate Services Manager and the manager of the business unit that is the owner or is responsible for the records.

Some records can be destroyed in the normal course of business. These are records of a short-term, facilitative or transitory value that are destroyed as short term value records. Examples of such records include rough working notes, drafts not needed for future use or copies of records held for reference.

Central to the agency's accountability process is the requirement it maintains a Register of Records Destroyed. This is the agency's formal evidential record of destruction and must be retained permanently by the agency. The Register must be clearly identified as the Register of Records Destroyed under Section 20(2)(b) of the *Archives Act 1983*.

12. Transfer of records

At times certain records may be required to be transferred out of the custody of Flinders Council. This occurs when records of archival value are no longer being actively used and/or are 25 years or older. In this instance Flinders Council transfers them to TAHO. We are still able to access records if a subsequent need arises to consult records in TAHO's custody.

Another instance where records may be transferred is when records are affected by administrative change and are transferred to an inheriting agency or to a private body. In either case, permission must be sought from TAHO before the records are transferred.

13. Monitoring the Records Management program

The records management program will be monitored for breaches of this Policy by the General Manager who will facilitate training as required. Day-to-day records management audit activities will be coordinated by the Executive Officer.

14. Responsibilities

All staff, elected members, consultants, and contractors employed or engaged by the agency are responsible for the management of all records created in the course of their work. This includes complying with this Policy at all times.

Staff must always be mindful that all records created in the course of their employment are the property of the agency.

Specific responsibilities and accountabilities for information and records management at the agency include:

General Manager

The General Manager is responsible for:

- Ensuring that Council's records management program satisfies operational and legislative requirements and obligations;
- Maintaining and extending the Business Classification Scheme according to Council's requirements following appropriate consultation;
- Implementing and continually improving the Council's information management program;
- Defining Council's requirements for information, records and document management;
- Ensuring that staff are aware of their roles and responsibilities relating to the management of information;
- Maintaining and reviewing this Policy and relevant documentation as required;
- Creating records that document their activities and decisions and saving them into Council's recordkeeping systems;
- Ensuring e-mail records are saved into Council's recordkeeping systems;
- Ensuring paper records are scanned to electronic format and saved into Council's recordkeeping systems; and
- Not destroying records without authorisation and adhering to Council's disposal requirements.

Elected Members

- Reviewing this Policy and relevant documentation as required;
- Creating records that document their activities and decisions to be saved into Council's recordkeeping systems;
- Ensuring e-mail records are saved into Council's recordkeeping systems;

- Ensuring paper records are scanned to electronic format to be saved into Council's recordkeeping systems;
- Not destroying records without authorisation and adhering to Council's disposal requirements;

Managers

Council will support staff by:

- including records management training in induction programs; and
- arranging for refresher training sessions as required.

Executive Officer

The Executive Officer is responsible for the efficient management of Council's recordkeeping system, ensuring that sound recordkeeping principles and records management best practice guidelines are followed and adhered to by providing support to staff in the use of the agency's recordkeeping system.

The Executive Officer is also responsible for:

- Arranging training sessions for staff in the use of Council's recordkeeping systems;
- Ensuring records are captured uniformly across Council and stored in approved systems;
- Maintaining the integrity and authenticity of records;
- Managing the storage of hardcopy records located onsite and offsite;
- Managing the disposal of records under approved disposal schedules and maintaining the register of destroyed records;
- Ongoing review and amendment of Retention and Disposal Schedules; and
- Responding to user requests for assistance with Council's recordkeeping systems or other records management issues.

Corporate Services Manager

The Corporate Services Manager is responsible for:

- Administration and management of employee folders within the Management Drive; and
- Requesting the creation of personnel files.

Staff Members

Staff members should take care to handle records sensibly, with care and respect to avoid damage to them and to prolong their lifespan. Staff must not damage, alter or destroy information and records of Council, without authorisation. Staff are responsible for using, maintaining and managing records in accordance with this Policy and records management procedures including complying by:

- Creating records that document their activities and decisions and saving them into Council's recordkeeping systems using specified filing and naming conventions;
- Ensuring version controls are captured and integrity and authenticity of records are maintained;
- Ensuring e-mail records are saved into Council's recordkeeping systems;

- Ensuring paper records are scanned to electronic format and saved into Council's recordkeeping systems;
- Storing hard copy records securely;
- Ensuring hard copy records are not hoarded in work areas and are captured in Council's recordkeeping systems in a timely fashion;
- Learning how and where records are kept within the agency;
- Not destroying records without authorisation and adhering to Council's disposal requirements;
- Not losing records; and
- Being aware of and this policy document and records management procedures.



RELATED PARTY DISCLOSURE POLICY

FILE NO: GOV/1000
ADOPTED BY COUNCIL: 17 August 2017

MINUTE NO: 193.08.2017

1. Introduction

From 1st July 2016, local governments (councils) must disclose related party relationships, transactions and outstanding balances, including commitments, in their annual financial statements as per the Australian Accounting Standard AASB 124 *Related Party Disclosures* (AASB 124).

It is the policy of the Flinders Council to:

- 1.1. Establish, review and maintain a list of Key Management Personnel (KMP);
- 1.2. Establish, review and maintain a Related Party Transactions Register for Council; and to
- 1.3. Disclose related party relationships, transactions and outstanding balances, including commitments, in Council's annual financial statements.

Where there is an inconsistency between this policy and the related party disclosure procedures the provisions of this policy shall take precedence over the provisions of the related party procedure.

2. Objectives

The objective of the policy is to ensure that Flinders Council's financial statements disclose dealings with related parties and transactions and outstanding balances, including commitments, with such parties that may have affected its financial position and profit or loss.

3. Key Terms

Term	Meaning
Key Management Personnel (KMP)	Persons having authority and responsibility for planning, directing and controlling the activities of Flinders Council, directly or indirectly. In the council context this includes the Mayor, other Councillors, the General Manager and senior council officers as outlined in the procedure.
Related Party of Council	People and entities, such as companies, trusts and associations, can be related parties of Council. Most commonly these will be entities related to Council, KMP of Council (including elected members), close family members of KMP and entities that are controlled or jointly controlled by KMP or their close family members.
Related Party Transaction	A transfer of resources, services or obligations between Flinders Council and a related party, regardless of whether a price is charged.

4. Procedure

The Related Party Disclosure Procedure provides the guidelines by which the General Manager (or Corporate Services Manager when it relates to the General Manager) will implement the Related Party Disclosure Policy.

5. Related Legislation, Regulations and Policies

Local Government Act 1993

Australian Accounting Standards

6. Responsibilities

The responsibility of this policy rests with the General Manager.



RELATED PARTY DISCLOSURE PROCEDURE

1. Introduction

This procedure provides the basis on which to implement the Related Party Disclosure Policy, which outlines what is expected of elected members and staff of Flinders Council in relation to Australian Accounting Standard AASB 124 *Related Party Disclosures* (AASB 124).

Where there is an inconsistency between this procedure and the related party disclosure policy, the provisions of the policy shall take precedence over the provisions of the related party procedure.

2. Summary

From 1 July 2016, Local Governments (Councils) must disclose related party relationships, transactions and outstanding balances, including commitments, in their annual statements.

Flinders Council's related parties are likely to include the Mayor and other Councillors, General Manager, Senior Executives, their close family members and any entities that they control or jointly control. Any transactions between Council and these parties, whether monetary or not, may need to be identified and disclosed.

3. Key Terms

Term	Meaning
Arm's length terms	Terms between the parties that are reasonable in the circumstances of the transaction that would result from: <ul style="list-style-type: none"> • neither party bearing the other any special duty or obligation, and • the parties being unrelated and uninfluenced by the other, and • each party having acted in its own interest.
Close Family Member	Family members of Key Management Personnel (KMP) who may be expected to influence, or be influenced by, that person in their dealings with the entity. This includes, but is not limited to, that person's spouse or domestic partner; and the children and dependents of that person or that person's spouse or domestic partner.
Control of an entity	You control an entity if you have: <ol style="list-style-type: none"> a) power over the entity; b) exposure, or rights, to variable returns from involvement with the entity; and c) the ability to use your power over the entity to affect the amount of your returns.
Declaration by KMP	An annual declaration of close family members and entities that the KMP or their close family members control or jointly control, as per Appendix 1, updated during the year as necessary.
Entities controlled by KMPs	Entities include companies, trusts, joint ventures, partnerships and non-profit associations such as sporting clubs. You control an entity if you have: <ul style="list-style-type: none"> • power over the entity;

	<ul style="list-style-type: none"> • exposure, or rights, to variable returns from involvement with the entity; and • the ability to use your power over the entity to affect the amount of your returns.
Entities related to Council	Entities controlled by Council, jointly controlled by Council or over which Council has significant influence are related parties of Council.
Joint control of an entity	To jointly control an entity there must be contractually agreed sharing of control of the entity, which exists only when decisions about the relevant activities require the unanimous consent of the parties sharing control.
Key Management Personnel (KMP)	Persons having authority and responsibility for planning, directing and controlling the activities of Flinders Council, directly or indirectly. In the council context this includes the Mayor, other Councillors, the General Manager and senior council officers as outlined in the policy.
KMP Compensation	<p>All employee benefits. Employee benefits are all forms of consideration paid, payable or provided by Flinders Council, or on behalf of Flinders Council, in exchange for services rendered to Council. Compensation includes:</p> <ol style="list-style-type: none"> a) short-term employee benefits, such as wages, salaries and social security contributions, paid annual leave and paid sick leave, profit-sharing and bonuses (if payable within twelve months of the end of the period) and non-monetary benefits (such as medical care, housing, cars and free or subsidised goods or services) for current employees; b) post-employment benefits such as pensions, other retirement benefits, post-employment life insurance and post-employment medical care; c) other long-term employee benefits, including long-service leave or sabbatical leave, jubilee or other long-service benefits, long-term disability benefits and, if they are not payable wholly within twelve months after the end of the period, profit-sharing, bonuses and deferred compensation; d) termination benefits; and e) share-based payment.
Materiality	<p>Information is material when, if omitted or misstated, it could influence decisions that users make on the basis of financial information about Flinders Council.</p> <p>Omissions or misstatements of items are material if they could, individually or collectively, influence the economic decisions that users make on the basis of the financial statements. Materiality depends on the size and nature of the omission or misstatement judged in the surrounding circumstances. The size or nature of the item, or a combination of both, could be the determining factor.</p>
Ordinary Citizen Transactions (OCTs)	Transactions that an ordinary citizen would undertake with Council are usually not material to related party disclosure

	requirements. OCTs do not apply if the terms and conditions are different to those offered to the general public.
Related Party of Council	People and entities, such as companies, trusts and associations, can be related parties of Council. Most commonly these will be entities related to Council, KMP of Council (including elected members), close family members of KMP and entities that are controlled or jointly controlled by KMP or their close family members.
Related Party Transaction	A transfer of resources, services or obligations between a reporting entity and a related party, regardless of whether a price is charged.

4. Identifying Related Parties

4.1. The General Manager will establish, review and maintain a list of Key Management Personnel for Council.

Key Management Personnel (KMP) for Council are:

- The Mayor;
- Other Councillors;
- The General Manager; and
- Other Senior Executives.

4.2. Those persons identified as KMP will complete an annual declaration which outlines the entities, if any, that are controlled or jointly controlled by that KMP or their close family members and which are likely to have transactions with Council (Appendix 1).

4.3. For the purpose of this Policy, Close Family Members includes:

- That person's children and spouse or domestic partner;
- Children of that person's spouse or domestic partner; and
- Dependants of that person or of that person's spouse or domestic partner.

Council may determine other family members, such as a parent, grandparent, sibling, cousin etc. who may be expected to influence or be influenced by that person in their dealings with Council or a Council entity.

4.4. It is the responsibility of the General Manager to seek declaration upon a change of KMP.

4.5. All KMPs will be asked to provide their declarations by 1 July each year covering the forthcoming financial year. In addition, an updated declaration for the previous financial year will also be provided.

4.6. It is the responsibility of all identified KMP to update their declaration should they become aware of a change, error or omission.

5. Register of Related Party Transactions

5.1. Maintain a Register

The General Manager (or Corporate Services Manager when it relates to the General Manager), is responsible for maintaining and keeping up to date a register of related

party transactions that captures and records the information for each existing or potential related party transaction (including ordinary citizen transactions assessed as being material in nature) during a financial year.

5.2. Contents of a Register

The contents of the register of related party transactions must detail for each related party transaction the following:

- a) The description of the related party transaction;
- b) The name of the related party;
- c) The nature of the related party's relationship with Council;
- d) Whether the notified related party transaction is existing or potential; and
- e) A description of the transactional documents that are the subject of the related party transaction.

The General Manager (or Corporate Services Manager when it relates to the General Manager) is responsible for ensuring that the information is disclosed in Council's Financial Statements to the extent, and in the manner stipulated, by AASB 124.

5.3. Council will use the declarations of KMP to establish a list of related parties for the purposes of identifying transactions and reporting under AASB 124.

5.4. Updates as advised by the Tasmanian Audit Office will be provided to KMP and Council staff periodically on changes arising from amendments to Australian Accounting Standards, applicable legislation or policy and procedural requirements.

6. Council Entities and Subsidiaries

For the purpose of this policy, entities controlled by Council, jointly controlled by Council or over which Council has significant influence, are related parties of Council. Council will need to identify transactions with these entities and may need to make extra disclosure about them in Council's financial statements.

When assessing whether Council has control or joint control over an entity, Council will need to consider AASB 10 *Consolidated Financial Statements* and AASB 11 *Joint Arrangements*. AASB 128 *Investments in Associates and Joint Ventures* details the criteria for determining whether Council has significant influence over an entity.

7. Related Party Disclosures by Council

Each year Council will declare the following related party transactions:

7.1. Transactions with Council subsidiaries, by transaction type;

7.2. KMP compensation, including:

- Short-term employee benefits;
- Post-employment benefits;
- Long-term benefits; and
- Termination benefits.

7.3. Transactions with other related parties, including:

- Purchase or sales of goods (finished or unfinished);

- Purchase or sales of property and assets;
 - Rendering or receiving of services;
 - Leases;
 - Transfers of research and development;
 - Transfers under licence agreements;
 - Transfers under financial arrangements (including loans and equity contributions in cash or in kind);
 - Provision of guarantees or collateral;
 - Commitments to do something if a particular event occurs or does not occur in the future, including executory contracts (recognised and unrecognised); and
 - Settlement of liabilities on behalf of the entity, or by the entity or on behalf of that related party.
- 7.4. Transactions of a similar nature will be disclosed in aggregate except when separate disclosure is necessary for an understanding of the effects of a related party transaction on the financial statements of Council, having regard to the following criteria:
- The nature of the related party transaction;
 - The significance of the transaction (individually or collectively) in terms of size or value (including where the materiality arises due to the fact that no consideration for the transaction is given or received by Council);
 - Whether the nature of the transaction is outside normal day-to-day business operations.
- 7.5. Outstanding balances in relation to transactions with related parties, including:
- Entities controlled by KMPs;
 - Bad or doubtful debts in respect of amounts owed by related parties.
- 7.6. Non-monetary transactions such as use of facilities, peppercorn rents.
- 7.7. If a KMP or close associate is named individually in disclosure reports, the KMP will be given a copy of intended disclosure for review and information purposes. Feedback must be provided within 7 days.
- 7.8. Council will not capture Ordinary Citizen Transactions (OCTs) with related parties, nor will Council disclose non-material transactions.
- 7.9. For the purpose of this policy, examples of OCTs are:
- Attending council functions that are open to the public.
 - Fines on normal terms and conditions;
 - Paying rates and utility charges;
 - Dog registrations; and
 - Landing & Passenger Tax.
- 7.10. For the purpose of this policy, examples of transactions that are NOT OCTs are:
- Purchase or sale of property;
 - Leases;
 - Infrastructure charges and contributions; and
 - Employee expenses of close family members of KMP.

The list of OCTs will be reviewed periodically with updates provided to KMP.

- 7.11. The General Manager will assess the materiality on an annual basis of the related party transactions that have been captured prior to disclosure. The determinations will be tabled at the Council Meeting prior to the submission of the completed financial statements.

Council does not have to disclose transactions in the audited annual financial statements that are not material.

- 7.12. In making disclosures in the annual financial statements, Council will include:
- Relationships between a parent and its subsidiaries (if applicable), irrespective of whether there have been transactions between them;
 - KMP compensation in total and for each of the following categories.
 - Short-term employee benefits;
 - Post-employment benefits;
 - Other long-term benefits; and
 - Termination benefits.

- 7.13. Where related party transactions have occurred:
- The nature of the related party relationship; and
 - Information about the transactions, outstanding balances and commitments, including terms and conditions.

NB: Transactions that are individually significant, either because of their amount or nature, are included in the aggregate disclosure but also need to be disclosed separately.

- 7.14. The types of transactions disclosed such as:
- Purchases or sales of goods;
 - Rendering or receiving of services;
 - Leases;
 - Guarantee given or received;
 - Commitments; and
 - Provision for doubtful debts relating to outstanding balances.

8. Privacy and Right to Information

Council must comply with the requirements of the *Archives Act 1983 (Tasmania)*, *Privacy Act 1988 (Commonwealth)*, *Personal Information Protection Act 2004 (Tasmania)*, *Right to Information 2009 (Tasmania)* and Flinders Council's Personal Information Protection Policy in the collection, storage, management, disclosure and reporting of information.

A declaration statement from KMP is incorporated into the Declaration of Related Party Transactions Form (Appendix 1) to enable the disclosure and reporting of information in accordance with AASB 124. A Related Party Information Collection Notice will be provided to KMP and included in their Declarations (Appendix 2).

Appendix 1 - Declaration of Related Party Transactions and Consent Form

Private and Confidential

Related Party Declaration by Key Management Personnel

Name of Key Management Person:

Position of Key Management Person:

Close Family Member Name	Relationship with KMP	Entities over which the close family member has sole or joint control	Nature of likely transactions with Council or Council entities

Name of Entity over which the KMP has control	Relationship with KMP	Nature of likely transactions with Council or Council entities

I *(insert full name)*, *(insert position)* declare that the above list includes all my close family members and the entities controlled, or jointly controlled, by myself or my close family members having had, or likely to have, transactions with Council. I make this declaration after reading Council’s policy which details the meaning of the words “close family members” and “entities controlled, or jointly controlled, by myself or my close family members”.

I permit the General Manager to access the register of interests of me and persons related to me and to use the information for the purposes specified in Council’s Related Party Disclosures Policy.

Declared at *(insert place)* on the *(insert date)*

Signature of KMP:

Name of KMP:

In accordance with Council's *Personal Information Protection Policy*, your information, and the information of others, is protected by law, including the *Privacy Act 1988* and the *Personal Information Protection Act 2004*.

Flinders Council Collection Notice

Related party transactions disclosure by Key Management Personnel

From 1 July 2016, Council must disclose related party relationships, transactions and outstanding balances, including commitments, in its annual financial statements, in order to comply with *Australian Accounting Standard AASB 124 Related Party Disclosures*.

Purpose of collection, use and disclosure of related party information

The reason for disclosure of related party transactions is to ensure that Council's financial statements contain the information necessary to draw attention to the possibility that its financial position and profit or loss may have been affected by the existence of related parties and by transactions and outstanding balances, including commitments, with such parties.

Council's related parties are likely to include the Mayor, Councillors, General Manager, senior executives, their close family members and any entities that they control or jointly control. Any transactions between Council and these parties, whether monetary or not, may need to be identified and disclosed.

A related party transaction is a transfer of resources, services or obligations between Council and a related party, regardless of whether a price is charged.

A related party transaction must be disclosed in Council's financial statements if the transaction is material. Information is material when, if omitted or misstated, it could influence decisions that users make on the basis of financial information about a specific reporting entity.

Prior to disclosure, the General Manager will assess the materiality of related party transactions that have been captured, and, if deemed material, will disclose in its financial statements the nature of the related party relationship and information about the transaction. Disclosure in the financial statements may be in aggregate form and/or may be made separately, depending on the nature and materiality of the transaction.

Related Party Transactions Declaration by Key Management Personnel

Key management personnel (KMP) are the persons who have authority and responsibility for planning, directing and controlling the activities of Council, directly or indirectly and include the Mayor, Councillors, General Manager and senior executives. In order to comply with AASB 124, Council has adopted a policy that requires all KMP to declare any existing or potential related party transactions between Council and any of their related parties during a financial year.

Each KMP must provide an annual *Related Party Declaration* in the approved form, by 1 July each year, and update the Declaration should they become aware of any change, error or omission. KMPs must exercise their best judgement in identifying related parties when declaring, or not declaring, entities over which they, or a close member of their family, have control or joint control.

How will the information captured in the Declaration be used?

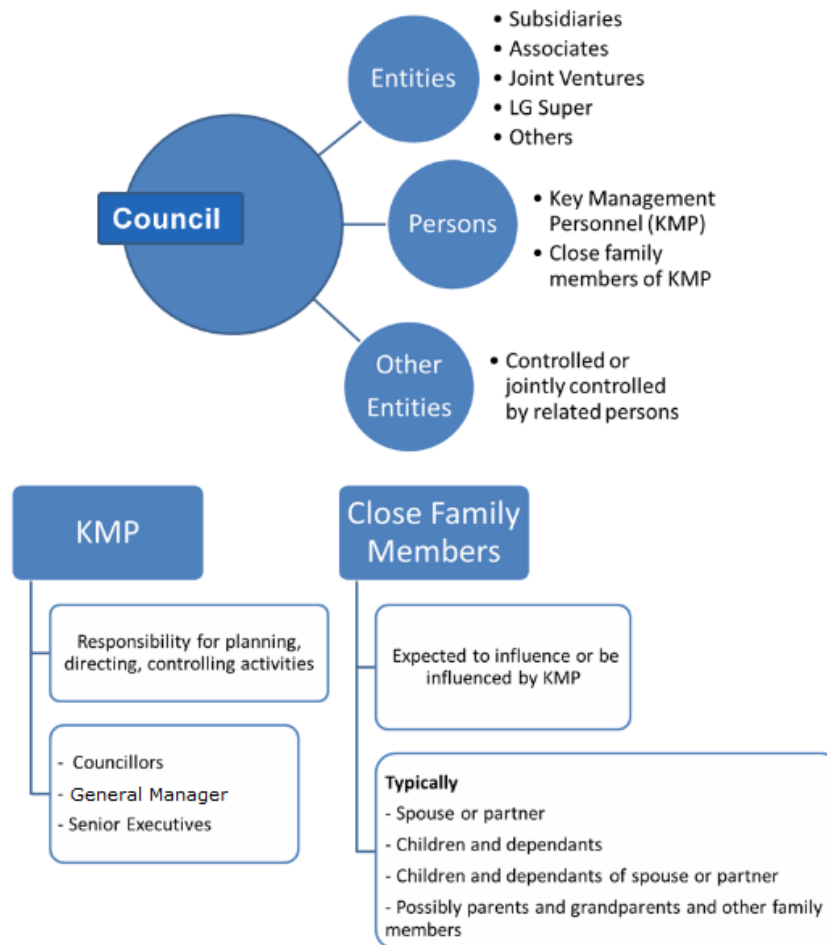
Council will use the declarations of KMPs to establish a list of related parties of Council for the purposes of identifying transactions and reporting under AASB 124. If a KMP or close family member is named individually in disclosure reports, the KMP will be given a copy of the intended disclosure for review and information purposes.

Who are related parties?

People and entities, such as companies, trusts and associations, can be related parties of Council.

The following diagram gives an overview of common related parties that a council will have.

The following diagram gives an overview of common related parties that a council will have:



For related party transaction disclosures under AASB 124, the related party relationship must be disclosed for both the KMP and their close family members, even if the same related party entity is held jointly or in common by them. This is separate and in addition to Council’s register of interests which is required under the *Local Government Act 1993*.

Under AASB 124, those persons who are prescribed as definitely being close family members of a KMP include:

- that person’s children and spouse or domestic partner;
- children of that person’s spouse or domestic partner; and

- dependents of that person or that person's spouse or domestic partner.

Flinders Council may determine other family members, such as a parent, grandparent, sibling, cousin, etc, who may be expected to influence, or be influenced by, that person in their dealings with Council or a Council entity.

What is an entity that I, or my close family members, control or jointly control?

Entities include companies, trusts, joint ventures, partnerships and non-profit associations such as sporting clubs.

You control an entity if you have:

- a) power over the entity;
- b) exposure, or rights, to variable returns from involvement with the entity; and
- c) the ability to use your power over the entity to affect the amount of your returns.

You jointly control an entity if there is a contractually agreed sharing of control of the entity. Joint control exists only when decisions about the relevant activities require the unanimous consent of the parties sharing control.

In some instances, it may not be easy to determine whether or not you, or your close family members, control or jointly control an entity. If you are unsure and require further clarification, you should contact the General Manager for a confidential discussion.

For more information about Council's disclosure requirements under AASB 124 Related Party Transactions, please refer to the Council's Related Party Disclosures Policy, which can be found in the Policy Manual.

All information collected by Council is in accordance with Council's Personal Information Protection Policy and is protected by law, including the *Privacy Act 1988* and the *Personal Information Act 2004*. Council's Personal Information Protection Policy can be found in the Policy Manual.

WORKPLACE BEHAVIOUR POLICY

FILE NO: WOR/1500

ADOPTED BY COUNCIL ON: 21 January 2016	MINUTE NO:	06.01.2016
AMENDED BY COUNCIL ON:	MINUTE NO:	

Document:	Start Date:	Page Reference:
Workplace Behaviour Policy	22/01/2016	Page 1 of 22

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1 AUTHORITY & APPLICATION

Date of approval	21/01/2016
Source of approval	Flinders Council
Start date	22/01/2016
Related Council Documents	<p>This Policy should be considered in conjunction with the following policies and procedures:</p> <ul style="list-style-type: none"> • <i>Employee Code of Conduct</i> • <i>Communications</i> • <i>Disciplinary</i> • <i>Fitness for Work</i> • <i>Issue Resolution</i> • <i>Performance Management</i> • <i>Work Health & Safety</i>
Date of review	1 April 2017
Previous policies replaced by this Policy	HR1 Anti-Discrimination Harassment and Bullying Policy

Document:	Start Date:	Page Reference:
Workplace Behaviour Policy	22/01/2016	Page 2 of 22

Publication of Policy	Policy Manual
Definitions	
<u>Term</u>	<u>Meaning</u>
Applicable Laws	<p>All laws in connection with the carrying out of work or the Workplace including:</p> <ul style="list-style-type: none"> • <i>Age Discrimination Act 2004 (Cth)</i> • <i>Anti-Discrimination Act 1998 (TAS)</i> • <i>Australian Human Rights Commission Act 1986 (Cth)</i> • <i>Disability Discrimination Act 1992 (Cth)</i> • <i>Fair Work Act 2009 (Cth)</i> • <i>Local Government Act 1993 (TAS)</i> • <i>Racial Discrimination Act 1975 (Cth)</i> • <i>Sex Discrimination Act 1984 (Cth)</i> • <i>Work Health & Safety Act 2012 (TAS)</i> • <i>Workers Rehabilitation & Compensation Act 1988 (TAS)</i>
Council	Flinders Council
Councillor	An elected member of Council known as a Councillor or Alderman or otherwise meeting the definition of a 'councillor' as defined under section 3 of the <i>Local Government Act 1993 (TAS)</i>
General Manager	The general manager of Council as appointed under section 61 of the <i>Local Government Act 1993 (TAS)</i> .
Infringing Workplace Behaviour	Any act or omission, which amounts to a breach of any Council policy, contractual obligation or misconduct at common law.
Employee	A person who carries out work for Council as an employee of Council..
Manager/Supervisor	A person at the Workplace who is appointed to a position that has management/supervisory responsibilities for others or their appropriately nominated or authorised delegate.

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Other Persons at the Workplace	Any person, other than a Councillor, at the Workplace who is not a Worker including visitors and ratepayers.
Policy	This Workplace Behaviour Policy including the 'Authority and Application'.
Worker	<p>A person, other than a Councillor, who carries out work in any capacity for Council, including work as:</p> <ul style="list-style-type: none"> (a) an Employee; (b) a contractor or subcontractor; (c) an employee of a contractor or subcontractor; (d) an employee of a labour hire company who has been assigned to work at Council; (e) an outworker; (f) an apprentice or trainee; (g) a student gaining work experience; or (h) a volunteer.
Workplace	A place where work is carried out for Council.
Training	Council will provide all persons covered by this Policy with appropriate training so they are made aware of their responsibilities and obligations under the Policy.
Amendment	Council retains the sole discretion to reasonably vary, terminate or replace this Policy from time to time. Council will consult before amendments are made and will notify and train those the amendments apply to.
Interpretation of Policy	<ul style="list-style-type: none"> (a) The singular includes the plural and vice versa. (b) A reference to any legislation includes all delegated legislation made under it and amendments, consolidations, replacements or re-enactments of any of them. (c) A reference to policy or procedure means any approved policies or procedures of Council unless otherwise stated. (d) 'including' and similar expressions are not words of limitation. (e) A reference to a document (including this document) is to that

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	<p>document as amended, novated or replaced unless otherwise stated.</p> <p>(f) Where a word or expression is given a particular meaning, other parts of speech and grammatical forms of that word or expression have a corresponding meaning.</p> <p>(g) Examples used in this Policy are for illustrative purposes only and are not intended to be exhaustive.</p> <p>(h) Unless expressly provided for, this Policy is not in any way incorporated as part of any enterprise agreement and does not form part of any Employee's contract of employment and any applicable enterprise agreement or contract of employment will prevail over this Policy to the extent of any inconsistency.</p> <p>(i) It is not intended that this Policy impose any obligations on the Council or those covered by it that are unreasonable or contrary to the operation of Applicable Laws. Any obligation, direction, instruction or responsibility imposed by this Policy must be carried out in a manner that an objective third party would consider to be fair and reasonable taking into account and in the context of all the relevant Applicable Laws, operational and personal circumstances.</p> <p>Questions relating to the interpretation, application or enforcement of this Policy should be directed to a person's Manager/Supervisor.</p>
<p>Reporting of Breaches</p>	<p>Persons covered under paragraph 3 (Coverage) must reasonably report breaches of Infringing Workplace Behaviour as follows:</p> <p>For breaches by</p> <p>(a) an Employee (other than the General Manager), or other Workers, the report must go to the reporting person's applicable Manager/Supervisor;</p> <p>(b) an Other Person at the Workplace, to the General Manager; and/or</p> <p>(c) the General Manager the report must go to the Mayor (or if unavailable to the next appropriately delegated Councillor) and</p> <p>as otherwise required or permitted by Applicable Laws.</p>
<p>Breach of Policy</p>	<p>Persons covered under paragraph 3 (Coverage) who engage in Infringing Workplace Behaviour may (as is appropriate and as applicable) be subject to appropriate disciplinary action in accordance with Disciplinary Policy and Procedure (Employees), or removal from the Workplace or termination of services (Workers [other than Employees] and Other Persons at the</p>

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	<p>Workplace). Infringing Workplace Behaviour may also amount to breaches of Applicable Laws:</p> <ul style="list-style-type: none">(a) exposing individuals to legal proceedings; and(b) making Council vicariously liable for the conduct of others.
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2 PURPOSE

The aims of this Policy are to:

- (a) ensure that Workers and Other Persons at the Workplace understand their obligations and do not engage in Infringing Workplace Behaviour;
- (b) ensure that Workplace requirements (e.g. recruitment, remuneration, promotion and access to training and development) are determined on the basis of relevant skills, experience, qualifications, knowledge, aptitude and the potential for future development of the individual and are reflected in policies and procedures that relate to Workers and their employment or engagement;
- (c) confirm expectations regarding appropriate behaviours and that Council will not tolerate Infringing Workplace Behaviour;
- (d) provide a broad, overarching Policy that incorporates or overlaps some elements of other policies; and
- (e) operate with Applicable Laws and Related Council Documents.

3 COVERAGE

- (a) This Policy covers and applies to Workers and Other Persons at the Workplace in relation to:
 - (i) behaviour at the Workplace;
 - (ii) the performance of work for or in connection with Council; and
 - (iii) conduct outside the Workplace or working hours if the acts or omissions:
 - (A) are likely to cause serious damage to the relationship between Council, Councillors, Workers or Other Persons at the Workplace; or
 - (B) are incompatible with a Worker's duty to Council or employment relationship or engagement; or
 - (C) damage or are likely to damage Council's interests or reputation.
- (b) For the avoidance of doubt this Policy does not cover or apply to a Councillor.

4 REQUIREMENTS

- (a) Workers and Other Persons at the Workplace are required to comply with this

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Policy, Applicable Laws and not directly or indirectly engage in or encourage Infringing Workplace Behaviour.

- (b) Managers/Supervisors are required to reasonably promote this Policy within their area of responsibility and take reasonable steps to ensure that any potential breaches of this Policy are identified, taken seriously and acted upon appropriately.
- (c) Workers and Other Persons at the Workplace are required to utilise the Issue Resolution Policy if they reasonably suspect Workers or Other Persons at the Workplace have engaged or are engaging in Infringing Workplace Behaviour. However, complaints which are vexatious, frivolous or otherwise not made in good faith will constitute a breach of this Policy.

5 DISCRIMINATION

5.1 What is discrimination?

- (a) Discrimination is behaviour that favours one particular individual or group over others based on an attribute, whether known, imputed or assumed and can be either direct or indirect. Discrimination at the Workplace can occur (by way of example):
 - (i) when determining who should be offered work;
 - (ii) in the terms and conditions of work that is offered;
 - (iii) in failing or refusing to offer work;
 - (iv) in failing or refusing to grant, or limiting, access to opportunities for promotion, transfer, training or other benefit to a Worker;
 - (v) in dismissing a Worker; and
 - (vi) by treating a Worker otherwise less favourably.
- (b) There may be genuine occupational reasons based on the inherent requirements of the role that means discrimination is not unlawful.
- (c) For example, it will not be unlawful to terminate employment if:
 - (i) disability prevents a Worker from being able to perform the inherent requirements of their position; or
 - (ii) performance of the inherent requirements would require services, facilities

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or reasonable adjustments that would impose an unjustifiable hardship on Council.

5.2 What is Direct Discrimination?

Direct discrimination is where an individual or group is treated less favourably due to a particular attribute or personal characteristic or a characteristic imputed to that attribute.

For example, if Council decided:

- (a) not to employ or promote a person because of their:
 - (i) nationality;
 - (ii) sexuality; or
 - (iii) pregnancy; or
- (b) to terminate an employee because they took personal leave (because disability includes illness and is a protected attribute), carer's leave or parental leave (because family responsibilities is a protected attribute).

5.3 What is Indirect Discrimination?

(a) Indirect discrimination occurs if a person imposes a condition, requirement or practice which is unreasonable in the circumstances (even if it appears to be fair and neutral) and has the effect of disadvantaging a member of a group of people who:

- (i) share, or are believed to share, a prescribed attribute; or
- (ii) share, or are believed to share, any of the characteristics imputed to that attribute,

more than a person who is not a member of that group.

(b) For indirect discrimination to take place, it is not necessary that the person who discriminates is aware that the condition, requirement or practice disadvantages the group of people.

(c) For example:

- (i) offering training opportunities to staff members only at limited and rigid times which prevented staff with parental responsibilities from attending the training;
- (ii) not reasonably providing somewhere for a breast feeding Worker to express milk while at work; or

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- (iii) not providing reasonable equipment to allow an employee with a back injury to stand and still do computer work.

5.4 What are the protected attributes or personal characteristics?

Direct or indirect discrimination within the Workplace based on any of the following attributes or personal characteristics will breach this Policy:

- (a) gender (male, female and intersex) and gender identity;
- (b) marital status;
- (c) relationship status;
- (d) pregnancy;
- (e) family responsibilities;
- (f) race;
- (g) colour;
- (h) national or ethnic origin;
- (i) religion;
- (j) physical, intellectual, psychiatric or learning disability;
- (k) impairment (including HIV/aids status);
- (l) parental status;
- (m) breastfeeding;
- (n) age;
- (o) sexual orientation;
- (p) lawful sexual activity;
- (q) industrial activity;
- (r) political belief or affiliation;
- (s) political activity;
- (t) irrelevant criminal or medical record; or
- (u) being associated with a person who has (or is believed to have) any of these attributes.

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6 ADVERSE ACTION

6.1 What is Adverse Action?

Unlawful adverse action can occur where a person engages in adverse action (or threatens, organises or coerces others to take adverse action) against a person because that person:

- (a) has a workplace right (or has exercised or proposed exercising their workplace right or has not done so or has prevented a Worker from doing so); or
- (b) engages (has engaged, proposes to engage or has not engaged) in industrial activity or, is (or not so) an officer or member of an industrial association.

6.2 Types of Adverse Action

- (a) Dismissal or termination of contract (e.g. terminating employment or a contractor's services);
- (b) Injuring the Worker in relation to their employment or terms and conditions of contract (e.g. offering a salary or fee for services that is less than would otherwise be offered);
- (c) Alter the position of the Worker to their prejudice (e.g. removing status or areas of responsibility from an employee or providing a damaging recommendation in relation to a contractor to other service users); or
- (d) Discrimination between a Worker and other Workers or a Worker and other prospective Workers (e.g. preferring applications for annual leave from a non-union member employee or using contractors with non-union enterprise agreements); and
- (e) An employee or union takes industrial action against Council (e.g. stop work meeting).

6.3 Types of Workplace Rights, Relevant Attribute or Industrial Activity

Workplace Rights

- (a) An entitlement under the Local Government Industry Award or enterprise agreement or a workplace law (e.g. entitlement to make a worker's compensation claim).
- (b) A role or responsibility under a workplace law or enterprise agreement or award (e.g. to act as a bargaining representative).

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- (c) Ability to initiate or participate in a process or proceedings under a workplace law or enterprise agreement or award (e.g. making a request for flexible working arrangements or participating in a consultation process regarding redeployment in a redundancy situation).
- (d) Ability to make a complaint or inquiry to seek compliance with a workplace law or enterprise agreement or award or generally in relation to a person’s employment (e.g. making a complaint to the Anti-Discrimination Commissioner or making an inquiry about their classification or salary level).

Relevant Attributes

- (e) Race, colour, sex, sexual preference, age, physical or mental disability, marital status, family or carer’s responsibilities, pregnancy, religion, political opinion, national extraction or social origin.
- (f) Can initiate or participate in a process or proceeding under a workplace law or enterprise agreement (e.g. making an individual flexibility arrangement, appointing a bargaining representative or acting as a witness for another employee in a Fair Work Commission hearing).

Industrial Activity

- (g) Is or is not an officer or member of an industrial association.
- (h) Engages or does not engage in industrial activity (e.g. promoting, encouraging or participating in an activity on behalf of an industrial association such as an on-site meeting).

7 WORKPLACE HARASSMENT

7.1 What is Workplace Harassment?

- (a) Workplace harassment is any conduct which:
 - (i) offends;
 - (ii) humiliates;
 - (iii) intimidates;
 - (iv) insults; or
 - (v) ridicules,

another person on the basis of protected attributes in circumstances in which a

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reasonable person, having regard to all the circumstances, would have anticipated that the other person would be offended, humiliated, intimidated, insulted or ridiculed.

- (b) Workplace harassment can be a one-off occurrence and a specific intent or motive is not necessary.
- (c) Workplace harassment is unlawful.

7.2 What are the protected attributes for Workplace Harassment?

- (a) race;
- (b) age;
- (c) sexual orientation;
- (d) lawful sexual activity;
- (e) gender;
- (f) gender identity;
- (g) intersex;
- (h) marital status;
- (i) relationship status;
- (j) pregnancy;
- (k) breastfeeding;
- (l) parental status;
- (m) family responsibilities; or
- (n) disability.

7.3 What are Examples of Workplace Harassment?

Examples of workplace harassment include:

- (a) telling a joke about a homosexual person which may offend someone who is homosexual;
- (b) sending an email to workmates ridiculing a colleague because they have taken carer's leave to look after a sick child which may be humiliating and offensive;
- (c) putting a sign on the door of a room where a Worker is expressing breast milk unnecessarily advertising the activity the Worker is engaging in which may be

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humiliating;

- (d) telling a Worker who is pregnant that they are getting fat or must be having twins which is offensive;
- (e) telling a Worker she is 'just a young girl and could not be expected to cope in the Workplace'.

8 SEXUAL HARASSMENT

8.1 What is Sexual Harassment?

- (a) Sexual harassment is any unwanted or unwelcome conduct which:
 - (i) is of a sexual nature in that there is a sexual element, overtone or implication, which may not in isolation appear to be sexual in nature, but may become so because of the surrounding circumstances (e.g. unsolicited act of physical contact of a sexual nature, unwelcome sexual advance or request for sexual favours, unwelcome gesture, action or comment of a sexual nature); and
 - (ii) is unreasonable in the circumstances; and
 - (iii) a reasonable person having regard to all the circumstances would have anticipated that the other person would be offended, humiliated, intimidated, insulted or ridiculed.
- (b) Sexual harassment can be a one-off occurrence and a specific intent or motive is not necessary.
- (c) Sexual harassment is unlawful.

8.2 What are Examples of Sexual Harassment?

- (a) Offensive or sexually orientated email or text messages, voice mail messages, screen savers (words and images), telephone calls;
- (b) Deliberate and unnecessary physical contact such as patting, pinching, fondling or deliberately brushing against another body, attempts at kissing;
- (c) Constant requests for drinks or dates, especially after prior refusal;
- (d) Request for sexual favours, gestures or body movements of a sexual or intimidating nature;
- (e) Crude or sexually orientated jokes, comments and suggestions; or

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- (f) Innuendo, including sexually provocative remarks, suggestive or derogative comments about a person's physical appearance, inferences of sexual morality or tales of sexual performance.

9 WORKPLACE BULLYING

9.1 What is Bullying?

- (a) Bullying is repeated, unreasonable behaviour directed towards a Worker or a group of Workers (or Other Persons at the Workplace), that creates a risk to health and safety.
- (b) **'Repeated behaviour'** refers to the persistent nature of the behaviour and can refer to a range of behaviours over time.
- (c) **'Unreasonable behaviour'** means behaviour that a reasonable person (i.e. objective test), having regard for the circumstances, would see as unreasonable (e.g. victimising, humiliating, undermining or threatening).
- (d) **'Risk to health and safety'** can refer to physical or psychological injury that may occur as a result of the repeated, unreasonable behaviour.
- (e) Bullying is unlawful.

9.2 How does Bullying occur?

Workplace Bullying can be:

- (a) direct (obvious) or indirect (subtle);
- (b) intended or unintended; or
- (c) upwards, downwards or sideways.

9.3 What is Direct or Indirect Bullying?

- (a) Bullying can involve many different forms of behaviour and can occur face-to-face, over the phone, via email, instant or text messaging or using social media technologies.
- (b) Examples of potential *direct* Bullying may include:
 - (i) aggressive and abusive or threatening language;
 - (ii) yelling and invading personal space;
 - (iii) finger pointing, eye rolling and scowling;

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- (iv) inappropriate emails containing unjustified criticism delivered bluntly; and
 - (v) delivering negative feedback in front of co-workers.
- (c) Examples of potential *indirect* Bullying may include:
- (i) spreading rumours or lies;
 - (ii) displaying degrading or offensive material in the Workplace;
 - (iii) deliberately excluding, isolating or marginalising a person;
 - (iv) deliberately withholding information that is vital to do a job;
 - (v) deliberately setting unrealistic deadlines and tasks that are unreasonably above or below a person's skill or experience; and
 - (vi) deliberately changing work arrangements to cause stress.

9.4 What is Intentional or Unintentional Bullying?

- (a) Bullying can be intentional, where the actions are intended to humiliate, offend, intimidate or distress, whether or not the behaviour did have that effect. Indirect Bullying will often occur intentionally.
- (b) Bullying can also be unintentional, where actions which, although not intended to humiliate, offend, intimidate or distress, do so and would be reasonably likely to do so. Sometimes people do not realise that their behaviour can be harmful to others because that is how they would like to be treated. Direct Bullying may occur unintentionally where the intentions can even be good but the impact is harmful and the behaviour is not reasonable in the circumstances.

9.5 How can Bullying be carried out?

Bullying can be directed at a single person or a group of people and be carried out by one or more persons. Organisationally, Bullying can be:

- (a) **downwards** from Managers/Supervisors to their team members – for example, an immediate Manager/Supervisor may have a management style that is unreasonably domineering, they may stand over employees when they speak to them or speak to employees rudely or in a demanding or unreasonably loud manner that is disrespectful;
- (b) **sideways** between Workers and/or Other Persons at the Workplace – for example, a Worker unreasonably seeking to enhance their position or sense of power in the Workplace may make a co-worker perform the duties that are less

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likely to be recognised, blame others for mistakes or fail to pass on instructions from a Manager/Supervisor so the co-worker makes mistakes; or

- (c) **upwards** from team members to immediate Managers/Supervisors, Councillors – for example, Workers may bully their immediate Manager/Supervisor to try and unreasonably drive them from the Workplace or prevent them from effectively doing their job by spreading misinformation or malicious rumours about them or criticising them or complaining about them without justification.

9.6 What’s the difference between Bullying and Harassment?

- (a) Discrimination, harassment and adverse action:
 - (i) do not have to be repeated and can be *one off behaviour*, and
 - (ii) must be linked to a protected characteristic (e.g. personal attributes, workplace rights or industrial activity).
- (b) Bullying requires repeated unreasonable behaviour (i.e. cannot be one off behaviour) but there does not need to be any link to protected attributes or protected actions (i.e. it is no defence to treat everyone equally unreasonably).
- (c) It is possible for a person to be bullied, harassed and discriminated against at the same time.

9.7 What is not considered to be Bullying?

- (a) Many things that happen at the Workplace are generally not considered to be Bullying, although some experiences can be uncomfortable.
- (b) A single incident of unreasonable behaviour is not Bullying, although it may have the potential to escalate into Bullying. A single incident of unreasonable behaviour can create a risk to health and safety and can be considered to inappropriate workplace behaviour as distinct from Bullying.
- (c) Differences of opinion, performance management, conflicts and personality clashes do happen in any workplace but do not, without more, amount to Bullying.
- (d) Reasonable management action, which is carried out in a reasonable manner is not Bullying.

9.8 Workplace Conflict is not Bullying

- (a) Workplace conflict of itself does not amount to Bullying.

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- (b) Not all conflict is negative nor does it always pose a risk to health and safety. When conflict is at a low level and task based, it can generate debate and lead to new ideas and innovative solutions. For example, collaborating on a project requires a robust exchange of ideas to be effective.
- (c) Conflict may be negative and undesirable but still not amount to Bullying or even inappropriate behaviour. For example, Workers may have a ‘personality clash’ and not like each other but still behave in a professional and respectful way to each other.

9.9 Reasonable management action carried out in a reasonable manner is not Bullying

- (a) Reasonable management action (i.e. ‘what’) carried out in a reasonable manner (i.e. ‘how’) is not Bullying. Managers/Supervisors have a right to direct the way work is carried out and to monitor and give feedback on performance.
- (b) Examples of reasonable management action relating to *performance management* include:
 - (i) setting reasonable performance goals, standards and deadlines in consultation with Workers and after considering their respective skills and experience;
 - (ii) allocating reasonable work to a Worker in a transparent way;
 - (iii) deciding not to select a Worker for promotion, following a fair and documented process;
 - (iv) informing a Worker about unsatisfactory or unacceptable work performance in a constructive way and in accordance with policies and procedures;
 - (v) informing a Worker about unacceptable conduct or behaviour in accordance with policies and procedures; and
- (c) Examples of reasonable management action relating to *operational matters* include:
 - (i) fairly rostering and allocating working hours;
 - (ii) transferring a Worker for genuine operational reasons;
 - (iii) implementing organisational changes or restructuring;

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- (iv) decisions regarding accessing leave entitlements based on genuine operational requirements; and
- (v) providing access to training or employment benefits based on genuine operational requirements and merit.

10 VICTIMISATION

10.1 What is Victimisation?

- (a) Victimisation occurs when a person subjects, or threatens to subject, another Worker, Councillor, or Other Person at the Workplace or an associate of that person or to any detriment because they:
 - (i) made or intend to make a complaint;
 - (ii) gave, or intend to give, evidence or information in connection with any proceedings;
 - (iii) allege or intend to allege that any person has committed an act which would amount to a contravention of Applicable Laws;
 - (iv) refused or intend to refuse to do anything that would amount to a contravention of Applicable Laws; or
 - (v) have reasonably reported a breach of this Policy or utilised the Issue Resolution Policy.
- (b) Victimisation under an Applicable law is unlawful.

10.2 What are some examples of the types of activities that could in the above circumstances amount to Victimisation?

- (a) Refusing to employ another person;
- (b) Terminating or threatening to terminate employment;
- (c) Prejudicing or threatening to prejudice a person in their employment (refusing to provide a favourable reference);
- (d) Intimidating or coercing (excluding from workplace discussions);
- (e) Imposing any pecuniary penalty or other penalty (withholding wages); or
- (f) Taking disciplinary action (e.g. giving an employee a written warning)

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11 VILIFICATION

11.1 What is Vilification?

- (a) Vilification is conduct that incites physical harm, hatred, serious contempt or severe ridicule towards a Worker, Councillor or Other Persons at the Workplace or group of the foregoing on the basis of race, sexuality, disability or religion. It can take many forms, including hate-speech, graffiti, websites, and distribution of propaganda or other forms of offensive literature.
- (b) Vilification is conduct which occurs in a public place. The Workplace is a public place and discussions or jokes in the Workplace that relate to race, sexuality, disability or religion could amount to vilification.
- (c) Vilification is unlawful.

11.2 What are Examples of Vilification?

- (a) Speaking about a person's race, disability, sexual orientation, religious belief in a way that could make other people hate or ridicule them;
- (b) Publishing claims that a racial, disabled, sexually orientated or religious group is involved in serious crimes without any proof;
- (c) Encouraging violence against people who have a particular race, disability, sexual orientation, religious belief, or damaging their property; or
- (d) Encouraging people to hate a person or group with a particular race, disability, sexual orientation, religious belief, using flyers, stickers, posters, a speech or publication, or using websites or email.

12 WORKPLACE VIOLENCE

12.1 What is Workplace Violence?

- (a) Work related violence occurs when a Worker or Other Person at the Workplace abuses, threatens or assaults another Worker, Councillor or Other Person at the Workplace, in circumstances relating to their work or the Workplace. Unlike Bullying, an action does not need to be repeated.
- (b) Threats to harm someone, of violence and of damage to property are breaches of Applicable Laws that should be referred to the Police, and any other appropriate authority.

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12.2 What are Examples of Workplace Violence?

- (a) Threatening to kill or hurt a person or their family;
- (b) Assault; or
- (c) Throwing objects at another person.

13 INAPPROPRIATE WORKPLACE BEHAVIOUR

13.1 What is inappropriate Workplace Behaviour?

- (a) Inappropriate workplace behaviour is any behaviour by Workers or Other Persons at the Workplace that Council reasonably considers is not appropriate Workplace behaviour or is unacceptable in the Workplace. It is behaviour inconsistent with Council's policies and procedures, expectations and way of doing things, which means it will vary from case to case.
- (b) Unreasonable behaviour (as is objectively required with Bullying) will also amount to inappropriate workplace behaviour. However, behaviour does not have to be unreasonable in the circumstances to be considered inappropriate workplace behaviour. For example, 'over sharing' of personal information by a Manager/Supervisor with a direct report which may be welcomed by the employee in the circumstances but still be considered inappropriate behaviour by Council for not meeting the communicated expectations of a professional Manager/Supervisor.
- (c) Inappropriate workplace behaviour may also fit into any of the categories of unlawful behaviour under this Policy. Even if it does not, it still amounts to Infringing Workplace Behaviour. Therefore, if you are unsure as to what the standards are ask your Manager/Supervisor or Human Resources or other appropriate person in the circumstances.

13.2 What are Examples of Inappropriate Workplace Behaviour?

- (a) Treating people rudely, disrespectfully or without dignity are examples of what is considered inappropriate workplace behaviour.
- (b) At the 'high' or serious end of the scale, it is behaviour that may also constitute serious misconduct at common law.
- (c) At the low or 'less serious' end of the scale, it may be behaviour that is inappropriate but not unreasonable (e.g. Manager/Supervisor privately makes

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crude jokes with a direct report in the Workplace which are based on protected attributes. This may not be unlawful in the circumstances in that the employee welcomes the behaviour and no-one overheard or was likely to but is still considered inappropriate behaviour because it amounts to poor judgment and is below what is expected of a Manager/Supervisor).

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Communications Policy

FILE NO: COM/0800

ADOPTED BY COUNCIL ON: 21 January 2016	MINUTE NO:	06.01.2016
AMENDED BY COUNCIL ON:	MINUTE NO:	

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1 AUTHORITY & APPLICATION

Date of approval	21/01/2016
Source of approval	Flinders Council
Start date	22/01/2016
Related Council Documents	<p>This Policy should be considered in conjunction with the following policies and procedures:</p> <ul style="list-style-type: none"> • <i>Employee Employee Code of Conduct</i> • <i>Disciplinary</i> • <i>Fitness for Work</i> • <i>Issue Resolution</i> • <i>Performance Management</i> • <i>Work Health & Safety</i> • <i>Workplace Behaviour</i>

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Date of review	1 October 2017
Previous policies replaced by this Policy	HR2 Computer and Telephone Usage Policy
Publication of Policy	Policy Manual
Definitions Term Applicable Laws	Meaning All laws in connection with the carrying out of work or the Workplace including: <ul style="list-style-type: none"> • <i>Age Discrimination Act 2004</i>(Cth) • <i>Anti-Discrimination Act 1998</i>(TAS) • <i>Australian Human Rights Commission Act 1986</i>(Cth) • <i>Disability Discrimination Act 1992</i>(Cth) • <i>Fair Work Act 2009</i>(Cth) • <i>Local Government Act 1993</i>(TAS) • <i>Racial Discrimination Act 1975</i>(Cth) • <i>Sex Discrimination Act 1984</i>(Cth) • <i>Work Health & Safety Act 2012</i>(TAS) • <i>Workers Rehabilitation & Compensation Act 1988</i>(TAS)
Business Use	Any Use of a Communication Device that is required for work purposes.
Communications Devices	Any device used for any communication purpose by a Worker and may include but is not limited to: telephones/smartphones (both landline and mobile devices),

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		computers, walkie-talkies, radios, copiers, facsimiles, or equivalent of all of the preceding and their respective hardware, software and applications including email, electronic data, internet services and Social Media.
Council		Flinders Council
Councillor		An elected member of Council known as a Councillor or Alderman or otherwise meeting the definition of a ‘councillor’ as defined under section 3 of the <i>Local Government Act 1993</i> (TAS)
Council Owned Communication Devices		Any Communication Device owned or supplied by the Council
Employee		A person who carries out work for Council as an employee of Council.
General Manager		The general manager of Council as appointed under section 61 of the <i>Local Government Act 1993</i> (TAS).
Infringing Workplace Behaviour		Any act or omission, which amounts to a breach of any Council policy, contractual obligation or misconduct at common law.
Manager/Supervisor		A person at the Workplace who is appointed to a position that has management/supervisory responsibilities for others or their appropriately nominated or authorised delegate.
Other Persons at the Workplace		Any person, other than a Councillor, at the Workplace who is not a Worker including visitors and ratepayers.
Personal Use Policy		Any use that is not Business Use.
Social Media		Online platforms that promote social and professional

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	<p>networking and sharing of information. Social media does not just involve text commentary or statements it can also involve audio, multimedia pictures, movies, and photos. Social Media includes:</p> <ul style="list-style-type: none"> (a) social networking sites (e.g. Facebook, MySpace, LinkedIn, Bebo, Yammer); (b) video and photo sharing websites (e.g. Flickr, Youtube, Instagram); (c) blogs, including corporate blogs and personal blogs; (d) micro-blogging (e.g. Twitter); (e) wikis and online collaborations (e.g. Wikipedia); (f) forums, discussion boards and groups (e.g. Google groups, Whirlpool); (g) vod and podcasting; (h) instant messaging (including SMS); and/or (i) any successor or equivalent to the above
Use	<p>To deploy, create, store, communicate, transmit or access any material, information, image or the like by any communication device.</p>
Worker	<p>A person, other than a Councillor, who carries out work in any capacity for Council, including work as:</p> <ul style="list-style-type: none"> (a) an Employee; (b) a contractor or subcontractor; (c) an employee of a contractor or subcontractor; (d) an employee of a labour hire company who has been assigned to work at Council;

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<p>Workplace</p>	<ul style="list-style-type: none"> (e) an outworker; (f) an apprentice or trainee; (g) a student gaining work experience; (h) a volunteer. <p>A place where work is carried out for Council.</p>
<p>Training</p>	<p>Council will provide all persons covered by this Policy with appropriate training so they are made aware of their responsibilities and obligations under the Policy.</p>
<p>Amendment</p>	<p>Council retains the sole discretion to vary, terminate or replace this Policy from time to time. Council will consult before amendments are made and will notify and train those the amendments apply to.</p>
<p>Interpretation of Policy</p>	<ul style="list-style-type: none"> (a) The singular includes the plural and vice versa. (b) A reference to any legislation includes all delegated legislation made under it and amendments, consolidations, replacements or re-enactments of any of them. (c) A reference to a policy or procedure means any approved policies or procedures of Council unless otherwise stated. (d) 'Including' and similar expressions are not words of limitation. (e) A reference to a document (including this document) is to that document as amended, novated or replaced unless otherwise stated.

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	<p>(f) Where a word or expression is given a particular meaning, other parts of speech and grammatical forms of that word or expression have a corresponding meaning.</p> <p>(g) Examples used in this Policy are for illustrative purposes only and are not intended to be exhaustive.</p> <p>(h) Unless expressly provided for, this Policy is not in any way incorporated as part of any enterprise agreement and does not form part of any Employee’s contract of employment and any applicable enterprise agreement or contract of employment will prevail over this Policy to the extent of any inconsistency.</p> <p>(i) It is not intended that this Policy impose any obligations on the Council or those covered by it that are unreasonable or contrary to the operation of Applicable Laws. Any obligation, direction, instruction or responsibility imposed by this Policy must be carried out in a manner that an objective third party would consider to be fair and reasonable taking into account and in the context of all the relevant Applicable Laws, operational and personal circumstances.</p> <p>Questions relating to the interpretation, application or enforcement of this Policy should be directed to a person’s Manager/Supervisor.</p>
<p>Reporting of Breaches</p>	<p>Persons covered under paragraph 3 (Coverage) must reasonably report breaches of Infringing Workplace Behaviour as follows:</p>

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	<p>For breaches by</p> <ul style="list-style-type: none"> (a) an Employee (other than the General Manager), or other Workers, the report must go to the reporting person's applicable Manager/Supervisor; and/or (b) the General Manager the report must go to the Mayor (or if unavailable to the next appropriately delegated Councillor) and <p>as otherwise required or permitted by Applicable Laws</p>
<p>Breach of Policy</p>	<p>Persons covered under paragraph 3 (Coverage) who engage in Infringing Workplace Behaviour may (as is appropriate and as applicable) be subject to appropriate disciplinary action in accordance with Disciplinary Policy and Procedure (Employees), or removal from the Workplace or termination of services (Workers [other than Employees] and Other Persons at the Workplace). Infringing Workplace Behaviour may also amount to breaches of Applicable Laws:</p> <ul style="list-style-type: none"> (a) exposing individuals to legal proceedings; and (b) making Council vicariously liable for the conduct of others.

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2 PURPOSE

The aims of this Policy are to:

- (a) provide a framework for decisions, and standards relating to the Use of Communications Devices and Social Media;
- (b) confirm that Council will not tolerate the Use of Communications Devices and Social Media which is unlawful or a risk to health and safety of Workers or Other Persons at the Workplace;
- (c) recognise Council's commitment to provide a safe and healthy workplace for Workers and Other Persons at the Workplace relating to the Use of Communications Devices and Social Media;
- (d) instruct and guide Workers and Other Persons at the Workplace regarding the Use of Communications Devices and Social Media;
- (e) outline the standards expected at all times in relation to the Use of Communications Devices and Social Media;
- (f) operate with the Applicable Laws and policies; and
- (g) recognise that all Workers are accountable for their own behaviour relating to the Use of Communications Devices and Social Media.

3 COVERAGE

- (a) This Policy covers and applies to Workers in relation to:
 - (i) behaviour at the Workplace;
 - (ii) the performance of work for or in connection with Council; and
 - (iii) conduct outside the Workplace or working hours if the acts or omissions:
 - (A) are likely to cause serious damage to the relationship between Council, Councillors, Workers or Other Persons at the Workplace; or

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- (B) are incompatible with a Worker’s duty to Council or employment relationship or engagement; or
 - (C) damage or are likely to damage Council’s interests or reputation.
- (b) For the avoidance of doubt this Policy does not cover or apply to a Councillor.

4 REQUIREMENTS

- (a) Workers must comply with this Policy.
- (b) Workers must not Use Communication Devices or Social Media in any way which:
 - (i) breaches this Policy or any other policy or procedure including the Workplace Behaviour Policy or Employee Code of Conduct Policy;
 - (ii) breaches Applicable Laws or is otherwise unlawful; or
 - (iii) fails to comply with a lawful and reasonable direction by Council.
- (c) Managers/Supervisors are required to promote this Policy within their area of responsibility and take reasonable steps to ensure that any potential breaches of this Policy are identified, taken seriously and acted upon appropriately.

5 GENERAL PRINCIPLES

- (a) Council may provide Workers with Communication Devices for Business Use only or Business Use and reasonable personal Use at Council’s discretion. Such authority will be provided in writing on an individual basis.
- (b) In determining whether a Worker will be provided with Communication Devices and to what extent Council at its complete discretion will take into consideration all relevant matters including, Council’s network and other system storage, security and usage requirements, the Worker’s

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personal circumstances and work requirements and the nature and topic of the Use.

- (c) The requirements set out below in paragraph 4 (Requirements) apply equally to Business Use and Personal Use of Communication Devices.
- (d) Council may remove, restrict or change a Worker’s authority to Use Council owned or supplied Communication Devices or Worker owned or supplied Communication Devices where used for Business Use or in the Workplace at Council’s discretion.
- (e) Council will, through authorised personnel, monitor and if necessary copy, delete, remove or quarantine any information, data, transmissions or files (incoming and outgoing) or like materials arising out of the Use of Communications Devices from the Council’s information technology system or network, or any Worker’s Council provided Communication Device without notice.

6 USE OF COMMUNICATION DEVICES

In relation to the Use of Communication Devices, Workers must:

- (a) not divulge passwords or user identification to other persons;
- (b) not alter a Council owned Communication Device without prior written approval from their Manager/Supervisor;
- (c) not allow any person to Use a Council Owned Communication Device without prior written approval from the their Manager/Supervisor;
- (d) maintain Council Owned Communication Devices they Use in accordance with the manufacturer’s specifications;
- (e) take all reasonable care to ensure the Communication Device is securely kept;
- (f) immediately advise their Manager/Supervisor of any damage to or theft of the Communication Device;

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- (g) not install any software on a Council Owned Communication Device (with the exception of Council nominated Applications downloaded from the App Store) without written prior approval from their Manager/Supervisor;
- (h) comply with Applicable Laws including not engaging in, for example:
 - (i) defamatory comments (e.g. falsely naming a person as a criminal);
 - (ii) inappropriate or unlawful workplace behaviour comments (e.g. discriminatory, harassing, bullying or repeated unreasonable behaviour);
 - (iii) misleading and deceptive conduct (e.g. ‘our product will give you 150% improvement in profit with no reasonable basis’);
 - (iv) contempt (e.g. publicising court orders or matters under consideration);
 - (v) infringements of intellectual property rights (e.g. breach of copyright by copying information without referencing the source, or downloading movies, TV shows, music and other entertainment or similar); or
 - (vi) privacy issues such as disclosing personal or sensitive information (e.g. ‘a person lives at ABC Street and has 4 children with a particular medical condition’);
- (i) not Use another person’s identification (electronic or otherwise) to Use a Communication Device;
- (j) not obscure or attempt to obscure the origin of any Use of a Communication Device in the Workplace or a Council Owned Communication Device;
- (k) not access, send, receive, download, store or distribute gambling, pornographic, obscene, defamatory, discriminatory, harassing, unlawful or inappropriate materials of any kind;

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- (l) not disclose Council’s confidential information or damage or engage in Use likely to damage Council’s interests or reputation;
- (m) not gain or attempt to gain unauthorised access to Council’s, information technology system or network, or any other Worker or Other Person in the Workplace’s Communication Device; and
- (n) not interfere or alter with any of the Council security measures provided for the Council’s, information technology system or network, or any other Worker or Other Person in the Workplace’s Communication Device.

7 BUSINESS USE OF SOCIAL MEDIA

In relation to Business Use of Social Media, Workers must:

- (a) adhere to any communication protocols, authorisations or requirements of their role or position description or contractual arrangements and apply any warnings, notices, protocols or other identifications as required by Council from time to time;
- (b) not breach or engage in activity that has the capacity to breach any contractual requirements with third parties;
- (c) act honestly, with integrity, courtesy and professionalism;
- (d) comply with Applicable Laws including not engaging in, for example:
 - (i) defamatory comments (e.g. falsely naming a person as a criminal);
 - (ii) inappropriate or unlawful workplace behaviour comments (e.g. discriminatory, harassing, bullying or repeated unreasonable behaviour);
 - (iii) misleading and deceptive conduct (e.g. ‘our product will give you 150% improvement in profit with no reasonable basis’);
 - (iv) contempt (e.g. publicising court orders or matters under consideration);

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- (v) infringements of intellectual property rights (e.g. breach of copyright by copying information without referencing the source, or downloading movies, TV shows, music and other entertainment or similar); or
- (vi) privacy issues such as disclosing personal or sensitive information (e.g. 'a person lives at ABC Street and has 4 children with a particular medical condition');
- (e) only use Council logos, branding, photos/images or trademarks with prior Council approval;
- (f) not 'air' personal campaigns and keep personal opinions separate from professional;
- (g) avoid political bias and real or potential conflicts of interest;
- (h) not establish fictitious names or identities deliberately intended to deceive, mislead or lie;
- (i) adhere to Council's style guide as set by the Council from time to time;
- (j) notify their Manager/Supervisor of any activity that occurs whilst using the Communication Device or Social Media that has the potential to affect the integrity of the Council's information technology system or network, or any Council Representative or other person's communication device;
- (k) not disclose Council's confidential information or damage or engage in Use likely to damage Council's interests or reputation;
- (l) should be respectful of others using language that is polite, courteous appropriate to the circumstances; and
- (m) should not be disrespectful of others including using obscene, defamatory, discriminatory, threatening, harassing, insulting or offensive language..

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8 PERSONAL USE OF SOCIAL MEDIA

In relation to Personal Use of Social Media, Workers:

- (a) are permitted to Use Communication Devices or Social Media where authorised by Council for non-work related purposes during work time that is reasonable and does not negatively impact on work or the Workplace;
- (b) must not disclose Council's confidential information or damage or engage in Use likely to damage Council's or Workers' or Other Persons at the Workplace interests or reputations or engage in conduct in breach of paragraph 3(a)(iii) (Coverage);
- (c) may disclose they are Workers, provided they make it clear that that they do not speak on behalf of the Council and their views are personal only and do not represent the views of Council including where they are likely to be identified as a Worker;
- (d) must not cite, reference or identify (including conduct that is likely to identify) other Workers or Other Persons at the Workplace without their prior approval;
- (e) must avoid using business email addresses for personal Social Media logins; and
- (f) must not start or participate in a Facebook group, online club or any other community using Council's name;

9 MONITORING AND PRIVACY

- (a) Workers should be aware that information, data, transmissions or files (incoming and outgoing) or like materials arising out of the Use of Communications Devices are capable of being monitored by authorised persons nominated by Council and intercepted, traced or recorded by others.
- (b) Privacy using Communications Devices cannot be guaranteed.

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- (c) Council may monitor the Use of Communication Devices at any time including randomly or where Council considers it appropriate to:
 - (i) ensure compliance with Applicable Laws, policies and procedures and reasonable directions;
 - (ii) compile or audit data or information regarding the Use of Communication Devices;
 - (iii) investigate suspected behaviour that may be contrary to or in breach of Applicable Laws, policies and procedures or reasonable directions; or
 - (iv) prevent unauthorised or unlawful Use of Communication Devices.
- (d) Council may appoint any person to monitor the Use of Communication Devices on its behalf or with Council. Where it does, Council will advise Workers of this appointment.

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DISCIPLINARY POLICY

FILE NO: PER/0500

ADOPTED BY COUNCIL ON: 21 January 2016	MINUTE NO:	06.01.2016
AMENDED BY COUNCIL ON:	MINUTE NO:	

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1 AUTHORITY & APPLICATION

Date of approval	21/01/2016
Source of approval	Flinders Council
Start date	22/01/2016
Related Council Documents	<p>This Policy should be considered in the context of the following policies and procedures:</p> <ul style="list-style-type: none"> • <i>Employee Code of Conduct</i> • <i>Communications</i> • <i>Fitness for Work</i> • <i>Issue Resolution</i> • <i>Performance Management</i> • <i>Work Health & Safety</i> • <i>Workplace Behaviour</i>
Date of review	1 July 2017
Previous policies replaced by this Policy	HR3 Disciplinary Policy
Publication of Policy	Policy Manual
Definitions	

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<u>Term</u>	<u>Meaning</u>
Applicable Laws	<p>All laws in connection with the carrying out of work or the Workplace including:</p> <ul style="list-style-type: none"> • <i>Age Discrimination Act 2004</i>(Cth) • <i>Anti-Discrimination Act 1998</i>(TAS) • <i>Australian Human Rights Commission Act 1986</i>(Cth) • <i>Disability Discrimination Act 1992</i>(Cth) • <i>Fair Work Act 2009</i>(Cth) • <i>Local Government Act 1993</i>(TAS) • <i>Racial Discrimination Act 1975</i>(Cth) • <i>Sex Discrimination Act 1984</i>(Cth) • <i>Work Health & Safety Act 2012</i>(TAS) • <i>Workers Rehabilitation & Compensation Act 1988</i>(TAS)
Council	Flinders Council
Councillor	An elected member of Council known as a Councillor or Alderman or otherwise meeting the definition of a 'councillor' as defined under section 3 of the <i>Local Government Act 1993</i> (TAS)
EAP	Relationships Australia Tasmania
Employee	A person who carries out work for Council as an employee of Council.
General Manager	The general manager of Council as appointed under section 61 of the <i>Local Government Act 1993</i> (TAS).
Industrial Instrument	An instrument recognised under the Fair Work Act 2009 that has legal application with respect to minimum entitlements to those Employees covered within its scope (eg Award or Enterprise Agreement).
Infringing Workplace Behaviour	Any act or omission, which amounts to a breach of any Council policy, contractual obligation or misconduct at common law.
Manager/Supervisor	A person at the Workplace who is appointed to a position that has

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<p>Other Persons at the Workplace</p> <p>Policy</p> <p>Procedure</p> <p>Worker</p> <p>Workplace</p>	<p>management/supervisory responsibilities for others or their appropriately nominated or authorised delegate.</p> <p>Any person at the Workplace who is not a Worker including visitors and ratepayers.</p> <p>This Disciplinary Policy including the 'Authority and Application'.</p> <p>The Disciplinary Procedure including the 'Authority and Application'.</p> <p>A person who carries out work in any capacity for Council, including work as:</p> <ul style="list-style-type: none"> (a) an Employee; (b) a contractor or subcontractor; (c) an employee of a contractor or subcontractor; (d) an employee of a labour hire company who has been assigned to work at Council; (e) an outworker; (f) an apprentice or trainee; (g) a student gaining work experience; (h) a volunteer; or (i) Councillor. <p>A place where work is carried out for Council.</p>
<p>Training</p>	<p>Council will provide all persons covered by this Policy with appropriate training so they are made aware of their responsibilities and obligations under the Policy.</p>
<p>Amendment</p>	<p>Council retains the sole discretion to vary, terminate or replace this Policy from time to time. Council will consult before amendments are made and will notify and train those the amendments apply to.</p>
<p>Interpretation of Policy</p>	<ul style="list-style-type: none"> (a) The singular includes the plural and vice versa. (b) A reference to any legislation includes all delegated legislation made under it and amendments, consolidations, replacement or re-enactments of any of them.

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	<p>(c) A reference to a policy or procedure means any approved policies or procedures of Council unless otherwise stated.</p> <p>(d) 'Including' and similar expressions are not words of limitation.</p> <p>(e) A reference to a document (including this document) is to that document as amended, novated or replaced unless otherwise stated.</p> <p>(f) Where a word or expression is given a particular meaning, other parts of speech and grammatical forms of that word or expression have a corresponding meaning.</p> <p>(g) Examples used in this Policy are for illustrative purposes only and are not intended to be exhaustive.</p> <p>(h) Unless expressly provided for this Policy is not in any way incorporated as part of any enterprise agreement and does not form part of any Employee's contract of employment and any applicable enterprise agreement or contract of employment will prevail over this Policy to the extent of any inconsistency</p> <p>(i) It is not intended that this Policy impose any obligations on the Council or those covered by it that are unreasonable or contrary to the operation of Applicable Laws. Any obligation, direction, instruction or responsibility imposed by this Policy must be carried out in a manner that an objective third party would consider to be fair and reasonable taking into account and in the context of all the relevant Applicable Laws, operational and personal circumstances.</p> <p>Questions relating to the interpretation, application or enforcement of this Policy should be directed to a person's Manager/Supervisor.</p>
<p>Reporting of Breaches</p>	<p>Persons covered under paragraph 3 (Coverage) must reasonably report breaches of Infringing Workplace Behaviour as follows:</p> <p>For breaches by</p> <p>a) an Employee (other than the General Manager) the report must go to the reporting person's applicable Manager/Supervisor; and/or</p> <p>b) the General Manager the report must go to the Mayor (or if unavailable to the next appropriately delegated Councillor) and</p> <p>as otherwise required or permitted by Applicable Laws.</p>

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Breach of Policy	Persons covered under paragraph 3 (Coverage) who engage in Infringing Workplace Behaviour may (as is appropriate) be subject to appropriate disciplinary action in accordance with Disciplinary Policy and Procedure. Infringing Workplace Behaviour may also amount to breaches of Applicable Laws: (a) exposing individuals to legal proceedings; and (b) making Council vicariously liable for the conduct of others.
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2 PURPOSE

This aims of this Policy are to:

- (a) recognise that all Employees are responsible for their behaviours;
- (b) to set and maintain standards of conduct within Council and help and encourage Employees to achieve and maintain those satisfactory standards;
- (c) enable Council to appropriately deal with Infringing Workplace Behaviour fairly, consistently and transparently having regard to the individual circumstances and other relevant factors;
- (d) provide opportunities for Employees to correct behaviours unless immediate dismissal is appropriate;
- (e) provide a reference and framework for the Disciplinary Procedure; and
- (f) operate with Applicable Laws and Related Council Documents.

3 COVERAGE

- (a) This Policy covers and applies to Employees in relation to Infringing Workplace Behaviour including poor performance that is not dealt with under Council's Performance Management Policy.
- (b) This Policy does not cover or apply to behaviours that amount to or are dealt with by Council as:
 - (i) incapacity for work, which is dealt with under Council's Fitness For Work Policy; or
 - (ii) performance management, which is dealt with under Council's Performance Management Policy.
- (c) For the avoidance of doubt this Policy does not cover or apply to a Councillor.

4 REQUIREMENTS

- (a) Employees must comply with this Policy.
- (b) Managers/Supervisors must communicate and implement this Policy within their area of responsibility.

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5 ROLE RESPONSIBILITIES

5.1 What are the Manager/Supervisor’s Responsibilities?

Managers/Supervisors are responsible for:

- (a) ensuring appropriate management of Infringing Workplace Behaviours;
- (b) making appropriate records relating to disciplinary procedures;
- (c) making reasonable resources available to assist Employees;
- (d) advising Employees of reasonable internal and external support; and
- (e) identifying the appropriate support, training or experience and opportunities to avoid Infringing Workplace Behaviours.

5.2 What are the Employee’s Responsibilities?

Employees are responsible for:

- (a) their own behaviours, including avoiding Infringing Workplace Behaviours;
- (b) participating appropriately in disciplinary procedures; and
- (c) identifying the appropriate support, training or experience and opportunities to avoid Infringing Workplace Behaviours.

6 ENGAGING IN A DISCIPLINARY PROCESS AND OUTCOME

6.1 Council’s Disciplinary Procedure

Council’s Disciplinary Procedure provides for:

- (a) an appropriate disciplinary process to determine whether Infringing Workplace Behaviour has occurred and related facts and circumstances; and, if so
- (b) appropriate disciplinary outcomes.

6.2 When may Council commence a disciplinary process?

Council may only commence a disciplinary process where it has formed a reasonable suspicion (i.e. there exists facts which are sufficient to induce a suspicion in a reasonable person) that an Employee has engaged in Infringing Workplace Behaviour.

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6.3 What is the disciplinary process?

The Disciplinary Procedure provides for guidelines containing a number of different processes Council may utilise to appropriately determine Infringing Workplace Behaviour.

6.4 Is there a requirement to use a particular disciplinary process?

Council may use a particular disciplinary process that a Manager/Supervisor considers reasonable in the circumstances that is consistent with the Disciplinary Procedure and provides procedural fairness appropriate to the circumstances.

6.5 Who conducts a disciplinary process?

- (a) A disciplinary process is conducted by the Employee's immediate Manager/Supervisor.
- (b) Despite this, Council may decide, taking into consideration the relevant circumstances, to utilise instead or in addition to the Employee's immediate Manager/Supervisor:
 - (i) a more senior Manager/Supervisor; or
 - (ii) an external person.

6.6 What is the disciplinary outcome?

The Disciplinary Procedure provides for guidelines containing a number of different outcomes Council may utilise to appropriately determine Infringing Workplace Behaviour.

6.7 Is there a requirement to implement a particular disciplinary outcome?

Council may implement a particular disciplinary outcome that a Manager/Supervisor considers reasonable in the circumstances that is consistent with the Disciplinary Procedure.

6.8 Who conducts a disciplinary outcome?

A disciplinary outcome is conducted by an authorised Manager/Supervisor following a disciplinary process where there is a finding of Infringing Workplace Behaviour. This may, depending on the circumstances, range from the Employee's immediate Manager/Supervisor through to the General Manager.

6.9 What if an Employee considers that a disciplinary outcome imposed on them is

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excessive or inappropriate?

Employees should discuss the outcome with their Manager/Supervisor before seeking external advice regarding an appropriate appeal process (if any) in the circumstances.

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DISCILINARY PROCEDURE

FILE NO: PER/0500

ADOPTED BY COUNCIL ON: 21 January 2016	MINUTE NO:	06.01.2016
AMENDED BY COUNCIL ON:	MINUTE NO:	

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1 AUTHORITY & APPLICATION

Date of approval	21/01/2016
Source of approval	Flinders Council
Start date	22/01/2016
Source Policy	<ul style="list-style-type: none"> • <i>Disciplinary Policy</i>
Date of review	1 July 2016
Previous procedures replaced by this Procedure	
Publication of procedure	O:\GOVERNANCE\POLICIES & PROCEDURES\2016 NEW PROCEDURES (LGAT)
Definitions	As per the Disciplinary Policy as amended from time to time
Training	Council will provide all persons covered by this Procedure with appropriate training so they are made aware of their responsibilities and obligations under the Procedure.
Amendment	Council retains the sole discretion to reasonably terminate, replace or vary this Procedure from time to time. Council will consult before amendments are made and will notify and train those the amendments apply to.
Interpretation of Procedure	<p>(a) The singular includes the plural and vice versa.</p> <p>(b) A reference to any legislation includes all delegated legislation made under it and amendments, consolidations, replacements or re-enactments of any of them.</p>

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	<p>(c) A reference to policy or procedure means any approved policies or procedures of Council unless otherwise stated.</p> <p>(d) ‘including’ and similar expressions are not words of limitation.</p> <p>(e) A reference to a document (including this document) is to that document as amended, novated or replaced unless otherwise stated.</p> <p>(f) Where a word or expression is given a particular meaning, other parts of speech and grammatical forms of that word or expression have a corresponding meaning.</p> <p>(g) Examples used in this Procedure are for illustrative purposes only and are not intended to be exhaustive.</p> <p>(h) Unless expressly provided for this Procedure is not in any way incorporated as part of any enterprise agreement and does not form part of any employee’s contract of employment and any applicable enterprise agreement or contract of employment will prevail over this Procedure to the extent of any inconsistency.</p> <p>(i) It is not intended that this Procedure impose any obligations on the Council or those covered by it that are unreasonable or contrary to the operation of Applicable Laws. Any obligation, direction, instruction or responsibility imposed by this Procedure must be carried out in a manner that an objective third party would consider to be fair and reasonable taking into account and in the context of all the relevant Applicable Laws, operational and personal circumstances.</p> <p>Questions relating to the interpretation, application or enforcement of this Procedure should be directed to a person’s Manager/Supervisor.</p>
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2 GUIDELINES

2.1 General Guidelines

- (a) This Disciplinary Procedure is conducted with a level of formality appropriate to the circumstances but in a practical manner and not to the standard of a judicial hearing or police style examination of the circumstances.
- (b) Particular disciplinary processes and outcomes will be utilised as considered reasonably necessary by Council in the individual circumstances. The exact

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nature of procedural fairness will vary according to the individual circumstances of each case including confidentiality and privacy considerations and obligations.

- (c) An Employee will be advised of the opportunity to have a support person during this process, who may be a Union official or other professional advocate. The role of the support person is to assist Employees by providing emotional support, aiding the Employee’s understanding or by taking notes, asking appropriate questions, or requesting breaks. An appropriate support person is a person who is not a party to a process or involved as a potential witness or otherwise has a conflict of interest. Where the support person is Union official or other professional advocate they may speak or write on behalf of Employee but only to as to:
 - (i) matters of interpretation (eg legislation, Industrial Instrument etc);
 - (ii) clarify, summarise and explain the member or client’s position;
 - (iii) resolution of the matter; and/or
 - (iv) submissions as to mitigation and/or penalty.
- (d) A complaint is not necessary given Council’s duty of care under section 19 of the *Workplace Health and Safety Act 2012* (TAS) to, in general terms, provide a safe Workplace.

2.2 Guidelines for Disciplinary Processes

- (a) **Treat fairly and seriously** - assess all matters on their merits and facts. Any disciplinary process should be thorough enough and obtain relevant and credible evidence as is reasonably necessary to ensure substantive fairness by:
 - (i) providing particulars of allegations and available evidence (including a copy of any complaints if available and not otherwise inappropriate to provide on legitimate work health and safety grounds) so participants understand the context of the process in which they are being required to participate;
 - (ii) providing Employees with a reasonable opportunity to respond to allegations, findings, proposed disciplinary action, subsequent or additional information (whether in writing and/or in person as

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- appropriate) or other process;
 - (iii) making factual findings that are reasonably open to be made (e.g. specific behaviours and their context and surrounding circumstances);
 - (iv) making conclusions or characterisations (e.g. breaches of policies which are serious) that can be objectively drawn from those factual findings;
 - (v) notifying Employees of the findings relevant to them and any proposed disciplinary action (if any);
 - (vi) taking into account the nature and extent of the Infringing Workplace Behaviours, an Employee’s personal circumstances and employment record including prior disciplinary action, any mitigating circumstances, Council requirements and any other relevant matters to ensure that any disciplinary outcome is appropriate in the circumstances; and
 - (vii) notifying Employees of the disciplinary action (if any) which will be imposed and when.
- (b) **Act promptly** – disciplinary matters should be dealt with courteously, respectfully and within appropriate timelines on a case by case basis. All relevant parties should be provided reasonable estimates of timeframes and be kept reasonably informed of the progress. Extensions of time may be appropriate in complex matters where justified. If additional time beyond the initial estimate is reasonably required to address the issues, all relevant parties should be advised of the additional time required and, in a manner appropriate, the reasons for the delay.
- (c) **Support all parties** – Employees involved in the process should be told what support is available including EAP.
- (d) **Be neutral** - impartiality towards everyone involved (i.e. persons seeking to impose disciplinary action, witnesses, affected parties, and responding persons). Participants should also avoid any personal or professional bias (perceived or actual). If a preliminary enquiry or Workplace investigation is undertaken, the investigator may be internal or external to Council and must be a person who is:
- (i) objective and neutral and impartial (i.e. avoid real or perceived bias);

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- (ii) competent having regard to the particular circumstances;
 - (iii) available to conduct a preliminary enquiry or Workplace investigation and report in a timely manner; and
 - (iv) not a potential witness or who has had prior dealings with parties that creates a real or perceived bias.
- (e) **Communicate process and outcomes** - all parties should be reasonably informed of the process, and what they can expect will happen during a resolution process and potential outcomes. Council will provide all parties with clear reasons for any actions taken or not taken. Details of disciplinary matters should only be disclosed in a manner to those parties that need to know, provided that such disclosure does not create an unreasonable risk to their health and safety.
- (f) **Maintain confidentiality** - the process should ensure appropriate confidentiality for all parties involved and consider individual requests for confidentiality subject to Council’s duty to provide a safe Workplace.
- (g) **Keep records as appropriate** - some form of record should be made of the disciplinary process and matters dealt with under this Procedure including details of allegations, written responses or submissions from those involved, the process adopted and any outcomes.
- (h) **Seeking advice and support** - Participants are entitled to obtain advice of their choice and have a support person present during any meetings they are required to attend at their own cost.
- (i) **Appropriate interim arrangements** - It is necessary to preserve the integrity of the disciplinary process being undertaken and having regard to the seriousness of allegations or to reasonably ensure the health and safety of any Workers and Other Persons at the Workplace. While in the process of resolving any disciplinary matter, the parties must reasonably ensure that there is no interruption to work. Council may impose appropriate interim arrangements which may include any combination of the following:
- (i) stand down with pay [unless otherwise specifically provided for in an industrial instrument] Employees responding to allegations (and other

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- Employees where considered appropriate);
- (ii) providing alternative duties to Employees;
- (iii) directing temporary changes to work arrangements (including reporting lines and location);
- (iv) preventing or restricting communication between Employees, Workers and Other Persons at the Workplace;
- (v) imposing, for legitimate work health and safety reasons only, confidentiality obligations on Employees, Workers and Other Persons at the Workplace (which does not preclude the taking of bona fide advice from a Union official or other professional advocate);
- (vi) preserving evidence - if necessary secure part of the Workplace, obtain photographs or take any other steps to preserve physical evidence that may otherwise be lost; and
- (vii) reporting to relevant authorities – e.g. Police, Regulators, Work Safe Tasmania etc.

Any action taken in subparagraph (i) is an interim measure only and is not a disciplinary outcome and is without loss of pay or other entitlements [unless otherwise specifically provided for in an industrial instrument].

3 DISCIPLINARY PROCESSES

A disciplinary process appropriate to the circumstances will applied which will include processes for:

- (a) determining Infringing Workplace Behaviour such as a Manager/Supervisor determination, preliminary enquiry or Workplace investigation; and
- (b) stand downs and other interim arrangements; and
- (c) determining disciplinary outcomes.

4 DETERMINING INFRINGING WORKPLACE BEHAVIOUR

4.1 Manager/Supervisor Determination

- (a) Managers/Supervisors may make determinations if satisfied that conduct

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occurred or did not occur and that conclusions can be objectively drawn (i.e. make findings as to the nature and extent of Infringing Workplace Behaviour or find that Infringing Workplace Behaviour is not substantiated).

- (b) Examples of this include where:
 - (i) Managers/Supervisors directly observe the Infringing Workplace Behaviour;
 - (ii) Employees do not deny the allegations against them or are found to be unreliable, demonstrably wrong or not credible;
 - (iii) there is no dispute as to the key facts and other factual matters in dispute may not need to be resolved to appropriately determine the matter; and
 - (iv) key disputed material facts can be easily resolved by reliable documentary evidence or corroboration by reliable witnesses or physical evidence to find allegations proven or unsubstantiated.

4.2 Preliminary enquiry

- (a) A preliminary enquiry is a process to consider facts and circumstances of reported or suspected Infringing Workplace Behaviour without making findings where there are disputed facts.
- (b) In a preliminary enquiry allegations may not be fully particularised, the Complainant (if relevant) and Respondent(s) (if appropriate) are interviewed and other relevant evidence including interviews may be obtained and evaluated and a report is provided to Council.
- (c) Council can reasonably decide, taking into consideration the relevant circumstances, whether to commence a:
 - (i) preliminary enquiry prior to conducting a workplace investigation (which may or may not occur); or
 - (ii) Workplace investigation without conducting a preliminary enquiry.
- (d) Examples of Council determining to commence a preliminary enquiry include where:
 - (i) there is likely to be no dispute as to the key facts and other factual

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matters in dispute may not need to be resolved to appropriately determine the matter; or

- (ii) the nature and extent of the complaints or potential Infringing Workplace Behaviour is unknown and it is reasonable to ascertain this prior to determining any further appropriate disciplinary process including whether specific allegations need to be made and if so against who in a Workplace investigation.

(e) At the conclusion of a preliminary enquiry, Council may then determine it is reasonably satisfied (on a similar basis as referred to in paragraph 4.1) that:

- (i) a Workplace investigation will commence to determine whether or not there is Infringing Workplace Behaviour; or
- (ii) Infringing Workplace Behaviour has occurred based on facts that are not disputed; or
- (iii) Infringing Workplace Behaviour has not occurred or is unsubstantiated.

4.3 Specific Workplace investigation

- (a) A specific Workplace investigation is a formal process to objectively and reliably determine facts and circumstances of reported or suspected Infringing Workplace Behaviour to determine whether specific allegation(s) of Infringing Workplace Behaviour has occurred.
- (b) In a Workplace investigation allegations are particularised and made against specific Employee(s), relevant witnesses are interviewed and other relevant evidence is obtained and findings of fact are made to determine allegations and other relevant matters.
- (c) Examples of Council determining to commence a specific Workplace investigation include where:
 - (i) there is a dispute as to the key facts and other factual matters which must be resolved to make findings as to the nature and extent of Infringing Workplace Behaviour or find that Infringing Workplace Behaviour is not substantiated; and
 - (ii) having regard to the nature of the complaints (if relevant) or

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seriousness of the allegations and the potential consequences (e.g. dismissal is a potential disciplinary outcome and potential impact on an Employee’s reputation).

5 DISCIPLINARY OUTCOMES

The following types of disciplinary action may be implemented at the conclusion of a disciplinary process where Infringing Workplace Behaviour is found to have occurred.

5.1 General Guidelines

- (a) To be effective, disciplinary action, where dismissal is not appropriate should emphasise correcting Infringing Workplace Behaviours to bring about a required change rather than just punishing and deterring Employees.
- (b) Without limiting what particular disciplinary action may be imposed in the individual circumstances, as a general guide, it should provide for increasingly serious steps if Infringing Workplace Behaviours do not change.
- (c) With the exception of dismissal, Employees should therefore be informed, regardless of the type of disciplinary action, as to:
 - (i) how and why their behaviour is considered Infringing Workplace Behaviour;
 - (ii) the required standards of behaviour and any reasonable assistance available for Employees to achieve this;
 - (iii) support provided by Council to correct the behaviour;
 - (iv) (if appropriate) timeframes within which Employees will be required to improve or change behaviours; and
 - (v) what may occur if Employees’ behaviours do not improve or change including types of potential disciplinary action.
- (d) It may be appropriate for a combination of types of disciplinary outcomes to be implemented.

5.2 Formal Counselling

- (a) Formal counselling involves formally expressing dissatisfaction with an Employee’s behaviour during a meeting including documenting the outcome

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which will form part of the Employee’s employment record.

- (b) Formal counselling is considered as less serious than a written warning and to not place the Employee’s employment at immediate risk.

5.3 Written Warnings

- (a) A written warning may be implemented where it is considered necessary to formally express dissatisfaction with an Employee’s behaviour and to expressly put the Employee on notice that ongoing employment is at risk if there is further Infringing Workplace Behaviour.
- (b) A written warning will be provided to an Employee during a meeting and will form part of the Employee’s employment record.
- (c) Written warnings do not have to follow a ‘3 warning’ process before dismissal is considered. Termination can be considered without any minimum number of prior warnings depending on the circumstances. Each matter is considered on its merits.
- (d) For example, an Employee may receive more than 3 written warnings for different types of Infringing Workplace Behaviour and not have dismissal considered. Alternatively, an Employee may receive a first and final written warning for a particularly serious instance of Infringing Workplace Behaviour without any previous disciplinary action.
- (e) A written warning does not ‘expire’ after a period of time and remains part of an Employee’s employment record. Not all warnings may be relevant to future disciplinary action. The ‘age’ of the warning will be a relevant factor in considering any subsequent potential disciplinary action. Regardless of the ‘age’ of a warning, a previous warning will only be relevant where there is a consistent and causal connection between the alleged Infringing Workplace Behaviour to it.

5.4 Transfer

On appropriate health and/or safety grounds (eg to remove interpersonal conflict, threat of injury or equivalent requirement) an Employee may be transferred to work in another area of Council as part of the disciplinary outcome.

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5.5 Dismissal with notice or a payment in lieu of notice

- (a) Dismissal may occur where Council determines it is appropriate to terminate the employment relationship.
- (b) Dismissal should not occur under this Procedure unless there is a valid reason for dismissal, Employees have been accorded an adequate level of procedural fairness and any other relevant matters have been considered.
- (c) Examples of this include where the Infringing Workplace Behaviour:
 - (i) results in poor performance that has not adequately improved following a Performance Management Plan under the Performance Management Procedure;
 - (ii) causes the employment relationship to have irretrievably broken down or a loss of mutual trust and confidence necessary to continue the employment relationship;
 - (iii) potentially damages the reputation of Council or undermines the capacity of an Employee to remain in the Workplace;
 - (iv) relates or is similar to behaviours that an Employee has previously been formally warned that further instances may result dismissal; or
 - (v) is of itself or viewed collectively with other Infringing Workplace Behaviours of such a serious nature to warrant dismissal.
- (d) Council in its discretion may provide or make a payment in lieu of the required notice period.

5.6 Immediate dismissal without payment in lieu of notice

- (a) Employees found to have engaged in serious misconduct may be dismissed without notice or any payment in lieu of notice.
- (b) Serious misconduct is conduct and/or behaviour which is sufficiently serious for Council to consider termination of employment.
- (c) Serious misconduct has its ordinary meaning and includes both:
 - (i) wilful or deliberate behaviour by an Employee that is inconsistent with the continuation of the contract of employment; and
 - (ii) conduct that causes serious and imminent risk to the:

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- (A) health or safety of a person; and
 - (B) reputation, viability or profitability of Council.
- (d) Examples of serious misconduct include (unless an Employee is able to show that the conduct engaged in was not conduct that made employment in the period of notice unreasonable):
- (i) theft;
 - (ii) fraud;
 - (iii) assault;
 - (iv) being intoxicated at the Workplace; and
 - (v) refusing to carry out a lawful and reasonable instruction that is consistent with an Employee's contract of employment.

5.7 Other disciplinary outcomes

Other actions, which are not disciplinary action, may be considered as part of a disciplinary outcome, other than dismissal, to bring about a positive change include:

- (a) coaching;
- (b) training;
- (c) mediation or facilitated meetings between Employees;
- (d) (if applicable) notifying complainant/s of outcome;
- (e) appropriate report back to Other Persons at the Workplace;
- (f) other appropriate actions; and
- (g) processes to monitor Employee behaviours or the outcomes of any actions referred to in this paragraph 5.7.

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SUBJECT: EMPLOYEE OUTSIDE WORK ACTIVITIES POLICY	FILE NO:	PER/1200
ADOPTED BY COUNCIL ON: 16 July 2009	MINUTE NO:	266.07.09
AMENDED BY COUNCIL ON:	MINUTE NO:	

Introduction

Any Flinders Council employee, who undertakes work or other activities outside Council, where that work or activity may adversely affect the performance of that staff member, or image of Flinders Council, should seek approval from the General Manager.

Objectives

Employees are able to perform work outside of Council provided this work does not conflict or interfere with the performance of their official duties. Employees must obtain permission, in writing from the General Manager before engaging in outside employment.

Permission should also be received from the General Manager, in writing, with respect to Council Officers using Council resources for non-Council purposes.

Related Legislation, Regulations and Policies

Workplace Health & Safety Act 1995

Responsibilities

Employees are responsible for notifying the General Manager of any changes to external occupation/s or activities as and when required.

The responsibility of this Policy rests with Department Managers.

PERFORMANCE MANAGEMENT POLICY

FILE NO: PER/0500

ADOPTED BY COUNCIL ON: 21 January 2016	MINUTE NO:	06.01.2016
AMENDED BY COUNCIL ON:	MINUTE NO:	

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1 AUTHORITY & APPLICATION

Date of approval	21/01/2016
Source of approval	Flinders Council
Start date	22/01/2016
Related Council Documents	<p>This Policy should be considered in the context of the following policies and procedures:</p> <ul style="list-style-type: none"> • <i>Employee Code of Conduct</i> • <i>Communications</i> • <i>Disciplinary</i> • <i>Fitness for Work</i> • <i>Issue Resolution</i> • <i>Work Health & Safety</i> • <i>Workplace Behaviour</i>
Date of review	1 November 2017
Previous policies replaced by this Policy	<p>HR5 Employee Personal Development Appraisal Policy</p> <p>HR12 Staff Development Policy</p>
Publication of Policy	Policy Manual
Definitions	
<u>Term</u>	<u>Meaning</u>

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Applicable Laws	<p>All laws in connection with the carrying out of work or the Workplace including:</p> <ul style="list-style-type: none"> • <i>Age Discrimination Act 2004</i> (Cth) • <i>Anti-Discrimination Act 1998</i> (TAS) • <i>Australian Human Rights Commission Act 1986</i> (Cth) • <i>Disability Discrimination Act 1992</i> (Cth) • <i>Fair Work Act 2009</i> (Cth) • <i>Local Government Act 1993</i> (TAS) • <i>Racial Discrimination Act 1975</i> (Cth) • <i>Sex Discrimination Act 1984</i> (Cth) • <i>Work Health & Safety Act 2012</i> (TAS) • <i>Workers Rehabilitation & Compensation Act 1988</i> (TAS)
Council	Flinders Council
Councillor	An elected member of Council known as a Councillor or Alderman or otherwise meeting the definition of a ‘councillor’ as defined under section 3 of the <i>Local Government Act 1993</i> (TAS)
Employee	A person who carries out work for Council as an employee of Council.
General Manager	The general manager of Council as appointed under section 61 of the <i>Local Government Act 1993</i> (TAS).
Infringing Workplace Behaviour	Any act or omission, which amounts to a breach of any Council policy, contractual obligation or misconduct at common law.
Manager/Supervisor	A person at the Workplace who is appointed to a position that has management supervisory responsibilities for others or their appropriately nominated or authorised delegate..
Policy	This Performance Management Policy including the ‘Authority and Application’.
Procedure	The Performance Management Procedure including the ‘Authority and Application’.

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Workplace	A place where work is carried out for Council.
Training	Council will provide all persons covered by this Policy with appropriate training so they are made aware of their responsibilities and obligations under the Policy.
Amendment	Council retains the sole discretion to reasonably vary, terminate or replace this Policy from time to time. Council will consult before amendments are made and will notify and train those the amendments apply to.
Interpretation of Policy	<ul style="list-style-type: none"> (a) The singular includes the plural and vice versa. (b) A reference to any legislation includes all delegated legislation made under it and amendments, consolidations, replacements or re-enactments of any of them. (c) A reference to policy or procedure means any approved policies or procedures of Council unless otherwise stated. (d) 'Including' and similar expressions are not words of limitation. (e) A reference to a document (including this document) is to that document as amended, novated or replaced unless otherwise stated. (f) Where a word or expression is given a particular meaning, other parts of speech and grammatical forms of that word or expression have a corresponding meaning. (g) Examples used in this Policy are for illustrative purposes only and are not intended to be exhaustive. (h) Unless expressly provided for, this Policy is not in any way incorporated as part of any enterprise agreement and does not form part of any Employee's contract of employment and any applicable enterprise agreement or contract of employment will prevail over this Policy to the extent of any inconsistency. (i) It is not intended that this Policy impose any obligations on the Council or those covered by it that are unreasonable or contrary to the operation of Applicable Laws. Any obligation, direction, instruction or responsibility imposed by this Policy must be carried out in a manner that an objective third party would consider to be fair and reasonable taking into account and in the context of all the relevant Applicable Laws, operational and personal circumstances.

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	<p>Questions relating to the interpretation, application or enforcement of this Policy should be directed to a person's Manager/Supervisor.</p>
<p>Reporting of Breaches</p>	<p>Persons covered under paragraph 3 (Coverage) must reasonably report breaches of Infringing Workplace Behaviour as follows:</p> <p>For breaches by</p> <ul style="list-style-type: none"> a) an Employee (other than the General Manager) the report must go to the reporting person's applicable Manager/Supervisor; and/or b) the General Manager the report must go to the Mayor (or if unavailable to the next appropriately delegated Councillor) and <p>as otherwise required or permitted by Applicable Laws.</p>
<p>Breach of Policy</p>	<p>Persons covered under paragraph 3 (Coverage) who engage in Infringing Workplace Behaviour may (as is appropriate) be subject to appropriate disciplinary action in accordance with Disciplinary Policy and Procedure. Infringing Workplace Behaviour may also amount to breaches of Applicable Laws:</p> <ul style="list-style-type: none"> (a) exposing individuals to legal proceedings; and (b) making Council vicariously liable for the conduct of others.

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2 PURPOSE

The aims of this Policy are to:

- (a) continuously improve Employee performance;
- (b) provide guiding principles for managing Employees' performance;
- (c) provide a reference and framework for the Performance Management Procedure; and
- (d) provide assessment measures for training and development needs.

3 COVERAGE

- (a) This Policy covers and applies to Employees in relation to:
 - (i) behaviour at the Workplace;
 - (ii) the performance of work for or in connection with Council.
- (b) This Policy does not cover or apply to behaviours that amount to or are dealt with by Council as:
 - (i) incapacity for work, which are dealt with under Council's Fitness for Work Policy; or
 - (ii) disciplinary matters, which are dealt with under Council's Disciplinary Policy.
- (c) For the avoidance of doubt this Policy does not cover or apply to a Councillor.

4 REQUIREMENTS

- (a) Employees must comply with this Policy.
- (b) Managers/Supervisors must reasonably communicate and implement this Policy within their area of responsibility.

5 ROLE RESPONSIBILITIES

5.1 What are the Manager/Supervisor's Responsibilities?

Managers/Supervisors are responsible for:

- (a) managing and reviewing Employees' performance to assist them to

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continuously improve and be effective and ensuring appropriate management of poor performance;

- (b) communicating the requirements of Employees’ roles and expectations for effective performance;
- (c) making appropriate records relating to managing performance;
- (d) making reasonable resources available to assist Employees; and
- (e) advising Employees of reasonable internal and external support.

5.2 What are the Employee’s Responsibilities?

Employees are responsible for:

- (a) their own performance, including the requirements of their role for effective performance;
- (b) participating appropriately in performance management;
- (c) improving performance; and
- (d) identifying appropriate support, training or experience and opportunities to improve performance.

6 ENGAGING IN PERFORMANCE MANAGEMENT

6.1 What is the process?

Managing performance is an ongoing process that all Employees are continuously involved in. The Performance Management Procedure provides for guidelines containing a number of different processes Council may utilise to appropriately manage performance.

6.2 Is there a requirement to use a particular process?

Council may use a particular performance management process or tool (or combination) that a Manager/Supervisor considers reasonable in the circumstances to ensure compliance with role requirements or expectations or other policies and procedures.

6.3 Who conducts performance management?

- (a) Performance management is conducted by an Employee’s immediate Manager/Supervisor.

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- (b) Despite this, Council may decide, taking into consideration the relevant circumstances, to utilise instead or in addition to the Employee’s immediate Manager/Supervisor:
 - (i) a more senior Manager/Supervisor; or
 - (ii) an external person.

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PERFORMANCE MANAGEMENT PROCEDURE

FILE NO: PER/0500

ADOPTED BY COUNCIL ON: 21 January 2016	MINUTE NO:	06.01.2016
AMENDED BY COUNCIL ON:	MINUTE NO:	

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1 AUTHORITY & APPLICATION

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	<p>(d) 'including' and similar expressions are not words of limitation.</p> <p>(e) A reference to a document (including this document) is to that document as amended, novated or replaced unless otherwise stated.</p> <p>(f) Where a word or expression is given a particular meaning, other parts of speech and grammatical forms of that word or expression have a corresponding meaning.</p> <p>(g) Examples used in this Procedure are for illustrative purposes only and are not intended to be exhaustive.</p> <p>(h) Unless expressly provided for, this Procedure is not in any way incorporated as part of any enterprise agreement and does not form part of any Employee's contract of employment and any applicable enterprise agreement or contract of employment will prevail over this Procedure to the extent of any inconsistency.</p> <p>(i) It is not intended that this Procedure impose any obligations on the Council or those covered by it that are unreasonable or contrary to the operation of Applicable Laws. Any obligation, direction, instruction or responsibility imposed by this Procedure must be carried out in a manner that an objective third party would consider to be fair and reasonable taking into account and in the context of all the relevant Applicable Laws operational and personal circumstances.</p> <p>Questions relating to the interpretation, application or enforcement of this Procedure should be directed to a person's Manager/Supervisor.</p>
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2 GUIDELINES

- (a) Performance management is conducted with as little formality as is possible. Particular performance management tools will be utilised as considered reasonably necessary to ensure effective performance. This Procedure does not limit Council's right to take reasonable action in a reasonable manner.
- (b) Performance management processes will depend on the type of performance issues, which may include:
 - (i) Infringing Workplace Behaviour (generally behaviours that are not serious or a deliberate departure from role requirements or expected behaviours otherwise this would be dealt with under the Disciplinary

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Policy);

- (ii) work quality including technical requirements, accuracy and consistency of work performed;
 - (iii) work output including quantity and efficiency of work performed; and
 - (iv) work effectiveness including communication, decision making, team work, following work processes, prioritising, deadlines and cooperation.
- (c) Procedural fairness appropriate to the circumstances should be provided to Employees by their Managers/Supervisors, which includes reasonable:
- (i) notice of specific behaviours (given that performance is aggregated behaviours) Council considers to be contrary to performance expectations or requirements;
 - (ii) opportunities to respond to such notice concerning performance and address performance issues;
 - (iii) opportunities to change or remedy behaviours to improve performance;
 - (iv) notice of the performance tools being utilised to improve performance and their context including the potential outcome and security of ongoing employment; and
 - (v) steps to maintain confidentiality.
- (d) The process should ensure appropriate confidentiality for all parties involved and consider individual requests for confidentiality subject to Council's duty to provide a safe workplace.
- (e) The opportunity to have a support person is not generally offered or considered to be appropriate. This is because performance management is based on professional relationships between Managers/Supervisors and Employees to perform work to meet operational requirements. This Procedure only contains non-disciplinary processes. However, Council will not unreasonably refuse a request for a support person.
- (f) The role of the support person is to assist Employees by providing emotional support, aiding the Employee's understanding or by taking notes, asking

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appropriate questions, or requesting breaks. A support person is not to be an advocate or speak on behalf of the Employee. An appropriate support person is a person who is not a party to a process or involved as a potential witness or who otherwise has a conflict of interest.

- (g) A support person must maintain confidentiality understanding that Employees' work performance are private matters between the relevant parties, and the confidentiality of those processes should be respected at all times.
- (h) Any of the performance management tools utilised should incorporate any one or more of the following guidelines as appropriate:
 - (i) communicate to the Employee that performance is or is not meeting expectations or requirements and provide recent examples of specific behaviours;
 - (ii) encourage the Employee to continue to engage in effective behaviours or, where ineffective, first identify the solution themselves, before advising them what to do or how to improve performance if necessary;
 - (iii) agree on a plan to rectify any performance gap between expected and actual behaviours;
 - (iv) set measurable performance goals and allow reasonable timeframes to achieve them;
 - (v) provide or offer necessary support and training to assist the Employee in improving performance;
 - (vi) advise an Employee that if their performance levels do not improve by a specific date, what the escalation process will be; and/or
 - (vii) document performance, communication and outcomes.

3 TOOLS

Managers/Supervisors may implement performance management processes appropriate to the circumstances using any of the following tools in any combination.

3.1 Meetings

Meetings develop professional relationships which in turn build teams that are

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necessary for better performance. Meetings are work requirements that can be used to respond to operational requirements and implement any of the other tools.

3.2 Praise

Positive reinforcement is generally far more powerful than negative feedback and can have a significant effect on a person and the morale of the team. A simple 'thank you' for a job well done is always appreciated. Public recognition of a job well done where appropriate and with an Employee's consent can also be effective.

3.3 Feedback (positive and negative)

- (a) Feedback is encouraging effective behaviours. The purpose is to correct or change behaviours or reinforce to continue behaviours. Because it is affirming and adjusting it needs to be verbal and immediate.
- (b) Feedback deals with small incremental adjustments to behaviour. It is not disciplinary or to 'punish' which is why it deals with future behaviours only. It is not concerned with 'root cause' or the 'intent' behind behaviours, which is why it allows an Employee to provide their own solutions to change or continue behaviours.

3.4 Communicating Expectations

- (a) Communicating expectations can occur in a variety of circumstances including where there is:
 - (i) an apparent 'expectations gap' between the Employee's view of their performance and their Manager/Supervisor;
 - (ii) a pattern of behaviour that is not aligned to expectations; or
 - (iii) inadequate response to feedback.
- (b) Communicating expectations should occur verbally (e.g. during meetings) and in writing (e.g. emails, memoranda, letters) and include:
 - (i) describing specific behaviours;
 - (ii) consequences – the impact of those behaviours and why they are not effective;
 - (iii) considering the response including the cause, options and Employee's plan to change;
 - (iv) reiterating expectations and resources to assist; and

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- (v) escalation – what will happen by when if there is not a satisfactory change (which may include use of other tools and is non-disciplinary).

3.5 Coaching

Coaching is goal orientated communication. Coaching is used to not only address poor performance but to manage people’s strengths and further develop performance. Coaching is self-directed because it requires an Employee to agree on the goal, the action plan and process to report and review.

3.6 Training

This is targeted teaching used by the Manager/Supervisor to overcome a specific deficit in skills required for effective performance management plans.

3.7 Performance Management Plans

These are documented plans to address ongoing poor performance as referred to in paragraph 4.

4 PLANS

- (a) A performance management plan will be initiated where:
 - (i) performance issues have been identified; and
 - (ii) performance issues are of a serious nature; or
 - (iii) there has not been acceptable improvement to performance utilising other performance management tools.
- (b) The Employee will be provided with reasonable notice that a meeting has been scheduled to discuss unacceptable performance.
- (c) The opportunity to have a support person at this stage may be considered to be appropriate.
- (d) The meeting should include:
 - (i) reference to any previous performance management processes;
 - (ii) details of how and why performance is unacceptable and provide examples of specific behaviours;
 - (iii) describing the expected performance;
 - (iv) outlining the level of training and assistance available;

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- (v) devising a performance management plan in consultation with the Employee;
 - (vi) advising as to the potential outcome if the action plan items are not achieved and ultimately the performance goals within the stated timeframe; and
 - (vii) any other relevant matter.
- (e) Following the performance management meeting the Manager/Supervisor will implement a written performance management plan in consultation with the Employee that contains:
- (i) measurable performance goals;
 - (ii) an action plan containing the standard of behaviours required;
 - (iii) reasonable timeframes to improve to the required standard; and
 - (iv) meetings and reporting to monitor and review the action plan and ultimately whether the performance goals have been achieved or not.

5 OUTCOMES

Council may implement any of the following performance management outcomes arising out of utilising the performance management tools.

- (a) **Coaching** - an Employee may engage in coaching internally with a Manager/Supervisor other than their immediate one or externally.
- (b) **Training** - this may be provided internally other than by an Employee's immediate Manager/Supervisor or externally.
- (c) **Change of duties or responsibilities** - this may be utilised to focus on an Employee's strengths and the best value to Council. It must not be utilised to avoid managing poor performance or to change a role where other Employees are adversely impacted on as a result.
- (d) **Transfer to a new role or position** - if appropriate and subject to merit based selection an Employee may be transferred to a new role or position by agreement and at the sole discretion of Council which may be at the same, higher or lower level with a new contract of employment.
- (e) **Disciplinary** - a disciplinary process which may result in disciplinary action up

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to and including dismissal may arise out of any performance management tool (e.g. prior to, during or at the end of a performance management plan process) in which case the Disciplinary Policy and Procedure will apply to that disciplinary process and not this Procedure.

- (f) **Any other performance management outcome.**

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SUBJECT: EMPLOYEE PROMOTION POLICY	FILE NO:	PER/0500
ADOPTED BY COUNCIL ON: 16 July 2009	MINUTE NO:	260.07.09
AMENDED BY COUNCIL ON:	MINUTE NO:	

Introduction

The purpose of this policy is to provide employees with an understanding of promotion opportunities within the Council.

Objectives

The promotion policy of the Flinders Council is based on three main principles:

1. Whenever possible, vacancies shall be filled by the most effective people available from within the Council.
2. The excellence of an employee's performance in his or her present job within the Council or the absence of a suitable replacement shall not be the only valid reason for refusing promotion to a suitable position.
3. Promotion is not affected by race, creed, age, sex or marital status.

ROLES & RESPONSIBILITIES:

1. When a vacancy arises, the Manager of the Department concerned shall obtain the necessary authority from the General Manager, who will notify the Office Manager, who is then responsible for sourcing suitable candidates, in accordance with the Selection Criteria. The General Manager has the final decision in accepting or rejecting a candidate.
2. Except for the circumstances set out in paragraph 5, the Office Manager shall advertise positions on notice-boards for at least five days.
3. The Office Manager, with the agreement of the departmental Manager, may advertise the vacancy concurrently outside the Council.
4. Applications from employees should be sent to the Office Manager, who will carry out the following actions:
 - (a) notify Departmental Managers of the departments in which candidates are employed;
 - (b) notify the manager of the department in which the vacancy occurs of all applications received;
 - (c) notify candidates of interview;
 - (d) notify candidates of the result of the interview.

5. Internal advertising can be dispensed with where the General Manager considers that:
 - (a) there is a natural successor (who may have been specifically trained to fill the vacancy); or
 - (b) because of unusual requirements there is no suitable candidate within the council; or
 - (c) the vacancy can be filled by the transfer of an employee of equivalent grade.

Related Legislation, Regulations and Policies

Municipal Officers (Tasmania) Award 2002

Municipal Employees (Country Councils Tasmania) Award 2003

Local Government Act 1993

Anti-Discrimination Act 1998

Human Rights and Equal Opportunity Commission Act 1986

Workplace Relations Act 1996

Workplace Health & Safety Act 1995

Local Government (Community Services) Tas Award 2002

Responsibilities

The responsibility of this policy rests with General Manager.

SUBJECT: <i>EMPLOYEE RECRUITMENT POLICY</i>	FILE NO:	PER/0602
ADOPTED BY COUNCIL ON: 16 July 2009	MINUTE NO:	256.07.09
AMENDED BY COUNCIL ON: 13 March 2014	MINUTE NO:	763.03.14

Introduction

The Employee Recruitment Policy is established to enable the organisation to:

- Ensure recruitment is based on merit.
- Reduce risk of legal claims relating to discrimination.
- Provide cost effective recruitment solutions.

Objectives

The organisation aims to hire applicants on merit, making the best use of their abilities and providing job satisfaction, whilst ensuring that appropriate communication, records and human resource controls are maintained.

Identification

1. Position and Role Review

Prior to any recruitment activities being undertaken an assessment is to be made as to whether an additional resource is needed and whether the tasks and activities that need to be carried out can be via other means e.g. redesign of another role, different systems/processes, development opportunity. If there is a requirement for additional resources via employment the most suitable employment mode should be determined together with the workload (hours) required.

Employment modes include:

1. Ongoing/permanent
2. Fixed-term
3. Casual

Hours maybe full-time (37.5 hours per week) or a reduced amount on a regular rostered basis which would meet the definition of part-time, or alternatively hours which are unpredictable and potentially change from commitment to commitment and therefore casual.

2. Position Description

A position description is a statement of the tasks, duties and responsibilities of a job to be performed. It entails an understanding of the relationship of a specific position to other positions in the organisation and to the organisation's overall goals and operations.

Position descriptions are to be reviewed on a regular basis. Minimum review periods are at the time of the annual performance review and prior to any recruitment process.

3. Filling a Vacancy

A) Direct Appointment

From time to time the Council may benefit from making a direct appointment. This means appointing an individual without advertising the role via the normal methods or completing all the steps of a selection appointment.

If the Hiring Manager wishes to make a direct appointment a report must be provided to the General Manager outlining the reasons a direct appointment approach is desired/preferred. Reasons for direct appointment may include:

- Role is casual or fixed-term in nature.
- Person has lodged expression of interest to work with Council.
- Specialist skills, knowledge and experience are required and there is a known short supply of this.
- Past difficulty attracting or recruiting for the role or like roles and the need to actively seek and approach staff within existing roles at other organisations to fill the position.
- If there is only one applicant for the role post an advertising process and they are considered suitable.

The General Manager is to then review the reasons provided and decide if a direct appointment process is appropriate. The General Manager is to inform the Hiring Manager in writing of the final decision taken before any appointment is made.

In the event the role being filled is via a General Manager direct appointment, a report is to be provided to the Mayor outlining the reasons for the direct appointment. Reasons for direct appointment may include:

- Role is casual or fixed-term in nature.
- Person has lodged expression of interest to work with Council.
- Specialist skills, knowledge and experience are required and there is a known short supply of this.
- Past difficulty attracting or recruiting for the role or like roles and the need to actively seek and approach staff within existing roles at other organisations to fill the position.
- If there is only one applicant for the role post an advertising process and they are considered suitable.

Once presented with the report the Mayor may discuss the proposed appointment with the General Manager but is not to unreasonably interfere or try to influence the hiring process or decision.

All offers of employment are to be provided in writing.

B) Selection Appointment

A selection appointment involves appointment of a Selection Panel which will include the Hiring Manager and two other parties. The Panel should include representation from both genders. Some panels may benefit from one party being an external stakeholder.

Where a member of the Selection Panel has a significant relationship with a short-listed applicant (such as a relative), that panel member will remove themselves from the process on the basis that there may be a conflict of interest. Such conflicts of interest are to be notified to the General Manager as soon as they become known.

The selection appointment process involves:

- Applications received shortlisted against the selection criteria by Hiring Manager and one member of the Selection Panel.
- Applicants interviewed by the full Selection Panel and determined if appropriate for the position. Interview questions will be based on the Position Description and primarily the selection criteria. There will not be questions of a personal nature which could give rise to discriminatory inferences or claims.
- Referee reports collected by Hiring Manager for preferred candidate and shared with the Selection Panel.
- Hiring Manager determines proposed salary within Enterprise Agreement boundaries for General Manager approval.
- Preferred candidate advised of intent to offer subject to pre-employment checks.
- Offer made after pre-employment check clearance and forwarded in writing for consideration.
- Upon offer acceptance, unsuccessful candidates notified in writing.

C) Expressions of Interest Register

The Council may seek to maintain an Expression of Interest Register for general roles in Council e.g. Administration or Works. Expressions may be sought via the Council website. Expressions received will remain on file for 12 months from the date of submission.

The Expressions of Interest Register can be reviewed when the need for a position arises and suitable parties contacted to ascertain their availability and interest.

D) Advertising

If a role is for an ongoing/permanent position and is not subject to direct appointment it must be advertised. If more than one applicant applies it must progress through a selection appointment process.

If the Hiring Manager wishes to advertise a role instead of making a direct appointment or using existing expression of interests due to concerns about people or lack of people available via these means, the General Manager must approve the advertisement process.

If there are multiple existing employees who may be interested in and capable of performing a role, an internal only advertisement maybe appropriate.

In all cases the external advertisement process used must be cost effective and include advertising in the Flinders Island circular.

E) External Agent

In some instances Council may decide to outsource the advertising and initial selection process to an external agent. This may be required due to seniority of roles, specialist roles, number of roles or if it provides for a more cost effective solution. It is the Hiring Manager's responsibility to manage any external agent appointed to support a recruitment activity.

4. Pre-Employment Checks

A federal conviction check will be required for the preferred applicant; any information obtained will be assessed against the requirements of the position.

All costs for the federal conviction check will be met by Council.

A pre-employment medical examination will be required for the preferred applicant. Information is to be requested only in regard to that which is directly relevant to the position. The applicant will be provided with a pre-employment medical form/s to take to a general practitioner for completion.

All costs for the medical examination will be met by Council.

Related Legislation, Regulations and Policies

Local Government Act 1993

Anti-Discrimination Act 1998

Human Rights and Equal Opportunity Commission Act 1986

Work Health & Safety Act 2012

Fair Work Act 2009

Responsibilities

Coordination of the recruitment process is the responsibility of the Hiring Manager with support from the Corporate Services Manager (and/or Coordinator) if needed.

The General Manager's approval is required prior to advertising a vacancy and making any offer of employment.

Hiring Managers seeking to recruit new staff must consult with the General Manager about their recruitment needs. Each Hiring Manager is responsible for adhering to this policy.

ISSUE RESOLUTION POLICY

FILE NO: PER/0500

ADOPTED BY COUNCIL ON: 21 January 2016	MINUTE NO:	06.01.2016
AMENDED BY COUNCIL ON:	MINUTE NO:	

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1 AUTHORITY & APPLICATION

Date of approval	21/01/2016	
Source of approval	Flinders Council	
Start date	22/01/2016	
Related Council Documents	<p>This Policy should be considered in conjunction with the following policies and procedures:</p> <ul style="list-style-type: none"> • <i>Employee Code of Conduct</i> • <i>Communications</i> • <i>Disciplinary</i> • <i>Fitness for Work</i> • <i>Performance Management</i> • <i>Work Health & Safety</i> • <i>Workplace Behaviour</i> 	
Date of review	1 September 2017	
Previous policies replaced by this Policy	HR8 Equal Employment Opportunity Policy	
Publication of policy	Policy Manual	
Definitions		
<u>Term</u>	<u>Meaning</u>	
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<p>Applicable Laws</p>	<p>All laws in connection with the carrying out of work or the Workplace including:</p> <ul style="list-style-type: none"> • <i>Age Discrimination Act 2004</i> (Cth) • <i>Anti-Discrimination Act 1998</i> (TAS) • <i>Australian Human Rights Commission Act 1986</i> (Cth) • <i>Disability Discrimination Act 1992</i> (Cth) • <i>Fair Work Act 2009</i> (Cth) • <i>Local Government Act 1993</i> (TAS) • <i>Racial Discrimination Act 1975</i> (Cth) • <i>Sex Discrimination Act 1984</i> (Cth) • <i>Work Health & Safety Act 2012</i> (TAS) • <i>Workers Rehabilitation & Compensation Act 1988</i> (TAS)
<p>Contact Officer</p>	<p>An Employee of Council who is appointed in writing after receiving and completing appropriate training to perform the role of Contact Officer.</p>
<p>Council</p>	<p>Flinders Council</p>
<p>Councillor</p>	<p>An elected member of Council known as a Councillor or Alderman or otherwise meeting the definition of a ‘councillor’ as defined under section 3 of the <i>Local Government Act 1993</i> (TAS)</p>
<p>Employee</p>	<p>A person who carries out work for Council as an employee of Council.</p>
<p>General Manager</p>	<p>The general manager of Council as appointed under section 61 of the <i>Local Government Act 1993</i> (TAS).</p>
<p>Infringing Workplace Behaviour</p>	<p>Any act or omission, which amounts to a breach of any Council policy, contractual obligation or misconduct at common law.</p>
<p>Industrial Instrument</p>	<p>An instrument recognised under the Fair Work Act 2009 that has legal application with respect to minimum entitlements to those Employees covered within its scope (eg Award or Enterprise Agreement).</p>
<p>Issues</p>	<p>Any grievances, disputes, issues, complaints or concerns that a Worker or other Persons at the Workplace may have against Council, Councillor, Workers or Other Persons at the Workplace.</p>

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Manager/Supervisor	A person at Workplace who is appointed to a position that has management/supervisory responsibilities for others or their appropriately nominated or authorised delegate.
Other Persons at the Workplace	Any person, other than a Councillor, at the Workplace who is not a Worker including visitors and ratepayers.
Policy	This Issue Resolution Policy including the 'Authority and Application'.
Procedure	This Issue Resolution Procedure including the 'Authority and Application'.
Worker	<p>A person, other than a Councillor, who carries out work in any capacity for Council, including work as:</p> <ul style="list-style-type: none"> (a) an Employee; (b) a contractor or subcontractor; (c) an employee of a contractor or subcontractor; (d) an employee of a labour hire company who has been assigned to work at Council; (e) an outworker; (f) an apprentice or trainee; (g) a student gaining work experience; or (h) a volunteer.
Workplace	A place where work is carried out for Council.
Training	Council will provide all persons covered by this Policy with appropriate training so they are made aware of their responsibilities and obligations under the Policy.
Amendment	Council retains the sole discretion to reasonably vary, terminate or replace this Policy from time to time. Council will consult before amendments are made and will notify and train those the amendments apply to.
Interpretation of Policy	<ul style="list-style-type: none"> (a) The singular includes the plural and vice versa. (b) A reference to any legislation includes all delegated legislation made under it and amendments, consolidations, replacements or re-

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	<p>enactments of any of them.</p> <p>(c) A reference to policy or procedure means any approved policies or procedures of Council unless otherwise stated.</p> <p>(d) 'Including' and similar expressions are not words of limitation.</p> <p>(e) A reference to a document (including this document) is to that document as amended, novated or replaced unless otherwise stated.</p> <p>(f) Where a word or expression is given a particular meaning, other parts of speech and grammatical forms of that word or expression have a corresponding meaning.</p> <p>(g) Examples used in this Policy are for illustrative purposes only and are not intended to be exhaustive.</p> <p>(h) Unless expressly provided for this Policy is not in any way incorporated as part of any enterprise agreement and does not form part of any employee's contract of employment and any applicable enterprise agreement or contract of employment will prevail over this Policy to the extent of any inconsistency.</p> <p>(i) It is not intended that this Policy impose any obligations on the Council or those covered by it that are unreasonable or contrary to the operation of Applicable Laws. Any obligation, direction, instruction or responsibility imposed by this Policy must be carried out in a manner that an objective third party would consider to be fair and reasonable taking into account and in the context of all the relevant Applicable Laws, operational and personal circumstances.</p> <p>Questions relating to the interpretation, application or enforcement of this Policy should be directed to a person's Manager/Supervisor.</p>
<p>Reporting of Breaches</p>	<p>Persons covered under paragraph 3 (Coverage) must reasonably report breaches of Infringing Workplace Behaviour as follows:</p> <p>For breaches by</p> <p>(a) an Employee (other than the General Manager), or other Workers, the report must go to the reporting person's applicable Manager/Supervisor;</p> <p>(b) an Other Person at the Workplace, to the General Manager; and/or</p> <p>(c) the General Manager the report must go to the Mayor (or if unavailable to the next appropriately delegated Councillor) and</p>

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	as otherwise required or permitted by Applicable Laws.
Breach of Policy	<p>Persons covered under paragraph 3 (Coverage) who engage in Infringing Workplace Behaviour may (as is appropriate and as applicable) be subject to appropriate disciplinary action in accordance with Disciplinary Policy and Procedure (Employees), or removal from the Workplace or termination of services (Workers [other than Employees] and Other Persons at the Workplace). Infringing Workplace Behaviour may also amount to breaches of Applicable Laws:</p> <p>(a) exposing individuals to legal proceedings; and</p> <p>(b) making Council vicariously liable for the conduct of others.</p>

2 PURPOSE

The aims of this Policy are to:

- (a) recognise Council's commitment to the providing a fair and supportive working environment for all Workers and a safe workplace for all Workers and Other Persons at the Workplace;
- (b) provide a flexible approach for Issue resolution which takes into consideration the individual, operational and environmental circumstances;
- (c) recognise that Issues are best dealt with at the individual level, as soon as is practicable and without unnecessary formality to prevent unnecessary escalation and to promote fairness all round for all parties;
- (d) provide a reference and framework for the Issue Resolution Procedure; and
- (e) operate in conjunction with Applicable Laws and Related Council Documents.

3 COVERAGE

- (a) This Policy covers and applies to Workers and Other Persons at the Workplace regarding Issues in relation to:
 - (i) behaviour at the Workplace;
 - (ii) the performance of work for or in connection with Council; and
 - (iii) conduct outside the Workplace or working hours if the acts or omissions:

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- (A) are likely to cause serious damage to the relationship between Council, Councillors, Workers or Other Persons at the Workplace; or
 - (B) are incompatible with a Worker's or Other Person at the Workplace's duty to Council; or
 - (C) damage or are likely to damage Council's interests or reputation.
- (b) This Policy does not cover or apply to Issues that are covered by a specific policy, procedure or process including a dispute settlement procedure under an applicable Industrial Instrument.
 - (c) For the avoidance of doubt this Policy does not cover or apply to a Councillor.

4 REQUIREMENTS

- (a) Workers and Other Persons at the Workplace must comply with this Policy.
- (b) Managers/Supervisors must communicate and implement this Policy within their area of responsibility.

5 ROLE RESPONSIBILITIES

5.1 What are the Manager/Supervisor's Responsibilities?

Managers/Supervisors are responsible for:

- (a) ensuring appropriate management of Issues under the Issue Resolution Procedure;
- (b) making appropriate records relating to Issues;
- (c) taking reasonable steps to ensure Workers and Other Persons at the Workplace are not victimised or subjected to other Infringing Workplace Behaviour because they have made, are respondent to or otherwise involved in an Issue legitimately raised;
- (d) making reasonable resources available to assist Workers and Other Persons at the Workplace in relation to raising or responding to and resolving Issues; and
- (e) advising Employees of reasonable internal and external support to raise or respond to and resolve Issues.

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5.2 What are the Worker's and Other Person's at the Workplace Responsibilities?

Workers and Other Persons at the Workplace are responsible for:

- (a) their own behaviours, including reasonably raising or responding to and resolving Issues;
- (b) not raising or responding to Issues to be dealt with or participating in any process under the Issue Resolution Procedure not in good faith, vexatiously, falsely, frivolously, or without reasonable grounds;
- (c) participating appropriately in issue resolution processes under the Procedure; and
- (d) identifying the appropriate support, training or experience and opportunities to raise or respond to and resolve Issues.

6 ENGAGING IN AN ISSUE RESOLUTION PROCEDURE

6.1 What is an issue resolution procedure?

An issue resolution procedure consists of an appropriate process to make and respond to and resolve Issues.

6.2 When may Council utilise the Issue Resolution Procedure?

Council may utilise the Issue Resolution Procedure where an Issue has been raised by a Worker or Other Person at the Workplace or when a Manager/Supervisor becomes aware of an Issue or reasonably considers an Issue exists where it is appropriate to utilise the Issue Resolution Procedure.

6.3 What is the process?

The Issue Resolution Procedure provides for Guidelines containing a number of different processes that may be utilised to make or respond to or resolve Issues.

6.4 Is there a requirement to use a particular process?

Council may use a particular issue resolution process that a Manager/Supervisor considers reasonable in the circumstances. This may involve utilising a process that is requested by the Worker or Other Person at the Workplace raising an Issue (if applicable) or using a different process without their agreement.

6.5 Who conducts an issue resolution process?

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- (a) An issue resolution process is conducted by a Manager/Supervisor at the lowest possible level.
- (b) Despite this, Council may decide, taking into consideration the relevant circumstances, to utilise instead or in addition to a Manager/Supervisor at the lowest possible level:
 - (i) a more senior Manager/Supervisor; or
 - (ii) an external person.

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ISSUE RESOLUTION PROCEDURE

FILE NO: PER/0500

ADOPTED BY COUNCIL ON: 21 January 2016	MINUTE NO:	06.01.2016
AMENDED BY COUNCIL ON:	MINUTE NO:	

Document:	Start Date:	Page Reference:
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1 AUTHORITY & APPLICATION

Date of approval	21/01/2016
Source of approval	Flinders Council
Start date	22/01/2016
Source Policy	<ul style="list-style-type: none"> • <i>Issue Resolution Policy</i>
Date of review	30 June 2014
Previous procedures replaced by this Procedure	
Publication of procedure	O:\GOVERNANCE\POLICIES & PROCEDURES\2016 NEW PROCEDURES (LGAT)
Definitions	As per the Issue Resolution Policy as amended from time to time.
Training	Council will provide all persons covered by this Policy with appropriate training so they are made aware of their responsibilities and obligations under the Policy.
Amendment	Council retains the sole discretion to reasonably terminate, replace or vary this Procedure from time to time. Council will consult before amendments are made and will notify and train those the amendments apply to.
Interpretation of Procedure	<p>(a) The singular includes the plural and vice versa.</p> <p>(b) A reference to any legislation includes all delegated legislation made under it and amendments, consolidations, replacements or re-enactments of any of them.</p> <p>(c) A reference to policy or procedure means any approved policies or</p>

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	<p>procedures of Council unless otherwise stated.</p> <p>(d) 'including' and similar expressions are not words of limitation.</p> <p>(e) A reference to a document (including this document) is to that document as amended, novated or replaced unless otherwise stated.</p> <p>(f) Where a word or expression is given a particular meaning, other parts of speech and grammatical forms of that word or expression have a corresponding meaning.</p> <p>(g) Examples used in this Procedure are for illustrative purposes only and are not intended to be exhaustive.</p> <p>(h) Unless expressly provided for this Procedure is not in any way incorporated as part of any enterprise agreement and does not form part of any employee's contract of employment and any applicable enterprise agreement or contract of employment will prevail over this Procedure to the extent of any inconsistency.</p> <p>(i) It is not intended that this Procedure impose any obligations on the Council or those covered by it that are unreasonable or contrary to the operation of Applicable Laws. Any obligation, direction, instruction or responsibility imposed by this Procedure must be carried out in a manner that an objective third party would consider to be fair and reasonable taking into account and in the context of all the relevant Applicable Laws, operational and personal circumstances.</p> <p>Questions relating to the interpretation, application or enforcement of this Procedure should be directed to a person's Manager/Supervisor.</p>
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2 GUIDELINES

2.1 General Guidelines

- (a) This Procedure will take into account applicable and relevant circumstances to ensure that all Issues are treated on their individual merits. This Procedure does not limit Council's right to take reasonable action in a reasonable manner.
- (b) Particular processes and outcomes will be utilised as considered reasonably necessary by Council in the individual circumstances. The exact nature of procedural fairness will be applied according to the individual circumstances of each case including confidentiality and privacy considerations and obligations and

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noting that this is a non-disciplinary procedure.

(c) **Contact Officers** - are an integral part of the Issue resolution process and are available to Workers and Other Persons at the Workplace who would like to understand/discuss an Issue, seek the resolution of an Issue, or respond to an Issue being raised about them. Their role is to:

- (i) listen to the person (not act a support person or as an advocate);
- (ii) explain and provide information about what can constitute Infringing Workplace Behaviour;
- (iii) provide information about the options available to deal with the person's concerns, the likely results and the advantages and disadvantages of each, and possible strategies for resolving the Issues with the other person(s);
- (iv) refer the Employee to the Employee Assistance Program or other support or advice services if necessary;
- (v) ensure that relevant person has access to or are provided with copies of relevant policies and procedure;

For the avoidance of doubt Contact Officers are not on any one person's side. They represent a resource for Workers and Other Persons at the Workplace and their role will facilitate the resolution of Issues where reasonably practicable to do so for all parties.

(d) **Support Person** - a, Worker or Other Person at the Workplace will be advised of the opportunity to have a support person during this process. The role of the support person is to assist the person by providing emotional support, aiding the person's understanding or by taking notes, asking appropriate questions, or requesting breaks. An appropriate support person is a person who is not a party to a process or involved as a potential witness or otherwise has a conflict of interest. Where the support person is Union official or other professional advocate they may speak or write on behalf of the person but only as to:

- (i) matters of interpretation (eg legislation, Industrial Instrument etc); and/or

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- (ii) resolution of the Issue.
- (e) Issues are to be resolved at the lowest possible level with minimum formality as appropriate and safe to do so.
- (f) Issues in the form of a complaint made is not necessary given Council's duty of care under section 19 of the *Workplace Health and Safety Act 2012* (TAS) to, in general terms, provide a safe Workplace.

2.2 Guidelines for processes

- (a) **Treat fairly and seriously** - assess all matters on their merits and facts. Any Issue resolution process should be thorough enough and obtain relevant and credible evidence as is reasonably necessary to ensure substantive fairness by:
 - (i) providing particulars of Issues and available evidence (including a copy of any complaints if available and not otherwise inappropriate to provide on legitimate work health and safety grounds) so participants understand the context of the process in which they are being required to participate;
 - (ii) providing Workers and/or Other Persons at the Workplace with a reasonable opportunity to respond to Issues, findings, proposed resolution, subsequent or additional information (whether in writing and/or in person as appropriate) or other process;
 - (iii) making factual findings that are reasonably open to be made (e.g. specific behaviours and their context and surrounding circumstances);
 - (iv) making conclusions or characterisations (e.g. breaches of policies which are serious) that can be objectively drawn from those factual findings;
 - (v) notifying Workers and/or Other Persons at the Workplace of the findings relevant to them and any proposed resolution action (if any);
 - (vi) taking into account the nature and extent of the Issue, a Workers and/or Other Persons at the Workplace personal circumstances and employment record including prior disciplinary action, any mitigating circumstances, Council requirements and any other relevant matters to ensure that any Issue resolution is appropriate in the circumstances; and

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- (vii) notifying Workers and/or Other Persons at the Workplace of the Issue resolution (if any) which will be imposed and when.
- (b) **Act promptly** – Issue resolution matters should be dealt with courteously, respectfully and within appropriate timelines on a case by case basis. All relevant parties should be provided reasonable estimates of timeframes and be kept reasonably informed of the progress. Extensions of time may be appropriate in complex matters where justified. If additional time beyond the initial estimate is reasonably required to address the issues, all relevant parties should be advised of the additional time required and, in a manner appropriate, the reasons for the delay.
- (c) **Support all parties** – Employees involved in the process should be told what support is available including EAP.
- (d) **Be neutral** - impartiality towards everyone involved (i.e. persons seeking to impose a resolution to an Issue, witnesses, affected parties, and responding persons). Participants should also avoid any personal or professional bias (perceived or actual). If a preliminary enquiry or Workplace investigation is undertaken, the investigator may be internal or external to Council and must be a person who is:
 - (i) objective and neutral and impartial (i.e. avoid real or perceived bias);
 - (ii) competent having regard to the particular circumstances;
 - (iii) available to conduct a preliminary enquiry or Workplace investigation and report in a timely manner; and
 - (iv) not a potential witness or who has had prior dealings with parties that creates a real or perceived bias.
- (e) **Communicate process and outcomes** - all parties should be reasonably informed of the process, and what they can expect will happen during an Issue resolution process and potential outcomes. Council will provide all parties with clear reasons for any actions taken or not taken. Details of Issue resolution matters should only be disclosed in a manner to those parties that need to know, provided that such disclosure does not create an unreasonable risk to their health and safety.

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- (f) **Maintain confidentiality** - the process should ensure appropriate confidentiality for all parties involved and consider individual requests for confidentiality subject to Council's duty to provide a safe Workplace.
- (g) **Keep records as appropriate** - some form of record should be made of the Issue resolution process and matters dealt with under this Procedure including details of Issue, written responses or submissions from those involved, the process adopted and any outcomes.
- (h) **Seeking advice and support** - Participants are entitled to obtain advice of their choice and have a support person present during any meetings they are required to attend at their own cost.
- (i) **Appropriate interim arrangements** – It is necessary to preserve the integrity of the Issue resolution process being undertaken and having regard to the seriousness of allegations or to reasonably ensure the health and safety of any persons at the Workplace. While in the process of resolving any Issue, the parties must reasonably ensure that there is no interruption to work. Council may impose appropriate interim arrangements which may include any combination of the following:
 - (i) stand down with pay [unless otherwise specifically provided for in an Industrial Instrument] Employees responding to an Issue (and other Employees where considered appropriate);
 - (ii) providing alternative duties to Employees;
 - (iii) directing temporary changes to work arrangements (including reporting lines and location);
 - (iv) preventing or restricting communication between Employees, Workers and Other Persons at the Workplace;
 - (v) imposing , for legitimate work health and safety reasons only, confidentiality obligations on Employees, Workers and Other Persons at the Workplace (which does not preclude the taking of bona fide advice from a Union official or other professional advocate);

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- (vi) preserving evidence - if necessary secure part of the Workplace, obtain photographs or take any other steps to preserve physical evidence that may otherwise be lost; and
- (vii) reporting to relevant authorities – e.g. Police, Regulators, Work Safe Tasmania etc.

Any action taken in subparagraph (i) is an interim measure only and is not a disciplinary outcome and is without loss of pay or other entitlements [unless otherwise specifically provided for in an industrial instrument])

3 PROCESSES

3.1 General

- (a) Workers and Other Persons at the Workplace may seek to utilise any of the Issues Resolution Processes. However, Managers/Supervisors will decide and implement any of the following processes appropriate to the circumstances in any combination.
- (b) References to a Worker’s Manager/Supervisor under this paragraph 2 (Processes) should be to their immediate Manager/Supervisor or if not applicable or appropriate then to that person’s Manager/Supervisor or the General Manager or Mayor as applicable.

3.2 Self-Management

- (a) Workers or Other Persons at the Workplace should first raise Issues directly with the person the Issues relate to where appropriate to do so being mindful of safety and the possibility of reprisals.
- (b) A person may not be confident or comfortable to raise or discuss Issues directly with the person involved. They may prefer to raise Issues with another person in the workplace first and not progress with any Self-Management process.
- (b) Making a person aware of Issues may give all persons involved a chance to consider and, where appropriate, change their behaviour and reduces the possibility of Issues progressing past this stage.

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- (c) Self-Management may be effective where the Issues are likely to be non-contentious and where all persons involved may be unaware of the effect of their behaviours or particular circumstances. In these circumstances this process can focus immediately on desired outcomes without adverse consequences to anyone.
- (d) Self-Management will not be suitable for circumstances including:
 - (i) serious or contentious Issues; or
 - (ii) where it is appropriate for the Issues to be dealt with under the Disciplinary Procedure or other policy or procedure; or
 - (iii) serious health and safety risks at the Workplace.
- (e) Workers utilising Self-Management should consider notifying their Manager/Supervisor so they can monitor the situation as far as is reasonably practicable to ensure there are no ongoing risks to health and safety.

3.3 Indirect Approach

- (a) Workers or Other Persons at the Workplace may, with or without a support person, raise Issues with:
 - (i) their Manager/Supervisor (if applicable);
 - (ii) the Manager/Supervisor of the person the Issues relate to;
 - (iii) Human Resources; or
 - (iv) Contact Officers.
- (b) A person may not be confident or comfortable to raise or discuss Issues directly with the person involved. They may prefer to raise Issues with another person in the Workplace first.
- (c) This process is useful for enabling Workers or Other Persons at the Workplace to:
 - (i) receive useful advice to give them tools to better understand a situation, adjust to or deal with the Issues with the person direct;
 - (ii) just 'tell someone' who can understand, provide context and monitor the

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situation; or

- (iii) have an appropriate person approach the person who is the subject of the Issues to resolve the Issues or take other action whilst keeping their identity confidential and without their being any adverse findings or disciplinary processes.
- (d) An Indirect Approach may also be effective in similar circumstances where Self-Management be effective.
- (e) This process will not be suitable for circumstances including where Self-Management is not appropriate or where it is necessary for the person who is the subject of the Issues to be aware of the identity of the person raising the Issues and detailed particulars before it can be resolved.

3.4 Direct Approach (voluntary)

- (a) A person may raise Issues with the relevant Manager/Supervisor who will then determine the appropriate process. This may include an approach similar to paragraph 3.2 (Self-Management) except the Manager/Supervisor, with that person's consent, will discuss the Issues direct with relevant persons and take reasonable action to resolve the Issues.
- (b) This process will often involve agreement between the relevant persons as to the process adopted and outcome implemented.

3.5 Direct Approach (escalating)

- (a) An Issue Resolution Form may be lodged with Council by:
 - (i) a Worker or Other Persons at the Workplace at any stage; or
 - (ii) a Management/Supervisor if Self-Management, Indirect Approach or Direct Approach do not resolve the Issues or the Manager/Supervisor considers Direct Approach (escalating) to be appropriate at any stage.
- (b) A Manager/Supervisor may deal with Issues even if a Worker or Other Person at the Workplace fails or refuses to lodge the Issue Resolution Form if considered appropriate in circumstances including:

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- (i) Council considers this appropriate to discharge its duty to provide a safe Workplace or to appropriately manage its Workers and/or other Persons at the Workplace;
 - (ii) making appropriate decisions in relation to Issues or potential Issues; and
 - (iii) minimising further Issues.
- (c) If an Issue Resolution Form has been lodged or Council otherwise considers it appropriate, Council may adopt a process including:
- (i) conducting initial interviews or requiring initial written responses;
 - (ii) preserving evidence if it is appropriate to secure the scene, obtain photographs or take any other steps to preserve physical evidence that may otherwise be lost;
 - (iii) implementing appropriate interim arrangements; and
 - (iv) conducting a preliminary enquiry or Workplace investigation.

3.6 Determination Process

- (a) Council may conduct a preliminary enquiry which may consist of obtaining detailed statements and interviews of persons directly relevant to the Issues and a report without making findings where there is disputed evidence. Council may do so in circumstances including where it is unable to immediately form a reasonable suspicion to deal with the Issues under the Disciplinary Procedure or it requires further factual circumstances or the Issues are not particularly serious or may be better resolved with a preliminary enquiry.
- (b) Council may conduct a general Workplace investigation under a scope it considers appropriate to potentially resolve the Issues. This does not involve making allegations of Infringing Workplace Behaviour in which case the Issues will be dealt with under the Disciplinary Procedure. Council may do so in circumstances including where:
 - (i) there may be significant outcomes for Council such as work health and safety, reputation or costs considerations;

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- (ii) it may be more effective to ascertain a particular Workplace culture or custom or practice; or
 - (iii) there are key disputed facts or other factual matters in dispute that are material.
- (c) Council may not conduct a preliminary enquiry or Workplace investigation if it is reasonably satisfied that the issues and findings of fact can be determined and conclusions can be objectively drawn. Examples of this include where there is no dispute as to the material facts or they can be easily determined for the purpose of resolving the Issues.

4 OUTCOMES

As part of any of the processes under paragraph 3 (Processes), Council may implement any combination of the following outcomes as it considers appropriate in the circumstances:

- (a) obtain commitment to cease the behaviour (e.g. undertaking);
- (b) provide communication to individuals, groups or Council-wide;
- (c) provide training (e.g. communication skills, diversity awareness, interpersonal skills) to individuals, groups or Council-wide;
- (d) remedial actions for any Worker adversely affected (e.g. re crediting leave or specialist training or counselling);
- (e) providing coaching, counselling support and/or mentoring;
- (f) review a policy that is the subject of an Issue;
- (g) mediation or any other facilitated process;
- (h) structured program to reintegrate a Worker into the Workplace;
- (i) amend work arrangements including removing or restricting communication or interaction between Workers;
- (j) implement action in accordance with any other policy including Performance Management Policy;

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- (k) commence a disciplinary process under the Disciplinary Policy; or
- (l) other lawful and reasonable directions considered appropriate for the circumstances.

5 LODGING AN ISSUE RESOLUTION FORM

5.1 Step 1 – Lodging an Issue

Complete the Issue Resolution Form attached to this Procedure.

5.2 Step 2 - Initial Response

A Manager/Supervisor or person appointed by Council will meet separately with all parties as soon as practicable and explain the process and their rights and responsibilities.

Council may determine to attempt to resolve the Issues by utilising other processes under the Procedure or under another policy or procedure in which case persons will be notified as appropriate.

5.3 Step 3 - Appropriate interim arrangements

Council will implement appropriate interim arrangements whilst conducting the process.

5.4 Step 4 - The Determination Process

Council may conduct an appropriate process in a reasonable manner to determine the Issues. Depending on the circumstances, this may involve a preliminary enquiry or workplace investigation.

5.5 Step 5 - Findings and Report

The Manager/Supervisor or person appointed by Council (e.g. investigator) will provide a report consistent with the required scope including findings and other matters appropriate to resolve the Issues. The findings should be communicated to the parties in writing as considered appropriate for the circumstances.

5.6 Step 6 – Outcome

Council will implement an outcome after it has provided the parties with a reasonable

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opportunity to respond to the findings and any proposed outcome.

5.7 Step 7 – Post Outcome

Council will implement:

- (a) appropriate reporting to other persons;
- (b) processes to monitor the outcome; and
- (c) other appropriate actions.

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ISSUE RESOLUTION FORM

Worker or Other Persons at the Workplace Details (the person seeking the Issue to be resolved)

Name: [#Insert Full Name#]

Position Title (if applicable): [#Insert Position Title#]

Area (if applicable): [#Insert Area/Department#]

TYPE OF ISSUE (please tick)

Please consider Workplace Behaviour Policy to ensure an Issue is accurate. Please seek advice from Council or others as required.

- Inappropriate Workplace Behaviour
- Bullying
- Equal Opportunity, Discrimination, Harassment
- Sexual Harassment
- Victimisation
- Vilification
- Conflict with another Worker
- Conflict with other Persons at the Workplace
- Work, health and safety matter
- Fitness for work
- Code of Conduct
- Communication
- Other matter not categorised above. Please list:

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RESPONDENT(S) DETAILS (the person against whom the Issue has been raised)

Name(s): [#Insert Full Name#]

Position Title (if applicable): [#Insert Position Title#]

Area (if applicable): [#Insert Area/Department#]

DETAILS OF ISSUE [use attachment if necessary]

Date and Time of performance, behaviour and/or conduct: [#Insert Date and Time of performance, behaviour and/or conduct#]

Location of performance, behaviour and/or conduct: [#Insert Location of performance, behaviour and/or conduct#]

Names of Witnesses (if any): [#Insert Names of Witnesses#]

Issues Details (be precise, chronological and use facts. Do not use opinion, beliefs or conclusions):

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Basis of Issues (include why you are lodging form, your beliefs or conclusions):

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Other relevant details:

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What resolution would you like to occur as a result of raising the Issue including any proposed process or outcome?

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DECLARATION AND ACKNOWLEDGEMENT

I declare / understand that:

The details I have provided in this form are correct to the best of my knowledge.

An Issue is encouraged to be attempted to be resolved at the workplace level before any external agencies are notified or involved although Council respects a person's lawful right to do so.

Disciplinary action can be brought against me for making vexatious, false or frivolous claims or claims not made in good faith against another person.

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Signature: _____ Date: __ / __ / _____

This form and the subsequent process will be treated with the appropriate confidence.

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SUBJECT: <i>PHYSICAL LOCALITY STAFF POLICY</i>		FILE NO:	PER/1200
ADOPTED BY COUNCIL ON:	21 May 2009	MINUTE NO:	169.05.09
AMENDED BY COUNCIL ON:		MINUTE NO:	

Purpose

The purpose of this policy is to give advice to the General Manager regarding Council's commitment to its social responsibility and Strategic Plan with regards to human resources.

Policy

It is Council's preference that where practical and economically feasible employment positions are located within the Municipality notwithstanding the ability to resource share or contract in services.

EMPLOYEE CODE OF CONDUCT POLICY

FILE NO: PER/0500

ADOPTED BY COUNCIL ON: 21 January 2016	MINUTE NO:	06.01.2016
AMENDED BY COUNCIL ON:	MINUTE NO:	

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1 AUTHORITY & APPLICATION

Date of approval	21/01/2016
Source of approval	Flinders Council
Start date	22/01/2016
Related Council Documents	<p>This Policy should be considered in conjunction with the following policies and procedures:</p> <ul style="list-style-type: none"> • <i>Communications</i> • <i>Disciplinary</i> • <i>Fitness for Work</i> • <i>Issue Resolution</i> • <i>Performance Management</i> • <i>Work Health & Safety</i> • <i>Workplace Behaviour Policy</i>
Date of review	1 March 2017

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<p>Previous policies replaced by this Policy</p>	<p>HR11 Staff Code of Conduct Policy</p>
<p>Publication of Policy</p>	<p>Policy Manual</p>
<p>Definitions</p> <p><u>Term</u></p> <p>Applicable Laws</p> <p>Confidential Information</p>	<p><u>Meaning</u></p> <p>All laws in connection with the carrying out of work or the Workplace including:</p> <ul style="list-style-type: none"> • <i>Age Discrimination Act 2004</i>(Cth) • <i>Anti-Discrimination Act 1998</i>(TAS) • <i>Australian Human Rights Commission Act 1986</i>(Cth) • <i>Disability Discrimination Act 1992</i>(Cth) • <i>Fair Work Act 2009</i>(Cth) • <i>Local Government Act 1993</i>(TAS) • <i>Racial Discrimination Act 1975</i>(Cth) • <i>Sex Discrimination Act 1984</i>(Cth) • <i>Work Health & Safety Act 2012</i>(TAS) • <i>Workers Rehabilitation & Compensation Act 1988</i>(TAS) <p>Any information, with the exception of information in the public domain other than as a result of a breach by the Worker disclosed, or communicated to the Worker by, or on behalf of, Council that;</p>

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- (a) is marked or designated as 'Confidential';
- (b) would at law be considered secret or 'confidential' information of Council;
- (c) that the Worker might reasonably expect Council to regard as confidential: or
- (d) which comes into the Worker's possession, or is learnt, accessed or generated by the Worker, in the course of the Worker's employment or engagement, whether or not the information was originally supplied by the Council; and
 - (i) relates to Council dealings, customer or client lists, financial position and arrangements, funding, transaction, general affairs, contracts entered into, program planning and consultant's advice, promotional information, planning information, equipment and techniques used or any of the above matters for Council's business;
 - (ii) without limiting the generality of the above relates to internal Council management, the structure of Council, information about Workers, Policies, marketing programs, strategies, plans, investments or aspects of its future operations; or
 - (iii) relates to internal Council management, the structure of the business of Council, Council personnel, marketing programs, strategies, plans, investments or aspects of its future operations.

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Conflict of Interest	<p>An actual, potential or perceived conflict between duties or work or services provided to Council and private interests of a Worker, in which the Worker has private ‘interests’ which could improperly influence the performance of work, duties or services provided to Council by that Worker.</p> <p>Without limiting the generality of the above, includes any ‘interests’ identified in the <i>Local Government Act 1993</i> (TAS).</p>
Council	Flinders Council
Council Property	<p>Any real or tangible property (e.g. cash, motor vehicles, plant and equipment); and any intangible property (e.g. intellectual property and goodwill) owned by Council or in Council’s possession or control.</p>
Councillor	<p>An elected member of Council known as a Councillor or Alderman or otherwise meeting the definition of a ‘councillor’ as defined under section 3 of the <i>Local Government Act 1993</i>(TAS)</p>
Employee	<p>A person who carries out work for Council as an employee of Council.</p>
General Manager	<p>The general manager of Council as appointed under section 61 of the <i>Local Government Act 1993</i>(TAS).</p>
Infringing Workplace Behaviour	<p>Any act or omission, which amounts to a breach of any Council policy, contractual obligation or misconduct at common law.</p>
Manager/Supervisor	<p>A person at the Workplace who is appointed to a position that has management/supervisory responsibilities for others</p>

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	or their appropriately nominated or authorised delegate.
Nominated Council Delegate	General Manager
Other Persons at the Workplace	Any person at the Workplace who is not a Worker including visitors and ratepayers.
Policy	This Code of Conduct Policy including the 'Authority and Application'.
Privileged Information	Any information with is subject to legal professional privilege
Sensitive Information	<p>Personal information or an opinion relating to personal information about individuals':</p> <ul style="list-style-type: none"> (a) racial or ethnic origin; or (b) political opinions; or (c) membership of a political association; or (d) religious beliefs or affiliations; or (e) philosophical beliefs; or (f) membership of a professional or trade association; or (g) membership of a trade union; or (h) sexual preferences or practices; or (i) criminal record; and (j) health information about an individual.
Worker	<p>A person who carries out work in any capacity for Council, including work as:</p> <ul style="list-style-type: none"> (a) an Employee; (b) a contractor or subcontractor;

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<p>Workplace</p>	<ul style="list-style-type: none"> (c) an employee of a contractor or subcontractor; (d) an employee of a labour hire company who has been assigned to work at Council; (e) an outworker; (f) an apprentice or trainee; (g) a student gaining work experience; (h) a volunteer; or (i) Councillor. <p>A place where work is carried out for Council.</p>
<p>Training</p>	<p>Council will provide all persons covered by this Policy with appropriate training so they are made aware of their responsibilities and obligations under the Policy.</p>
<p>Amendment</p>	<p>Council retains the sole discretion to reasonably vary, terminate or replace this Policy from time to time. Council will consult before amendments are made and will notify and train those the amendments apply to.</p>
<p>Interpretation of Policy</p>	<ul style="list-style-type: none"> (a) The singular includes the plural and vice versa. (b) A reference to any legislation includes all delegated legislation made under it and amendments, consolidations, replacements or re-enactments of any of them. (c) A reference to policy or procedure means any approved policies or procedures of Council unless

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	<p>otherwise stated.</p> <p>(d) 'Including' and similar expressions are not words of limitation.</p> <p>(e) A reference to a document (including this document) is to that document as amended, novated or replaced unless otherwise stated.</p> <p>(f) Where a word or expression is given a particular meaning, other parts of speech and grammatical forms of that word or expression have a corresponding meaning.</p> <p>(g) Examples used in this Policy are for illustrative purposes only and are not intended to be exhaustive.</p> <p>(h) Unless expressly provided for, this Policy is not in any way incorporated as part of any enterprise agreement and does not form part of any Employee's contract of employment and any applicable enterprise agreement or contract of employment will prevail over this Policy to the extent of any inconsistency.</p> <p>(i) It is not intended that this Policy impose any obligations on the Council or those covered by it that are unreasonable or contrary to the operation of Applicable Laws. Any obligation, direction, instruction or responsibility imposed by this Policy must be carried out in a manner that an objective third party would consider to be fair and reasonable taking into account and in the context of all the relevant Applicable Laws, operational and personal</p>
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	<p>circumstances.</p> <p>Questions relating to the interpretation, application or enforcement of this Policy should be directed to a person's Manager/Supervisor.</p>
<p>Reporting of Breaches</p>	<p>Persons covered under paragraph 3 (Coverage) must reasonably report breaches of Infringing Workplace Behaviour as follows:</p> <p>For breaches by</p> <ul style="list-style-type: none"> a) an Employee (other than the General Manager) the report must go to the reporting person's applicable Manager/Supervisor; and/or b) the General Manager the report must go to the Mayor (or if unavailable to the next appropriately delegated Councillor) and <p>as otherwise required or permitted by Applicable Laws..</p>
<p>Breach of Policy</p>	<p>Persons covered under paragraph 3 (Coverage) who engage in Infringing Workplace Behaviour may (as is appropriate and as applicable) be subject to appropriate disciplinary action in accordance with Disciplinary Policy and Procedure (Employees). Infringing Workplace Behaviour may also amount to breaches of Applicable Laws:</p> <ul style="list-style-type: none"> (a) exposing individuals to legal proceedings; and (b) making Council vicariously liable for the conduct of others.

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2 PURPOSE

The aims of this Policy are to:

- (a) ensure that Employees understand their obligations and do not engage in Infringing Workplace Behaviour;
- (b) provide a framework for Employees to make decisions and engage in behaviours that are ethical and appropriate for Council and Workers;
- (c) reflect Council’s commitment to the highest standards of honesty and integrity in meeting the needs of Council and the community we serve;
- (d) outline the standards of conduct or behaviour expected at all times relevant to work and responsibilities;
- (e) operate with the Applicable Laws and Related Council Documents; and
- (f) recognise that Employees are ultimately responsible for their own behaviour.

3 COVERAGE

- (a) This Policy covers and applies to Employees in relation to:
 - (i) behaviour at the Workplace;
 - (ii) the performance of work for or in connection with Council; and
 - (iii) conduct outside the Workplace or working hours if the acts or omissions:
 - (A) are likely to cause serious damage to the relationship between Council, Workers or Other Persons at the Workplace; or
 - (B) are incompatible with an Employee’s duty to Council; or
 - (C) damage or are likely to damage Council’s interests or reputation.
- (b) For the avoidance of doubt this Policy does not cover or apply to a Councillor.

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4 REQUIREMENTS

- (a) Employees must comply with this Policy.
- (b) If Employees are unsure as to compliance then consider:
 - (i) discussions with other Workers or Managers/Supervisors at the Workplace to get an objective viewpoint;
 - (ii) what you would do if it was your money, time or equipment;
 - (iii) being on the receiving end of your decision or action;
 - (iv) whether you could adequately defend your actions to your immediate Manager/Supervisor;
 - (v) the potential consequences of your behaviours or decisions for other Workers, your family, Council's ratepayers and wider community including whether you would feel comfortable with it reported in the media; and
 - (vi) who will benefit? Will it be fair to Council, the parties involved and yourself. If Workers still have doubts about the correct thing to do, refer the matter to the Nominated Council Delegate for advice.
- (c) Managers/Supervisors are required to reasonably promote this Policy within their area of responsibility and take reasonable steps to ensure that any potential breaches of this Policy are identified, taken seriously and acted upon appropriately.

5 GENERAL PRINCIPLES

5.1 Acting with honesty and integrity

Acting with honesty and integrity will maintain the respect and confidence in Council. To demonstrate honesty and integrity Employees will:

- (a) treat Workers and Other Persons at the Workplace with honesty, respect and courtesy;

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- (b) not take improper advantage of their positions in order to obtain a benefit for others or themselves;
- (c) report dishonest, unethical, fraudulent or corrupt behaviour or maladministration by Workers or Other Persons at the Workplace;
- (d) not seek or accept any type of unauthorised compensation, fee/payment (ie monetary or non-monetary), commission or gratuity from a third party in connection with the operations of Council;
- (e) not offer or accept any gift, hospitality, or other financial/ non-financial benefit without the prior written approval of the Nominated Council Delegate;
- (f) not make or take any bribes, kickbacks, inducements or other illegal payments of any kind for the benefit of any person or party in connection with obtaining orders or favourable treatment or for any other purpose in connection with the operations of Council;
- (g) report in writing to the Nominated Council Delegate with full details of any gifts, hospitality, or other financial/ non-financial benefit received by Employees; and
- (h) encourage and support good faith reporting of breaches of this Policy without retribution.

5.2 Acting with professionalism

Professionalism is conduct that fosters and preserves reputations as individuals and that of Council. To demonstrate professionalism Employees will:

- (a) not engage in or tolerate Infringing Workplace Behaviour;
- (b) support, and not publicly criticise, decisions of Council;
- (c) not undermine or bring Council’s integrity or reputation into disrepute;
- (d) work co-operatively as a team and treat Workers and Other Persons at the Workplace with respect and dignity;

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- (e) exercise diligence, best endeavours and sound judgment when carrying out their duties or providing services;
- (f) maintain a professional relationship with third parties when engaged as a Worker;
- (g) provide levels of service that they are competent and authorised to provide;
- (h) not make unauthorised statements or commitments on behalf of the Council.

5.3 Acting in accordance with the law and policies and procedures

Employees should act in the spirit and intent of the Applicable Laws governing Council's activities and strive to be familiar with and comply with all relevant laws and policies and procedures. To demonstrate this commitment Employees will:

- (a) respect and abide by all Applicable Laws, policies and procedures;
- (b) comply with all lawful and reasonable directions from authorised persons;
- (c) only act within their authority;
- (d) protect Council Property, in particular, take care to avoid or minimise the possibility of theft or misuse of Council Property;
- (e) only use Council Property for Council purposes and in accordance with appropriate authorisations;
- (f) not use Council Property for private purposes unless authorised by their Manager/Supervisor; and
- (g) comply with delegations, and other authorisations as directed.

5.4 Declaring and Avoiding Conflicts of Interest

Conflict of Interests can jeopardise confidence in Council. To demonstrate declaration and avoidance Employees will:

- (a) not take on personal business or financial or private interests that compete or conflict with Council's interests;

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- (b) inform their Manager/Supervisor as soon as they become aware of possible Conflicts of Interest involving themselves or others and provide all reasonable information about the possible Conflict of Interest and comply with any directions;
- (c) reasonably seek approval before taking up other employment or engagements outside of their position with Council;
- (d) declare any Conflict of Interest that could occur through share-holdings, ownership of real estate or being the trustee or beneficiary of a trust;
- (e) not use or take advantage of any Council Property or information belonging to Council for personal benefit or for the benefit of any other person;
- (f) not engage directly or indirectly in any outside business activity involving commercial contact with Council or work for the benefit of Council commercial customers, suppliers or competitors without the prior written consent of the Nominated Council Delegate; and
- (g) disclose ownership of shares in a listed entity which deals with or competes with Council to the Nominated Council Delegate.

5.5 Respect privacy and do not misuse information

To demonstrate respect for privacy and proper use of information Employees will:

- (a) not disclose Confidential Information to any person or entity without the prior written consent of the Nominated Council Delegate;
- (b) not disclose to any person or entity without the prior written consent of the Nominated Council Delegate or improperly use specific information referred to in s338A and 339 of the *Local Government Act 1993 (TAS)*.
- (c) disclose, if required by Applicable Laws, Confidential Information (but not more than is necessary to discharge their legal obligations), to the relevant authority in a manner that is accurate and truthful. Before such disclosures are made, and if permitted by Applicable Laws, Employees acting as Council's representatives must advise, to the extent permitted by

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Applicable Law, the Nominated Council Delegate about the pending disclosure;

- (d) not use Confidential Information for the purpose of directly or indirectly obtaining personal gain or another benefit;
- (e) only access Confidential Information for authorised work-related tasks;
- (f) disclose to their Manager/Supervisor situations that may create a Conflict of Interest before a conflict arises, or if one does occur, immediately on becoming aware;
- (g) not encourage others to disclose Confidential Information or Sensitive Information or Privileged Information;
- (h) ensure the secure collection, storage and disposal of Confidential Information and Sensitive Information regardless of its medium, and
- (i) comply with Applicable Laws regarding declaration of any pecuniary interest they or a close associate of theirs may have regarding any matter in which they provide advice to Council, make a decision or determination or make a recommendation to Council about.

5.6 Strive to be good citizens and achieve community respect

Council is committed to service excellence and aims to maintain public confidence and respect. To demonstrate this commitment Employees will:

- (a) be aware that the choices they make in business activities may impact on other Workers, Other Persons at the Workplace, the community and the environment and must take this into account when making decisions;
- (b) commit to taking reasonable care to avoid acts and omissions that may adversely affect themselves, Workers and Other Persons at the Workplace;
- (c) aim to be socially, financially and environmentally responsible in the use of Council resources;
- (d) work together to achieve Council’s goals and vision;

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- (e) perform their duties to the best of their ability and ensure work is carried out efficiently and effectively;
- (f) commit to equality and diversity;
- (g) strive to make a positive contribution to Council, Workers and Other Persons at the Workplace, and the community;
- (h) consider the broader impact of their decisions on stakeholders and the community; and
- (i) report any corrupt or fraudulent conduct or any maladministration.

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SUBJECT: <i>UNIFORM POLICY</i>	FILE NO:	PER/0602
ADOPTED BY COUNCIL ON: 20 August 2009	MINUTE NO:	312.08.09
AMENDED BY COUNCIL ON: 22 October 2009	MINUTE NO:	405.10.09
AMENDED BY COUNCIL ON: 16 May 2013	MINUTE NO:	540.05.2013
AMENDED BY COUNCIL ON: 26 March 2015	MINUTE NO:	81.03.2015

Introduction

Council has a responsibility to project a professional corporate image to all ratepayers, residents, visitors and other organisations and to ensure outdoor staff have access to and wear the required personal protective equipment and high visibility clothing.

Objectives

To provide guidance on the appropriate dress standard and image expected by Council.

Indoor Staff

All permanent staff will be allocated a once only \$500 uniform allowance for their first year of employment, and a uniform allowance of \$300 per financial year thereafter. All clothing must carry the Flinders Council Logo which must be situated on the left hand chest area for jackets, knitwear, dresses and shirts. All shirts must be colours depicted as per the uniform catalogues available to staff and pants, skirts, jackets and knitwear must be charcoal or black in colour.

Indoor staff who choose not to wear Council's non-compulsory uniform shall during the workdays and at all work-related activities, adhere to a professional standard of dress, be neat and clean in appearance and shall not be covered by the uniform allowance.

Some staff previously purchased their own uniforms, some of which bear the LG logo. As staff have taken this initiative they should then be permitted to continue wearing these garments.

Outdoor Staff

All permanent outdoor staff are required to wear appropriate Personal Protective Equipment (PPE) that complies with the relevant Australian Standards, in an effort to reduce the risk of injury and/or illness to individual members. These include, but are not limited to, high visibility safety shirts with long sleeves & collar; heavy duty long pants; hats; and safety boots.

This equipment is purchased directly by Council with no contribution made by individual staff members. Hence, if such equipment is being fully provided, the Flinders Council Logo must appear on all such clothing and must be situated on the left hand chest area for jackets, vest, shirts and knitwear. All long pants must be navy in colour.

Related Legislation, Regulations and Policies

Staff Code of Conduct Policy

Personal Protective Equipment Policy

Staff – Sun Protection Policy

Work Health & Safety Act 2012 (Tasmania)

Responsibilities

The responsibility of this policy rests with the Corporate Services Manager and the Works & Services Manager.

SUBJECT: <i>FRAUD PREVENTION AND CONTROL POLICY</i>	FILE NO:	PER/0500; COU/0603
ADOPTED BY COUNCIL ON: 21 August 2014	MINUTE NO:	875.07.2014
AMENDED BY COUNCIL ON:	MINUTE NO:	

Introduction

The purpose of this policy is to protect public funds and other assets, protect the integrity, security and reputation of the Flinders Council and its employees and to assist in maintaining a high level of services to the community.

Objectives

Flinders Council is committed to fostering and maintaining the highest standards of ethical behaviour by establishing a policy where fraud and corruption is not tolerated.

Flinders Council is committed to protecting its revenue, expenditure and property from any attempt, either by members of the public, contractors, elected members or its own employees, to gain by deceit, financial or other benefits.

Council is committed to:

- Protecting community assets and resources;
- Adopting measures to minimise risk; and
- Serving, representing and promoting community needs, interests and aspirations.

There are two core elements to this policy:

- I. Reducing losses through fraud by developing and implementing a Fraud Control Plan within a working environment which promotes honesty and integrity; and
- II. Establishing and maintaining a commitment to detecting, investigating and prosecuting individual cases of criminal behaviour, including fraud

This policy has been developed with guidance from the following publications:

- Report of the Auditor-General, No 1 of 2013-14, *fraud control in local government, August 2013*

Identification

This Policy applies to:

- The Mayor, Councillors, Managers, Workers and Representatives of Flinders Council. They are responsible for the identification and management of all risks associated with the performance of Council functions and the delivery of Council Services.
- Situations where fraudulent or suspicious behaviour is suspected and/or has been identified.

Definitions

Corruption

Corruption is defined by Australian Standard (AS8001-2008) as '*dishonest activity in which a director, executive, manager, employee or contractor of an entity acts contrary to the interests of the entity and abuses his/her position of trust in order to achieve some personal gain or advantage for him or herself or for another person or entity.*' Corruption is any conduct that is improper, immoral or fraudulent.

Fraud

Fraud is defined by AS8001-2008 as '*dishonest activity causing actual or potential financial loss to any person or entity including theft of monies or other property by Council officers or persons external to the entity and whether or not deception is used at the time, immediately before or immediately following the activity. This also includes the deliberate falsification, concealment, destruction or use of falsified documentation used or intended for use for a normal business purpose or the improper use of information or position.*'

The above definition does not have to be tangible and, includes the following types of offences: (the following list is not intended to be exhaustive)

- Theft/stealing;
- Abuse of position and power for personal gain;
- Unauthorised and/or illegal use of asset, information or services for private purposes;
- Manipulation of computer programs for improper purposes;
- Manipulation and misuse of account payments;
- Obtaining a financial advantage or any other benefit by deception;
- Conflicts of interest;
- Bribery (accepting personal gifts and benefits);
- Use of intellectual property;
- Use of corporate credit cards;
- Causing a loss, or avoiding or creating a liability, by deception;
- Making, using or possessing forged or falsified documents;
- Unlawful use of vehicles, telephones and other property or services;
- Perverting the course of justice;
- Elected members dishonestly using influence;
- Election bribery;
- Election funding offences;
- Election fraud; or
- For any dishonest or improper purpose

Policy Guidelines

Expectations

- a) Councillors and council staff are expected to maintain a high standard of ethical conduct in all activities, in particular with respect to resources, information and authority.

- b) All staff are expected to develop, encourage, insist upon and implement sound financial legal and ethical decision making within their responsibility levels.
- c) All Councillors are expected to be familiar with and act in accordance with the Council's Code of Conduct. The Council expects similar standards from the people, agencies or organisations that do business with the Council.
- d) All staff and Councillors must declare any interests in relation to matters they are currently considering, investigating or making a decision on.
- e) Fraudulent acts against the Council are unacceptable and may constitute a criminal offence.
- f) Any Councillor or staff member who suspects fraudulent behaviour must report it immediately to their Manager or the General Manager

Responsibilities for Directors/Managers

- a) Managers/Coordinators are expected to lead by example and to demonstrate integrity and fairness in decision making and to be open and honest in their dealings with others.
- b) Managers/Coordinators must ensure that the three elements required for effective management of fraud prevention are evident in the workplace. The three elements are as follows:
 - I. Positive attitude of management towards internal control. Expressed through interest, involvement, policies and procedures.
 - II. The selection and development of quality staff who demonstrate high ethical standards. The appropriate application of leadership and training to all staff will enhance the quality of performance and therefore control. Ensuring Position Descriptions include risk management control (including fraud) responsibilities.
 - III. The monitoring of systems, whether informal information gathering, active supervision of formal information systems.
- c) Managers/Coordinators are expected to make themselves familiar with, and implement Council's Fraud Prevention and Control Policy.
- d) Managers/Coordinators are required to promptly advise the General Manager or Departmental Manager of instances of suspect or actual fraud. All such matters must be dealt with in accordance with other relevant internal reporting procedures.
- e) When fraud is detected, Managers/Coordinators must take prompt action both to stop fraudulent behaviour and to discourage others who may be inclined to commit similar conduct.

Fraud Detection

- Council will employ a number of internal fraud prevention mechanisms to ensure early detection of suspicious or fraudulent behaviours.

- Fraud detection may include monitoring staff and transactions and maintaining and developing internal security.

Fraud Investigation

- If the General Manager has reason to suspect that fraud has occurred the Mayor must be immediately notified.
- The circumstances must then be investigated and the General Manager will decide whether the organisation will conduct an administrative fact-finding investigation, or a criminal investigation in association with Tasmanian Police.

Policy Delivery and Monitoring

- The General Manager is responsible for developing and implementing Council's Fraud Prevention and Control Policy and monitoring its effectiveness. Trends, activities, complaints and compliments are monitored for signs of irregularity. The General Manager reports to the Council on fraud risk issues ensuring that risks are identified and acted on.
- Council staff will receive appropriate training to improve awareness of fraud risks and fraud Management within the workplace.

Related Legislation, Regulations and Policies

- *Local Government Act 1993*
- AS8001-2008 Fraud and Corruption Control
- *The Public Interest Disclosures Act 2002 (Tas)*
- AS/NZS ISO 31000 Risk Management
- Staff Code of Conduct Policy (HR11)
- Risk Management Policy (W4)
- Elected Members' Allowances & Reimbursements Policy (G6)
- Quasi-Judicial Policy (G10)
- Flinders Council Code of Conduct for Elected Members
- Council Gift Register

Responsibilities

Responsibility for the operation of this policy rests with the General Manager.

SUBJECT: <i>PERSONAL INFORMATION PROTECTION POLICY</i>	FILE NO:	PER/0500
ADOPTED BY COUNCIL ON: 21 st May 2015	MINUTE NO:	149.05.2015
AMENDED BY COUNCIL ON:	MINUTE NO:	

1. Introduction

This Policy sets out Flinders Council’s approach to managing, handling and protecting the personal information of elected members, customers and staff. . The Council collects and uses personal information about individuals to enable it to carry out its functions under the *Local Government Act 1993* and other legislation and regulations. As a personal information custodian, Council has the responsibility to keep information securely so as to protect the privacy of individuals, in accordance with the *Personal Information Protection Act 2004*.

2. Objectives

The objectives of this policy are

- to provide guidance to elected members, Council staff, contractors and volunteers of the Council in relation to the management, handling and protecting of personal information;
- to document Council’s policy on management of personal information and to make that document available to any person who requests it, as required by Clause 5(1) Schedule 1 of the *Personal Information Protection Act 2004*; and
- to demonstrate Council’s commitment to upholding the right to privacy of all individuals who have business dealings with Council and that Council will take the necessary steps to ensure that the personal information provided to us remains confidential.

3. Scope

This Policy applies to all elected members, employees, contractors and volunteers of Council and covers personal information that is collected, retained, stored and used by Council where it is necessary for one or more of Council’s functions or activities. Personal information is defined as information or opinion in any recorded format, including photographs, sound and video recordings, about an individual that readily identifies that individual. Examples of personal information held by the Council include but are not limited to: information relating to individual properties and property owners; the names of complainants and objectors; dog registration information; rates information; and sensitive information such as health details collected on survey forms. Personal information does not include information that is contained in a publicly available record or publication

4. Policy

Flinders Council (the Council) is committed to upholding the right to privacy of all individuals who have dealings with the Council and endeavours to ensure that the

personal information we hold is accurate, complete and up to date. Where practicable, we will check on the accuracy of personal information before we use it.

4.1 The Collection of Personal Information

- 4.1.1 It is the policy of the Council to collect personal information only if it is necessary for one or more of its functions or activities or to comply with laws and regulations.
- 4.1.2 Whenever the Council collects personal information on a person, the information and the reasons for its collection will be shared with that person upon request.
- 4.1.3 The Council will only use personal information collected for the purposes for which it was collected and for any other use authorised or required by law, including law enforcement and compliance activities.
- 4.1.4 Upon request, an individual will be provided with a copy of this Policy which will be readily available and accessible to the public.
- 4.1.5 Sensitive information shall not be collected without express consent and unless the collection is required by law. Sensitive information is defined as information or opinion about an individual's racial or ethnic origin, political opinions, membership of a political association, religious beliefs or affiliations, philosophical beliefs, membership of a professional or trade association, membership of a trade union, sexual preferences or practices, criminal record, health information and financial status.

4.2 Use and Disclosure

- 4.2.1 It is the Council's policy that personal information will not be divulged to third parties outside the Council for their independent use unless the person to which the information relates has authorised the Council in writing to do so, or the disclosure is required or allowed by law. The Council and its employees will not sell, trade or make available personal information to others.
- 4.2.2 Where the Council outsources functions that involve the collection, utilisation and/or holding of personal information, the Council will require that these contractors and subcontractors maintain the confidentiality of this information and abide by all applicable laws. This Council will not permit third parties to sell or use the information for their own purposes and contracts with third parties will include clear provisions about the use and security of the information collected.

4.3 Access to and Correction of Information Collected

- 4.3.1 Individuals are entitled to access personal information about themselves which is held by the Council.
- 4.3.2 A person who considers the personal information to be incorrect, incomplete, out of date or misleading can request that the information be amended which will be processed in accordance with the provisions of the *Right to Information Act 2009*.
- 4.3.3 To access or amend personal information held by Council, contact the Corporate Services Manager in the first instance.

4.4 *Data Security*

- 4.4.1 The Council will take steps to protect the personal information it holds from misuse and loss and from unauthorised access, modification or disclosure. Personal information will be handled with care and only used for authorised purposes.
- 4.4.2 All elected members, employees, contractors and volunteers of the Council must maintain public confidentiality and respect the privacy of individuals who have dealings with the Council. Elected members, employees, contractors and volunteers of the Council must treat all personal information as confidential, and sensitive information as highly confidential. Elected members, Council employees, contractors and volunteers of the Council will not disclose any confidential information, use any information to their personal advantage or permit unauthorised access to information.
- 4.4.3 Requests for information from police, government agencies or anyone outside the Council, in regard to customers, should be directed to the Corporate Services Manager.
- 4.4.4 Council files are strictly confidential and under no circumstances will a member of the public have access to files. Employees are also conscious of security within the office environment when members of the public are present. External customers will not be left unattended with Council files.
- 4.4.5 When disposal of paper documents containing personal information is required, they are shredded. All computers that are removed from use and made available for non-council purposes will have all data removed from the hardware.

5. **Related Legislation, Regulations and Policies**

- *Personal Information Protection Act 2004*
- *Privacy Act 1988*

6. **Responsibilities**

- The responsibility of ensuring that the policy is adhered to is the responsibility of all elected members, staff, contractors and volunteers.
- Responsibility for the implementation of this policy rests with the Corporate Services Manager.

SUBJECT: <i>FLINDERS COUNCIL PUBLIC OPEN SPACE POLICY</i>	FILE NO:	COU/0600
ADOPTED BY COUNCIL ON: 17 April 2008	MINUTE NO:	172.04.08
AMENDED BY COUNCIL ON: 23 September 2010	MINUTE NO:	283.09.10

Introduction

The Flinders Council has determined that it should adopt a Public Open Space Policy that provides a clear rationale for decisions, based on clear objectives and principles, regarding the provision of well-designed and located public open spaces within the Council area and to provide a consistent approach regarding payment in lieu of public open spaces and the utilisation of those contributed funds.

Objectives

This policy outlines how Council has options to consider with relation to public open space, be it actual land contributed for the benefit of the community at large or a monetary contribution to enhance existing facilities.

Procedure

Council considers each subdivision application on its own merit and seeks uniformity when applying this policy.

There may however, be unique circumstances that may give rise to variation or departure from the policy and this will be at the discretion and formal determination of the Council or its delegate.

Principles

Council acknowledges that it should be able to justify why it needs to apply the provisions of the Act and require developers to provide land or make payments in lieu for the purposes of the provision of public open space.

The principles that Council has determined apply to justify public open space provision and/or contributions in lieu include:

- That any subdivision of land will or is likely to increase the demand for the provision of public open space
- Where sufficient public open space already exists, a payment in lieu should be required to provide for the enhancement and provision of strategically located public open spaces
- The provision of land or payment in lieu for public open space should only occur where the subdivision will result in an increase or a potential for increase in residential density i.e. result in the increase in demand for public open space
- That the public open space needs for the community may be realised through a number of means and based on a variety of recreational use categories
- That the provision of public open space needs to be considered in the context of the whole of the island's recreational needs

- The provision of public open space needs to consider that it is convenient and accessible; usable; is safe; caters for a diversity of recreational needs; and protects areas of natural and cultural value
- Every subdivision should be assessed on its merits and according to the policy as to the requirement for an area of public open space and/or payment in lieu

Legislation

The Local Government (Building and Miscellaneous Provisions) Act 1993 (THE ACT) (PART 3: Division 2 – Plans of Subdivision Section 83.1.(a)) provides Council with the authority, as part of its condition of approval of a subdivision, to require the provision of land for public open space or drainage purposes.

Additionally, the Act (PART 3: Division 8 – Public Open Space) provides Council with the authority to consider payment in lieu and instead of requiring the owner to increase the area for public open space.

In either case, if Council requires a greater contribution than 5%, the owner will be compensated accordingly.

Contribution Required

In accordance with the provisions of Section 117 of The Act Flinders Council will require a 5% cash contribution in lieu of public open space land contribution of the parent title for all subdivisions based on the most recent valuation determined by the Valuer-General indexed using the Valuer-General's indexation factor to more accurately reflect current values. The formula used for the calculation will be as shown on the following page.

The cash contribution in lieu will be capped to a maximum amount payable equal to \$5000 per allotment for any additional allotments created over and above the parent title.

The Council or its delegate may determine whether a 5% contribution of land from the parent title instead of a cash contribution in lieu is more appropriate; a combination of land and cash in lieu; or if any additional land is required.

A proposal for boundary adjustment only that does not create any additional allotments or residential density demands will not be subject to any contribution under this policy.

Cash Contributions Received

All cash contributions received will be accounted for in a separate Trust account pursuant to Section 117 of the Local Government (Building and Miscellaneous Provisions) Act 1993 and be called the Flinders Council Public Open Space account.

Delegation

Council delegates its legislative authority to determine the contribution required and compliance with this policy to the General Manager.

Related Legislation, Regulations and Policies

*The Local Government (Building and Miscellaneous Provisions) Act 1993 PART 3:
Division 2 – Plans of Subdivision Section 83.1(a) and
PART 3: Division 8 – Public Open Space*

Responsibilities

The responsibility of this policy rests with the General Manager



Flinders Council

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www.flinders.tas.gov.au
ABN 75 754 974 669

Public open space calculation

Subdivision

Address

Applicant

Stage 1 of 1

SUB /

Area of whole title (A_w) Ha.

Area of land in survey plan (A_p) Ha.

Area of balance lot(s) Ha.

Area of land in survey plan to whole title (A_p/A_w)

Area of recreation reserves (A_1) Ha.

Area of littoral or riparian reserves (A_2) Ha.

Value of whole title ($\$A_w$) \$

Value of land in survey plan ($\$A_p$)

Value of balance lot(s)

Value of contribution instead of public open space
($\$pos$)

SAY \$

where

$$\$_{pos} \leq \left[\frac{A_p}{20} - \frac{(A_1 + A_2)}{A_w} \right] \times \$A_w$$

References

Section 117 of the Local Government (Buildings and Miscellaneous Provisions) Act 1993

Notes:

Valuations based on the most recent Valuer-General's land valuation indexed using the the Valuer-General's indexation factor

Contribution calculated on area of lots to be subdivided. See M & G Veith v Kingborough Council [2003] TASRMPAT 23 (03 Feb 2003)

Valuations based on estimated market value. See DJ McCulloch & Associates v West Tamar Council [2005] TASRMPAT 61 (18 Mar 2005).

SUBJECT: <i>PACIFIC OYSTER MARINE FARMING</i>	FILE NO:	ENV/0502
ADOPTED BY COUNCIL ON: 8 August 1995	MINUTE NO:	130.08.95
AMENDED BY COUNCIL ON: 13 December 2001	MINUTE NO:	301.12.01
AMENDED BY COUNCIL ON: 18 November 2010	MINUTE NO:	371.11.10

Introduction

This policy is to control the introduction of Pacific Oysters to the Flinders Municipality.

Objectives

To ensure that the Pacific Oyster doesn't become a pest within the waters around the Flinders Municipality.

Procedure

That it be Council policy to defer the introduction of Pacific Oyster farming until technology permits Triploid/Tetraploid (Sterile) Oysters to be able to be safely farmed in the waters of the Flinders Municipality.

Council will instigate investigation into whether or not modern technology exists to enable safe farming Pacific Oysters in the waters of the Flinders Municipality.

Related Legislation, Regulations and Policies

Nil

Responsibilities

The responsibility of this policy rests with the General Manager.

SUBJECT: <i>ROADSIDE AND RESERVE VEGETATION MANAGEMENT POLICY</i>	FILE NO:	WOR/1500
ADOPTED BY COUNCIL ON: 16 January 2003	MINUTE NO:	005.01.03
AMENDED BY COUNCIL ON: 18 November 2010	MINUTE NO:	372.11.10
AMENDED BY COUNCIL ON: 20 September 2012	MINUTE NO:	279.09.2012

Introduction

The Flinders Council Roadside Management Policy is an integrated program for the control and management of roadside vegetation. Its primary purpose is to maintain optimum driving conditions for user safety and to protect road surfaces.

Objective

The policy aims to achieve a balance between economic restraints, environmental protection and aesthetic amenity.

Procedure

Roadside vegetation management practices recognise that environmental and road conditions on Flinders Island differ from other areas in the following ways:

1. An abundance of native wildlife and the high incidence of road kills present a very real danger to motorists. When vegetation is kept low and away from road edges, visibility improves, collisions can be reduced and damage to persons and vehicles minimised.
2. In most instances, the width of road reservations is 20 metres; in some areas it can be as little as 10 metres. This is an important factor when deciding which method of vegetation control is used as it restricts the ability of certain types of machinery to operate effectively and safely.
3. The types of soils and materials used in road making activities make it necessary for road surfaces to be kept as dry as possible. Control of vegetation is important to allow ample ventilation and sunlight to penetrate road surfaces.
4. Native tree species that occur within road reservations grow extremely quickly and require regular and often severe trimming. Financial constraints prohibit "light pruning" on an annual basis. The most prolific species include Acacia, Melaleuca, Eucalypt and Casuarina.
5. Low summer rainfall and strong dry winds combined with a high incidence of native bush creates a significant fire danger each year. A roadside unrestricted with laden vegetation can act as a good break in case of wildfire.
6. Land owners are responsible for trees and weeds they allow to escape outside their boundaries, such as pampas grass, that seed to the roadsides. Pampas grass has been listed as a priority weed for removal in the Furneaux Group Weed Strategy.
7. Land owners are not permitted to plant trees within 15 metres of the road reservation boundaries, or may plant only small shrubs not exceeding 1 metre

in height for the first 10 metres from the boundaries. Plantings to be at least 75 metres back from intersections, to avoid causing problems with sight distances. Privately owned trees that protrude onto Council roadsides will be cut back for sight distance or safety reasons, and the work will be done at the cost of the land owner.

8. Planting of any species of tree or shrub on roadsides is not to be carried out without first obtaining the written permission of Council, and any trimming or removal of approved plantings will be done at the cost of the land owner.

Herbicide Spraying

1. The Roadside Vegetation Management Policy recognises that herbicide spraying is a sensitive issue within the community and is only undertaken after all economic, environmental and health and safety factors to operator and public have been considered.

While spraying is recognised as an effective and economical method of controlling vegetation, it is part of an integrated policy which includes slashing and trimming of trees and grasses. Alternative methods of vegetation control are investigated as they become available to determine their viability, suitability and affordability to satisfy the required outcome.

2. Council has an obligation to the public to identify areas that have been sprayed with herbicide. It is Council's policy that all herbicide sprayed areas will be identified with signage for at least 24 hours after an area has been sprayed.
3. An added measure will be the addition of a dye to herbicides used in areas that are more frequented by the public. Dyed grass areas should also serve as a warning to parents of the need to supervise children.

4. The areas are:

Playgrounds

Townships

Walking path between Whitemark Township and the School

Public access areas at the Airport

5. Council will place a notice in the island news biannually to advise the public that grass areas stained with coloured dye; have been treated with an herbicide.
6. All possible care is taken to ensure that herbicides are used only when necessary and usage is kept to a minimum in accordance with Council's procedures and manufacturers' instructions.
7. The shoulder areas of gravel roads are sprayed primarily to kill grass, thereby providing Council machinery, useable weed free ground to maintain. In the case of bitumen roads, spraying reduces shoulder build-up and allows water to run off the road surface. In worn areas it allows material to be brought up to the bitumen edge to prevent edge breaks.

8. Culverts and drains are sprayed as required to prevent vegetation blockage and maintain hydraulic efficiency.
9. Exotic weed species which inhabit road reservations are periodically identified and sprayed in recognition of Council's obligation to adjoining landowners to reduce the incidence of weed spread.

Slashing

1. It is Council practice to slash low trees and vegetation to give good lines of sight on road corners, to allow guide posts to be easily seen and to allow maximum visibility of wildlife.
2. Slashing is used as a means to provide light and ventilation to road surfaces and to prevent trees from growing to a size which would require pruning.
3. Slasher blades are set at a minimum height (100mm) to prevent damage to vegetation root structure.

Pruning of Trees

1. All possible care is taken to ensure that trees are maintained to a height which precludes the necessity for pruning. Pruning is a labour intensive and expensive exercise, and all possible means are taken not to allow trees to reach this stage.
2. In areas where mature, established trees are present, trimming takes place on an as needs basis.

Bulldozing of Trees and Clearing of Roadsides

The bulldozing of trees and clearing of roadsides is only carried out when all other methods have been considered. This may be necessary in situations where drains are blocked or if an adjoining landholder wishes to clear fence lines.

It may also be necessary in circumstances where new road surfaces need to be constructed or rehabilitated and particular attention needs to be given to drainage.

Options for cut or pruned vegetation:

1. Mulched on-site if possible.
2. Burnt when and where it is safe to do so.
3. Chipped on-site for removal if possible.
4. Removed from the road reservation to a disposal site within 30 days of the vegetation management activity.

Any Contractor, or other service provider proposing to do vegetation control within a road reservation is required to discuss methods of working and timeframes with the Works & Services Manager prior to any work commencing.

Register of Rare and Endangered Species

1. A Register of Rare and Endangered Species is kept at the Council Depot Office. The Register lists and describes species, their habitats and occurrence and is updated as required.
2. All outdoor staff members are aware they have an obligation in their work practices to ensure, as far as practicable, that these species are protected.
3. Staff members are also obliged to avoid as much as possible any disturbance of vegetation in identified areas.
4. The need for signage to identify these areas should be avoided. Flinders Council will not identify rare and endangered species sites. Most Australian road authorities prefer that only signs necessary for the direction, safety and guidance of road users, be placed within the road reserve.

Related Legislation and Documents

Agricultural and Veterinary Chemicals (Control of Use) Act 1995
and regulations under this Act.

The Environmental Management and Pollution Control Act 1994
and regulations under this Act.

The Dangerous Goods Act 1998
and regulations under this Act.

The Workplace Health and Safety Act
and regulations under this Act.

The Code of Practice for Ground Spraying.

Flinders Council Procedure
General 12 - Herbicide Spraying

Responsibilities

The responsibility of this policy rests with the Works & Services Manager, the Risk Management Officer and NRM Facilitator.

SUBJECT: VISITS - CAPE BARREN ISLAND	FILE NO:	COU/0600
ADOPTED BY COUNCIL ON: 20 May 2004	MINUTE NO:	248.05.04
AMENDED BY COUNCIL ON: 21 October 2010	MINUTE NO:	341.10.2010

Introduction

Council acknowledges that visits to Cape Barren Island are useful to see first hand the issues that affect residents.

Objectives

Council encourages open communication with Cape Barren Island residents and representative bodies in an effort to have a better understanding of CBI issues and be proactive in resolving these matters.

Procedure

That it is the policy of Flinders Council that Councillors and Council Managers inform the Cape Barren Island Aboriginal Association Inc of proposed visits to Cape Barren Island.

Related Legislation, Regulations and Policies

Nil

Responsibilities

The responsibility of this policy rests with the General Manager.

SUBJECT: <i>DRUGS AND ALCOHOL POLICY</i>	FILE NO:	PER/0500
ADOPTED BY COUNCIL ON: 20 August 2009	MINUTE NO:	309.08.09
AMENDED BY COUNCIL ON:	MINUTE NO:	

Introduction

The Flinders Council endeavours to provide a safe workplace for all employees, the use of either alcohol or drugs puts the individual concerned and those around them at risk of incident or injury.

Employees who have an alcohol or drug problem can seek confidential assistance, from the General Manager, who will assist the employee getting the support and guidance to overcome the addiction.

Objectives

The primary objective of this policy is to ensure that employees of Council are not a danger to themselves or others because of use of drugs or alcohol.

Identification

Council employees are **not** permitted to work under the influence of alcohol or drugs unless those drugs have been prescribed by a physician. If an employee is prescribed a drug that has side effects that will impact on that employee's ability to safely perform their role, they must inform their manager immediately.

1. Establishing the Problem

Managers should be aware that the misuse of drugs or alcohol by employees may come to light in various ways. The following characteristics, especially when arising in combinations may indicate a personal problem that may be associated with the use of drugs or alcohol:

Absenteeism

- instances of unauthorised leave
- frequent Friday and/or Monday absences
- leaving work early
- lateness (especially on returning from lunch)
- excessive level of sickness absence
- strange and increasingly suspicious reasons for absence
- unusually high level of sickness for colds, flu, stomach upsets
- unscheduled short-term absences, with or without explanation.

High accident level

- at work
- elsewhere, such as driving, at home.

Work performance

- difficulty in concentration
- work requires increased effort
- individual tasks take more time
- problems with remembering instructions or own mistakes.

Mood swings

- irritability
- depression
- general confusion.

2. Misconduct

An employee's alcohol or drug problem may come to light as a mitigating factor in a disciplinary interview. It should be treated as a mitigating factor for certain "less serious" disciplinary offences, such as poor timekeeping or lateness, provided the person is prepared to undergo treatment.

3. Self-referral

In some instances, employees may seek help and advice themselves.

4. Intervention

Managers who feel an employee's unsatisfactory performance may be drug or alcohol related should advise the General Manager and arrange to hold a meeting with the employee.

5. Treatment

Where employees acknowledge that they have a problem and are given help and treatment, this will be on the understanding that:

- While they are undergoing treatment, they will be on sick leave and will be entitled to any paid sick leave entitlements or the option of applying for a period of unpaid sick leave.
- Every effort should be made to ensure that on completion of the recovery program employees are able to return to the same or equivalent work. However where such a return would jeopardise either a satisfactory level of job performance or the employee's recovery. The Council would request advice from a medical practitioner and if necessary may consider the option of suitable alternative employment, or terminating the employment contract on the grounds of ill health.

6. Relapse

Where an employee, having received treatment, suffers a relapse, the Council will consider the case on its individual merits. Medical advice will be sought in an attempt to ascertain how much more treatment/rehabilitation time is likely to be required for a full recovery. At the Council's discretion, more treatment or rehabilitation time may be given in order to help the employee recover fully.

If, after an employee has received treatment, recovery seems unlikely, the Council may be unable to wait for the employee any longer. In such cases, dismissal may result but in most cases a clear warning will be given to the employee beforehand and a full medical investigation will have been undertaken.

7. Serious misconduct caused by alcohol or drugs

Intoxicated employees

If an employee is known to be, or strongly suspected of being, intoxicated by alcohol or drugs during working hours, the General Manager will be consulted. Arrangements will be made for the employee to be escorted home and told to return the following day in a fit state for work, the employee will not be paid for the remainder of the working day. In these circumstances the Council may require that the employee concerned is tested by blood, breath or swab testing for alcohol or drugs.

Disciplinary action will take place when the employee presents in a fit state to work.

Consumption of alcohol on the premises

Alcohol must not be brought on to Council premises, unless approval has been given by the General Manager and this would only occur in special circumstances such as approved Council functions.

Drug abuse on the premises

Employees who take drugs which have not been prescribed by a medical practitioner, in the absence of mitigating circumstances, be deemed to be committing an act of gross misconduct and will thus render themselves likely to be summarily dismissed as will any employee believed to be buying or selling drugs, or in possession of unlawful drugs.

8. Awareness

All staff are encouraged not to cover up for an employee with an alcohol or drug problem, to do so would compromise the safety of the employee concerned and those around them.

Employees who have an alcohol or drug problem can seek confidential assistance from their manager, or from the General Manager, who will assist the employee getting the support and guidance to overcome the addiction.

Related Legislation, Regulations and Policies

Workplace Health and Safety Act 1995

Workplace Health and Safety Regulations 1998

Municipal Officers (Tasmania) Award 2002

Municipal Employees (Country Councils Tasmania) Award 2003

Local Government (Community Services) Tasmania Award 2002

Responsibility

The responsibility for ensuring that this policy is adhered to is the responsibility of all staff. The General Manager is to ensure that the policy is adhered to.

WORK HEALTH & SAFETY POLICY

FILE NO: PER/0500

ADOPTED BY COUNCIL ON: 21 January 2016	MINUTE NO:	06.01.2016
AMENDED BY COUNCIL ON:	MINUTE NO:	

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1 AUTHORITY & APPLICATION

Date of approval	21/01/2016
Source of approval	Flinders Council
Start date	22/01/2016
Related Council Documents	<p>This Policy should be considered in the context of the following policies and procedures:</p> <ul style="list-style-type: none"> • <i>Employee Code of Conduct</i> • <i>Communications</i> • <i>Disciplinary</i> • <i>Fitness for Work</i> • <i>Issue Resolution</i> • <i>Performance Management</i> • <i>Workplace Behaviour</i>
Date of review	1 May 2017
Previous policies replaced by this Policy	<p>W2 Personal Protective Equipment Policy</p> <p>W5 Smoke Free Environment Policy</p> <p>W6 Staff – Sun Protection Policy</p> <p>W7 Workplace Health and Safety Policy</p>
Publication of Policy	Policy Manual
Definitions	

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<u>Term</u>	<u>Meaning</u>
Applicable Laws	<p>All laws in connection with the carrying out of work or the Workplace including:</p> <ul style="list-style-type: none"> • <i>Age Discrimination Act 2004</i> (Cth) • <i>Anti-Discrimination Act 1998</i> (TAS) • <i>Australian Human Rights Commission Act 1986</i> (Cth) • <i>Disability Discrimination Act 1992</i> (Cth) • <i>Fair Work Act 2009</i> (Cth) • <i>Local Government Act 1993</i> (TAS) • <i>Racial Discrimination Act 1975</i> (Cth) • <i>Sex Discrimination Act 1984</i> (Cth) • <i>Work Health & Safety Act 2012</i> (TAS) • <i>Workers Rehabilitation & Compensation Act 1988</i> (TAS)
Council	Flinders Council
Councillor	An elected member of Council known as a Councillor or Alderman or otherwise meeting the definition of a 'councillor' as defined under section 3 of the <i>Local Government Act 1993</i> (TAS)
Employee	A person who carries out work for Council as an employee of Council.
General Manager	The general manager of Council as appointed under section 61 of the <i>Local Government Act 1993</i> (TAS).
Infringing Workplace Behaviour	Any act or omission, which amounts to a breach of any Council policy, contractual obligation or misconduct at common law.
Manager/Supervisor	A person at the Workplace who is appointed to a position that has management/supervisory responsibilities for others or their appropriately nominated or authorised delegate.
Officer	<p>(a) an officer within the meaning of section 9 of the Corporations Act 2001 of the Commonwealth other than a partner in a partnership; or</p> <p>(b) an officer of the Crown within the meaning of section 247 of the</p>

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<p>Other Persons at the Workplace</p> <p>Policy</p> <p>Worker</p> <p>Workplace</p>	<p>Work Health and Safety Act 2012 (Tas); or</p> <p>(c) an officer of a public authority within the meaning of section 252 of the Work Health and Safety Act 2012 (Tas) –</p> <p>other than an elected member of a local authority acting in that capacity (which includes a Councillor);</p> <p>Any person at the Workplace who is not a Worker including visitors and ratepayers.</p> <p>This Work Health & Safety Policy including the ‘Authority and Application’</p> <p>A person who carries out work in any capacity for Council, including work as:</p> <p>(a) an Employee;</p> <p>(b) a contractor or subcontractor;</p> <p>(c) an employee of a contractor or subcontractor;</p> <p>(d) an employee of a labour hire company who has been assigned to work at Council;</p> <p>(e) an outworker;</p> <p>(f) an apprentice or trainee;</p> <p>(g) a student gaining work experience;</p> <p>(h) a volunteer; or</p> <p>(i) a Councillor.</p> <p>A place where work is carried out for Council.</p>	
<p>Training</p>	<p>Council will provide all persons covered by this Policy with appropriate training so they are made aware of their responsibilities and obligations under the Policy.</p>	
<p>Amendment</p>	<p>Council retains the sole discretion to vary, terminate or replace this Policy from time to time. Council will consult before amendments are made and will notify and train those the amendments apply to.</p>	
<p>Interpretation of Policy</p>	<p>(a) The singular includes the plural and vice versa.</p> <p>(b) A reference to any legislation includes all delegated legislation made under it and amendments, consolidations, replacements or re-enactments of any of them.</p> <p>(c) A reference to policy or procedure means any approved policies or</p>	
<p>Document:</p> <p>Work Health & Safety Policy</p>	<p>Start Date:</p> <p>22/01/2016</p>	<p>Page Reference:</p> <p>Page 4 of 7</p>

	<p>procedures of Council unless otherwise stated.</p> <p>(d) 'Including' and similar expressions are not words of limitation.</p> <p>(e) A reference to a document (including this document) is to that document as amended, novated or replaced unless otherwise stated.</p> <p>(f) Where a word or expression is given a particular meaning, other parts of speech and grammatical forms of that word or expression have a corresponding meaning.</p> <p>(g) Examples used in this Policy are for illustrative purposes only and are not intended to be exhaustive and depending on the circumstances may or may not amount to Infringing Workplace Behaviour.</p> <p>(h) Unless expressly provided for this Policy is not in any way incorporated as part of any enterprise agreement and does not form part of any Employee's contract of employment and any applicable enterprise agreement or contract of employment will prevail over this Policy to the extent of any inconsistency.</p> <p>(i) It is not intended that this Policy impose any obligations on the Council or those covered by it that are unreasonable or contrary to the operation of Applicable Laws. Any obligation, direction, instruction or responsibility imposed by this Policy must be carried out in a manner that an objective third party would consider to be fair and reasonable taking into account and in the context of all the relevant Applicable Laws, operational and personal circumstances.</p> <p>Questions relating to the interpretation, application or enforcement of this Policy should be directed to a person's Manager/Supervisor.</p>
<p>Reporting of Breaches</p>	<p>Persons covered under paragraph 3 (Coverage) must reasonably report breaches of Infringing Workplace Behaviour as follows:</p> <p>For breaches by</p> <p>a) an Employee, Worker (other than a Councillor or General Manager), or Other Person at the Workplace the report must go to the reporting person's applicable Manager/Supervisor;</p> <p>b) the General Manager the report must go to the Mayor (or if</p>

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	<p>unavailable to the next appropriately delegated Councillor);</p> <p>c) a Councillor the report must go to the Mayor (or if unavailable to the next appropriately delegated Councillor); and/or</p> <p>d) the Mayor the report must go to the Deputy Mayor (or if unavailable to the next appropriately delegated Councillor); and</p> <p>as otherwise required or permitted by Applicable Laws.</p>
<p>Breach of Policy</p>	<p>Persons covered under paragraph 3 (Coverage) who engage in Infringing Workplace Behaviour may (as is appropriate and as applicable) be subject to appropriate disciplinary action in accordance with Disciplinary Policy and Procedure (Employees), Councillor's Code of Conduct complaint process (Councillors), or removal from the Workplace or termination of services (Workers [other than Employees or Councillors] and Other Persons at the Workplace). Infringing Workplace Behaviour may also amount to breaches of Applicable Laws:</p> <p>(a) exposing individuals to legal proceedings; and</p> <p>(b) making Council vicariously liable for conduct of others.</p>

2 PURPOSE

The aims of this Policy are to:

- (a) recognise Council's commitment to its primary duty of care under the *Work Health & Safety Act 2012 (TAS)*.
- (b) recognise Council's commitment to providing a safe and healthy workplace for Workers and Other Persons at the Workplace whose health or safety could be at risk through our work;
- (c) direct and guide Workers and Other Persons at the Workplace regarding action considered reasonably practicable to protect health and safety;
- (d) provide a fair and flexible approach to work health and safety activities which take into consideration the individual, operational and environmental circumstances;
- (e) operate with any Applicable Laws or policies and procedures;
- (f) comply with Applicable Laws through implementing:
 - (i) appropriate plans, policies, procedures and programs to support and implement this Policy;

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- (ii) measurable safety performance objectives and targets;
- (iii) training on health and safety matters relevant to Council work;
- (iv) induction programs;
- (v) consultation, cooperation and coordination processes;
- (vi) adequate resources;
- (vii) monitoring, reviewing and verification of Council systems; and
- (viii) corrective action where it is identified that the acts or omissions of persons are putting themselves or others at risk.

3 COVERAGE

This Policy covers and applies to Workers and Other Persons at the Workplace in relation to all work, health and safety matters.

4 REQUIREMENTS

- (a) Workers and Other Persons at the Workplace must comply with this Policy.
- (b) Workers and Other Persons at the Workplace are required meet their duty of care obligations and to be accountable for their own safety and the safety of others at the Workplace.
- (c) Workers and Other Persons at the Workplace (unless otherwise notified in writing) are required to adhere to lawful and reasonable directions, policies and procedures regarding compliance with this Policy and health and safety generally.
- (d) Managers/Supervisors are required to:
 - (i) promote this Policy within their area of responsibility;
 - (ii) take reasonable steps to ensure that any potential breaches of this Policy are identified, taken seriously and acted upon appropriately; and
 - (iii) where applicable, if and as Officers, meet their due diligence obligations.

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FITNESS FOR WORK POLICY

FILE NO: PER/0500

ADOPTED BY COUNCIL ON: 21 January 2016	MINUTE NO:	06.01.2016
AMENDED BY COUNCIL ON:	MINUTE NO:	

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1 AUTHORITY AND APPLICATION

Date of approval	21/01/2016
Source of approval	Flinders Council
Start date	22/01/2016
Related Council Documents	<p>This Policy should be considered in the context of the following policies and procedures:</p> <ul style="list-style-type: none"> • <i>Employee Employee Code of Conduct</i> • <i>Communications</i> • <i>Disciplinary</i> • <i>Issue Resolution</i> • <i>Performance Management</i> • <i>Work Health & Safety</i>

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	<ul style="list-style-type: none"> • <i>Workplace Behaviour</i>
Date of review	1 August 2017
Previous policies replaced by this Policy	W3 Rehabilitation Policy
Publication of Policy	Policy Manual
Definitions <u>Term</u> Applicable Laws	<u>Meaning</u> All laws in connection with the carrying out of work or the Workplace including: <ul style="list-style-type: none"> • <i>Age Discrimination Act 2004</i> (Cth) • <i>Anti-Discrimination Act 1998</i> (TAS) • <i>Australian Human Rights Commission Act 1986</i> (Cth) • <i>Disability Discrimination Act 1992</i> (Cth) • <i>Fair Work Act 2009</i> (Cth) • <i>Local Government Act 1993</i> (TAS) • <i>Racial Discrimination Act 1975</i> (Cth) • <i>Sex Discrimination Act 1984</i> (Cth) • <i>Work Health & Safety Act 2012</i> (TAS) • <i>Workers Rehabilitation & Compensation Act 1988</i> (TAS)

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Assessor	The medical practitioner or allied health professional appointed by Council to examine and assess the Employee's fitness for work.
Council	Flinders Council
Councillor	An elected member of Council known as a Councillor or Alderman or otherwise meeting the definition of a 'councillor' as defined under section 3 of the <i>Local Government Act 1993</i> (TAS)
EAP	Relationships Australia Tasmania
Employee	A person who carries out work for Council as an employee of Council.
General Manager	The general manager of Council as appointed under section 61 of the <i>Local Government Act 1993</i> (TAS).
Infringing Behaviour	Workplace Any act or omission, which amounts to a breach of any Council policy, contractual obligation or misconduct at common law.
Manager/Supervisor	A person at the Workplace who is appointed to a position that has management/supervisory responsibilities for others or their appropriately nominated or authorised delegate..
Other Persons at the Workplace	Any person at the Workplace who is not a Worker including visitors and ratepayers.
Policy	This Fitness for Work Policy including the 'Authority and Application'.
Procedure	The Fitness for Work Procedure including the 'Authority and

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<p>Worker</p>	<p>Application’.</p> <p>A person who carries out work in any capacity for Council, including work as:</p> <ul style="list-style-type: none"> (a) an Employee; (b) a contractor or subcontractor; (c) an employee of a contractor or subcontractor; (d) an employee of a labour hire company who has been assigned to work at Council; (e) an outworker; (f) an apprentice or trainee; (g) a student gaining work experience; (h) a volunteer; or (i) Councillor.
<p>Workplace</p>	<p>A place where work is carried out for Council.</p>
<p>Training</p>	<p>Council will provide all persons covered by this Policy with appropriate training so they are made aware of their responsibilities and obligations under the Policy.</p>
<p>Amendment</p>	<p>Council retains the sole discretion to vary, terminate or replace this Policy from time to time. Council will consult before amendments are made and will notify and train those the amendments apply to.</p>

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Interpretation of Policy	<ul style="list-style-type: none"> (a) The singular includes the plural and vice versa. (b) A reference to any legislation includes all delegated legislation made under it and amendments, consolidations, replacements or re-enactments of any of them. (c) A reference to policy or procedure means any approved policies or procedures of Council unless otherwise stated. (d) ‘Including’ and similar expressions are not words of limitation. (e) A reference to a document (including this document) is to that document as amended, novated or replaced unless otherwise stated. (f) Where a word or expression is given a particular meaning, other parts of speech and grammatical forms of that word or expression have a corresponding meaning. (g) Examples used in this Policy are for illustrative purposes only and are not intended to be exhaustive. (h) Unless expressly provided for this Policy is not in any way incorporated as part of any enterprise agreement and does not form part of any Employee’s contract of employment and any applicable enterprise agreement or contract of employment will prevail over this Policy to the extent of any inconsistency.
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	<p>(i) It is not intended that this Policy impose any obligations on the Council or those covered by it that are unreasonable or contrary to the operation of Applicable Laws. Any obligation, direction, instruction or responsibility imposed by this Policy must be carried out in a manner that an objective third party would consider to be fair and reasonable taking into account and in the context of all the relevant Applicable Laws, operational and personal circumstances.</p> <p>Questions relating to the interpretation, application or enforcement of this Policy should be directed to a person's Manager/Supervisor.</p>
<p>Reporting of Breaches</p>	<p>Persons covered under paragraph 3 (Coverage) must reasonably report breaches of Infringing Workplace Behaviour as follows:</p> <p>For breaches by</p> <ul style="list-style-type: none"> a) an Employee (other than the General Manager), the report must go to the reporting person's applicable Manager/Supervisor; and/or b) the General Manager the report must go to the Mayor (or if unavailable to the next appropriately delegated Councillor) and <p>as otherwise required or permitted by Applicable Laws.</p>
<p>Breach of Policy</p>	<p>Persons covered under paragraph 3 (Coverage) who engage in Infringing Workplace Behaviour may (as is appropriate) be</p>

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	<p>subject to appropriate disciplinary action in accordance with Disciplinary Policy and Procedure. Infringing Workplace Behaviour may also amount to breaches of Applicable Laws:</p> <ul style="list-style-type: none">(a) exposing individuals to legal proceedings; and(b) making Council vicariously liable for the conduct of others.
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2 PURPOSE

The aims of this Policy are to:

- (a) ensure that Council provides a safe and healthy Workplace and all Employees are fit for work;
- (b) direct and guide Employees at the Workplace to achieve and maintain fitness for work and not to expose Workers or Other Persons at the Workplace to unreasonable risks to their health and safety;
- (c) provide a fair and flexible approach to work, health and safety which takes into consideration individual, operational and environmental circumstances;
- (d) provide a reference and framework for the Fitness for Work procedure;
- (e) where reasonable, encourage return to work at the earliest opportunity after or despite illness or injury; and
- (f) comply with Applicable Laws through implementing:
 - (i) appropriate plans, policies and programs to support and implement this Policy;
 - (ii) assessment, rehabilitation and return to work resources; and
 - (iii) monitoring, reviewing and verification of systems.

3 COVERAGE

- (a) This Policy covers and applies to Employees in relation to capacity for work where the illness or injury is not compensable under the *Workers Rehabilitation & Compensation Act 1988*(TAS).

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- (b) This Policy does not cover or apply to behaviours that amount to or are dealt with by Council as:
 - (i) performance, which is dealt with under Council’s Performance Management Policy; or
 - (ii) disciplinary matters, which are dealt with under Council’s Disciplinary Policy.
- (c) For the avoidance of doubt this Policy does not cover or apply to a Councillor.

4 REQUIREMENTS

- (a) Employees must comply with this Policy.
- (b) Managers/Supervisors must communicate and implement this Policy within their area of responsibility.

5 ROLE RESPONSIBILITIES

5.1 What are the Manager/Supervisor’s Responsibilities?

Managers/Supervisors are responsible for:

- (a) taking steps to ensure the health, safety and welfare at work of Workers and Other Persons at the Workplace;
- (b) identifying and responding to concerns regarding an Employee’s ability to safely perform the requirements of their role;
- (c) treating all Employee matters that relate to an employee’s health and fitness for work, seriously, respectfully, impartially and confidentially;
- (d) ensuring consultation with Employees in injury, incapacity and illness management, rehabilitation and return to work planning;
- (e) providing Employees with access to information about their

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entitlements, rights and responsibilities regarding their capacity for work;

- (f) considering practicable adjustments to the Workplace to enable Employees to perform the inherent requirements of their role;
- (g) considering alternative duties where practicable on either a temporary or permanent basis; and

follow the Fitness for Work Procedure to manage Employee’s fitness for work.

5.2 What are the Employee’s Responsibilities?

Employees are responsible for:

- (a) performing the requirements of their position;
- (b) not attending for work if they are not fit to perform the requirements of their position;
- (c) not performing any work-related tasks that creates an unreasonable risk to the health and safety of themselves, Workers or Other Persons at the Workplace;
- (d) notifying their Manager/Supervisor of any matter (which may include the medication they are taking) that may affect their ability to meet the requirements of their role or places the health and safety of themselves, Workers or Other Persons at the Workplace at risk;
- (e) managing individual factors which may adversely affect their fitness for work, such as ensuring adequate rest between periods of work;
- (f) complying with any reasonable and lawful directions that are reasonably necessary to assess or manage risks to safety which arise from or relate to fitness for work. This may include for example attending assessments to determine fitness for work and providing information in reasonable time frames to Council; and

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- (g) notifying their Manager/Supervisor if they have any concerns regarding the fitness for work of another Worker or Other Persons at the Workplace.

6 SEEKING ADVICE

Council and/or the Employee may seek advice from a medical or allied health practitioner to ensure compliance with this Policy.

7 EAP

- (a) Council will provide wellbeing support through the provision of counselling and other relevant assistance where reasonable and appropriate.
- (b) Access to the EAP is either by self-referral or referral by Council's nominated appropriate person.

8 CONFIDENTIALITY

- (a) All information related to fitness for work is considered sensitive and should be treated as strictly confidential.
- (b) Access to this information is provided only to those persons who need to know in order to manage the Employee or the Fitness for Work Procedure.
- (c) Disclosure of this information to others without the Employee's permission, or which is otherwise not permitted by the Applicable Laws is not permitted.

9 MANAGING FITNESS FOR WORK

9.1 What is the procedure?

The Fitness for Work Procedure provides for appropriately managing

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fitness for work.

9.2 Is there a requirement to use a particular process?

Council may implement the Fitness for Work Procedure in a manner that a Manager/Supervisor considers reasonable in the circumstances to ensure compliance with this Policy.

9.3 Who manages a fitness for work procedure?

- (a) Fitness for work is managed by an Employee's immediate Manager/Supervisor.
- (b) Despite this, Council may decide, taking into consideration the relevant circumstances, to utilise instead or in addition to the Employee's immediate Manager/Supervisor:
 - (i) a more senior Manager/Supervisor; or
 - (ii) an external person.

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FITNESS FOR WORK PROCEDURE

FILE NO: PER/0500

ADOPTED BY COUNCIL ON: 21 January 2016	MINUTE NO:	06.01.2016
AMENDED BY COUNCIL ON:	MINUTE NO:	

Document:	Date of commencement:	Page Reference:
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1 AUTHORITY & APPLICATION

Date of approval	21/01/2016
Source of approval	Flinders Council
Start date	22/01/2016
Source Policy	<ul style="list-style-type: none"> • <i>Fitness for Work Policy</i>
Date of review	1 July 2016
Previous procedures replaced by this Procedure	
Publication of procedure	O:\GOVERNANCE\POLICIES & PROCEDURES\2016 NEW PROCEDURES (LGAT)
Definitions	As per the Fitness for Work Policy
Training	Council will provide all persons covered by this Procedure with appropriate training so they are made aware of their responsibilities and obligations under the Procedure.
Amendment	Council retains the sole discretion to reasonably terminate, replace or vary this Procedure from time to time. Council will consult before amendments are made and will notify and train those the amendments apply to.

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<p>Interpretation of Procedure</p>	<p>(a) The singular includes the plural and vice versa.</p> <p>(b) A reference to any legislation includes all delegated legislation made under it and amendments, consolidations, replacements or re-enactments of any of them.</p> <p>(c) A reference to policy or procedure means any approved policies or procedures of Council unless otherwise stated.</p> <p>(d) 'including' and similar expressions are not words of limitation.</p> <p>(e) A reference to a document (including this document) is to that document as amended, novated or replaced unless otherwise stated.</p> <p>(f) Where a word or expression is given a particular meaning, other parts of speech and grammatical forms of that word or expression have a corresponding meaning.</p> <p>(g) Examples used in this Procedure are for illustrative purposes only and are not intended to be exhaustive.</p> <p>(h) Unless expressly provided for, this Procedure is not in any way incorporated as part of any enterprise agreement and does not form part of any Employee's contract of employment and any applicable enterprise agreement or contract of employment will prevail over this Procedure to the extent of any inconsistency.</p> <p>(i) It is not intended that this Procedure impose any obligations on the Council or those covered by it that are unreasonable or contrary to the operation of Applicable Laws. Any obligation, direction, instruction or responsibility imposed by this Procedure must be carried out in a manner that an objective third party would consider to be fair and reasonable taking into account and in the context of all the relevant Applicable Laws operational and personal circumstances.</p> <p>Questions relating to the interpretation, application or enforcement of this Procedure should be directed to a person's Manager/Supervisor.</p>
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2 GUIDELINES

- (a) Fitness for work procedures are to be conducted with as little formality as possible. Particular processes in this Procedure will be utilised as considered reasonably necessary to ensure effectiveness.
- (b) Procedural fairness appropriate to the circumstances should be provided to Employees by their Managers/Supervisors.
- (c) The process should ensure appropriate confidentiality for all parties..
- (d) An Employee may have a support person involved. The role of the support person is to assist Employees by providing emotional support, aiding the Employee's understanding or by taking notes, asking appropriate questions, or requesting breaks. A support person is not to be an advocate or speak on behalf of the Employee. An appropriate support person is a person who is not a party to a process or involved as a potential witness or who otherwise has a conflict of interest.
- (e) A support person must maintain confidentiality and understand that an Employees' fitness for work is a private matter between the relevant parties, and the confidentiality of those processes should be respected at all times.

3 PROCEDURE SUMMARY

The procedure has four main steps:

- (a) **Identify the risk or concern** – identify whether (and if so, why) it is necessary to assess an Employee's fitness for work;
- (b) **Assess** – obtain opinions from an appropriate Assessor(s) regarding the Employee's fitness for work;
- (c) **Response to the assessment** – consider the report(s) provided by the Assessor(s) with all other relevant information and an Employee's responses before determining an appropriate outcome; and
- (d) **Implement the outcome** – implement Council's decision.

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4 IDENTIFY THE RISK OR CONCERN

4.1 Reasonable Grounds

- (a) The first step is to consider whether or not Council has reasonable grounds to require an Employee to participate in a process to assess their fitness for work.
- (b) Council will have reasonable grounds if there are reasonable concerns or issues that relate to the Employee's capacity to carry out the requirements of their current position in a way that ensures their safety and/or the safety of other Employees and/or Workers and Other Persons at the Workplace.
- (c) For example:
 - (i) there may already be evidence that provides a reasonable basis for a view that the Employee may not be fit to perform their role and it may be necessary to obtain further details;
 - (ii) the Employee may be having performance issues that are not related to, for example, insufficient training, unreasonable time pressures or inadequate instructions about what they are required to do;
 - (iii) the Employee may be taking excessive amounts of unexplained leave or unauthorised absence;
 - (iv) the Employee may have been absent for work because of illness or injury for a period of time, want to return to work but not have provided any or any sufficient medical advice about their capacity to perform work safely;
 - (v) the Employee may have been absent for work because of illness or injury for an extended period of time or have been certified as being incapacitated for an extended period in which case medical advice may be required to enable Council to make plans to accommodate the Employees' absence and return to work;
 - (vi) Council may have conflicting or inconclusive expert advice or other evidence;
 - (vii) there may be evidence from other Workers or Other Persons at the Workplace that Council has reasonably investigated that suggests

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that the Employee may not be fit to perform their role safely; or

- (viii) the Employee may claim that there are aspects of the Workplace or their work that are causing a risk to health or safety.

4.2 Temporary measures to ensure safety pending receipt of the Fitness for Work Assessment

- (a) Where there are reasonable grounds Council may need to identify whether any temporary working arrangements need to be put in place to ensure the Employees safety or that of other Employees, Workers or Other Persons in the Workplace pending receipt of the information required.
- (b) Where Council has reasonable concerns about an Employee's fitness to return to work or to continue working it may, depending on the circumstances, direct the Employee to:
 - (i) perform alternative duties; or
 - (ii) stand down,while it obtains a fitness for work assessment.
- (c) Council may pay an Employee who is stood down special paid leave providing that the Employee complies with any lawful and reasonable directions including reasonably co-operating with the procedure to obtain the fitness for work assessment.

4.3 Council's response to its fitness for work concerns

- (a) The Employee should be notified that Council has identified a concern or risk and explain the reasons why it considers a fitness for work assessment is required.
- (b) The explanation may include:
 - (i) that it is necessary to obtain appropriate evidence to assess the Employee's fitness for work and to ensure their safety;
 - (ii) that the Employee's written consent will be required;
 - (iii) that the costs associated with the assessment will be paid by Council;
 - (iv) who the Assessor(s) will be;
 - (v) that the Employee will need to attend an appointment and be

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- examined;
 - (vi) that a report will be produced by the person performing the assessment which will be provided to Council;
 - (vii) that Council will consider the report and provide the Employee with a copy; and
 - (viii) that Council will keep the Employee informed throughout the process and will consult with the Employee at each stage.
- (c) This process may take place in one or more meetings, by email or telephone or any combination as appropriate in the circumstances.
- (d) Council should consider any matters raised by the Employee and address any concerns.

5 ASSESS

5.1 Who will perform the Assessment?

Depending on the circumstances Council may obtain an assessment from a treating or non-treating medical practitioner or health professional or other relevant expert.

5.2 Requirements of the Assessment

- (a) Council should prepare an appropriate letter to the Assessor(s) and provide the Employee with a copy.
- (b) Letters to Assessor(s) may include the following depending on the circumstances:
 - (i) relevant history;
 - (ii) risks or concerns which provide reasonable grounds for the basis for the fitness for work assessment;
 - (iii) a position description and/or task/duties list;
 - (iv) relevant reports or other documents;
 - (v) details of any reasonable modifications or adjustments to the current position or alternative positions that may be available;
 - (vi) an invitation to the Assessor(s) to visit the Workplace and observe

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- relevant tasks being performed; and
 - (vii) what specific questions the Council requires the Assessor(s) to answer.
- (c) Council may request the Assessor to address any relevant matter or specific matters including whether the Employee is:
- (i) fit to undertake the inherent requirements and job demands of their current position;
 - (ii) fit to perform their current role with reasonable modifications or adjustments and/or a rehabilitation program (and for what period);
 - (iii) presently unfit but will be fit to return to their current role at some stage in the foreseeable future;
 - (iv) unfit for their current position now but will be fit to return to modified or alternative duties in the foreseeable future;
 - (v) unfit for their current role but fit for alternative duties (and if so what) on a temporary or permanent basis; and
 - (vi) permanently unable to carry out their current role and unable to do so into the foreseeable future.
- (d) Council should consider any matters raised by the Employee regarding the requirements of the assessment.
- (e) In some circumstances it may be reasonable for Council and the Employee to meet with the Assessor and discuss the fitness for work assessment in which case it will only do so with the Employees' consent which should not be unreasonably withheld. In some cases this will allow the Assessor to better explain matters which are unclear and allow the information to be obtained faster. In these circumstances a written report may not be necessary.

6 RESPONSE TO THE ASSESSMENT

6.1 Consider potential outcomes from fitness for work assessment

- (a) Council should consider the report(s), all relevant circumstances and potential outcomes.

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- (b) Potential outcomes may include:
 - (i) returning the Employee to their current position;
 - (ii) returning the Employee to their current position with reasonable modifications or adjustments;
 - (iii) implementing a return to work plan to return the Employee to their current position;
 - (iv) the Employee returning to work in an alternative role either temporarily or permanently;
 - (v) permanent incapacity – which may subsequently result in termination of employment;
 - (vi) offering support to assist the Employee to find suitable employment elsewhere;
 - (vii) a period of authorised absence while the Employee receives treatment to recover from a temporary incapacity; or
 - (viii) any other relevant option appropriate in the circumstances.

6.2 Employee’s response

- (a) Council should provide the Employee with:
 - (i) a copy of the Assessor’s report(s) and any other evidence to be relied upon; and
 - (ii) details of the potential outcome.
- (b) Council should consider the appropriate process for providing this information. Generally it will be sufficient to send the Employee a copy of the report and a letter explaining the potential outcome. There may be some circumstances where the report contains sensitive information and/or medical advice restricting what information should be provided to the Employee or how the information is provided to the Employee.
- (c) For example, if the Employee is suffering from a mental illness, the report itself may aggravate their illness and steps may need to be taken to reduce that risk such as ensuring that they read the report in a safe environment with a support person or their general practitioner present.
- (d) A follow-up meeting should be held with the Employee to consult about the

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report and the potential outcome. This allows the opportunity for the report to be explained in full to the Employee and for the Employee to propose alternative outcomes.

- (e) After consideration Council will make a final decision and advise the Employee in a manner reasonable for the circumstances, setting out the reasons for the decision and providing any supporting documentation.

7 IMPLEMENT THE OUTCOME

7.1 Fit for modified/alternative duties or with provision of services or facilities

- (a) If an Employee is found to be fit for adjusted/modified or alternative duties Council consider whether operationally those duties can be reasonably provided and utilised and if so those duties will be provided.
- (b) If an Employee is able to perform the inherent requirements of their role after the provision of services or facilities Council should consider whether those services or facilities can be reasonably provided and if so make provision for them;
- (c) If an Employee is to perform adjusted/modified or alternative duties or to use services or facilities provided, their Manager/Supervisor will take reasonable steps to ensure that they are provided directions as to what they are reasonably permitted to do or how the services or facilities are to be used.
- (d) The Manager/Supervisor will assess the Employee's ongoing fitness for work as reasonably required and provide directions as necessary.
- (e) Where duties are changed to accommodate an incapacity Council should make it clear in writing whether the change in duties is temporary or permanent. If it is temporary, timeframes for review should be agreed.
- (f) If the Employee agrees to perform an alternative position on a permanent basis, a new contract of employment should be entered into.
- (g) Any safer role or method of work, alternative duties, or alternative location must comply with any Applicable Laws and must be consistent with medical advice.
- (h) A safer role or method of work, alternative duties, or alternative location

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may include:

- (i) the same job with different hours or modified duties;
 - (ii) parts of the job the Employee was performing before the injury;
 - (iii) different hours and/or modified duties;
 - (iv) duties at the same worksite or a different worksite;
 - (v) duties at the same Workplace or a different Workplace;
 - (vi) a different job or duties;
 - (vii) training opportunities; and
 - (viii) any other reasonable alternative not described above.
- (i) These methods will be identified after consultation with relevant parties and will be specified in writing.

7.2 Temporarily Unfit for Work

- (a) If the Employee is:
- (i) temporarily unfit for work and not fit for modified or alternative duties; or
 - (ii) is fit for modified or alternative duties but those duties cannot be reasonably provided; or
 - (iii) would be able to perform their role with provision of services or facilities but it is not reasonable for those services or facilities to be provided,
- they will be entitled to take an authorised period of absence.
- (b) If the Employee has accrued paid personal leave entitlements they will be able to access those entitlements. If they have exhausted their paid personal leave entitlements they may be entitled to authorised leave without pay.
- (c) Council should implement a plan for regular reviews of the Employee's fitness for work as appropriate and/or as recommended by the Assessor(s).
- (d) Council should keep in regular contact with the Employee to provide support which may include access to EAP.

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7.3 Unfit for Work

There may be circumstances where the Employee is unfit for any work and it is reasonable for the Council to consider a fair process to terminate the employment. These circumstances may include where the Employee:

- (a) is permanently unable to carry out the inherent requirements of their substantive position, is unable to do so for the foreseeable future or is unable to do so for a period that is longer than a temporary absence that cannot be reasonably accommodated;
- (b) there are no reasonable adjustments or modifications to their substantive position that can be made or services or facilities that could be reasonably provided to allow them to continue to perform it; and
- (c) there are no reasonable alternative duties.

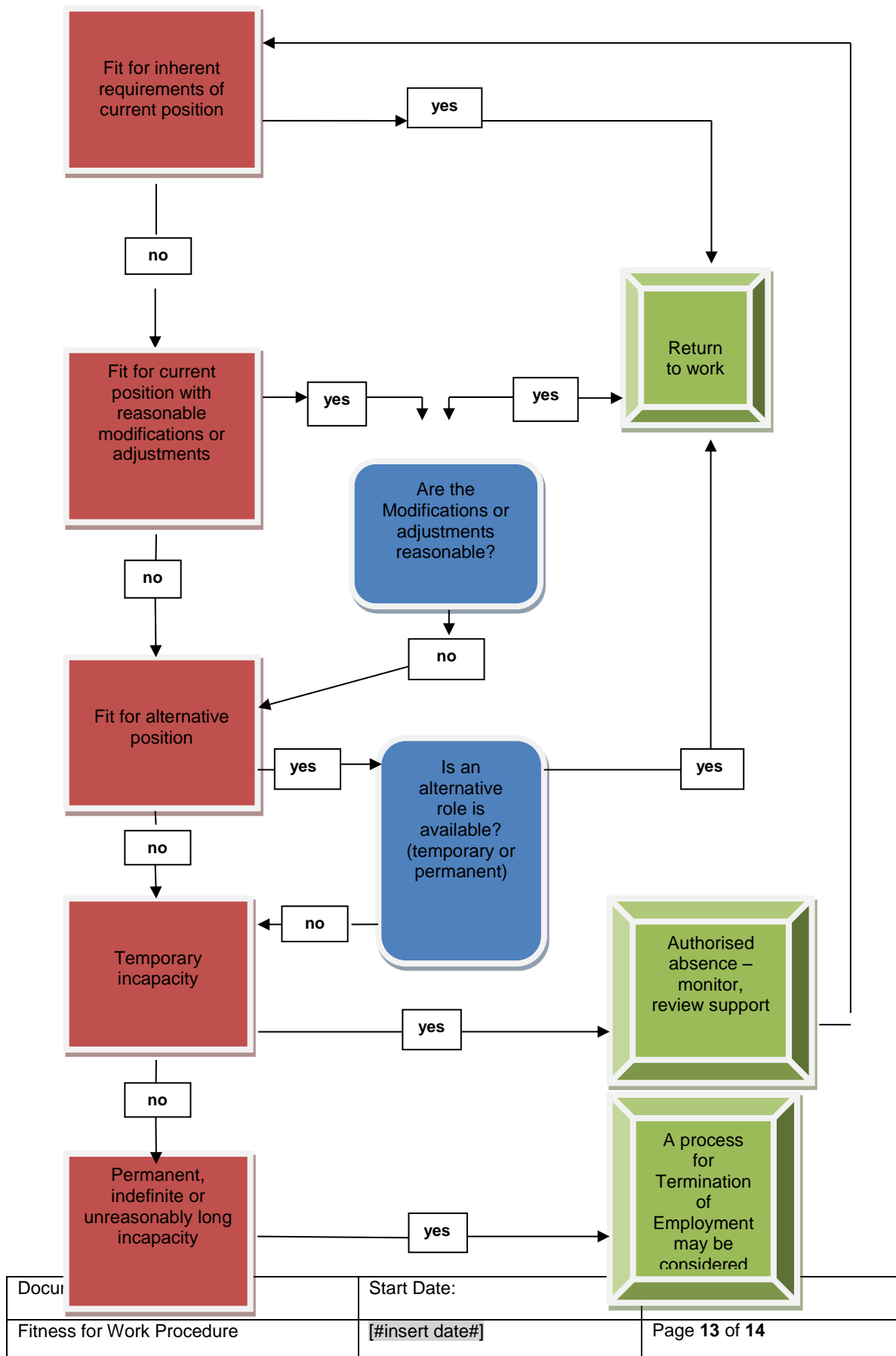
7.4 Fit for Work

Where the Employee is fit to undertake the inherent requirements of their current position they should continue or recommence their current duties with monitoring as appropriate.

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SCHEDULE 1

FITNESS FOR WORK FLOWCHART



SCHEDULE 2

AUTHORITY TO PROVIDE MEDICAL INFORMATION FOR FITNESS FOR WORK ASSESSMENT

To

Employee Details

Name

Date of birth

Address

Injury/illness

Employer's Details

Name

Contact name

Address

Email

Telephone

I authorise you to provide medical opinion and information as requested by my employer that is relevant to my injury/illness and my capacity for work.

Signed

Dated

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SUBJECT: <i>RISK MANAGEMENT POLICY</i>	FILE NO:	FIN/1003
ADOPTED BY COUNCIL ON: 11 July 2002	MINUTE NO:	312.07.02
AMENDED BY COUNCIL ON: 11 July 2003	MINUTE NO:	312.07.02
AMENDED BY COUNCIL ON : 25 August 2005	MINUTE NO:	486.08.05
AMENDED BY COUNCIL ON : 20 th August 2009	MINUTE NO:	307.08.09
AMENDED BY COUNCIL ON: 23 September 2010	MINUTE NO:	292.09.10
AMENDED BY COUNCIL ON: 14 July 2011	MINUTE NO:	201.07.11
AMEDNED BY COUNCIL ON: 15 May 2014	MINUTE NO:	804.05.2014

Objective / Purpose

This Policy is to define the principles for the implementation and associated responsibilities of a comprehensive Risk Management Framework and System within Flinders Council.

Flinders Council recognises that it has the responsibility to reasonably identify and address all significant threats and opportunities associated with:

1. Business Continuity and Business Systems
2. Environment
3. Finance and Economic
4. Health and Safety
5. Infrastructure and Assets
6. Legal Compliance and Liability
7. Political
8. Reputation
9. Strategy and Governance Staff

Scope

Council recognises that risk management is essential for sound strategic and financial planning and management. Apart from minimising financial loss and adverse publicity, risk management must balance legal requirements and public expectations, together with providing for the safety and wellbeing of Workers and the community in general.

This Policy applies to the Mayor and Councillors, Managers, Workers and Representatives of Flinders Council. They are responsible for the identification and management of risks associated with the performance of Council functions and the delivery of Council services.

Statement of Commitment

So far as is reasonably practicable, Council will endeavour to reasonably protect the organisation, its workers and the community against loss through the application of

sound management principles and practices to minimise exposure to risks and adverse impacts on corporate objectives.

This Policy in conjunction with the Risk Management Framework defines the responsibilities of those involved in the process of managing risk. Flinders Council's commitment to risk management is agreed by the Mayor and Councillors, Managers, Workers and Committees engaged in Council business.

Flinders Council is committed to managing its risks by identifying, analysing, evaluating, treating, monitoring and communicating risks that impact on Council's ability to achieve its vision and strategic objectives.

The objectives for Risk Management at Flinders Council are:

- Identify and analyse Council's liability associated with risk;
- Encourage the identification and reporting of potential risks;
- Minimise any potential liabilities;
- Protect the community against losses that are controllable by Council;
- Reduce the cost of insurance premiums;
- Provide a basis for higher standards of accountability;
- Allow for more effective allocation and use of resources;
- Set performance standards and regular review and improve practices and procedures;
- To promote and raise the awareness of risk management practices throughout the organisation;
- Protect Councils' corporate image as a professional, responsible and ethical organisation.
- Integrate sound risk management practices and procedures into Council's strategic and operational planning processes;
- The Risk Management approach is effectively supported by consultation and communication at all levels;
- Remedial actions identified as a result of incident investigations are documented, implemented and communicated effectively to prevent recurrence;
- Appropriate risk treatment strategies will be included in organisational procedures and processes needed to assist Council in achieving its' business outcomes. These strategies will be in accordance with relevant standards, codes of practice and appropriate legislative guidelines;
- All Workers with specific risk management responsibilities are aware of and effectively exercise those responsibilities. Responsibilities are documented in Position Descriptions;
- The Mayor and Councillors, Workers, Committees, Lease Holders and the public cooperate to create a safe environment and preserve assets for the future;
- Information, training and supervision on risk management are provided to all Workers, Councillors, Lease Holders and Committees; and

- The Risk Management Framework and associated processes and tools are documented, recorded and reviewed on a regular basis to ensure on going suitability to the organisation's needs.

Stakeholders

Stakeholders may include but are not limited to:

All Workers, Councillors, Committees, General Community, Visitors, Lease Holders, Interested Parties.

Communication

Updates and improvements to policies, procedures and associated risk tools must be communicated to relevant audiences to ensure they understand the current risk methods.

Legislation and Related Documents

- AS/NZS ISO 31000 Risk Management
- Work Health and Safety Act 2012
- Work Health and Safety (Transitional and Consequential Provisions) Act 2012
- Work Health and Safety Regulations 2012
- Work Health and Safety (Transitional) Regulations 2012
- Flinders Council Risk Management Framework
- Flinders Council Risk Register
- Flinders Council OH&S Policy
- Quarterly Reporting Template

Definitions

A person is a Worker if the person carries out work in any capacity for a person conducting a business or undertaking, including work as –

- (a) an employee; or
- (b) a contractor or subcontractor; or
- (c) an employee of a contractor or subcontractor; or
- (d) an employee of a labour hire company who has been assigned to work in the person's business or undertaking; or
- (e) an outworker; or
- (f) an apprentice or trainee; or
- (g) a student gaining work experience; or
- (h) a volunteer; or
- (i) a person of a prescribed class.

(Work Health & Safety Act 2012)

Responsibilities

The Risk Management Policy is the responsibility of the General Manager, with assistance from the Safety and Risk Management Officer.

This Policy shall be reviewed every two years by the Safety and Risk Management Officer, the General Manager and the Senior Management Team to ensure its continued suitability and effectiveness against the requirements of AS/NZS ISO 31000:2009 and Council's Risk Management Framework.