

WAGAIT SHIRE COUNCIL

**AGENDA
AUDIT COMMITTEE MEETING**

**COUNCIL CHAMBERS
LOT 62, WAGAIT TOWER ROAD
8.00AM**

Monday 18 May 2020



I hereby give notice that the Wagait Shire Council Audit Committee Meeting will be held on:

Date: Monday 18 May 2020

Time: 8.00am

Location: Council Chambers and GoToMeeting link
142 Wagait Tower Road, Wagait Beach NT 0822

CEO

Renita Glencross

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Attachments:

- A. P17 Tele-conferencing and Video-Conferencing
- B. P27 Rates and Charges
- C. SCALE Funding Guidelines
- D. P31 Dispute Resolution, Counselling, Disciplining and Dismissal
- E. P32 Discrimination, Harassment and Bullying
- F. Minutes – Work Health and Safety Inaugural Meeting

1.0 Present:

Committee members:

- Chair Clare Milikins
- Mr Barry Bamford
- Ms Maureen Newman
- Cr Graham Drake
- Cr Neil White

Council staff:

- CEO, Renita Glencross
- Office Manager, Pamela Wanrooy

2.0 Opening of Meeting:

The Chair Clare Milikins declares the meeting open at and welcomes all to the meeting.

The Chair advises that the meeting will be audio taped for minute taking purposes as authorised by the Chief Executive Officer.

2.1 Apologies

<p>Resolution No. 2020/ That the apology of be accepted. Moved: Seconded: Vote:</p>
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3.0 Conflict of Interest

4.0 In Camera

Resolution No. 2020/.....

That Council close the meeting to the general public in accordance with section 65(2) of the Local Government Act to enable Council to discuss in a Confidential Session an item described under Local Government (Administration) regulation 8;

- (b) information about the personal circumstances of a residence or rate payer;
- (c) information that would, if publicly disclosed, be likely to:
 - (iv) prejudice the interests of the council or some other person;
- (e) information provided to the Council on condition it be kept confidential.

Moved:

Seconded:

Vote:

Atam Clare Milikins, Chair closed the meeting to the general public.

At am Clare Milikins, Chair of the Audit Committee re-opened the meeting to the general public.

5.0 Confirmation of Previous Minutes for the Audit Committee held Wednesday 22 January 2020.

The Minutes of the Audit Committee Meeting held Wednesday 22 January 2020 are included as an attachment to the Agenda.

Resolution No. 2020/

That the Minutes of the Audit Committee Meeting of Wednesday 22 January 2020 be confirmed by Committee Members as a true and correct record.

Moved:

Seconded:

Vote:

6.0 Matters Arising from the Previous Minutes:

7.0 Action Sheet

Audit Committee Resolution No.	Resolution	Meeting Date	Status
2019/485 2019/530	That the Audit recommends to Council that a re-evaluation of Council's buildings be undertaken during the 2019/2020 financial year and that proper accounting procedures for the depreciation of buildings be adopted for future preparation of the Audited Financial Statements.	26/09/2019 13/11/2019 12/05/2020	Council agreed by resolution at its meeting of 15 October 2019 to receive and note the Minutes of the Audit Committee meeting of 26 September 2019. WSC Resolution No. 2019/510. RFQ to be issued in February 2020. CEO has prepared RFQ and quotes are pending.
2019/492 2019/528	That the Audit Committee receives and notes the report entitled 2018 Compliance Review – Update.	26/09/2019 13/11/2019 12/05/2020	Council agreed by resolution at its meeting of 15 October 2019 to receive and note the Minutes of the Audit Committee meeting of 26 September 2019. WSC Resolution No. 2019/510. Updates will be provided until close out. Compliance Review actions completed and tabled at Council meeting 21 January 2020. WSC Resolution No. 2020/014. Emailed to Local Government Compliance Unit on 13/02/20.
2019/529	That the Audit Committee recommends to Council that: b) a replacement vehicle better fit for purpose with improved economy be purchased during 2020/2021 financial year; c) the current Chief executive Officer's vehicle be sold through commercial auction following the delivery of the replacement vehicles; and d) appropriate Asset Management plans be developed for Council's vehicles, plant, machinery, and equipment including an assessment of vehicles and plant based on age and suitability.	13/11/2019 12/05/2020	Council received and noted the report at its meeting 19 November 2019. Agreed the matter of a replacement vehicle will form part of budget deliberations for 2020/2021 financial year. WSC Resolution No. 2019/549. At 2020-21 Budget workshop Council requested review for purchase of vehicle against cost of chattel loan for new CEO vehicle to assist with cash flow considering COVID-19 impacts. Asset Management Plan will be reviewed in line with 2019 Depreciation schedule.

2019/531	<p>That the Audit Committee: b) endorses the Audit Committee 2020 Meeting Schedule.</p> <p>Audit committee requested dates be reviewed by Council so wherever feasible, Audit Committee meetings would be held prior to Council Meetings.</p>	<p>13/11/2019</p> <p>22/01/2020</p> <p>17/04/2020</p>	<p>Council noted the meeting schedule. Meeting invitations have been sent to all Audit Committee members.</p> <p>Council reviewed the Audit Committee meeting schedule at the meeting on 17 March 2020 and proposed new dates prior to each Council meeting for consideration. WSC Council Resolution No. 2020/039.</p> <p>CEO confirmed reviewed dates with Audit Committee Chair.</p>
2020/023	<p>Policy Review: The Audit Committee recommends to Council that:</p> <ul style="list-style-type: none"> a) the report entitled Policy Review P005 – Council Staff Code of Conduct be received and noted; b) endorses the revised Council Employees Code of Conduct; and c) recommends Council adopts the revised P005 – Council Employees Code of Conduct. 	22/01/2020	Pending confirmation of the draft minutes of Audit Committee meeting 22 January 2020; these will be presented to Council at the May meeting.
2020/024	The Vehicular Crossovers/Drainage Policy to come back to the next Audit Committee Meeting addressing the issue of causation and linkages to Verge policy.		
2020/025	That the Audit Committee recommend the revised P08 Human Resource Management Policy to Council for approval subject to Item 4.1 Terms of Engagement being amended to read: Council favours two-year contracts on the provision that funding is available.		
2020/026	That the Audit Committee recommends to Council that:		

2020/027	<p>a) the report entitled Policy Review P011 Complaints Against Council Employee Work Practices be received and noted; and</p> <p>b) recommends to Council that P011 Complaints Against Council Employee Work Practices be rescinded based on coverage of PO15. Procedures for Council and Council committee Meetings.</p> <p>The Audit Committee asked that management look at the Firearms Policy, and Procedures as a whole ensuring risk assessment be in line with the Firearms Act. The Policy is to be returned to the next meeting with this supporting information.</p> <p>The Audit Committee recommends to Council that</p> <p>a) the report entitled Policy Review P21 Dispute Resolution Policy be received and noted; and</p> <p>b) recommends to Council that, subject to finalisation and approval of a revised P31 – Counselling, Disciplining & Dismissing Employees incorporating dispute resolution, P021 Dispute Resolution Policy rescinded.</p>		
None	<p>Half-Yearly Budget Report. The committee requested:</p> <ul style="list-style-type: none"> • Future Operating Statement financial report be segregated into Operational and Grant funding streams to enable members to assess the real position of Council operations separate from tied the commitments relating to grants; and • A report on current grants and their status at its next meeting. 	22/01/2020	
None	<p>The Committee requested that the Audit Committee review the Audit Report and Management letter at the meetings and that Audit Recommendations from these reports be tracked and presented to each meeting. Audit Reports are to be brought to</p>	22/01/2020	Requires clarification.

each meeting on a spreadsheet. The Management letter from the Auditors is to be forwarded to the Chair.

AUDIT COMMITTEE 2020 MEETING SCHEDULE - UPDATED

JANUARY	FEBRUARY	MARCH	APRIL
Council Meeting 21 January 2020	Council Meeting 18 February 2020	Council Meeting 17 March 2020	Council Meeting 21 April 2020
	Audit Committee Meeting 22 January 2020		
MAY	JUNE	JULY	AUGUST
Council Meeting 19 May 2020	Council Meeting 16 June 2020 Rates Declaration Adoption of Budget Adoption of Shire Plan	Council Meeting 14 July 2020	Council Meeting 18 August 2020
Audit Committee Meeting 18 May 2020			
SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER
Council Meeting 15 September 2020	Council Meeting 20 October 2020 Audited Financial Statements Annual Report	Council Meeting 17 November 2020	
Audit Committee Meeting 8 September 2020		Audit Committee Meeting 12 November 2020	

8.0 Agenda Items

8.1 Local Government Act 2019 – Update

The revised Local Government Act 2019 (the Act) was legislated by the NT Government in November 2019. In January-February 2020, Local Governments were advised by the Department Local Government Housing and Community Development (DLGHCD) that implementation of the new Regulations and Guidelines of the Act , including changes to financial and policy matters, would need to be undertaken starting July 2020.

Due to COVID-19 interruptions to Local Government business and additional pressure on Council operations, this has now been deferred to an implementation commencement date of June 2021.

A full report with information about the new legislative requirements will be provided to the Committee at the September meeting, to assist with planning of policy review and development going forward.

8.2 Policy Update – COVID-19 Policies being implemented

As a result of the COVID-19 pandemic restrictions and measures put in place by the Northern Territory and Commonwealth Governments for essential service operators, Local Government has been required to adopt new policies that enable business continuity as required by their legislative responsibilities.

These are:

- P17 Videoconferencing Policy (Attachment A); and
- P27 Rates and Charges Policy (Attachment B)

P17 Videoconferencing Policy is a new policy required to facilitate access and participation in Council Meetings and workshops by permitting Elected Members, Council Committee Members and senior staff to participate by way of teleconferencing subject to conditions in accordance with Chapter 6, Part 6.1, Section 61 (4) (a), (b) & (c) of the Local Government Act 2008. Council have accepted this policy out of session by email to expedite business continuity and the P17 Videoconferencing will be ratified at the May council Meeting.

The DLGHCD has reviewed all remaining funding sources allocated for Local Government and repackaged it into a Special Community Assistance and Local Employment (SCALE) program. To comply with the eligibility requirements for SCALE funding, Council is required to urgently consider changes to the P27 Rates and Charges Policy to incorporate special rates concessions to commercial businesses and ratepayers to assist with the recovery period of COVID-19 from June 2020 to June 2021. The proposed amendments at 4.2.7 Alternative Arrangements of the policy have been high-lighted for your information. Council will be reviewing the amendments to this policy at the May Council Meeting.

A copy of the SCALE Funding Guidelines are attached (Attachment C).

The advice and endorsement of the Audit Committee is requested.

Resolution No. 2020/


That the Audit Committee receives and notes the report of COVID-19 Policies being implemented and recommends to Council that:

- a) P17 Videoconferencing be adopted by Council; and**
- b) P27 Rates and Charges be adopted by Council.**

Moved:

Seconded:

Vote:

	POLICY NUMBER:	P17
	TELECONFERENCING AND VIDEOCONFERENCING	
	CATEGORY:	COUNCIL POLICY
	SP CLASSIFICATION:	GOVERNANCE
	LG ACT 2020 REF:	
	RESPONSIBLE OFFICER:	CHIEF EXECUTIVE OFFICER

1. PURPOSE

The purpose of this policy is to facilitate access and participation in Council Meetings and workshops by permitting Elected Members, Council Committee Members and senior staff to participate by way of teleconferencing or videoconferencing subject to conditions in accordance with Chapter 6, Part 6.1, Section 61 (4) (a), (b) & (c) of the Local Government Act 2008.

2. SCOPE

This policy applies to all Elected Members, Council Committee Members and senior staff.

3. POLICY DETAILS

- 3.1. Elected Members, Council Committee Members and senior staff are required to seek prior approval to use teleconferencing. Prior approval is to be sought at the time of requesting a Leave of Absence. Elected Members and senior staff may also seek leave of the Council to attend a meeting via teleconferencing or videoconferencing on short notice should unforeseen circumstances arise.

- 3.2. Elected Members, Council Committee Members and senior staff are entitled to teleconferencing or videoconferencing for Ordinary and Special Council Meetings, Council workshops and Council Committee Meetings if :
 - 3.2.1. they have received a Leave of Absence,
 - 3.2.2. are greater than 100km from the appointed place of meeting but within Australia,
 - 3.2.3. physically prevented from attending or
 - 3.2.4. as directed to ensure compliance with any other imposed Legislation.

- 3.3. Elected Members, Council Committee Members and senior staff will be connected to the teleconferencing or videoconferencing system prior to the commencement of the Meetings.

3.4. Elected Members, Council Committee Members and senior staff will be entitled to participate as if they were physically present at the meeting.

3.5. Should Elected Members, Council Committee Members and senior staff not be able to view presentations being made at the meeting, electronic copies will be provided prior to the meeting.

3.6. Should Council be unable to accommodate an Elected Member, Council Committee Members or senior staff's request to teleconference or videoconference, they will be advised in advance of the meeting.

4. ASSOCIATED DOCUMENTS

Policy 15 Procedures for Council and Council Committee Meetings

Policy 25 Emergency Management Committee Terms of Reference

Policy 29 Audit Committee Terms of Reference


5. REFERENCES AND LEGISLATION

Local Government Act 2008

Fair Work Act 2009

6. REVIEW HISTORY

Date Approved:	Approved By: Moved: Seconded: Vote:	Resolution No:	Date for review: Next Council Election
Date Approved:	Approved By:	Resolution No:	Date for review:
Date Approved:	Approved By:	Resolution No:	Date for review:
Date Approved:	Approved By:		Date for review:

	POLICY NUMBER:	P27
	RATES AND CHARGES POLICY	
	CATEGORY:	COUNCIL POLICY
	SP CLASSIFICATION:	GOVERNANCE
	LG ACT 2020 REF:	
	RESPONSIBLE OFFICER:	CHIEF EXECUTIVE OFFICER

1. PURPOSE

The purpose of this Policy is to set out Council's approach to rating and the application of charges, and the recovery of monies owing to it in a timely and efficient manner.

2. SCOPE

This Policy applies to all rateable properties within the Wagait Shire.

3. DEFINITIONS

For the purposes of this policy, the following definitions apply:

Term	Definition
The Act	<i>Local Government Act (NT)</i>
The Regulations	<i>Local Government (Accounting) Regulations (NT)</i>

4. POLICY

4.1 Rating Principles

Rates are a system of taxation and are not reflective of the services, infrastructure or facilities used by any property owner or resident. In general, Council will be guided by the principle of user pays in the making of rates and charges to minimize the impact of rating on the efficiency of the local economy.

Council will also have regard to the principles of transparency in the making of rates and charges, having in place a rating regime that is simple and inexpensive to administer, equity by taking account of the different levels of capacity to pay within the local community, and flexibility to take account of changes in the local economy.

4.1.2 Levying Rates

In levying rates Council will make clear what is the Council's responsibility in implementing the rating system, making the levying system simple and inexpensive to administer and allow flexible payment arrangements for ratepayers with a lower capacity to pay.

4.1.3 Recovery of Rates

Council will exercise its rate recovery powers in order to reduce the overall rate burden on all ratepayers and it will be guided by the principles of transparency by making clear the obligations of individual ratepayers and the processes used by Council in assisting them to meet their financial obligations.

4.1.4 Chief Executive Officer Delegation

The Council delegates to the Chief Executive Officer (CEO) the ability to negotiate longer payment terms (up to 2 years) with ratepayers, if in the CEO's estimation, payment would cause undue hardship.

4.2 Rates and Charges

4.2.1 Rates Notice

Council will send rates notices for each allotment at least 28 days before the payment of the rates (or the first instalment of the rates) falls due which is the last week in August with payment due the last week in September. Ratepayers may pay the current year's rates by four instalments for the current financial year. Arrears from previous years must be paid in full before a ratepayer is eligible to commence paying by instalments. Instalments are due at 30th September, 30th November, 31st January and 31st March.

4.2.2 Pensioner and Carers Concession

Under the NT Pensioner and Carer's Concession Scheme, eligible rate payers may receive a rebate on their annual rates and charges if they reside on the property subject of the claim. Concessions on Council rates and charges for persons eligible for a concession under the NT Pensioner and Carers Concession Scheme will be applied in accordance with the conditions set by the NT Department of Health. Where a person eligible for a concession has not received a rebate on their rates and charges, due to the NT Department of Health not advising Council of their eligibility for the concession, the ratepayer should contact the NT Department of Health.

4.2.3 Interest on Unpaid Rates

If rates are not paid by the due date, interest accrues daily on the amount of the unpaid rates at the relevant interest rate.

4.2.4 Reduction of Interest

In cases where a rates notice was not received by the ratepayer due to no fault of their own any interest raised during that period may be reduced.

4.2.5 Initial Recovery Action

Ratepayers are expected to take responsibility for their Council debt obligations and to organise their affairs in such a way as to be able to discharge these obligations when required. If a ratepayer or debtor cannot meet their obligations on the due dates, it is in the interests of the ratepayer and Council, for the ratepayer to contact Council at the earliest opportunity to make appropriate arrangements to address the outstanding rates or debt.

Where this does not occur, Part 11.9 of the *Local Government Act* (NT) provides Council with powers to recover rates which are levied and unpaid. Remedies available to Council include recovery by court action and the sale of the land. Council will forward a reminder letter, thirty (30) days after the close of the twenty-eight (28) day period after rates and charges are due and payable, to all property owners with overdue rates, except property owners where arrangements have already been negotiated and are not in default. The reminder letter will

give the ratepayer fourteen (14) days to either pay the outstanding amount (including any interest which has accrued prior to the payment date) in full or to negotiate an instalment arrangement to pay the amount. For those rates debts which remain unpaid for greater than thirty (30) days after the first reminder letter is issued, a second reminder letter will be issued requiring payment of all outstanding balances or legal action may commence.

4.2.6 Legal Action

For accounts where the amount remains outstanding for thirty (30) days after the second reminder letter has been sent, the debt will be referred to the Chief Executive Officer to authorise recovery action. The method of recovery action taken will be that which is considered by the CEO to be most beneficial to Council. Such actions may include referral to a Debt Collection Agency or recovery through Small Claims or Magistrates Court proceedings. The size and nature of the debt will be taken into account in selecting the most appropriate means of recovery. Once legal action has commenced, payment of the debt in full is deemed to include, in addition to the original debt, all interest charges payable plus any legal costs incurred to date by Council in pursuing the debt. After rates have been in arrears for at least 6 months Council may apply to the appropriate registration authority (Land Titles Office), pursuant to Section 171(1) of the *Local Government Act*, for registration of the charge over the land for which the charge relates.

4.2.7 Alternative Arrangements

Council at the discretion of the CEO may accept a composition of other arrangements for unpaid rates on a case by case basis.

4.2.7.1 The CEO may accept applications for payment of rates by instalments from residential property owners based on their merits. Payment instalment plans should have the effect of liquidating the debt by no later than the end of the current financial year. Interest will continue to be charged on overdue rates which are subject to an instalment payment plan. No premium will be charged for the payment of rates by instalments under such arrangements.

4.2.7.2 On application by an eligible commercial ratepayer, the council will grant the following for each qualifying allotment:

- (a) for ratepayers who have paid their 2019-20 rates in full – a refund in part of rates paid for 2019-20 (issued as a grant from the council to the ratepayer); or
- (b) a waiver in part of rates owing for 2019-20 (with any excess rate waiver amount provided as a waiver in part of rates for 2020-21); or
- (c) a waiver in part of rates for 2020-21. In addition, for all qualifying allotments, the council will grant a deferment of the obligation to pay rates declared for 2020-21 until 1 January 2021.

The total amount available under (a), (b) or (c) is to be equal to a three-month waiver on annual rates for the allotment in accordance with council's declaration of rates for 2019-20.

4.2.8 Sale of Land for Rate Arrears

Where a rate remains unpaid for three years or more and an overriding statutory charge securing liability for the rates has been registered for at least the last 6 months and no arrangements to pay exist (or exist and are in default), Council may commence proceedings to sell the property subject to and by virtue of its powers under Section 173 of the *Local Government Act* following the tabling of a report to Council for a resolution to initiate sale proceedings.

5. ASSOCIATED DOCUMENTS

Wagait Shire Council Long Term Financial Plan
Wagait Shire Council Shire Plan

6. REFERENCES AND LEGISLATION

Local Government (Accounting) Regulations (NT)
Local Government Act (NT)

7. REVIEW HISTORY

Date Approved: 16/06/2015	Approved By Council Moved: V Pres L Stones Seconded: Cr A Richmond Vote: AIF	Resolution No. 2015/196	Date for review: Next Council Election
Date Approved: 19/11/2019	Approved By Council Moved: Cr N White Seconded: Cr G Drake Vote: AIF	Resolution No. 2019/545	Date for review: Next Term of Council
Date Approved:	Approved By Council Moved: Seconded: Vote:	Resolution No.	Date for review: Next Term of Council

Funding Guidelines

Special Community Assistance and Local Employment Program

Purpose

The Local Government Special Community Assistance and Local Employment (SCALE) program is managed by the Department of Local Government, Housing and Community Development. The program provides one-off funding to local government councils to support business continuity, job creation and retention and other community initiatives directly related to COVID-19.

Objectives

The objectives of the program are to:

- Support the employment of Territorians.
- Encourage and facilitate partnerships between councils, the Northern Territory Government, Australian Government, business and community sectors to create effective locally-based responses to and recovery from COVID-19.
- Assist in the continued delivery of local government essential services.
- Assist to improve sanitation in council areas and of council assets and infrastructure.
- Assist with engaging local communities in activities that are in accord with the latest COVID-19 government announcements and directives.
- Assist with providing messaging and signage in council areas regarding COVID-19.

Councils are encouraged to partner with local businesses, other councils and LGANT, and other spheres of government to develop effective and innovative locally-based initiatives that strengthen their communities' protection and recovery from COVID-19.

Eligibility

This program is available to Northern Territory local government councils that meet the following criteria:

- Must be a recognised local governing body established under the *Local Government Act 2008*.
- Certify council will resolve to adopt and apply the "Public Benefit Concessions Policy for Commercial Ratepayers" in relation to waiving and deferring rates for commercial ratepayers based on hardship in 2019-20 and 2020-21.

Funding

- The total funding pool is \$7.1 million.
- The SCALE funding will be paid in 2019-20.
- The funding is only payable to municipal, regional and shire councils.

Repurposing Local Authority Project Funding

- Where a regional council has unspent and uncommitted funding under the Local Authority Project Funding (LAPF), this funding may be repurposed to the SCALE program and spent on initiatives in local authority communities, with an intention of expenditure by 30 September 2020, unless approval is granted by the Department.
- Where regional councils choose to redirect LAPF funds into the SCALE program, details of the unspent and uncommitted funding is to be provided to the Department by 30 June 2020.

Note: Where the two year time limit for expenditure under the LAPF program expires on 30 June 2020, councils are encouraged to repurpose funds to the SCALE program. The Department will be exercising the clause in the LAPF funding agreement, regarding the requirement for councils to fully spend funds within two years. The balance of all unspent funds will be requested to be repaid unless approval has been granted by the Department to extend the 30 June 2020 due date.

Repurposing Special Purpose Grants (SPG) and the Strategic Local Government Infrastructure Fund (SIF)

- The balance of unspent and uncommitted funding under either the SPG or SIF programs may be retained by council and repurposed to the SCALE program.
- By 30 June 2020 councils are to report to the Department details of the balance of unspent and uncommitted funding under the SPG and SIF programs to be repurposed to the SCALE program.

Expenditure requirements

- Regional councils must allocate a component of this funding to each of its local authority communities.
- Local authorities' input is to be sought from each local authority on the kinds of initiatives to be delivered in each local authority area. If it is not possible to convene local authority meetings, input from locally-based local authority members is to be obtained where possible.
- Municipal and shire councils are to ensure funding is spent within their respective council areas.

Buy Local requirements

The grant supports the development of business and industry in the Northern Territory and support for **Territory enterprises**.

When using the funds to acquire goods and services, councils are encouraged to acquire those goods and services from a Territory enterprise, unless it can be proven through a competitive process that:

- there are no Territory enterprises willing or able to provide the good or service; or
- the Territory enterprise did not provide best value for money.

A Territory enterprise must satisfy all three elements of the definition:

- Operating in the NT – the enterprise is currently engaged in productive activities (for example, production of goods or delivery of services) within the NT.
- Significant permanent presence – the enterprise maintains an office, manufacturing facilities or other permanent base within the NT.
- Employing NT residents – the enterprise employs Territorians. An enterprise which relies exclusively on transient, interstate / international labour or a fly-in, fly-out workforce will not satisfy this element.

Further information on this condition can be found at:

- nt.gov.au/community/community-grants-and-volunteers/community-grants/about-capital-grants
- nt.gov.au/_data/assets/pdf_file/0004/537700/buy-local-plan.pdf

Examples of acceptable purposes for expenditure

The following non-exhaustive list provides examples of the types of expenditure that would be eligible as the expenditure has a connection to COVID-19 measures:

- Assist with employment costs of Territorians to ensure the continued delivery of local government essential services, and / or local job creation / retention.
- To stimulate local economies.
- To purchase materials or equipment to support local government business continuity (e.g. video conferencing equipment to assist with convening meetings).
- To meet the cost of additional cleaning, disinfecting and sanitising of council communal places (this can include the purchasing of cleaning equipment and products from local suppliers).
- To establish washing, sanitising stations or other cleaning facilities for the local community.
- To raise and promote public awareness of COVID-19 in council facilities, ensuring information is consistent with the most up to date Northern Territory Government information.
- To undertake innovative initiatives to engage community members in socially appropriate health and wellbeing activities (e.g. free Wi-Fi or video broadcasting of story times, or online competitions).
- To create and place signage in council areas reminding community members to follow COVID-19 government announcements and advice such as personal distancing and washing of hands regularly.
- To support community-based COVID-19 protection and recovery initiatives.

Examples of unacceptable purposes for expenditure

- Payment of employment or other operating costs already covered under another grant program.
- Reimbursement of costs already incurred by council.
- The purchase of vehicles (passenger carrying / recreational vehicles – 4WDs, troop carriers, utes, buses, quad bikes, etc.).

Process for payment

Local government councils will receive a Letter of Offer from the Department.

The letter will comprise the total grant amount offered and conditions of the grant funding. Councils will need to return the signed acceptance form to the Department of Local Government, Housing and Community Development.

Funds management

- The SCALE grant funding must be fully expended by 30 September 2020. However, councils may request the Department for an extension to this timeframe. Each request will be considered on a case-by-case basis by the Department.
- The balance of unspent funds is to be returned to the Department.
- Funding from the Northern Territory Government must be acknowledged in initiatives delivered under this program.
- The acquittal requirement will require a certification statement that provides information about initiatives undertaken with the funding. Regional councils are to also report on the amount allocated to each local authority area and the types of activities funding was spent on.
- A certification statement is to be laid before a council meeting. A copy of the minutes is to be provided to the Department.
- All projects are to be procured in accordance with the *Local Government Act 2008*, *Local Government (Accounting) Regulations 2008* and the Northern Territory Government "Buy Local" policy, if applicable.

Contact details

If you require further information, please contact:

Donna Hadfield
Manager Grants Program
08 8999 8820

Omor Robin
Grants Officer
08 8999 8576

Email: lg.grants@nt.gov.au

8.3 Policy Update - P06 – Vehicular Crossovers/Drainage BACKGROUND

Previous Decisions:

Resolution No. 08/65

That Council is responsible for the care and maintenance of the drainage network. Any person desiring to undertake work within the road reserve (drainage) area is required to obtain the approval of the Council. This also applies to vehicular crossovers where approval is required. The adjoining landowner is responsible for all costs for any requested works, including crossovers.

Moved: Cr Edwards

Seconded: Cr Murphy

Vote: Carried 6 – 0

16/09/2008

In 2008, Council considered a development proposal from a private individual that may have impacted on adjoining properties and the natural flow of water. At that time, it was agreed Council is responsible for the care and maintenance of the drainage network and that any person desiring to undertake work within the road reserve (drainage) area would require the approval of Council. This also applied to vehicular crossovers. It was also determined that Council was within its rights to charge the adjoining landowner for any requested works, including crossovers. As a result, a policy statement was developed. The last time this policy was reviewed was in April 2009.

CURRENT SITUATION

In December 2018, the Department of Local Government, Housing and Community Development delivered its 2018 Compliance Review Report to Wagait Shire Council. The Review identified several policy omissions or policies that were overdue for review. Policies are an internal control tool that ensures Council activities are conducted in a consistent, compliant and legal manner. Failure to review policies on a regular basis exposes Council to a higher level of business and corporate risk.

The Policy requires revision and needs to be drafted consistent with the requirements documented in Council Policy 01 - Policy Framework, which was adopted by Council Resolution in June 2018. Council Resolution No: 2018/199 refers.

A revised policy was presented to the Audit Committee at the meeting 22 January 2020 however the Committee requested it be amended on the basis of causation; a landholder could not be held responsible for costs of remediation relating to an issue where they had not contributed to the cause. It was also requested that further consideration be given to linkages between P06 Vehicular Crossovers and Drainage and the P46 Works on a Council Verge.

A full review of both policies will be presented at the Audit committee Meeting in September 2020.

8.4 P13 - Use of Council Firearms

The Committee discussed the Policy and questioned management regarding the currency of supporting procedures. There was some concern that the Policy was not reflective of the risk involved and that procedures and internal checks may not align. The Committee requested the Use of Council Firearms Policy be revisited and the supporting procedures revised and that it be provided with an update on the review status of implementation. The Audit Committee asked that management look at the Firearms Policy, and Procedures as a whole ensuring risk assessment be in line with the Firearms Act. The Committee requested that the policy be returned to the next Audit Committee Meeting however, the Policy will be reviewed by Council Management and presented at the September Audit Committee Meeting.

8.5 Policy Review: P31 Counselling, Disciplining and Dismissing Employees and P21 Dispute Resolution

BACKGROUND

Previous Decisions:

Resolution No. 2016/044

That Council adopt the Wagait Shire Council's Dispute Resolution Policy.

Moved: President Peter Clee

Seconded: Cr Alex Richmond

Vote: AIF

21/06/2016

Resolution No. 2017/14

With amendments, Council adopts the "Counselling, Disciplining and Dismissing Employees" Policy.

Moved: President Peter Clee

Seconded: Cr Alex Richmond

Vote: Carried

21/02/2017

Resolution No. 2017/06

That council adopts the "Counselling, Disciplining and Dismissing Employees" Policy as amended.

Moved: Vice-President Brad Irvine

Seconded: Co-Op Tom Dyer

Vote: Carried

17/01/2017

In December 2018, the Department of Local Government, Housing and Community Development delivered its 2018 Compliance Review Report to Wagait Shire Council. The Review identified several policy omissions or policies that were overdue for review.

P21 – Dispute Resolution Policy was last reviewed at Council's meeting of 21 June 2016.

P31 – Counselling, Disciplining and Dismissing Employees Policy was last reviewed at Council’s meeting of June 21 February 2017.


CURRENT SITUATION

A revised P31 was presented to the Audit Committee at the meeting 22 January 2020 with a proposal that the P21 be rescinded and elements P21 be incorporated into P31 Counselling, Disciplining and Dismissing Employees. The Committee noted that the revised document:

- Does not address complaints against the CEO;
- Does not take into account real and perceived conflicts of interest;
- Is insufficiently clear on requirements around reporting of fraud and serious misconduct; and
- Does not cover Whistle Blower and Whistle Blower’s protection

The Committee requested the draft Policy P31 be revised against recommendations from LGANT to ensure that it is fair and just and addresses all required issues.

Council Management has reviewed both documents again, incorporating further information into a revised document P31 Dispute Resolution, Counselling, Disciplining and Dismissal (Attachment D) and requests that it be presented for discussion.

	POLICY NUMBER:	P31
	DISPUTE RESOLUTION, COUNSELLING, DISCIPLINING AND DISMISSAL	
	CATEGORY:	COUNCIL POLICY
	SP CLASSIFICATION:	GOVERNANCE
	LG ACT 2020 REF:	
	RESPONSIBLE OFFICER:	CHIEF EXECUTIVE OFFICER

1. PURPOSE

The primary purpose of this policy is to establish a fair, equitable and consistent process for addressing grievances or disputes within the workplace, unsatisfactory work performance or alleged instances of inappropriate behaviour or misconduct. The principles of fairness, equity and natural justice will be applied.

2. SCOPE

This policy applies to all grievances raised by employees, contractors and volunteers appointed to Wagait Shire Council and ensures all are treated fairly and consistently and that appropriate action is taken promptly. All reasonable opportunity will also be provided to employees to improve their performance where required.

All employees are bound by the Wagait Shire Council Staff Code of Conduct, employment agreements, role descriptions and internal policies and procedures that provide clarity regarding expected behaviours and conduct of all staff members.

3. DEFINITIONS

Term	Definition
Code of Conduct	The standards of behaviour expected of all employees as outlined in Wagait Shire Council Policy 005.
Employees	Means all those employed by Council including full-time, part-time, contract and casual employees, but excludes all contractors.
Contractors	Means all businesses, organisations and individuals appointed or contracted to the Council.
Volunteers	Means all volunteers appointed or contracted to the Council, including Council Committee Members.
Natural Justice	The right to be given a fair hearing and the opportunity to present one's case, and the right to have a decision made by an unbiased or objective decision maker.
WALGA	Means the Western Australian Local Government Association.

4. POLICY

4.1 Confidentiality

All counselling, dispute resolution and disciplinary matters will be kept confidential and be dealt with in a professional manner.

4.2 Dispute Resolution and Mediation

The Wagait Shire Council is committed to ensuring that staff have access to an appropriate grievance resolution process. This is to ensure that a fair and equitable process is followed and actively encourages employees to follow the process in order to resolve workplace grievances.

All employees will be invited to discuss matters with their respective supervisor or co-worker openly and positively. If matters cannot be resolved efficiently and professionally, the employee may contact the Chief Executive Officer (CEO) for assistance. The CEO will see parties individually and/or as a group, to mediate and resolve any outstanding matters. Where resolution cannot be attained, professional mediation and/or counselling services will be called upon.

Throughout the process, all employees may seek guidance and support from a peer or union representative and are subject to confidentiality as described at 4.1.

All stages must be documented, with file notes provided to all parties involved.

4.2.1. Self-Resolution

A complainant should attempt to resolve the issue directly with the person(s) concerned. The complainant should identify the specific conduct that has caused offence, explain the impact of that conduct on them and request that the conduct stops. This attempt should be made as soon as possible.

If the complainant is not comfortable attempting to resolve the issue directly with the person(s) concerned, or if their attempts to resolve the issue are unsuccessful, they should lodge a written complaint.

4.2.2. Making a Complaint

Written complaints should be made to the complainant's immediate supervisor. If the complaint is about the supervisor, the complaint should be made to the next most senior manager, who will handle the complaint or refer it to another manager at an appropriate level. If the complaint is to be made about the Chief Executive Office of Council, the complaint is to be made to the President of the Council. The complaint should be made as soon as possible.

Complaints should include the following information:

- a) The complainant's name and contact details
- b) Details of the specific incident or issue being complained about

- c) If the complaint is about a person(s), the identity of the person(s) being complained about and their relationship to the complainant
- d) The remedy/outcome the complainant is seeking
- e) Action already taken in an effort to resolve the issue

Complainants should be aware that the supervisor handling their complaint will generally need to disclose details of the complaint to the respondent (if there is one) in order to afford them procedural fairness.

Complainants should consider how they would like their complaint to be handled and indicate their preference from two options: Informal or Formal.

Informal: The informal complaint procedure is more appropriate for less serious issues such as interpersonal conflict or the application of Local Government policies and procedures. The informal procedure may also be appropriate where the parties are likely to continue working together.

Formal: The formal complaint procedure is suited to serious issues such as sexual harassment, discrimination or other similar conduct. It may also be appropriate for sensitive matters or where there is a high level of factual dispute. If the complainant would like their complaint handled under the formal complaint procedure, the complaint must be made in writing and copied to the Chief Executive Officer.

The Chief Executive Officer may still take action without a written complaint if it considers a staff member's health, safety or wellbeing is in jeopardy or if the Chief Executive Officer considers that misconduct or serious misconduct may have occurred.

Whilst the Chief Executive Officer will take into account the complainants preferred option for handling the dispute, the Chief Executive Officer is ultimately responsible for determining which process will be used.

4.2.3. Informal Complaint Procedure

The Complainant's supervisor is responsible for conducting the informal complaint procedure. Under the informal complaint procedure there is a broad range of options for resolving the complaint to the satisfaction of all parties. The supervisor should take action to resolve the complaint within 14 days.

The following list provides possible options for resolving the dispute in accordance with the informal complaint procedure.

- a) The supervisor meeting with the complainant and respondent (either separately or together) to discuss the issues and explore possible solutions
- b) The supervisor writing to the complainant and respondent to obtain further information about the complaint and explore possible solutions
- c) The supervisor requesting approval from the Chief Executive Officer to arrange a mediation or conciliation session

- d) The supervisor exploring an issue on behalf of the complainant and options to address the issue

If the matter is resolved to the satisfaction of all parties, the matter will be concluded. If the matter is not resolved, the supervisor handling the complaint will determine whether any further action is required. The complainant may also respond if the matter is not resolved.

Information collected during the informal complaint procedure may be provided to the person handling the formal complaint.

4.2.4. Formal Complaint Procedure

The person responsible for conducting the formal complaint procedure is the complainant's supervisor. If the complaint is serious or complex, the matter can be referred directly to the Chief Executive Office. The request can be made by the complainant or by the supervisor handling the complaint.

4.2.5. Part A: Preliminary Inquiry

Before commencing a formal investigation, the supervisor will normally conduct a preliminary enquiry. The purpose of a preliminary enquiry is to:

- a) Obtain details about the complaint and assess the seriousness of the allegations
- b) Determine the level of factual dispute
- c) Assess whether there is sufficient evidence to proceed to a formal investigation

A preliminary enquiry normally involves collecting information from the complainant and the respondent about the complaint. It does not normally involve interviewing witnesses. Where this information has already been collected through the informal complaint procedure, it may not be necessary to conduct a preliminary enquiry. A preliminary enquiry should be conducted within 21 days of the complaint having been made.

The supervisor will consider the information and determine the next steps. A matter should not proceed to a formal investigation or misconduct proceeding if there is insufficient evidence, the matter is not serious enough to warrant a formal investigation or misconduct proceeding or if there is not (or little) factual dispute. The supervisor should notify the complainant of the decision and provide reasons for their decision.

4.2.6. Part B: Formal Investigation

If deemed necessary, the supervisor is to conduct a formal investigation, or the Chief Executive Officer can elect to appoint a person from outside Council to conduct the formal investigation.

The role of the supervisor is to collect information about the complaint and make findings about whether the factual allegations are substantiated. The supervisor

should focus on determining the facts. The supervisor should not determine outcomes, as this role is allocated to the Chief Executive Officer. A formal investigation should be conducted within 6 weeks of the complaint having been made.

4.2.7. Determination of outcomes

The outcomes of the informal or formal complaint procedure will vary depending on the circumstance. Some possible outcomes include:

- a) The parties getting a clear understanding of the issue
- b) An apology (written or verbal)
- c) A change in working arrangements
- d) A commitment to change behaviour
- e) Guidance, counselling or warnings being issued
- f) Disciplinary action

Under the informal complaint procedure, the supervisor handling the complaint is responsible for determining outcomes through discussion and consultation with the parties. Under the formal complaint procedure, the Chief Executive Officer is responsible for determining outcomes and advising the complainant and the respondent. It may also be appropriate for the supervisor handling the complaint to consult with the Chief Executive Officer about any outcomes which affect the respondent.

A determination of outcomes should occur within 7 days after the conclusion of the complaint procedure.

4.3 Disciplinary Procedure

It is recommended legal advice be obtained from an accredited entity such as WALGA before disciplinary action is taken.

Disciplinary action, except in cases of serious misconduct, fraud and corruption, is an incremental process and can be terminated at any stage. The procedure for implementing disciplinary action is as follows:

4.4.1. Step 1 - Warning, Guidance and Counselling

Where an employee's work performance or conduct is considered to be unsatisfactory, the employee shall be informed, in the first instance, of the nature of the unsatisfactory performance or conduct and of the standard that is required to be achieved.

The employee will be interviewed by their immediate supervisor. The employee has the option of having a peer or union representative present at this interview. The employee will have an opportunity to respond to the allegation(s).

The purpose of the interview will be to identify the causes of the problem and agree on solutions. Where the problem is acknowledged by the employee, a corrective action/performance management plan will be agreed by the employee. A review

date will also need to be agreed upon to allow reassessment of the employee to be discussed and assessed.

Should the requisite improvement be forthcoming, it will be acknowledged by the supervisor and no further action will be taken. If no satisfactory improvement occurs, then the matter will proceed to step 2.

A written record of the interview must be kept by the Chief Executive Officer and a copy of the report is to be given to the employee concerned for their own records

4.4.2. Step 2 - Formal Warning

Where there is a recurrence of unsatisfactory work performance or conduct, the employee shall be warned formally in writing by the employee's supervisor.

The employee shall also be counselled. Counselling should reinforce the standard of work or conduct that is expected and advise the severity of the situation and whether disciplinary action will follow, if the employee's work performance or conduct does not improve. A suitable review period for monitoring the employee's performance will be set at this time.

A written record shall be kept of this formal warning and counselling. The employee will be entitled to sight and sign this written record and add any notations regarding the contents of such record.

4.4.3. Step 3 - Final Warning

If the employee's unsatisfactory work performance or conduct continues or resumes following the formal warning and counselling, the employee shall be given a final warning in writing giving notice that disciplinary action will be taken should the unsatisfactory work performance or conduct not cease immediately.

4.4.4. Step 4 – Disciplinary Action

If, after careful consideration and investigation, the Chief Executive Officer reaches the conclusion that the alleged offender is guilty of a breach of discipline which warrants penalty, the Chief Executive Officer may impose one or more of the following:

- a) A change of duties
- b) Closer supervision
- c) Lateral transfer
- d) Demotion
- e) Suspension or termination of employment

4.5 Serious Misconduct, Fraud, Corruption

In cases of serious misconduct, fraud or corruption, Council may suspend or terminate the employee.

5. ASSOCIATED DOCUMENTS

P05 Staff Code of Conduct
P08 Human Resource Management
P32 Discrimination, Harassment and Bullying
P33 Work Health and Safety
P50 Fraud and Corruption Protection

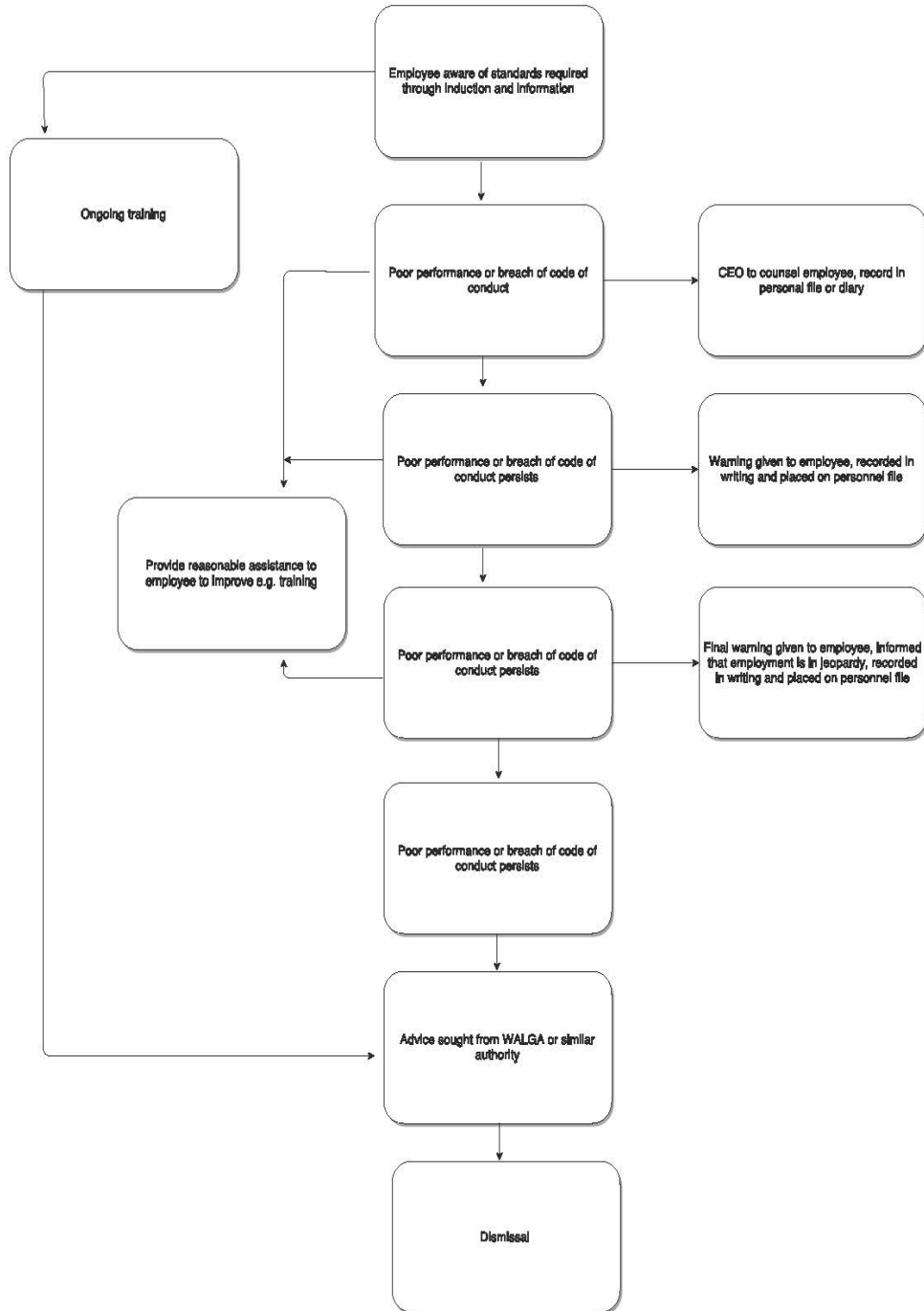
6. REFERENCES AND LEGISLATION

Fair Work Act 2009
Local Government Act 2008 (NT)
Local Government (Accounting) Regulations (NT)
Local Government Industry Award 2010

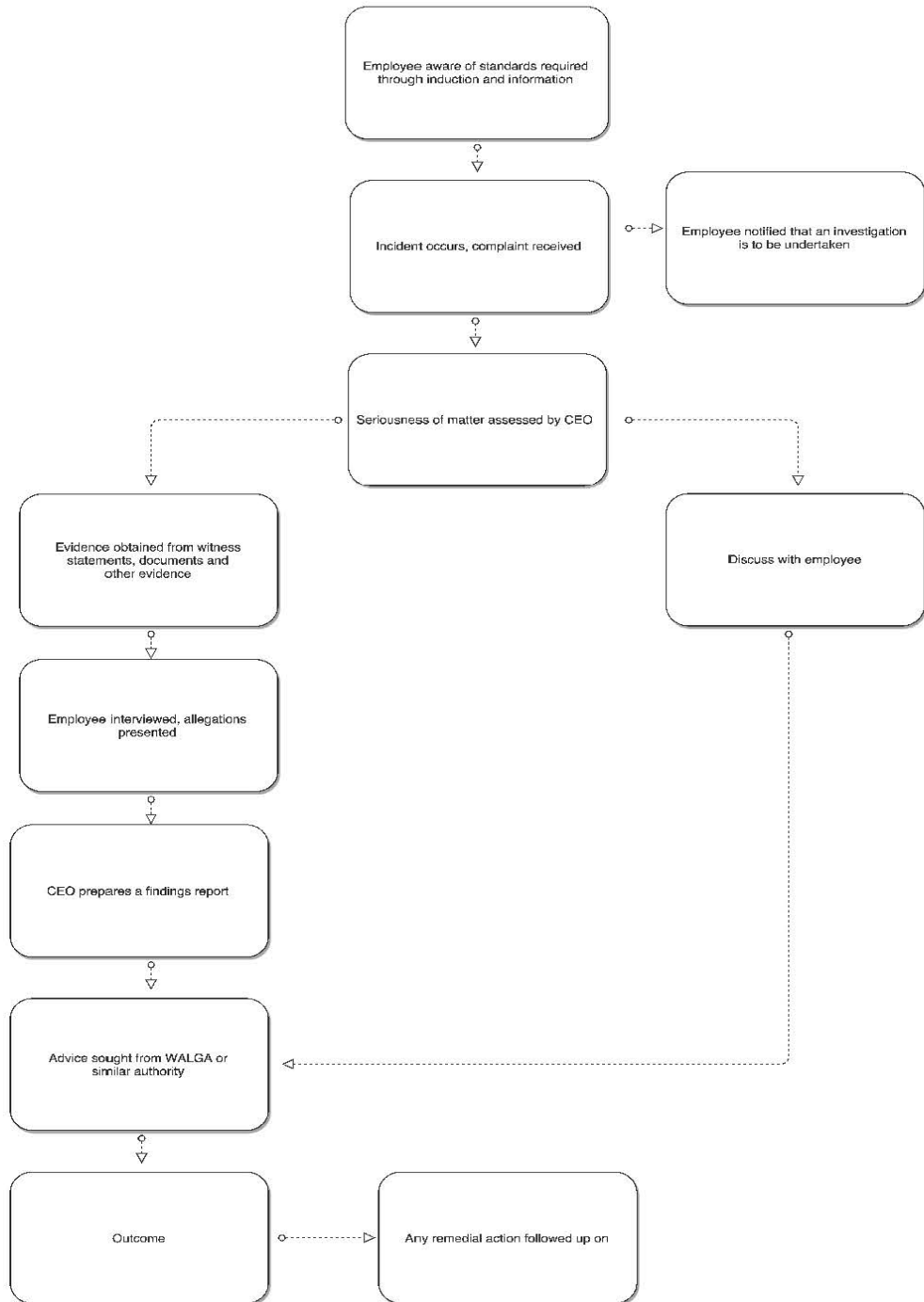
7. REVIEW HISTORY

Date Approved: 17/01/2017	Approved By Council Moved: V Pres B Irvine Seconded: Cr T Dyer Vote: Carried	Resolution No. 2017/06	Date for review: Next Council Election
Date Approved: 21/02/2017	Approved By Council Moved: Pres Peter Clee Seconded: Cr A Richmond Vote: Carried	Resolution No. 2017/14	Date for review: Next Term of Council
Date Approved:	Approved By Council Moved: Seconded: Vote:	Resolution No.	Date for review:

Performance Discipline Process



Incident Discipline Process



8.6 Policy Review: P32 Discrimination, Harassment and Bullying

A Policy to define the processes and procedures for dealing with unreasonable behaviours specific to discrimination, harassment and bullying is required to sit alongside the suite of Council HR and WHS policies and enable a safe working environment where every person is treated equally, fairly, and without prejudice.

P05 Code of Conduct and P31 Dispute Resolution, Counselling, Disciplining and Dismissal identifies expected behaviours and captures the process and consequences associated with other unreasonable behaviours, Council does not currently have a policy that deals with the issue of discrimination, harassment and bullying.

P32 Discrimination, Harassment and Bullying is at Attachment E for your review.

Resolution No. 2020/


That the Audit Committee:

- a) receives and notes the new policy P32 Discrimination, Harassment and Bullying; and
- b) recommends that Council adopt P32 Discrimination, Harassment and Bullying.

Moved:

Seconded:

Vote:

	POLICY NUMBER:	P32
	DISCRIMINATION, HARRASSMENT AND BULLYING	
	CATEGORY:	COUNCIL POLICY
	SP CLASSIFICATION:	GOVERNANCE
	LG ACT 2020 REF:	
	RESPONSIBLE OFFICER:	CHIEF EXECUTIVE OFFICER

1. PURPOSE

Wagait Shire Council is committed to provide a safe working environment, where every person is treated equally, fairly and without prejudice.

2. SCOPE

This policy applies to all employees, contractors and volunteers appointed to Wagait Shire Council and while on the Wagait Shire Council premises or while engaged in Wagait Shire Council business or any related activities.

3. DEFINITIONS

Term	Definition
Workplace discrimination	Means any discrimination of an employee, contractor or volunteer because of colour, race, age, sex, religion, ability or impairment, pregnancy, marital status, sexual orientation or sexual preference, political activity or trade union activity.
Workplace harassment	Means any type of unwelcome action toward another person in the workplace that leads to difficulty in performing assigned tasks or causes a person to feel he or she is working in a hostile environment.
Workplace bullying	Means repeated and unreasonable behaviour directed towards another person in the workplace or a group of people in the workplace that creates a risk to mental or physical health and safety.
Repeated behaviour	Refers to the persistent nature of the behaviours and can involve a range of behaviours over time.
Unreasonable behaviours	Means behaviours that a reasonable person, having considered the circumstances, would see as unreasonable, including behaviours that is victimising, humiliating, intimidating, or threatening.

4. POLICY

4.1. Workplace Discrimination, Harassment and Bullying

Workplace discrimination, harassment or bullying is a risk to health and safety. It can occur wherever people work together in all types of workplaces. It is best dealt with by taking steps to prevent it from occurring and responding quickly if it does occur. The longer the bullying

behaviour continues, the more difficult it is to address, and the harder it becomes to repair working relationships.

A single incident of unreasonable behaviour is not considered to be workplace bullying however it may have the potential to escalate and should not be ignored.

If workplace bullying behaviour involves violence, for example physical assault or the threat of physical assault, it should be reported to the police.

4.2. Examples of Workplace Discrimination

An employee is directly discriminated against if they are treated less favourably than another person in the same or similar circumstance, because of any one of the grounds of discrimination outlined in the definitions above.

Indirect discrimination can occur where a practice or requirement is imposed upon all employees but where a high proportion of employees with a protected ground cannot comply with, or are affected by, that practice or requirement.

4.3. Examples of Workplace Harassment

Sexual harassment can be defined as any unwelcome conduct of a sexual nature, such as an unwelcome sexual advance or unwelcome request for sexual favours, in circumstances in which a reasonable person would anticipate that the person harassed would be offended, humiliated or intimidated.

Examples of sexual harassment might include, but are not limited to:

- Physical contact
- Gestures of a sexual nature
- Leering or staring
- Offensive phone calls, emails, text messages or notes
- Suggestive jokes or comments
- Sexually explicit posts on social networking sites
- Discussion or dialogue about sexual exploits
- Repeated requests for a date
- Unwelcome comments about a person sex-life, appearance or dress
- Displaying sexually graphic material (poster, calendar, cartoons, graffiti, messages, emails)

4.4. Examples of Workplace Bullying

Examples of behaviour, whether intentional or unintentional, that may be considered as workplace bullying if they are repeated, unreasonable and create a risk to health and safety include but are not limited to:

- Loud, abusive, insulting or offensive language or comments.
- Unjustified criticism or complaints.
- Deliberately excluding someone from workplace activities.
- Withholding information that is vital for effective work performance.
- Setting unreasonable timelines or constantly changing deadlines.

- Setting tasks that are unreasonably below or beyond a person's skill level.
- Denying access to information, supervision, consultation, or resources to the detriment of the worker.
- Spreading misinformation or malicious rumours.
- Changing work arrangements, such as rosters and leave, to deliberately inconvenience a particular worker or workers.

4.3. Reasonable Management Action

Supervisory staff may take reasonable management action to direct and control the way work is carried out. It is reasonable for managers and supervisors to allocate work and to give fair and reasonable feedback on a worker's performance. These actions are not considered to be workplace bullying if they are carried out lawfully and in a reasonable manner, taking the particular circumstances into account.

Examples of reasonable management action can include but are not limited to:

- Setting reasonable performance goals, standards and deadlines.
- Rostering and allocating working hours where the requirements are reasonable
- Transferring a worker for operational reasons.
- Deciding not to select a worker for promotion where a reasonable process is followed.
- Informing a worker of their unsatisfactory work performance in an honest, fair and constructive way.
- Informing a worker of their unreasonable or inappropriate behaviour in an objective and confidential way.
- Implementing organisational changes or restructuring.
- Taking disciplinary action including suspension or termination of employment.

For a more comprehensive explanation and guidance, please refer to the Safe Work Australia *Guide to Preventing and Responding to Workplace Bullying* found at www.safeworkaustralia.gov.au

4.4. Reporting Procedure

All Council employees, contractor and volunteers are required to:

- Report any incidents of harassment, discrimination or bullying or unreasonable behaviour they see to the employees line manager or supervisor.
- Follow all policies and procedures provided by the Council.
- Ensure they do not victimise any person making a complaint of harassment, discrimination, or bullying.
- Treat all persons fairly and with respect.

If you feel you are being harassed, bullied or discriminated against, and are not comfortable dealing with the problem yourself, or your attempts to do so have not been successful, you should raise the issue either with your supervisor or the Chief Executive Officer. If you are a member of the union, you may also raise any issues with them.

4.5. Council Response Process

If workplace discrimination, harassment, bullying or unreasonable behaviour is reported or observed, we will take the following steps:

- The responsible supervisor or manager will investigate the report by speaking to the parties involved as soon as possible to gather information and seek a resolution to satisfactorily address the issue for all parties.
- If issues cannot be resolved or the unreasonable behaviour is of a serious nature, an impartial person will be appointed to investigate. Both sides will be able to state their case and relevant information will be collected and considered before a decision is made.
- Council employees can request support in the form of confidential counselling.
- All complaints and reports will be treated in the strictest of confidence.
- There will be no victimisation of the person making the report or helping to resolve it.
- Complaints made maliciously or in bad faith will result in disciplinary action.

4.6. Consequences of Breaching this Policy

Appropriate disciplinary action will be taken against a person who is found to have breached this policy.

These measures will depend on the nature and circumstance of each breach and could include:

- A verbal or written apology.
- One or more parties agreeing to participate in counselling or training.
- A verbal or written reprimand transfer, demotion or dismissal of the person engaging in the bullying behaviour.

4.7. Consequences of Unsubstantiated Investigation

If the investigation finds the reported unreasonable behaviour has not occurred or cannot be substantiated, Wagait Shire Council may still take appropriate action to address any workplace issues leading to the report.

5. ASSOCIATED DOCUMENTS

P05 Wagait Shire Council Staff Code of Conduct
P08 Wagait Shire Council Human Resource Management
P31 Dispute Resolution, Counselling, Disciplining and Dismissal
P33 Work Health and Safety
Wagait Shire Council Work Health and Safety (WHS) Management Plan

6. REFERENCES AND LEGISLATION

Fair Work Act 2009
Local Government Act 2008 (NT)
Racial Discrimination Act 1975 (Cth)
Disability Discrimination Act 1992 (Cth)
Australian Human Rights Commission Act 1986 (Cth)
Work Health and Safety (WHZS) Act 2011
NT WorkSafe – Guide – Preventing and Responding to Workplace Bullying

7. REVIEW HISTORY

Date Approved:	Approved by Council Moved: Seconded: Vote:	Resolution No.	Date for Review:
Date Approved:	Approved by Council	Resolution No.	Date for Review:
Date Approved:	Approved by Council	Resolution No.	Date for Review:

8.7 Workplace, Health and Safety Minutes

In the February 2020 Audit Committee Meeting, it was requested that the Minutes and Actions items from the Workplace Health and Safety meeting come to the Audit Committee for noting (Attachment F).

**MINUTES
WAGAIT SHIRE COUNCIL
WORK HEALTH & SAFETY INAUGURAL MEETING**

**FRIDAY 6th DECEMBER 2019
THE BOATSHED, CULLEN BAY**

Present: Chair, Rebecca Taylor
Anna Malgorzewicz (AMz), CEO
Pam Wanrooy (PW), Office Manager
Gary Zikan (GZ), Works Supervisor
Rowan (Robbo) Roberts (RR), Works Labourer
Dougie Chalmers (DC), Casual Labourer

Apologies: Jan Notais
John Notais

1. Introduction

The meeting opened 10.00am. The Chair welcomed all present to the inaugural Wagait Shire Council Work Health & Safety meeting. Meetings will be held on a quarterly basis and are part of the strategy to develop a safe workplace culture at Wagait Shire Council.

2. Hazards

The Chair led a discussion regarding the November Hazards report and provided a status update on each matter. GZ reported that the electrical box had been secured, the lights issue on the jetty was completed, and that the earthing at the water tank was attended to. (At the Toolbox meeting on Monday 9th December 2019 GZ clarified that these works were yet to be finalised.)

AMz suggested a more structured approach could be taken to identify hazards in the workplace and in the community. It was agreed all teams would inspect for, document and report hazards in their respective work areas. Works Team would undertake to survey the Wagait Beach area, such as paths, roads, sight lines at intersections and verges, though all staff are well placed to identify and report hazards.

DC suggested objective eyes, unfamiliar with work areas or community space could also provide valuable insight.

3. Incident Reports

The Chair noted all incident reports were complete, apart from the point post at Cloppenburg Park. Discussion focussed on the option to repair or replace the item. It was agreed GZ would contact Barry Demasson and arrange for a site meeting with the Chair, to explore options and make a recommendation to resolve the matter.

Action: GZ to arrange site meeting with Chair and Barry Demasson.

4. Safety Issue or Hazard

Health & Safety Responsibilities. AMz to provide all staff with a copy of the Wagait Shire Health & Safety Handbook by end of February 2020. All staff can contribute to the Handbook, such as with the preparation of JSEA's and SOP's for their areas. It was agreed pre-existing templates could be utilised and be customised for WSC purposes and

need and that priority would be given to Wet Season equipment requirements or where members of the public may be accessing equipment, such as the WSC Library.

Action: All staff to contribute to the WSC Safety Handbook, eg: PW for Library Computer and Office Photocopier, Works Team for plant and equipment.

AMz to issue all staff with the completed Health & Safety Handbook by February 2020.

Safe Work. The Chair described the raft of procedures that require preparation for the workplace. For example, an emergency evacuation plan needed to be prepared and then reinforced through a drill to be conducted as soon as possible.

Action: PW nominated as Fire Warden, all staff to participate in the development of an evacuation procedure. PW and Chair to arrange drill. Due by end March 2020.

Chemical Storage. Improved storage of chemicals and dangerous goods is required. RR agreed to follow up dangerous goods storage regulations. The meeting agreed the former "furies" shed could be better designed to accommodate materials and provide improved safe storage. Partitioning and caging may be an option and this would form an ideal Special Purpose Grant future project.

Action: RR to obtain information regarding storage of dangerous goods and combustible liquids and obtain quotes for storage items and a fume cabinet for inclusion in a future SPG application. GZ to take corrective action regarding present hazards by 21 December 2019.

Fire Extinguisher. All staff need to ensure fire extinguishers in their area are accessible Workshop fire extinguisher to be relocated.

Action: GZ to oversee relocation of Workshop Fire Extinguisher. PW to arrange for additional fire extinguisher to be located in WSC Library. AMz to ascertain if programmed plumber can inspect gas valve in domestic kitchen in Community Centre. Due date – GZ Workshop Fire Extinguisher one week; PW January 2020; AMz December 2019.

Chemicals. This matter was addressed in the discussion regarding Chemical Storage.

Driving. The meeting discussed the three main risks – Bore Run; Jetty Wash; Cox Peninsula Road. It was agreed accident procure and safe vehicle procedures are required.

Action: GZ and RR to investigate accident flowchart/procedure and circulate to all staff to contribute. Vehicle procedures to be documented. Due date 31 January 2020.

Safety Signage. The meeting discussed the need for signage to alert jetty users a jetty wash was in progress – "Jetty Wash in Progress. Enter with Care". Improved directional signage is also required at WSC grounds and facilities as is required statutory signage, eg Waste Compound.

Action: All staff to email GZ regarding signage suggestions. GZ and AMz to prepare brief for improved signage – GZ directional signage. AMz statutory signage. Due date February 2020.

Trip/Slip Hazards. Present hazards exist at the Clinic, Community Centre and Workshop. All staff also need to ensure trip hazards are avoided by ensuring safe and organised works spaces/places. Trip/Slip hazards should also be inspected and corrected on WSC pedestrian/bike path.

Action: RR to address existing trip hazards. All staff to be vigilant and ensure workplace/space is free of hazards. Works team to inspect bike path.

5. General Business

Verge Mowing. Meeting discussed need for improved signage and advance notification to the community regarding the mowing program.

Action: GZ to advise of mowing program. PW to provide Facebook notification. AMz to include in e-Newsletter.

Weed Spraying Program. The meeting discussed WSC program and the Gamba Grass Program. All residents wanting to access glyphosate through the program need to sign in at Office in the first instance and discuss with GZ their specific needs. 1litre amounts will be distributed.

Action: AMz to include information in the e-Newsletter and Facebook.

The meeting closed at 11.45am.

8.8 March Budget Report

	Mar 2020 Actual \$	Mar 2020 Budget \$	Variance in \$	Variance as %	Year to date Actuals \$	Year to date Budget \$	Variance in \$	Variance as %	Actual Approved Budget	Forecast to June 2020	Notes
<u>INCOME</u>											
RATES	\$10,701	\$28,999	-\$18,298	-63.1%	\$220,007	\$233,247	-\$13,240	-5.7%	\$233,297	\$233,297	1
WASTE MANAGEMENT	\$5,371	\$200	\$5,171	0.0%	\$110,490	\$117,600	-\$7,110	-6.0%	\$117,800	\$117,800	2
GRANTS - Operational	\$0	\$0	\$0	0.0%	\$366,034	\$255,076	\$110,957	43.5%	\$294,931	\$294,931	3
GRANTS - Subject to approval	\$0	\$0	\$0	0.0%	\$0	\$53,700	-\$53,700	-100.0%	\$65,700	\$65,700	4
CONTRACTS	\$8,076	\$8,150	-\$74	-0.9%	\$75,666	\$73,350	\$2,316	3.2%	\$98,000	\$98,000	5
RENTAL INCOME	\$182	\$665	-\$483	-72.7%	\$5,377	\$5,995	-\$618	-10.3%	\$8,000	\$8,000	6
MISCELLANEOUS	\$172	\$0	\$172	#DIV/0!	\$14,465	\$10,733	\$3,732	34.8%	\$14,000	\$14,000	7
TRANSFER FROM RESERVES		\$38,014	-\$38,014	-100.0%	\$0	\$34,500	-\$34,500	-100.0%	\$34,500	\$34,500	8
TOTAL INCOME	\$24,503	\$76,028	-\$51,525	-67.8%	\$792,038	\$749,701	\$42,337	5.6%	\$866,228	\$866,228	
<u>EXPENSES</u>											
ADMINISTRATION EXPENSES	\$4,338	\$5,045	\$707	14.0%	\$80,344	\$88,390	\$8,046	9.1%	\$103,200	\$103,200	9
EMPLOYMENT EXPENSES	\$33,528	\$36,600	\$3,072	8.4%	\$293,484	\$331,200	\$37,716	11.4%	\$441,300	\$441,300	10
ROADS	\$3	\$3,000	\$2,997	0.0%	\$2,397	\$45,000	\$42,603	94.7%	\$73,000	\$73,000	11
CONTRACTS & MATERIALS	\$0	\$900	\$900	0.0%	\$1,860	\$2,300	\$440	19.1%	\$5,000	\$5,000	12
REPAIR & MAIN TOWN ASSETS	\$4,921	\$4,300	-\$621	-14.5%	\$14,923	\$12,900	-\$2,023	-15.7%	\$17,400	\$17,400	13
VEHICLE & PLANT	\$2,270	\$2,408	\$138	5.7%	\$18,700	\$16,372	-\$2,328	-14.2%	\$22,600	\$22,600	14
GRANT EXPENSES	\$0	\$165	\$165	100.0%	\$83,778	\$71,685	-\$12,093	-16.9%	\$67,700	\$67,700	15
WASTE MANAGEMENT	\$6,291	\$12,500	\$6,209	49.7%	\$65,289	\$67,500	\$2,211	3.3%	\$90,000	\$90,000	16
SERVICES	\$46	\$0	-\$46	#DIV/0!	\$5,577	\$8,525	\$2,948	34.6%	\$11,400	\$11,400	17
TOTAL EXPENSES	\$51,398	\$64,918	\$13,520	-20.8%	\$566,354	\$643,872	\$77,518	-12.0%	\$831,600	\$831,600	
TOTAL OPERATIONAL SURPLUS / DEF	-\$26,895	\$11,110	-\$38,005	-342.1%	\$225,684	\$105,829	\$119,855	113.3%	\$34,628	\$34,628	

Notes on Cash Income and Expenditure Report for March 2020

1. March & Year to date lower than expected & as per debtors quite a high number of current year rates still unpaid.
2. March higher than expected, however lower overall for the year, due to timing of receiving payments from rate payers.
3. Grants Year to date higher mainly due to grants being carried forward & not included in budget, namely Electronic records management, water tank & Solar panels. Additional grants received January included 2nd instalment for the Operational Grant.
4. Grants received subject to approval are included in the above totals, namely Senior's week, dog pound & Australia Day. Grants yet to be received as per budget include Youth Vibe & Cloppenburg Park Irrigation.
5. March on par with budget and now higher overall.
6. March lower than budgeted, however now starting to receive rental income for CEO house. Year to date slightly lower than budgeted due to no rentals during February.
7. March & Year to date slightly higher than budgeted as stated previously mainly due to interest received being higher than expected.
8. transfer from reserves as budgeted not done to date.
9. As stated in December report, March & year to date are slightly lower than budgeted however partly due to the timing of expenses and in consideration of being now 9 months into the financial year, administration costs for cleaning supplies, travel, insurance & memberships are all fully expended, with travel costs being more than double the budget. Costs still yet to be expensed include FBT, valuation costs and costs continuing to be lower than budget include telephone, meeting & community expenses which gives us the current result.
10. March & Year to date slightly lower than budget.
11. Virtually no costs for March as budgeted. Year to date lower as stated previously due to budgeted road works not yet commenced.
12. No costs March. Year to date higher as mentioned in October report for additional expenses not included in budget for jetty & water compound fencing. Costs here budgeted to be spent between January & June.
13. March higher than budgeted & year to date still higher than budgeted overall due to timing of maintenance projects and budget being averaged on quarterly basis.
14. March slightly lower & year to date overall higher, mainly due to repairs & maintenance on plant & vehicles & timing of repairs.
15. No costs March & year to date higher than budgeted due to timing of spending of grant funds.
16. March & year to date now lower than budget mainly due to regular weekly collections and timing of receiving/paying bills. Overall in relation to budget year to date hard & green waste is still under.
17. March & year to date lower due to savings being made using solar power, however to be noted water & sewerage charges continue to be over budget to date.

9.0 General Business

10.0 Closure of Meeting:

The next meeting of the Wagait Shire Council Audit Committee will be held in the Wagait Shire Council Chambers at 9.00am, Wednesday 27th May 2020.

The Chair declared the meeting closed at