



Shire of **Ngaanyatjaraku**  
ON A JOURNEY

# **Council Policy Manual**

Amended 30 November 2022.

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## **Introduction**

### **Policy Manual Objective**

To provide clearly defined roles and communication channels between the Council and the Administration.

### **Purpose of Policies**

Legislation provides for policies to be determined by Council, and for the CEO to manage the day to day operations of the local government. Policies should provide a written reference to clearly link the higher-level directions set by the Council and the operational considerations which the CEO will employ to cause council decisions to be implemented.

Policies should provide guidance to articulate the strategic direction of Council and set out the position of the local government to follow at an operational level (e.g. we shall, we shall not), particularly where legislation does not provide such guidance. They are not necessarily intended to provide direction on how different functions are to be executed, except where legislation requires it.

The CEO/administration will interpret the policies and strategic direction set by Council to formulate operational processes and procedures. These processes and procedures should detail the tasks and requirements which must be accomplished, as well as specific actions to be performed by staff. They are essentially a set of business rules intended to communicate expected standards to staff from the CEO, to achieve the strategic direction of Council.

### **Amendments to Policies**

Amendments to policies may require either a simple majority or an absolute majority decision of council. This requirement is recorded individually for each policy.

Care should be taken when amending policies to ensure the required decision is correctly applied and recorded in the minutes of the council meeting where the amendment is made.

### **Review of Policies**

Although there is no mandated requirement for policy review, the Shire requires policies to be reviewed at least biennially by Council.

### **Review and Amendment Record:**

The policy manual will include a version date to ensure the most current version being referred to, with a policy history being completed for each policy to track the date of all policy reviews, revisions etc.

#### ***Example Policy History***

Policy reviewed XXX  
Policy amended XXXX

#### ***Previous Policy:***

Policy adopted XXX  
Policy No. XXX

# 1 GOVERNANCE

## 1.1 Legislative Compliance

### Policy Objective

To ensure that the Shire upholds its commitment to meet a high level of compliance with legislative requirements applying to local government and takes any necessary action to rectify any breach as soon as reasonably possible.

### Background

Many principles of good governance make reference to ensuring appropriate policies, procedures and processes are in place for local governments to comply with both the letter and the spirit of the law.

The community, elected members and employees of the Shire have an expectation that the local government will comply with applicable legislation and the Council should take all appropriate measures to ensure this expectation is met.

### Policy Statement

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

These processes and structures will aim to:-

- a) Develop and maintain a system for identifying legislation applicable to the Shire's activities;
- b) Assign responsibilities for ensuring that regulatory obligations are fully considered and implemented;
- c) Provide relevant and appropriate training for staff, elected members, volunteers and other applicable people in the legislative and regulatory requirements affecting them;
- d) Provide necessary resources to identify and remain up-to-date with new legislation;
- e) Establish a mechanism for recording and reporting non-compliance;
- f) Review instances where there may have been non-compliance and report through risk management processes to mitigate against future occurrences;
- g) Review audit reports, incident reports, complaints and other information to assess how the systems of compliance can be improved;
- h) Ensure audits are performed to assess compliance;
- i) Requires necessary action to rectify any identified breach as soon as reasonably possible; and
- j) Establish an internal audit function to provide an independent and objective evaluation of the Shire's internal procedures and controls.

### Roles and Responsibilities

#### ***Elected Members and Committee Members***

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

#### ***Senior/Executive Management***

Senior staff should ensure that directions relating to compliance are clear, unambiguous and applicable legal requirements for each activity they are responsible for administering are identified. All staff are to be given the opportunity to be regularly informed, briefed, updated and/or trained about key legal requirements relative to their position description, utilising available resources to accomplish this.

### ***Employees***

Employees have a duty to seek information and guidance on legislative requirements applicable to their area of work and to comply with the legislation. Employees shall report through their supervisors to Senior Management any areas of non-compliance they become aware of.

### ***Implementation of Legislation***

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

### ***Amendments to this Policy***

Amendments to this policy require a simple majority decision of council.

### **History:**

Policy adopted: 24 June 2020

Policy reviewed XXX

Policy amended XXXX

### **Previous Policy:**

Policy No. N/A

## 1.2 Internal Control

### Policy Objective

To evidence Council's commitment to appropriate and effective internal controls and their importance to the organisation through the implementation of policies, procedures and processes designed to promote compliance, encourage effective and efficient operations and to protect the Shire's assets as follows:

- a) Implement and maintain risk management activities to consider and address the risk of loss caused by fraud, error and / or misstatement;
- b) Protect the Shire's assets, including people, property, reputation, finances and information;
- c) Continually monitor, review and address gaps / weaknesses with internal controls in place;
- d) Ensure appropriateness of internal controls to meet compliance with regulations, good governance principles and achievement of strategic objectives; and
- e) Maintain adequate safeguards and supervision to any update or changes to established internal controls.

### Policy Statement

The Shire is committed to maintaining an emphasis on integrity, ethical values and competence.

The Council is responsible for mandating a strong internal control framework be implemented to ensure Council objectives are achieved efficiently and effectively and the principles of good governance are applied throughout the organisation.

The Chief Executive Officer is responsible for developing and maintaining an internal control framework and will report periodically through the Audit and Risk Committee on the appropriateness, effectiveness, monitoring and evaluation of internal controls. All employees are accountable for documenting and implementing systems, controls, processes and procedures in their own area of responsibility and will play a part in the internal control framework.

### Elements of an Internal Control Framework:

The essential elements and examples of an effective internal control framework includes:

1. Control environment
  - Structure and culture of Council
  - Senior management compliance
  - Proper tone at the top
2. Risk Assessment
  - Risk identification and evaluation
  - Assessment of impact and likelihood
  - Implementing safeguards to treat risks

## **Elements of an Internal Control Framework: (Continued)**

3. Control activities
  - Delegations of Authority
  - Policies and procedures
  - Trained and properly qualified staff
4. Information and communication
  - IT controls
  - Liaising with auditors and legal advisors
  - Consultation and organisational communication
5. Monitoring
  - Review process e.g. internal audits
  - Self-assessment and continuous improvement
  - Evaluation and reporting

### **Monitoring, Reviewing and Reporting:**

Procedures are to be established to allow for the appropriate development, review, amendment and authorisation of internal control documentation (such as processes and checklists). This is intended to reduce the risk of breakdowns in controls through unilateral undocumented changes to authorised established procedures.

Internal controls will be reviewed and assessed through risk management activities aligned with the Risk Management Policy and Strategy and reported through the appropriate channels as detailed in these documents.

In line with Regulation 17 of the *Local Government (Audit) Regulations 1996*, the Chief Executive Officer is required to report on a review of risk management, internal controls and legislative compliance every three calendar years. This is in addition to the three yearly review required by Regulation 5(2)(c) of the *Local Government (Financial Management) Regulations 1996* which also includes a review of the Shire's financial internal controls.

### **Amendments to this Policy**

Amendments to this policy require a simple majority decision of council.

### **History:**

Policy adopted: unknown

Policy reviewed: 24 June 2020

Policy amended: 24 June 2020

### **Previous Policy:**

Policy No. 1.2



## 1.3 Risk Management

### Policy Objective

To encourage an integrated, effective and organisation wide approach to risk management within the Shire, facilitating value creation and protection.

### Policy Statement

Council is committed to the use of risk management in the course of achieving its strategic objectives and delivery of services to the community. Management of risk is considered the responsibility of all elected members, employees and contractors, and is to be integrated throughout the Shire.

A Risk Management Strategy is to be maintained and implemented utilising the Principles, Framework and Process as defined within AS/NZS ISO 31000:2018 Risk management - Guidelines.

### Risk Tolerance and Appetite

Risk tolerance or risk appetite refers to the amount and type of risk that the Shire is willing to take in order to meet its strategic objectives. As a public body, there is an expectation the Shire will maintain an inherent low appetite for risk and as a consequence adopt policies and maintain systems and procedures to create value and protect, the Shire, and its stakeholders.

Council's risk tolerance and appetite is articulated with the Risk Management Strategy and any change to the level of risk tolerance and appetite within the Strategy can only be made with Council approval.

### Risk Management Commitment

Council will maintain a continual commitment to risk management through the appropriate allocation of resources to facilitate application of the principles, framework and process as defined within AS/NZS ISO 31000:2018, through the 'Risk Management Strategy'. The Risk Management Strategy will assist the organisation to integrate risk management into decision making and operational activities, across the organisation. This commitment will work towards:

- Aligning the objectives, culture and strategy of the Shire with risk management;
- Addressing and recognising all obligations (including voluntary commitments) of the Shire;
- Communicating the risk appetite of the Shire to guide the establishment of risk criteria, to all employees, contractors and elected members and stakeholders;
- Promoting and conveying the value of risk management across the Shire;
- Encouraging methodical monitoring of risks;
- Ensuring that the Risk Management Strategy remains relevant to and considers the context of the organisation.

This policy is to remain in force until otherwise determined by Council.

### Monitor & 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 the Shire's Senior Management and will be formally reviewed by Council biennially.

### Amendments to this Policy

Amendments to this policy require a simple majority decision of council.

### History:

Policy reviewed: 24 June 2020

Policy amended: 24 June 2020

**Previous Policy:**

Policy adopted: unknown

Policy No. 2.22

## 1.4 Legal Representation – Costs Indemnification

### Policy Objective

This policy is designed to protect the interests of Council members and employees (including past members and former employees) where they become involved in civil legal proceedings because of their official functions. In most situations the Shire may assist the individual in meeting reasonable expenses and any liabilities incurred in relation to those proceedings.

In each case it will be necessary to determine whether assistance with legal costs and other liabilities is justified for the good governance of the district. This policy applies in that respect.

### Policy Statement

The Shire is committed to ensuring elected members and staff in performing their duties in a fair and objective manner, are protected from civil legal proceedings.

To achieve the objectives of this policy the Shire:

- a) may provide financial assistance to elected members and employees in connection with the performance of their duties provided the member or employee has acted reasonably and has not acted illegally, dishonestly, against the interests of the local government or otherwise in bad faith.
- b) may provide such assistance in the following types of legal proceedings:
  - i. Proceedings brought by elected members and employees against third parties to enable them to carry out their local government functions, other than proceedings against the Shire or another elected members or employee (e.g. where a member or employee seeks a restraining order against a person using threatening behaviour);
  - ii. Proceedings brought against members or employees (this could be in relation to a decision of Council or an employee which aggrieves another person (e.g. refusing a development application) or where the conduct of a member or employee in carrying out his or her functions is considered detrimental to the person (e.g. defending defamation actions); and
  - iii. Statutory or other inquiries where representation of members or employees is justified.
- c) Will not support any defamation actions seeking the payment of damages for individual members or employees in regard to comments or criticisms levelled at their conduct in their respective roles. Members or employees are not precluded, however, from taking their own private action. Further, the local government may seek its own advice on any aspect relating to such comments and criticisms of relevance to it.
- d) Ensure the legal services the subject of assistance under this policy will usually be provided by the Shire's solicitors. Where this is not appropriate for practical reasons or because of a conflict of interest then the service may be provided by other solicitors approved by the Shire.

## **Management Procedures**

### **1. Applications for Financial Assistance**

- a) Subject to item (e), decisions as to financial assistance under this policy are to be made by the Council.
- b) A member or employee requesting financial support for legal services under this policy is to make an application in writing, where possible in advance, to the Council providing full details of the circumstances of the matter and the legal services required.
- c) an application to the Council is to be accompanied by an assessment of the request and a recommendation prepared by, or on behalf of, the Chief Executive Officer (CEO).
- d) A member or employee requesting financial support for legal services, or any other person who might have a financial interest in the matter, should take care to ensure compliance with the financial interest provisions of the Local Government Act 1995.
- e) Where there is a need for the provision of urgent legal services before an application can be considered by Council, the CEO has authorisation to the value of \$10,000 with that the power to make such an authorisation delegated to the CEO in writing under section 5.42 of the Local Government Act 1995. Council shall be advised immediately should the delegation be exercised.
- f) Where it is the CEO who is seeking urgent financial support for legal services the Council shall deal with the application. This may be conducted in accordance with the 'Approvals at Short Notice' Policy.

### **2. Repayment of Assistance**

- a) Any amount recovered by a member or employee in proceedings, whether for costs or damages, will be off set against any moneys paid or payable by the Shire.
- b) Assistance will be withdrawn where the Council determines, upon legal advice, that a person has acted unreasonably, illegally, dishonestly, against the interests of the local government or otherwise in bad faith; or where information from the person is shown to have been false or misleading.

Where assistance is so withdrawn, the person who obtained financial support is to repay any moneys already provided. The Shire may take action to recover any such moneys in a court of competent jurisdiction.

## **Amendments to this Policy**

Amendments to this policy require a simple majority decision of council.

### **History:**

Policy adopted 24 June 2020

Policy reviewed XXX

Policy amended XXXX

### **Previous Policy:**

Policy No. 2.2

## 1.5 Approvals at Short Notice

### Policy Objective

This policy provides the Shire the ability to act on matters requiring a simple majority council decision in between meetings, where it is not in the interest of the Shire to defer consideration of the decision.

### Policy Statement

To provide the CEO the ability to seek council endorsement, out of session, on minor matters. The policy cannot be enacted for any matter or action requiring an absolute majority decision of Council.

### *Matter arising – Short Notice*

The CEO will prepare an agenda item for council to consider, relating to the matter to be considered, detailing the following information:

- Details to support the timing / necessity for consideration in accordance with this policy;
- Information pertinent to provide sufficient information to allow elected members to make an informed decision;
- The benefit / disadvantage to the district if the matter was not considered at short notice;
- Risk information; and
- Financial implications.

### *Approvals – Short Notice*

Where the timing of a matter being brought before the Shire requiring a decision does not provide an opportunity for council to consider the matter at a scheduled meeting (such as when received at short notice), the CEO shall:

- a) Prepare an agenda item in accordance with regular processes / procedures and circulate to the council via email;
- b) Email correspondence is to set a reasonable period of notice for elected members to respond (not less than 24 hours);
- c) If no objections are raised within the set notice period by an elected member to the CEO, it will be taken by the CEO the elected member agrees with the recommendation;
- d) Decisions on matters at short notice will be made once agreement has been received from a simple majority of all elected members; and
- e) Decision is to be presented for ratification at the next ordinary meeting of council with a copy of the agenda item included in the minutes.

### *Exclusions*

Matters which may not be considered by this policy include:

- Any decision requiring an absolute majority decision of council; and
- Tenders.

### **Amendments to this Policy**

Amendments to this policy require a simple majority decision of council.

### **History:**

Policy adopted: 24 June 2020

Policy reviewed XXX

Policy amended XXXX

### **Previous Policy:**

N/A

## **1.6 Communication – Elected Members and Staff**

### **Policy Objective**

To provide guidance and appropriate controls to facilitate elected members in discharging their duties and define communication protocols between elected members and staff.

### **Policy Statement**

The Shire is committed to maintaining appropriate and effective communication between elected members, staff and the community. To help ensure the Shire is professionally and accurately represented when officers or elected members are making comment in either official Shire or personal capacity, official communications will be consistent with relevant legislation, policies, standards and the positions adopted by Council.

#### **1. *Speaking on behalf of the Shire***

In accordance with legislation, the President is the official spokesperson for the Shire, and the President may also authorise the CEO to speak on behalf of the Shire.

Communications must comply with legislation and the Code of Conduct, and must not bring the Shire into disrepute, imply local government endorsement of personal views, disclose confidential information or compromise the effectiveness of the individual in their local government role (regardless of whether comments are made through a personal or official communication).

#### **2. *Responding to the Media***

All media enquiries relating to Shire business must be directed to the CEO (or a person authorised by the CEO) for information to be collated to assist the President or CEO in forming an official response on behalf of the Shire.

Where media directly approach an elected member for a personal statement, they must comply with section 4 of this policy.

#### **3. *Social Media***

All comments via social media platforms must be in accordance with the Shire's social media procedure.

#### **4. *Personal Communications and Statements on Shire Matters***

Any public statement made by an elected member other than the President, or the CEO where authorised, (in a personal or official capacity) must ensure:

- They have clearly stated the view is personal and not representative of the Shire;
- Comments comply with legislation, the code of conduct and policies;
- Statements are factual;
- Reasonable measures are taken to protect the reputation of the Shire;
- Statements do not denigrate any decision of Council, or the character or actions of elected members or employees; and
- Communications do not contain offensive or distasteful representations toward elected members, staff, community members or the Shire's reputation.

Elected members and staff should maintain awareness that personal comments made privately have the potential to be made public and must ensure all communications do not breach this policy, legislation or the Code of Conduct.

Comments which are made public (whether intended to only be private or otherwise) which breach this policy may be subject to disciplinary action.

## **5. Record Keeping and Freedom of Information**

Official communications and transactions must be evidenced and retained as local government records in accordance with the State Records Act 2000 and the Shire's Record Keeping Plan.

## **6. Staff and Elected Member Communications**

Where an elected member is carrying out an 'Ordinary Citizen Transaction' (OCT), they may direct their enquiry through the administration or other departmental office for processing, as per any member of the public. Elected members must not assume entitlement to preferential treatment, and OCTs must be equitable to that which any member of the public is entitled.

Where an elected member requires information in an official capacity, their request must be directed to the CEO, or to an officer authorised by the CEO.

Staff, other than those authorised by the CEO in writing, are not permitted to contact elected members relating to official Shire business unless:

- It is in the course of performing an OCT;
- They have been requested to by the CEO or an officer authorised by the CEO; and
- The contact is relating to an approved official capacity (such as a committee or working group) and the communication is limited to that business only.

## **Amendments to this Policy**

Amendments to this policy require a simple majority decision of council.

### **History:**

Policy reviewed: 24 June 2020

Policy amended: 24 June 2020

### **Previous Policy:**

Policy adopted: unknown

Policy no. 1.6

## 1.7 Council Forums

### Policy Objective

To set out processes for and to promote accountable and transparent decision making in the facilitation of Council forums.

### Policy Statement

Council forums provide a mechanism for elected members and officers to present and discuss information matters relating to the local government's operations outside of formal Council meetings. Examples of common formats of these forums include briefing sessions, workshops, concept forums or agenda forums.

### *Managing forums:*

Any forum of Council outside of official local government meetings shall:

- Be open to members of the public, unless business being discussed is considered confidential and would normally be held behind closed doors in an official local government meeting. Forums may also be closed to the public where conceptual information in preliminary stages may be presented through creative processes which may later be assessed as impractical due to expense or other rationale and therefore never adopted or implemented;
- Not provide for public question time;
- Give local public notice of the forum where they are to be open to the public;
- Have a presiding member, being the President of the Shire. If the President is unavailable, the Deputy President shall preside over the forum. If the Deputy President is unavailable, the elected members present shall nominate by simple majority an elected member to preside over the forum;
- Maintain notes of proceedings, including attendance lists, summary points of matters discussed, disclosures of interests and requests for further information. Notes of proceedings are informal and not required to be confirmed or adopted;
- Require elected members, employees and contractors to disclose any actual or perceived conflict of interest at Council forums. Interests should be submitted prior to the forum in writing to the CEO where the interest is known in advance. Where an interest evolves or becomes apparent during discussions, the interest must be declared and confirmed in writing at the earliest possible opportunity;
- Provide written notice and information papers from the CEO at least 72 hours prior to a forum taking place;
- Not require a quorum of elected members at a forum, however the CEO in consultation with the presiding member may reschedule a forum where elected member representation is considered insufficient to continue;
- Not partake in debate on information presented, but rather utilise the opportunity to attain information to aide debate and decision making at an official meeting; and
- Ensure the conduct of elected members, officers and members of the public is in accordance with legislation and the Code of Conduct, with all questions and comments directed through the presiding member.

### Amendments to this Policy

Amendments to this policy require a simple majority decision of council.

### History:

Policy adopted: 24 June 2020

Policy reviewed: XXX

Policy amended: XXXX

### Previous Policy:

Policy No. N/A



## 1.8 Elected Member Ongoing Professional Development

### Policy Objective

To ensure equitable access to ongoing professional development and training opportunities to enable elected members to fulfil their function and perform the duties required of them under the *Local Government Act 1995*.

### Policy Statement

In recognition of the complexity and demands on elected members in undertaking their role, the Shire is committed to resourcing elected members to support them in performing their duties of office and to enable attendance at conferences or to undertake professional development training relevant to their role and as required by legislation.

This Policy should be read in conjunction with Policy 1.13 Attendance at Events.

To ensure each elected member is provided reasonable opportunity to participate in required, as well as optional ongoing, professional development, a budget provision will be included annually for each elected member for planning purposes to meet the costs of registration, travel and accommodation for elected member professional development.

Professional development may include (but is not limited to):

- Mandatory elected member training as specified within section 5.126 of the *Local Government Act 1995*;
- Study tours;
- West Australian Local Government Association and Australian Local Government Association conferences;
- Special 'one off' conferences called for or sponsored by the West Australian Local Government Association and/or Australian Local Government Association on important issues;
- Annual conferences of the major professions in local government and other institutions of relevance to local government activities;
- Municipal Training Service's Councillor Induction Program;
- West Australian Local Government Association Elected Member Training and Development;
- Training relating to the role of elected members; and
- Other local government-specific training courses, workshops and forums, relating to such things as understanding the roles/responsibilities of elected members, meeting procedures, etc.

### Approval of Attendance

If attendance by elected member/s for professional development is considered in the best interest of the Shire, and where appropriate budget provision remains to facilitate attendance, the CEO will prepare details for council to consider for the relevant members attendance at the event as detailed within the 'Approval of Attendance' sections of this policy.

### ***Approval of Attendance – General***

The CEO will prepare an agenda item for council to consider, relating to attendance at professional development, detailing the following information:

- Who is providing the ticket to the professional development (the Shire, the organiser of the event or a third party);
- The location of the professional development in relation to the local government (within the district or out of the district);
- The role of the council member, CEO when attending professional development (participant, observer, presenter);
- Whether the professional development is sponsored by the local government;
- The benefit to the district of council representation at the professional development;
- Which elected member and / or officer should be authorised to attend the professional development; and
- The cost to attend the professional development and availability of funding within adopted annual budget.

Decisions to attend events in accordance with this policy will be made by simple majority.

### ***Approval of Attendance – Short Notice***

Where the timing of receipt of an invitation and the professional development itself does not provide an opportunity for council to consider attendance at professional development (such as when received at short notice), the CEO shall:

- a) Prepare an agenda item in accordance with 'Approval of Attendance – General' and circulate to the council via email;
- b) Email correspondence is to set a reasonable period of notice for elected members to respond (not less than 24 hours);
- c) If no objections are raised within the set notice period by an elected member to the CEO, it will be taken by the CEO the elected member agrees with the recommendation;
- d) Decision to attend professional development at short notice will be made once agreement has been received from a simple majority of all elected members; and
- e) Decision is to be presented for noting at the next ordinary meeting of council.

The council may also delegate attendance to professional development to another council member or the CEO or another officer after a decision has been made, by a circular email from the CEO explaining the proposed change. The subsequent process shall be as described at (b), (c) and (d) above.

### **Payments in Respect of Attendance**

For an invitation to attend professional development where a ticket is provided with no charge, the local government may contribute to appropriate expenses for attendance, such as travel and accommodation, for events outside the district.

For any professional development where a member of the public is required to pay, the council will determine whether it is in the best interests of the local government for a council member or the CEO to attend on behalf of the council.

If the council determine that a council member and/or the CEO should attend a paid professional development event, the local government will pay the cost of the ticket and appropriate expenses, such as travel and accommodation for events outside the district, and the cost of the ticket for events within the district.

Any ticket purchased or additional travel / accommodation costs for the partner or family member of the local government representative is not paid for by the local government.

### **Study Tours**

A study tour is designed to enable elected members (and staff) to travel intrastate, interstate and/or overseas to research and study specific issues fronting Council.

Details of study tours are to be arranged in advance so that suitable provision can be included in each year's budget. When no details of study tours have been arranged, or arrangements are incomplete, an appropriate amount may be included in the budget to cover the cost of an annual study tour.

Study tours will be considered with the following guidelines:

- The maximum attendance at any study tour is to be two Elected Members (and two staff);
- Attendance at a study tour shall only take place where there are appropriate funds provided in the annual budget; and
- A detailed report including recommendations on each study tour is to be submitted to Council for noting.

### **Special Provision**

To provide an opportunity to network with Federal Ministers, Members of Parliament and/or Senior Departmental Officers on issues affecting the Shire, the Shire President (and the Chief Executive Officer), with the prior approval of Council, are to attend an appropriate interstate conference incorporating a visit to Canberra where possible on an annual basis.

### **Booking Arrangements**

Registration, travel and accommodation for elected members will be arranged through the administration office. In general, all costs including airfares, registration fees, and accommodation will be paid direct by the Shire.

## **Extent of Expenses to be Reimbursed**

Expenses incurred with approved professional development in addition to booking arrangements paid by the Shire, may be reimbursed to elected members as set by the Salaries and Allowances Tribunal through a determination published in the Government Gazette from time to time.

Elected members will generally not be reimbursed for the cost of meals or refreshments for other people.

Expenses will generally be reimbursed from the time an elected member leaves home to attend an event to the time the elected member returns home. Should an elected member extend a visit by leaving prior to the time necessary to arrive for the event or return after the time at which the elected member could have returned following the event, reimbursements will be paid:

- for the days of the professional development event only; and
- for the cost of travel to and from the airport to the accommodation to be used for the professional development event.

Where a visit is extended, as discussed above, an elected member may stay for the period of the extension in different accommodation to that used for the attendance at the professional development event. In such situations, the reimbursement of taxi fares will be to the estimated cost of travel between the professional development event's accommodation and the airport.

The elected member will be required to pay any greater amount.

Where an elected member attends two professional development events and there is a gap of no more than two days between the conclusion of the first event and the start of the second event, the elected member shall be entitled to reasonable accommodation expenses and other allowable expenses during that 'gap' period. If the gap is greater than two days, only two days reimbursement can be claimed.

Payments over \$82.50 without receipts will not be reimbursed.

## **Payment of Expense Reimbursements**

The extent to which an elected member can be reimbursed for intrastate and interstate travel and accommodation costs incurred in any of the circumstances referred to in regulation 32(1) of the *Local Government (Administration) Regulations 1996* is set by the Salaries and Allowances Tribunal through a determination published in the Government Gazette from time to time.

Nothing prevents an elected member from being reimbursed for any reasonable expense incurred whilst attending professional development events where an elected member produces receipts or other sufficient information for the total cost to support their claim.

Reasonable expense may include but are not limited to:

- Meals and non alcoholic beverages for the elected member only;
- Transport travel – taxi, Uber or public transport; and
- Entry fees.

## **Cash Advances**

The Shire will not pay cash advances to elected members.

## **Elected Member/Delegate Accompanying Person**

Where an elected member is accompanied at a professional development event, all costs for or incurred by the accompanying person, including, but not limited to, travel, breakfast, meals, registration and/or participation in any event programs, are to be borne by the elected member/accompanying person and not by the Shire.

An accompanying person's registration, or accompanying person's program fee, is to be paid to the conference organiser, at time of registration. The Shire will administer the registration and payment process for the accompanying person if the relevant forms and payment are made to the Shire in advance for the accompanying person.

Where the Shire meets an account containing any expenditure or cost incurred on behalf of an accompanying person attending, such expenditure must be repaid to the Shire by the elected member/accompanying person within 30 days of being invoiced for such expenditure following the conclusion of the professional development event.

## **Guidelines for Conference and Training Attendance**

Generally, no more than two elected members may attend a particular Conference or Training event outside Western Australia at the same time. The CEO or Council may, however, approve attendance by more than two elected members if a particular purpose or need arises.

## **Attendance at Overseas Conferences**

An elected member may, with prior Council approval, attend an overseas conference. The Council approval must include a specific Council resolution indicating how the conference attendance will be of benefit to the Shire and the elected member and detailing any conditions applied.

## **Report**

Upon return from any professional development event as detailed within this policy, where registration and other associated costs are met by the Shire, the attending elected member is required to provide a written report on their attendance and the benefits to them and the Shire, to the CEO. An elected member may alternatively seek to address the Council to give a verbal report that will be noted in the Council Meeting Minutes. The CEO is to record written / verbal reports in a register to support required annual reporting required by legislation.

## **Amendments to this Policy**

Amendments to this policy require an absolute majority decision of council.

## **History:**

Policy adopted: 24 June 2020

Policy reviewed XXX

Policy amended XXXX

## **Previous Policy:**

Policy No. N/A

N.B. Foreshadowed changes through Section 5.128 Local Government Act 1995 and associated regulations:

- Require a policy to be prepared and adopted by absolute majority;
- Regulations may prescribe form and content of the policy;
- Policy will be required to be published on website and reviewed after each election.

## 1.9 Managing Public Question Time

### Policy Objective

To provide procedures to assist the presiding member in managing public question time at Council meetings where members of the public are provided an opportunity to seek responses to their queries relating to local government issues.

### Policy Statement

Legislation provides for members of the public the opportunity to ask questions at Council meetings relating to matters concerning the Shire. It is not a platform for making statements or addresses, which is provided for separately within meeting agenda.

### Principles

Where standing orders do not provide, the following principles will guide the management of public question time:

- Questions at special council meetings must relate to the purpose of the meeting;
- Questions at ordinary council meetings may relate to any matter within the jurisdiction of the Shire;
- Debate and / or discussion is not permitted in response to any question or answer;
- Members of the public are encouraged to submit their question in writing to the CEO at least 24 hours prior to the meeting;
  - Procedures noted by this Policy will assist in ensuring members of the public each have equitable opportunities to ask questions;
  - Questions may be taken on notice where a response is not practicable at the meeting;
  - Questions are encouraged to be directed to an issue, rather than individuals; and
- The presiding member may rule questions inappropriate and may refuse to accept those questions, particularly where public questions:
  - Contain defamatory, offensive or derogatory content;
  - Call into question the competency of staff or elected members;
  - Have been responded to previously; or
  - Relate to confidential matters.

### Procedures for Managing Public Question Time

In accordance with legislation, a minimum of fifteen minutes will be made available for public question time at Council meetings. The following procedures will apply:

- Thirty minutes prior to the meeting commencing, the CEO will arrange for members of the public to register and record their questions, noting the following details to be recorded in the minutes:
  - Their full name; and
  - Brief detail of the question/s.
- Each member of the public, in the order they have registered, may ask three (3) questions with a limit of three (3) minutes allocated to make a short preamble and ask their question;
- Questions are to be directed to the presiding member who may (with his/her decision being final):
  - Determine if the question is appropriate, and accept or reject the question;

- Nominate an elected member or the CEO to respond to the question;
- Take questions on notice to be responded to through the minutes of the next meeting; and
- Treat questions as correspondence to be dealt with through administrative processes.
- No discussion or debate will take place on any question or answer;
- If allotted time remains after each member of the public has asked their questions, the presiding member may allow additional questions (with the same limitations), or may allow for new questions to be presented;
- After the allotted public question time has expired, and questions of the public still remain, the presiding member may:
  - Invite elected members to resolve to extend public question time in additional fifteen minute increments; or
  - Request questions to be submitted in writing to the Chief Executive Officer to be responded to through administrative processes.
- Summary information detailing the name of the person asking the question, the question and the answer is to be recorded in the minutes.

### **Amendments to this Policy**

Amendments to this policy require a simple majority decision of council.

### **History:**

Policy adopted: 24 June 2020

Policy reviewed: XXXX

Policy amended XXXX

### **Previous Policy:**

Policy No. N/A

## **1.10 External Complaints**

### **Policy Objective**

Demonstration of the Shire's commitment to providing an efficient, effective, transparent and consistent approach to managing complaints.

### **Policy Statement**

This policy applies to all staff, contractors and volunteers of the Shire who receive and manage customer complaints / feedback relating to services delivered by or on behalf of the Shire.

The Shire recognises an effective complaint management system is an essential part of providing quality customer service and encourages a proactive approach to complaints / customer feedback management. The Shire's management of customers feedback and complaints is set in line with the standards set in the Code of Conduct. All feedback will be attended to in an equitable, unbiased manner.

The Shire will collect and register data on customer complaints and/or feedback through its record management system, maintaining confidentiality of complainants. The decision or action taken regarding the customer complaint / feedback should be communicated to the customer as soon as the decision or action is taken.

### **Receiving complaints**

- For a complaint to be actioned in accordance with this policy, it must be recorded in writing.
- All complaints that have been actioned on 'Customer Action Request' forms (see Shire website or contact office) and other written complaints are to be recorded in a register of complaints.
- Complaints will be actioned within five working days of being received.
- Complaints are to be resolved hierarchically. That is, Managers are to resolve complaints relating to supervised staff and the CEO will resolve complaints relating to Managers. The President will resolve complaints relating to Councillors and the CEO.
- Resolution is to take the form of contacting the complainant to explain action taken or to be taken.
- Resolution of the complaint does not necessarily require that the complainant be satisfied with the action. If the matter is not resolved within the required timeframes, the responsible officer must ensure the customer is kept informed of the situation until the matter is resolved.

### **Unresolved Complaints**

- If the complaint has not been resolved within ten (10) working days, the responsible officer will maintain regular contact with the Customer.
- If the matter cannot be resolved at Officer level, the matter will be referred to Council for resolution.
- The customer will be advised of this action and the date of the meeting to which the matter has been referred.
- Once Council has made a determination on the issue, the customer will be informed.
- A copy of the relevant page from the Minutes will be included with the Investigation documents.
- If the complaint is still unresolved, the customer should be informed the matter can be referred to an external body such as the Ombudsman, Department of Local Government etc.



## **Reviewing Complaints**

On a monthly basis, the CEO will be provided a routine report of all Customer Service Requests received (including the action taken to resolve the complaints) and outstanding Customer Service Requests to the Chief Executive Officer.

The Chief Executive Officer will inform Council of any complaints of a serious nature received.

Updates to the organisational Risk Register are also to be undertaken (if required) when reviewing complaints.

## **Complaints About Members of Council**

Complaints made about a Councillor/s can only be made where breaches of the *Local Government Act 1995* have occurred, eg:

- **Minor Breach:** includes — breach of a local law relating to conduct at meetings; improper disclosure of information; securing personal advantage or disadvantaging others; misuse of resources; non-disclosure of interests adverse to impartiality; acceptance of gifts; and prohibition against involvement in administration.
- **Serious Breach:** includes — failure to disclose a direct or indirect financial interest or proximity interest at a meeting; failure to lodge a primary return when due; failure to disclose information in a return; member made improper use of information acquired in the performance of his or her functions under the LG Act or any other written law a) to gain directly or indirectly a financial advantage for the member or any other person, b) to cause financial detriment to the local government or any other person.

## **Amendments to this Policy**

Amendments to this policy require a simple majority decision of council.

### **History:**

Policy reviewed: 24 June 2020

Policy amended: 24 June 2020

### **Previous Policy:**

Policy adopted: unknown

Policy No. 2.14

## **1.11 Audit and Risk Committee Charter**

### **Policy Objective**

To support the Audit and Risk Committee (committee) in understanding its role and oversight responsibilities in monitoring compliance with legislation, performance, risk and internal controls, internal audit, liaising with external auditors and reporting to Council.

### **Policy Statement**

#### **Powers of the Committee**

The committee is to report to Council and provide appropriate advice and recommendations on matters relevant to its charter. This is in order to facilitate informed decision making by Council in relation to the legislative functions and duties of the local government that have not been delegated to the CEO.

Where the committee considers it necessary to seek information or obtain expert advice on matters of concern within the scope of the committee's charter, it may do so through the CEO following authorisation from the Council.

The committee is a formally appointed committee of council and is responsible to that body. The committee does not have executive powers or authority to implement actions in areas over which the CEO has legislative responsibility and does not have any delegated authority except as provided by legislation. The committee does not have any management functions and cannot involve itself in management processes or procedures.

#### **Membership of the Committee**

Membership composition of the committee, as well as the appointment of members to the committee, will be in accordance with legislation and shall be reviewed every two years (following each ordinary local government election). Committee members will collectively have a broad range of skills and experience relevant to the operations of the Shire.

Appointment of external persons will be made in accordance with legislation, and where an identified skills gap within the committee exists. The terms of the appointment should be arranged to ensure an orderly rotation and continuity of membership despite changes to Council's elected representatives.

To support the committee in executing its duties, the committee will implement an induction and regular training program as determined necessary by the committee, to complement the experience and skills required by committee members.

Reimbursement of reasonable expenses incurred in the performance of the duties of a committee member will be approved in accordance with legislation and paid to each member of the committee.

The CEO and employees are not members of the committee, and the CEO cannot nominate representatives to the committee. The CEO or his/her nominee is to be available to attend meetings to provide advice and guidance to the committee.

The local government shall provide secretarial and administrative support to the committee.

#### **Meetings of the Committee**

The committee should meet at least quarterly. Additional meetings shall be convened at the discretion of the presiding person.

A quorum for the meeting is majority of all members on the committee and not just those attending the relevant meeting. Proxies are not permitted for meetings, due to the requisite skills and competence of the proxy not being assessed for the relevant meeting.

An agenda and meeting papers will be prepared and circulated to members along with relevant briefing materials.

The committee may invite any non-members to attend the committee meeting, subject to exclusion as deemed appropriate by the Chair. The CEO, chief financial officer, internal and external auditors shall normally be invited to attend committee meetings. The committee may ask Management to attend and present on issues relevant to the committee's duties and responsibilities.

The committee should meet privately and separately with the internal auditors and external auditor to discuss any matters the committee or the parties believe should be discussed privately with the committee.

### **Reporting of the Committee**

The committee shall report regularly to Council to make appropriate recommendations and to summarise its activities. Unconfirmed minutes (or confirmed where available) shall be presented to Council as soon as practicable after each committee meeting.

### **Duties and Responsibilities of the Committee**

The duties and responsibilities of the committee will be –

#### *Compliance and ethics:*

- a) Consider the impact of the Shires culture on compliance activities;
- b) Review the annual Compliance Audit Return and report to the council the results of that review;
- c) Monitor the implementation of actions adopted by Council to be taken as a result of a review as required by regulation 5(2)(c) of the *Local Government (Financial Management) Regulations 1996*;
- d) Review and monitor related parties transactions;
- e) Provide leadership in supporting desired organisational culture relating to compliance processes and management;
- f) Monitor the effectiveness of systems, policies and practices recording the impact and actions relating to changes to statutory obligations with operations as well as internal policies, accounting standards etc;
- g) Obtain regular updates from Management about compliance and ethical matters that may have a material impact on the Shire's financial statements, strategy, operations, or reputation including material breaches of laws, regulations, standards, and policies;
- h) Review Management approach and actions taken in relation to identified instances of ethical matters and non-compliance;
- i) Monitor and review systems and processes relating to complaints management including whistleblowing;
- j) Review the Shires process for communicating the code of conduct to staff, elected members, contractors and volunteers and assess the effectiveness of, and compliance with the code; and
- k) Enquire with Management and assess whether all regulatory requirements and professional announcements have been considered in the preparation of financial statements, such as compliance with the accounting standards.

*Financial and performance reporting:*

- a) Review the local government's annual financial report, focusing on:
  - accounting policies and practices;
  - changes to accounting policies and practices;
  - the process used in making significant accounting estimates;
  - significant adjustments to the financial report (if any) arising from the audit process;
  - reports and opinions from the external auditor;
  - compliance with accounting standards and other reporting requirements; and
  - significant variances from prior years; and
  - disclosures in the financial statements and financial reporting to stakeholders,
- b) Consider and recommend adoption of the annual report (including the annual financial report) to Council, focusing on compliance with statutory and other requirements;
- c) Review Management representation, including the CEO and CFO declarations regarding the financial report and financial records; and
- d) Consider the quality of processes undertaken in preparing the financial statements, including how management has reviewed compliance with current requirements.

*Risk management, fraud and internal controls:*

- a) Consider the impact of the Shires culture on the risk management and internal control;
- b) Review the appropriateness and effectiveness of risk management processes and activities to maintain operations within Council's risk adopted appetite by reviewing reports from Management, internal audit, external audit and by monitoring Management's responses and actions to correct noted deficiencies;
- c) Monitor reports prepared by the administration relating to internal control and risk management to consider the suitability of planned actions/responses to address identified gaps and deficiencies;
- d) Consider the CEO's triennial reviews of the appropriateness and effectiveness of the local government's systems and procedures in regard to risk management, internal control, and legislative compliance, required to be provided to the committee, and report to the council the results of those reviews;
- e) Comprehend Management processes for review of insurance cover and assess adequacy of insurance cover through risk management processes;
- f) Consider the impact of emerging trends relating to the Shire's risk profiles through routine risk management activities;
- g) Consider new risks and changes in the risk ratings of existing risks and the impact on the risk management activities;
- h) Provide leadership in supporting desired organisational culture relating to risk management and internal controls;
- i) Review, and where appropriate discuss with external auditors and/or other independent bodies, processes and strategies relating to the prevention of fraud as well as review of the fraud and corruption control plan, assessing any instances of fraud/corruption and actions implemented in response; and
- j) Review business continuity management, processes and plans including their testing.
- k) Enquire of Management, internal auditor and external auditor regarding their assessment of the risk of material misstatement in the financial report due to fraud and

their understanding of actual, suspected or alleged fraud or corruption affecting the Shire and how they respond to such instances.

*Internal audit:*

- a) Review and approve the Internal Audit Charter;
- b) Review the internal audit structure, independence and access to senior Management, the committee and the Council;
- c) Review and approve the Strategic and Annual Internal Audit Plans and any significant changes made to the plan, to ensure they continually address the current and emerging risks of the Shire;
- d) Ensure the internal audit budget does not impede the execution of internal audit functions as outlined in this charter;
- e) Review the appropriateness of special internal audit assignments undertaken by internal audit at the request of Council or CEO;
- f) Review the level of resources allocated to internal audit and the scope of its authority;
- g) Review reports of internal audits, monitor the implementation of recommendations made by the audit and review the extent to which Council and Management reacts to matters raised; and
- h) Facilitate liaison between the internal and external auditor to promote compatibility, to the extent appropriate, between their audit programs.
- i) Assess the quality, effectiveness and evaluate performance of the internal audit and identify improvement opportunities.

*External audit:*

- a) Establish ongoing communications with the external auditor (OAG) and their contractor (if appointed) in the performance of financial and performance audits
- b) Provide guidance and assistance to Council as to the carrying out the functions of the local government in relation to audits, including communicating and liaising with the OAG;
- c) Meet with the OAG twice in each year (and no less than once in each year) and provide a report to Council on the matters discussed and outcome of those discussions;
- d) Review the results of the audit with the external auditor including any significant adjustments, uncorrected misstatements, recommendations and any difficulties encountered or unresolved disagreements with Management.
- e) Liaise with the CEO to ensure that the local government does everything in its power to:
  - assist the auditor to conduct the audit and carry out his or her other duties under the *Local Government Act 1995*; and
  - ensure that audits are conducted successfully and expeditiously;
- f) Examine the reports of the auditor after receiving a report from the CEO on the matters to:

- determine if any matters raised require action to be taken by the local government; and
  - ensure that appropriate action is taken in respect of those matters;
- g) Review the report prepared by the CEO on any actions taken in respect of any matters raised in the report of the auditor and presenting the report to Council for adoption prior to the end of the next financial year or 6 months after the last report prepared by the auditor is received, whichever is the latest in time; and
  - h) Review results of better practice publications, relevant reports published by the OAG and other reputable parties and considerations by the administration on relevant action required to address noted and self assessed deficiencies.
  - i) Assess the quality and effectiveness of the external financial and performance audit and identify improvement opportunities.
  - j) Review the Audit Plan of the external auditors for coverage of material risks and financial reporting requirements
  - k) Discuss with the external auditors matters relating to the conduct of their audit, including any difficulties encountered, restrictions on scope of activities, or access to information, significant disagreements with Management and the adequacy of Management response.

*Other:*

- a) Address issues brought to the attention of the committee, including responding to requests from Council for advice within the parameters of the committee's charter;
- b) Assess effectiveness of and review the charter of the committee biennially including compliance with legislation; and
- c) Perform other activities related to this charter as requested by the Council.

### **Amendments to this Policy**

Amendments to this policy require a simple majority decision of council.

### **History:**

Policy adopted: 24 June 2020

Policy reviewed 28 October 2020

Policy amended 28 October 2020

### **Previous Policy:**

Policy No. N/A

## 1.12 Committees

### Policy Objective

To support elected members in making decisions through the establishment of committees to evaluate various matters and provide recommendations to Council for consideration.

### Policy Statement

Committees required by legislation (other than the *Local Government Act 1995* and associated regulations) are to be managed by the CEO on behalf of the Shire.

Committees of Council required by the Local Government Act 1995 and associated regulations, as well as other advisory committees as determined by Council resolution, are to:

- Have representation nominated through Council resolution following each ordinary local government election;
- Comply with legislative and regulatory requirements; and
- Establish a 'Terms of Reference' governed through official Council policy (e.g. Policy 1.12 Audit and Risk Committee Terms of Reference).

### Amendments to this Policy

Amendments to this policy require a simple majority decision of Council.

### History:

Policy reviewed: 24 June 2020

Policy amended: 24 June 2020

### Previous Policy:

Policy adopted: unknown

Policy No. N/A

## **1.13 Attendance at Events**

### **Policy Objective**

This policy addresses attendance at events, including concerts, conferences, functions or sporting events, whether free of charge, part of a sponsorship agreement, or paid by the local government. The purpose of the policy is to provide transparency about the attendance at events of council members and CEOs. This policy should be read in conjunction with section 5.90A of the *Local Government Act 1995*, and any associated prescribed requirements.

Attendance at an event in accordance with this policy will exclude the event attendee from the requirement to disclose an interest if the event ticket is above the prescribed amount and the donor has a matter before council.

### **Policy Statement**

To enable council to actively consider the purpose of and benefits to the community from attendance at events by elected members and the chief executive officer (CEO) of the Shire. Invitations / tickets to an event provided to an individual (rather than the Shire) are to be treated as a gift and disclosed as required.

#### ***Entertainment Events***

Where there is an event of a commercial nature (i.e. ticketed events where a member of the public is required to pay to attend) such as concerts or sporting events, this policy provides for how invitations to events are to be managed.

If attendance by the CEO or elected member/s at an entertainment event is considered in the best interest of the Shire, the CEO will prepare details for council to consider and make a decision on attendance at that event as detailed within the 'Approval of Attendance' sections of this policy.

#### ***Non-Entertainment Events***

Where there is an event of a commercial nature (i.e. ticketed events where a member of the public is required to pay to attend) such as conferences or seminars, this policy provides for how invitations to events are to be managed.

If attendance by the CEO or elected member/s at a commercial non-entertainment event is considered in the best interest of the Shire, the CEO will prepare details for council to consider and make a decision on attendance at that event as detailed within the 'Approval of Attendance' sections of this policy.

#### ***Community / Local Events***

A community / local event is defined as an event held within the district, is open to all members of the general public and where members of the public are not required to pay to attend the event. Invitations received by elected members and / or the CEO to community/local events (including where to attend in an official capacity to perform a civic function) are included as a 'Preauthorised Event' within this policy.

#### ***Provision of Tickets to Events***

##### **Invitations**

- All invitations for a council member or CEO to attend an event shall be in writing and addressed to the Shire.
- Any invitation not provided to the Shire is not captured by this policy and must be disclosed in accordance with the gift and interest provisions in the Act.
- A list of preauthorised events and attendees is included under the heading 'Preauthorised Events'.



### **Approval of Attendance – General**

The CEO will prepare an agenda item for council to consider, relating to attendance at events, detailing the following information:

- Who is providing the ticket to the event (the organiser of the event or a third party);
- The location of the event in relation to the local government (within the district or out of the district);
- The role of the council member, CEO when attending the event (participant, observer, presenter);
- Whether the event is sponsored by the local government;
- The benefit to the district of council representation at the event;
- Which elected member and / or officer should be authorised to attend event; and
- The cost to attend the event and availability of funding within adopted annual budget.

Decisions to attend events in accordance with this policy will be made by simple majority.

### **Approval of Attendance – Short Notice**

Where the timing of receipt of an invitation and the event itself does not provide an opportunity for council to consider attendance at an event (such as when received at short notice), the CEO shall:

- a) Prepare an agenda item in accordance with 'Approval of Attendance – General' and circulate to the council via email;
- b) Email correspondence is to set a reasonable period of notice for elected members to respond (not less than 24 hours);
- c) If no objections are raised within the set notice period by an elected member to the CEO, it will be taken by the CEO the elected member agrees with the recommendation;
- d) Decision to attend events at short notice will be made once agreement has been received from a simple majority of all elected members; and
- e) Decision is to be presented for noting at the next ordinary meeting of council.

The council may also delegate attendance to an event to another council member or the CEO or another officer after a decision has been made, by a circular email from the CEO explaining the proposed change. The subsequent process shall be as described at (b), (c) and (d) above.

### **Payments in Respect of Attendance**

For an invitation to attend an event where a ticket is provided with no charge, the local government may contribute to appropriate expenses for attendance, such as travel and accommodation, for events outside the district.

For any events where a member of the public is required to pay, unless listed under heading 'Preauthorised Events', the council will determine whether it is in the best interests of the local government for a council member or the CEO to attend on behalf of the council.

If the council determine that a council member or the CEO should attend a paid event, the local government will pay the cost of the ticket and appropriate expenses, such as travel and accommodation for events outside the district, and the cost of the ticket for events within the district.

Any ticket purchased or additional travel / accommodation costs for the partner or family member of the local government representative is not paid for by the local government.

### **Preauthorised Events**

Event	Date	Attendee	Contribution to cost
Community / Local Event (as defined within policy)	Misc	Misc	N/A

**Amendments to this Policy**

Amendments to this policy require an absolute majority decision of council, and the amended policy is to be published on the Shire's official website.

**History:**

Policy adopted: unknown

Policy reviewed: 24 June 2020

Policy amended: 24 June 2020

**Previous Policy**

Policy adopted: unknown

Policy No. N/A

## **1.14 Disturbance at Council Meetings – Complaint Procedure**

### **Policy Objective**

To provide guidance to the presiding member with respect to disturbances at Council or Committee meetings and to ensure the continuance of good and orderly government with appropriate opportunities for community participation.

### **Policy Statement**

The Shire recognises the need to maintain strong community consultation, but where circumstances prevail to the extent that disturbance at Committee, Ordinary or Special Council meetings continues to the detriment of good government and orderly processes, Council may undertake to issue a formal complaint in accordance with the relevant act

The Chief Executive Officer, Shire President or person presiding at the Committee, Ordinary or special council meeting has the authority to deal with disturbances which may lead to removal or enforced removal of the offending person.

At any Committee, Ordinary or Special Council meeting, the Chief Executive Officer, Shire President or presiding person having dealt with a disturbance and specifically where the offending person refuses to leave the building shall seek resolution of Council to adjourn the meeting to notify the appropriate law enforcement officers to attend the meeting premises.

Notwithstanding anything else contained in, this policy allows Council to treat the disturbance as urgent business to be considered as a first item of business following resumption of the Council meeting to determine an authorisation for the Shire President or person presiding to instigate a complaint in accordance with relevant body seeking the arrest and/or prosecution of the offending person.

Further guidance in relation to disturbances at meetings is to be followed in accordance with Local Government Operational Guidelines Number 06 Disruptive Behaviour by the Public at Council Meetings.

### **Amendments to this Policy**

Amendments to this policy require a simple majority decision of council.

### **History:**

Policy reviewed: 24 June 2020

Policy amended: 24 June 2020

### **Previous Policy**

Policy adopted: unknown

Policy No. N/A

## 1.15 Community Engagement

### Policy Objective

To:

- outline the principles for all community engagement activities conducted by the Shire of Ngaanyatjarraku;
- utilise community input to assist in making more informed and sustainable decisions; and
- use engagement methods that are inclusive, flexible, and appropriate to those participating and the purpose of the engagement process.

The policy reflects the Shire's Strategic Community Plan Theme, A strong voice representing the interests of the community.

### Policy Statement

#### Scope & Limitations

The policy will be supported by community engagement guidelines that provide clarity on when it is appropriate to engage, and at what level.

Shire's approach to community engagement is based on the International Association of Public Participation's (IAP2) Spectrum. The level of engagement should be determined by considering the issue, problem or opportunity requiring community engagement, the objectives to be achieved by engaging and the extent that the community can assist Shire Council to make decisions.

The IAP2 Public Participation Spectrum:

	<b>Inform</b>	<b>Consult</b>	<b>Involve</b>	<b>Collaborate</b>	<b>Empower</b>
<b>Community Participation Goal</b>	To provide the public with balanced and objective information to assist them in understanding the problems, alternatives and/or solutions.	To obtain feedback on analysis, alternatives and/or decisions.	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.	To place final decision-making in the hands of the public.
<b>Promise to the Community</b>	We will keep you informed	We will keep you informed, listen to and acknowledge aspirations and provide feedback on how public input influenced the decision	We will work with you to ensure that your concerns and aspirations are reflected in the alternatives developed and provide feedback on how community input influenced the decision	We will look to you for advice and innovation in formulating solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible.	We will implement what you decide
<b>Example Techniques</b>	Fact sheets Websites Open Houses	Public comment Focus groups Surveys Public meetings	Workshops Deliberative polling	Advisory Committees Consensus building Participatory decision making	Citizen Juries Ballots Delegated decision

This policy will apply to Shire Councillors and Shire staff. It also applies to contract workers, consultants and tenderers who are undertaking community engagement on behalf of Shire.

Community engagement is about involving the community in decisions that affect them in an appropriate manner. It is crucial to the successful development and implementation of effective policies and decisions and for improving services through understanding and responding to the needs and aspirations of the community.

Community engagement does not necessarily mean achieving consensus. However, it does involve seeking broad informed agreement and the best possible outcome for the Shire and community. It assists the Shire Council to build rapport with the community ensuring that they feel their views are being recognised as part of the decision-making process.

The policy does not prevent Shire Council from engaging with the community in addition to any statutory requirements, provided that any legislative timeframes are also met.

### ***Background***

Community engagement is recognised as crucial to effective, transparent and accountable governance in the public, community and private sectors. Effective engagement generates better decisions and can deliver more sustainable economic, environmental, social and cultural outcomes. Meaningful community engagement seeks to address barriers and build the capacity and confidence of all people to participate in and negotiate and partner with institutions that affect their lives.

### ***Guiding Statement***

The Shire's approach to community engagement will reflect the principles below. They represent the Shire's best practice approach in community engagement. They are not prescriptive but rather are used to guide the development, implementation and evaluation of the community engagement process.

#### **Open and Inclusive:**

- Recognise community participation as a right of all citizens and an integral component of informed decision-making;
- Create, support and promote opportunities for the community to participate in decision-making;
- Encourage involvement from a wide cross-section of the community using engagement processes that are accessible, inclusive and suitable to the audiences;
- Provide openness and commitment to ensuring that the community is well informed about the Shire's service delivery, planning and decision-making processes.

#### **Mutual Trust, Respect and Accountability:**

- Treat all participants in the engagement process with respect and dignity;
- Approach engagement from an impartial perspective, free from bias toward any stakeholder involved in the process;
- Ensure accountability, accessibility and ethical dealings with the community.

#### **Early and Clear Engagement:**

- Seek early engagement and regularly involve the community in decision making;
- Communicate clearly the objectives of the engagement process and provide community members with all available and relevant information as part of the consultation engagement process to ensure informed discussion;
- Communicate the parameters of the engagement process (what is and is not negotiable) to participants from the outset, including legislative requirements, the Shire's sphere of influence, conflicting community views, policy frameworks and context, budget constraints, etc;
- Acknowledge that planning is a crucial process to deliver successful outcomes and commit to developing and implementing community engagement plans.

**Consideration and Feedback:**

- Commitment to demonstrating that all community contributions and relevant data have been considered prior to making any decisions that affect the local community;
- Commitment to providing participants with feedback at key stages throughout the project and upon completion, and how community input influenced the decision.

**Skills and Resources:**

- Endeavour to ensure that sufficient timeframes and adequate resources are allocated to engagement processes;
- Coordinate community engagement processes where possible to optimise resources, ensure efficiency and avoid duplication;
- Recognise the skills required to undertake community engagement and provide staff and Shire Councillors with opportunities for further skills development and training.

The Shire's best practice will ensure that the community is notified of the level of community engagement that will be required within the decision-making process and why this was chosen.

**Outcomes**

The outcomes and benefits of effective community engagement include:

- Increased community awareness about the Shire's services, planning and program delivery;
- Increased awareness across the Shire of community views and the issues that should be considered as part of the decision-making process;
- Increased awareness of the needs, priorities and diversity of the local community, which in turn ensures that the Shire's service provision and planning functions are aligned appropriately;
- Increased levels of community ownership and acceptance of decisions affecting the local government area;
- Shire Council and the community working together to address local issues where appropriate; and
- Potential for time, resources and cost savings for the Shire.

**Amendments to this Policy**

Amendments to this policy require a simple majority decision of council.

**History:**

Policy reviewed: 24 June 2020

Policy amended: 24 June 2020

**Previous Policy:**

Policy adopted: unknown

Policy No. N/A

## 1.16 Council Election Caretaker Period

### Policy Objective

The primary objective of this Policy is to avoid actions and decisions which could be perceived as intended to affect the result of an election or otherwise to have a significant impact on, or unnecessarily commit, the incoming Council, and ensuring the Shire's administration acts impartially in relation to candidates.

### Policy Scope

This Policy applies to Councillors and Council employees during the caretaker period to cover:

- Decisions that are made by the Council;
- Materials published by the Shire;
- Attendance and participation in functions and events;
- Use of the Shire's resources; and
- Access to information held by the Shire.

Caretaker Period means the period of time for the close of nominations being 37 days prior to the election day in accordance with the Local Government Act 1995, until 6pm on election day.

### Policy

#### *Part 1 – Introduction*

#### **Scheduling Consideration of Major Policy Decisions**

So far as is reasonably practicable, the Chief Executive Officer should avoid scheduling major policy decisions for consideration during a Caretaker Period, and instead ensure that such decisions are either:

- Considered by the Council prior to the Caretaker Period; or
- Scheduled for determination by the incoming Council.

Where extraordinary circumstances prevail, the Chief Executive Officer may submit a major policy decision to Council.

#### **Decisions Made Prior to a Caretaker Period**

This Policy only applies to actual decisions made during a Caretaker Period, not the announcement of decisions made prior to the Caretaker Period. Whilst announcements of earlier decisions may be made during a Caretaker Period, as far as practicable any such announcements should be made before the Caretaker Period begins.

#### *Part 2 – Implementation of Caretaker Practices*

#### **Role of the Chief Executive Officer in Implementing Caretaker Practices**

The role of the Chief Executive Officer in implementing the caretaker practices outlined in this Policy is as follows:

- ensure as far as possible, that all Councillors and employees are aware of the Caretaker Policy and practices, 30 days prior to the start of the Caretaker Period.
- ensure, as far as possible, that any major policy or significant decisions required by the council are scheduled for Council resolution prior to the Caretaker Period or deferred where appropriate for determination by the incoming Council.
- endeavour to make sure all announcements regarding decisions made by the Council, prior to the Caretaker Period, are publicised prior to the Caretaker Period.

### **Part 3 – Extraordinary circumstances requiring exception**

#### **Extraordinary Circumstances**

The Chief Executive Officer may in extraordinary circumstances permit a matter defined as a “major policy decision” to be submitted to the Council during the Caretaker Period.

#### **Appointment or Removal of the Chief Executive Officer**

While this Policy establishes that the Chief Executive Officer may not be appointed or dismissed during the Caretaker Period, in the case of an emergency, the Council may act to appoint an Acting Chief Executive Officer, or suspend the current Chief Executive Officer (in accordance with the terms and conditions of their contract), pending the election, after which date a permanent decision can be made.

### **Part 4 – Caretaker Statement**

To assist the Council to comply with its commitment to appropriate decision making during the Caretaker Period a Caretaker Statement will be included in every report submitted to the Council where the Council’s decision would, or could, be a Major Policy Decision and state:

*“The decision the Council may make in relation to this item could constitute a “Major Policy Decision” within the context of the Shire of Ngaanyatjarraku Caretaker Policy, however, an exemption should be made because (insert the circumstances for making the exemption).”*

### **Part 5 – Shire Publications**

#### **Prohibition on Publishing Electoral Material**

The Shire shall not print, publish or distribute, or cause, permit or authorise others to print, publish or distribute on behalf of the Shire any advertisement, handbill, pamphlet or notice that contains “electoral material” during the Caretaker Period.

#### **Electoral Material Relevant to Prohibition**

Without limiting the generality of the definition of “electoral material”, material will be considered to be intended or likely to affect voting in the election if it contains an express or implicit reference to or comment on:

- The election; or
- A candidate in the election; or
- An issue submitted to, or otherwise before, the voters in connection with the election.

#### **Candidate and/or Councillor Publications**

Candidates and/or Councillors are permitted to publish campaign material on their own behalf but cannot claim for that material to be originating from or authorised by the Shire, eg: Shire of Ngaanyatjarraku Crest, Branding and/or Logo.

#### **Election Announcement**

This Policy does not prevent publications by the Shire which merely announce the holding of the election or relate only to the election process itself.

#### **Shire Publications**

Any reference to Councillors in the Shire’s publications printed, published or distributed during the Caretaker Period must not include promotional text. Any of the Shire’s publications that are potentially affected by this Policy will be reviewed by the Chief Executive Officer to ensure that any circulated, displayed or otherwise publicly available material during the Caretaker Period does not contain material that may be consumed as “electoral material”.

#### **Shire Website**

During the Caretaker Period the Shire’s website will not contain any material that is precluded by this Policy. Any references to the election will only relate to the election process. Information



about Councillors will be restricted to names, contact details, titles, membership of special committee and other bodies to which they have been appointed to by the Council.

### **Shire Business Cards**

During the Caretaker Period, Councillors shall ensure that their allocated business cards are used only for purposes associated with the normal role of a Councillor in servicing their electorate. Councillor Business Cards shall not be used in a manner that could be perceived as an electoral purpose. It should be noted that this prohibition on the use of the Shire's resources for electoral purposes is not restricted to the Caretaker Period.

### ***Part 6 – Public consultation during the caretaker period***

#### **Prohibition**

It is prohibited under this Policy for public consultation to be undertaken during the Caretaker Period on an issue which is contentious, unless the consultation is a mandatory statutory process or prior approval is given by the Chief Executive Officer.

### ***Part 7 – Attendance and participation at Events / Functions***

#### **Public Events Hosted by External Bodies**

Councillors may continue to attend events and functions hosted by external bodies during the Caretaker Period in accordance with the Shire's 'Attendance at Events' policy.

#### **Shire of Ngaanyatjarraku Organised Civic Events/Functions**

Events and/or functions organised by the Shire and held during the Caretaker Period will be limited to only those that the Chief Executive Officer considers essential to the operation of the Shire, and should not in any way be associated with any issues that in the Chief Executive Officer's opinion, are considered relevant to, or likely to influence the outcome of an election.

During the Caretaker Period, Councillors dinners and lunches should not be scheduled for any sitting Councillor who is re-nominating and/or a Councillor host any events, presentations or appear in any Council promotional material during the Caretaker Period.

In addition, sitting Councillors' photos and email addresses are not to be used during campaign periods.

#### **Addresses by Councillors**

Councillors that are also candidates should not be permitted to make speeches or addresses at events/functions organised or sponsored by the Shire during the Caretaker Period. Councillors may make short welcome speeches to events and functions organised or sponsored by the Shire during the Caretaker Period subject to prior approval of the Chief Executive Officer.

#### **Delegates to Community and Advisory Groups**

Councillors appointed to community groups, advisory groups and other external organisations as representatives of the Shire shall not use their attendance at meetings of such groups to either recruit assistance with electoral campaigning or to promote their personal or other candidate's electoral campaigns.

### ***Part 8 – The use of Shire resources***

Councils' Code of Conduct and the Local Government (Rules of Conduct) Regulations 2007 provide that the Shire's resources are only to be utilised for authorised activities (for example – prohibits the use of employees for personal tasks and prohibits the use of equipment, stationery, or hospitality for non- Council business). This includes the use of resources for electoral purposes. It should be noted that the prohibition on the use of the Shire's resources for electoral purposes is not restricted to the Caretaker Period.

The Shire's employees must not be asked to undertake any tasks connected directly or indirectly with an election campaign and should avoid assisting Councillors in ways that could create a perception that they are being used for electoral purposes. In any circumstances where the use

of Shire resources might be construed as being related to a candidate's election campaign, advice is to be sought from the Chief Executive Officer.

## Part 9 – Access to council information and assistance

### **Councillor Access to Information**

During the Caretaker Period, Councillors are able to access Council information relevant to the performance of their functions as a Councillor in accordance with the 'Communications – Elected Members and Staff' policy.

However, this access to information should be exercised with caution and limited to matters that the Council is dealing with within the objectives and intent of this policy. Any Council information so accessed must not be used for election purposes.

### **Electoral Information and Assistance**

All candidates will have equal rights to access public information, such as the electoral rolls (draft or past rolls) and information relevant to their election campaigns from the Shire administration. Information, briefing material and advice prepared or secured by staff for a Councillor must be necessary to the carrying out of the Councillor's role and must not be related to election issues that might be perceived to be an electoral nature (refer to Part 8 of this policy).

Any assistance and advice provided to candidates as part of the conduct of the local government election will be provided equally to all candidates. The types of assistance that are available will be documented and communicated to candidates in advance. Types of assistance may include advice on manipulation of electoral roll date and interpretation of legislative requirements, amongst other matters.

### **Information Request Register**

An Information Request Register will be maintained by the Chief Executive Officer during the Caretaker Period. The Register will be a public document that records all requests for information made by Councillors and candidates, and the response given to those requests, during the Caretaker Period. Staff will be required to provide details of requests to the Chief Executive Officer for inclusion in the Register.

### **Media Advice**

Any requests for media advice or assistance from Councillors during the Caretaker Period will be referred to the Chief Executive Officer. No media advice will be provided in relation to election issues or in regard to publications that involve specific Councillors. If satisfied that advice sought by a Councillor during the Caretaker Period does not relate to the election or publication involving any specific Councillor(s), the Chief Executive Officer may authorise the provision of a response to such a request.

### **Publication Campaigns**

During the Caretaker Period, publication campaigns, other than for the purpose of conducting (and promoting) the election will be avoided wherever possible. Where a publication campaign is deemed necessary for a Shire activity, it must be approved by the Chief Executive Officer. In any event, the Shire's publicity during the Caretaker Period will be restricted to communicating normal Shire activities and initiatives.

### **Media Attention**

Councillors will not use their position as an elected representative or their access to Shire staff or resources to gain media attention in support of their or any other candidate's election campaign.

### **Shire of Ngaanyatjarraku Employees**

During the Caretaker Period no Shire employee may make any public statement that relates to an election issue unless the statements have been approved by the Chief Executive Officer.

## **Election Process Enquiries**

All election process enquiries from candidates, whether current Councillors or not, will be directed to the Returning Officer or, where the matter is outside of the responsibilities of the Returning Officer, to the Chief Executive Officer.

## **Definitions**

“Caretaker Period” means the period of time when the close of nominations being 37 days prior to the Election Day in accordance with Section 4.49 (a) of the Local Government Act 1995, until 6pm on Election Day.

“Election Day” means the day fixed under the Local Government Act 1995 for the holding of any election.

“Electoral Material” means any advertisement, handbill, pamphlet, notice, letter, article or online social networks that is intended or calculated to aid candidate in an election.

“Events and Functions” means gatherings of internal and external stakeholders to discuss, review, acknowledge, communicate, celebrate or promote a program, strategy or issue which is of relevance to the Shire and its stakeholders and may take the form of conferences, workshops, forums, launches, promotional activities, social occasions such as dinners and receptions.

“Extraordinary Circumstances” means a situation that requires a major policy decision of the council in the event;

- in the Chief Executive Officer’s opinion, the urgency of the issue is such that it cannot wait until after the election;
- of the possibility of legal and/or financial repercussions if a decision is deferred; or
- in the Chief Executive Officer’s opinion, it is the best interests of the Council and/or the Shire of Ngaanyatjaraku for the decision to be made as soon as possible.

“Major Policy Decision” means any:

- Decisions relating to the improvement, termination or remuneration of the Chief Executive Officer or any other designated senior employee, other than a decision to appoint an Acting Chief Executive Officer, or suspend the current Chief Executive Officer (in accordance with the terms and conditions of their contract), pending the election.
- Decisions relating to the Shire entering into a sponsorship arrangement with a total Shire contribution that would constitute substantial expenditure unless that sponsorship arrangement has previously been granted “in principle” support by the Council and sufficient funds have been included in the Council’s annual budget to support the project.
- Irrevocable decisions that commit the Shire to substantial expenditure or significant actions, such as that which might be brought about through a Notice of Motion by a Councillor.
- Irrevocable decisions that will have a significant impact on the Shire of Ngaanyatjaraku or the community.
- Reports requested or initiated by a Councillor, candidate or member of the public that, in the opinion of the Chief Executive Officer could, be perceived within the general community as an electoral issue and has the potential to call into question whether decisions are soundly based and in the best interests of the community.

“Public Consultation” means a process which involves an invitation to individuals, groups or organisations or the community generally to comment on an issue, proposed action or proposed policy.

“Substantial Expenditure” means expenditure that exceeds 1% of the Shire’s annual budgeted expenditure (exclusive GST) in the relevant financial year.

## **Amendments to this Policy**

Amendments to this policy require a simple majority decision of council.

**History:**

Policy reviewed: 24 June 2020

Policy amended: 24 June 2020

**Previous Policy:**

Policy adopted: Unknown

Policy no. 1.16

## 1.17 Use of Common Seal

### Policy Objective

To establish protocols for the affixing of the Shire's Common Seal in accordance with Section 9.49A *Local Government Act 1995*.

### Policy Statement

#### 1. Documents requiring the Common Seal may include, but shall not be limited to:

- a) Sale of Shire owned land for which a Council resolution is required expressly stating that the final document is signed and sealed and the transaction finalised.
- b) Legal Agreements
- c) Contractual Agreement
- d) A Town Planning Scheme and any Town Planning Scheme Amendments;
- e) Documents relating to land matters including the lodgement of caveats, memorials, leases, transfers, deeds, licences, covenants, easements and withdrawal of instruments;
- f) Local Laws
- g) Service Agreements
- h) New Funding or Contracts of Agreement between the shire and State or Commonwealth Governments for programs to which the Shire has previously adopted, or additions to existing programs, which in the view of the Chief Executive Officer are in accordance with the original intent of the Shire endorsed program; and
- i) Any other documents stating that the Commons Seal of the Shire is to be affixed.
- j) The following documentation unless otherwise specified or expressly stated by Council resolution that the final document be signed and sealed and the transaction finalised, generally do not require affixation of the common seal:
  - k) Withdrawal of caveats;
  - l) Purchase of land by the Shire;
  - m) Sale of Shire owned land;
  - n) Subdivision of Shire owned land

#### 2. Authorised Signatures

The President and Chief Executive Officer are authorised to affix and sign all documents to be executed under the common seal; however, in the absence of the President and/or the Chief Executive Officer, as the case may be, the Deputy President and the Acting Chief Executive Officer are authorised to affix the common seal.

#### 3. Witnessing of Signature

The common seal may only be affixed in the presence of both the President and the Chief Executive Officer (or the Deputy President and/or the Acting Chief Executive Officer, as the case may be), each of whom is to sign the document to attest that the common seal was so affixed.

#### 4. Register to be Maintained

Details of all transactions where the common seal has been affixed shall be recorded in a register, with such register to record each date on which the common seal was affixed to a document, the nature of the said document, and the parties to any agreement to which the common seal was affixed.

The register is to record each transaction with an identifying number that is to be recorded against the common seal as it is affixed.

#### 5. Reporting to Council

Council will receive a copy of details from the register of all Common Seals affixed for the previous month at the first Ordinary Council Meeting of each month.

**Definitions**

Shire: Shire of Ngaanyatjaraku

CEO: Chief Executive Officer

**Amendments to this Policy**

Amendments to this policy require a simple majority decision of council.

**History:**

Policy reviewed: 24 June 2020

Policy amended: 24 June 2020

**Previous Policy:**

Policy adopted: unknown

Policy No. 1.18

## **1.18 Citizenship Ceremony, Dress Code**

### **Policy Objective**

To meet the requirements of the Australian Citizenship Ceremonies Code which states that every local council should have a Dress Code for its citizenship ceremonies.

### **Policy Statement**

On the occasion of becoming an Australian Citizen at a Shire of Ngaanyatjarraku citizenship ceremony all citizenship ceremony attendees should wear smart casual attire as appropriate for the local community.

### **Amendments to this Policy**

Amendments to this policy require a simple majority decision of council.

### **History:**

Policy reviewed: 24 June 2020

Policy amended: N/A

### **Previous Policy:**

Policy adopted: unknown

Policy No. 1.19

## **1.19 Shire Logo**

### **Policy Objective**

To provide a statement for use of the Shire Logo.

### **Policy Statement**

The Shire Logo has been registered for the exclusive use by the Shire and cannot be used by any other organisation without the approval of the Chief Executive Officer or Deputy Chief Executive Officer.

A disclaimer to this effect to be maintained on the Shire's website.

### **Amendments to this Policy**

Amendments to this policy require a simple majority decision of council.

### **History:**

Policy reviewed: 24 June 2020

Policy amended: 24 June 2020

### **Previous Policy:**

Policy adopted: unknown

Policy No. 2.1



## 1.20 Information Technology Systems & Internet Usage

### Policy Objective

To provide procedures and guidelines for users of various Shire IT systems to operate at optimum level, including:

- Elected members;
- Contractors/Sub-Contractors engaged by the Shire;
- Visitors and/or persons conducting business on Shire premises;
- Volunteers conducting activities approved by the Shire; and
- Committees of the Shire.

### Policy

All IT / Internet use will be compliant with relevant legislation, licensing and standards. Users should be aware that they are bound by the Shire's policies and the Code of Conduct, which has provisions for the proper use of official information, equipment and facilities. This extends to ensuring that IT resources are used in a responsible and accountable manner that ensures the efficient, effective and acceptable use.

This Policy will allow staff to maximise the benefits to be gained from the computer systems for staff, other users and the Shire. This Policy applies to all IT systems and associated equipment operated and available at the Shire.

The Chief Executive Officer will be responsible for the development of a IT Systems / Internet Usage Procedure to inform staff what their responsibilities are in using Shire computer equipment and services. Communications form part of records and are to be maintained in accordance with record keeping policy.

### Amendments to this Policy

Amendments to this policy require a simple majority decision of council.

### History:

Policy reviewed: 24 June 2020

Policy amended: 24 June 2020

### Previous Policy:

Policy adopted: unknown

Policy No. 2.10

## 1.21 Records Management

### Policy Objective

To control and manage government records within a records management and record keeping framework that complies with legislative, accountability and best practice requirements.

### Policy Statement

The Shire is committed to making and keeping full and accurate records of its business transactions and official activities. Records created and received by Shire personnel and contractors, irrespective of format, are to be managed in accordance with the Shires Record Keeping Plan and Records Management Policy and Procedure Manual. Records will not be destroyed except by reference to the State Records Office's General Disposal Schedule for Local Government Records.

### Guidelines

It is the responsibility of all staff to ensure that the business, operational and corporate activities of the Shire are appropriately documented and that records are created and maintained in fulfilment of legislative requirements;

All significant records, irrespective of format, are to be registered, classified and captured into the Shires official record keeping systems. All correspondence should be attached to a corporate file.

The Shire is responsible for the security and protection of all records created or captured as part of the Shire's day to day operations. All Shire staff and contractors have a responsibility to apply appropriate security and protection measures to all records created or received when carrying out the Shire's business;

Access to the Shire records by staff and contractors will be in accordance with designated access and security classifications.

Access to the Shire's records by the general public will be in accordance with the *Freedom of Information Act 1992*.

Access to the Shire's records by Elected Members will be through the Chief Executive Officer in accordance with the *Local Government Act 1995*.

Records will only be destroyed or otherwise disposed of by reference to the General Disposal Authority for Local Government Records issued by the State Records Office, and following authorisation from the Section Manager and the Chief Executive Officer. Records identified as a State Archive should be transferred to the State Records Office in accordance with the requirements of the General Disposal Authority for Local Government Records.

### Amendments to this Policy

Amendments to this policy require a simple majority decision of council.

### History:

Policy reviewed: 24 June 2020

Policy amended: N/A

### Previous Policy:

Policy adopted: unknown

Policy No. 2.12

## 1.22 Fraud Control

### Policy Objective

This policy is designed to protect public funds and assets, protect the integrity, security and reputation of the Shire and maintain a high level of services to the community.

The Shire is committed to the elimination of fraud against the Shire, timely detection of suspected or actual fraud incident and records of fraud related losses.

Fraud is not restricted to monetary benefits. For the purpose of this policy, fraud against the Shire is described as the dishonest misuse of Shire resources or using one's position and power for personal gain.

Fraud prevention is the protection of Shire's assets from fraudulent exploitation.

### Policy Statement

The Shire is committed to fostering an environment that discourages fraud and encourages fraud prevention. Fraud prevention is concerned ultimately with the effective internal control, utilisation of resources and the minimization of waste, mismanagement and fraud. The Shire is committed to preventing fraud at its origin. Fraud flourishes in an environment where there are insufficient controls to prevent waste, abuse and mismanagement. The Shire believes that an emphasis on fraud prevention rather than fraud investigation will lead to a reduction of these opportunities for waste, abuse and mismanagement.

To this end, the Shire is committed to the following strategy:

- visible, evidenced and accountable decision making by the Shire and staff,
- the promotion of its fraud prevention principles in the Shire and community to ensure that there is awareness that Shire will not tolerate fraudulent acts against the Shire by staff, volunteers, contractors, suppliers or members of the public,
- the Chief Executive Officer developing and implementing fraud management strategies to cultivate a culture of fraud prevention among staff within the Shire,
- encouraging the reporting of instances of fraud and corruption within the Shire, by internal and external parties;
- maintaining policies that promote ethical conduct by Councillors, staff and those who deal with the Shire; and
- maintaining an effective internal control framework that prevents, detects and responds to suspected or actual fraud incidents.

### Amendments to this Policy

Amendments to this policy require a simple majority decision of council.

### History:

Policy reviewed: 24 June 2020

Policy amended: 24 June 2020

### Previous Policy:

Policy adopted: unknown

Policy No. 2.18

## 1.23 Dwelling Smoke Detectors

### Policy Objective

The guide the process and conditions under which the Shire will approve the use of ten (10) year battery life, tamperproof smoke detectors in accordance Regulations 60 and 61 of the Building Regulations 2012

### Policy Statement

The Shire is committed to ensuring that safety measures, including smoke detectors, in dwellings within the Shire, meet statutory requirements and are regularly inspected by appropriate authorities to ensure they are operational at all times.

The Shire will approve the use of ten (10) year battery life, tamperproof smoke detectors in dwellings within the communities of the Shire of Ngaanyatjarraku, in accordance with Regulations 60 and 61 of the Building Regulations 2012, subject to the following conditions;

- All applications for approval are to be on an individual dwelling basis with submission of an application form, a floor plan of the dwelling showing the location of the smoke detector/s and be accompanied by the approved fee;
- All installations of ten (10) year battery life, tamperproof smoke detectors are to comply with the requirements of the Building Act 2011, the Building Regulations 2012 and the National Construction Code and relevant standards, as to the extent that they apply;
- Where more than one smoke detector is required within a dwelling the units are to be interconnected; and
- The Housing Authority maintaining processes and procedures to ensure that the smoke detectors in every dwelling are regularly tested and that records of inspection, testing, repairs and/or replacement of smoke detectors are to be made available to the Shire upon request.

### Definitions

**“10 year battery life”** means a battery that is capable of powering a smoke alarm for at least 10 years without the alarm indicating the battery power is low;

**“dwelling”** means —

- a. Class 1 building; or
- b. a unit in a Class 2 building; or
- c. a Class 4 dwelling.

### Amendments to this Policy

Amendments to this policy require a simple majority decision of council.

### History:

Policy reviewed: 24 June 2020

Policy amended: N/A

### Previous Policy:

Policy adopted: unknown

Policy No. 3.5

## **2 FINANCE**

### **2.1 Purchasing Policy**

#### **Policy Objective**

The Shire's purchasing activities seek to achieve:

- The attainment of best value for money;
- Sustainable benefits, such as environmental, social and local economic factors being considered in the overall value for money assessment;
- Consistent, efficient and accountable processes and decision-making;
- Fair and equitable competitive processes engaging potential suppliers impartially, honestly and consistently;
- Probity and integrity, including the avoidance of bias and of perceived or actual conflicts of interest;
- Compliance with the *Local Government Act 1995*, accompanying regulations as well as any relevant legislation, and the Shire's Policies and procedures;
- The identification and management of risks within the Shire's Risk Management strategy; and
- The creation and maintenance of records to evidence purchasing activities in accordance with the *State Records Act 2000* and the Shire's Record Keeping Plan.

#### **Policy Statement**

The Shire is committed to delivering the objectives, principles and practices outlined in this Policy, when purchasing goods, services or works to achieve the Shire's strategic and operational objectives. This policy complies with the *Local Government Act 1995* and accompanying regulations.

#### **1. Ethics & Integrity**

The Shire's Code of Conduct applies when undertaking purchasing activities and decision making. Elected Members and employees must observe the highest standards of ethics and integrity and act in an honest and professional manner at all times.

In order to ensure the selection process is fair and objective for all procurement requests, the Shire shall observe the highest standards of integrity through alignment to principles associated with good governance. This will be achieved by ensuring that:

- Processes, procedures and documentation demonstrate fairness, openness and accountability;
- Actual or perceived conflicts of interest are identified, disclosed and dealt with according to the principles of good governance;
- Recommendations are made and decision-making is undertaken in a manner that is transparent, free from bias and fully documented; and
- 'Commercial-In-Confidence' information provided by suppliers shall be treated in confidence, unless authorised for publication by the respondent or relevant legislation.

## **2. Value for Money**

Value for money is achieved through the evaluation of price, risk, timeliness, environmental, social, economic and qualitative factors to determine the most advantageous supply outcome that contributes to the Shire achieving its strategic and operational objectives.

The Shire will apply value for money principles when assessing purchasing decisions and acknowledges the lowest price may not always be the most advantageous. Other factors including qualitative and risk criteria will also be given consideration into the decision.

### **2.1 Assessing Value for Money**

Assessment of value for money will consider:

- All relevant costs and benefits including transaction costs associated with acquisition, delivery, distribution, as well as other costs such as but not limited to holding costs, consumables, deployment, training, maintenance and disposal;
- The technical merits of the goods or services being offered in terms of compliance with specifications, contractual terms and conditions and any relevant methods of assuring quality. This includes but is not limited to an assessment of compliances, tenderers resources available, capacity and capability, value-adds offered, warranties, guarantees, repair and replacement policies, ease of inspection, ease of after sales service, ease of communications etc.
- Financial viability and capacity to supply without the risk of default (competency of the prospective suppliers in terms of managerial and technical capabilities and compliance history);
- A strong element of competition by seeking a sufficient number of competitive quotations wherever practicable and consistent with this Policy;
- The safety requirements and standards associated with both the product design and the specification offered by suppliers and the evaluation of risk arising from the supply, operation and maintenance;
- The environmental, economic and social benefits or impacts arising from the goods, services or works required, including consideration of these benefits or impacts in regard to the supplier's operations, in accordance with this Policy and any other relevant Shire Policy; and
- Providing opportunities for businesses within the Shire's boundaries to quote wherever possible.

## **3. Purchasing Thresholds and Practices**

The Shire must comply with all regulatory requirements, including purchasing thresholds and processes, as prescribed by this Policy and associated purchasing procedures in effect at the Shire.

### **3.1 Purchasing Value Definition**

Determining purchasing value is to be based on the following considerations:

- Inclusive of claimable GST (note: GST cannot be claimed on certain purchases); and
- The actual or expected value of a contract over the full contract period, including all options to extend.

The calculated estimated Purchasing Value will be used to determine the applicable threshold and purchasing practice to be undertaken.

### **3.2 Purchasing from Existing Contracts**

The Shire will ensure any goods, services or works required where they are within the scope of an existing contract will be purchased under the existing contract.

### 3.3 Table of Purchasing Thresholds and Practices

This table prescribes Purchasing Value Thresholds and the applicable purchasing practices which apply to the Shire's purchasing activities:

Purchase Value Threshold (inc GST)	Purchasing Practice Required
\$0 - \$4,999	<p><b>Request</b> No quotation required for minor / incidental expenses.</p> <p><b>Evaluate</b> N/A.</p>
\$5,000 - \$7,000	<p><b>Request</b> At least one (1) verbal or written quotation is to be sought (record of requests for and provision of verbal or written quote to be maintained).</p> <p><b>Evaluate</b> The rationale for the procurement decision should be documented, recorded and attached to the purchase order.</p>
\$7,000 - \$24,999*	<p><b>Request</b> At least two (2) written quotations are to be sought (record of request for and provision of written quotes to be maintained). If purchasing from a WALGA PSA, CUA or other tender exempt arrangement, a minimum of one (1) written quotation is to be obtained.</p> <p><b>Evaluate</b> The purchasing decision is to be based upon assessment of the supplier's response to:</p> <ul style="list-style-type: none"> <li>• a brief outline of the specified requirement for the goods; services or works required; and</li> <li>• value for money criteria, not necessarily the lowest price.</li> </ul> <p>The rationale for the procurement decision should be documented, recorded and attached to the purchase order.</p>
\$25,000 - \$99,999*	<p><b>Request</b> At least three (3) written quotations are to be sought by invitation under a formal Request for Quotation, except if purchasing from a WALGA PSA, CUA or other tender exempt arrangement, where a minimum of one (1) written quotation is to be obtained.</p> <p><b>Evaluate</b> The purchasing decision is to be based upon assessment of the supplier's response to:</p> <ul style="list-style-type: none"> <li>• a brief outline of the specified requirement for the goods, services or works required; and</li> <li>• value for money criteria, not necessarily the lowest price.</li> </ul> <p>The procurement decision is to be documented in accordance with management approved operational procedures.</p>

Purchase Value Threshold (inc GST)	Purchasing Practice Required
\$100,000 - \$249,999*	<p><b>Request</b> At least three (3) written quotations are to be sought by invitation under a formal Request for Quotation, except if purchasing from a WALGA PSA, CUA or other tender exempt arrangement, where a minimum of one (1) written quotation is to be obtained.</p> <p><b>Evaluate</b> The purchasing decision is to be based upon assessment of the supplier's response to:</p> <ul style="list-style-type: none"> <li>• a detailed written specification for the goods, services or works required and</li> <li>• pre-determined evaluation criteria that assess all best and sustainable value considerations.</li> </ul> <p>The procurement decision is to be documented in accordance with management approved operational procedures.</p>
\$250,000 or greater	<p><b>Request</b> At least three (3) written quotations from suppliers where a tender exemption exists; or Conduct a public Request for Tender process (including Expression of Interest where applicable) in accordance with the <i>Local Government Act 1995, Local Government (Functions and General) Regulations 1996</i> and relevant Shire Policy requirements.</p> <p><b>Evaluate</b> The purchasing decision is to be based upon the supplier's response to:</p> <ul style="list-style-type: none"> <li>• a specification of the goods, services or works (for a tender exempt process including the WALGA Preferred Supplier Arrangement); or a detailed specification for the open tender process; and</li> <li>• pre-determined evaluation criteria that assess all best and sustainable value considerations.</li> </ul> <p>The procurement decision is to be documented in accordance with management approved operational procedures.</p> <p><b>Contract</b> Contracts entered into are to be managed in accordance with relevant management approved operational procedures.</p>
Emergency Purchases	<p>Section 6.8 of the <i>Local Government Act 1995</i> provides guidance for emergency purchases and reporting requirements. Where the Shire has an established Panel of Pre-Qualified Suppliers relevant to the required purchasing category, the emergency supply must be obtained from the Panel suppliers. If however, no member of the Panel of Pre-qualified Suppliers, then the supply may be obtained from any supplier capable of providing the emergency purchasing requirement, and to the extent that it is reasonable in the context of the emergency requirements, with due regard to best and sustainable value considerations.</p>

\*Quotation requests between the value of \$7,000 and \$250,000 can be obtained from:

- a Panel of Pre-Qualified Suppliers administered by the Shire where one exists; or
- from reputable persons or businesses who normally supply the goods or services being purchased; or
- From State Government Common Use Arrangements (CUAs), directly through their online procurement portals.



### **3.4 Inviting Tenders Under the Tender Threshold**

The Shire may determine to invite public tenders, despite the estimated Purchase Value being less than the \$250,000 threshold. This decision will be made after considering:

- any value for money benefits, timeliness, risks; and
- compliance requirements.

A decision to invite tenders, though not required to do so, may occur where an assessment has been undertaken and there is benefit from conducting a publicly accountable and more rigorous process. In such cases, relevant regulations contained within the *Local Government (Functions and General) Regulations 1996* and the Shire's tendering procedures must be followed in full.

### **3.5 Expressions of Interest**

Expressions of Interest (EOI) are typically considered in situations where the project is of a significant value, or contains complex deliverables that may solicit responses from a considerable range of industry providers.

In these cases, the Shire may consider conducting an EOI process, preliminary to any Request for Tender process, where the purchasing requirement is:

- Unable to be sufficiently scoped or specified;
- Open to multiple options for how the purchasing requirement may be obtained, specified, created or delivered;
- Subject to a creative element; or
- To establish a procurement methodology that allows for an assessment of a significant number of tenderers leading to a shortlisting process based on a non-price assessment.

All EOI processes are conducted as a public process and similar rules to a Request for Tender apply. However, the EOI should not seek price information from respondents, only qualitative and other non-price information should be sought. All EOI processes should be subsequently followed by a Request for Tender through an invited process of those shortlisted under the EOI.

### **3.6 Anti-Avoidance**

The Shire will not conduct multiple purchasing activities with the intent (inadvertent or otherwise) of splitting the purchase value or the contract value, avoiding a particular purchasing threshold or the need to call a public tender. This includes the creation of two or more contracts or creating multiple purchase order transactions of a similar nature.

Utilising rolling contract extensions at the end of a contract term, unless included within the original contract, without properly testing the market or using a tender exempt arrangement, will not be accepted as this would place the Shire in breach of the *Local Government (Functions and General) Regulations 1996* (Regulation 12). All contract extension provisions are to be for a defined term, and the value of the entire contract including extensions is to be utilised when calculating the total contract value for assessment against purchasing thresholds.

Where budgeted purchases of any service goods or works exceeds a purchasing threshold, justification for not including the total budgeted purchases in one purchase is required to be documented. For example, given the Shires remote location, transport & delivery costs should be considered when making the purchase decision.

## **4. Purchasing Exemptions**

### **4.1 Competitive Purchasing Exemptions Under \$250,000**

The following exemptions where the Shire is not required to undertake a competitive purchasing process (as detailed in section 3.3 of this Policy) and where the total value of the purchase does not exceed \$250,000 (inc of GST) include;

- Services / Memberships of WALGA, GVROC, MRWA, OHDC, NGWG, and LGIS;
- Aboriginal Corporations registered on the Aboriginal Business Directory WA published by the Small Business Development Corporation;
- Where for various reasons it is considered in the best interest of the Shire to undertake procurement activities which are not provided for by this policy, an officer may:
  - Recommend to the CEO reasons to undertake unique or urgent expenditure up to a value of \$10,000;
  - CEO to evaluate the recommendation of unique and urgent expenditure for approval or refusal;
  - Copy of any approval to be attached to the purchase order.
- Advertising – Newspaper (for example: Tenders in The West Australian, Kalgoorlie Miner);
- Advertising – State Government Gazette (for example: Local Laws, Planning Notices);
- Annual Memberships / Subscriptions;
- Annual Service / Software Maintenance / Support Fees;
- Fuels and oils;
- Provision of utility services (where only sole provider); and
- Purchases for maintenance of equipment from Original Equipment Manufacturer (OEMs) and where warranty provisions may be void.

## 4.2 Public Tender Exemptions

An exemption from the requirement to publicly invite tenders may only apply when the legislation permits an exemption. The requirements at section 3.3 of this Policy still prevail except for emergency purchases and the purchase of fuel.

## 4.3 Emergency Purchases

An emergency purchase is defined as an unanticipated purchase which is required in response to an emergency situation as provided for in section 6.8 of the *Local Government Act 1995*. In such instances, quotes and tenders are not required to be obtained prior to the purchase being undertaken.

Time constraints are not a justification for an emergency purchase. Every effort must be made to anticipate purchases in advance and to allow sufficient time to obtain quotes and tenders, whichever may apply.

## 4.4 Sole Source of Supply

A sole source of supply arrangement may only be approved under delegation where the:

Purchasing value is estimated to be over \$7,000;

- Purchasing requirement has been documented and approved by the CEO;
- Specification has been extensively market tested and only one potential supplier has been identified as being capable of meeting the specified purchase requirement; and
- Market testing process and outcomes of supplier assessments have been documented, inclusive of a rationale for why the supply is determined as unique and cannot be sourced from more than one supplier.

A sole source of supply arrangement will only be approved for a period not exceeding three (3) years. For any continuing purchasing requirement, the approval must be re-assessed before expiry to evidence that a sole source of supply still genuinely exists.

Where the anticipated value exceeds \$250,000, an EOI must be completed, ensuring compliance with sections 21-24 of the *Local Government (Functions and General) Regulations 1996*. The processes in line with inviting public tenders are to be adhered to.

## 5. Sustainable Procurement

The Shire is committed to implementing sustainable procurement by providing a preference to suppliers demonstrating sustainable business practices (social advancement, environmental protection and local economic benefits).

The Shire will embrace sustainable procurement by applying the value for money assessment to ensure that wherever possible suppliers demonstrate outcomes which contribute to improved environmental, social and local economic outcomes. Sustainable procurement can be demonstrated as being internally focussed (i.e. operational environmental efficiencies or employment opportunities and benefits relating to special needs), or externally focussed (i.e. initiatives such as corporate philanthropy).

It is recommended that requests for quotation and tenders will include a request for information from suppliers regarding their sustainable practices and/or demonstrate that their product or service offers enhanced sustainable benefits.

## **6. Local Economic Benefit**

The Shire encourages the development of competitive local businesses within its boundary first, and second within its broader region. Procurement is to be open and fair to ensure that local businesses are provided with every opportunity to bid for work. It is recognised that not every category of goods, services or works required by the Shire are able to be supplied by local businesses. As much as practicable, the Shire will:

- where appropriate, consider buying practices, procedures and specifications that do not unfairly disadvantage local businesses;
- consider indirect benefits with flow on benefits for local suppliers (i.e. servicing and support); and
- ensure procurement plans address local business capability and local content.
- explore the capability of local businesses to meet requirements including requests for tenders designed to accommodate the capabilities of local businesses;
- avoid bias in the design and specifications for tenders whereby all requests are structured to encourage local businesses to bid; and
- provide adequate and consistent information to local suppliers.

## **7. Panels of Pre-Qualified Suppliers**

### **7.1 Objectives**

The Shire may consider creating a Panel of Pre-qualified Suppliers ("Panel") when a range of similar goods and services are required to be purchased on a continuing and regular basis and it is advantageous to use multiple suppliers. Prior to establishing a Panel, the regulations require a policy to be prepared in accordance with the regulations (see Policy xx). The regulations also set out the process to establish a Panel.

## **8. Payment Methods**

A purchase order must be raised and provided to the supplier, prior to goods and services being supplied. A commitment to buy without a purchase order may represent unauthorised expenditure. Departures from this requirement will be subject to section 10 of this Policy.

Where the Shire holds an account with a supplier, a purchase order should be issued in the first instance and the suppliers invoice must state the purchase order number. If the supplier does not accept purchase orders the following payment methods may be used in limited circumstances once a purchase order has been authorised:

- corporate credit card (the requirements of relevant Business Operating Procedure apply);  
or

- petty cash up to the value of \$100 (including GST); or
- request for payment (must provide detailed justification for why a purchase order was not completed prior to completion of works);
- reimbursements (N.B. these should be avoided as far as possible).

The use of blank purchase orders is prohibited.

## **9. Contract Variations**

### **9.1 Pre-contract variations – above \$250,000**

Pre-contract variations are permitted pursuant to regulation 20 of the *Local Government (Functions and General) Regulations 1996*. If after a Tender has been publicly advertised and a preferred tenderer has been chosen, but before the Shire and tenderer have entered into a contract, a minor variation may be made by the Shire. A minor variation will not alter the nature of the goods or services, nor will it materially alter the specification provided for by the initial Tender.

In the event the chosen tenderer is unable or unwilling to enter into a contract that contains a minor variation, or if the tenderer and the Shire are unable to agree on any other variation to be included in the contract as a result of the minor variation, then that tenderer ceases to be the preferred tenderer. The Shire may then choose the tenderer who submitted the next most advantageous submission.

A minor variation must be authorised by the Chief Executive Officer prior to the commencement of any negotiation in accordance with the relevant delegation.

### **9.2 Post-contract variations – above \$250,000**

Post contract variations may only occur when in accordance with legislation and authorised by the Chief Executive Officer. A report detailing any authorised post contract variations is to be prepared and reported to the next available Council meeting.

### **9.3 Contract or purchase variations – purchases other than tenders**

Where the Shire has issued a purchase order for the procurement of goods or services not awarded by tender, a minor variation which does not alter the nature of the goods or services, or materially alter the specification provided, may be considered. Where a variation to a purchase is proposed, the following considerations are to be documented, applied and approved by an officer with the appropriate level of purchasing authority:

- The result of the variation plus the original purchase/contract value is not to exceed the original purchasing threshold as defined in section 3.3 of this Policy. If the value of the proposed variation and the original contract/purchase value does exceed the original purchasing threshold, the purchasing requirements and authorisation of that higher purchasing threshold must be complied with for the variation; or
- The variation is necessary for the goods or services to be supplied and only results in a minor change to the scope of the contract/purchase.

### **9.4 Contract extensions**

Contract extensions with a defined end date where provided for within the original contract are permitted. Contracts with extension provisions for an undefined period are not permitted. Contract extension options within a proposal are to be considered as part of the overall contract when assessing proposals.

Where a contract extension within an existing contract is to be exercised, the following considerations are to be documented, applied and approved by an officer with the appropriate level of purchasing authority for the contract as a whole:

- Performance from existing contract/s are to be assessed and documented in accordance with relevant approved operating procedures, prior to expiry of original contract; and
- Extensions are to be approved prior to the expiry of the original contract in accordance with relevant approved operating procedures and may not be granted after a contract has expired.

## **10. Purchasing Policy Non-Compliance**

The Shire shall implement processes to facilitate this Policy and associated management procedures, and will implement processes to report departures, non-compliance and/or exceptions.

Purchasing activities are subject to financial and performance audits, which review compliance with legislative requirements and also compliance with the Shire's policies and procedures.

A failure to comply with the requirements of this policy will be subject to investigation. Findings will be considered in context of the Shire's Code of Conduct and reasonable expectations for the officer's performance of their role. Where a breach is substantiated it may be treated as:

- an opportunity for additional training to be provided;
- a disciplinary matter, which may or may not be subject to reporting requirements under the *Public Sector Management Act 1994*;
- misconduct in accordance with the *Corruption, Crime and Misconduct Act 2003*.

## **11. Record Keeping**

All purchasing activity, communications and transactions must be evidenced and retained as local government records in accordance with the *State Records Act 2000* and the Shire's Record Keeping Plan.

### **Amendments to this Policy**

Amendments to this policy require a simple majority decision of council.

### **History:**

Policy reviewed: 24 June 2020

Policy amended: 25 August 2021

### **Previous Policy:**

Policy adopted: unknown

Policy No. 2.6

## **2.1 Financial Governance**

### **Policy Objective**

To establish prudent, transparent, accountable and equitable financial management and governance principles to be applied to general financial decision making.

### **Policy Statement**

#### **Background**

This financial governance policy should be read in conjunction with other financial management policies, which contains the local government's overarching financial objectives.

#### **Definitions**

Intergenerational equity: the equitable allocation of responsibility for funding the provision and maintenance of assets and facilities throughout their useful life.

#### **General Principles**

The Shire will make decisions in relation to financial management and financial governance that encompass the following principles:

- Management of financial risk prudently, having regard to economic circumstances.
- Examples of financial risks to be managed prudently include the level of council debt, commercial activities, community business activities, financial assets and liabilities.
- Implement spending and rating policies to promote stability and predictability.
- Fund physical assets with regard to intergenerational equity.
- Manage and maintain physical assets to achieve the maximum useful life from the initial investment.
- Ensure full, accurate and timely disclosure of financial information, unless commercial in confidence.

#### **Operating results**

The Council will structure its budget to achieve an outcome where operating revenue (less capital contributions) is at least sufficient to meet operating expenses. The extent of any operating surplus will be dependent on the resources necessary to manage the renewal of assets (including infrastructure assets and business activity assets) and considering intergenerational equity issues.

#### **Cash Reserves**

Cash reserves are to be established and maintained in accordance with policy 2.10 'Cash Reserves'.

#### **Borrowing**

Borrowing will be undertaken in accordance with the Shire's borrowing management policy.

#### **Regulatory Role**

Where the Shire operates in a competitive environment while providing a regulatory or statutory role in that environment it will maintain a management structure designed to minimise the potential for conflict between these two roles and encourage transparency to maintain confidence in its regulatory independence.

#### **Amendments to this Policy**

Amendments to this policy require a simple majority decision of council.

**History:**

Policy adopted: 24 June 2020

Policy reviewed XXX

Policy amended XXXX

**Previous Policy:**

Policy No. N/A



## 2.2 Panels of Pre-Qualified Suppliers

### Policy Objective

The Shire may consider establishing a panel of prequalified suppliers (Panel) where a range of similar goods and services are required to be purchased on a continuing and regular basis and it is advantageous to use more than one supplier over time.

### Policy Statement

In accordance with Regulation 24AC of the *Local Government (Functions and General) Regulations 1996*, a Panel of Pre-qualified Suppliers ("Panel") may be created where most of the following factors apply:

- the Shire determines that a range of similar goods and services are required to be purchased on a continuing and regular basis;
- there are numerous potential suppliers in the local and regional procurement related market sector(s) that satisfy the test of 'value for money';
- the purchasing activity under the intended Panel is assessed as being of a low to medium risk;
- the panel will streamline and will improve procurement processes; and
- the Shire has the capability to establish, manage the risks and achieve the benefits expected of the proposed Panel through a documented management process.

The Shire will endeavour to ensure that Panels will not be created unless most of the above factors are firmly and quantifiably established.

### ***Establishing and Managing a Panel of Pre-Qualified Suppliers***

Should the Shire determine a Panel is beneficial to be created, it must do so in accordance with Part 4, Division 3 of the *Local Government (Functions and General) Regulations 1996*.

Panels may be established for one supply requirement or a number of similar supply requirements under defined categories within the Panel. This will be undertaken through a procurement process advertised via statewide public notice.

Panels may be established for a minimum of two (2) years and for a maximum length of time deemed appropriate by the Shire. The length of time of a local panel is to be determined by the CEO.

Evaluation criteria must be determined and communicated in the application process by which applications will be assessed and accepted.

In each invitation to apply to become a pre-qualified supplier (through a procurement process advertised through a state-wide notice), the Shire must state the expected number of suppliers it intends to put on the panel.

Should a Panel member leave the Panel, they may be replaced by the next ranked Panel member who met or exceeded the requirements determined in the value for money assessment. If the supplier agrees to do so, this intention is to be disclosed in the detailed information set out in the Regulations when establishing the Panel.

A Panel contract arrangement will be managed to ensure that the performance of the Panel Contract and the Panel members under the contract are monitored. This will ensure that risks are managed and expected benefits are achieved. A Contract Management Plan will be established outlining the requirements for the Panel Contract and how it will be managed.

### ***Distributing Work Amongst Panel Members***

To satisfy Regulation 24AD (5) of the Regulations, when establishing a Panel of pre-qualified suppliers, the detailed information associated with each invitation to apply to join the Panel must either prescribe whether the Shire intends to:

- i) obtain quotations from each pre-qualified supplier on the Panel with respect to all purchases; or
- ii) purchase goods and services exclusively from any pre-qualified supplier appointed to that Panel, and under what circumstances; or
- iii) develop a ranking system for selection to the Panel, with work awarded in accordance with the regulations.

In considering the distribution of work among Panel members, the detailed information must also prescribe whether:

- a) each Panel member will have the opportunity to bid for each item of work under the Panel, with pre-determined evaluation criteria forming part of the invitation to quote to assess the suitability of the supplier for particular items or work. Contracts under the pre-qualified panel will be awarded on the basis of value for money in every instance; or
- b) work will be awarded on a ranked basis, which is to be stipulated in the detailed information set out under Regulation 24AD(5)(f) when establishing the Panel. The Shire will invite the highest ranked Panel member, who is to give written notice as to whether to accept the offer for the work to be undertaken. Should the offer be declined, an invitation to the next ranked Panel member is to be made and so forth until a Panel member accepts a Contract. Should the list of Panel members invited be exhausted with no Panel member accepting the offer to provide goods/services under the Panel, the Shire may then invite suppliers that are not pre-qualified under the Panel, in accordance with the Purchasing Thresholds stated within the Purchasing Policy. When a ranking system is established, the Panel must not operate for a period exceeding 12 months.

In every instance, a contract must not be formed with a pre-qualified supplier for an item of work beyond 12 months, which includes options to extend the contract.

### ***Purchasing from the Panel***

The invitation to apply to be considered to join a panel of pre-qualified suppliers must state whether quotations are either to be invited to every member (within each category, if applicable) of the Panel for each purchasing requirement, whether a ranking system is to be established, or otherwise.

Each quotation process, including the invitation to quote, communications with panel members, quotations received, evaluation of quotes and notification of award communications must all be captured on the Shire's records system. A separate file is to be maintained for each quotation process made under each Panel that captures all communications between the Shire and Panel members. Alternatively, and wherever possible, an electronic quotation facility (such as eQuotes) should be utilised to manage the process.

### ***Recordkeeping***

All communication with Panel members, with respect to the quotation process and all subsequent purchases made through the Panel, must be evidenced and retained as local government records in accordance with the *State Records Act 2000* and the Shire's Record Keeping Plan.

The Shire is also to retain itemised records of all requests for quotations, including quotations received from pre-qualified suppliers and contracts awarded to Panel members. A unique reference number shall be applied to all records relating to each quotation process, which is to also be quoted on each purchase order issued under the contract.

Information with regards to the Panel offerings, including details of suppliers appointed to the Panel, must be kept up to date, consistent and made available for access by all officers and employees of the Shire.

### **Amendments to this Policy**

Amendments to this policy require a simple majority decision of council.

### **History:**

Policy adopted XXX

Policy reviewed XXX

Policy amended XXXX

### **Previous Policy:**

Policy No. N/A

## 2.3 Borrowing Management

### Policy Objective

To define the conditions under which to the Shire will consider the use of borrowings to fund its activities.

### Policy Statement

#### Background

This Borrowing Management Policy should be read in conjunction with other Financial Management Policies, which contains the local government's overarching financial objectives.

A local government may borrow to perform the functions and exercise the powers conferred on it under the *Local Government Act 1995*.

#### Definitions

**Intergenerational equity:** the equitable allocation of responsibility for funding the provision and maintenance of assets and facilities throughout their useful life.

**General Revenue:** Has the meaning as set out in Section 6.21(4) of the *Local Government Act 1995*.

**Community Business Activity:** A Community Business Activity (CBA) is one which exhibits the following characteristics:

- There is an exchange of services or goods for consideration in a direct reciprocal relationship with the customer;
- There is potential for competition from external parties;
- The Activity has an imbedded community/economic development benefit in addition to a business focus;
- The activity is not regulatory in nature but may be established in accordance with a legislative obligation;
- The activity is capable of being outsourced in part or in full; and
- The activity may be subject to the requirements of National Competition Policy.

**Commercial Activities:** In the context of a local government function is one which exhibits the following characteristics:

- There is an exchange of services or goods for consideration in a direct reciprocal relationship with the customer;
- There is an expectation of a profit;
- There is, or potential for, competition from external parties. The activity does not emanate from a regulatory power; and
- The function may be subject to the requirements of National Competition Policy.

#### Overview

The following is a general description of the Shire's policy objectives with respect to borrowing management:

- Prudently manage the council's borrowing to ensure sustainable funding. Minimise borrowing costs;
- Manage short-term cash flows in an efficient and prudent manner;
- Maintain market confidence in the local government's creditworthiness and financial stability;
- Plan future cash flow needs to assist with borrowing decisions; and
- Maintain sufficient liquidity to meet planned and un-planned cash flow needs.

### ***Matching revenue sources to service debt***

To achieve prudent use of the Shire's borrowing powers, debt repayments must be:

- matched by investments or assets that produce or have the potential to produce income that can service the debt; or
- matched by binding agreements entered into with external parties to service the debts (e.g. self supporting loans for community groups); or
- Supported by identified specific revenue sources (e.g. Specified Area Rates) or Supported by specific general revenue sources (such as rates or fees and charges) or identified reductions in future operating expenditure sufficient to match the repayment schedule.

### ***Purpose of Borrowing***

In general, the Shire will not borrow to fund operating expenditure.

Borrowing is acceptable to fund:

- short-term peak working capital requirements (overdraft or short-term fixed amounts);
- Investment in Major Land Transactions (Post Business Plan adoption);
- Investment in Major Trading Undertakings (Post Business Plan adoption).;
- Investment in a Community Business Activities;
- Capital expenditure that provides a new intergenerational service or renews an existing service; and
- Transitional/bridging funding for projects or acquisitions.

Borrowing in exception to this policy would only occur in either an emergency or when considered necessary and financially prudent on a case-by-case basis. In such cases, the Council would consider the

- special circumstances;
- nature of the borrowing;
- its repayment terms; and
- the source of funding.

### ***Term of Debt***

The maximum debt repayment period will be determined by taking into account:

- The expected useful lives of assets financed by the debt; and
- Considerations relating to intergenerational equity.

Debt repayments levels (both interest and principal) will be determined by:

- The need to maintain prudent and sustainable debt levels;
- Comparison with the borrowing levels of WA local governments with similar economic profiles;
- Prevailing interest rates and possible future movements;
- The need to re-negotiate borrowings at future periods;
- The cash flow forecasts of any supporting asset used as a source of funds to service the debt; and
- The transitional or bridging nature of the borrowing.

The Council will consider its forecast borrowing requirements as part of its

- plan for the future;
- The Shire's long term financial plan; and
- The adoption of the annual budget.

### ***Borrowing Parameters***

To help ensure that the Shire achieves the objectives of the borrowing management policy the following outstanding borrowing parameters will prevail:

Measurement ratio:

(Total principal outstanding less self supporting loan principal)

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General Funds (S 6.21 Act)

### ***Restriction on Borrowings***

To be prudent with borrowing powers, the Shire will restrict its 'own purpose' borrowings to a measurement ratio of 0.80

A measurement ratio exceeding 0.80 may be specifically approved by a resolution of the Council providing the amount above the threshold relates to a community business or commercial activity (as defined) that generate positive cash flows sufficient to offset the debt repayments without a negative impact upon general revenue.

### ***Interest Rate Risk***

To promote interest rate predictability and a linkage with nominated revenue sources, the Shire's preferred borrowing instrument is a fixed interest rate debenture. Within any total loan portfolio, the maximum amount of loans with a variable floating interest rate is not to exceed 15%.

### ***Institution Selection***

In selecting the lender, the Shire will undertake a transparent process which tests the current credit market and displays good governance principals.

### ***Self Supporting Loans***

Borrowing in relation to a proposed self supporting loan is to only occur after the following:

- A formal application from an incorporated body with evidence of a minuted request from the controlling Board/Committee; and
- Sufficient financial information to determine the external community groups capacity to repay the borrowing operational cash flows; and
- For requests over \$500,000 a formal business plan evidencing appropriate financial planning; and
- Security for the total of the loan in the form of personal guarantees or real property.

### **Amendments to this Policy**

Amendments to this policy require a simple majority decision of council.

### **History:**

Policy adopted: 24 June 2020

Policy reviewed XXX

Policy amended XXXX

### **Previous Policy:**

Policy No. N/A

## 2.4 Rating

### Policy Objective

In applying the rating principles set out within the *Local Government Act 1995* and in making the decisions on the purpose for which the land is held or used or identifying any other characteristics of the land, the following principles will be observed:

- Objectivity – the use of land should be reviewed and determined on the basis of an objective assessment of relevant criteria. External parties should be able to understand how and why a particular determination was made.
- Fairness and Equity – each property should make a fair contribution to rates based on a method of valuation that appropriately reflects its use.
- Consistency – Rating principles should be applied and determinations should be made in a consistent manner. Like properties should be treated in a like manner.
- Transparency – Systems and procedures for determining the method of valuation should be clearly documented.
- Administrative Efficiency – rating principles and procedures should be applied and implemented in an efficient and cost-effective manner.

### Policy Statement

In order for the Minister to ensure the rating principles under the *Local Government Act 1995* are applied to any separately identifiable rateable portion of land within the district, the Shire is to have systems and procedures to:

- identify and record any changes in land use;
- review the predominant use of land affected by significant land use changes;
- consult with affected parties;
- obtain Council approval to apply to the Minister for a change in method of valuation; and
- ensure timely application to the Minister

The purpose for which the land is zoned shall form the initial guide to the predominant use of any land within the district.

An initial guide to the predominant use of land within the district based on the zoning under the Local Planning Scheme or Community Layout Plan. Where the current predominant use of the land is different to the zoning under the local planning scheme or community layout plan, the basis for this determination should be clearly documented, particularly if a different method of valuation appears appropriate. Non-conforming land use and land where the zoning does not provide an initial guide will require examination on a case by case basis.

Determination of the appropriate method of valuation requires examination of the extent to which the separately identifiable portion of land is being used for the alternative land use. This should be documented and considered using the principles detailed in this policy before making application to the Minister for a change in method of valuation.

A uniform general rate in the dollar is to be applied for all GRV and UV valued properties within the district. Council may in certain circumstances deem a differential general rate to be necessary. Imposition of differential general rate represents a conscious decision by Council to redistribute the rate burden in the district by imposing a higher contribution on some ratepayers and a lower contribution on others.

Imposition of a differential general rate must follow the Benefit Principle – the concept that there should be some relationship between the rates paid and the benefits received. The Benefit Principle does not mean rates should equal benefits, but it is expected that those bearing the higher rate burden through the imposition of differential rating are receiving greater benefits from Shire activities. When imposing a differential general rate the characteristics of the land to which the rate is to be applied along with the objects and reasons for the differential rate should be clearly defined.

The purpose for which the land is zoned is considered the most appropriate basis for determining the characteristics of the land to which the differential general rate applies. Where the Benefit Principle is considered by Council not to apply within a particular land zoning, the purpose for which the land is held or used as determined by the local government and/or whether or not the land is vacant land shall be used as the basis for determining the characteristics of the land to which the differential general rate applies.

### **Concessions and waivers**

Circumstances may arise where Council resolves by absolute majority to grant a waiver or concession which has the effect of altering the general rating principles and safeguards under the Act and the principles outlined in this Policy, where this does occur a review of the rating structure shall be undertaken to avoid the need to continue to grant a concession in subsequent years.

### **Amendments to this Policy**

Amendments to this policy require a simple majority decision of council.

### **History:**

Policy adopted: 24 June 2020

Policy reviewed XXX

Policy amended XXXX

### **Previous Policy:**

Policy No. N/A



## 2.5 Rating Exemption

### Policy Objective

Establish a consistent approach to determine and review whether land is not rateable under Section 6.26 of the *Local Government Act 1995*.

### Policy Statement

The Shire is committed to adhering to the *Local Government Act 1995* and providing guidance to applicants who apply for an exemption of local government land rates charges for charitable purposes. This policy relates to the charitable rates exemption to charitable organisations based within the Shire providing assistance to the broader community.

### Land Use

The land use for which the charitable organisation is applying for an exemption under section 6.26(2)9g) of the *Local Government Act 1995* must be for the exclusive use for charitable purposes as defined in the *Charities Act 2013* and including:

- k) the purpose of advancing health;
- l) the purpose of advancing education;
- m) the purpose of advancing social or public welfare;
- n) the purpose of advancing religion;
- o) the purpose of advancing culture;
- p) the purpose of promoting reconciliation, mutual respect and tolerance between groups of individuals that are in Australia;
- q) the purpose of promoting or protecting human rights;
- r) the purpose of advancing the security or safety of Australia or the Australian public;
- s) the purpose of preventing or relieving the suffering of animals;
- t) the purpose of advancing the natural environment; or
- u) any other purpose beneficial to the general public that may reasonably be regarded as analogous to, or within the spirit of, any of the purposes mentioned in paragraphs (a) to (j); and must not be a disqualifying purpose under the meaning given by the *Charities Act 2013* (Commonwealth).

### Land Used Exclusively for Charitable Purposes

Property must be used exclusively by the charitable organisation for charitable purposes defined by the *Charitable Uses Act 1601* as generally for the following purposes:

- v) the relief of poverty;
- w) the advancement of education;
- x) the advancement of religion; and
- y) other purposes beneficial to the community

### Application for Rate Exemption

To be considered by the Shire for approval, each application for a charitable rate exemption under section 6.26(2)(g) of the *Local Government Act 1995* must be made in writing.

### Delegation

In accordance with this policy it is a requirement for organisations who have been approved for rates exemption, to reapply for a rate exemption every two financial years, or at the request of the CEO each year. This policy allows the Shire to delegate to the Chief Executive Officer and any of its powers under the Act to approve applications for Rates Exemptions.

**Review of Policy**

All exemptions will be reviewed every two years and confirmation from the charitable organisation that the above purposes still apply will be required to continue receiving the exemption.

**Amendments to this Policy**

Amendments to this policy require a simple majority decision of council.

**History:**

Policy adopted: 24 June 2020

Policy reviewed XXX

Policy amended XXXX

**Previous Policy:**

Policy No. N/A

## 2.6 Asset Management

### Policy Objective

To ensure that the Shire has sufficient systems, processes, resources and organisational commitment in place to deliver asset management service outcomes on a financially optimal basis.

Service delivery may be via the provision of Shire owned Infrastructure Assets, in which case assets are to be managed to support financially optimal service delivery outcomes for the lowest whole of life cost.

Alternatively service delivery may be by via a third party, in which case the Shire has a role in ensuring third party Infrastructure Assets are provided and managed to achieve financially optimal service delivery outcomes with the lowest possible draw on Shire resources.

The policy also assists the Shire in compliance with the provisions of the State Government's Integrated Planning & Reporting Framework by having an integrated approach to Planning for the Future.

Adherence to this policy will ensure that the Shire will continue to deliver (or facilitate the delivery) of financially optimal asset services aligned with the aspirations of the community.

### Policy Statement

#### *Scope & Limitations*

This policy covers all service delivery of the Shire and relates specifically to the management of infrastructure assets under the care, control and responsibility of the Shire. This includes assets used to deliver services or the infrastructure management regime of third parties where the Shire facilitates service delivery by a third party. This may include but is not limited to:

- Government Agencies;
- Private Enterprise; and
- Contractors.

#### *Background*

The community relies on the Shire to deliver services. The Shire has finite resources and limited income streams that can be targeted to fund service delivery. The Shire must ensure service delivery is well targeted and aligns with the Community's aspirations identified via the development of the Strategic Community Plan.

To help ensure scarce resources are optimally allocated, it is important informed decisions are made when considering the acquisition, ongoing ownership, management and disposal of infrastructure assets. The Shire also needs to continuously consider whether it needs to provide and / or own assets in order to deliver services to the community or whether it can simply facilitate the provision of the service by a third party, i.e. non-asset ownership service delivery.

To assist with making informed decisions in relation to this, the Shire will put in place the following:

- A Strategic Asset Management Framework, consistent with National standards in Asset Management and Long Term Financial Planning (Nationally Consistent Approach);
- Maintain and regularly review a contemporary Asset Management Policy (this Policy);
- Develop, maintain and regularly review an Asset Management Improvement Strategy clearly articulating a sustainable path for continuous improvement and identifying resources to implement via the budget process;
- Develop, maintain and regularly review Asset Management Plans;
- Asset Management Plans will document the Council adopted desired level of service for each asset class which will be derived from Service Level Plans and the community engagement processes used to develop the Strategic Community Plan; and

- Ensure processes are in place to train Councillors and Officers in key aspects of asset management and long term financial planning.

### **Key Commitments**

Prior to making a decision to either, deliver a new service, vary the current level of service (up or down) or cease the delivery of a service, the following key commitments are to be adhered to:

- The need for the service will be reviewed;
- The service must align with the Strategic Community Plan and fit within the Corporate Business Plan;
- Options for the Shire to facilitate delivery of the service by a third party are to be identified and considered;
- If the service is needed and a third party cannot deliver the service, infrastructure assets that are required to deliver the service will be identified along with:
  - The whole of life cost of delivering the service; and
  - The whole of life planning, maintenance, operation, renewal and disposal cost of the asset required to support the service delivery.
- The service delivery and asset whole of life costs must fit within the 10 Year Long Term Financial Plan (once developed);
- Options to renew infrastructure asset before acquiring a new infrastructure assets are to be considered;
- Options to rationalise assets will be considered; and
- The Executive Management Group will develop the systems and processes to comply with the above key commitments.

### **Responsibility and Reporting**

Council - is responsible for approving (including amendments to) the following documents:

- Asset Management Policy;
- Asset Management Improvement Strategy; and
- Asset Management Plans.

Council is also responsible for ensuring resources are allocated to achieve the objectives of the above documents (upon recommendation of the CEO).

In adopting asset management plans, Council determines the Level of Service for each asset class.

*“Chief Executive Officer (CEO)”* - is responsible for ensuring systems are in place to develop, maintain and regularly review Council’s asset management policy, asset management improvement strategy and asset management plans. The CEO reports to Council on all matters relating to asset management.

*“Executive Management Group (EMG)”* – is responsible for monitoring the implementation of asset management across the organisation. The EMG also undertakes the functions of “Asset Management Working Group (AMWG)” and “Integrated Planning and Reporting Working Group (IPRWG)”.

The EMG will ensure that strategies are put in place to remove barriers to the successful implementation of asset management.

The EMG will be responsible for ensuring that Council’s asset management improvement strategy is achieved, and asset management plans are prepared and maintained in line with Council’s policy on asset management. Where changes to Council’s asset management policy, asset management improvement strategy or asset management plans are identified, the EMG is responsible for considering and making recommendation to Council in relation to changes.

Where aspects of Council’s asset management policy, asset management improvement strategy or asset management plans are not being achieved or adhered to, the EMG will maintain a list of

non-compliances and take corrective action. The EMG reports to the CEO (who is also a member of the group) on all matters relating to asset management.

### ***Responsibility and Reporting (Continued)***

“*Civil Engineer (CE)*” – is responsible for resource allocation (from Council approved resources) associated with achieving Council’s Asset Management Improvement Strategy. The CE reports to the CEO in relation to Asset Management resource allocation.

“*All Co-ordinators*” – are responsible for ensuring that resources under their control are appropriately allocated to resource asset management. All Co-ordinators must report to the CEO on all matters relating to Asset Management under their area of control.

### ***Policy Definitions***

“Asset” means a recognisable non-financial asset owned or controlled by the Shire, which enables the local government to achieve its objectives.

“Asset Management” means the management processes applied to assets from their planning, acquisition, operation, maintenance, replacement and disposal, to ensure assets meet the priorities of the Corporate Business Plan for service delivery.

“Asset Management Plan” means a plan developed for the management of an infrastructure asset or asset category that combines multi-disciplinary management techniques (including technical and financial) over the lifecycle of the assets.

“Infrastructure Assets” are fixed assets that support the delivery of services to the community. These include the broad asset classes of roads, drainage, buildings, parks and bridges.

“Level of Service” means the combination function, design and presentation of an asset. The higher the Level of Service, the greater to cost to deliver the service. The aim of asset management is to match the asset and level of service of the assets to the community expectation, need and level of affordability.

“Life Cycle” means the cycle of activities an asset goes through while it retains an identity as a particular asset.

“Whole of life cost(s)” means the total cost of an asset throughout its life including planning, design, construction, acquisition, operation, maintenance, and rehabilitation and disposal costs.

“Maintenance” means regular ongoing day-to-day work necessary to keep an asset operating and to achieve its optimum life expectancy.

“Operations” –means the regular activities to provide public health, safety and amenity and to enable the assets to function e.g. road sweeping, grass mowing, cleaning, street lighting and graffiti removal. Operation expenses are normally incurred annually or even more frequently.

“New” means creation of a new asset to meet additional service level requirements.

“Resources” means the combination of plant, labour and materials, whether they be external (contactors/consultants) or internal (staff/day labour).

“Renewal” means restores, rehabilitates, replaces existing asset to its original level of service. This may include the fitment of new components necessary to meet new legislative requirements in order for the asset to achieve compliance and remain in use.

“Risk” means the effect of uncertainty on objectives. The focus should be on the effect of incomplete knowledge of events or circumstances on the Shire’s decision making.

“Stakeholders” are those people/sectors of the community that have an interest or reliance upon an asset and who may be affected by changes in the level of service of an asset.

“Upgrade” means enhances existing asset to provide higher level of service.

**Amendments to this Policy**

Amendments to this policy require a simple majority decision of council.

**History:**

Policy reviewed: 24 June 2020

Policy amended: 24 June 2020

**Previous Policy:**

Policy adopted: unknown

Policy No. 4.5

## 2.7 Long Term Financial Planning

### Policy Objective

To establish a strategic financial framework to guide long term financial planning and its connection to the annual budget process.

### Policy Statement

#### *Long Term Financial Planning*

The Shire will prepare/update annually a long term financial plan aligned to the Strategic Community Plan and Corporate Business Plan which includes, but not limited to, the following components:

- Major underlying economic assumptions;
- Projections of operating revenues and expenses for at least the next 10 years. Expected rate yield and percentage change from previous periods;
- Major capital outlays separated into components of new and renewal. Variations in net debt levels;
- Changes in the value of reserve balances; and
- Sensitivity analysis (changes most likely to affect the plan).

Every two/three years, the Shire will include, as a component of the long term financial plan, a strategic financial section which consist of at least the following:

- Asset management planning for: Road Infrastructure; Drainage; Major Buildings; Major commercial activities;
- An analysis of the impact of future changes in services levels;
- An explanation of the strategic financial direction and rationale underpinning the plan;
- Financial impacts of the Workforce Plan;
- Details of the strategic initiatives contained within the financial plan; and
- Strategic financial parameters and targets.

#### *Annual Budget*

The annual budget is to be developed from a base being the first year of the Council's adopted long term financial plan.

Where the annual budget results in a projected financial result in major conflict with the stated strategic direction outlined in the most recent long term financial plan this is to be separately highlighted and explained in the annual budget.

#### **Amendments to this Policy**

Amendments to this policy require a simple majority decision of council.

#### **History:**

Policy adopted: 24 June 2020

Policy reviewed XXX

Policy amended XXXX

#### **Previous Policy:**

Policy No. N/A

## 2.8 Fees and Charges Revenue

### Policy Objective

To provide strategic support and direction for the establishment of Fees and Charges.

### Definitions

**Fees** are a fixed sum to permit the payer to undertake a certain action or privilege that, had they not paid the fee, they would not be entitled to receive.

**Charges** are an amount sought to compensate the seller for action they take in providing a benefit to the payer.

**Direct Costs** are costs that can, by their nature, be identified uniquely to a single good or service.

**Indirect Costs** are not unique to an individual good and service and can't be exclusively attributed to one output activity.

**Variable costs** move relative to volume of the good or service provided.

**Fixed costs** are incurred regardless of the volume of goods and service provided.

### Background

A local government may impose a fee or a charge for any goods or services it provides. The level of the fee or charge may be set by external legislation.

Members of the public may inspect, free of charge, those items set out in section 5.94 of the Local Government Act.

The Council must set a fee or charge by an absolute majority decision. For those fees or charges not set by external legislation, the level of the fee or charge must be set taking into account cost, the importance to the community and the price of competitors.

Although cost must be considered, with some exceptions, a fee or charge is not limited to cost and a local government may make a profit from the delivery of the service.

A summary of the various categories of fees and charges as set out below:

Category	Sub-Category	Examples
Set by Legislation	Internal	Local Laws.
	External	External Legislation.
Upper limit Cost S. 6.17 (3) LG Act	Copies of Information S. 5.96 LG Act	Council Minutes, rate book extracts and registers.
	Approvals S. 6.16(2)(d) LG Act	Receiving an application, inspections, issuing licenses, permits and certificates.
General	Commercial Activity	Leisure and Tourism Centres, Golf Courses.
	Community Activity	Playing field fee or hall hire.
Other	Limited by Other Legislation.	National Competition Policy.



## Policy Statement

In setting Fees and Charges Council is committed to:

- a) Ensuring resources are used efficiently and effectively to finance the service delivery objectives outlined in the Strategic Community Plan.
- b) identifying the level of contribution (if any) provided to individual activities to ensure transparency in decision making.
- c) Consider the local governments long-term financial sustainability and apply a principle of contribution by users as part of determining the most appropriate way to fund services.
- d) All Shire fees and charges are to be generated in accordance with the recovery principles in this policy and the framework set in Appendix A.
- e) In the event existing fees and charges levels are not in accordance with the target ranges as outlined in Appendix A, a phasing in of the levels is to be negotiated with the relevant individual or group provided that any phase-in period does not exceed a period of four years.

## Recovery Principle

The Shire will generally apply the following recovery principles in relation to the various fees and charges categories as listed in Table A.

Principle	Definition	Comments and Rationale
Full Cost	<ul style="list-style-type: none"> <li>Full cost includes all direct and indirect costs associated with providing the good or service (including depreciation).</li> </ul>	<ul style="list-style-type: none"> <li>Full cost seeks to recover all associated cost relating to the provision of the good or service. Full cost is a 100% user pays principle and seeks to ensure the impact of providing the good or service is not subsidised by rates or other general-purpose income.</li> </ul>
Full Cost Attribution	<ul style="list-style-type: none"> <li>Full cost plus a return on capital plus relevant imputed (equivalent or assigned cost not necessarily recognised in the accounts) for example equivalent rates and taxes.</li> </ul>	<ul style="list-style-type: none"> <li>Full cost with attribution is seeks to approximate the commercial equivalent in the pricing policy to ensure the price does not result in any unintended economic distortion of the market.</li> <li>Significant commercial activities subject to national competition principles captured by the Competition Principles Agreement are required to set their price no less than full cost including cost of capital and attributed costs.</li> </ul>
Discounted Full Cost	<ul style="list-style-type: none"> <li>Full cost discounted by the nominated percentage as set out in Appendix A</li> </ul> <p>Any recurrent revenue sources received as a subsidy or grant for providing the good or service is to be applied to reduce the net fee to the end user after applying the target ranges as set out in Appendix A</p>	<ul style="list-style-type: none"> <li>Full cost may be discounted to achieve the objectives set out in the Shire's Strategic Community Plan.</li> <li>The reduction in revenue from a recovery of less than full cost is subsidised by rates and other general-purpose income and incurred due to the nature of the activity and its importance to community wellbeing and social cohesion.</li> </ul>
Avoidable Cost	Copies of information available for inspection under Section 5.96 of the Local Government Act.	<ul style="list-style-type: none"> <li>The incremental variable costs and identifiable fixed costs of having to copy and provide information.</li> </ul>

## Concessions and Waivers

Application for concessions or waiver of fees and charges are to be considered in accordance with the Shires Concessions and Waivers Policy.

**Amendments to this Policy**

Amendments to this policy require a simple majority decision of council.

**History:**

Policy adopted: 24 June 2020

Policy reviewed XXX

Policy amended XXXX

**Previous Policy:**

Policy No. N/A

Table A

				Target Recovery Level*	
Category	Sub Category	Examples	Recovery Principle	Minimum	Maximum
Buildings and Structures	Active	Indoor sporting and recreation facilities used for active recreation programs	Discounted Full Cost	50%	70%
	Passive	Community halls/centres, libraries, offices and other facilities used for social and community purposes	Discounted Full Cost	50%	60%
	Commercial	Use of any buildings, structure or facility for commercial purposes to achieve a profit (which will not be directly returned to the community) or for other business-related outcomes	Full Cost	100%	100%
Outdoor Facilities	Active	Exclusive use of ovals and playing grounds used for active recreation	Discounted Full Cost	50%	70%
	Passive	Exclusive use of open spaces used for social or community purposes	Discounted Full Cost	50%	60%
	Commercial	Camping grounds, caravan parks, foreshores areas, parks, ovals and open spaces used to deliver commercial programs or activities to achieve a profit (which will not be directly returned to the community) or for other business-related outcomes	Full Cost Attribution	100%	110%
Specific Fees	Provision of Information or Records	The giving or supply of information including copies of documents available for inspection such as the Budget, Annual Reports, Code of Conduct, Complaints Register, Council minutes and attachments, Local Laws, Rate Notices, Shire/Town/City Policies, Standing Orders and Inspection of Plans	Avoidable Costs	100%	100%
	Applications	Applications for approval, inspections, licence, permit, authorisation or certificate for Community Events, Competitions, Concerts, Education/Training Courses, Festivals, Markets or Tour Operators	Full Cost	100%	100%
Specific Charges	Commercial Waste	Primary or secondary level collection, disposal or treatment of any waste generated as a result of carrying out a business	Full Cost Attribution	100%	110%
	Community Waste	Primary level collection, disposal or treatment of any waste generated from domestic premises. Does not include waste taken from, or generated at, a domestic premise under a commercial arrangement	Full Cost	100%	100%
	Goods and Services	All other goods and services including the provision of signage, use of equipment sale of materials and private works and inspections	Full Cost Attribution	100%	115%

\* Target recovery levels are for illustrative purposes only and should be determined for each local government based upon individual circumstances.

## 2.9 Cash Reserves

### Policy Objective

To provide strategic support and direction for the establishment and utilisation of Cash/Financial Asset Backed Reserves (Reserves).

### Background

Reserves are accounts established and held within the municipal fund to hold cash retained by the Shire for the purpose of:

- Reducing business risk;
- Improved financial management;
- Improved strategic capacity;
- meeting asset renewal needs; or
- meeting statutory obligations and other external requirements.

The balance of cash held in reserve accounts are restricted to the defined purpose for which the reserve account was established.

Changes to the purpose for which money is held in a cash reserve can be achieved in accordance with the requirements as set out in the *Local Government Act 1995*.

### Policy Statement

This Policy provides direction to management in relation to a framework surrounding decisions to place funds into a reserve account.

### Linkage to the Long-Term Financial Plan

Cash reserves are a mechanism to assist in achieving the strategic objectives of the Shire and the decision to allocate cash to/from a reserve account is made within the context of its implication on the long-term financial sustainability of the Shire.

### Inter-Generational Equity

The Shire will seek to achieve intergenerational equity in its use of reserve savings as a means of funding long lived assets to achieve an alignment of the cost of funding the asset(s) and the consumption of the benefit.

### Establishment of Reserve Accounts

The Shire will generally support the establishment of cash reserves in accordance with Table B of this policy, to achieve the following outcomes:

Purpose	Rationale for Establishment
Business Risk	Reserves may be established to minimise the impact on Council operations in any one year from unanticipated events. Unanticipated events can arise from the impact of natural disasters where the financial risks cannot be fully recouped under an insurance policy or disaster funding. In addition, unanticipated events may include draws on employee entitlements such as annual leave or sick leave or the unanticipated failure of assets critically important to maintaining service levels.
Financial Management	To manage the transition from a past budget period to a future accounting period, reserves may be established to hold restricted funds for transfer to a future period to match/offset the respective expenditure. Reserves may also be established to be used to accumulate funds for operating expenses that occur on a recurrent basis but do not require an annual allocation in every budget year.
Strategic Capacity	On occasions, the Shire is offered strategic opportunities by the State/Federal government or the private sector to partner in the provision and delivery of community

Purpose	Rationale for Establishment
	initiatives and programs. These are usually in the form of external grants or contributions which require a financial contribution from the Shire. Sufficient notice may not be provided to develop a specific financing strategy to take advantage of these opportunities. Strategic Reserves may be established to maintain a level of savings to access these opportunities subject to the outcomes aligning with the Shire's strategic community goals and priorities.
Meeting Future Needs	Reserves may be established to save for the future renewal of asset with the funding of anticipated future expenditure needs provides the Shire a financing tool to manage issues of intergenerational equity, reduce reliance on borrowing to fund long lived assets and to overcome the restriction of a single budget.
Statutory Obligations	The Local Government Act requires selected revenue streams to be quarantined and to only fund the purpose for which the revenue was raised. Examples are nominated service charges and specified area rates. Any revenue collected in a budget year not used for the purpose for which it was raise must be held in a reserve until it is applied to the purpose in future periods. Money held in these Reserves cannot be used for any other purpose. Developer contributions are collected in accordance with Community Infrastructure Plans to be used to fund specific assets in nominated areas.

### Interest on Investment of Reserves

Subject to the balance of the reserve being below the maximum levels as outlined in this policy, interest earned on cash in Reserve accounts shall be transferred to the reserve account as a deposit.

### Monitoring and Reporting

The minimum and maximum levels of cash held in each reserve (if applicable) will be determined in accordance with Appendix A of this Policy. The level of reserves will be reported in the budget annually in accordance with minimum and maximum levels as set out in this policy.

The minimum levels as set out in this policy are to be considered as a goal and may not be able to be achieved at times due to on events that impact the use of the reserve. If minimum levels are not achieved, the long-term financial plan is to include strategies to return the cash reserves to the minimum balance in accordance with the levels set out in this policy.

If the maximum levels, as set out in this policy, are achieved for the relevant reserve account, future transfers of cash to the reserve (including interest earning from the investment of the reserve) are to be suspended until such time a report is prepared to the Council to review the levels and purpose of the reserve account.

### Amendments to this Policy

Amendments to this policy require a simple majority decision of council.

#### History:

Policy adopted: 24 June 2020

Policy reviewed XXX

Policy amended XXXX

#### Previous Policy:

Policy No. N/A

Table B

Category	Sub Category	Purpose	Examples	Minimum Reserve Balance	Maximum Reserve Balance
Operational	Timing Adjustments	To assist with the matching of revenue and expenditure across accounting periods.	Unspent Grants/ Committed Works	May be determined by the amount of funds to be transferred across financial years.	
	Statutory	To achieve statutory compliance in accordance with relevant legislation	Service charges specified area rates or external restrictions.	Determined in accordance with legislation	
	Accumulated Liabilities	To offset liabilities generated as a result of past accounting periods.	Employee Entitlements/ Revaluations costs	80% of the accumulated liability	100% of the accumulated liability
Strategic	Natural Disaster	To reduce the financial risk of unanticipated events	Flooding or storm damage	Equivalent to an amount equal to 1% of annual general funds	Equivalent to an amount equal to 3% of annual general funds
	Community	To provide for strategic actions in support of identified activities that cannot be funded in the one budget period	N/A	Determined by the renewal requirements of each project.	
	Opportunities	To provide for the capacity to take-up unanticipated strategic opportunities	N/A	Equivalent to an amount equal to 1% of annual general funds	Equivalent to an amount equal to 3% of annual general funds
Asset Management	Specific	To hold funds for the future renewal of identified assets which cannot be managed in a single budgetary year.	Significant asset renewal needs such as facilities of regional significance or essential services.	Determined by the renewal requirements of each project.	
	Light Fleet & Plant Acquisition	To hold funds for asset renewal for plant & vehicles to reduce the risk of a sudden loss of service potential and to assist with peak renewal demand.	Plant and Vehicles	8% of the current replacement cost of the depreciable component of each asset group	20% of the current replacement cost of the depreciable component of each asset group
	General	To hold funds for general asset renewal for each fixed asset class (excluding plant & vehicles) to reduce the risk of a sudden loss of service potential and to assist with peak renewal demand.	Waste Management, Buildings, Roads, Footpaths, Drainage, Furniture & Equipment	Determined by the LTFFP	Determined by the LTFFP
Developer Contributions	Major	To hold contributions to be used in accordance with the specific major plan	N/A	Determined by the amount of unexpended funds.	
	Miscellaneous	To hold contributions to be used in accordance with several minor plans	N/A		

## **2.10 Corporate Credit Cards**

### **Policy Objective**

Where the CEO has been delegated authority for making payments, this policy will provide a clear framework allowing the CEO and approved officers to utilise corporate credit cards for the purchase of goods and services in carrying out the normal day to day business of the Shire.

### **Policy Statement**

#### **12. Issuing of Corporate Credit Cards**

The provision of a corporate credit card is a facility for certain officers which must be authorised by the CEO. The CEO will determine and authorise appropriate monthly limits for each cardholder, with limits not to exceed \$15,000 in total.

The CEO may only be issued a corporate credit card, and may only approve the issue of corporate credit cards, where delegated authority for making payments from the municipal fund exists.

#### **13. Cardholder Responsibilities**

The cardholder must sign a Corporate Credit Card Holder Agreement form, acknowledging the conditions of use for their corporate credit card.

Cardholders must adhere to the Shire's Purchasing Policy in the course of utilising the Corporate Credit Card facility.

Corporate Credit Cards must not be utilised for the following activities:

- Cash advances;
- Private or personal expenses;
- Establishment of ongoing direct debit transaction (unless authorised by the CEO);
- Use by officers or any individual, other than the approved credit card holder;
- For the payment of 'tips' or gratuities associated with a service;
- To attain personal rewards such as reward points or any other rewards; and
- Instances where a creditor would normally accept a purchase order.

Compliant tax invoice/receipts which records an adequate description of goods / services must be obtained for all credit card transactions.

Cardholders are to provide for approval a detailed summary of all purchases reconciling to each monthly statement with seven days of receiving the monthly statement. Statements are to be reviewed and approved for corporate credit cardholders by the CEO.

Corporate credit cards must be maintained securely, where access is available only to the cardholder, and must not be stored with any PIN issued for the card. Any loss or theft of corporate credit cards must be reported immediately to CEO / DCEO.

Where a cardholder ceases to be an employee of the Shire, the cardholder must ensure:

The card is returned to the CEO / DCEO or immediate cancellation and destruction;

- All outstanding transactions are acquitted and accounted for in accordance with this policy.

#### **14. ACQUITTAL AND REPORTING**

Statements are to be reviewed and approved for corporate credit cardholders by the CEO, with the CEO corporate credit card use approved by the President.

**Amendments to this Policy**

Amendments to this policy require a simple majority decision of council.

**History:**

Policy reviewed: 24 June 2020

Policy amended: 26 August 2020

**Previous Policy:**

Policy adopted: unknown

Policy No. 2.8



## 2.11 Investment

### Policy Objective

To invest the Shire surplus funds with consideration of risk and at the most favourable rate of interest available to it at the time, for that investment type, whilst ensuring that liquidity requirements are being met.

### Policy Statement

Preservation of capital is to be the principal objective with consideration given to liquidity, cash flow requirements and return on investment.

Preservation of capital is the principal objective of the investment portfolio. Investments are to be performed in a manner that seeks to ensure security and safeguarding the investment portfolio. This includes managing credit and interest rate risk within identified thresholds and parameters.

The investment portfolio will ensure there is sufficient liquidity to meet all reasonably anticipated cash flow requirements, as and when they fall due, without incurring significant costs due to the unanticipated sale of an investment.

The investment is expected to achieve a predetermined market average rate of return that takes into account the Shire's risk tolerance. Any additional target set by the Shire will also consider the risk limitation and prudent investment principles.

### Scope & Limitations

All investments are to comply with the following:

- *Local Government Act 1995* - Section 6.14
- The *Trustees Amendment Act 1962* – Part III Investments;
- *Local Government (Financial Management) Regulations 1996*; and
- Australian Accounting Standards.

### Prudent Person Standard

Investments are to be managed with the care, diligence and skill that a "prudent person" (as derived by legislation, Trustees Act 1962, and case law) would exercise. Officers are to manage investments to safeguard the portfolio in accordance with the spirit of this Investment Policy, and not for speculative purposes.

### Ethics and Conflicts of Interest

Officers shall refrain from personal activities that could be perceived to conflict with the proper execution and management of Shire's investment portfolio. This policy requires officers to disclose any conflict of interest to the CEO and the CEO to the Council.

### Approved Investments

Where delegations from Council exist, the CEO and/or delegated officers may invest funds within authorised investment parameters of this policy and legislative requirements.

1. Cash / Bank Deposits may be invested with:
  - a) an authorised deposit-taking institution as defined in the *Banking Act 1959* (Commonwealth) section 5; or
  - b) the Western Australian Treasury Corporation established by the *Western Australian Treasury Corporation Act 1986*;

2. Restrictions on investments will require the Shire not to:

- a) deposit with an institution except an authorised institution;
- b) deposit for a fixed term of more than 12 months;
- c) invest in bonds that are not guaranteed by the Commonwealth Government, or a State or Territory government;
- d) invest in bonds with a term to maturity of more than 3 years;
- e) invest in a foreign currency.

### **Risk Profile**

The Shire will maintain a conservative investment approach aligned to its risk appetite and tolerance statement within the Shire's adopted Risk Management policy, and investment risks will therefore be kept to an acceptable minimum. This is intended to ensure short term funds are readily available when required through Council and delegated officers maintaining their fiduciary obligations required by legislation.

### **Internal Control**

The Chief Executive Officer is to implement internal controls in accordance with *Local Government (Financial Management) Regulations 1996*.

### **Amendments to this Policy**

Amendments to this policy require a simple majority decision of council.

### **History:**

Policy reviewed: 24 June 2020

Policy amended: 24 June 2020

### **Previous Policy:**

Policy adopted: Unknown

Policy No. 2.7

## 2.12 Financial Hardship (Rates Relief)

### Policy Objective

To guide the CEO / administration in considering applications to support ratepayers experiencing genuine financial hardship.

### Policy Statement

The Shire acknowledges exceptional circumstances will exist at varying times which may lead to ratepayers encountering difficulty in paying rates and service charges by their due date. Where ratepayers are experiencing genuine financial hardship, the Shire will endeavour to minimise additional hardship potentially resulting from debt recovery processes by:

- Suspending debt recovery processes whilst considering applications made under this policy;
- Giving consideration to acceptable payment arrangements to clear (wherever possible) rates debts prior to the end of the current financial year; and/or
- Where any interest charges on rates and service charges are imposed which may cause further financial hardship, consider applications to write off interest up to \$1,000.

Applications are required to meet the criteria and evidence requirements noted by this policy and are to be submitted in writing to the CEO.

The CEO will assess each application as required against relevant delegations, Council policies and legislation to finalise applications or escalate for consideration by Council as required.

### Criteria

For consideration of alternate payment arrangements for outstanding rates and charges, the ratepayer is to submit their request in writing to the CEO to consider a payment arrangement to clear their debt (where possible) prior to the end of the current financial year.

For consideration of write off of any interest on outstanding rates, the following conditions are all required to be met:

- The ratepayer is experiencing extreme and genuine financial hardship;
- The ratepayer had either no outstanding rates from a previous financial year or the ratepayer has an approved payment arrangement and continues to adhere to the terms of that agreement;
- The ratepayer's circumstances are supported by an original hardship letter from a qualified financial body (e.g. a fully accredited member of Financial Counsellors Association of Western Australia, CPA/ICA/IPA accounting firm or bank);
- The ratepayer is not a corporation or trustee;
- where the ratepayer is an individual that:
  - they are not bankrupt or subject to a bankruptcy petition; and
  - no revenue is being derived from the property the subject of the application;
- The maximum amount of interest to be written off is \$1,000;
- Write offs are applicable to interest on the ratepayer's principal place of residence or business only; and
- The applicant must be the owner / occupier of the property / mining tenement and liable for payment of rates and charges.

### ***Evidence***

Applications for financial hardship assistance must be made in writing to the CEO to substantiate the criteria noted in this policy, and supported by the following:

- Sufficient detail to identify the ratepayer and property which are the subject of the application;
- Original copy of extreme hardship letter from a qualified financial body (e.g. a fully accredited member of Financial Counsellors Association of Western Australia, CPA/ICA/IPA accounting firm or bank); and
- Where the applicant is not the owner of the property, evidence (such as executed lease agreement) to support liability for payment of rates and charges.

### ***Outcomes of Decisions***

The Shire will notify ratepayers of the outcome of their application in writing at the earliest available opportunity. Where a ratepayer is aggrieved by the decision, they may request Council to consider the application. The decision of Council will be final.

### **Amendments to this Policy**

Amendments to this policy require a simple majority decision of council.

### **History:**

Policy adopted: 24 June 2020

Policy reviewed XXX

Policy amended XXXX

### **Previous Policy:**

Policy No. 2.21 contained inclusions now provided for by new Policy 2.13

## **3 HUMAN RESOURCES**

### **3.1 Senior Employees**

#### **Policy Objective**

To ensure a 'designated employee' as defined within the *Local Government Act 1995* (i.e. senior employee) is identified within the Shire's organisational structure.

#### **Policy Statement**

The Council designates the following positions as senior employees of the Shire:

- Chief Executive Officer
- General Manager Operations
- Chief Financial Officer
- Director Governance & Strategic
- Director Infrastructure

Actions relating to the above positions are to be in accordance with legislative provisions.

#### **Amendments to this Policy**

Amendments to this policy require a simple majority decision of council.

#### **History:**

Policy reviewed: 24 March 2021

Policy amended: 31 March 2021

Policy amended: 29 June 2022

#### **Previous Policy:**

Policy adopted: unknown

Policy No. 2.17

## **3.2 Appointment of Acting CEO**

### **Policy Objective**

To set out a process (as required by section 5.39C of the Local Government Act 1995) to be followed by the Shire in relation to –

- (a) the employment of a person in the position of CEO for a term not exceeding 1 year;
- (b) the appointment of an employee to act in the position of CEO for a term not exceeding 1 year

(Absolute majority required).

### **Policy Statement**

For the purposes of section 5.36(2)(a) of the Local Government Act , the Council believes that the permanent occupant of a senior employee position, as designated by the Council under Policy 3.1 – Senior Employees (Senior Employees), is suitably qualified to be appointed to act in the position of CEO for a term not exceeding 1 year.

For the purpose of section 5.36(2)(b) of the Local Government Act , the Council is satisfied that, while acting in the position of CEO, a senior employee's terms and conditions of employment are to be the same as those on which the senior employee is employed by the Shire but with an additional higher duties allowance that, together with the senior employee's Remuneration Package, is not to exceed the amount of the Remuneration Package payable to the CEO (Higher Duties Allowance).

The CEO may, under delegated power –

- (1) appoint, in writing, a Senior Employee to be Acting CEO for a period, not exceeding 3 months, while the CEO is on leave; and
- (2) in respect of that period, authorise the payment of a Higher Duties Allowance to that Senior Employee.

The Council is to –

- (1) make other appointments under which a Senior Employee (or other employee) is to act in the position of CEO for a term not exceeding 1 year; or
- (2) employ any other person to act in the position of CEO for a term not exceeding 1 year.

In an emergency situation where –

- (1) the office of CEO is vacant, or the CEO is unable or unwilling to perform the functions of the CEO ; and
- (2) an Acting CEO has not been appointed or employed under the preceding paragraphs of this Policy,

the General Manager Operations is to be the Acting CEO until the Council appoints or employs an Acting CEO.

### **Amendments to this Policy**

Amendments to this Policy require an absolute majority of the Council.

#### **1.2 History:**

Policy reviewed: 27 July 2022

Policy amended: 27 July 2022

#### **1.3 Previous Policy:**

Policy adopted: unknown

Policy No. 2.28

### 3.3 Employee Gratuity Payments

#### Policy Objective

To set out circumstances when an employee who is ceasing employment with the Shire may be paid an amount in addition to their entitlements under an award, workplace agreement or contract of employment, in accordance with the requirements of Section 5.50 of the *Local Government Act 1995*.

#### Policy Statement

The Policy, which is discretionary, allows the CEO and Council to make a payment to recognise the loyal and dedicated service of employees to the Shire. When an employee leaves their employment or is made redundant, they may be given a good or service as a token of appreciation for their commitment and service to the Shire or as a contribution towards their relocation costs as the Shire is in a very remote location.

#### Scope

This policy is applicable only to permanent full time employees of the Shire and does not form a contractual entitlement for any employee of the Local Government.

A pro rata value of gratuity may be considered for permanent part time employees.

#### Eligibility for Gratuity Payments

An employee may be entitled to a gratuity payment as outlined within this policy based on the completed years of continuous service when an employee's services are ceasing with the Local Government for any of the reasons identified below:

- Resignation (not as a result of any performance management or investigation being conducted by the Local Government);
- Retirement; or
- Redundancy.

An employee who has been dismissed by the Shire for any reason other than redundancy, will not be eligible to receive any Gratuity Payment under this policy.

#### Prescribed Amounts for Gratuity Payments

Length of Continuous Service	Value of Gratuity
2 years	\$1,500
3 years	\$2,000
4 years	\$2,500
5 years or more	\$3,000

The *Local Government (Administration) Regulations 1996* prescribes the maximum allowable value of a gratuity. Gratuities shall not exceed statutory limits.

#### Determining Service

For the purpose of this policy, continuous service shall be deemed to include:

- Any period of absence from duty of annual leave, long service leave, paid bereavement leave, accrued paid personal leave and public holidays;
- Any period of authorised paid absence from duty necessitated by sickness of or injury to the employee but only to the extent of three months in each calendar year but not including leave without pay or parent leave; and
- Any period of absence supported by an approved workers compensation claim up to a maximum absence of one year.



For the purpose of this policy, continuous service shall not include:

- Any period of unauthorised absence from duty.
- Any period of unpaid leave.
- Any period of absence from duty on Parental Leave.

### **Final Determination**

The Chief Executive Officer shall make the final determination with respect to whether an employee will receive and the form of the gratuity to be made, taking into account the employee's performance over the period of service.

### **Financial Liability for Taxation**

The employee accepts full responsibility for any taxation payable on the Gratuity Payment and agrees to fully indemnify the Local Government in relation to any claims or liabilities for taxation in relation to the Gratuity Payment.

### **Payments in Addition to this Policy**

The Shire will not make any payments in addition to those contained within this policy, until the Policy has been amended to reflect the varied amount and public notification has been given of the variation as required by relevant legislation.

### **Amendments to this Policy**

Amendments to this policy require a simple majority decision of council.

### **History:**

Policy adopted: 24 June 2020

Policy reviewed XXX

Policy amended XXX

### **Previous Policy:**

Policy No. N/A

## 3.4 Occupational Health and Safety

### Policy Objective

This policy outlines the Shire of Ngaanyatjarraku commitment to reducing hazards and incidents in the workplace through the continuous improvement of safety and health standards and accompanying management systems.

### Policy Statement

The Shire of Ngaanyatjarraku will ensure that all levels of personnel, including senior management, workers, contractors and volunteers, understand their roles and responsibilities in accordance with legislative requirements.

The Shire aims to meet their objectives by:

- i. Providing and maintaining workplaces, plant, and systems of work such that, so far as is practicable, workers are not exposed to hazards;
- ii. Providing such information, instruction, and training to, and supervision of, workers to enable them to perform their work so they are not exposed to hazards;
- iii. Consulting and cooperating with Safety and Health Representatives and workers at the workplace regarding occupational safety and health issues;
- iv. Providing workers with personal protective clothing and equipment to assist protect them against those hazards;

Workers, including contractors, volunteers and work experience students are obligated to meet their duty of care by:

- i. Taking care for his or her own health and safety and avoid adversely affecting the safety or health of any other person; by
- ii. Complying with safety and health instructions given by the Shire, including the direction to wear personal protective clothing or equipment;
- iii. Reporting hazards, accidents (injuries) and incidents (near misses) in the workplace and providing support to any investigations.

A safe and efficient place of work is our goal, and we must all be committed to reach this outcome.

### Amendments to this Policy

Amendments to this policy require a simple majority decision of council.

### History:

Policy adopted 24 June 2020

Policy reviewed XXX

Policy amended XXXX

### Previous Policy:

Policy No. N/A

## **3.5 Drug and Alcohol**

### **The Shire of Ngaanyatjarraku's Commitment**

The Shire of Ngaanyatjarraku and its employees must take all reasonable care not to endanger the safety of themselves or others (including customers) in the workplace. Alcohol and other drug usage becomes an occupational safety and health issue if a worker's ability to exercise judgment, coordination, motor control, concentration and alertness at the workplace is impaired. For the purposes of this policy, the term "employee/s" shall extend to cover contractors, volunteers and any person performing work for or with the Shire of Ngaanyatjarraku in any capacity.

### **The Individual's Responsibility**

Under the *Occupational Safety and Health Act 1984* (the OSH Act), workers must take reasonable care of their own safety and health and not endanger the safety and health of others at the workplace. The consumption of alcohol and/or drugs while at work is unacceptable, except in relation to any authorised and responsible use of alcohol at workplace social functions outside the Shire. Employees are required to present themselves for work and remain, while at work, capable of performing their work duties safely. An employee who is under the influence of alcohol and/or drugs at the workplace, or is impaired, may face disciplinary action including possible termination of employment.

### **Reporting Requirements**

Employees must report to their employer any situation where they genuinely believe that an employee may be affected by alcohol and/or other drugs.

### **Drug Use on the Premises**

Employees who buy, take, or sell drugs on Shire of Ngaanyatjarraku premises, may be found to have engaged in serious misconduct. Such behaviour may result in disciplinary action up to and including dismissal. Employees who have been prescribed medication/drugs by a medical practitioner that could interfere with their ability to safely carry out their role must inform their Coordinator or the Finance and Administration Coordinator and disclose any side effects that these medication/drugs may cause.

### **Consumption of Alcohol on the Premises**

Except in situations where the Shire of Ngaanyatjarraku holds a function outside the Shire and alcohol is provided, employees must not bring in and/or consume alcohol in the workplace or the Shire.

### **Drug/Alcohol Treatment Programs**

Where an employee acknowledges that they have an alcohol or drug problem and are receiving help and treatment, the Shire will provide assistance to the employee.

- The Shire will allow an employee to access any accrued personal or annual leave while they are undergoing treatment. and;
- The Shire will take steps to return an employee to their employment position after completion of the treatment program, if practicable in the circumstances.

Where an employee acknowledges that they have an alcohol or drug problem and are receiving help and treatment, the line supervisor or members of senior management, will review the full circumstances and agree on a course of action to be taken. This may include redeployment to suitable alternative employment, or possible termination from employment if the employee is unable to safely carry out the requirements of their role.

## **Coordinators' Responsibilities - Consumption of Alcohol at Work Sponsored Functions outside of the Shire**

Coordinators shall:

- encourage their people to make alternative arrangements for transport to and from work prior to the function;
- ensure that the following is made available: - Low alcohol beer, soft drinks and water - Beverages: Tea, Coffee and Food;
- if the manager believes a person may be over the BAC 0.05 limit, assist the person with safe transport home (including contacting a family member or arranging a taxi); and
- if the manager must leave the function early, appoint a delegate to oversee the rest of the function.

### **Pre-Employment Medical Tests**

As part of the recruitment selection criteria, preferred candidates for employment positions may be required to attend a medical assessment which includes drug and alcohol testing.

### **Identification of Impairment & Testing**

If the Shire of Ngaanyatjarraku has reasonable grounds to believe that an employee is affected by drugs and/or alcohol it will take steps to address the issue.

Reasonable grounds may include (but are not limited to), where an employee's coordination appears affected, has red or bloodshot eyes or dilated pupils, smells of alcohol, acts contrary to their normal behaviour, or otherwise appears to be affected by drugs and/or alcohol.

If the Shire of Ngaanyatjarraku suspects that an employee is under the influence of drugs and/or alcohol it may pursue any or all of the following actions:

- direct an employee to attend a medical practitioner and submit to a medical assessment to determine whether the employee is fit to safely perform their duties;
- require that an employee undergo drug and alcohol testing administered by a representative of the Shire of Ngaanyatjarraku;
- direct an employee to go home.

A medical assessment may include a drug and/or alcohol test. Testing shall be conducted in accordance with the Australian Standard AS/NZS 4308:2008 - Procedures for specimen collection and the detection and quantitation of drugs of abuse in urine.

In circumstances where an employee indicates the consumption of prescription or pharmacy drugs, the Shire of Ngaanyatjarraku may request further information from the medical practitioner conducting the assessment about the effects and proper usage of the prescription or pharmacy drugs being taken. The Shire of Ngaanyatjarraku may direct the employee to go home following the medical assessment until it can be established that they are fit to undertake their duties.

If an employee refuses to attend a medical examination or refuses to submit to an alcohol or drug test, the employee will be immediately directed to go home. Refusal to attend a medical assessment or refusal to go home constitutes a breach of this policy and may result in disciplinary action being taken against the employee up to and including the termination of employment.

The following steps are to be taken where an employee who has submitted to a medical assessment returns a positive test result for alcohol and/or drugs:

- The employee tested and the Chief Executive Officer (or respective employer) will be informed of the result;
- A disciplinary discussion will take place in accordance with the disciplinary policies and procedures of the Shire of Ngaanyatjarraku.

An employee who returns a positive test will be in breach of this policy. A breach of this policy may result in disciplinary action being taken against the employee up to and including the termination of employment.

### **Education, Training & Awareness**

Employees who recognise that they have a drink or drug problem, or that they are at risk of developing one, are encouraged to come forward so that they can be assisted to get the appropriate help.

The Shire of Ngaanyatjarraku engages the services of an external Employee Assistance Provider who can provide the organisation's people with free and confidential counselling

### **Consequences of Breaching this Policy**

An employee engaged by the Shire of Ngaanyatjarraku who breaches the provisions of this policy may face disciplinary action including possible termination of employment.

### **Variation to this Policy**

This policy may be cancelled or varied from time to time. All the organisation's employees will be notified of any variation to this policy by the normal correspondence method.

### **Related Corporate Documents**

- Disciplinary Policy
- Grievances, Investigations, & Resolutions Procedure (where applicable)

### **ACKNOWLEDGEMENT OF POLICY CONDITIONS**

I declare that I have read and have accepted the Council policy and procedures concerning Drug and Alcohol.

.....  
Name Employees Signature

Employees

Date .....

### **Amendments to this Policy**

Amendments to this policy require a simple majority decision of council.

#### **History:**

Policy reviewed: 24 June 2020

Policy amended: N/A

#### **Previous Policy:**

Policy adopted: unknown

Policy No. 3.7