



SHIRE OF DONNYBROOK-BALINGUP

COUNCIL POLICIES

Last overall review – May ~~2016~~2018
Last amended – ~~May 2018~~September 2017

COUNCIL POLICIES

Contents

1.1	Policy Manual	4
1.2	Smoking in Council Buildings and Vehicles	5
1.3	Elected Members–Reimbursement of Fees, Expenses	6
	& Allowances	6
1.4	Guests During and After Council	8
1.5	Civic Receptions – Invitations List	10
1.6	Honorary Freeman of the Local Government	11
1.7	Severance Pay Policy.....	12
1.8	Redundancy Policy.....	14
1.9	Legal Representation Costs Indemnification	21
1.10	Committee Membership –	24
1.11	Gratuity Payments.....	25
1.12	Council Elected Members Records	31
1.13	Councillor-Staff Contact	36
1.14	Acknowledgement of Country and Welcome to Country	40
1.15	Senior Staff Appointments.....	44
1.16	Media Spokesperson	45
1.17	Audio Recording of Council Meetings	47
1.18 -	Use of Shire-Specific Email Addresses	49
	by Elected Members.....	49
1.19	Caretaker Policy	51
1.20	Related Party Disclosures	58
1.1	Policy Manual	3
1.2	Smoking in Council Buildings and Vehicles	4
1.3	Elected Members–Reimbursement of Fees, Expenses	5
	& Allowances.....	5
1.4	Guests During and After Council Meetings.....	7
1.5	Motions Without Notice.....	8
1.6	Civic Receptions – Invitations List	9
1.7	Honorary Freeman of the Local Government	10
1.10	Severance Pay Policy	11
1.11	Redundancy Policy	13
1.12	Complaints Handling Procedures	18
1.13	Legal Representation Costs Indemnification.....	20

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Council Policy
1.1 Policy Manual

That all Policy matters adopted by Council prior to 21st May, 1997 be rescinded and that the only Policies recognised by Council are those that have been adopted on or since that date.

- 1.1.1 All policies were reviewed on 23rd July 1998
- 1.1.2 All policies were reviewed on 28th July 1999
- 1.1.3 All policies were reviewed on 24th April 2002
- 1.1.4 All policies were reviewed on 14th June 2006
- 1.1.6 All Policies were reviewed on 28th May 2008
- 1.1.7 All policies were reviewed on 27th February 2009
- 1.1.8 All policies were reviewed on 26th May 2010
- 1.1.9 All policies were reviewed on 27th April 2011
- 1.1.10 All policies were reviewed on 23 May 2012 or 24th April 2012
- 1.1.11 All policies were reviewed on 10 May 2013
- 1.1.12 All policies were reviewed on 17 or 25 June 2014
- 1.1.13 All policies were reviewed on 1 May 2015
- 1.1.14 All policies were reviewed on 26 or 28 April 2016

1.1.15 All polices were reviewed in May 2018

Adopted:	1 January 1991
Last Amended:	25 May 201 8 6
Last Reviewed:	26 April 201 8 6
Next Review Date:	201 9 7
Responsible Department:	Council

Policy 1.2



Council Policy

1.2 Smoking in Council Buildings and Vehicles

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Objective

To ensure a smoke free environment for all Council employees and eliminate exposure to environmental tobacco smoke in the workplace.

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Policy

All Council buildings and vehicles shall be smoke free.

Adopted:	1 January 1991
Last Amended:	27 February 2008
Last Reviewed:	25 April 2016
Next Review Date:	2017
Responsible Department:	Finance & Administration



Council Policy

~~1.33~~ **Elected Members–Reimbursement of Fees, Expenses & Allowances**

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~~1.3~~ **Objective**

~~To clearly outline the financial support that will be provided to Elected Members through the payment of allowances, fees and reimbursement of expenses incurred within the provisions of the Local Government Act 1995 while performing the official functions and duties of Office.~~

Commented [TM2]: CONVERTED TO NEW POLICY FORMAT. TRANSPOSED GUIDELINES/PROCEDURES TO NEW G/P TEMPLATE.

Objective

To clearly outline the financial support that will be provided to Elected Members through the payment of allowances, fees and reimbursement of expenses incurred within the provisions of the Local Government Act 1995 while performing the official functions and duties of Office.

1.23.1 Policy Implementation Guidelines

- 1 All Councillors, including the President and Deputy President are entitled to claim for reimbursement of reasonable expenses incurred in properly carrying out the duties of civic office.
- 2 All expenses should be directly and wholly attributable to the performance of the duties of civic office.
- 3 ~~Each expense claim is to be accompanied by appropriate documentation and/or certification from the Councillor as to its validity.~~
- 4 ~~The authority to allow Councillors to represent Council shall only be provided by Council or the Chief Executive Officer (Delegation No. 1.2 Council Representatives).~~

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1.23.2 Council Meeting Fees

- 1 That the President and Councillors be paid an annual fee for attendance at Council or Committee meetings as provided in Council's budget.
- 2 ~~Fees will be paid on a quarterly basis either by cheque or EFT.~~

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1.23.3 Councillors Travelling Expenses

- 1 That Councillors be reimbursed at the rate prescribed in the Local Government Industry Award 2010 for using their own vehicle for any travel when representing Council, to and from Council meetings, Council Standing and Occasional meetings, Advisory meetings, Management Committee meetings, Electors' meetings, or any non-Council meeting where the Councillor has been appointed as a Council representative to that meeting.
- 2 When acting as a Council representative to a meeting that requires travel outside of the Shire, a Councillor shall be entitled and encouraged to use a Shire vehicle, but in the event that the Councillor's own vehicle is used when a Shire vehicle had been available, the Councillor will not be entitled to claim travel expenses. If a Shire vehicle is not available and a Councillor is required to use their own vehicle they will be entitled to claim travel expenses. When such a meeting itself provides for travel reimbursement, a Council vehicle will not be made available and no travel claim against Council shall be possible.

~~3 3 Travel expenses to be assessed and reimbursed quarterly.~~

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1.3.4 1.2.4 Accommodation, Meals & Incidentals

- 1 Where approval has been granted by Delegation No. 1.2, Councillors shall be entitled to claim accommodation, meal and incidental expenses incurred as a consequence of attending any Conference, Seminar or Meeting as Council's authorised representative.
- 2 Reimbursement will be the actual cost on production of documentation. However the following indicative rates are should be used as a guide in assessing reasonableness:

Accommodation	
Capital Cities	up to \$300.00 per day
Country Centres	up to \$250.00 per day
Sustenance (Food & Drink) & Taxi/Bus Fares	
Capital Cities	\$150.00 per day
Country Centres	\$150.00 per day

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~~These expenses are to be limited to budget allocation.~~

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- 3 Where Councillors are accompanied by their partners at recognised and approved Local Government conferences, seminars and the like, conference sessions, conference dinners and partners' programs shall be paid by Council.
- 4 The accompanying person shall be solely responsible for all costs not associated with registration and/or participation in any conference programs.

Adopted:	1 January 1993
Last Amended:	23 May 2012 8
Last Reviewed:	26 April 2018 6
Next Review Date:	2021 7
Responsible Department:	Finance & Administration

Policy 1.5



Council Policy

1.4 ~~Guests During and After Council~~

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~~That the President and Chief Executive Officer arrange for Members of the Public to be invited to meet with Councillors whenever practicable. These invitations are to be extended to newcomers, business people, professionals, public servants etc., throughout the district. It is the responsibility of the Councillors to advise the Chief Executive Officer of people who should be invited from their respective areas.~~

Commented [TM9]: RESCIND POLICY. CATERED FOR IN MEETING PROCEDURES LOCAL LAW.

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Adopted:	1 January 1993
Last Amended:	23 May 2012
Last Reviewed:	26 April 2016
Next Review Date:	2017
Responsible Department:	Finance & Administration



Council Policy

1.5 Motions Without Notice

Commented [TM10]: RESCIND POLICY. CATERED FOR IN MEETING PROCEDURES LOCAL LAW

1. ~~That motions without notice will only be considered under the following circumstances:~~
 - ~~(a) With the approval of the President prior to the commencement of the meeting.~~
 - ~~(b) With the approval of Council.~~

2. ~~Refer to Standing Orders Local Law.~~

Adopted:	1 January 1993
Last Amended:	14 June 2006
Last Reviewed:	26 April 2016
Next Review Date:	2017
Responsible Department:	Council



Council Policy

1.46 Civic Receptions – Invitations List

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Objective

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1. That Councillors provide to the Chief Executive Officer, by the 31st December each year, a list of residents that they wish to invite to Civic Receptions.
2. That so far as practical, at least six residents to be invited to each Civic Reception.
3. That the residents be invited in chronological order based on the date of receipt of the application.
4. That the relevant office bearers to Community Groups and Associations be invited to attend receptions which Council feel would be of benefit to their organisation.

Adopted:	1 January 1993
Last Amended:	27 February 2008
Last Reviewed:	26 April 2016
Next Review Date:	2017
Responsible Department:	Council



Council Policy

1.57 Honorary Freeman of the Local Government

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1. Council may, by an absolute majority of the members voting at a meeting of the Council, confer upon any person the title of Honorary Freeman of the Local Government.
2. The granting of this prestigious honour shall take into account contributions made by an individual to the community as a representative of Local Government and/or involvement in community and service organisations.
3. The conferring of the title on a person does not grant to that person any right or privilege other than that of permitting that person to designate themselves by the title so conferred.

Adopted:	1 January 1993
Last Amended:	
Last Reviewed:	26 May 2018
Next Review Date:	2021
Responsible Department:	Council

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Council Policy

~~1.10~~ ~~1.68~~ Severance Pay Policy

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Objective

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To set down the maximum severance payable to terminating employees for the purpose of section 5.50 (1) of the Local Government Act (the "Act"). Note however these severance payments may be exceeded in accordance with clause 6 at the discretion of Council.

Policy

1. A terminating employee is entitled to severance pay and benefits in accordance with:-
 - a) Any federal or state award or industrial agreement applicable to that employee;
 - b) Any applicable provisions within the employee's contract of employment;
 - c) Any applicable award or order made by a federal or state industrial tribunal arising from the circumstances of that employee being specifically brought before that tribunal, subject to any right of appeal;
 - d) Where Council so agrees, any recommendation made by a federal or state Industrial Commissioner arising from the circumstances of that employee being specifically brought before that Commissioner.

2. Where a dismissed employee has taken or is proposing to take litigation for alleged unfair dismissal, Council may decide to settle to avoid expensive litigation.

Matters to be taken into consideration by Council as to whether it will seek a settlement and if so, the extent of any financial offers may include:

 - a) the strength of the respective cases in any litigation;
 - b) the cost of legal advocacy and support;
 - e) the cost of witnesses;
 - d) the cost of travel and accommodation in running the case;
 - e) the cost of having staff tied up in the preparation and hearing of the case; and
 - f) the disruption to operations.

3. Redundancy

Commented [TM14]: DELETE AS COVERED IN 1.11

Redundancy benefits shall be made pursuant to Council's Redundancy Policy No 1.11. This does not preclude Council from agreeing to a higher severance benefit where clauses 2 or 3 above apply.

The redundancy benefits are:

- a) A maximum period of notice possible but in any event no less than 4 weeks or payment in lieu of notice to a maximum of 4 weeks;
 - b) Payment of 2 weeks' pay;
 - e) Plus 2 weeks' pay for each completed year of service with the local government;
 - d) The maximum payable under (b) and (c) shall be 26 weeks' pay;
 - e) Where an employee has been employed with the Local Government for a minimum of 5 years, pro rata long service leave shall be provided if the employee is not otherwise entitled to pro rata long service leave under the Local Government Long Service Leave Regulations;
 - f) All other pro rata entitlements payable under the appropriate award or agreement to a terminating employee.
4. Council may decide to settle in a situation where an employee, due to illness or impairment is unable to perform his/her job and there has been mutual agreement that employment must end.

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Matters to be taken into consideration by Council in determining the extent of any financial offers may include:

- a) the length of service;
- b) the conscientiousness of the employee over the past employment;
- c) the value of the employee's service having regard to position(s) held and the regard given by Council to the employee's contribution;
- d) the length of time to retirement;
- e) the personal circumstances of the employee including family responsibility, future employment prospects and alternative sources of income; and
- f) possible exposure to litigation if the employee was dismissed having regard to obligations of Council under the State Equal Opportunity Act, the Commonwealth Disability Discrimination Act and the Commonwealth Workplace Relations Act.

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

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

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Adopted:	1 January 1993
Last Amended:	
Last Reviewed:	26 April-May 2018 6
Next Review Date:	2017 21
Responsible Department:	Human Resources



Council Policy
1.111.7 Redundancy Policy

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1 Redundancy Policy

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All positions and functions in the Local Government are continually reviewed as part of Local Government ongoing service provision. The review results may vary and the Local Government may decide to make certain positions redundant where a position no longer exists.

Any decision to make a position redundant shall adhere to the provisions in the relevant Local Government Awards or any Workplace Agreements covering the employment.

2 Objective

To establish guidelines for carrying out redundancies within the workplace and to outline processes for reducing the significant effect of such redundancies upon employees.

3 Consultation

3.1 The Local Government will consult employees likely to be affected by any proposed change as to the need for and/or reason for the change and no definite decision will be made until this process has been followed.

3.2 Where an employer has made a definite decision that the employer no longer wishes the job the employee has been doing to be done by anyone, and this is not due to the ordinary and customary turnover of labour and that decision may lead to the termination of employment, the employer shall hold discussions with the employees directly affected and with their representative.

3.3 The discussions shall take place as soon as is practicable after the employer has made a definite decision which will invoke the provisions of paragraph (3.2) hereof, and shall cover, inter alia, any reasons for the proposed terminations, measures to avoid or minimise the terminations and measures to mitigate any adverse effects of any terminations on the employees concerned.

- 3.4 For the purposes of the discussion the employer shall as soon as practicable provide in writing to the employees concerned and their representative, all relevant information about the proposed terminations including the reasons for the proposed terminations, the number and categories of employees likely to be affected and the number of workers normally employed and the period over which the terminations are likely to be carried out.

Provided that the employer shall not be required to disclose confidential information, the disclosure of which would be inimical to the employer's interests.

(NOTE: Paragraphs (3.2), (3.3) and (3.4) have been taken directly from the awards and reflect the requirements as to discussion prior to termination)

4. Transfers within the Organisation

- 4.1 Wherever possible and practical, appropriate employees should be offered a transfer to other positions within the enterprise and also offered the necessary and reasonable training to effect a successful transition.
- 4.2 Where an employee is transferred to other duties for the purpose of avoiding retrenchment and those duties attract a lesser rate of pay than the incumbents previous position, the Local Government will make up the difference between the two rates of pay for a period of twelve months (or 2 years in the case of employees covered by clause 7 below). After this time, the lesser rate will apply.

5. ~~Severance-Redundancy Benefits~~

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

- a) A maximum period of notice possible but in any event no less than 4 weeks or payment in lieu of notice to a maximum of 4 weeks;
- b) Payment of 2 weeks' pay;
- c) Plus 2 weeks' pay for each completed year of service with the Local Government;
- d) The maximum payable under (b) and (c) shall be 26 weeks' pay provided that the severance payments shall not exceed the amount which the employee would have earned if employment with the employer had proceeded to the employee's normal retirement date;
- e) Where an employee has been employed with the Local Government for a minimum of 5 years, pro rata long service leave shall be provided if the employee is not otherwise entitled to pro rata long service leave under the Local Government Long Service Leave Regulations;
- f) All other pro rata entitlements payable under the appropriate award or agreement to a terminating employee will be paid;
- g) During the notice period the employee shall be allowed reasonable time off from the job without loss of pay to attend employment interviews or other similar activities to assist the employee find employment;
- h) The term "weeks pay" means the normal weekly salary or wage payable to the employee including any penalty rates normally paid but excluding overtime or intermittent payments. The term also includes salary or wages specifically

sacrificed for additional non-award benefits but does not include the value of any non-award benefit normally provided for the employee's position (such as a vehicle in the case of a senior position, the normal superannuation contribution provided to all employees etc).

6. Discretionary Payment Where Employment Ends

6.1 Additional Payment

In situations other than those covered by clause 7, the Shire may pay to an employee whose employment with the Shire is finishing an amount not exceeding the prescribed minimum amount.

6.2 Prescribed Maximum Amount

The prescribed maximum amount payable under this Policy for an employee whose employment with the Shire is finishing must not exceed in total, including any amount payable under clause 5 (a), (b) and (c).

- (a) if the employee accepts voluntary severance by resigning as an employee, 50% of the value of the employee's final annual remuneration; or
- (b) in all other cases, \$5,000. (See regulation 19A of the *Local Government (Administration) Regulations 1996*).

(NOTE – “final annual remuneration” means the value of the annum remuneration paid, or payable ... [by the Shire] immediately before the person's employment with the [Shire] finished).

6.3 Exercise of Discretion

- (1) A payment under this clause is to be at the discretion of:
 - a) the Council, if the employee is the CEO; or
 - b) the CEO, if the employee is not the CEO
- (2) In determining whether a payment to a particular employee should be made under this clause, and if so, the amount of that payment:
 - a) the Council, if the employee is the CEO; or
 - b) the CEO, if the employee is not the CEO,

is to take into account the length of service to the Shire of that employee, the performance of that employee, the Shire's financial circumstances and any other relevant factors.

7 Redundancies Resulting from Local Government Boundary Changes, Amalgamations and Break-Ups

7.1 Additional Payment

If, as a result of an amalgamation of the Shire with one or more other local governments, or any other order made under section 2.1 of the Local Government Act 1995:

- a) either –

- i) an employee's position becomes redundant, or in the Shire's view is likely to become redundant; or
 - ii) if the employee is the CEO, the Council considered that the CEO's position is likely to become redundant or if the employee is not the CEO, the CEO considers that the employee's position is likely to become redundant; and
- b) the employee accepts voluntary severance by resigning as an employee, the Shire may pay to the employee – at the discretion of the Council, if the employee is the CEO, or at the discretion of the CEO, if the employee is not the CEO – an amount not exceeding the prescribed maximum amount.

7.2 Prescribed Maximum Amount

At the date of the last review of this Policy, the prescribed maximum payment or payments under this Policy for an employee whose employment with the Shire finishes after 1 January 2010 must not exceed in total –

- a) if the employee accepts voluntary severance by resigning as an employee, the value of the employee's final annual remuneration; or
- b) in all other cases, \$5,000. (See regulation 19A of the Local Government (Administration) Regulations 1996).

(NOTE – “final annual remuneration” means the value of the annum remuneration paid, or payable ... [by the Shire] immediately before the person's employment with the [Shire] finished).

7.3 Exercise of Discretion

In determining whether a payment to a particular employee should be made under this clause, and if so, the amount of that payment:

- a) the Council, if the employee is the CEO; or
- b) the CEO, if the employee is not the CEO,

is to take into account the length of service to the Shire of that employee, the performance of that employee, the Shire's financial circumstances and any other relevant factors.

(Note – in the event of an amalgamation or other order made under section 2.1 of the Local Government Act 1995, the statutory provisions that apply include clause 11(4) and (5) of Schedule 2.1 of the Act which state –

- (4) *A contract of employment that a person has with a local government is not to be terminated or varied as a result (wholly or partly) of an order under section 2.1 so as to make it less favourable to that person unless –*
 - a) *compensation acceptable to the person is made; or*
 - b) *a period of a least 2 years has elapsed since the order had effect.*
- (5) *The rights and entitlements of a person whose contract of employment is transferred from one local government to another, whether arising under the contract or by reason of it, are to be no less favourable to that person after the transfer than they would have been had the person's employment been continuous with the first local government.”.*

8. Counselling

- 8.1 Counselling by a professional counselling service shall be available for any employee who has been or is to be retrenched.
- 8.2 In appropriate circumstances an outplacement service may also be offered. In this event no payment in lieu of such service will be made.

9. Termination During Notice

An employee who has been given notice of retrenchment in accordance with clause 5 may terminate during the period of notice and shall be entitled to the same benefits and payments as if he/she had remained until the expiry of the notice. Provided that in such circumstances, the employee shall not be entitled to payments in lieu of notice.

10. Alternative Work

- 10.1 Should the Local Government have made suitable arrangements for alternative employment and the employee is not consequently unduly prejudiced, the additional benefits over and above the appropriate award arising from this Policy shall not apply.
- 10.2 In addition the Local Government may make application to the Commission to have the award severance pay prescription varied in the case of such an employee according to the particular circumstances.

11. Exclusions

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

Adopted:	24 January 2001
Last Amended:	24 June 2009
Last Reviewed:	May 26 April 2018 ⁶
Next Review Date:	2021 ¹⁷
Responsible Department:	Human Resources



Council Policy

1.12 Complaints Handling

Commented [TM17]: PROCEDURAL ONLY. RESCIND POLICY. COVERED IN SHIRE'S GUIDELINES FOR EFFECTIVE COMPLAINT HANDLING

1. The Complaint Handling Procedure will be generally in accordance with the Local Government Complaint Procedure *Guidelines for Effective Complaint Handling*, prepared and published by the Western Australian Local Government Association.
2. Complaints will be dealt with quickly to ensure satisfaction.
3. Complaints (and related correspondence during an investigation) will be accepted in person or over the telephone and in writing via email, fax or letter.
4. To ensure the complaints handling system is accessible to all:
 - Translation and interpreting services will be provided for non-English speaking people to assist them to make a complaint (through TIS National on 131 450).
 - Staff will offer assistance to help complainants with reading or writing difficulties to formulate and lodge complaints.
 - Complaints from third party representatives will be accepted on behalf of people with a disability, and from parents or guardians or behalf of children and young people.
5. Responses must be comprehensive and deal with all the issues contained in the complaint. The response must be accurate because an inaccurate response undermines the credibility of the organisation.
6. Front line staff responsible for trying to resolve grievances will have skills, training and ability in communication and customer contact work. Appropriate training will be provided.
7. Complaints will be handled on a tiered or staged approach
 - i) Front Line Complaint Handling
 - Staff empowered with clear delegations to resolve complaints wherever possible at first contact
 - Staff log complaint details for later analysis
 - ii) Internal Review or Investigation
 - More senior staff reviews/investigates unresolved complaints

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iii) ~~Review Committee (optional)~~

- ~~Informal hearing before Committee comprising senior staff, elected member and community representative.~~

iv) ~~Independent Review~~

~~Still unresolved complaints referred externally, for example:~~

- ~~Alternative dispute resolution procedure (such as mediation) tried~~
- ~~Complaint referred to external complaint agency (such as Ombudsman)~~
- ~~Complainant informed of appeal procedure or other legal remedy.~~

~~8. All complaints will be regarded seriously and will be dealt with in the shortest possible time, and every endeavour will be made to resolve complaints satisfactorily.~~

General

~~"A complaint is an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the Council or its staff, affecting an individual customer or group of customers".~~

~~Complaints are not:~~

- ~~requests for services;~~
- ~~requests for information or explanation of policies or procedures; or~~
- ~~lodging of an appeal in accordance with a standard procedure or policy.~~

Adopted:	26 May 1999
Last Amended:	26 May 2012
Last Reviewed:	26 April 2016
Next Review Date:	2017
Responsible Department:	Human Resources



Council Policy

1.843 Legal Representation Costs Indemnification

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1. Introduction

Commented [TM18]: CONVERTED TO NEW FORMAT

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 Local Government 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 government of the district. This policy applies in that respect.

2. General Principles

- (a) The Local Government may provide financial assistance to members and employees in connection with the performance of their duties provided that the member or employee has acted reasonably and has not acted illegally, dishonestly, against interests of the Local Government or otherwise in bad faith.
- (b) The Local Government may provide such assistance in the following types of legal proceedings:
 - (i) Proceedings brought by members and employees to enable them to carry out their Local Government functions (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) The Local Government 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 the respective roles unless under exceptional circumstances (e.g. repeated acts of defamation against

employees). 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) The legal services the subject of assistance under this policy will usually be provided by the Local Government'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 Local Government.

3. 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 with a recommendation which has been 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 may give an authorisation to the value of \$5,000 provided that the power to make such an authorisation has been delegated to the CEO in writing under section 5.42 of the Local Government Act 1995.~~
- ~~(f) Where it is the CEO who is seeking urgent financial support for legal services the Council shall deal with the application.~~

4. Repayment of Assistance

- ~~(a) Any amount recovered by a member or employee in proceedings, whether for costs or damages, will be offset against any moneys paid or payable by the Local Government.~~
- ~~(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.~~
- ~~(c) Where assistance is so withdrawn, the person who obtained financial support is to repay any moneys already provided. The~~

~~Local Government may take action to recover any such moneys in a court of competent jurisdiction.~~

5. Acknowledgement

Any Council employee or Council member (or past member or former employee) who Council or the CEO approves to receive legal support will acknowledge in writing the details of Council Policy No. 1.13 prior to Council providing that legal assistance.

Commented [TM19]: ALL THIS SECTION IS PROCEDURAL. TRANSPOSED TO GUIDE/PROCEDURE TEMPLATE

Adopted:	24 January 2001
Last Amended:	27 April 2011
Last Reviewed:	May 26 April 2018 ⁶
Next Review Date:	2021 17
Responsible Department:	Council



Council Policy
1.915 **Committee Membership –**
Other Than Committees Comprising Council Members Only

Objective

To ensure membership on Council Committee is fair and equitable and Committee appointments reflect desired skills required.

Commented [TM20]: ON HOLD. NEW FORMAT TO BE CONSIDERED IN JULY 2018 - REFER- CR RESOLUTION MAY 2018

1.15 Committee Positions

- 1 As a general rule, Council will advertise locally for all positions on Council Committees other than for Committees with Council members only.
- 2 Where Council is seeking particular expertise on a Committee, Council may resolve not to advertise and select and appoint members with appropriate skills.
- 3 Committee membership is for a two year term in line with the election cycle.

Adopted:	28 April 2004
Last Amended:	14 June 2006
Last Reviewed:	26 April 2016
Next Review Date:	2017
Responsible Department:	Council



Council Policy

1.1046 **Gratuity Payments**

Commented [TM21]: ON HOLD. REVIEW TO BE PRESENTED TO COUNCIL IN JULY 2018
 Formatted: English (United States)
 Formatted: English (United States)

Objective

The aim of this policy is to establish guidelines for the consideration of Gratuity Payments to employees in accordance with Section 5.50 of the Local Government Act 1995 ('the Act').

Pursuant to Section 5.50 of the Act, this gratuity policy outlines the circumstances in which gratuity payments may be made to an employee. These payments, when made, are in addition to any amount which the employee is entitled to under a contract of employment, enterprise agreement or award. This policy shall not be considered as a contractual entitlement under the employment relationship.

NOTE: As required by Section 5.50 of the Act this policy was advertised through Local Public Notice and prior to adoption and the Shire of Donnybrook/Balingup has not made any payments to employees prior to the giving of the public notification.

Policy Procedures

Eligibility to Gratuity Payments

It is the position of the Shire of Donnybrook/Balingup that when an employee's services are ceasing with Council for any of the reasons identified below, the employee may be entitled to a gratuity payment as outlined within this policy based on the completed years of service:

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

The Gratuity Payment identified within this policy does not apply to an employee who has been dismissed by the Shire of Donnybrook/Balingup for any reason other than redundancy.

Gratuity Amount

The Gratuity amount referred to in this policy shall be as follows:

Number of Years' Service	Amount of Gratuity
10 to a maximum of 15 Years Continuous Service	Up to a maximum of \$3,000.00
15 to a maximum of 20 Years Continuous Service	Up to a maximum of \$4,000.00

Above 20 Years' Service	Up to a maximum of \$5,000.00
A pro-rata payment applies to part-time employees	

The maximum amount payable under this policy shall be \$5,000.00.

The Council acknowledges that at the time that this policy was introduced, employees may be entitled to payments in addition to this policy as a result of accrued unused long service leave benefits, redundancy payments or notice periods as prescribed by the appropriate award, legislation or industrial instrument and that the Council has taken into consideration these provisions when setting the prescribed amount.

Determining Service

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

- Any period of absence from duty of annual leave, long service leave, accrued paid bereavement leave, accrued paid personal leave and public holidays.
- Any period of authorized 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 parental leave.
- Any period of absence that has been supported by an approved workers compensation claim up to a maximum absence of 1 year.

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

- Any period of unauthorised absence from duty unless the Local Government determines otherwise.
- Any period of unpaid leave unless the Local Government determines otherwise.
- Any period of absence from duty on Parental leave unless the Local Government determines otherwise.

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 Local Government agrees not to make any payment in addition to that contained within this policy until the Policy has been amended to reflect the varied amount and caused local public notification to be given in relation to the variation.

Financial Implications

The Council acknowledged that at the time of the policy's introduction they were fully aware of the financial implications to the Local Government and that the financial implications had been investigated based on the current workforce position.

Variation to Policy

This policy may be varied or cancelled from time to time at the discretion of Chief Executive Officer after the endorsement by Council.

The Local Government is committed to taking reasonable action to ensure that any variation or cancellation to this policy is notified to all employees prior to the variation taking effect, including (but not limited to) notifying all employees via normal correspondence of the variation including the proposed reasons for such variation. All employees shall be given an opportunity to provide feedback regarding the variation and these shall be taken into consideration by Council prior to variation.

Adopted:	23 June 2004
Last Amended:	22 May 2013
Last Reviewed:	26 April 2016
Next Review Date:	2017
Responsible Department:	Council



Council Policy

1.17 Public Question Time

Commented [TM22]: RESCIND POLICY, CATERED FOR UNDER MEETING PROCEDURES LOCAL LAW

~~Objective – Catered for under Meeting Procedures LL. Guidelines. Cancel~~

The following guidelines are intended to assist in the proper management and operation of public question time, and to promote efficient and effective use of this time.

~~Guidelines~~

~~Public Question Time is a means by which the public can seek responses from their Council about issues affecting the Local Government that are of concern to them. It assists the public to be better informed about the governing of their district, and it provides the Local Government with a mechanism to identify issues of importance in their community.~~

~~Under section 5.24 of the Local Government Act 1995 (the Act) and the Local Government (Administration) Regulations 1996 (the Regulations), time must be made available at every council meeting (whether ordinary or special) and every meeting of a committee with delegated powers or duties, for members of the public to ask questions and have them responded to.~~

~~The intention of the legislation is for a local government to respond by providing answers. Although a local government must respond to a question, it was not intended that a local government provide an answer to every question where the question is outside the legislation or deemed unreasonable.~~

~~The procedure during the meeting is as follows:~~

~~a) the presiding person opens question time with a brief statement on the rules including:~~

- ~~• a minimum period of 15 minutes is set aside for Question Time. This can be extended by the President or Council;~~
- ~~• the availability of the written rules in the chamber;~~
- ~~• people will be called to ask their question in the order they have registered;~~
- ~~• any person who has not registered will be given an opportunity to ask a question after those who have registered;~~
- ~~• the council policy that each person is allowed a certain number of questions, or a set amount of time;~~
- ~~• the right of each person, if they have further questions, to return to the end of the queue;~~

~~b) persons are requested to come forward in the order they registered and address their question to the Chairperson;~~

- c) — give their name;
- d) — read out their question;
- e) — before or during the meeting, each person is requested to provide a written form of their question to a designated council employee;
- f) — the presiding member determines who is to respond to the question;
- g) — the question is responded to, taken on notice or not accepted;
- h) — each member of the public with a question is entitled to ask up to two (2) questions before other members of the public will be invited to ask their question(s);
- i) — a member of the public shall have two (2) minutes to submit a question;
- j) — the person having used up their allowed number of questions or time, is asked by the presiding member if they have more questions. If they do, then the presiding member notes the request and places them at the end of the queue; the person resumes their seat in the gallery;
- k) — the next person on the registration list is called;
- l) — the original registration list is worked through until exhausted; after that the presiding member calls upon any other persons who did not register if they have a question (people may have arrived after the meeting opened);
- m) — when such people have asked their questions, the presiding member may, if time permits, provide an opportunity for those who have already asked a question to ask further questions;
- n) — public question time is declared closed following the expiration of the allocated time period or where there are no further questions.

While the regulations require that members of the public be given an equal and fair opportunity to ask a question and receive a response, it is a matter of judgement how this will be managed.

If a member of the public provides a written question or attempts to verbally ask a question which is considered to be offensive or defamatory in nature, that person should be advised that the question will not be considered. To do so would expose the local government to possible legal action for republishing defamatory remarks. In these circumstances, but depending on the question, the person could be invited to rephrase their question.

People should be discouraged from asking inappropriate questions, such as those containing defamatory remarks, offensive language or questioning the competency of staff or council members. Instead, people should be encouraged to concentrate their questions on issues rather than individuals. For example, asking if the project is on time, rather than questioning whether a person is competent to manage the project and ensure it is completed on time.

If a person does attempt to ask a question considered inappropriate or not in good faith, the presiding member could also rule the question inappropriate.

~~In addition, a presiding member may refuse to accept questions that relate to the personal affairs or actions of council members or employees.~~

~~This would also apply to questions relating to confidential matters, legal advice, legal proceedings or other legal processes; or have been answered by earlier questions or questions at a previous meeting.~~

~~Where a person submits a question in writing for public question time but fails to attend the meeting, the presiding member may decide that the question is not to be put to the meeting. In which case, the Chief Executive Officer may reply in writing at a time other than at the meeting.~~

Adopted:	26 October 2004
Last Amended:	26 June 2013
Last Reviewed:	26 April 2016
Next Review Date:	2017
Responsible Department:	Administration



Council Policy

1.1148 Council Elected Members Records

Introduction **format**

Commented [TM23]: CONVERTED TO NEW FORMAT

The State Records Commission requires that communications and transactions of elected members which constitute evidence affecting the accountability of the Council and the discharge of its business be recorded.

Objective

- To ensure compliance with the *State Records Act 2000* and its amendments and the Shire of Donnybrook-Balingup Record Keeping Plan.
- To establish procedures for capturing relevant Elected Members' records that falls within the scope of this policy.
- To properly maintain and preserve records of continuing value for legal, evidential, administrative, financial purposes or historical value.

Policy

Elected members **must** create and keep records of communications or transactions, which convey information relating to **local government business or functions**. These records should be forwarded on a weekly basis to the local government administration for capture into the official record-keeping system.

Records to be forwarded to the Shire's Record Keeping Officer for recording:

1. Communications in any form (i.e. - email, letter, fax, verbal etc.) –
 - complaints & compliments;
 - correspondence concerning corporate matters;
 - submissions, petitions & lobbying;
 - information for Council's interest relating to local government business activity & functions.
2. Telephone, meetings and other verbal conversations between an elected member and another party, that are directly related to the formal decision making function of elected members regarding local government projects or business activities. Details of the discussion should be noted in an email and forwarded to the Records Keeping Officer.
3. Created emails, responses and emails received by an elected member regarding local government projects or business activity.

4. Work diaries containing information that may be significant to the conduct of the elected member on behalf of the local government.
5. Presentations and speeches delivered as part of an elected member's official duties.

Records NOT required by the Shire's Record Keeping Officer for recording:

1. Duplicated copies of Council meeting agenda, minutes and papers.
2. Draft documents or working papers which are already captured by the Shire Record Keeping Officer.
3. Publications such as newsletters, circulars and journals.
4. Invitations to community events where an elected member is **not** representing Council or the Shire of Donnybrook-Balingup.
5. Telephone, meetings and other verbal conversations which –
 - convey routine information only; or
 - do not relate to local government business or functions
6. Electioneering or party political information.
7. Personal records not related to an elected member's official duties.

Destruction of records

All captured records should be returned to the Shire's Record Keeping Officer for authorised and legal destruction.

Adopted:	28 April 2010
Last Amended:	
Last Reviewed:	26 April 2016 18
Next Review Date:	20 17 20 27
Responsible Department:	Finance & Administration



Council Policy

1.19 Presentations at Council/Committee Meetings

Introduction ~~meeting proc LL - cancel~~

Commented [TM24]: CANCEL POLICY. CATERED FOR UNDER MEETING PROCEDURES LOCAL LAW.

The Shire of Donnybrook-Balingup encourages an atmosphere of open dialogue with the public.

Objective

To establish criteria for presentations to Council and Committee meetings that relate to items on the Agenda (as opposed to invited presentations or briefings).

Policy

Presentations are an established agenda item on all regular Council and Regular Council Committee agendas.

Presentations will be heard on all matters affecting the Shire which would be considered on an "open" agenda.

Presentations will not be heard on items that would be considered on a "closed" agenda. The Local Government Act 1995 lists the following matters which may be considered in a closed session:

~~"(2) If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following—~~

- ~~(a) a matter affecting an employee or employees; and~~ (b)
- ~~the personal affairs of any person; and~~
- ~~(c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and~~
- ~~(d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and~~
- ~~(e) a matter that if disclosed, would reveal—~~
 - ~~(i) a trade secret; or~~
 - ~~(ii) information that has a commercial value to a person; or~~
 - ~~(iii) information about the business, professional, commercial or financial affairs of a person;~~

~~where the trade secret or information is held by, or is about, a person other than the local government; and~~

~~(f) a matter that if disclosed, could be reasonably expected to~~

- ~~(i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law; or~~
- ~~(ii) endanger the security of the local government's property; or~~
- ~~(iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety;~~

~~and~~

~~(g) information which is the subject of a direction given under section 23(1a) of the Parliamentary Commissioner Act 1971; and~~

~~(h) such other matters as may be prescribed".~~

Registration of Presenters

1. ~~Any person and/or deputation wishing to appear before Council must submit a written request to the CEO who is to forward the written request to the President or the Presiding Member as the case may be. The President or Presiding Member gives the approval.~~
2. ~~Written requests for a presentation are to be received by the CEO no later than **4pm on the day before** the meeting.~~
3. ~~In exercising his/her discretion the President or Presiding Member will consider matters such as the presentation's relevance to:~~
 - ~~(a) Council's strategic goals;~~
 - ~~(b) The objectives, functions and powers of Council under *the Local Government Act 1995*;~~
 - ~~(c) The urgency and importance of the matter to Council and the community;~~
 - ~~(d) The action/intervention being asked of Council by the presenters; and~~
 - ~~(e) The repetitive approach a presenter may be taking in seeking opportunities to present on the same or similar matter multiple times.~~
4. ~~A deputation is not to exceed five persons, only two of whom may address the Council or Committee, although others may respond to specific questions from the members.~~
5. ~~Any person and/or deputation making a presentation to Council shall be allowed a maximum of ten (10) minutes to address Council followed by an appropriate time for the person and/or deputation to respond to any questions members of Council may have. Additional time may be allocated at the discretion of Council.~~
6. ~~Any person and/or deputation must notify the CEO at the time of the initial request to address Council whether they wish to use a PowerPoint presentation.~~
7. ~~PowerPoint presentations must be provided, on a thumb drive, to the Executive Assistant at least **two (2) hours prior to the meeting** to allow time for virus scanning.~~

8. PowerPoint presentations **will not** be accepted without prior notice.

Protocols

Because Council meetings are official functions, governed by law, there are certain protocols that apply. The correct procedures are:

- You may only speak when the Chairperson invites you to do so.
- When invited to speak, come forward to the lectern and use the microphone provided, state your name and the item you wish to speak to.
- The correct way to address the President is "Mr President" or "Madam Chairman". Other members of the Council should be addressed as "Councillor and surname (names of each Councillor are on a name plate on their desk)".

Adopted: _____	26 June 2013
Last Amended: _____	
Last Reviewed: _____	26 April 2016
Next Review Date: _____	2017
Responsible Department: _____	Executive



**1.1220 Council Policy
Councillor-Staff Contact**

Formatted: English (United States)

Objective

To establish a protocol to maintain a professional, effective and cordial relationship between Elected Members and staff.

Commented [TM25]: CONVERTED TO NEW FORMAT

Introduction

In general terms, the Council's role is to set policy and strategic direction for the Shire, whilst the Chief Executive Officer's (CEO) role is to implement that policy and strategic direction, using the staff and other resources made available by Council through the setting of the budget.

It is important to understand that an Elected Member has no power of authority over the staff, including the CEO. Only the Council, at a formally convened meeting, can give direction to the CEO. Furthermore, an Elected Member has no authority to expend local government funds.

Policy Statements

All Elected Member contact with the Shire's Administration is to be made through the CEO (or Office of the CEO), whether by email, telephone, in person or via other communications methods. The Elected Member should first provide a brief explanation as to the reason for their contact.

The CEO (or Office of the CEO) will either respond to the query or assign the appropriate staff member to respond to the inquiry.

Each initial contact must start with the CEO (or Office of the CEO), unless expressly approved otherwise by the CEO, in writing. If approval is given by the CEO to an Elected Member to contact a staff member other than the CEO on a particular matter, this is not approval for that Elected Member to contact that staff member continually or on future matters.

Written (email, letter, other)

Commented [TM26]: TRANSPOSE TO GUIDELINES AND PROCEDURES DOCUMENT.

- All replies sent to an Elected Member, together with the request, must be copied to all other Elected Members, Records, CEO and relevant staff members.
- Within legislation, the CEO has discretion to determine whether to forward 'Confidential' items from an Elected Member to all Elected Members.

In person

- Elected Members wishing to make an appointment with the CEO or other staff member must make prior contact with the CEO (or Office of the CEO) to arrange a suitable time and to indicate the reason for the appointment (to allow research to be undertaken if required).
- The CEO and/or other staff members will endeavour to be available at short notice, however depending on the circumstances, this cannot be guaranteed.
- For security and occupational health and safety reasons, Elected Members must first present to the Administration Office reception before meeting with the CEO or any other approved staff member.
- If there are matters ongoing, for example the Elected Member is the Chair of a Council Committee and needs regular contact with staff members supporting that Committee, the ongoing contact is to be approved by the CEO. Elected Members should be mindful of the time they seek with staff members in these circumstances and ongoing contact in this scenario will be at the discretion of the CEO.

Works Requests

As representatives of the community, Elected Members may from time to time be approached by members of the community to advocate for particular works to be undertaken through the Shire's resources.

- Elected Members are encouraged to direct those community members seeking works to be undertaken by the Shire to the Shire's Works Request forms (available via the Shire website and hard copies available from the Shire Administration office).
- Where community members are unwilling or unable to lodge a Works Request form themselves, Elected Members may email these requests (on the community member's behalf) to Shire Records (records@donnybrook.wa.gov.au) where they will be logged into the works request system and referred to the relevant staff member for review.
- The relevant staff member will assess the works request to ascertain if the works can be undertaken within the existing operational budget, and if not, then the Elected Member will be contacted to discuss the request.
- Where the works request can be undertaken under the existing operational budget, the Elected Member will be advised of the expected completion date.

Commented [TM26]: PROCEDURE. TRANSPOSED INTO GUIDELINES/PROCEDURES TEMPLATE

Adopted:	26 June 2013
Last Amended:	23 August 2018 ⁷
Last Reviewed:	7 August 2018 ⁷
Next Review Date:	2021 ¹⁸
Responsible Department:	Administration



Council Policy

1.21 Responsible Service and Consumption of Alcohol on Shire Premises

Objective ~~covered under responsible service of alc.~~ **cancel**

Commented [TM27]: RESCIND. CATERED FOR UNDER RESPONSIBLE SERVING OF ALCOHOL.

To ensure that, when alcohol is served and consumed on Shire premises, it is done in a responsible manner.

This policy is applicable to all councillors, staff and guests of the Shire of Donnybrook-Balingup at functions and events for which the Shire is responsible.

Policy

At the discretion, and with the approval of the Chief Executive Officer, alcoholic beverages may be available for consumption on Shire premises. If so, this will be done in accordance with the principles of the Responsible Serving of Alcohol (RSA) program.

- 1— The person or persons organising the event is/are accountable for ensuring that alcohol is served in a responsible manner with regard for the health and safety of all councillors, employees, and guests. If staff are serving alcohol, wherever possible, use should be made of those who have RSA Accreditation.
- 2— Food is to be provided to accompany alcoholic beverages. This may range from finger food through to a full meal, depending on the situation.
- 3— A range of drinks including low alcohol and non-alcoholic beverages as well as water will be made available at all functions.
- 4— Those responsible for serving drinks should adhere to the following serving guidelines:
 - No one should provide liquor or allow the provision of liquor to any person under the age of 18 years.
 - Care should be exercised by all to ensure alcohol is not served to the point of intoxication.
 - Council will not supply or allow the supply of alcohol to anyone who appears to be intoxicated.
 - Council will not tolerate drunkenness, abusive or obscene language or suggestions, unwelcome advances or inappropriate physical contact with other guests.

Failure to observe these principles may lead to refusal to serve alcohol and a request to leave the premises.

Council actively encourages responsible driving so when intending to consume alcohol, councillors, staff and guests should plan ahead and make alternative travel arrangements.

Adopted:	25 June 2014
Last Amended:	
Last Reviewed:	26 April 2016
Next Review Date:	2017
Responsible Department:	Administration



Council Policy

1.1322 Acknowledgement of Country and Welcome to Country

Objective

Commented [TM28]: CONVERTED TO NEW FORMAT

The objective of this policy is to acknowledge and show respect for the original custodians of the land on which the Shire of Donnybrook-Balingup is situated and ensure the correct protocols are used when doing so.

Terms Used

Acknowledgement of Country – is an acknowledgement of the traditional Aboriginal custodians of the land in order to pay respect to them. An acknowledgement can be performed by any person, Aboriginal or non-Aboriginal.

Welcome to Country – is where the traditional custodians formally welcome people to their land. This ceremony is undertaken by Elders acknowledged as such by their family and community.

Policy

It is the policy of Council to show respect for Australia's first people by recognising the traditional custodians of the land at public meetings and events, either through an 'Acknowledgement of Country' or - at major events - by inviting Aboriginal Elders to formally welcome guests.

1 Acknowledgement of Country

An 'Acknowledgement of Country' may be delivered at the following types of events:

- Significant events where members of the public, representatives of governments and/or the media are present
- Council Meetings
- Forums, briefing sessions, community workshops where the public are present
- Conferences or seminars
- NAIDOC celebrations
- Citizenship Ceremonies

An 'Acknowledgement of Country' should be given by a speaker at the beginning of the event.

The wording of and 'Acknowledgement of Country' may vary. A list of suggested phraseology is available in the attached guidelines.

2 Welcome to Country

A 'Welcome to Country' ceremony may be held at the start of the following types of events:

- The opening of a new significant building involving State or Federal Government representatives
- Major civic ceremonies or functions

The initiation of a 'Welcome to Country' is to occur only after receiving prior approval from the Chief Executive Officer.

A 'Welcome to Country' should always occur as the first item in a ceremony or event. It may consist of a single speech by the representative of the local Aboriginal community or may also include a performance, such as a traditional song, dance or didgeridoo performance.

Arrangements for a 'Welcome to Country' are to be made by the officer/s responsible for the event or activity. This includes contacting and liaising with the appropriate Elder.

PROCEDURE / GUIDELINES

Acknowledgement of Country & Welcome to Country

1 Acknowledgement of Country (Refer Policy 1.22)

The wording used for an Acknowledgement of Country may differ, but may include the following:

- "I would like to acknowledge that this meeting is being held on the traditional lands of the Noongar¹ People."
- "I respectfully acknowledge the Noongar People, the past and present traditional owners of the land, upon which we are meeting."
- "The Shire of Donnybrook-Balingup affirms that Aboriginal people and Torres Strait Islander people are the indigenous peoples of Australia. Before we proceed with today's meeting, I would like to acknowledge the traditional custodians of this land."
- "I would like to acknowledge the traditional custodians of the land, the Noongar People and pay my respects to Elders, past and present."

The acknowledgement may be given in both English and Noongar language, as follows:

- "Ngala kaaditj Noongar moort, keyen kaadak nidja Boodja." (We acknowledge the Noongar people as the original custodians of this land).

The Acknowledgement should be delivered at the beginning of the meeting.

¹ **Noongar** — is a generic and accepted term used to broadly identify Aboriginal people who come from the South West of Western Australia (between Jurien and Esperance).

2 Welcome to Country

(Refer Policy 1.22)

1. The Welcome to Country is conducted by a recognised representative of the local Noongar community. Where a local Noongar is not available, it is acceptable for a Noongar elder from another area to give the Welcome to Country.
2. The speaker who follows immediately after the "Welcome to Country" ceremony should acknowledge the person who delivered the welcome. (E.g. "I respectfully acknowledge the past and present traditional owners of this land on which we are meeting, the Noongar People. It is a privilege to be standing on Noongar country.")
3. Arrangements for performing the ceremony will need to be negotiated with the representative.
4. Organisers will need to provide the traditional owners with information on the theme and purpose of the event. They should also respectfully request that any "Welcome" made in an Aboriginal language be translated in English so that the audience can understand the welcoming message.
5. The organizer should take appropriate steps to ensure the representative/s performing the welcome are well looked after and that transport/refreshments are made available if necessary.

Commented [TM29]: PROCEDURE - TRANSPOSED TO NEW GUIDELINES/PROCEDURES TEMPLATE

Adopted:	27 May 2015
Last Amended:	
Last Reviewed:	May 2018/26 April 2016
Next Review:	2021/17
Responsible Department:	Executive



Council Policy

1.23 Shire Staff – Superannuation

Objective: **HR related. Not council policy. Cancel**

Commented [TM30]: RECIND. – THIS IS GENERAL HR INFORMATION THAT FORMS PART OF EMPLOYMENT PACKAGE.

To outline clearly the conditions relating to non-contract employees' superannuation benefits.

Background:

In addition to paying the obligatory Superannuation Guarantee Contribution (SGC) to each employee, the Shire matches certain employee contributions, within constraints. As the SGC is altered periodically, it is necessary to have and review a superannuation policy, as an overview.

It is traditional in local government circles for this information to be transparent and publicly available via the mechanism of a Council-adopted policy. Prospective employees tend to examine employer policies and an attractive superannuation policy is consequently an effective staff recruitment and retention tool.

Policy:

That for all non-contract employees of the Shire, including those of any business unit and Board/Committee-administered functions, the Council's contributions for superannuation are:

	SGC	Matching Contribution	Total Available
All staff	9.5% ♦	3% ▲	12.5%

Notes:

- ♦ Statutory requirement current amount
- ▲ Requires the employee to contribute from their pay, either pre or post tax, either 1%, 2% or 3% of their gross pay to be eligible to receive either 1%, 2% or 3% respectively

Adopted: 27 May 2015
 Last Amended: 25 May 2016
 Last Reviewed: 28 April 2016
 Next Review: 2017
 Responsible Department: Finance & Administration



Council Policy

1.1424 Senior Staff Appointments

Objective

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To define Council's Senior staff appointments policy and outline appointment procedures.

Policy

1. Senior Staff shall be the Chief Executive Officer, Manager Finance and Administration, Manager Development and Environmental Services, Manager of Works and Services (vide s 5.37 *Local Government Act 1995*)
2. That all staff appointments be subject to the following:
 - a) Senior Staff appointments shall be made as per the provisions of Regulation 18c of the *Local Government Functions and General Regulations*.
 - b) Appointee producing a Medical Certificate, obtained at Council expense, which indicates a full summary of the appointee's health and ability to undertake work for the Shire.
 - c) Job specification/ description to be completed for all appointments unless otherwise authorised by the Chief Executive Officer.
 - d) A three month probationary period.

The Chief Executive Officer has the discretion to pursue and appoint personnel from other organisations where appropriate and where there is a benefit to Council in doing so, without advertising.

Appointment of CEO and Senior Staff

Vacant position of CEO and Senior employees shall be advertised in a newspaper circulating statewide. All details of the vacant position are to be advertised in accordance with the *Local Government Act* and *Local Government (Administration) Regulations 18A*.

Advertisement details are presented in Regulation 18A.

Adopted:	1 January 1993
Last Amended:	22 May 2013
Last Reviewed:	26 April 2016
Next Review:	2017
Responsible Department:	Administration



Council Policy
1.1524 Media Spokesperson

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INTRODUCTION

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From time to time Councillors and employees are approached by the media seeking comment on behalf of Council on a particular matter. It is important that Council's point of view/decision be clearly conveyed by a person authorised and qualified to express that view.

OBJECTIVE

1. To define those people who may speak to the media or issue a media release on behalf of Council.
2. To clarify when persons other than those authorised under the *Local Government Act 1995* (the Act) are permitted to speak or issue a media release on behalf of Council to the media.

POLICY STATEMENT

1. In accordance with Section 2.8(d) of the Act, the President is the authorised spokesperson of the Council.
2. In accordance with Section 5.41(f) of the Act, the Chief Executive Officer may also be the spokesperson of the Council if the President agrees (refer Council Delegation 1.1).
3. If the President is not available or unable to be the spokesperson (Section 5.34) then the Deputy President may perform this function.
4. In accordance with Section 5.44(1) of the Act, the Chief Executive Officer may delegate authority to other officers to be the spokesperson and/or to issue a media release.
5. If a Councillor or Employee is approached by the press to answer questions or make a comment on council business, unless specifically authorised by the President (if a Councillor) or the Chief Executive Officer (if an officer) the member of the press be referred to the authorised spokespersons of the Council for response.
6. Unless a Councillor or employee have been authorised by the President (Councillors) or Chief Executive Officer (employees) they are to refrain from

speaking on behalf of Council and should refer the media to the authorised person (President or Chief Executive Officer).

Nothing in this policy shall prevent a Councillor expressing his/her personal opinion to the media. However, as a general principle, Councillors having dealings with the media when approached by it to make a statement or private comment on a matter of Council business, should have regard to any resolutions of the Council affecting the matter in question.

POLICY APPLICATION

This policy is applicable to all elected members during their terms of office as Councillors and all employees whilst employed by the Shire of Donnybrook-Balingup.

Adopted:	27 April 2016
Last Amended:	
Last Reviewed:	
Next Review Date:	2017 2021
Responsible Department:	Council / Executive



Council Policy

1.1625 Audio Recording of Council Meetings

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Policy: only

3. Purpose of audio recordings of meetings

All Ordinary and Special Meetings of Council held in Council Chambers shall be audio recorded, except when the Council has resolved to close the meeting to members of the public, to assist in the preparation of the Minutes of the meeting's proceedings.

It is noted that the only official record of any Council meeting is the minutes and only the resolutions of Council as published in the minutes can be actioned.

Audio recording – means any recording made by any electronic device capable of recording sound.

4. Access to audio recordings

The Minute Clerk shall have access to the audio recordings to assist in the preparation of the Minutes of the meeting's proceedings.

This policy does not impinge on any person's access to public records under the *Freedom of Information Act 1992*.

5. Public notification of recording of meetings

Members of the public attending meetings will be advised that an audio recording of the meeting will be made to assist with minute-taking. The wording of the advice will be as follows:

"This meeting is being digitally recorded to assist with minute-taking in accordance with Council Policy 1.25. If you do not give permission for your participation to be recorded, please indicate this at the meeting."

"Members of the public are reminded that no other visual or audio recording of this meeting by any other means is allowed without the permission of the chairperson."

This advice will be provided:

- On the agenda for Council and Committee meetings
- On paperwork associated with Public Question Time
- Verbally by the chairperson at the start of the meeting.

6. Retention of audio recordings

All audio recordings are to be retained as part of the Shire's records in accordance with the *State Records Act 2000* and the *General Disposal Authority for Local Government 25.1.3* produced by the State Records Office of Western Australia.

Adopted:	23 March 2016
Last Amended:	
Last Reviewed:	<u>May 2018</u>
Next Review Date:	2021 17
Responsible Department:	Council / Executive



Council Policy

1.17 1.26- Use of Shire-Specific Email Addresses by Elected Members

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1. Context:

There is a benefit to both elected members and ratepayers in having a uniform email address. All elected members will be provided with a Shire server email address (*councillorname@donnybrook.wa.gov.au*) for the use of Council business.

2. Objective:

This policy sets out the way this email address is to be used and how correspondence to and from this email address will be recorded.

3. Policy

3.1 Each elected member will be issued with a password and the web mail address to access the account. The adoption of this email address is optional.

3.2 The email address is provided for use by elected members in their role as an elected member only, is not to be used for electioneering or private business. (Ref. Section 8 of the Local Government (Rules of Conduct) Regulations 2007)

3.2 All emails from ratepayers, such as

- complaints and compliments;
- correspondence concerning corporate matters;
- submissions, petitions and lobbying;
- information for Council's interest relating to local government business activity and functions;

are to be forwarded to *records@donnybrook.wa.gov.au* on a weekly basis for recording on the Shire's official recordkeeping system in accordance with State Records Commission Policy and Council Policy 1.18.

This requirement applies to emails to both the Shire-specific email address and to an elected member's private email address.

3.3 All emails using the Shire server are discoverable under the *Freedom of Information Act 1992*, whether or not they have been recorded in the Shire's official recordkeeping system.

3.4—Elected members using either the Shire-specific email or their personal email for Council correspondence should remain mindful of the Code of Conduct, particularly in relation to confidentiality (clause 5.6(b)).

3.4—On the resignation / non re-election of an elected member, that member's email account will be removed from the system.

Adopted:	23 November 2016
Last Amended:	
Last Reviewed:	
Next Review Date:	2017
Responsible Department:	Council / Executive



Council Policy 1.1827 Caretaker Policy

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OBJECTIVES ~~procedures~~

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The objectives of this Caretaker Policy are to:

- ensure Council of the Shire of Donnybrook-Balingup avoids making major decisions prior to an election that would bind an incoming Council;
- prevent the use of public resources in ways that could be seen as advantageous or disadvantageous to members seeking re-election or new candidates; and
- recognise the requirement for the Shire administration to act impartially in relation to all candidates.

This Policy applies during a 'Caretaker Period' (see below for a definition) to cover:

- a. decisions that are made by the Council;
- b. materials published by the Shire;
- c. attendance and participation in functions and events;
- d. use of the Shire's resources;
- e. access to information held by the Shire.

POLICY STATEMENT

1.1 Application

This Caretaker Policy applies to Elected Members and employees of the Shire of Donnybrook-Balingup. While electoral candidates that are not sitting Elected Members cannot be compelled to comply with a policy of the Council, such candidates will be made aware of the Caretaker Policy and encouraged to cooperate with its implementation.

1.2 Definitions

'Caretaker Period' means the period of time when the caretaker practices are in place prior to the election. The caretaker practices will apply from the close of nominations (37 days prior to the Election Day – Section 4.49 (a) of the *Local Government Act 1995*) until 6.00pm on Election Day.

'Election Day' means the day fixed under the *Local Government Act 1995* for the holding of any poll needed for an election but excludes an extraordinary election other than an extraordinary election to elect a new Shire President.

'Electoral Material' means any advertisement, handbill, pamphlet, notice, letter or article that is intended or calculated to affect the result in an election but does not include:

- a. An advertisement in a newspaper announcing the holding of a meeting (Section 4.87 (3) of the *Local Government Act 1995*).
- b. Any materials exempted under Regulation 78 of the *Local Government (Elections) Regulations 1997*.
- c. Any materials produced by the Shire relating to the election process by way of information, education or publicity, or materials produced by or on behalf of the Returning Officer for the purposes of conducting an election.

'Extraordinary Circumstances' means a situation that requires a major policy decision of the Council because:

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

'Major Policy Decision' means any:

- a. Decisions relating to the employment, termination or remuneration of the CEO or any other designated senior officer, other than a decision to appoint an Acting CEO, or suspend the current CEO (in accordance with the terms of their contract), pending the election.
- b. 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.
- c. Decisions relating to the Shire entering into the disposition of property or a commercial enterprise as defined by Sections 3.58 and 3.59 of the *Local Government Act 1995*.
- d. Decisions that would commit the Shire to substantial expenditure or actions that, in the CEO's opinion, are significant, such as that which might be brought about through a Notice of Motion by an Elected Member.
- e. Decisions that, in the CEO's opinion, will have a significant impact on the Shire of Donnybrook-Balingup or the community.
- f. Reports requested or initiated by an Elected Member, candidate or member of the public that, in the CEO's opinion 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 but does not include consultation required to be undertaken in order to comply with a written law.

'Substantial Expenditure' means expenditure that exceeds 0.1% of the Shire's annual budgeted revenue (inclusive of GST) in the relevant financial year.

1.3 Scheduling Consideration of Major Policy Decisions

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

- a. considered by the Council prior to the Caretaker Period; or
- b. scheduled for determination by the incoming Council.

Where extraordinary circumstances prevail, the CEO may submit a major policy decision to the Council (refer to Part 3).

1.4 Decisions Made Prior to a Caretaker Period

This Policy only applies to 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 or after it has concluded.

2. IMPLEMENTATION OF CARETAKER PRACTICES

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2.1 Role of the CEO in Implementing Caretaker Practices

The role of the CEO in implementing the caretaker practices outlined in this policy is as follows:

- a. The CEO will ensure as far as possible, that all Elected Members and staff are aware of the Caretaker Policy and practices at least 30 days prior to the start of the Caretaker Period.
- b. The CEO will ensure, as far as possible, that any major policy or significant decisions required to be made by the Council are scheduled for Council resolution prior to the Caretaker Period or deferred where possible for determination by the incoming Council.
- c. The CEO will endeavour to make sure all announcements regarding decisions made by the Council, prior to the Caretaker Period, are publicised prior to the Caretaker Period.
- d. The CEO will provide guidelines for all relevant staff on the role and responsibilities of staff in the implementation of this policy.

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3. EXTRAORDINARY CIRCUMSTANCES REQUIRING EXEMPTION

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3.1 Extraordinary Circumstances

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Despite clause 1.3, the CEO may, where extraordinary circumstances exist, permit a matter defined as a 'major policy decision' to be submitted to the Council for determination during the Caretaker Period.

3.2 Appointment or Removal of the CEO

Whilst clause 1.3 above establishes that a CEO may not be appointed or dismissed during a Caretaker Period, the Council may, where the substantive officer is on leave, appoint an Acting CEO, or in the case of an emergency, suspend the current CEO (in accordance with the terms of their contract) and appoint a person to act in the position of CEO, pending the election, after which date a permanent decision can be made.

4. CARETAKER STATEMENT

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4. Caretaker Statement

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To assist the Council to comply with its commitment to appropriate decision making during the Caretaker Period, a Caretaker Statement will be included in each report submitted to the Council where the Council's decision would, or could, be a Major Policy Decision. The Caretaker Statement will 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 Donnybrook-Balingup Caretaker Policy, however, an exemption should be made because, (insert the circumstances for making the exemption)".

5. SHIRE OF DONNYBROOK-BALINGUP PUBLICATIONS

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5.1 Shire Website

During the Caretaker Period the Shire's website will not contain any material which is precluded by this policy. Any references to the election will only relate to the election process. Information about Elected Members will be restricted to names, contact details, titles, membership of special committees and other bodies to which they have been appointed to by the Council.

6. PUBLIC CONSULTATION DURING THE CARETAKER PERIOD

6.1 Prohibition – consultation during the Caretaker period

It is prohibited under this policy for public consultation to be undertaken during the Caretaker Period (either new consultation or existing) on an issue which,

in the CEO's opinion, could be perceived as intended or calculated to affect the result of an election, unless authorised by the CEO.

This Policy does not prevent any mandatory public consultation required by the *Local Government Act 1995* or any other relevant Act which is required to be undertaken to enable the Shire to fulfil its functions.

6.2 Approval for Public Consultation

Given the prohibition under Part 6.1 of this policy, the Council should not commission or approve any public consultation where it is likely that such consultation will continue into the Caretaker Period.

Where public consultation is approved to occur during the Caretaker Period, the results of that consultation will not be reported to the Council until after the Caretaker Period, except where otherwise approved by the CEO or necessary for the performance of the Shire's functions as prescribed in the *Local Government Act 1995* or any other relevant Act.

7. ATTENDANCE AND PARTICIPATION AT EVENTS/FUNCTIONS

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7.1 Public Events Hosted by External Bodies

Elected Members may continue to attend events and functions hosted by external bodies during the Caretaker Period.

7.2 Shire 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 CEO considers essential to the operation of the Shire, and should not in any way be associated with any issues that in the CEO's opinion, are considered relevant to, or likely to influence the outcome of, an election.

All known candidates are to be invited to civic events/functions organised by the Shire during the Caretaker Period.

7.3 Addresses by Elected Members

Excluding the President and Deputy President fulfilling their functions as prescribed by sections 2.8 and 2.9 of the *Local Government Act 1995*, respectively, Elected Members that are also candidates should not, without the prior approval of the CEO, be permitted to make speeches or addresses at events/functions organised or sponsored by the Shire during the Caretaker Period.

8. THE USE OF SHIRE RESOURCES

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8. The use of Shire Resources

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The Shire's 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 - no use of employees for personal tasks or no 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 staff must not be asked to undertake any tasks connected directly or indirectly with an election campaign and should avoid assisting Elected Members 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 CEO.

9. ACCESS TO COUNCIL INFORMATION AND ASSISTANCE

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9.1 Electoral Information and Assistance

All candidates will have equal rights to access public information, such as the electoral rolls (draft or past rolls), monthly enrolment details, and information relevant to their election campaigns from the Shire administration.

Any assistance and advice provided to candidates as part of the conduct of the Council election will be provided equally to all candidates.

9.2 Media Advice

Any requests for media advice or assistance from Elected Members during the Caretaker Period will be referred to the CEO. No media advice will be provided in relation to election issues or in regard to publicity that involves specific Elected Members. If satisfied that advice sought by an Elected Member during the Caretaker Period does not relate to the election or publicity involving any specific Elected Member(s), the CEO may authorise the provision of a response to such a request.

9.3 Publicity Campaigns

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

9.4 Media Attention

Elected Members will not use or access Shire staff or resources to gain media attention in support of their or any other candidate's election campaign.

9.5 Election Process Enquiries

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

Adopted:	23 August 2017
Last Amended:	
Last Reviewed:	<u>May 2018</u>
Next Review Date:	2018
Responsible Department:	Administration



Council Policy
1.1928 Related Party Disclosures

Objective

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The purpose of this policy is to define the parameters for Related Party Transactions and the level of disclosure and reporting required for Council to achieve compliance with the Australian Accounting Standard AASB124 – Related Party Disclosures.

Background

Under the *Local Government Act 1995* and *Local Government (Financial Management) Regulations 1996*, all local governments in Western Australia must produce annual financial statements that comply with Australian Accounting Standards.

The Australian Accounting Standards Board has determined that from 1 July 2016, AASB 124 (Related Party Disclosures) will apply to government entities, including local governments. Council is now required disclose Related Party Relationships and Key Management Personnel compensation in its Annual Financial Statements.

This policy defines the parameters for Related Party Relationships and the level of disclosure and reporting required for Council to achieve compliance with the Australian Accounting Standard AASB 124 – Related Party Disclosures.

This policy addresses the four (4) different types of related party relationships that must be considered by Council:

1. Entities related to Council;
2. Key Management Personnel;
3. Close family members of Key Management Personnel; and
4. Entities that are controlled or jointly controlled by either 2 or 3 above.

Definitions:

AASB 124 - Australian Accounting Standards Board, Related Party Disclosures Standard 124

Close family members of Key Management Personnel (KMP) - Those family members who may be expected to influence, or be influenced by, that KMP in their dealings with the Shire of Donnybrook-Balingup and include:

- the KMP's children, and spouse or domestic partner;
- the KMP's parents or step-parents;
- children of that KMP's spouse or domestic partner; and
- dependants of the KMP or the KMP's spouse or domestic partner.

Entity - Can include a body corporate, a partnership or a trust, incorporated, or unincorporated group or body.

Entity Related to a KMP - Related Entities to Key Management Personnel are entities that are:

- *controlled or jointly controlled by a KMP;

- where a KMP has significant influence over, or is a member of the key management personnel of the entity or parent of the entity (apart from Council itself); or
- controlled or jointly controlled by a close family member of a KMP of Council.

*A person or entity is deemed to have *control* if they have:

- power over the entity;
- exposure, or rights, to variable returns from involvement with the entity; or
- the ability to use power over the entity to affect the amount of returns.

To jointly control, a person or entity must have contractual rights or agreed sharing of control of the entity, which exists only when decisions about the relevant activities require the unanimous consent of the parties sharing control.

Entity Related to Council - This includes any entity that is either controlled, controlled jointly or is an entity over which Council has a significant influence. A person or entity is a Related Party of Council if any of the following apply:

- they are members of the same group (which means that each parent, subsidiary and fellow subsidiary is related to the others);
- they are an associate or belong to a joint venture of which Council is part of.
- they and Council are joint venturers of the same third party;
- they are part of a joint venture of a third party and Council is an associate of the third party;
- they are on a post-employment benefit plan for the benefit of employees of either Council or an entity related to Council;
- they are controlled or jointly controlled by close family members of the family of a KMP;
- they are identified as a close or possibly close member of the family of a person with significant influence over Council or a close or possibly close member of the family of a person who is a KMP of Council; or
- they, or any member of a group of which they are a part, provide KMP services to Council.

Key Management Personnel (KMP) - AASB 124 defines KMP as "those persons having authority and responsibility for planning, directing and controlling the activities of the entity, directly or indirectly, including any director (whether executive or otherwise) of that entity".

Key Management Personnel for the Shire of Donnybrook-Balingup are:

- elected Council Members (including the President); and
- persons employed under s5.36 of the *Local Government Act 1995* in the capacity of Chief Executive Officer or Executive Manager.

Material (materiality) - Means the assessment of whether by omitting it or misstating a transaction (either individually or in aggregate with other transactions), it could influence decisions that users make on the basis of an entity's financial statements. For the purpose of this Policy, it is not considered appropriate to set either a dollar value or a percentage value to determine materiality.

Ordinary Citizen Transaction - A transaction that an ordinary member of the community would undertake in the ordinary course of business with the Shire of Donnybrook-Balingup.

Related Party - A person or entity that is related to the entity preparing its financial statements.

Related Party Transaction - A transfer of resources, services or obligations between the Shire of Donnybrook-Balingup and a related party, regardless of whether a price is charged.

Significant (significance) - Likely to influence the decisions that users of the Council's financial statements make having regard to both the extent (value and frequency) of the transactions, and that the transactions have occurred between the Council and related party outside a public service provider/ taxpayer relationship.

Policy Statement

1. Key Management Personnel (KMP)

All Key Management Personnel (KMP) are responsible for assessing and disclosing their own, their close family members' and their related entities' relationship with Council. All related parties must be included in the self-assessment. A disclosure form is provided as an Attachment to this Policy.

2. Related Party Transactions

2.1 Ordinary Citizen Transaction

For the purpose of this Policy, an Ordinary Citizen Transaction is one that occurs between Council and KMP and/or related parties which satisfy the following criteria. The transaction must:

- occur during the normal course of Council delivering its public service goals;
- be under the same terms that would be available to a member of the community; and
- belong to a class of transaction that an ordinary member of the community would normally transact with Council.

This includes for example facility hire, and the payment of rates and dog registrations.

There is no obligation to disclose Ordinary Citizen Transactions. However, if the terms and conditions of what would normally be considered an Ordinary Citizen Transaction differ from normal practice, it must be disclosed.

2.2 Non-ordinary Citizen Transactions

All related party transactions that do not satisfy the definition of an Ordinary Citizen Transaction (as per 2.1) must be disclosed in accordance with AASB 124.

The following are examples of transactions that must be disclosed if they are with a related party and are not an Ordinary Citizen Transaction:

- purchases of sales or goods (finished or unfinished);
- purchases or sales of property or other assets;
- rendering or receiving services;
- leases;
- transfers of research and development;
- transfers under licence agreements;
- transfers under finance arrangements (including loans and equity contributions in cash or kind);
- provisions of guarantees or collateral;
- commitments to do something if a particular event occurs or does not occur in the future, including execution of contracts (recognised or unrecognised); and
- settlement of liabilities on behalf of Council or by Council on behalf of the related party.

3. Disclosure of Information

3.1 Council disclosure

AASB 124 provides that Council must disclose the following financial information in its financial statements for each financial year period:

- the nature of any related party relationships;
- the amount of the transactions;
- the amount of outstanding balances, including commitments, including:
 - (i) their terms and conditions, whether they are secured, and the nature of the consideration to be provided in settlement; and
 - (ii) details of any guarantees given or received;
- provisions for doubtful debts related to the amount of outstanding balances; and

- the expense recognised during the period in respect of bad or doubtful debts due from related parties.

The following matters must be considered in determining the materiality and significance of any related party transactions:

- significance of transaction in terms of size;
- whether the transaction was carried out on non-market terms;
- whether the transaction is outside normal day-to-day business operations, such as the purchase and sale of assets;
- whether the transaction is disclosed to regulatory or supervisory authorities;
- whether the transaction has been reported to senior management; and
- whether the transaction was subject to Council approval.

Regard must also be given for transactions that are collectively, but not individually significant.

All transactions involving related parties will be captured and reviewed to determine materiality or otherwise of such transactions, if the transactions are Ordinary Citizen Transactions (OCTs), and to determine the significance of each of the transactions.

3.2 Key Management Personnel disclosure

In accordance with this Policy, KMP must provide a Related Party Disclosure in the form set out in the Attachment twice yearly, no later than 30 June each year.

4. Review of Related Parties

A review of KMP's and their related parties will be completed every 12 months. Particular events, such as a change of Councillors, Chief Executive Officer or Executive Managers or a corporate restructure will also trigger a review of Council's related parties immediately following such an event.

The Chief Executive Officer shall implement a suitable system to identify related parties. The primary identification method of close family members and associated entities of Key Management Personnel shall be by (but not limited to) KMP self-assessment. KMP have a responsibility to identify and report any changes to their related parties as they occur.

The Chief Executive Officer shall identify suitable methodology and procedures for identifying and reporting on related party transactions such that accurate data will be collated from 01 July 2017. Identification and reporting methods shall consider:

- transactions occurring via Council's accounting and electronic records management systems;
- other transactions not passing through Council's electronic accounting / management systems;
- the identification of the associated terms and conditions of the related party transactions;
- declarations in the Financial Interests Register; and
- information provided in Primary and Annual Returns.

If any elected member or employee believes a transaction may constitute a related party transaction they must notify the Chief Executive Officer who will, in consultation with the Executive Manager Corporate Services, make a determination on the matter.

5. Privacy & Confidentiality

5.1 Access to information

The following persons are permitted to access, use and disclose the information provided in a related party disclosure or contained in a register of related party transactions for the purposes of 5.2.

- the Chief Executive Officer;
- Manager Finance and Administration;
- Accountant;
- an Auditor of Council (including an Auditor from the WA Auditor General's Office); and
- other officers as determined by the Chief Executive Officer.

5.2 Permitted purposes

Persons specified in 5.1 may access, use and disclose information in a related party disclosure or contained in a register of related party transactions for the following purposes:

- assess and verify the disclosed related party transaction;
- reconcile identified related party transactions against those disclosed in the related party disclosure or contained in a register of related party transactions;
- comply with the disclosure requirements of AASB 124; or
- verify compliance with the disclosure requirements of AASB 124.

5.3 Confidentiality

The following information is classified as confidential and is not available for inspection by or disclosure to the public;

- information (including personal information) provided by a KMP in a related party disclosure; and
- personal information contained in a register of related party transactions.

Policy Application

This policy applies to Key Management Personnel and Related Parties of the Shire of Donnybrook-Balingup.

References: *Local Government Act 1995*, Australian Accounting Standards:

- AASB 124 Related Party Disclosures
- AASB 10 Consolidated Financial Statement
- AASB 11 Joint Arrangements
- AASB 128 Investments in Associates and Joint Ventures

Adopted:	July 23, 2017
Last Amended:	
Last Reviewed:	<u>May 2018</u>
Next Review Date:	2018 2021
Responsible Department:	Finance & Administration

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Details of Transactions		
Transaction	Relationship	\$ value of transaction

Declaration			
<p>I declare that to the best of my knowledge, the information above is a complete and accurate record of my close family members and the entities controlled, or jointly controlled by myself or my close family members. I make this declaration after reading Policy 2.49 Related Party Disclosures which details the purpose for which this information will be used.</p>			
Signature		Date	