



## G 1.13 ALCOHOL AND OTHER DRUGS

### 1.0 Policy Objective:

To ensure a safe workplace free from the effects of alcohol and other drugs.

### 2.0 Policy Scope:

This policy applies to all employees, contractors and visitors (herein referred to as workers), irrespective of their position within the Shire, carrying out work for or on behalf of the Shire.

### 3.0 Policy Statement:

The Shire of York is committed to maintaining a safe and healthy work environment. A worker's ability to work safely and productively may be impaired by the use or abuse of alcohol and other drugs in the workplace. The Shire has a zero tolerance for impairment of performance through the use of alcohol or other drugs.

### 4.0 Responsibilities:

#### 4.1 The Shire

The Shire has a legislative responsibility to provide and maintain a work environment that does not expose workers and others to hazards, as far as reasonably practicable.

#### 4.2 Workers

It is the responsibility of all workers to present themselves for work in a fit state so that in the course of carrying out their normal work activities, they do not expose themselves or others to unnecessary risks to safety and health.

It is the responsibility of all workers to ascertain what effects all prescribed or non-prescribed medication may have on work performance ie the ability to drive, operate equipment be alert, concentrate etc. The worker has a legislative responsibility to advise their Supervisor if they are taking any prescribed or non-prescribed drug(s) which may affect their fitness for work or work performance.

The worker also has a legislative duty to advise their Supervisor if they are affected by alcohol which may affect their fitness for work or work performance.

#### 4.3 Supervisors

Supervisors must monitor the performance of workers they supervise and identify those who may not be fit to perform their work duties safely. Once identified the Supervisor should;

- take appropriate action to remove the risk the worker and others
- review the situation ensuring that the worker is treated with fairness and respect
- maintain confidentiality wherever possible
- arrange for the worker to under 'for-cause' testing with a medical practitioner selected and provided by the Shire

### **4.4 The Chief Executive Officer**

The CEO is responsible for compliance with this policy and for developing and implementing documented procedures to support the application of the policy.

## **5.0 Policy Application:**

### **5.1 Alcohol and Other Drugs in the Workplace**

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

The Chief Executive Officer may waive this requirement regarding the use of alcohol, where circumstances warrant - for example, when Council sponsors a social event, such as an official farewell, staff social club meetings or a Christmas Party.

### **5.2 Alcohol and Drug Testing**

The Shire reserves the right to conduct pre-employment, random, blanket and suspicion alcohol and drug testing throughout the whole organisation.

A qualified Testing Service Provider will perform those tests. The outcome may or may not affect the perception of an employee's fitness for duty on that day and may entail disciplinary action.

Suspicion testing shall only be carried out if a supervisor/manager suspects or determines that a substantial risk exists for the employee, co-workers or the public. A Testing Service Provider will conduct this form of testing by breathalysing/oral testing the employee first. A urine test may be ordered as a result of the first tests to determine the presence of a serious misconduct, such as a criminal offence or a serious breach of Council's policy providing reasonable grounds for terminating employment (in accordance with the Local Government Act and/or relevant Awards).

All testing results will be kept private and confidential wherever possible.

### **5.3 The Shire's Rights when Alcohol or Other Drug Use is Suspected**

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

The subject employee will be entitled to full payment of entitlements until such time as the medical examination determines that the employee is unfit for work.

If the employee is deemed fit for work, the employee will be returned to work immediately.

If the employee is deemed unfit for work, the employee will be placed on leave without entitlements until such time as a medical examination determines fitness for duty.

### **5.4 Detection**

Where an employee is declared impaired by alcohol or other drugs following medical testing, the following procedure will apply;

First breach – the Executive Manager will arrange a performance management meeting no more than a week after the employee has returned to work. The employee may request a support person to be present. The employee's performance will be discussed with regards to

the impairment evidenced, non-compliance with this policy and the employee will be encouraged to seek professional help if required. The Executive Manager will clearly state the expected standards of performance required. A file note will be placed on the employees Personnel file.

*Second Breach* – the CEO reserves the right to take immediate disciplinary action which may include suspension where the employee will be required to take personal leave or leave without pay, or in the event of serious misconduct, dismissal in accordance with the *Local Government Act 1995* and the Shire's Enterprise Bargaining Agreements.

### **6.0 Key Terms/Definitions**

*Approved Medication* – a medication that has been declared by the worker prior to testing which is not be deemed to breach this policy. Toxicology advice may be sought to assist in this determination.

*Blanket Test* – a test carried out that involves at least 50% of the workforce

*BAC* – (Breath Alcohol Content) – the concentration of alcohol in the breath

*Contractor* – an individual or company and its personnel carrying out work for the Shire (referred to as a 'worker' of the Shire for the purposes of this policy)

*Drug* – any substance which when taken into the body, alters the body's function physically and/or psychologically. This includes legal or illegal substances, non-prescribed or prescribed by a medical practitioner

*Employee* – any person employed to work for or on behalf of the Shire and includes volunteers (referred to as a 'worker' of the Shire for the purposes of this policy)

*Executive or Executive Management* – the CEO and Executive Managers of the Shire of York

*Fit for Work* – an individual who is able to perform their duties without risk of harm or injury to themselves, their co-workers or the public, and damage to Shire or other property

*Medication* – a prescribed or over the counter medication that is approved for sale and/or possession within Australia

*Prohibited Substance* – a substance such as a drug etc that is banned or forbidden by law or other authority

*Random Testing* – a test carried out involving less than 50% of the workforce or an individual, work area/crew or department and includes Shire workers

*Supervisor* – any person appointed to supervise/manage a group of workers on behalf of the Shire

*Suspicion Testing* – a test carried out on an individual where there is reasonable grounds to suspect impairment by alcohol or other drugs.

*Testing Service Provider* – a qualified supplier/persons authorised by the Chief Executive Officer to conduct drug and alcohol testing in compliance with the relevant Australian Standards

*Worker* - any employee, contractor, volunteer engaged to undertake work for the Shire

*Workplace* – A place, vehicle, building, or other structure, where workers work or are likely to be in the course of their work for the Shire.

### **Policy Administration**

Responsible Directorate/Division: Chief Executive Officer

Contact Officer Position: Chief Executive Officer

Relevant Delegation: N/A

Relevant Legislation  
*Occupational Health and Safety Act 2004*  
*Equal Opportunity Act 1985*  
*Privacy Act 1998*  
*Local Government Act 1995*

Date Adopted: 18 September 2017

Reviews/Amendments



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## F1.2 PROCUREMENT

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### Policy Objective

To provide a clear approach for the procurement of all goods and services to ensure practices are efficient, transparent, ethical, provide value for money and meet all legislative requirements.

### Policy Scope

This Policy applies to all purchasing activities undertaken by the Shire's officers and makes provision for regional price preference.

### Policy Statement

#### Introduction

The Shire procures a considerable number of products and services and it is essential that it is done in a way that achieves value for money, is transparent, accountable, without bias or preference and effective. Compliance with the specification is more important than obtaining the lowest price, particularly taking into account user requirements, quality standards, sustainability, life cycle costing and service benchmarks.

This policy was created to ensure appropriate procurement of all goods and services and therefore good governance. A full review of relevant legislation and industry best practice was undertaken in the process of preparing this policy.

#### Principles

- a) Procurement undertaken by the Shire is carried out in a consistent, efficient, effective and transparent manner.
- b) Retaining the integrity of the procurement process by maintaining fair and ethical practices and adherence to statutory obligations is a fundamental requirement.
- c) Value for money will be sought in a way that achieves the most advantageous outcomes for the Shire.
- d) There should be no conflicts of interest which might compromise equity in the procurement process.
- e) Where appropriate local suppliers and/ or suppliers using significant local resources to be given preferential consideration in order to support the local economy.

## **Provisions**

### **1. Ethics and Integrity**

- 1.1 All Officers and employees of the Shire shall observe the highest standards of ethics and integrity in undertaking purchasing activity, and act in an honest and professional manner that supports the standing of the Council.
- 1.2 The following principles, standards and behaviour, must be observed and enforced through all stages of the purchasing process, to ensure the fair and equitable treatment of all parties.
  - (i) Full accountability shall be taken for all purchasing decisions, and the efficient, effective and proper expenditure of public monies based on achieving value for money.
  - (ii) All purchasing practices shall comply with relevant legislation, regulations and requirements consistent with the Shire's Policies and Code of Conduct.
  - (iii) Purchasing is to be undertaken on a competitive basis, in which all potential suppliers are treated impartially, honestly and consistently.
  - (iv) All processes, evaluations and decisions shall be transparent, free from bias and fully documented in accordance with applicable procedures and audit requirements.
  - (v) Any actual or perceived conflicts of interest are to be identified, disclosed and appropriately managed.

### **2. Value for Money**

- 2.1 Value for money is an important principle governing purchasing, that allows the best possible outcome to be achieved for the Shire. It is important to note that compliance with the specification is more important than obtaining the lowest price, particularly taking into account user requirements, quality standards, sustainability, life cycle costing and service benchmarks.
- 2.2 An assessment of the best value for money outcome for any purchasing should consider:
  - (i) All relevant whole of life costs, benefits of whole of life cycle costs (for goods), and whole of contract life costs (for services), including transaction costs associated with acquisition, delivery, distribution, as well as other costs such as, but not limited to, holding costs, consumables, deployment, maintenance and disposal.
  - (ii) The technical merits of the goods or services offered in terms of compliance with specifications, contractual terms and conditions, and any relevant methods of assuring quality.
  - (iii) Financial viability and capacity to supply without risk of default (competency of the prospective suppliers in terms of managerial and technical capabilities and compliance history).



- (iv) A strong element of competition in the allocation of orders or the awarding of contracts. This is achieved by obtaining a sufficient number of competitive quotations wherever practicable.

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

3. **Monetary thresholds for obtaining of quotations and tendering:**

Amount of Purchase	Process to be followed
Up to \$1,500	Direct purchase from suppliers. No quotation required. Market testing is strongly encouraged.
\$1,501 to \$10,000	Obtain at least two verbal or written quotations (may include print outs from reputable suppliers' catalogues or websites), recommendation to purchase, include on quotation form reason for choosing selected supplier, and that the official order for the goods and services be countersigned by the Officers designated in this Policy.
\$10,001 to \$50,000	Obtain at least three verbal or written quotations, recommendation to purchase, include on quotation form reason for choosing selected supplier, and that the official order for the goods and services be countersigned by the Officers designated in this Policy.
\$50,001 to \$150,000	Obtain at least three written quotations containing price and specification of goods and services, recommendations to purchase be accompanied by a written evaluation against a pre-determined criteria, and approved by the Chief Executive Officer.
\$150,001 and above	Conduct a public tender process, as prescribed under the <u>Local Government (Functions and General) Regulations 1996</u> .

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See also Clause ~~7~~8.1.

3.1 Where it is considered beneficial, tenders may be called in lieu of seeking quotations for purchases with a value under the \$150,000 threshold. In this case a Request for Tender Process must be followed.

3.13.2 Western Australian Local Government Association (WALGA)/State Government Common Use Arrangement (CUA)

Where the intended purchase is within the \$150,000 threshold, the above quotation process still applies with respect to obtaining quotations from either WALGA preferred suppliers or non-WALGA suppliers.

Where the intended purchase is over \$150,000 and the Shire wishes to use the Council Purchasing Service of WALGA without going through the tender process, the Shire must still follow the process of obtaining quotations from the WALGA panel.

This will ensure that the local government is procuring goods and services at best value for money.

#### **4. Sole Source of Supply**

The procurement of goods and/or services available from only one private sector source of supply is permitted without the need to call for competitive quotation provided that there is genuinely only one source of supply. Written information regarding endeavours to find other sources must be included on the purchased order.

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#### **4.5. Anti-Avoidance**

4.15.1 Council Officers are not to enter into two (2) or more contracts for the purchase of goods and services in order to avoid the requirements of the above monetary thresholds.

#### **5.6. Recording and Retention of Written Information**

5.16.1 Verbal quotations are required to be recorded on the Shire's Purchase Order. Written quotations are required to be issued by the supplier on their stationery.

6.2 All quotations are required to be retained and filed with a copy of the purchase order and cheque/EFT voucher issued to the supplier.

6.3 For Tenders and Requests for Quotations, the following documentation must be recorded on the appropriate file:

- Tender/Quotation information including CEO approval of assessment criteria
- Evaluation and CEO approval of preferred supplier
- Enquiry and response information
- 5.2. Notification and award

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#### **6.7. Creation of New Suppliers**

6.17.1 A background check of all new suppliers should be undertaken prior to the supplier being created in the system.

6.27.2 Checks serve as an anti-fraud control measure and should be stored against the completed new creditor documents.

#### **7.8. Authorisation for the Signing of Official Orders and Certification of Invoices**

7.18.1 At all times an order must be raised, with full supporting quotation documentation, prior to the official engagement of a supplier. The signing of official orders and certification of invoices for the supply of goods and services can only be exercised by those Officers indicated in the following schedule, and only to the extent indicated.



OFFICER	THRESHOLD
Chief Executive Officer	Unlimited
Executive Manager Corporate and Community Services	To a maximum of \$50,000 in any one transaction Within the approved Budget Allocations
Executive Manager Infrastructure and Development Services	To a maximum of \$50,000 in any one transaction within the approved Budget Allocations
Works Manager	Up to \$10,000 (within Budget Allocations)

#### **8.9. Officers in acting capacity**

**8.19.1** Officers in acting capacity may sign official orders and authorise an invoice for payment of goods and services, as detailed within this Policy.

**8.29.2** Acting capacity is defined when the Chief Executive Officer and/or the Officer for the time being appointed as Acting Chief Executive Officer is absent, on annual leave, long service leave, sick leave, conferences, meetings or absent from office during the course of business.

#### **9.10. All official orders for goods and services must be countersigned as follows:**

**9.110.1** All Purchases up to the designated value for public tenders to be called (being \$150,000) shall be countersigned by the officers designated in table 67.1.

**9.210.2** Purchases above \$150,001 (excluding GST), conduct a public tender with a report to Council to award the contract.

#### **10.11. Procedure for purchasing and certification of invoiced supplies:**

- 10.1 Ensure compliance with Item 3.0 – Monetary Thresholds for Obtaining of Quotations and Tendering.
- 10.2 Evaluation of quotations received in accordance with this Policy.
- 10.3 Issue an official order to the supplier that has been authorised by the appropriate authorising Council Officer, as outlined within this Policy.
- 10.4 Authorise the supplies invoice on the certification and cost allocation form for payment once goods have been received and confirmed to match the order issued.
- 10.5 All documentation, being the quotation form, purchase order and certification and cost allocation form, must be completed and filed with the cheque voucher/EFT.

**11.12. Where the Shire invites public tenders or requires three quotations for goods and services above \$50,000.**

11.12.1 The Shire shall determine in writing the criteria for determining which tender or quotation should be accepted before tenders and quotations are publicly invited.

11.212.2 An evaluation panel shall be established prior to the advertising of a tender or calling for quotations and include a minimum of two (2) people with a mix of skills and experience relevant to the nature of the purchase.

11.312.3 Tenders are to be opened in the presence of two Council Officers.

12.4 The tenderer's offer form and price schedule from each tender shall be date stamped and initialled by the Council Officers present at the opening of tenders.

11.412.5 If after the award of the tender, any changes or variations are required, a minor variation may be made with the written authorisation of the relevant executive manager or the CEO. A minor variation will not alter the nature of the goods and/or services procured, nor will it materially alter the specification or structure provided for by the initial tender.

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**12.13. Tender Documentation – Recording and Retention of Written Information**

12.413.1 Tender Documentation is to comprise of the following and be held in the Shire's Records.

- (a) Copy of advertisement in the West Australian Newspaper inviting tenders for services.
- (b) Extract from current Budget, disclosing provision being made to finance the cost of services being tendered under the proposed contract.
- (c) Extract from Tender Register, entry made for all submissions received by the Shire for the tendered services, including the names of the officers responsible to open the tenders.
- (d) Copy of tender specifications containing conditions of tender and general conditions of proposed contract.
- (e) The originals of all the tender documents and submissions received from the respective tenderers.
- (f) Copy of the written evaluation, showing the extent to which each tender satisfies the criteria for deciding the tender considered to be most advantageous for the Shire to accept and signed by the Officers appointed to the Evaluation Panel.
- (g) Copy of the Council Minutes appointing the successful tender.
- (h) Copy of correspondence to successful tenderer advising Council acceptance.
- (i) Copy of correspondence forwarded to all unsuccessful tenderers.
- (j) Copy of any variations or extensions to the contract and evidence of approval by the relevant officer.

(kj) Send all collated documents, as listed above, to Records for registration.

#### **13.14. Regional Price Preference**

13.114.1 A

preference will be applicable to all locally based contractors and suppliers with a permanent office and staff located within the Shire of York. This also applies to contractors based outside the Shire of York who use goods, materials or services which are sourced from within the Shire.

Goods and Services

13.214.2 A

10% price preference, to a maximum of \$5,000, applies to goods and services, sourced and used in the Shire of York.

13.314.3 A

5% price preference to a maximum of \$2,500 applies to goods and services sourced within the Avon Valley.

Construction

13.414.4 A

5% price preference, to a maximum of \$5,000, applies to all construction conducted by businesses/contractors based within the Shire of York.

13.514.5 A

2.5% price preference, to a maximum of \$2,500, applies to all construction conducted by business/contractors based within the Avon Valley.

#### **Key Terms/Definitions**

Not Applicable

## Policy Administration

Responsible Directorate/Division: ~~Executive Manager~~ Corporate and Community Services

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Author/Contact Officer Position: Executive Manager Corporate and Community Services

Relevant Delegation: DE3-1 Authority to make payments from Trust and Municipal Funds  
~~Not Applicable~~

Relevant Legislation: Local Government Act 1995 – Section 3.57  
Local Government Act 1995 – Section 6.10  
Local Government (Financial Management) Regulations 1996 - 11  
Local Government (Function and General) Regulations 1996 Part 4  
Local Government (Function and General) Regulations 1996 Part 4A  
Local Government (Audit) Regulations 1996

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Relevant Documents: G1.1 ~~Staff Code of Conduct: Councillors, Committee Members and~~  
~~Employees~~  
F1.5 Authority to Make Payments from Trust and Municipal Funds  
F1.6 Corporate Credit Card Policy  
~~DE3-1 Authority to make payments from Trust and Municipal Funds~~

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Date Adopted: 28 January 2016

Reviews/Amendments 24 October 2016

18 September 2017

Replaces Payment of Accounts  
15 February 2010 – Council Resolution 200210  
Local Purchasing  
15 February 2010 – Council Resolution 200210





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## G 2.8 SOCIAL MEDIA

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### Policy Objective

The purpose of this Policy is to provide guidance for the Shire of York to engage and manage social media (SM) in its communication activities with the community.

### Policy Scope:

- 1.1 This Policy is designed to provide a framework for the Council to use social media to facilitate collaboration and sharing between the Shire, Council Members, Employees, ratepayers and the community.
- 1.2 This Policy applies to all Shire Employees and Council Members.
- 1.3 The requirements of this Policy apply to all uses of social networking applications, which are applied to any Shire of York related purpose and regardless of whether the applications are hosted corporately or not. They must also be considered where Shire representatives are contributing in an official capacity to social networking applications provided by external organisations.

### Policy Statement:

#### 1. BECOMING AN AUTHORISED CONTRIBUTOR

- 1.1 Before engaging in social media *as a representative of the Shire*, Employees must become authorised to comment.
- 1.2 To become authorised to comment in an official capacity, an Employee will need to gain approval from the Chief Executive Officer.
- 1.3 Once you have been authorised, you will be referred to as an 'Authorised Contributor' (see 'Definitions' below).

#### 2. CEO, PRESIDENT AND COUNCILLORS COMMENTS

- 2.1 The CEO and President are not required to obtain authorisation to contribute to the Shire's page – though they must follow the Shire's Code of Conduct and Rules of Engagement below.
- 2.2 Councillors do not have to obtain authorisation to contribute to the Shire's page – though contributions are not encouraged – and they can only "comment", "like" or "share" existing content. Councillors cannot post any new content onto the Shire's page.

- 2.3 Councillors must also follow the Shire's Code of Conduct and Rules of Engagement below, except for 5.3 relating to employees.
- 2.4 Councillors will only be permitted to "comment", "like" or "share" providing they disclose that they are a Councillor, and the views expressed are their own.
- 2.5 Councillors shall not post any material on the Social Media Platform concerning a Council Decision unless;
  - 2.5.1 The Shire's President has released the information on the Social Media Platform or to the Media and Public; or
  - 2.5.2 The Official Minutes have been made public.
- 2.6 The CEO, President and Councillors will use their own personal profiles to contribute to the Shire's SM platforms.

### **3. CONTRIBUTING TO OUR PAGE BY STAFF**

- 3.1 No staff member may post on the Shire's page from their own personal SM account, including comments/share/like/re-tweet (and so on), unless approved by the Chief Executive Officer.
- 3.2 However, as it is 100% innocuous, a staff member is welcome to 'like' the Shire of York page and also 'like' any post that an Authorised Contributor adds to our page.

### **4. RULES OF ENGAGEMENT**

- 4.1 Once authorised to comment as a Shire representative, all 'Authorised Contributors' must:
  - 4.1.1 Disclose they are an Employee of the Shire in all cases (this is a given if you are posting using the Shire's account).
  - 4.1.2 Disclose and comment only on information classified as public domain information.
  - 4.1.3 Post only factual information.
  - 4.1.4 Ensure that all content published is accurate and not misleading and complies with all relevant Shire of York Policies, including the Shire's Media Policy and Code of Conduct.
  - 4.1.5 Ensure comments are respectful of the community in which you are interacting online.
  - 4.1.6 Adhere to the Terms of Use of the relevant social media platform/website, as well as copyright, privacy, defamation, contempt of court, discrimination, harassment and other applicable laws.



### 4.2 If a person is authorised to comment, they must not:

#### 4.2.1 Post/respond to material or allow material to stay 'live' on our page that you know or could reasonable be expected to know is:

- offensive; ☐ hateful;
- obscene; ☐ racist;
- defamatory; ☐ sexist;
- threatening; ☐ infringes copyright;
- harassing; ☐ constitutes a contempt of court;
- bullying; ☐ breaches a Court suppression order; or
- discriminatory; ☐ is otherwise unlawful.

#### 4.2.2 Use or disclose any confidential or secure information.

#### 4.2.3 Make any comment or post any material that might otherwise cause damage to the Shire's reputation or bring it into disrepute.

### 4.3 Employees must ensure that the privacy and confidentiality of information acquired at work is protected at all times and treated in accordance with relevant laws and policies. The potential scope and ramifications of a breach of privacy or confidentiality when using social media are severe.

### 4.4 Shire of York social networking content and comments containing any of the following forms of content shall not be allowed:

#### 4.4.1 Comments not topically related to the particular site or blog article being commented upon.

#### 4.4.2 Profane language or content.

#### 4.4.3 Content that promotes fosters or perpetuates discrimination on the basis of:

- race creed; ☐ marital status;
- colour; ☐ status with regard to public assistance;
- age; ☐ national origin;
- religion; ☐ physical or mental disability; or
- gender; ☐ sexual orientation.

#### 4.4.4 Sexual content or links to sexual content.

#### 4.4.5 Solicitations of commerce.

#### 4.4.6 Conduct or encouragement of illegal activity.

#### 4.4.7 Information that may tend to compromise the safety or security of the public.

#### 4.4.8 Content that violates a legal ownership interest of any other party.

- 4.5 The Australian Advertising Standards Bureau (ASB) has made a landmark ruling that Facebook is an *advertising* medium and as such therefore falls under the industry's self-regulatory code of ethics – the Australian Association of National Advertiser's (AANA) Code of Ethics. Social media pages must comply with pertinent codes and laws, vetting all public posts to ensure they are (eg) not sexist, racist or factually inaccurate.

Companies can now be fined or publicly shamed for the comments that appear on their social media "brand" pages. The ASB ruled in general that Australia's advertising laws were applicable to everything on a brand's page — the Code applies to the content generated by the page creator as well as material or comments posted by users or friends.

## 5. COMPLIANCE

Depending on the circumstances, non-compliance with this Policy may constitute a breach of employment or contractual obligations, misconduct, sexual harassment, discrimination or some other contravention of the law.

Any employee who fails to comply with this Policy may face disciplinary action and, in serious cases, termination of their employment.

Council Members who fail to comply with this Policy will be removed from the Social Media Platform and may also face action under the Shire's Code of Conduct.

The CEO is delegated the authority to take appropriate action (including removing a person from the social media platform) if a breach occurs of the Shire's Social Media Policy and Guidelines.

## 6. DEFINITIONS

Any definitions listed below apply to this document only.

"*Social Media*" is content created by people using highly accessible and scalable publishing technologies. Social media is distinct from industrial media, such as newspapers, television and film. Social media comprises relatively inexpensive and accessible tools that enable anyone to publish or access information – industrial media generally requires significant resources to publish information. (Source: [http://en.wikipedia.org/wiki/Social\\_media](http://en.wikipedia.org/wiki/Social_media)).

Social media may include (although is not limited to):

- social networking sites (e.g. Facebook, Myspace, LinkedIn, Bebo, Yammer);
- video and photo sharing websites (e.g. Flickr, YouTube);
- blogs, including corporate blogs and personal blogs;
- blogs hosted by media outlets (e.g. 'comments' or 'your say' feature on perthnow.com.au);
- micro-blogging (e.g. Twitter);
- wikis and online collaborations (e.g. Wikipedia);
- forums, discussion boards and groups (e.g. Google groups, Whirlpool);

- vod and podcasting;
- online multiplayer gaming platforms (e.g. World of Warcraft, Second Life); □ instant messaging (including SMS); and
- geo-spatial tagging (Foursquare).

*“Authorised Contributor”* is a person who creates and is responsible for posted articles and information on social media sites on behalf of the Shire of York.

*“Chief Administrator”* is the person responsible for the set-up, maintenance and management of all the Shire’s SM pages and policies.

*“Comment”* is a response to an article or social media content.

*“Blog”* (an abridgment of the term web log) is a website with regular entries of commentary, descriptions of events or other material such as graphics or video.

*“Public Domain”* is clip art, images, text, programs etc. that is not copyrighted (i.e. a law that gives only one person the right to produce, sell or use something).

### **Policy Administration**

Responsible Directorate/Division: Chief Executive Officer

Author/Contact Officer Position: Chief Executive Officer

Relevant Delegation: Not Applicable

Relevant Legislation:

Relevant Documents:

Date Adopted:

Reviews/Amendments





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## G4.7 INTERNAL CONTROL

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### Policy Objective:

The purpose of this policy is to assist the Shire to carry out its activities in an efficient and effective manner in order to achieve its strategic objectives, to ensure adherence to policies, to safeguard the Shire's assets, and to secure (as far as possible) the accuracy and reliability of Shire financial records.

### Policy Scope:

This policy applies to all aspects of the Shire of York business.

### Policy Statement:

#### Introduction

This policy documents Council's commitment to appropriate and effective internal controls and their importance to the organisation.

This policy provides a framework for the establishment of documented internal controls that are implemented based on risk management policies and principles.

The policy will assist the organisation in addressing the risk of; material misstatement of financial information, fraud and corruption, misappropriation of funds and loss of physical assets and ensure that Council meets its obligation under the *Local Government Act 1995*, associated Regulations and other legislation.

### Key Terms/Definitions

#### Internal Control

Systems of policies and procedures that safeguard assets, ensure accurate and reliable financial reporting, promote compliance with laws and regulations and achieve effective and efficient operations. These systems not only relate to accounting and reporting but also include communication and organisational processes both internally and externally, staff management and error handling.<sup>1</sup>

### Principles

- a) A risk based approach to address and reduce the risk of loss caused by fraud, error or misstatement.
- b) Protection of the Shire of York's assets – people, property, reputation, financial sustainability and information.
- c) On-going audit and identification of system gaps and improvement of internal controls at the Shire of York.

## Provisions

An appropriate and effective internal control framework is the responsibility of all employees. All employees are accountable for implementing systems, controls, processes and procedures in their own area of responsibility and will play a part in the internal control framework in differing degrees.

The Audit Committee and Council are responsible for mandating that a strong internal control framework is implemented to ensure the good governance of the organisation. The Chief Executive Officer will report regularly to the Audit Committee and Council on the review and improvement to Council's internal control framework.

## Monitoring, Reviewing and Reporting

A monitoring and reporting process/system will be implemented which will provide six-monthly reports to management, the Audit Committee and Council on the status of Risk Management, Internal Controls and Legislative Compliance within the Shire of York and which will identify the need for specific areas for review.

In accordance with Regulation 17 of the *Local Government (Audit) Regulations 1996*, the Chief Executive Officer is required to report on a review of the above three areas every two years. This is in addition to the four-yearly review required by Regulation 5(2)(c) of the *Local Government (Financial Management) Regulations 1996* which also includes a review of the Shire's financial internal controls.

### Policy Administration

Responsible Directorate/Division:	Chief Executive Officer
Contact Officer Position:	Executive Manager, Corporate & Community Services
Relevant Delegation:	N/A
Relevant Legislation:	<i>Local Government (Financial Management) Regulations 1996</i> – Regulation 5  <i>Local Government (Audit) Regulations 1996</i> – Regulation 17
Other Relevant Documents:	Policy G4.6 <i>Risk Assessment and Management</i>
Date Adopted:	18 September 2017
Reviews/Amendments:	

<sup>1</sup> CPA Australia, 2011, 'Internal Controls For Not-For-Profit Organisations', p. 3





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## G4.8 LEGISLATIVE COMPLIANCE

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### **Policy Objective:**

The purpose of this policy is to ensure that the Shire of York complies with legislative requirements.

### **Background:**

A fundamental principle of good public administration is that public officials comply with both the letter and the spirit of the law.

The Shire has an obligation to ensure that legislative requirements are complied with. The community and those working at the Shire have an expectation that the Shire will comply with applicable legislation and that the Shire will take all appropriate measures to ensure that expectation is met.

Regulation 14 of the *Local Government (Audit) Regulations 1996* requires local governments to carry out a compliance audit for the period 1 January to 31 December in each year. The Compliance Audit is structured by the Department of Local Government, Sport and Cultural Industries (DLGSC) and relates to key provisions of the *Local Government Act 1995*.

Regulation 17 of the *Local Government (Audit) Regulations 1996* also requires a review of the appropriateness and effectiveness of systems and procedures in relation to legislative compliance at least once every two calendar years and a report to the Audit Committee on the results of that review.

### **Policy Statement:**

The Shire will have appropriate processes and structures in place to ensure that legislative requirements are achievable and are integrated into the operations of the Shire. These processes and structures will aim to:

1. Develop and maintain a system for identifying the legislation that applies to the Shire's activities;
2. Assign responsibilities for ensuring that legislation and regulatory obligations are fully implemented;
3. Provide training for relevant staff, Councillors, volunteers and other relevant people within the legislative requirements that affect them;
4. Provide people with the resources to identify and remain up to date with new legislation;
5. Establish a mechanism for reporting non-compliance;

6. Review accidents, incidents and other situations where there may have been non-compliance; and
7. Review audit reports, incident reports, complaints and other information to assess how the systems of compliance can be improved.

### **Roles and Responsibilities**

#### Councillors and Committee Members

Councillors and Committee Members have a responsibility to be aware of and abide by legislation applicable to their role.

#### Senior Management

Senior Management should ensure that directions relating to compliance are clear and unequivocal and that legal requirements which apply to each activity for which they are responsible are identified.

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

#### Employees

Employees have a duty to seek information on legislative requirements applicable to their area of work and to comply with the legislation.

Employees shall report through their supervisors to Senior Management any areas of non-compliance that they become aware of.

### **Implementation of Legislation**

The Shire will have procedures in place to ensure that when legislation changes, steps are taken to ensure that future actions comply with the amended legislation.

### **Review**

This policy is to be reviewed at least every two years.

### **Legislative Compliance Procedures**

#### **1. Identifying Current Legislation**

##### a. Electronic Versions of legislation

The Shire accesses up to date electronic versions of legislation through the Western Australian State Law Publisher website at [www.slp.wa.gov.au](http://www.slp.wa.gov.au)

##### b. Hard copy versions of legislation

All Councillors and Executive Management are provided with a hard copy version of the *Local Government Act 1995* and associated legislation.

Hard copy versions all include a statement similar to the following:

*“Current legislation including the Local Government Act and Regulations is available from the State Law Publisher website. To ensure that you are referencing the most recent versions of the Act and Regulations, it is essential that you access the State Law Publisher website using the following link:  
<http://www.slp.wa.gov.au/legislation/statutes.nsf/default.html>”*

## 2. Identifying New or Amended Legislation

- a. Western Australian Government Gazette  
The Shire accesses the Government Gazette via the State Law Publisher website.
- b. Department of Local Government, Sport and Cultural Industries  
The Shire receives regular circulars from the DLGSC on any new or amended legislation. Such advice is received and processed through the Shire's Records Department and is distributed to relevant Shire officers.
- c. Department of Planning  
The Shire receives Planning Bulletins from the Department of Planning regarding any new or amended legislation. Such advice is received and processed through the Shire's Records Department and is distributed to the relevant Shire officers for implementation.
- d. Australian Local Governments Association (ALGA)  
The Shire receives regular issues of the ALGA News. Such information is received and processed through the Shire's Records Department and distributed by Records staff to the relevant Shire officers for information.
- e. Western Australian Local Government Association (WALGA)  
The Shire receives regular issues of the Local Government News from WALGA. Such information is received and processed through the Shire's Records Department and distributed to the relevant Shire officers for information.

## 3. Obtaining Advice on Legislative Provisions

The Shire will obtain advice on matters of legislation and compliance where necessary. Contact can be made with the DLGSC, WALGA or the relevant initiating government department for advice.

## 4. Informing Council of Legislative Changes

If appropriate, the Chief Executive Officer will, on receipt of advice of legislative amendments, advise the Council on new or amended legislation.

The Shire's format for all reports to Council meetings provides that all reports have headings "**Statutory Environment**" and "**Policy Implications**" which shall detail the current sections of any Act, Regulation or other legislation and any current Policy that is relevant to the report before Council.

## 5. Review of Incidents and Complaints of Non-compliance

The Shire shall review all incidents and complaints of non-compliance in accordance with Council Policies G2.1 *Comprehensive Complaints Response*, G1.1 *Code of Conduct: Councillors, Committee Members and Employees*, and where applicable G3.1 *Public Interest Disclosure*.

Such reviews will assess compliance with legislation, standards, policies and procedures that are applicable.

## 6. Reporting of Non-compliance

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

The Chief Executive Officer may investigate any reports of significant non-compliance and if necessary report the non-compliance to the Council and/or the DLGSC.

The Chief Executive Officer will then take the necessary steps to improve compliance systems.

### Policy Administration

Responsible Directorate/Division:	Chief Executive Officer
Contact Officer Position:	Executive Manager, Corporate & Community Services
Relevant Delegation:	N/A
Relevant Legislation:	<i>Local Government Act 1995</i> <i>Local Government (Audit) Regulations 1996</i> <i>Australian Standard AS3806-2006: Compliance programs</i>
Other Relevant Documents:	<i>Policy G4.6 Risk Assessment and Management</i>
Date Adopted:	18 September 2017
Reviews/Amendments:	