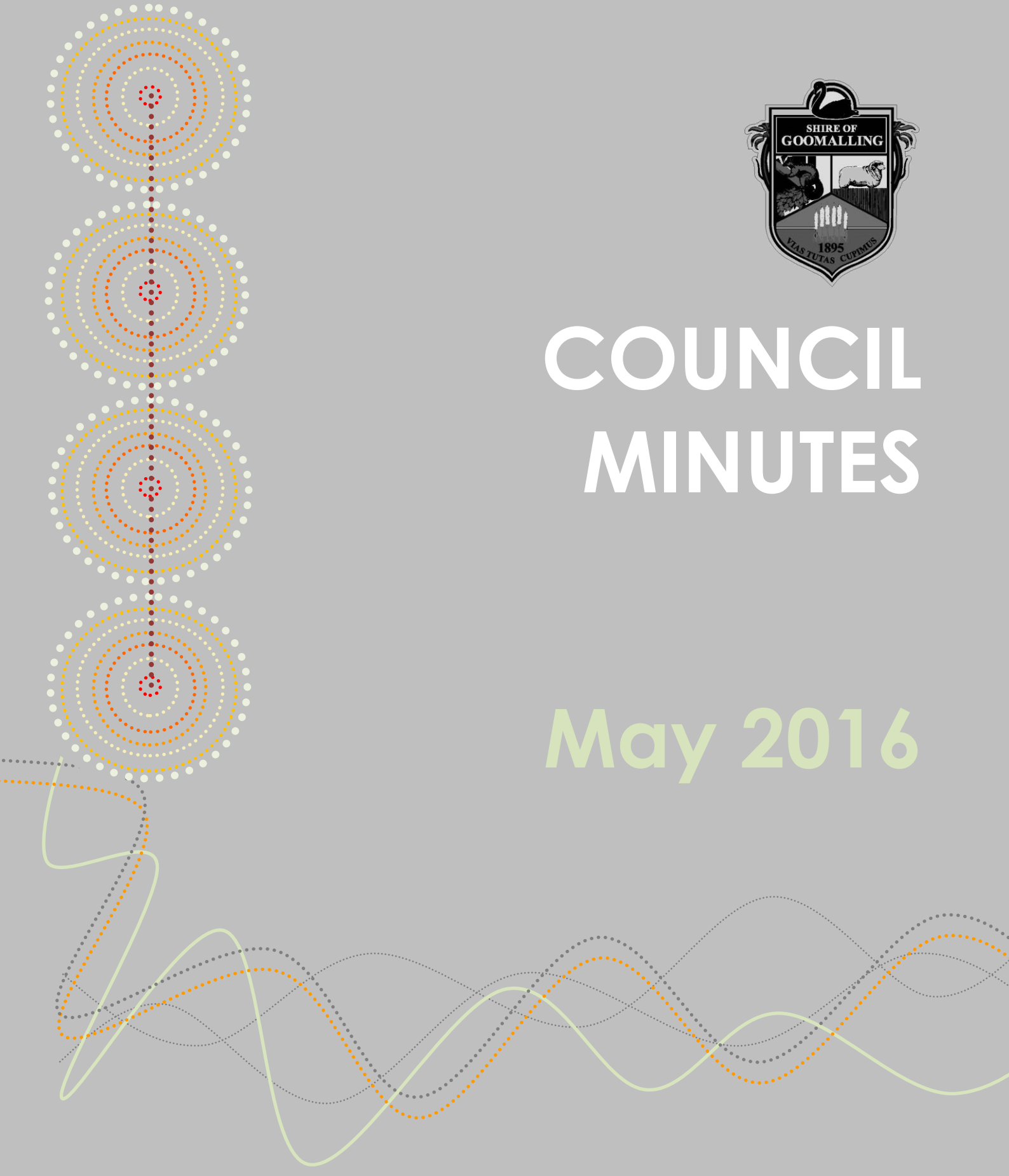


Shire of Goomalling



COUNCIL MINUTES

May 2016





NYOONGAR ACKNOWLEDGEMENT

We acknowledge this land that we meet on today is part of the traditional lands of the Nyoongar people and that we respect their spiritual relationship with their country. We also acknowledge the Nyoongar Ballardong people as the custodians of the greater Goomalling/Koomal area and that their cultural and heritage beliefs are still important to the living Nyoongar Ballardong people today.

NOTICE OF MEETING

Meeting No.5 of 2016 of the Shire of Goomalling Council to be held in the Council Chambers, Administration Office, 32 Quinlan Street, Goomalling on Wednesday, 18 May 2016 beginning at 1.04pm.

1. ATTENDANCE, APOLOGIES & ANNOUNCEMENTS

1.1. Attendance

Chairperson	President of Council	Cr Barry Haywood
	Deputy President of Council	Cr Roland Van Gelderen
Council	Councillor	Cr Raymond Bowen
	Councillor	Cr Julie Chester
	Councillor	Cr Christie Kingston
	Councillor	Cr Dallas Phillips
	Councillor	Cr Geoffrey Romero
	Councillor	Cr Kevin Ryan
	Councillor	Cr Rodney Sheen
Administration	Chief Executive Officer	Mr Cornelis (Clem) Kerp
	Finance Manager	Miss Natalie Bird

1.2. Apologies

Nil

1.3. Announcements

- Cr Chester attended Medical Surgery Meeting with the Shire of Dowerin
- Cr Phillips – Cuppa with a Councillor
- Cr Phillips – Koomal Committee Native Reserve Opening
- Cr Kingston – Koomal Committee Native Reserve Opening
- Cr Kingston – Hope for Families Drug and Alcohol Meeting
- Cr Kingston – Cuppa with a Councillor
- Cr Kingston – One Planet Meeting
- Cr Kingston – Sustainable Cities: New Research Perspectives, Perth
- Cr Kingston – Andrea and John Hardingham Bon Voyage
- Shire President Haywood and Chief Executive Office attended the Avon Midland Zone Meeting
- Shire President Haywood attended the Koomal Committee Native Reserve Opening



- Shire President Haywood attended Medical Surgery Meeting with the Shire of Dowerin
- Shire President Haywood and the Chief Executive Officer meet with Department of Local Government Officers Jenni Law and Stuart Fraser

Resolution

Moved Cr Sheen seconded Cr Romero that the announcements be received.

CARRIED

2. MINUTES

Resolution

Moved Cr Chester seconded Cr Ryan that the Minutes of the Goomalling Shire Council ordinary meeting held on Wednesday, 20 April 2016 be confirmed as true and correct record of proceedings.

CARRIED BY ABSOLUTE MAJORITY 9/0

3. DECLARATION OF INTEREST

Impartial – Cr Barry Haywood (relationship to Miss Tahnee Bird, CDO)
Pecuniary - Cr Chester (Item 8.1.2 of Chief Executive Officer's Report)

4. MATTERS ARISING

Nil

5. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

6. PETITIONS & MEMORIALS

Nil

7. REPORTS & MINUTES OF COMMITTEES

Resolution

Moved Cr Bowen seconded Cr Romero that the Finance Report for May 2016 be received.

CARRIED



7.1.1. Financial Statements for Period ending 30 April 2016

FILE REF	
APPLICANT OR PROPONENT (S)	Shire of Goomalling,
PREPARED BY	Natalie Bird, Finance Manager
APPROVED BY	Clem Kerp, Chief Executive Officer
PREVIOUSLY BEFORE COUNCIL	No
DISCLOSURE OF INTEREST	Nil

ATTACHMENTS	1. List of accounts paid for 12 April 2016 to 18 May 2016
	2. Financial Statement for period ending 30 April 2016
	3. Copy Council Corporate Credit Card

Nature of Council's Role in the Matter

Executive
Legislative
Review

Purpose of Report

To endorse payment schedule 14 March to 20 April and receive Financial Statement for period ending 30 April 2016 including corporate credit card.

Background

In accordance with Local Government (Financial Management) Regulation 34(1), local governments are required to prepare, each month a statement of financial activity reporting on revenue and expenditure for the month in question.

The statement of financial activity is to be presented at an ordinary meeting of Council within two (2) months after the end of the month to which the statement relates.

The statement of financial activity for the period ending 30 April 2016 financial statements and list of accounts paid for the period ending 30 April 2016, are hereby presented for Council's Information.

Comments and details

Identify policy, strategic, financial, social, economic and environmental implications in this section. (if applicable)

Council is requested to accept the monthly statement of financial activity, financial statements and list of payments as presented.

Implications to Consider

Legal and Statutory

Local Government Act 1995

Local Government (Financial Management) Regulations 1996

Voting Requirements

Absolute Majority

Simple Majority

No

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7.1.1 RESOLUTION

Moved Cr Bowen, seconded Cr Romero that Council:

- 1. endorse the list of payments**
 - a. EFT977 to EFT986 \$ 18,858.26**
 - b. 11614-11644 & 11691-11691 \$129,865.04**
 - c. 5030-5044 \$ 19,180.00**
 - d. DD 8855 & DD8895 \$ 14,478.54**
 - c. 11645-11690 \$183,686.51**

Totalling \$366,068.35 for the period 21 April 2016 to 18 May 2016

- 2. receive the financial statements for the period ending 30 April 2016**
- 3. receive the Council Corporate Credit card payment**

CARRIED

PRESIDENT _____

DATE _____



7.1.2 BAD DEBT WRITE OFF – DEBTOR S104

FILE REF	DEBTOR S104, RENTAL PROPERTY
APPLICANT OR PROPONENT (S)	Shire of Goomalling, Debtor S104
PREPARED BY	Trudi Manera Finance/Rates Officer
APPROVED BY	Clem Kerp, Chief Executive Officer
PREVIOUSLY BEFORE COUNCIL	NO
DISCLOSURE OF INTEREST	NIL

APPENDICES 4. Policy 1.4 – Debt Collection Policy

Nature of Council's Role in the Matter

Review

Purpose of Report

To request Council to endorse the decision to write off debtor S104 as a bad debt.

Background

The outstanding account relates to rent for the Smash Repairs shop that has been outstanding since October 2011. The debtor made arrangements to make regular payments against the outstanding amount and did so until April 2013.

After countless attempts to contact the debtor to restart making regular payments, (via many different phone numbers, addresses and Google) it was decided to refer the account to AMPAC (Debt collector).

AMPAC have been unsuccessful in recovering the debt and had no responses to final demand letters, phone calls or bailiff visits at any of the residential addresses they have found for the debtor since 2013 when the debt was first referred to them.

Comments and details

As this is a sundry debtor (as opposed to a rates debtor), the costs of pursuing legal proceedings cannot be claimed back from the debtor if they did not sign any acknowledgement that legal costs would be claimed if the debt remains unpaid. As the debtor did not sign any such acknowledgement, Council is unable to claim any legal costs in pursuit of this debt.

All tenants are now asked to sign an acknowledgment that they will be responsible for any debt collection costs incurred regarding their account with Council.

Implications to Consider

Consultative

AMPAC have advised the Shire of Goomalling Finance Officer to close this file and write off the debtor amount because the costs of further collection work would be more than the Debt in question.

Strategic

This matter will not have any impact on the strategies of the Shire of Goomalling.

Policy Related

Policy 1.4 see attached – Council's intention to consider a sundry debtor as a bad debt is not specifically mentioned in the policy, the use of a debt collection agency is.

PRESIDENT _____

DATE _____



Financial

This decision will reduce the amount of the current asset in the financial reports. However the definition of an asset requires a future economic benefit, given this account is not recoverable, there is no future economic benefit and as such it would be incorrect to continue reporting this amount as an asset.

Legal and Statutory

Council is bound by the *Local Government Act 1995*. This decision is within the act in particular s6.13(1)c as follows:

Subject to subsection (2) and any other written law, a local government may

- *Write off any amount of money, which is owed to the local government.*

Risk related

Consideration has been given to risk exposure as follows:

Financial risk is minimal in that past and future costs of debt collection for this debt are not recoverable.

The requirement for rental tenants to acknowledge they are responsible for debt collection costs nullifies any future risk whether it is financial, operational or reputational.

7.1.2 RESOLUTION

Moved Cr Kingston, seconded Cr Romero that Council:

Endorse the decision to write off debtor S104 for \$3818.25 as a bad debt.

CARRIED BY ABSOLUTE MAJORITY 9/0

Voting Requirements
Absolute Majority

Majority
Yes

7.2. Finance/Audit Committee Meeting

Resolution

Moved Cr Romero seconded Cr Chester that the Finance/Audit Committee Meeting minutes for meeting held Wednesday, 18 May 2016 be received.

CARRIED



8. OFFICER REPORTS

Resolution

Moved Cr Romero seconded Cr Van Gelderen that the Chief Executive Officer's Report for May 2016 be now dealt with.

CARRIED

8.1.1 WESTERN AUSTRALIAN PLANNING COMMISSION – APPLICATION 153570 – LOT NO 13085 GABBY QUOI QUOI ROAD, KONNONGORRING

FILE REF	170
APPLICANT OR PROPONENT (S)	WA Planning Commission & CA Hewson
PREPARED BY	Clem Kerp, Chief Executive Officer
APPROVED BY	Clem Kerp, Chief Executive Officer
PREVIOUSLY BEFORE COUNCIL	N/A
DISCLOSURE OF INTEREST	N/A

APPENDICES 5. WA Planning Commission Application 153570

Nature of Council's Role in the Matter

Quasi-judicial

Purpose of Report

To provide any information, comment or recommended conditions to WA Planning Commission on the application for CA Hewson to subdivide Lot No 13085 into two (2) lots to provide one lot as a Homestead Block containing all existing buildings on the lot, with the balance of the lot to be available for sale if required.

Background

The application is to increase the number of lots from one (1) to two (2). In the past Council has always supported applications to provide Homestead Lots which normally provides the creation of an additional lot than previously existed.

Comments and details

Council's response needs to be submitted to WA Planning Commission by 8th June 2016. I recommend that Council submit no objection to the application.

Implications to Consider

Consultative

As the application is increasing the number of lots from 1 to 2, the application should be supported to provide a Homestead Lot.

Strategic

Increasing the number of lots is at the request of the owner and there is no reason not to support the application, as the application is for a Homestead Lot.

Policy Related

Agrees with Councils policy of approving subdivisions which increase a lot to provide a Homestead Block.

Financial NIL

Legal and Statutory

PRESIDENT _____

DATE _____

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Complies with Council's policy on amalgamation and subdivision proposals including the creation of Homestead Blocks.

Risk related NIL

Voting Requirements

Absolute Majority Yes

8.1.1 RESOLUTION

Moved Cr Chester seconded Cr Romero that Council raise no objection and support the application to provide the Homestead Block as submitted.

CARRIED BY ABSOLUTE MAJORITY 9/0



Cr Chester declared a pecuniary interest in the below item left the meeting at 1.43 pm

**8.1.2 WESTERN AUSTRALIAN PLANNING COMMISSION – APPLICATION 153577 –
LOT 2786, 5372, 5982, 7393 GOOMALLING-MECKERING ROAD, CUNJARDINE**

FILE REF	170
APPLICANT OR PROPONENT (S)	WA Planning Commission & Pensacola Nominees Pty Ltd, Steven Richard Chester
PREPARED BY	Clem Kerp, Chief Executive Officer
APPROVED BY	Clem Kerp, Chief Executive Officer
PREVIOUSLY BEFORE COUNCIL	Part Amalgamation/Subdivision Submission presented to July 2015 Council Meeting for approval.
DISCLOSURE OF INTEREST	N/A
APPENDICES	6. WA Planning Commission Application 153577 7. WA Planning Commission Approval 152123 (August 2015)

Nature of Council's Role in the Matter

Quasi-judicial

Purpose of Report

To provide any information, comment or recommended conditions to WA Planning Commission on the application for Pensacola Nominees Pty Ltd to amalgamate five (5) lots and re-subdivide into five (5) lots thereby creating no additional lots.

Background

The application is to retain the same number of lots i.e. five (5) lots. In the past Council has always supported applications that do not create any additional lots other than Homestead Blocks.

Comments and details

Council's response needs to be submitted to WA Planning Commission by 15th June 2016. I recommend that Council submit no objection to the application, as no additional lots are created.

Implications to Consider

Consultative

As the application is retaining the same number of five (5) lots, the application should be supported.

Strategic

Retaining the number of lots is at the request of the owner and there is no reason not to support the application.

Policy Related

Agrees with Council's policy of approving subdivisions which retain the same number of lots.

Financial

NIL

Legal and Statutory

Complies with Council's policy on amalgamation and subdivision proposals.

Risk related

NIL

PRESIDENT _____

DATE _____

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Voting Requirements
Absolute Majority

Yes

8.2.2 RESOLUTION

Moved Cr Van Gelderen seconded Cr Bowen that Council raise no objection and support the application to retain the same number of five (5) lots.

CARRIED BY ABSOLUTE MAJORITY 8/0

Chester entered the meeting at Time 1.50 pm



8.1.3 CITY OF WHYALLA – LETTER OF SUPPORT & PURCHASING POLICY CLAUSE

FILE REF	132/159
APPLICANT OR PROPONENT (S)	Shire of Goomalling, City of Whyalla
PREPARED BY	Tahnee Bird, Community Development Officer
APPROVED BY	Clem Kerp, Chief Executive Officer
PREVIOUSLY BEFORE COUNCIL	Council Forum 16 March, Item 2.1.20
DISCLOSURE OF INTEREST	N/A

Nature of Council's Role in the Matter

Executive

Purpose of Report

To amend Council's 1.3.1 Purchasing Policy to include a specific "Steel Industry Participation clause.

Background

Council discussed the future of the Australian Steel Industry at the March Forum. It is important to support local industries that employ Australians and enables a diversified national economy; it is paramount for local governments to consider implementing sustainable procurement practices that ensure the viability of Australia's Industries and quality assurance.

A letter of support has been sent to the City of Whyalla indicating Councils support of:

1. The establishment of a third-party audit process, in collaboration with the Australian Steel Institute (ASI), to ensure compliance of contractors working with Local Governments; and
2. Increasing the industry participation weighting to between 15% and 20% of the overall tender assessment criteria on Local Government projects.

Comments and details

It is suggested that Council implement a specific "Steel Industry Participation" clause to its Purchasing Policy to recognise and enforce contractual conditions that observe the Australian standard of equity including the following certifications:

1. Steel *must* be sourced from mills with Australasian Certification Authority for Reinforcing and Structural Steel (ACRS) third party certification; and
2. Steelwork *must* be sourced from steel fabricators independently certified to the National Structural Steelwork Compliance Scheme (SCA).

Implications to Consider

Consultative

Council considered this to be in the best interest of the Australian industry.

Strategic

To ensure the viability and sustainability of the Australian Steel Industry.

Policy Related

Council's Purchasing Policy as above.

Financial

Affects Council's purchasing policy but it will provide purchase consideration of Australian goods and services.



Legal and Statutory

Non-binding as it is Council's decision to consider the acquisition of Australian Steel in purchased materials.

Voting Requirements

Absolute Majority Yes

8.1.3 RESOLUTION

Moved Cr Romero seconded Cr Bowen that Council:
 adopt the following amended 1.3.1 Purchasing Policy as detailed below:

Title:	1.3.1 Purchasing Policy
Previous No:	
File No:	
Statutory Environment:	<i>Local Government (Functions and General) Regulations as amended</i>
Minute No:	8.1.2 032016.OM
Last Updated:	May 2016
Review Date:	May 2019

Objectives:

To provide compliance with the Local Government Act 1995 and the Local Government (Functions and General) Regulations 1996 as amended.

To deliver a best practice approach and procedures for purchasing for the Shire of Goomalling.

To ensure consistency for all purchasing activities within the Shire of Goomalling operational areas.



Policy:

Amount of Purchase	Policy
Up to \$2,000	Direct purchase from suppliers requiring verbal quotation(s).
\$2,000 - \$19,999	Where practical, obtain at least two verbal or written quotations.
\$20,000 - \$149,999	Where practical, obtain at least two written quotations containing price and specification of goods and services (with procurement decision based on all value for money considerations).
\$150,000 and above	Conduct a public tender process.

Condition:

The above purchasing policy is to be used in conjunction with the "Regional Price Preference (Buy Local) Policy".

Steel Industry Participation Clause

Projects include contractual conditions specifying that:

1. Steel *must* be sourced from mills with Australasian Certification Authority for Reinforcing and Structural Steel (ACRS) third party certification; and
2. Steelwork *must* be sourced from steel fabricators independently certified to the National Structural Steelwork Compliance Scheme (SCA).

CARRIED BY ABSOLUTE MAJORITY 9/0



8.1.4 GRAVEL ROYALTY POLICY

FILE REF	132
APPLICANT OR PROPONENT (S)	Shire of Goomalling
PREPARED BY	Clem Kerp, Chief Executive Officer
APPROVED BY	Clem Kerp, Chief Executive Officer
PREVIOUSLY BEFORE COUNCIL	Council Forum 20 April
DISCLOSURE OF INTEREST	N/A

APPENDICES 8. Shire of Goomalling Media Release – Road Inspection

Nature of Council's Role in the Matter

Executive

Purpose of Report

To adopt a Gravel Royalty Policy to compensate private gravel pit owners.

Background

Following Council's Road Inspection held in April 2016, the participating Councillors' unanimously agreed to introduce a "gravel royalty" be levied for payment at \$3.00 m³ to be presented to Council for policy development.

Comments and details

As the participating Councillors' on the Road Inspection agreed to introduce the Policy, Council should

Implications to Consider

Consultative

Considerable discussion has occurred over the years to implement a policy on gravel royalties and at the Road Inspection Meeting 4th April 2016, participating Councillors unanimously agreed to introduce a gravel royalty at \$3.00 per m³ which is to be presented to Council for adoption.

Strategic

The additional cost of road works will occur with this implementation, reducing the length of road works that would have previously occurred. This will impact of Council's future spending.

Policy Related

Although it would be considered that purchasing policy would be reflected, this may not be the case, as gravel supplies are very scarce throughout the Shire of Goomalling and Council will need to negotiate strongly to acquire gravel for construction and re-sheeting works.

Financial

This will impact on Council's bottom line with gravel royalties to be included as Council's expenditure items for road works.

Legal and Statutory

Covered under the Local Government Act and Main Roads Act to allow Council to provide for gravel royalties as part of Council's road works expenditures.

Risk Related

Increasing financial expenditures.



Voting Requirements

Absolute Majority Yes

8.1.4 RESOLUTION

Moved Cr Chester seconded Cr Romero that Council:
 adopt the following 4.37 Gravel Royalty Policy as detailed below:

Title:	4.37 Gravel Royalty Policy
Version:	1
File No:	132
Statutory Environment:	Local Government Act Main Roads Act
Minute No:	
Last Updated:	May 2016
Review Date:	May 2019

Purpose:

To ensure landholders are compensated for gravel obtained from private pits.

Policy:

That Council continue to obtain gravel from owners throughout the Shire and the Shire will pay landholders three dollars (\$3.00) per cubic metre of gravel taken from private land for use on public works.

From time to time the Chief Executive Officer is authorised to pay a higher rate for gravel royalty payments to pit owners where high quality gravel for specific works requirements is required by Main Roads WA.

CARRIED BY ABSOLUTE MAJORITY 9/0



8.2. Chief Executive Officer's Report

Resolution

Moved Cr Sheen seconded Cr Kingston that the Chief Executive Officer's Report for May 2016 be received.

CARRIED

8.3. Health and Building Officer's Report

Resolution

Moved Cr Romero seconded Cr Kingston that the Health and Building Officer's Report for May 2016 be now dealt with.

CARRIED

8.3.1. FITNESS FOR WORK POLICY

FILE REF	132
APPLICANT OR PROPONENT (S)	Shire of Goomalling,
PREPARED BY	Linton Thomas, Health & Building Officer
APPROVED BY	Clem Kerp, Chief Executive Officer
PREVIOUSLY BEFORE COUNCIL	
DISCLOSURE OF INTEREST	NIL

APPENDICES

Nature of Council's Role in the Matter

Executive

Purpose of Report

To update Council's Policy manual.

Background

In seeking a service provider for drug & alcohol testing in the work place, the company that I contacted that has in the past, done our mandatory employee hearing tests, has requested a copy of Council's policy on Drugs & Alcohol, before giving us any idea of costs.

Apparently companies ask for a copy to ensure that they are in fact acting in accordance to the employers stated policy.

Council does not have such a policy and research has found that a policy covering this aspect has been found and goes further, to identify other factors, which may affect the employers workplace.

The policy is named "Fitness for Work Policy"



Comments and details

Most large businesses and Councils have a Fitness for Work policy or similar as part of their main policy manual but also as part of their Occupational Health & Safety policy framework.

Proposed: FITNESS for WORK POLICY

The use of drugs or alcohol can have adverse effects upon the workplace, the safety of others, the integrity of the Shire, the wellbeing of employees and their families and the ability of the Shires duty of care to provide a safe workplace.

The Shire is responsible for the safety of ALL employees in the workplace, therefore it is expected that employees will be free of the effects of illicit drugs and alcohol while undertaking the duties of their positions. It is expected that employees will present themselves for work in a fit state so that assigned duties and work activities can be performed, without impairment caused by the use of or after effects of alcohol, illicit drugs, non-prescriptive or prescriptive medication or any other substance.

Any employees use of illicit drugs, unlawful manufacture, purchase, offers to purchase or sell, transfer, distribute, consume or be in possession of illicit drugs in the workplace is strictly prohibited by the Shire.

The Shire reserves the right to conduct searches for drugs including but not limiting searches of desks, vehicles, packages which are on Shire property or a Shire facility.

Any drugs found as a result of such a search will be confiscated and the occupant or user of the object found will be subject to disciplinary action up to and including termination and will be reported to the Police.

The Shire also reserves the right to (testing).

The OHS Act 1984 Section 19 states:

Employers are to ensure the health, safety and welfare at work of their employees and visitors.

The OHS Act 1984 Section 20 also imposes the following obligation on employees:

Employees are to take reasonable care of the health and safety of others and to cooperate with employers to comply with occupational health and safety requirements.

Objective

To provide a work environment in which the safety and optimum performance of staff is not adversely affected by the use of alcohol or other drugs.

To assist any employee to overcome any form of abuse of either drugs or alcohol.

Interpretation

Employee - for the purposes of this policy where the word employee is used it shall be taken to mean but not be limited to the following:

- a) Staff directly employed by the Shire.
- b) Contractors / sub-contractors and any of their employees whilst engaged on work with the Shire.
- c) Shire consultants or their employees whilst on Shire work.
- d) Agents whilst acting on behalf of the Shire.

Intent of Policy

To prescribe a set of conditions of employment that if complied with will ensure that no employee or other person is put at risk by an employee acting under the influence of alcohol or other drugs whether prescribed or not.

Ensure that people who are dependent upon alcohol or other drugs, whether prescribed or not, are not discriminated against for having to take prescribed medication or for seeking assistance to overcome a

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dependency, and that any advice, requests for assistance or subsequent support be provided with confidentiality maintained.

To support the Shire of Goomalling responsibility for and commitment towards ensuring a safe and healthy workplace by outlining expectations and requirements for creating and maintaining such an environment.

Confidentiality

Confidentiality is fundamental in any discussion with an employee in relation to health matters and the use or misuse of alcohol and drugs. In order to protect the privacy of individuals the practices to be followed are listed below:

- a) Conversations relating to work performance, conduct or the use or misuse of alcohol or other drugs must be conducted in private.
- b) All information regarding an employee's health status, counselling or treatment must be treated as confidential.
- c) Employees may wish their manager to liaise with their counsellor or physician. In this case, employees must give their permission in writing for information to be disclosed. The only information that may be disclosed in such circumstances is work-related, in order to support effective management of work performance or conduct and the reintegration of the employee into the workplace.

References

- a) Occupational Health and Safety Act 1984
- b) Occupational Health and Safety Regulations 1996
- c) AS 4308 – 2001 – Procedures for the collection, detection and quantisation of drug abuse in urine
- d) Poisons Act 1964
- e) WorkSafe Guidance notes

Work Sponsored Functions – Alcohol Consumption

There may be occasions where alcohol may be included as part of an approved work function or other recognised work event whether on Shire premises or not. It is expected that whilst attending such functions, employees will continue to behave in a sensible and responsible manner with due care for their own and other people's safety and wellbeing.

Failure to behave in a sensible and responsible manner with due care, or failure to follow any directions from management with regard to consumption of alcohol may result in disciplinary action.

Employees if consuming alcohol at such a function are expected to comply with the legal drink/driving limitations or make alternate arrangements to travel home.

At such functions the Shire will ensure that:

- a) adequate food, low and non-alcoholic drinks are available
- b) time limits will be set for the function
- c) a 'responsible person' (not drinking alcohol) will be appointed for each function

Roles and Responsibilities

It is the responsibility of Managers and Supervisors to identify any concerns with an individual's immediate ability to perform their job and to take appropriate steps as required. It is the Managers and Supervisors responsibility to modify the employee's duties or define alternate duties when advised of prescriptive medication which may cause impairment to activities undertaken in the employee's current job.

It is the employee's responsibility to advise their Manager or Supervisor if they are taking any prescribed drug or medication which may affect their ability to perform their work. The employees should consult with their physician or pharmacist to determine if the medication may cause impairment to the performance of the activities undertaken in their job.

Employees are not to present themselves for work if they have consumed alcohol or other drugs (other than prescribed medication) which will affect their ability to work safely.

PRESIDENT _____

DATE _____



Assistance and Rehabilitation

The Shire recognises that substance dependency can exist and be successfully treated therefore the Shire also encourages employees to assume ownership of gaining control of such dependencies.

Employees who voluntarily request assistance will be treated with respect and confidentiality. Full participation in appropriate treatment programs is expected. (Rehabilitation or employee assistance programs for drug and alcohol issues are used because of concerns about job safety and not to identify symptoms of alcoholism or drug abuse.)

For its part in meeting the objectives of this policy, the Shire will provide appropriate education, information, counselling and instruction necessary to have employees understand the risks associated with the use and abuse of alcohol and other drugs at work. The Shire will also facilitate rehabilitation programs where appropriate.

Identifying the Impairment

In determining 'reasonable cause' for suspecting if an employee is intoxicated or if their ability to work is impaired by reason of intoxication, the following criteria (observed behaviours) can be used:

- a) Smell of alcohol or drugs on breath
- b) Glassy eyes
- c) Slurred speech
- d) Face abnormally flushed
- e) Unusually loud or argumentative
- f) Unsteady gait or unusual body movements
- g) Deterioration of job performance
- h) Discarded drug evidence in workplace or plant

If an employee arrives at the workplace and there is reasonable cause to suspect that the employee may be under the influence of alcohol or drugs, the Supervisor or Manager must be advised immediately and the Supervisor/Manager is to immediately remove the person from the work environment pending further investigation.

Approaching an Employee

The following procedure will apply if an employee is suspected by their Supervisor or Manager of being under the influence of alcohol or drugs at any stage of the work day (including on commencement or after any break) or is displaying behaviours which indicate they have an impairment to perform their duties safely.

1. Fitness for Work

The Shire of Goomalling recognises there are many factors that have the potential to affect a person's ability to concentrate or function appropriately whilst at work. This risk could adversely affect the safety and health of the direct employee, other employees or members of the public. This procedure outlines guidelines and expectations of the Shire of Goomalling to control the incidence of risk of injury or accident as a result of an employee being unfit for work. Employees found to be under the influence of or suffering from the adverse effects of drugs, alcohol or any other substance whilst at work will be disciplined appropriately. Serious offences will result in instant dismissal. Third offences will also result in instant dismissal.

1.1 Alcohol

Being under the influence of alcohol will not be permitted whilst working on the premises or property of the Shire of Goomalling.

Employees will be given the opportunity to self-test for alcohol prior to commencement of work to determine their fitness for work.



If an employee refuses a breath or blood alcohol test then instant dismissal may follow.

If the employee is over the legal limit to drive, alternative transport will be required.

Employees who commence work whilst under the influence of alcohol including, working under the adverse effects of alcohol, will be stood down from their duties and taken for an alcohol test. If an alcohol level is deemed to be 0.05 and over, employees will be sent home without pay for the remainder of the day. As the employee will be over the legal limit to drive, alternative transport will be required.

If the blood alcohol level is under 0.05, employees will be prohibited to operate Shire machinery, plant or equipment until an alcohol content of 0 is reached. Sedentary duties will be offered until then.

All persons in charge of Shire vehicles may be breathalysed prior to operating a vehicle to assure compliance with the provisions of the Road Traffic Act 1974.

The unauthorised possession or consumption of alcohol at the workplace will result in disciplinary action in accordance with section 5 of this policy.

2. Drugs and Prescription Medication

2.1. Illicit Drugs and Other Substances

Illicit drugs and other substances are strictly prohibited by the Shire of Goomalling. Being under the influence of, suffering adverse effects of, in possession of, or found to be cultivating, selling or supplying drugs or other substances whilst on the Shire of Goomalling property or premise will result in disciplinary action and possibly instant dismissal.

If suspected of the above, an employee must undergo a drug screen paid by the Shire of Goomalling.

Refusal to undertake a drug screen may result in instant dismissal.

If the drug screen proves positive results on the first offence, the employee will receive a written warning.

If an employee is found to give a positive result on the second offence, they will receive a second written warning. On the second offence, the employee must agree to be submitted for consequent drug testing every fortnight or at random for a two month period. The employee will be instantly dismissed if a subsequent test is undertaken with a positive result.

Any third offence will also result in instant dismissal.

2.2 Prescription and Other Medication

It is an employee's responsibility to inform their supervisor of any medication that they are taking that may affect their ability to perform. It is also a requirement of employees to advise their supervisor of any adverse effects that may occur whilst taking such medication, including the amount of times at which the medication is taken per day. This information is to be recorded on their personnel file for reference in the event of an emergency. It is also necessary for the employer to record any known allergic reactions to any medication an employee may have (i.e. penicillin.)

Any prescription and other medication must be used in accordance with medical advice. Any non-prescription or other medication must be used in accordance with the manufacturers' recommendations.

Failure to follow these requirements will result in disciplinary action, or instant dismissal.

All information provided by the employee will be dealt with in a strictly confidential but sensitive manner in order to achieve a suitable outcome for both parties.



3. **Fatigue**

Fatigue can be the result of many different situations. Due to this, this procedure will directly reflect the implications of fatigue through the following external triggers (but are not limited to):

- a) Lack of sleep
- b) Voluntary Work
- c) External work commitments
- d) Medical Issues

In the interest of safety and health it is important that employees remain alert and function at full capacity whilst at work. When affected by fatigue, actions may be impaired through lack of concentration and poor judgement, therefore increasing the potential to cause injury or harm to themselves, personnel or members of the public.

It is the Shire of Goomalling policy to provide a safe place of work for its employees. It is an employee's responsibility to report to their supervisors any other work commitments or voluntary commitments outside of their employment with the Shire of Goomalling. Depending on the circumstances, the Shire of Goomalling may agree to come to a compromise with the employee to ensure there is equilibrium between regular hours worked at the Shire, sleep / rest and additional hours worked elsewhere (including paid and voluntary work). If this agreement is reneged by the employee, disciplinary action will result.

If deprivation of sleep is the cause of fatigue due to other external circumstances, a drug and alcohol screen will be required. If positive, disciplinary action will result.

In circumstances where the employee is unfit to remain at work as to the judgement of their employer, the employee will be stood down from work without pay for the remainder of the day.

If an EAP is offered as a result of a first offence and the employee declines the offer, they risk the consequence of instant dismissal on second offence.

Employees who have not failed to meet the guidelines of this procedure and feel an EAP would benefit them due to personal circumstances may utilise these services on ratification of the CEO. Such employees do not contravene the guidelines of this procedure if they volunteer for the EAP service.

4. **Disciplinary Action**

The Shire of Goomalling understands if this policy or procedure is in anyway contravened by an employee the following will result.

4.1 **General Guidelines**

Any employee who tests positive to an alcohol breath screen or urine screen will be stood down from their work and will not be permitted to resume work until such time as they have proven they are fit for work through subsequent testing. Any person who is found to be significantly fatigued will also be stood down from work without pay until such time as they have proven they are fit for work.

4.2 **First Offence**

- a) The employee will be immediately suspended from duty without pay if found unfit to work.
- b) The employee will not be permitted to return to work until they have been tested again and proved negative for all prescribed substances.
- c) The employee will be given the opportunity to state their case. Unless there are convincing arguments to the contrary, this procedure will continue.
- d) The employee will be counselled by their supervisor that will focus on:
 - i. The unacceptability of the employee's behaviour.
 - ii. The risk that such behaviour creates for the safety of the individual and other employees or members of the public.
 - iii. The employee's responsibility to demonstrate that the problem is being effectively addressed.



- iv. That any future breach of the policy will result in second offence or instant dismissal.
- e) The employee will be formally offered the opportunity to contact a professional counsellor. The decision to undertake counselling or other treatment for alcohol or other drug or substance problem is the responsibility of the employee and cannot be made mandatory. However, refusal to accept counselling will result in instant dismissal on second offence. The Shire of Goomalling will insist that the employee provide satisfactory evidence that the effect of work performance and / or safety has been addressed before they are permitted to return to work.

4.3 Second Offence

- a) The employee will be immediately suspended from duty without pay if found unfit for work.
- b) The employee will be given the opportunity to state their case. Unless there are convincing arguments to the contrary, this procedure will continue.
- c) The employee will not be permitted to return to work until they have been tested again and proved negative for all prescribed substances.
- d) The employee will be counselled by their supervisor that will focus on:
 - i. The unacceptability of the employee's behaviour.
 - ii. The risk that such behaviour creates for the safety of the individual and other employees or members of the public.
 - iii. The employee's responsibility to demonstrate that the problem is being effectively addressed.
 - iv. That any future breach of the policy will result in second offence or instant dismissal.
- e) Counselling will be offered if counselling was not used in the first offence.
- f) The employee will be instantly dismissed without notice if found to decline the offer to an EAP on second offence.
- g) The employee will be submitted fortnightly for alcohol and / or drug screening for the period of two months paid by the Shire of Goomalling. If tests confirm positive, instant dismissal will follow. If the employee refuses to comply, instant dismissal will follow.

4.4 Third Offence

- a) The employee will be given the opportunity to state their case. Unless there are convincing arguments to the contrary, this procedure will continue.
- b) The employee will be immediately dismissed from duty without notice.

4.5 Instant Dismissal

The following are guidelines to circumstances that will result in dismissal without notice:

- a) Any attempt to falsify the drug and alcohol screen.
- b) Cultivating, selling or supplying drugs and / or other substances.
- c) Unauthorised consumption of illicit drugs or alcohol whilst on the work site or during the working period.
- d) Unlawful behaviour.

Implications to Consider

Consultative

Strategic

Policy Related

Council does not have this policy

Legal and Statutory

Local Government Act 1995

OHS Act 1984 Section 19 & 20

Risk related

GOOMALLING
MINUTES FOR ORDINARY MEETING OF COUNCIL
WEDNESDAY, 18 MAY 2016



Voting Requirements
Absolute Majority

Simple Majority
No

8.1.3 RESOLUTION

Moved Cr Bowen seconded Cr Chester that Council adopt the “Fitness for Work” Policy as presented.

CARRIED 8/1



8.3.2. ALCOHOL AND OTHER DRUGS POLICY

FILE REF	132
APPLICANT OR PROPONENT (S)	Shire of Goomalling,
PREPARED BY	Health & Building Officer
APPROVED BY	Clem Kerp, Chief Executive Officer
PREVIOUSLY BEFORE COUNCIL	
DISCLOSURE OF INTEREST	NIL

Nature of Council's Role in the Matter
Executive

Purpose of Report
To inform employees of Council's policy in regards to drug & alcohol in the workplace.

Background

Council does not have a drug and alcohol policy that can be presented to a new employee during the induction process.

Comments and details

In this day and age, it is imperative that the employer informs an employee of any conditions that may affect the employees tenure of employment.

If not stated to the employee, then the employer may be jeopardising safety to other employees in the workplace or if the employee is dismissed because of a condition they have not been advised on, could be construed as a case of unlawful dismissal.

Therefore it is proposed that each current and all future employees be notified of Council's position in specific regard to drugs and alcohol in the workplace

Proposed: Council's Drug & Alcohol Policy for inclusion in the Occupational Health & Safety Policy manual

Alcohol and Other Drugs Policy

The Shire of Goomalling is committed to achieving a healthy and safe working environment for our employees. As such, we recognise that alcohol, drug and other substance abuse by employees can have serious adverse effects on their own health and safety of other others. As such, all employees must not:

- consume alcohol or be under the influence of alcohol while working;
- use or possess illegal drugs at any time in any workplace; or
- drive a vehicle, having consumed alcohol or suffering from the effects of illegal substances.
- The Chief Executive Officer (CEO), may allow the responsible consumption of alcohol after work hours, on Council property.

All employees may at any time during a work day be subjected to either a urine or saliva test.

If a co-worker suspects another to be affected by drugs or alcohol, they must inform the Chief Executive Officer immediately. No employee will be allowed to work under the influence of drugs or alcohol at any time.

Employees undergoing prescribed medical treatment with a controlled substance that may affect the safe performance of their duties are required to report this to their Manager.

All issues pertaining to these matters shall be kept strictly confidential.

PRESIDENT _____

DATE _____



A breach of this policy may initiate appropriate action including the termination of employment or subcontractor agreement.

The employee may be offered counselling, if available, through Local Government Insurance Services who are the Council's insurers.

Responsibility for implementation of this policy lies with the Chief Executive Officer.

The Shire is committed to ensuring that all employees are aware of the dangers of drug and alcohol abuse and the potential dangers they impose in the workplace.

This policy shall be reviewed annually by the Chief Executive Officer in consultation with employees.

Read and understood by employee

.....

Chief Executive Officer

.....

Signed by Employee

.....

Print Name Date

Implications to Consider

- Consultative
- Strategic
- Policy Related
 - Council does not have this policy
- Legal and Statutory
 - OHS Act 1984 Section 19 & 20
- Risk related

Voting Requirements	Simply Majority
Absolute Majority	No

8.3.2 RESOLUTION

Moved Cr Romero seconded Cr Kingston that Council adopt the "Alcohol and Other Drugs Policy" for inclusion in the Occupational Health & Safety Policy manual.

CARRIED 9/0

8.4. HEALTH & BUILDING OFFICER'S REPORT

Resolution

Moved Cr Romero seconded Cr Kingston that the Health and Building Officer's Report for May 2016 be received.

CARRIED

PRESIDENT _____

DATE _____



9. NOTICE OF MOTIONS FOR NEXT MEETING

Nil

10. DATE OF NEXT MEETING

Next meeting of the Goomalling Shire Council ordinary meeting be held in the Council Chamber, Administration Office, 32 Quinlan Street, Goomalling on Wednesday, 15 June 2016, commencing 1.00pm.

11. CLOSURE

There being no further business, the Shire President thanked everyone for their attendance and declared the meeting closed at 2.11 pm