



13 AUGUST 2026

Shire of Esperance

ORDINARY COUNCIL MEETING

25 AUGUST 2026

ATTACHMENTS EXCLUDED FROM AGENDA

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POL 0001: Motor Vehicles

MANAGEMENT PRACTICE

Purpose

To provide a framework for the allocation of vehicle benefits to employees structured as a hierarchy relevant to organisational position.

To outline conditions to be applied for the private use of Shire vehicles by those employees who are issued with a Shire vehicle.

Scope

This Policy applies to all Shire of Esperance employees.

Definitions

26th Parallel – a circle of latitude located 26 degrees south of the equator exiting in WA near the coast at Shark Bay.

Authorised Officer – an officer of the Shire who has authorisation/approval for usage of a Shire vehicle. All authorised officers must sign the Motor Vehicle Authority Form as well as ensure their Manager/Supervisor sights and acknowledges your driver's licence and that of other applicable drivers.

Practice

Level One Use

Full private use within Australia. Whilst the vehicle is on private use outside the Shire boundary, the employee is to meet the cost of fuel. Private use includes periods of annual and long service leave. Private use is not permitted during periods of unpaid leave, parental leave, personal leave in excess of one month or when the employee is on extended Workers Compensation and not at work.

Level Two Use

Full private use within Western Australia, provided that, whilst the vehicle is in private use outside the Shire boundary the employee is to meet the cost of fuel and is not frequent or regular in nature. Private use is permitted during periods of annual and long service leave. Private use during periods of all other leave types in excess of one month to be approved by the CEO this also includes when the employee is on extended Workers Compensation and not at work.

Level Three Use

Full private use within Western Australia south of the 26th parallel, provided that whilst the vehicle is on private use outside the Shire boundary, the employee is to meet the cost of fuel and is not frequent or regular in nature.

Private use is only permitted during periods of annual leave, not periods of long service leave or parental leave. Private use during periods of all other leave types in excess of

one month to be approved by the CEO this also includes when the employee is on extended Workers Compensation and not at work.

Level Four Use

Restricted private use only within the Shire boundaries. Private use is not permitted whilst the employee is on leave or when the employee is on extended Workers Compensation and not at work. Limited additional usage may be approved by Directors for up to one week.

Level Five Use

Restricted private use only within a 70km radius of the Esperance Townsite. Private use is not permitted whilst the employee is on leave or when the employee is on extended Workers Compensation and not at work.

Level Six Use

Restricted private use only within the Esperance Townsite confines. Private use is not permitted whilst the employee is on leave or when the employee is on extended Workers Compensation and not at work.

Level Seven Use

Commuting or On Call use only, to and from the workplace. Private use of the vehicle is not permitted at any time.

NOTE – The CEO, in exceptional circumstances, may extend the private use of any vehicle to outside Western Australia and/or approve usage to other authorised persons.

.....End.....

Document Information

Responsible Position	Manager Human Resources
Risk Rating	Low

Referencing Documents

- *Local Government Act 1995*
- *Road Traffic Act 2020 (WA)*
- GPS Fleet Tracking Policy (POL 0083)
- Vehicle Authority Form
- MAN# Usage of Shire Vehicles

Revision History

Date	Version	CM Reference	Reason for Change	Next Review
(MM/YYYY)			Update with previous history	(MM/YYYY)



POL 0002: Staff Entitlements

COUNCIL POLICY

Purpose

This policy details benefits and entitlements offered to Shire of Esperance (Shire) Employees that are above or in addition to entitlements contained in the Industrial Agreement, other legislation or regulations.

Scope

This Policy applies to all Shire of Esperance employees.

Definitions

Gratuity Payments: means any payment of monies in excess of any contract or award entitlement including the disposition of Shire property to any employee.

Industrial Agreement: The Shire of Esperance Industrial Agreement 2025.

Practice

1. Health and Wellbeing

Staff Access to Bay of Isles Leisure Centre

In order to promote physical activities which will contribute to productivity in the workplace, full-time and permanent part-time Shire employees may use the Bay of Isles Leisure Centre facilities free of charge (other employees may be considered at the Chief Executive Officer's discretion. Access to the Leisure Centre to employees on long term unpaid leave may also be granted at the Chief Executive Officer's discretion).

The free use of the facilities includes -

1. Gym and aquatic area;
2. One free personal fitness assessment each financial year; and
3. Free crèche during crèche opening hours while the employee is using the facilities,

but does not include activities where an additional fee is charged, such as group fitness sessions, use of pool inflatables or birthday parties.

As per the Industrial Agreement, should an Employee wish to upgrade to a higher membership level (classes or family) the Employee will pay the difference between the value placed on staff access and the higher membership level. The value placed on the staff membership is the equivalent of a twelve-month adult wet membership at the Bay of Isles Leisure Centre. Employees cannot cash in the value of the staff access entitlement.

Sport and Recreation Staff Access to Bay of Isles Leisure Centre

All casual and permanent Sport and Recreation staff are offered free access to the Centre's facilities, including access to group fitness sessions, provided their attendance does not prevent members of the public from accessing them.

This is in line with industry standards and supports staff to maintain accreditations related to their roles.

2. Recognition of Long-Term Service

Council is committed to providing a work environment where all staff are recognised for the service that they provide to the Shire and the community. The contribution employees make to the ongoing operation of the Shire is significant and worthy of recognition both throughout their service and also upon their retirement or resignation from the Shire.

In order to recognise long serving employees with ten or more years of continuous service, employees will be presented with a certificate and a gift card to the value as listed below –

10 years of service	\$250
15 years of service	\$250
20 years of service	\$250
25 years of service	\$250
30 years of service	\$500
35 years of service	\$500
40 years of service	\$500
45 years of service	\$500
50 years of service	\$500

3. Gratuities Payments and Farewell Gifts to Employees

A gratuity payment entitlement is subject to completed years of continuous service as per prescribed amounts detailed below and is only payable at the time an employee finishes their employment with the Shire for one of the following reasons –

- Resignation (not as a result of any performance management or investigation or disciplinary process being undertaken by the Shire)
- Retirement, or
- Redundancy

The CEO may approve a farewell gift or a gratuity payment to an employee who after continuous employment with the Shire ceases employment, retires or resigns. The maximum value allowed for the gift or gratuity will accord with the length of continuous

employment by the employee with the Shire, when the employee has displayed exceptional performance, initiative or commitment to the Shire.

1. Between 0 and 5 years continuous service

No gratuity payment or gift would be made unless exceptional circumstances apply and are reported to the Council by the CEO for consideration.

2. Between 5 and 10 years continuous service
A farewell gift up to the value of \$200 may be provided.

3. Greater than 10 years continuous service
A farewell gift up to the value of \$500 may be provided.

Should exceptional circumstances apply, for example by the number of years of continuous service, then the Council, upon consideration of a report from the Chief Executive Officer, may authorise an amount greater than outlined in this Policy and Management Practice.

.....End.....

Document Information

Responsible Position	Manager Human Resources
Risk Rating	Low

Referencing Documents

- *Local Government Act 1995*
- *Shire of Esperance Industrial Agreement 2025*
- *National Employment Standards (NES)*
- *Management Practice – Gratuity Payments and Farewell gifts to Employees*

Revision History

Date	Version	CM Reference	Reason for Change	Resolution #	Next Review
Mar 2010	1		New policy	O0310-1426	Mar 2012
Jul 2010	2	D12/76			Jul 2012
Oct 2010	3			O1009-1325	Oct 2012
Oct 2015	4		Removal of old practices, change Director titles and insertion of a relocation clause to assist with housing rental for 6 months as per current practice.	O1015-019	Oct 2017
Jun 2018	5	D16/29065	Minor rewording. Include 'Shire pay for up to 3 counselling sessions' and allow for 5 RDOs to be	O0618-022	Jun 2020

			accrued. Refer to staff training and travel management practice for travel allowance.		
Feb 2020	6		No change, laid on table for further discussion	O0220-046	
Apr 2020	7	D16/29065[v2]	Change from Human Services to Human Resources.	O0420-109	Apr 2022
Nov 2021	8	D16/29065[v3]	Biennial review, no change.	O1121-202	Nov 2023
Jun 2022	9	D16/29065[v4]	Include provisions for high level qualifications.	O0622-148	Jun 2024
Mar 2023	10	D16/29065[v5]	Adjust relocation allowances and remove procedural information.	O0323-052	Mar 2025
Nov 2023	11	D16/29065[v6]	Remove requirement for CEO to ensure interstate attendance is reported in HR report. Add UV & PPE section.	O1123-189	Nov 2025
Feb 2025	12	D16/29065[v12]	Change from Shire of Enterprise Agreement to Industrial Agreement. Add prescription safety glasses to the supply of Personal Protective Equipment (PPE)		



POL 0005: Discrimination, Harassment and Bullying Policy

MANAGEMENT PRACTICE

Purpose

To ensure the Shire of Esperance provides a safe, respectful, inclusive, and discrimination-free working environment for all workers. It aims to promote fairness, dignity, and respectful conduct across the organisation while supporting a positive workplace culture and ensuring compliance with relevant legislation. The Shire of Esperance seeks to prevent discrimination, bullying, sexual harassment, and victimisation, and to uphold high standards of behaviour in all work-related interactions taking into account potential psychosocial harm.

Scope

This policy applies to all workers of the Shire of Esperance.

Definitions

Employee Assistance Program (EAP): is a confidential counselling and support service provided to workers with personal or work-related issues that may affect their wellbeing or performance.

Conflict of Interest: occurs when a worker's personal interests, relationships, or activities could improperly influence, or be perceived to influence, their ability to perform their duties impartially and in the best interests of the Shire of Esperance.

Bullying: is defined as repeated and unreasonable behaviour directed towards an employee or a group of employees that creates a risk to health and safety. Unreasonable behaviour amounts to behaviour that a reasonable person in the circumstances would see as unreasonable including behaviour that is victimising, humiliating and intimidating or threatening.

Discrimination: is treating someone unfairly or less favourably than another person due to their race, sex, marital status, pregnancy, impairment, religious or political conviction, age, family responsibility or family status, physical or mental disability, criminal record, breastfeeding, gender history, impairment, national extraction or social origin or trade union activity. These grounds may change as legislation is amended.

Harassment: is defined as any unwelcome, offensive comment or action relating to the grounds of discrimination. It is behaviour towards another employee that is offending, humiliating or intimidating. It shall not be condoned and if necessary, disciplinary action shall be taken. Any individual who experiences harassment should immediately make it clear to the person(s) concerned that such behaviour is unwelcome. However, if the individual has difficulty in doing this, then assistance should be sought from others to confront the person(s) concerned.

Sexual Harassment: can be defined as any unwelcome conduct of a sexual nature, such as an unwelcome sexual advance or an unwelcome request for sexual favours, in

circumstances in which a reasonable person would anticipate that the person harassed would be offended, humiliated or intimidated.

Psychosocial risk:

Refers to the potential for psychological or social factors in the workplace or environment to cause harm to a person's mental or physical health

Practice

Workers' rights and responsibilities

All workers are entitled to:

- recruitment and selection decisions based on merit and not affected by irrelevant personal characteristics;
- work free from discrimination, bullying and sexual harassment;
- the right to raise issues or to make an enquiry or complaint in a reasonable and respectful manner without being victimised; and
- reasonable flexibility in working arrangements, especially where needed to accommodate their family responsibilities, disability, religious beliefs, or culture.

All workers must:

- follow the standards of behaviour outlined in this policy and the related policies listed at the end of this policy including the Code of Conduct;
- offer support to people who experience discrimination, bullying or sexual harassment, including providing information about how to make a complaint or a grievance, intervening where appropriate when they witness such behaviour, and not victimising any person who makes a complaint, lodges a grievance or is involved in an investigation about a complaint or grievance;
- avoid gossip and respect the confidentiality of complaint and grievance resolution procedures; and
- treat everyone with dignity, courtesy, inclusivity, and respect.

Additional responsibilities of managers

Managers must also:

- model appropriate standards of behaviour;
- take steps to educate and make workers aware of their obligations under this policy and the law;
- intervene quickly and appropriately when they become aware of inappropriate behaviour whether or not a complaint or grievance has been lodged;
- act fairly to resolve issues and enforce workplace behavioural standards, making sure relevant parties are heard;

- help workers resolve complaints informally;
- refer formal complaints about breaches of this policy to the appropriate member of the Human Resources team for investigation;
- provide appropriate support services or referral to support services for workers including to the employee assistance program;
- ensure workers who raise an issue or make a complaint are not victimised;
- take suitable disciplinary action which may include termination of employment against any worker who is found to have sexually harassed, discriminated, bullied, or victimised another worker;
- ensure that recruitment decisions are based on merit and that no discriminatory requests for information are made; and
- seriously consider requests for flexible work arrangements without discrimination.

Unacceptable workplace conduct

Discrimination, bullying, and sexual harassment are unacceptable at the Local Government and are unlawful under the following legislation and regulations:

- Sex Discrimination Act 1984 (Cth)
- Racial Discrimination Act 1975 (Cth)
- Disability Discrimination Act 1992 (Cth)
- Age Discrimination Act 2004 (Cth)
- Australian Human Rights Commission Act 1986 (Cth)
- Equal Opportunity Act 1984 (WA)
- Industrial Relations Act 1979 (WA)
- Work Health and Safety Act 2020 (WA)
- Work Health and Safety (General) Regulations 2022 (WA)

Workers (including managers) found to have engaged in such conduct may be counselled, warned, or disciplined. Severe or repeated breaches can lead to formal discipline up to and including dismissal.

Discrimination

Discrimination is treating, or proposing to treat, someone unfavourably because of a personal characteristic protected by the law, such as sex, age, race, or disability.

Discrimination can occur: Directly, when a person or group is treated less favourably than another person or group in a similar situation because of a personal characteristic protected by law (see list below).

For example, a worker is harassed and humiliated because of their race or a worker is refused promotion because of their age. Indirectly, when an unreasonable requirement, condition or practice is imposed that has, or is likely to have, the effect of disadvantaging people with a personal characteristic protected by law (see list below). For example, if redundancies are decided based on workers who have had a worker's compensation claim rather than on merit. Protected personal characteristics under law include:

- a disability, disease, or injury, including work-related injury;
- parental status or status as a carer, for example, because they are responsible for caring for children or other family members;
- race, colour, descent, national origin, or ethnic background;
- age, whether young or old, or because of age in general;
- sex;
- industrial activity, including being a member of an industrial organisation like a trade union or taking part in industrial activity, or deciding not to join a union;
- religion;
- pregnancy and breastfeeding;
- sexual orientation, intersex status, or gender identity, including gay, lesbian, bisexual, transsexual, transgender, queer, and heterosexual;
- marital status, whether married, divorced, unmarried or in a de facto relationship or same sex relationship;
- political opinion;
- social origin;
- medical record; and
- an association with someone who has, or is assumed to have, one of these characteristics, such as being the parent of a child with a disability. It is also against the law to treat someone unfavourably because you assume they have a personal characteristic or may have it at some time in the future.

Bullying

Bullying is unacceptable at the Shire of Esperance and may also be unlawful.

If someone is being bullied because of a personal characteristic protected by equal opportunity law, it is a form of discrimination. Under Federal discrimination law, this behaviour does not have to be repeated to be discrimination – it may be a one-off event.

Bullying can adversely affect the health and safety of workers therefore it is unlawful under the Work Health and Safety Act 2020 (WA) and the Work Health and Safety (General) Regulations 2022 (WA). Bullying under industrial relations and health and

safety legislation is defined as repeated and unreasonable behaviour directed towards a worker or a group of workers that creates a risk to health and safety. Unreasonable behaviour amounts to behaviour that a reasonable person in the circumstances would see as unreasonable including behaviour that is victimising, humiliating, intimidating, or threatening.

Bullying can take many forms, including jokes, teasing, nicknames, emails, pictures, text messages, social isolation, ignoring people, or unfair work practices. Behaviours that may constitute bullying include but are not limited to:

- sarcasm, threats, loud, abusive, offensive, and other forms of demeaning language;
- coercion;
- inappropriate blaming;
- ganging up;
- constant unconstructive and unjustified criticism;
- deliberately withholding information or equipment that a person needs to do their job or access their entitlements, or acts of sabotaging another's work;
- unjustified threats of dismissal or other disciplinary action;
- spreading malicious rumours or misinformation;
- inappropriate comments about a worker's appearance, lifestyle or family;
- deliberately excluding a worker from workplace meetings or activities;
- unreasonable refusal of requests for leave, training, or other workplace benefits;
- constantly changing targets or work guidelines;
- overloading a worker with work and impossible deadlines;
- threats of or actual, assault or violence;
- teasing and practical jokes; and
- isolating or ignoring a worker on a constant basis.

Where a worker makes a threat of violence or assaults another worker, the police should be called.

Reasonable management action

The Shire of Esperance has the right to take reasonable management action to direct the way in which work is conducted and to give workers lawful and reasonable directions to complete work in a certain manner. Reasonable management action is not workplace bullying.

Some examples of reasonable management action include, but are not limited to:

- the establishment and regular use of performance management systems;
- the setting of reasonable performance targets and deadlines;
- providing workers with constructive feedback or counselling to assist workers to improve their work performance or the standard of their behaviour;
- issuing a lawful and reasonable direction to a worker to complete a work task;
- preparing and amending a roster for workers;
- transferring a worker to a different work location for operational reasons;
- implementing organisational change;
- informing a worker about inappropriate behaviour in a confidential manner; and
- taking disciplinary action against a worker.

Sexual harassment

Sexual harassment is a specific and serious form of harassment. It is unwelcome sexual behaviour, which could be expected to make a person feel offended, humiliated, or intimidated. Sexual harassment can be physical, spoken, written, or communicated electronically such as by email, text, messages, or social media posts. It can include:

- comments about a person's private life or the way they look;
- sexually suggestive behaviour, such as leering or staring;
- brushing up against someone, touching, fondling, or hugging;
- sexually suggestive comments or jokes;
- displaying offensive screen savers, photos, calendars, or objects;
- repeated unwanted requests to go out;
- requests for sex;
- sexually explicit posts on social networking sites;
- insults or taunts of a sexual nature;
- intrusive questions or statements about a person's private life;
- sending sexually explicit emails or text messages;
- inappropriate advances on social networking sites;
- accessing sexually explicit internet sites; and
- behaviour that may also be an offence under criminal law, such as physical assault, indecent exposure, sexual assault, stalking or obscene communications.

Just because someone does not object to inappropriate behaviour in the workplace at the time, it does not mean that they are consenting to the behaviour.

A single incident is enough to constitute sexual harassment – it doesn't have to be repeated.

All incidents of sexual harassment – no matter how large or small or who is involved – require employers and managers to respond quickly and appropriately.

The Shire of Esperance recognises that comments and behaviour that do not offend one person can offend another. This policy requires all workers to respect other people.

Sexual harassment is not an action or behaviour where there is a mutual friendship attraction and respect which is consensual. If two workers, or a worker and a customer or supplier of the Shire of Esperance are engaged in a consensual relationship, that relationship may result in a conflict of interest or perceived conflict of interest meaning that the workers concerned will need to declare the relationship to the Human Resources team.

A breach of this policy may occur even if a complaint about the behaviour has not been made (for example, offensive screen savers, photos, objects, calendars, or emails) or a complaint is withdrawn such actions may also be in breach of other Shire of Esperance policies and/or the Code of Conduct.

Victimisation

Victimisation is subjecting or threatening to subject someone to a detriment because they have asserted their rights under equal opportunity law, made a complaint, helped someone else make a complaint, or refused to do something because it would be discrimination, sexual harassment, or victimisation. Victimisation is against the law.

It is also victimisation to threaten someone (such as a witness) who may be involved in investigating an equal opportunity concern or complaint.

Victimisation is a very serious breach of this policy and is likely (depending on the severity and circumstances) to result in formal discipline against the perpetrator.

The Shire of Esperance has a zero-tolerance approach to victimisation.

Appointment on Merit

All recruitment and job selection decisions at the Shire of Esperance will be based on merit – the skills and abilities of the candidate as measured against the inherent requirements of the position – regardless of personal characteristics.

It is unacceptable and may be against the law to ask job candidates questions, or to in any other way seek information, about their personal characteristics, unless this can be shown to be directly relevant to a genuine requirement of the position.

Resolving issues

Lodging complaints under the Grievance Resolution Policy and Procedure

The Shire strongly encourages any worker who believes they have been discriminated against, bullied, sexually harassed, or victimised to take appropriate action by making a complaint about the inappropriate behaviour to their manager and/or Human Resources in accordance with the Grievance Resolution Management Practice. The complaint will be investigated and resolved in accordance with that practice in a confidential manner. If a breach of this policy is found to have occurred a worker will be disciplined (and if appropriate, dismissed).

Workers who do not feel safe or confident to take such action under the MAN 0005 - Grievance Resolution may seek assistance from the Equal Opportunity Commission in Western Australia or the Australian Human Rights Commission for advice and support.

Confidentiality of complaints

It is unacceptable for workers at the Shire of Esperance to talk with other workers, Councillors, customers, rate payers, or suppliers about any complaint of discrimination or harassment.

Breaching the confidentiality of a formal grievance investigation or inappropriately disclosing personal information obtained in a professional role (for example, as a manager) is a serious breach of this policy and may lead to disciplinary action including termination of employment.

Records of complaints and investigations completed under this policy and the Grievance Resolution Management Practice will be kept confidential except where access to those records is required to be provided by law, for the provision of professional advice, or for the health and safety of a worker.

Employee assistance program

The Shire of Esperance workers, and their families are entitled to free, professional counselling sessions from our employee assistance provider. To access the employee assistance program employees should contact the Shire's EAP provider, TELUS Health. Employee assistance provider counselling is confidential, and nothing discussed with a counsellor will be communicated back to the Shire..

Related documents

Workers, especially managers and supervisors, are encouraged to read this policy in conjunction with other relevant policies, including:

- Code of Conduct
- Shire of Esperance Industrial Agreement 2025
- MAN 0005 - Grievance Resolution
- MAN 0028 - Recruitment and Selection
- POL 0008 - Workplace Health and Safety Policy.

.....End.....

Document Information

Responsible Position	Manager Human Resources
Risk Rating	Low

Referencing Documents

- *Local Government Act 1995*
- *Work Health and Safety Act 2020 (WHS Act)*
- *Work Health and Safety (General) Regulations 2022*
- *Equal Opportunity Act 1984;*
- *Sexual Discrimination Act 1984 (Cth).*
- *Racial Discrimination Act 1976 (Cth);*
- *Human Rights Commission Act 1986 (Cth);*
- *Disability Discrimination Act 1992 (Cth);*
- *Age Discrimination Act 2004 (Cth)*
- *MAN 0028 – Recruitment and Selection*
- *MAN 0005 – Grievance Resolution*
- *Code of Conduct*

Revision History

Date	Version	CM Reference	Reason for Change	Next Review
July 2026			Updated Policy POL 0005 to the WALGA templated policy.	(MM/YYYY)



POL 0008: Workplace Health and Safety

COUNCIL POLICY

Purpose

Aim: To ensure the health and safety of all workers whilst at work.

Vision

The Shire of Esperance is committed to providing the highest standard of health and safety and to building and upholding a strong safety culture within our organisation that demonstrates a commitment to continual improvement. The Health Safety and Wellbeing of our workers is fundamental in achieving our safety message 'Work Safe Home Safe'.

Objectives

Implement the WHS framework to create and embed more positive WHS culture and behaviours for Shire employees.

This policy, driven by our Work Health and Safety Plan embraced by all workers and focused on consultation and communication, designed to promote continual improvement of our work practices and our performance.

We Believe;

1. No business objective is more important than the health and safety of our workers
2. Work related injuries are preventable
3. A task that cannot be done safely does not need to be undertaken. |

Scope

This Policy applies to all Shire of Esperance workers under the Western Australian Work Health and Safety Legislation |

Definitions

Hazard: A source or a situation with a potential for harm in terms of human injury or ill-health, damage to property, damage to environment, or a combination of these.

Risk: The likelihood and consequence of any potential injury or harm occurring.

Psychosocial Risk:

Refers to the potential for psychological or social factors in the workplace or environment to cause harm to a person's mental or physical health

|

Practice

To achieve this aim the Shire will -

1. Ensure there are sufficient resources to implement, document and regularly review all Policies and Procedures
2. Build a culture of risk awareness including psychosocial risk and proactive hazard reduction across all workplaces.
3. Commit to the training and/or adequate supervision for all workers until verified as competent in the tasks they are completing
4. Secure and retain adequate numbers of Safety Representatives and/or nominated Health and Safety Committee members to ensure consultation on Workplace health and safety matters occur.
5. Ensure all health and safety incidents are reported and investigated in a timely manner, that corrective actions identified are implemented and controls applied are continually reviewed in order to remain effective
6. Educate workers of their responsibility to their own health and safety and the health and safety of others through any act or omission at work.
7. Empower workers to stop work immediately, if they believe the work to be unsafe.
8. Promote a proactive reporting culture for all unplanned events

The Council will provide the time and resources necessary to implement this policy.

This policy will be kept under review by the Shire's Senior Management and its employees. It will be formally reviewed biennially. |

.....End.....

Document Information

Responsible Position	Manager Human Resources
Risk Rating	Medium

Referencing Documents

- *Local Government Act 1995*
- *Work Health and Safety Act 2020* |
- *Work Health and Safety (General) Regulations 2022*
- *Workers Compensation and Injury Management Act 2023*
- *Work Health and Safety Plan June 2024*
- *Workplace Health and Safety Strategic Plan 2024-2027*

Revision History

Date	Version	CM Reference	Reason for Change	Resolution #	Next Review
Jan 1996	1		New policy	O0196-130	Jan 1998
Jan 2014	2	D12/55			Jan 2016
Oct 2015	3	D16/29079	Add last review date and change Objective to Aim	O1015-019	Oct 2017
Jun 2018	4	D17/1045	Biennial review, no change.	O0618-022	Jun 2020
Feb 2020	5		No change, laid on table for further discussion	O0220-046	
Apr 2020	6	D17/1045[v2]	Biennial review, no change.	O0420-109	Apr 2022
Nov 2021	7	D17/1045[v3]	Biennial review, no change.	O1121-202	Nov 2023

Nov 2023	8	D17/1045[v4]	Change title to WHS, reword to reflect current aims and practice, and emphasise a positive work safe culture. Include reference to 'work safe, home safe' message. Remove signature panel.	O1123-189	Nov 2025
Jan 2026	9	D17/1045[v5]	Change to wording step 8 under practice, annually changed to biennially, added further documents to referencing documents. Added reference to 'continual improvement' in the Vision Added to definitions Hazard and Risk.		Jan 2028



POL 0009: Termination of Employment

COUNCIL POLICY

Purpose

To ensure that where applicable correct procedure is followed in relation to severance payments.

To ensure that appropriate procedures are applied in instances of redundancy to employees.

To ensure that an employee is given substantive and procedural fairness when the need arises to discipline or terminate.

Scope

This Policy covers all Shire of Esperance employees.

Definitions

Industrial Agreement – means the Shire of Esperance Industrial Agreement 2025.

Practice

For the purpose of Section 5.50(1) of the *Local Government Act 1995* (the 'Act') this policy will set down circumstances and manner of assessment upon which the Shire of Esperance will pay an employee an amount (severance payment) in addition to any amount to which the employee is entitled under a contract of employment, award, industrial agreement or order by a Court or Tribunal.

A terminating employee is entitled to severance pay and benefits in accordance with -

1. Any federal or state award or industrial agreement applicable to that employee;
2. Any applicable provisions within the employee's contract of employment;
3. Any applicable award or order made by a federal or state industrial tribunal arising from the circumstances of that employee being specifically brought before that tribunal, subject to any right of appeal;
4. Where the Local Government so agrees, any recommendation made by a federal or state Industrial Commissioner arising from the circumstances of that employee being specifically brought before that Commissioner.

Where a dismissed employee has taken or is proposing to take legal action, the Local Government may decide to settle to avoid expensive litigation. Matters to be taken into consideration by the Local Government as to whether it will seek a settlement and if so, the extent of any financial offers may include -

1. possible exposure to litigation;
2. the cost of legal advocacy and support;
3. the cost of witnesses;
4. the cost of travel and accommodation in running the case;
5. the cost of having staff tied up in the preparation and hearing of the case; and
6. the disruption to operations.

The Local Government may decide to settle in a situation where an employee, due to illness or impairment is unable to perform his/her job and there has been mutual agreement that employment must end.

Matters to be taken into consideration by the Local Government in determining the extent of any financial offers may include -

1. the length of service;
2. the conscientiousness of the employee over the past employment;
3. the value of the employee's service having regard to position(s) held and the regard given by the Local Government to the employee's contribution;
4. the personal circumstances of the employee including family responsibility, future employment prospects and alternative sources of income; and
5. possible exposure to litigation if the employee was dismissed having regard to obligations of the Local Government under the State Equal Opportunity Act, the Commonwealth Disability Discrimination Act and the Commonwealth Workplace Relations Act.
6. circumstances of the severance

The term "weeks' pay" means the normal weekly salary or wage payable to the employee including any penalty rates normally paid but excluding overtime or intermittent payments. The term also includes salary or wages specifically sacrificed for additional non-award benefits but does not include the value of any non-award benefit normally provided for the employee's position (such as a vehicle in the case of a senior position, the normal superannuation provided to all employees etc.).

Nothing in this Policy prevents the Local Government from determining that in special circumstances, terminating employees may be paid additional moneys or provided with additional benefits where justified. If the Local Government so determines, details of the severance pay and benefits shall be published in accordance with Section 5.50 (2) of the Act.

Staff Redundancy

The appropriate award provisions and adopted Procedures will apply to this Policy, which is to be read in conjunction with the Shire of Esperance Industrial Agreement.

1. Consultation
 - a. The Local Government will consult employees likely to be affected by any proposed change as to the need for and/or reason for the change and no definite decision will be made until this process has been followed.
 - b. Where an employer has made a definite decision that the employer no longer wishes the job the employee has been doing to be done by anyone, and this is not due to the ordinary and customary turnover of labour and that decision may lead to the termination of employment, the employer shall hold discussions with the employees directly affected and with their representative.
 - c. The discussions shall take place as soon as is practicable after the employer has made a definite decision which will invoke the provisions of paragraph (b) hereof, and shall cover, inter alia, any reasons for the

proposed terminations, measures to avoid or minimise the terminations and measures to mitigate any adverse effects of any terminations on the employees concerned.

- d. For the purposes of the discussion the employer shall as soon as practicable provide in writing to the employees concerned and their representative, all relevant information about the proposed terminations including the reasons for the proposed terminations, the number and categories of employees likely to be affected and the number of workers normally employed and the period over which the terminations are likely to be carried out.
- e. Provided that any employer shall not be required to disclose confidential information, the disclosure of which would be inimical to the employer's interests.

2. Transfers Within the Organisation

- a. Wherever possible and practical, appropriate employees should be offered a transfer to other positions within the enterprise and also offered the necessary and reasonable training to effect a successful transition.
- b. Where an employee is transferred to other duties for the purpose of avoiding retrenchment and those duties attract a lesser rate of pay than the incumbents' previous position, the Local Government will make up the difference between the two rates of pay for a period of twelve months (or 2 years in the case of employees covered by Clause 4 below). After this time, the lesser rate will apply.

3. Redundancy Benefits

Where a position has been made redundant and a suitable transfer has not been possible, an employee may be retrenched on the following basis -

- a. A maximum period of notice possible but in any event no less than 4 weeks or payment in lieu of notice to a maximum of 4 weeks.
- b. Payment of 2 weeks' pay.
- c. Redundancy provisions in accordance with the Shire of Esperance Industrial Agreement
- d. All other pro-rata entitlements payable under the appropriate award or agreement to a terminating employee will be paid.
- e. During the notice period the employee shall be allowed reasonable time off from the job without loss of pay to attend employment interviews or other similar activities to assist the employee find employment.
- f. Where the employee was originally engaged from a distant location, reasonable relocation assistance may be provided to the place of engagement or another place (at a cost no more than relocation to original point of hire). Relocation assistance will be at the Local Government's discretion and considered according to circumstances.
- g. Where the circumstances of a retrenched employee are such that it will be extremely difficult for that employee to find another job, the Local Government may exercise its discretion to provide additional benefits to such employees. In this event, details of the total redundancy package for

such an employee shall be published in accordance with Section 5.50(2) of the *Local Government Act 1995*.

- h. The term “weeks’ pay” means the normal weekly salary or wage payable to the employee including any penalty rates normally paid but excluding overtime or intermittent payments. The term also includes salary or wages specifically sacrificed for additional non-award benefits but does not include the value of any non-award benefit normally provided for the employee’s position (such as a vehicle in the case of a senior position, the normal superannuation contribution provided to all employees etc.).
- 4. Local Government Boundary Changes, Amalgamations and Break-ups
 - a. Where a restructuring of Local Government boundaries (such as a break up of a Local Government or an amalgamation of Local Governments) results in a surplus of employees, Schedule 2.1 clause 11(4) of the *Local Government Act 1995* provides for two years guaranteed employment except where employer and employee are able to agree to a mutually acceptable severance package.
 - b. Where a transfer is not possible, retrenchment will be offered on the basis of Clause 3 above. Additional benefits may be offered in accordance with Clause 3 in an endeavour to reach a mutually acceptable severance package.
 - c. If agreement on a severance package is not possible, the employee will be offered work for two years on conditions no less favourable than the existing contract of employment.
 - d. At any time during the two years additional employment the Local Government and employee may re-open negotiations in an endeavour to reach agreement on a mutually acceptable severance package.
 - e. Where an employee remains in employment for two years pursuant to Schedule 2.1 of the *Local Government Act 1995* and is then made redundant, there will be no entitlement to the redundancy benefits provided in Clause 3. Redundancy benefits in accordance with the appropriate award will still apply.
- 5. Counselling
 - a. Counselling by a professional counselling service shall be available for any employee who has been or is to be retrenched.
 - b. In appropriate circumstances an outplacement service may also be offered. In this event no payment in lieu of such service will be made.
- 6. Termination During Notice

An employee who has been given notice of retrenchment in accordance with Clause 3 may terminate during the period of notice and shall be entitled to the same benefits and payments as if he/she had remained until the expiry of the notice. Provided that in such circumstances, the employee shall not be entitled to payments in lieu of notice.
- 7. Alternative Work
 - a. Should the Local Government have made suitable arrangements for alternative employment and the employee is not consequently unduly

prejudiced, the additional benefits over and above the appropriate award arising from this Policy shall not apply.

- b. In addition the Local Government may make application to the Commission to have the award severance pay prescription varied in the case of such an employee according to the particular circumstances.

8. Exclusions

- a. Benefits provided under this Policy, which go beyond the appropriate award, shall not apply where employment is terminated as a consequence of conduct that justifies instant dismissal, including malingering, inefficiency or neglect of duty.
- b. This Policy does not apply in the case of casual or temporary employees who were engaged for a specific time period or for a specific reason or specific task, project or program.
- c. This Policy also does not apply to an employee engaged on a fixed term contract where the term of the contract expires.

.....End.....

Document Information

Responsible Position	Manager Human Resources
Risk Rating	Medium

Referencing Documents

- *Local Government Act 1995*
- *National Employment Standards (NES)*
- *Minimum Conditions of Employment Act 1993 (WA)*
- *Shire of Esperance Industrial Agreement 2025*
- *MANXXX Termination of Employment*

Revision History

Date	Version	CM Reference	Reason for Change	Resolution #	Next Review
Dec 2003	1		New policy	O1203-0751	Dec 2005
Sept 2007	2	D12/81			Sept 2009
Oct 2015	3		Change to match Shire of Esperance Enterprise Agreement	O1015-019	Oct 2017
Jun 2018	4	D16/29080	Rewording to read better and include current practices. Minor formatting changes.	O0618-022	Jun 2022
Feb 2020	5		No change, laid on table for further discussion	O0220-046	
Apr 2020	6	D16/29080[v2]	Add full stop into point 3 of objective.	O0420-109	Apr 2022
Nov 2021	7	D16/29080[v3]	Biennial review, no change.	O1121-202	Nov 2023
Nov 2023	8	D16/29080[v4]	Biennial review, no change.	O1123-189	Nov 2025



POL 0011: Workplace Drug and Alcohol Use

COUNCIL POLICY

Purpose

To ensure a safe workplace free from the effects of drugs and alcohol and that people are fit for work whilst performing duties at the Shire of Esperance.

The aim of this policy is to ensure -

1. A safe workplace, free from the effects of drugs and alcohol.
2. The Shire of Esperance meets its legal duty of care to ensure a safe workplace.

The Policy is directed towards the welfare of the individual and the safety and health of other people. Although disciplinary action may be necessary, the focus is on preventative measures.

Scope

This Policy applies to all Shire employees, contractors, employees of contractors and volunteers at all Shire of Esperance workplaces.

Definitions

Drugs means any illicit or illegal drugs including amphetamines, benzodiazepines, cocaine, methamphetamines, opiates and cannabinoids including THC (Tetrahydrocannabinol).

Medicinal Cannabis means cannabis usage (including all cannabinoids) that occurs solely at the direction of a registered medical practitioner who has prescribed a form of medical cannabinoid to treat a diagnosed medical condition, including by alleviating its symptoms. The prescribing medical practitioner must be registered under the HPRNL (e

Prescribed Medication means medication prescribed by a health practitioner registered under the HPRNL and includes over-the-counter pharmacy medication and Medicinal Cannabis. e.g. a General Practitioner or medical specialist).

HPRNL means the Health Practitioner Regulation National Law.

Contractor: A contractor includes any employee or subcontractor of any company who has been engaged by the Shire to perform services.

Employee: For the purpose of this policy, the term employee shall include Councillors, contractors, employees of contractors and volunteers.

Fit for Work: Not being under the influence of or affected by the adverse effects of drugs, alcohol or any other substance, or not being fatigued.

Managers: Includes Managers as well as the Executive Management Team.

Substance: Any drug that may have adverse effects causing impaired work performance.

Unfit for Work: Being impaired for work and therefore unable to perform duties in a safe manner.

Volunteer: A Volunteer is a person who performs a service willingly and without pay. |

Practice

Confidentiality

All results and information in relation to drug and alcohol testing will be dealt with in the strictest confidence. The privacy and dignity of employees tested as part of this process will be protected.

Responsibilities

The Manager is accountable for -

1. Ensuring their employees are aware of their obligations under this Policy and communicating these obligations on a regular basis.
2. Ensuring their team members are Fit for Work at all times.
3. Maintaining appropriate confidentiality relating to this Policy.
4. Seeking advice from the WSH team where necessary to comply with this Policy.

Employees are accountable for -

1. Adhering to their obligations under this Policy; including attending work in a fit state. The Shire has a zero tolerance approach to drugs and alcohol in the workplace.
2. Alerting their Manager to any change in their capacity to carry out their role in a way which compromises the safety of themselves or others.
3. Informing their Manager when they suspect another employee is unfit for work.
4. Participating fully with any form of drug and/or alcohol Testing.

Testing

All Testing will be carried out in accordance with the Workplace Drug and Alcohol Management Practice.

Prescription Medication

The Shire recognises that Employees may have legitimate medical reasons for taking a Pharmacy or Prescription Medicine. Where an Employee is taking Prescription or Pharmacy Medicine/s for a legitimate medical purpose, the Employee will not be in breach of this Policy, if the Employee -

1. Takes the Prescription or Pharmacy Medicine in accordance with the instructions of their health practitioner applying to the use of those medicines.
2. Does not misuse or abuse the Prescription or Pharmacy Medicines/s.

3. Checks with their health practitioner (including pharmacists) about the effect of the medicine on their ability to drive vehicles, operate machinery and generally perform their work duties in a safe manner.
4. If the Worker's ability to perform their work safely may be affected by a Prescribed or Pharmacy Medicine, the Worker must obtain advice in writing from their health practitioner (including pharmacists) and provide such advice to their Manager / Supervisor, before undertaking their work.
5. Does not work whilst adversely affected by Prescribed or Pharmacy Medicines.

Alcohol consumption at Shire functions and events

There may be some occasions where the responsible consumption of alcohol will be permitted at the Workplace as part of a function or event. Such permission must be provided by the CEO or relevant Director, as a minimum, prior to the function or event.

Where permission has been obtained, the Manager responsible for the function or event must be in attendance supervising the function and must ensure a range of drinks including low and non-alcoholic drinks are provided.

Employees must -

1. Uphold an appropriate standard of behaviour in accordance with the Shire's Code of Conduct and Corporate Values.
2. Behave in a sensible and responsible manner with due care for their own and other's safety and wellbeing.
3. Consume alcohol responsibly.
4. Not return to work on the day of the event where they have consumed alcohol.
5. Ensure a safe means of transport from such functions. Employees that choose to drive after the function must adhere to the Road Traffic Act (less than 0.05mg/ml).

Roles identified as hazardous / operating plant and equipment

Where an employee is taking Prescription or Pharmacy Medicines (including Medicinal Cannabis) that contain a warning that the person should not drive a vehicle or operate plant or machinery, the employee must not drive any vehicle or operate any plant or machinery and must immediately notify their Leader.

Further, if an Employee is taking Prescription or Pharmacy Medicines (including medicinal cannabis) and feels that their ability to safely drive a vehicle or operate plant or machinery is affected (regardless of whether or not the drug contains a relevant warning) the Employee must not drive any vehicle or operate any plant or machinery and must immediately notify their Manager.

The Shire will not accept liability for any damage to any machinery / property or any injury to any person caused by an Employee's use of a vehicle or machinery whilst impaired or under the influence of alcohol, drugs and/or medicines. The employee may be personally liable in such circumstances.

Breach of Policy

Employees must comply with this Policy at all times. If an employee is found to have breached this Policy, the Shire's Performance Management Practice will be enacted. The type and severity of the disciplinary action (if any) will depend upon the circumstances of the case and may include the termination of employment.

Should an employee refuse to participate in a drug and/or alcohol test or attempt to falsify their results, the Shire will view such action as a breach of this Policy. Should a Contractor breach this Policy, the matter will be dealt with in accordance with the provisions set out in the Service Agreement / Contract.

.....End.....

Document Information

Responsible Position	Manager Human Resources
Risk Rating	Medium

Referencing Documents

- *Local Government Act 1995*
- *Work Health and Safety Act 2020 (WHS Act)*
- *Shire of Esperance Management Practice: Workplace Drug and Alcohol*
- *Shire of Esperance Management Practice: Performance Management*

Revision History

Date	Version	CM Reference	Reason for Change	Resolution #	Next Review
Jul 2009	1	D12/87[v1]	New policy	O0709-1268	Jul 2011
May 2013	2	D12/87[v2]		O0513-048	May 2015
Oct 2015	3		Recommend that Drug & Alcohol testing be applicable to all persons appointed to the Shire, Recommend that Oral Fluid testing be introduced as an additional option to test for drugs	O1015-019	Oct 2017
Jun 2018	4	D16/29083	Include employee definition, minor formatting and wording changes.	O0618-022	Jun 2020
Feb 2020	5		No change, laid on table for further discussion	O0220-046	
Apr 2020	6	D16/29083[v2]	Minor wording changes throughout.	O0420-109	Apr 2022
Nov 2021	7	D16/29083[v3]	Biennial review, no change.	O1121-202	Nov 2023
Jul 2023	8	D16/29083[v4]	Management Practice and Procedure information removed.	O0723-137	Jul 2025
Nov 2023	9	D16/29083[v5]	Biennial review, no change.	O1123-189	Nov 2025



POL 0012: CEO Performance Review

COUNCIL POLICY

Purpose

This policy is to provide a consistent, transparent and accountable performance review process for the Chief Executive Officer (CEO) of the Shire of Esperance.

Scope

This Policy applies to the Shire President, Councillors and the Chief Executive Officer.

Definitions

N/A

Practice

Rationale

This process is documented and adopted by Council to ensure a consistent approach to the Shire of Esperance CEO review.

The review process must be a collaborative, constructive process that is designed to enhance performance and provide guidance for the ensuing twelve months, considering -

1. The CEO's Statutory Role and Responsibilities under the *Local Government Act 1995* and other relevant legislation;
2. General Probity and Integrity requirements and expectations associated with the position of CEO;
3. Implementation of the Shire's Strategic and Corporate Business Plans, subject to resource capacity and allocations; and
4. Any specific focus areas or key performance indicators previously agreed between the Council and CEO.

Councillors must be prepared to take a corporate view of this process. The performance review process should be regarded as an opportunity to build relationships and to increase the effectiveness of individuals, systems and processes which will improve the performance and the profile of the Shire of Esperance.

Councillors and the CEO participating in the review process must -

1. Be fair and objective;
2. Use good communication skills;
3. Act in good faith;
4. Be prepared and actively participate in the process;
5. Avoid bias;
6. Base conclusions on relevant and substantiated information and/or facts;
7. Be able to concentrate on outcomes;
8. Ensure procedural fairness for all parties involved;

Independent Facilitator

Unless resolved differently by absolute majority, the CEO review process will be coordinated and overseen by an independent facilitator, endorsed by Council. The Shire will utilise its normal procurement process, in sourcing an appropriately experienced and qualified facilitator, in consultation with the Shire President. The Council will endorse the appointment prior to the Review process commencing. If the CEO has any concerns regarding the appointed Independent Facilitator, the CEO will provide the Shire President a written explanation of said concerns, which will be presented to Council when it considers endorsing said appointment.

Review Period

At the very minimum, the CEO performance is to be reviewed annually, in accordance with the requirements of *Local Government Act 1995*.

1. The Review period will correspond with the Shire's financial year.
2. For planning purposes the review should be undertaken within a month of the anniversary of the CEO's contract, with Key Result Areas to be set at this time.
3. An informal interim review may be undertaken during the year at the request of the CEO or Council, to ascertain progress during the relevant review period.
4. In the event that Council has concerns about the performance of the CEO, the Shire President will, at the request of Council, undertake an additional interim performance review.
5. The Shire President must write to the CEO if Council has requested an interim performance review, outlining the areas of concern to allow the CEO the opportunity to prepare.
6. The Shire President must allow the CEO a minimum of one week's notice prior to the commencement of an interim performance review.
7. Any changes to the CEO's employment remuneration package determined from the review will take effect at the CEO's employment anniversary date.

Review Process

The performance review process must be agreed in writing between the Council and the CEO (Sch.2 clause 16(3) of the [Administration Regulations](#)). The following process is utilised as the basis of the CEO Performance Review

1. Independent Facilitator appointed;
2. CEO performance assessment survey issued to all Councillors and CEO to complete, which includes questions on -
 - a. Performance related to CEO's Statutory Role
 - b. Performance related to General probity and integrity requirements
 - c. Performance related to achieving Shire's Council Plan.
 - d. Performance related to achieving any specific focus areas or key performance indicators (KPI's) identified in the previous performance review
3. Independent Facilitator to develop an assessment report on completed surveys for consideration of Council;

4. Independent Facilitator to investigate or research any significant negative survey result(s) to determine substance and/or reasonableness;
5. Assessment report presented to CEO for response;
6. Assessment report (including CEO response) considered by Council to determine satisfactory or unsatisfactory performance;
7. Council and CEO meet to determine:
 - a. agreed specific focus areas or KRA's for next 12 month Review Period; and
 - b. subject to outcome of the CEO performance review, any amendments of the CEO's employment remuneration package.]

.....End.....

Document Information

Responsible Position	Manager Human Resources]
Risk Rating	Medium]

Referencing Documents

- *Local Government Act 1995*
- *Local Government (Administration) Amendment Regulations 2021*

Revision History

Date	Version	CM Reference	Reason for Change	Resolution #	Next Review
July 2017	1	D18/2143 (rev 02)	New policy	O0717-167	Jul 2019
June 2018	2	D18/2143	Minor rewording	O0618-022	Jun 2020
Feb 2020			No change, laid on table for further discussion	O0220-046	Apr 2020
Apr 2020	3	D18/2143[v2]	Minor wording changes	O0420-109	Apr 2022
Nov 2021	4	D18/2143[v3]	Biennial review, no change	O1121-202	Nov 2023
Nov 2023	5	D18/2143[v4]	Remove reference to Strategic Community Plan and Corporate Business Plan and replace with Council Plan.	O1123-189	Nov 2025



POL 0013: Volunteer Management

COUNCIL POLICY

Purpose

This policy outlines the Shire of Esperance's commitment to and management of Shire volunteers.

The purpose of this policy is to ensure that Shire volunteers are valued, that their contribution is acknowledged and they are managed and supported in accordance with best practice principles and the National Standards for Volunteer Management. |

Scope

The Shire is committed to the vision of volunteering within our region, recognising that volunteers are essential to many of the Shire's programs.

Volunteering provides a benefit to both the community and the volunteer by offering a legitimate and meaningful way in which volunteers can participate in the activities of the Shire and within the community. |

Definitions

N/A |

Practice

Shire Volunteers play an integral role supporting the delivery of services to those who live in or visit the Shire. It is important that volunteer roles are clearly defined, volunteers are well managed and volunteer management practices are continually reviewed and improved.

Volunteer involvement should be a considered and planned part of the Shire's strategic development, aligning with the Shire's strategic aims and incorporated in the Council Plan.

Volunteering is defined for the purpose of this policy as work which is –

1. Of benefit to the community
2. Of the volunteer's own free will and
3. Done without monetary reward

Volunteering should provide benefits to both the volunteer and the Shire, through enhanced services offered to the community.

The Shire and its officers are committed to the principles of volunteering -

1. Benefits the community and the volunteer
2. Work is unpaid
3. Is always a matter of choice
4. Is a legitimate way in which citizens can participate in community activities
5. Is a vehicle for individuals to address human, environmental and social needs
6. Is an activity performed in the not for profit sector only

7. Is not a substitute for paid work
8. Respects the rights, dignity and culture of others and
9. Promotes human rights and equality.

Designated volunteer roles cannot replace paid Shire staff positions or pose a threat to the job security of paid Shire staff.

All Volunteers for the Shire of Esperance must be formally registered as a Shire of Esperance Volunteer and accepted as a volunteer by the Chief Executive Officer and/or his authorised delegates. Age limitations, in relation to insurance coverage, may apply as determined by the Shire's Voluntary Workers Insurance Policy. |

.....End.....

Document Information

Responsible Position	Manager Human Resources
Risk Rating	Low

Referencing Documents

- *Local Government Act 1995*
- *Volunteers Induction Manual*
- *National Standards for Volunteer Involvement* |

Revision History

Date	Version	CM Reference	Reason for Change	Resolution #	Next Review
Jun 2018	1	D18/16397	New policy	O0618-022	Jun 2020
Feb 2020			No change, laid on table for further discussion	O0220-046	Apr 2020
April 2020	2	D18/16397[v2]	Biennial review, no change.	O0420-109	Apr 2022
Nov 2021	3	D18/16397[v3]	Biennial review, no change.	O1121-202	Nov 2023
Nov 2023	4	D18/16397[v4]	Biennial review, no change.	O1123-189	Nov 2025



POL 0014: Appointment of Acting or Temporary CEO

COUNCIL POLICY

Purpose

To establish policy, in accordance with Section 5.39C of the *Local Government Act 1995* ('the Act'), that details the Shire of Esperance's processes for appointing an Acting or Temporary Chief Executive Officer (CEO) for periods of less than 12 months of planned or unplanned leave or an interim vacancy in the substantive office.

Scope

This Policy applies to the Shire President, Councillors and CEO of the Shire of Esperance.

Definitions

Acting CEO: A person employed or appointed to fulfil the statutory position of CEO during a period where the substantive CEO remains employed but is on planned or unplanned leave.

Temporary CEO: A person employed or appointed to fulfil the statutory position of CEO for the period of time between the end of the substantive CEO's employment and the appointment and commencement of a newly appointed substantive CEO.

Practice

Acting and Temporary CEO Requirements and Qualification

When the CEO is on planned or unplanned leave, or the CEO's employment with the Local Government has ended, an Acting or Temporary CEO is to be appointed in accordance with this Policy to fulfil the functions of CEO as detailed in Section 5.41 of the *Local Government Act 1995*, and other duties as set out in the Act and associated Regulations.

Through this policy and in accordance with section 5.36(2)(a) of the Act, the Council determines that employees appointed to the substantive positions of Director Corporate and Community Services, Director of External Services or Director Asset Management are considered suitably qualified to perform the role of Acting or Temporary CEO.

A person appointed to act in the position of Director Corporate and Community Services, Director of External Services or Director Asset Management is not included in the determination set out in Clause 2 (2).

Appoint Acting CEO – Planned and unplanned leave for periods up to 5 weeks

The CEO is authorised to appoint the Director Corporate and Community Services, Director of External Services or Director Asset Management in writing as Acting CEO, where the CEO is on planned or unplanned leave for periods not exceeding 5 weeks, subject to the CEO's consideration of the Director Corporate and Community Services, Director of External Services or Director Asset Management performance, availability, operational requirements and where appropriate, the equitable access to the professional development opportunity.

The CEO must appoint an Acting CEO for any leave periods greater than 48 hours and less than 5 weeks.

The CEO is to immediately advise all Council Members when and for what period of time the Director Corporate and Community Services, Director of External Services or Director Asset Management is appointed as Acting CEO.

If the CEO is unavailable or unable to make the decision to appoint an Acting CEO in accordance with (2), then the following line of succession shall apply -

1. The Director of Corporate and Community Services will be appointed as Acting CEO; or
2. If the Director of Corporate and Community Services is unable to act, the Director Asset Management will be appointed as Acting CEO; or
3. If the Director Asset Management is unable to act, the Director External Services will be appointed as Acting CEO.

Council may, by resolution, extend an Acting CEO period under subclause (4) beyond 5 weeks if the substantive CEO remains unavailable or unable to perform their functions and duties.

Appoint Acting CEO for extended leave periods greater than 5 weeks but less than 12 months.

This clause applies to the following periods of extended leave -

1. Substantive CEO's Extended Planned Leave which may include accumulated annual leave, long service leave or personal leave; and
2. Substantive CEO's Extended Unplanned Leave which may include any disruption to the substantive CEO's ability to continuously perform their functions and duties.

The Council will, by resolution, appoint an Acting CEO for periods greater than 5 weeks but less than 12 months, as follows -

1. Appoint one employee, or multiple employees for separate defined periods, as Acting CEO to ensure the CEO position is filled continuously for the period of extended leave; or
2. Conduct an external recruitment process in accordance with clause 5(1)(c)(iii) of the *Local Government Act 1995*.

The Shire President will liaise with the CEO, or in their unplanned absence the Director Corporate and Community Services to coordinate Council reports and resolutions necessary to facilitate an Acting CEO appointment.

Subject to Council's resolution, the Shire President will execute in writing the Acting CEO appointment with administrative assistance from the Director Corporate and Community Services.

Appoint Temporary CEO – Substantive Vacancy

In the event that the substantive CEO's employment with the Shire of Esperance is ending, the Council when determining to appoint a Temporary CEO may either -

1. by resolution, appoint an existing Director as the Temporary CEO for the period of time until the substantive CEO has been recruited and commences their employment with the Local Government; or
2. by resolution, appoint an existing Director as the interim Temporary CEO for the period of time until an external recruitment process for a Temporary CEO can be completed; or
3. following an external recruitment process in accordance with the principles of merit and equity prescribed in section 5.40 of the Act, appoint a Temporary CEO for the period of time until the substantive CEO has been recruited and commences employment with the Local Government.

The Shire President will liaise with the existing Directors to coordinate Council reports and resolutions necessary to facilitate a Temporary CEO appointment.

The Shire President is authorised to execute in writing the appointment of a Temporary CEO in accordance with Council's resolution/s, with administrative assistance from the Director Corporate and Community Services, Director of External Services or Director Asset Management.

Remuneration and conditions of Acting or Temporary CEO

Unless Council otherwise resolves, an employee appointed as Acting CEO shall be remunerated at 75% of the cash component only of the substantive CEO's total reward package.

Council will determine by resolution, the remuneration and benefits to be offered to a Temporary CEO when entering into a contract in accordance with the requirements of Sections 5.39(1) and (2)(a) of the Act.

Subject to relevant advice, the Council retains the right to terminate or change, by resolution, any Acting or Temporary CEO appointment. |

.....End.....

Document Information

Responsible Position	Manager Human Resources
Risk Rating	Low

Referencing Documents

- *Local Government Act 1995*
- *Local Government Amendment Act 2019*
- *Local Government (Administration) Regulations 2021* |

Revision History

Date	Version	CM Reference	Reason for Change	Resolution #	Next Review
Jun 2021	1	D21/20123	New policy	O0621-150	Jun 2023
Nov 2021	2	D21/20123[v2]	Insert clause numbering for reference	O1121-202	Nov 2023

Nov 2023	3	D21/20123[v3]	Remove reference to individual director positions and replace with an existing Director'. Change title from Temporary Employment or Appointment of CEO to Appointment of Temporary/Acting CEO	O1123-189	Nov 2025
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POL 0015: Risk Management

COUNCIL POLICY

Purpose

The Shire of Esperance's Risk Management Policy documents the commitment and objectives regarding managing uncertainty that may impact the Shire's strategies, goals or objectives. The purpose of risk management is to reduce the potential effects of risk by reducing liability, preventing litigation and improving loss control.

Scope

This policy covers all operations of the organisation including but not limited to all workers, contractors, visitors and volunteers. The key drivers for risk management are Managements responsibility.

Definitions

CEO: Chief Executive Officer

Councillor: a member of an elected group of local government representatives

Risk: a situation involving exposure to danger

Risk Appetite: the amount and type of risk that an organisation is willing to accept whilst pursuing its objectives.

SOE: Shire of Esperance

WHS: Work Health and Safety

Practice

It is the Shire's Policy to achieve best practice in the management of all risks that may affect the SOE, its customers, people, assets, functions, objectives, operations or members of the public.

Risk Management will form part of the Strategic, Operational, Project and Line Management responsibilities and where possible, be incorporated within the Shire's Integrated Planning Framework.

Council shall determine the Risk Management policy for the SOE. The Shire's Executive Management Team will communicate the *Risk Management Policy* and Objectives and determine Procedures for the implementation of Risk Management, as well as direct and monitor practice and performance.

Every Councillor, worker, volunteer and contractor within the SOE is recognised as having a role in risk management, from the identification of risks, to implementing risk treatments and shall be invited and encouraged to participate in the process.

Consultants may be retained at times to advise and assist in the risk management process or management of specific risks or categories of risk.

Risk Management Objectives

1. Optimise the achievement of our vision, mission, strategies, goals and objectives.
2. Provide transparent and formal oversight of the risk and control environment to enable effective decision making.
3. Enhance risk versus return within our risk appetite.
4. Embed appropriate and effective controls to mitigate risk.
5. Achieve effective corporate governance and adherence to relevant statutory, regulatory and compliance obligations.
6. Enhance organisational resilience.
7. Identify and provide for the continuity of critical operations.

Risk Appetite

The Shire has defined its risk appetite through the development and endorsement of the Shire's *Risk Assessment Criteria*. The criteria is subjected to ongoing review in conjunction with this policy.

All organisational risks to be reported at a corporate level are to be assessed according to the Shire's *Risk Assessment Criteria* to allow consistency and informed decision making. For operational requirements such as projects or to satisfy external stakeholder requirements, alternative risk assessment criteria may be utilised, however these cannot exceed the organisations appetite and are to be noted within the individual risk assessment.

Roles, Responsibilities & Accountabilities

The CEO is responsible for the allocation of roles, responsibilities and accountabilities. These are documented in the Risk Management Procedures Operational Document.

Monitor and Review

The Shire will implement and integrate a monitor and review process to report on the achievement of the Risk Management Objectives, the management of individual risks and the ongoing identification of issues and trends.

This policy will be kept under review by Council and will be reviewed biennially.

Appendix A – Risk Assessment Criteria

Applied Risk Matrix			Consequence				
			Insignificant	Minor	Moderate	Major	Catastrophic
			1	2	3	4	5
Likelihood	Almost Certain	5	(5) Moderate	(10) High	(15) High	(20) Extreme	(25) Extreme
	Likely	4	(4) Low	(8) Moderate	(12) High	(16) High	(20) Extreme
	Possible	3	(3) Low	(6) Moderate	(9) Moderate	(12) High	(15) High
	Unlikely	2	(2) Low	(4) Low	(6) Moderate	(8) Moderate	(10) High
	Rare	1	(1) Low	(2) Low	(3) Low	(4) Low	(5) Moderate

Measures of Likelihood			
Level	Rating	Description	Frequency
5	Almost Certain	The event is expected to occur in most circumstances (>90% chance)	More than once per year
4	Likely	The event will probably occur in most circumstances (>50% chance)	At least once per year
3	Possible	The event should occur at some time (20% chance)	At least once in 3 years
2	Unlikely	The event could occur at some time (<10% chance)	At least once in 10 years
1	Rare	The event may only occur in exceptional circumstances (<5% chance)	Less than once in 15 years

Rating (Level)	Health	Financial Impact	Service Interruption	Compliance	Reputational	Property	Environmental
Insignificant (1)	Near miss. Minor first aid injuries	Less than \$20,000	No material service interruption	No noticeable regulatory or statutory impact	Unsubstantiated, low impact, low profile or 'no news' item	Inconsequential damage.	Contained, reversible impact managed by on site response
Minor (2)	Medical type injuries	\$20,001 - \$500,000	Short term temporary interruption – backlog cleared < 1 day	Some temporary non-compliances	Substantiated, low impact, low news item	Localised damage rectified by routine internal procedures	Contained, reversible impact managed by internal response
Moderate (3)	Lost time injury <30 days	\$500,001 - \$1.5 Million	Medium term temporary interruption – backlog cleared by additional resources	Short term non-compliance but with significant regulatory requirements imposed	Substantiated, public embarrassment, moderate impact, moderate news profile	Localised damage requiring external resources to rectify	Contained, reversible impact managed by external agencies
Major (4)	Lost time injury >30 days	\$1.5 Mil - \$3 Million	< 1 week	Non-compliance results in termination of services or imposed penalties	Substantiated, public embarrassment, high impact, high news profile, third party actions	Significant damage requiring internal and external resources to rectify	Uncontained, reversible impact managed by a coordinated response from external agencies
Catastrophic (5)	Fatality, permanent disability	More than \$3 Million	Prolonged interruption of services – additional resources; performance affected	Non-compliance results in litigation, criminal charges or significant damages or penalties	Substantiated, public embarrassment, very high multiple impacts, high widespread multiple news profile, third party actions	Extensive damage requiring prolonged period of restitution Complete loss of plant, equipment and building	Uncontained, irreversible impact

Existing Controls Rating		
Rating	Foreseeable	Description
Effective	There is <u>little</u> scope for improvement	1. Process (controls) operating as intended and aligned to policies / procedures 2. Subject to ongoing monitoring 3. Reviewed and tested regularly
Adequate	There is <u>some</u> scope for improvement	1. Processes (controls) generally operating as intended, however inadequacies exist 2. Nil or limited monitoring 3. Reviewed and tested, but not regularly
Inadequate	There is a <u>need</u> for improvement or action	1. Processes (controls) not operating as intended 2. Processes (controls) do not exist, or are not being complied with 3. Have not been reviewed or tested for some time

Risk Acceptance Criteria			
Risk Rating	Description	Criteria	Responsibility
Low	Acceptable	Risk acceptable with adequate controls, managed by routine procedures and subject to annual monitoring	Supervisor / Team Leader
Moderate	Monitor	Risk acceptance with adequate controls, managed by specific procedures and subject to semi-annual monitoring	Service Manager
High	Urgent Attention Required	Risk acceptable with excellent controls, managed by senior management / executive and subject to monthly monitoring	Executive Management Group
Extreme	Unacceptable	Risk only acceptable with excellent controls and all treatment plans to be explored and implemented where possible, managed by highest level of authority and subject to continuous monitoring	CEO and Council

Risk Treatment & Review Timeframes				
Risk Rating	Description	Risk Treatment	Responsibility	Risk Review
Low (1-4)	Acceptable	Treated within 6 months	Supervisor / Team Leader	Review every 6 months
Moderate (5-9)	Monitor	Treated within 3 months	Service Manager	Review every 3 months
High (10-16)	Urgent Attention Required	Treated within 2 weeks	Executive Management Group	Review within 2 weeks then monthly
Extreme (20-25)	Unacceptable	Treated within 1 week	CEO and Council	Review every 2 weeks

.....End.....

Document Information

Responsible Position	Manager Human Resources
Risk Rating	Medium

Referencing Documents

- *Local Government Act 1995*
- *Risk Management Framework*
- *Risk Assessment Criteria*

Revision History

Date	Version	CM Reference	Reason for Change	Resolution #	Next Review
Feb 2013		D13/4305[v1]	Draft policy		
Apr 2013	1		New policy	O0413-017	Apr 2015
Jun 2013		D13/4305[v2]	Draft policy		
Nov 2014	2	D14/23268		O1114-022	Nov 2016
Mar 2018	3	D16/29010	Biennial review, update document controller	O0318-073	Mar 2020
Nov 2019	4	D16/29010[v2]	Biennial review, no change	O1119-248	Nov 2021
Oct 2020	5	D16/29010[v3]	Update ISO standard reference	O1020-317	Oct 2022
Jan 2022	6	D16/29010[v4]	Biennial review, no change	O0122-012	Jan 2024
Nov 2023	7	D16/29010[v5]	Biennial review, no change.	O1123-189	Nov 2025
Aug 2024	8	D16/29010[v6]	Update purpose, scope, definitions, SOE references. Replace employee references with worker in line with new legislation. Remove reference to ISO. Update Risk Assessment Criteria tables. Update referencing documents.	O0824-028	Aug 2026
Jan 2026	9	D16/29010[v7]	Biennial review, no change		Jan 2026