



Shire of  
Peppermint Grove

# Policy Manual

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# Shire of Peppermint Grove

## What is a Policy?

A policy is a general rule to be applied in the exercise of a function (power or duty) and includes a statement of conditions under which an authorisation may or is to be given or withheld.

A policy will ordinarily apply irrespective of whether a matter is to be determined –

- by an employee with delegated authority; or
- at a meeting of the Council.

Policies should not be confused with delegations and procedures. A delegation for the purposes of the Act, will only apply when –

- a 'person' has a statutory power or duty;
- the person has the power of delegation;
- the person commits that power or duty, in writing to another to perform;
- the person has the power to make the delegation to the delegatee.

A “procedure” (Macquarie dictionary) is “the act or manner or proceeding in any action or process; conduct”, and procedural statement can be construed accordingly.

In very simple terms –

Policy provides what can;  
Delegation provides who can;  
Procedures provide how to.

Policies are the province of Council. Delegations are primarily the province of the CEO – ie Council can delegate only to a committee or the CEO, whereas the latter delegates to employees. Procedures are appropriately a function of management.

Only policies should be in the Policy Manual.

# **SECTION ONE**

## **Governance Policies**

## 1.1 CODE OF CONDUCT

### Purpose

To articulate the manner in which Elected Members and Staff are expected to conduct themselves when performing their duties and fulfilling their roles.

### Status

GOVERNANCE - STATUTORY

### Policy

#### **PREAMBLE**

The Model Code of Conduct provides Council Members, Committee Members and staff in Local Government with consistent guidelines for an acceptable standard of professional conduct. The Code addresses in a concise manner the broader issue of ethical responsibility and encourages greater transparency and accountability in individual Local Governments.

The Model Code is complementary to the principles adopted in the Local Government Act and regulations, which incorporates four fundamental aims to result in—

- a) better decision-making by local governments;
- b) greater community participation in the decisions and affairs of local governments;
- c) greater accountability of local governments to their communities; and
- d) more efficient and effective local government.

The Code provides a guide and a basis of expectations for Council Members, Committee Members and staff. It encourages a commitment to ethical and professional behaviour and outlines principles in which individual and collective Local Government responsibilities may be based.

The code should be signed by all new staff members and newly elected councillors.

#### **STATUTORY ENVIRONMENT**

The Model Code of Conduct observes statutory requirements of the Local Government Act 1995 (S 103 — Codes of Conduct) and Local Government (Administration) Regulations 1996 (Regs 34B and 34C).

## **RULES OF CONDUCT**

Council Members acknowledge their activities, behaviour and statutory compliance obligations may be scrutinised in accordance with prescribed rules of conduct as described in the Local Government Act 1995 and Local Government (Rules of Conduct) Regulations 2007.

### **1. ROLES**

#### **1.1 Role of Council Member**

The primary role of a Council Member is to represent the community, and the effective translation of the community's needs and aspirations into a direction and future for the Local Government will be the focus of the Council Member's public life.

The Role of Council Members as set out in S 2.10 of the Local Government Act 1995 follows:

*"A Councillor*

- a) represents the interests of electors, ratepayers and residents of the district;*
- b) provides leadership and guidance to the community in the district;*
- c) facilitates communication between the community and the council;*
- d) participates in the local government's decision-making processes at council and committee meetings; and*
- e) performs such other functions as are given to a Councillor by this Act or any other written law."*

A Council Member is part of the team in which the community has placed its trust to make decisions on its behalf and the community is therefore entitled to expect high standards of conduct from its elected representatives. In fulfilling the various roles, Council Members activities will focus on:

- achieving a balance in the diversity of community views to develop an overall strategy for the future of the community;
- achieving sound financial management and accountability in relation to the Local Government's finances
- ensuring that appropriate mechanisms are in place to deal with

- the prompt handling of residents' concerns;
- working with other governments and organisations to achieve benefits for the community at both a local and regional level;
  - having an awareness of the statutory obligations imposed on Council Members and on Local Governments.

In carrying out its functions, a local government is to use its best endeavours to meet the needs of current and future generations through integration of environmental protection, social advancement and economic prosperity.

### **1.2 Role of Staff**

The role of staff is determined by the functions of the CEO as set out in S. 5.41 of the Local Government Act 1995: -

*“The CEO’s functions are to —*

- (a) advise the council in relation to the functions of a local government under this Act and other written laws;*
- (b) ensure that advice and information is available to the council so that informed decisions can be made;*
- (c) cause council decisions to be implemented;*
- (d) manage the day to day operations of the local government;*
- (e) liaise with the mayor or president on the local government’s affairs and the performance of the local government’s functions;*
- (f) speak on behalf of the local government if the mayor or president agrees;*
- (g) be responsible for the employment, management supervision, direction and dismissal of other employees (subject to S 5.37(2) in relation to senior employees);*
- (h) ensure that records and documents of the local government are properly kept for the purposes of this Act and any other written law; and*
- (i) perform any other function specified or delegated by the local government or imposed under this Act or any other written law as a function to be performed by the CEO.”*

### **1.3 Role of Council**

The Role of the Council is in accordance with S 2.7 of the Local Government Act 1995:

*“(1) The council —*

*(a) directs and controls the local government’s affairs;  
and*

*(b) is responsible for the performance of the local government’s functions.*

*(2) Without limiting subsection (1), the council is to —*

*(a) oversee the allocation of the local government’s finances and resources; and*

*(b) determine the local government’s policies.”*

### **1.4 Relationships between Council Members and Staff**

An effective Councillor will work as part of the Council team with the Chief Executive Officer and other members of staff. That teamwork will only occur if Council Members and staff have a mutual respect and co-operate with each other to achieve the Council’s corporate goals and implement the Council’s strategies. To achieve that position, Council Members need to observe their statutory obligations which include, but are not limited to, the following:

- accept that their role is a leadership, not a management or administrative one;
- acknowledge that they have no capacity to individually direct members of staff to carry out particular functions;
- refrain from publicly criticising staff in a way that casts aspersions on their professional competence and credibility

## **2. CONFLICT AND DISCLOSURE OF INTEREST**

### **2.1 Conflict of Interest**

a) Council Members, Committee Members and staff will ensure that there is no actual (or perceived) conflict of interest between their personal interests and the impartial fulfillment of their professional duties.

b) Staff will not engage in private work with or for any person or body with an interest in a proposed or current contract with the Local Government, without first making disclosure to the Chief Executive Officer. In this respect, it does not matter whether advantage is in fact obtained, as any appearance that private dealings could conflict with performance of duties must be

scrupulously avoided.

- c) Council Members, Committee Members and staff will lodge written notice with the Chief Executive Officer describing an intention to undertake a dealing in land within the local government area or which may otherwise be in conflict with the Council's functions (other than purchasing the principal place of residence).
- d) Council Members, Committee Members and staff who exercise a recruitment or other discretionary function will make disclosure before dealing with relatives or close friends and will disqualify themselves from dealing with those persons.
- e) Staff will refrain from partisan political activities which could cast doubt on their neutrality and impartiality in acting in their professional capacity. An individual's rights to maintain their own political convictions are not impinged upon by this clause. It is recognised that such convictions cannot be a basis for discrimination and this is supported by anti-discriminatory legislation.

## **2.2 Financial Interest**

Council Members, Committee Members and staff will adopt the principles of disclosure of financial interest as contained within the Local Government Act.

## **2.3 Disclosure of Interest**

### *Definition:*

*In this clause, and in accordance with Regulation 34C of the Local Government (Administration) Regulations 1996 -*

*“interest” means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest and includes an interest arising from kinship, friendship or membership of an association.*

- a) A person who is an employee and who has an interest in any matter to be discussed at a council or committee meeting attended by the person is required to disclose the nature of the interest -
  - (i) in a written notice given to the CEO before the meeting; or
  - (ii) at the meeting immediately before the matter is

discussed.

- b) A person who is an employee and who has given, or will give, advice in respect of any matter to be discussed at a council or committee meeting not attended by the person is required to disclose the nature of any interest the person has in the matter -
  - (i) in a written notice given to the CEO before the meeting; or
  - (ii) at the time the advice is given.
- c) A requirement described under items (a) and (b) exclude an interest referred to in S 5.60 of the Local Government Act 1995.
- d) A person is excused from a requirement made under items (a) or (b) to disclose the nature of an interest if –
  - (i) the person's failure to disclose occurs because the person did not know he or she had an interest in the matter; or
  - (ii) the person's failure to disclose occurs because the person did not know the matter in which he or she had an interest would be discussed at the meeting and the person discloses the nature of the interest as soon as possible after becoming aware of the discussion of a matter of that kind.
- e) If a person who is an employee makes a disclosure in a written notice given to the CEO before a meeting to comply with requirements of items (a) or (b), then -
  - (i) before the meeting the CEO is to cause the notice to be given to the person who is to preside at the meeting; and
  - (ii) immediately before a matter to which the disclosure relates is discussed at the meeting the person presiding is to bring the notice and its contents to the attention of the persons present.
- f) If
  - (i) to comply with a requirement made under item (a), the nature of a person's interest in a matter is disclosed at a meeting; or
  - (ii) a disclosure is made as described in item (d)(ii) at a meeting; or .
  - (iii) to comply with a requirement made under item (e)(ii), a notice disclosing the nature of a person's interest in a

matter is brought to the attention of the persons present at a meeting,

the nature of the interest is to be recorded in the minutes of the meeting.

### **3. PERSONAL BENEFIT**

#### **3.1 Use of Confidential Information**

Council Members, Committee Members and staff will not use confidential information to gain improper advantage for themselves or for any other person or body, in ways which are inconsistent with their obligation to act impartially and in good faith, or to improperly cause harm or detriment to any person or organisation.

#### **3.2 Intellectual Property**

The title to Intellectual Property in all duties relating to contracts of employment will be assigned to the Local Government upon its creation unless otherwise agreed by separate contract.

#### **3.3 Improper or Undue Influence**

Council Members and staff will not take advantage of their position to improperly influence other Council Members or staff in the performance of their duties or functions, in order to gain undue or improper (direct or indirect) advantage or gain for themselves or for any other person or body.

#### **3.4 Gifts**

##### **General provisions**

It is the Shire's position that Council Members, Committee Members and employees should not seek or accept (either directly or indirectly) any immediate or future gift (including any financial benefit, reward, donation or hospitality) for themselves, or for any other person or body, as a result of their role with the Shire.

However, it is acknowledged that there may be instances when receiving a gift is unavoidable or when refusal of a gift may be inappropriate. In these circumstance, Council Members, Committee

Members, employees must comply with the provisions of the rest of this section.

In order to ensure transparency, the CEO maintains a register of notifiable gifts which is published on the City's website in accordance with the requirements of the *Local Government Act 1995*.

For the purposes of this Code, a gift has the extended meaning set out in section 5.57, 5.87(A) 5.87 (B) and 5.89 9(A)of *Local Government Act 1995*.

### **Receipt of Gifts**

In accordance with the Act, council members and the CEO are required to disclose gifts that are received in their capacity as a council member (or CEO) and:

- Are valued over \$300; or
- Are of a cumulative value that exceeds \$300 where the gifts are received from the same donor in a 12-month period

Additionally, a gift given by two or more related bodies corporate (as defined in the corporations Act 2001 (Cth) is considered to have been given by a single corporation (donor).

Contributions to travel costs, whether financial or otherwise, will no longer be treated separately. These are now incorporated within the definition of gift.

The decision on whether a gift is received in the capacity of a council member or CEO must be made by the recipient were not a member of the council (or CEO). If the answer is no, it must be disclosed if the value of the gift (or aggregated value) is over \$300. The onus is on the recipient to prove that it was not received in that capacity (and that the value of the gift (s) is not greater than \$300).

Real time reporting of gifts is achieved through requirements to disclose all gifts within 10 days of receipt, for the CEO to update the register within 10 days, and for an up to date version of the register to be published on the local governments official website.

### **4. CONDUCT OF COUNCIL MEMBERS, COMMITTEE MEMBERS AND STAFF**

**4.1 Personal Behaviour**

(a) Council Members, Committee Members and staff will:

- (i) act, and be seen to act, properly and in accordance with the requirements of the law and the terms of this Code; -
- (ii) perform their duties impartially and in the best interests of the Local Government uninfluenced by fear or favour; -
- (iii) act in good faith (i.e. honestly, for the proper purpose, and without exceeding their powers) in the interests of the Local Government 'and the community;
- (iv) make no allegations which are improper or derogatory (unless true and in the public interest) and refrain from any form of conduct, in the performance of their official or professional duties, which may cause any reasonable person unwarranted offence or embarrassment; and
- (v) always act in accordance with their obligation of fidelity to the Local Government.

(b) Council Members will represent and promote the interests of the Local Government, while recognising their special duty to their own constituents.

**4.2 Honesty and Integrity**

Council Members, Committee Members and staff will:

- (a) observe the highest standards of honesty and integrity, and avoid conduct which might suggest any departure from these standards;
- (b) bring to the notice of the Mayor/President any dishonesty or possible dishonesty on the part of any other member, and in the case of an employee to the Chief Executive Officer.
- (c) be frank and honest in their official dealing with each other.

**4.3 Performance of Duties**

- (a) While on duty, staff will give their whole time and attention to the Local Government's business and ensure that their work is carried out efficiently, economically and effectively, and that their standard of work reflects favourably both on them and on the Local Government.
- (b) Council Members and Committee Members will at all times exercise reasonable care and diligence in the performance of their duties, being consistent in their decision making but treating all matters on individual merits. Council Members and Committee Members will be as informed as possible about the functions of the Council, and treat all members of the community honestly and fairly.

**4.4 Compliance with Lawful Orders -**

- (a) Council Members, Committee Members and staff will comply with any lawful order given by any person having authority to make or give such an order, with any doubts as to the propriety of any such order being taken up with the superior of the person who gave the order and, if resolution cannot be achieved, with the Chief Executive Officer.
- (b) Council Members, Committee Members and staff will give effect to the lawful policies of the Local Government, whether or not they agree with or approve of them.

**4.5 Administrative and Management Practices**

Council Members, Committee Members and staff will ensure compliance with proper and reasonable administrative practices and conduct, and professional and responsible management practices.

**4.6 Corporate Obligations**

- (a) Standard of Dress -  
Council Members, Committee Members and staff are expected to comply with neat and responsible dress standards at all times. Accordingly:
  - (i) Council Members and Committee Members will dress in a manner appropriate to their position, in particular when attending meetings or representing the Local Government in an official capacity.
  - (ii) Management reserves the right to adopt policies relating to corporate dress and to raise the issue of dress with individual staff.
- (b) Communication and Public Relations
  - (i) All aspects of communication by staff (including verbal, written or personal), involving Local Government's activities should reflect the status and objectives of that Local Government. Communications should be accurate, polite and professional.
  - (ii) As a representative of the community, Council Members need to be not only responsive to community views, but to adequately communicate the attitudes and decisions of the Council. In doing so Council Members should acknowledge that:
    - as a member of the Council there is respect for the decision making processes of the Council which are based on a decision of the majority of the Council;
    - information of a confidential nature ought not be communicated until it is no longer treated as confidential;
    - information relating to decisions of the Council on approvals, permits and so on ought only be

communicated in an official capacity by a designated officer of the Council;

- information concerning adopted policies, procedures and decisions of the Council is conveyed accurately.

(iii) Committee Members accept and acknowledge it is their responsibility to observe any direction the Local Government may adopt in terms of advancing and promoting the objectives of the Committee to which they have been appointed.

#### **4.7 Appointments to Committees**

As part of their representative role, Council Members are often asked to represent the Council on external organisations. It is important that Council Members:

- clearly understand the basis of their appointment; and
- provide regular reports on the activities of the organisation.

### **5. DEALING WITH COUNCIL PROPERTY**

#### **5.1 Use of Local Government Resources**

Council Members and staff will:-

- (a) be scrupulously honest in their use of the Local Government's resources and shall not misuse them or permit their misuse (or the appearance of misuse) by any other person or body;
- (b) use the Local Government resources entrusted to them effectively and economically in the course of their duties; and -
- (c) not use the Local Government's resources (including the services of Council staff) for private purposes (other than when supplied as part of a contract of employment), unless properly authorised to do so, and appropriate payments are made (as determined by the Chief Executive Officer).

#### **5.2 Travelling and Sustenance Expenses**

Council Members, Committee Members and staff will only claim or accept travelling and sustenance expenses arising out of travel-related matters which have a direct bearing on the services, policies or business of the Local Government in accordance with Local Government policy and the provisions of the Local Government Act.

#### **5.3 Access to Information**

- (a) Staff will ensure that Council Members are given access to all information necessary for them to properly perform their functions and comply with their responsibilities.

	(b) Council Members will ensure that information provided will be used properly and to assist in the process of making reasonable and informed decisions on matters before the Council.
<b>Related Procedure</b>	
<b>Amendment Authority Level</b>	Council
<b>Related Delegation</b>	
<b>Related Local Law/ Legislation</b>	Local Government Act S. 5.103
<b>Adopted/ Amended</b>	April 2008
<b>Review History</b>	

## 1.2 MEETING POLICY AND PROCEDURE

<b>Purpose</b>	To provide a process for effective meetings for the Shire of Peppermint Grove.
<b>Status</b>	GOVERNANCE - OPERATIONAL
<b>Policy</b>	<p>In general, meetings of the Shire of Peppermint Grove will be conducted in accordance with the principles of effective meeting management. The fundamental principles of meetings are as follows:-</p> <p><b>Principles:</b></p> <p>A fair hearing      Every elected member has the right to expect to have a fair hearing at any meeting of Council;</p> <p>Code of Conduct      All elected members and staff present at a meeting have the right and obligation to abide by the Council's Code of Conduct;</p> <p>Majority decision      All members of Council and staff will accept the decision of the majority of members of council except that there is nothing to prevent an elected member from seeking to move a Recision Motion at a subsequent meeting of Council.</p> <p>Statutory Compliance      Where the local Government Act 1995 provides for requirements relevant to meeting procedure those will be upheld in the course of the meeting.</p> <p>The Shire of Peppermint Grove conducts the following meetings on a monthly basis as determined to be the most useful mix of forums to facilitate strategic discussion and effect good decision-making:</p> <ol style="list-style-type: none"> <li>1.      Concept Forums</li> <li>2.      Agenda Briefing Forums</li> <li>3.      Ordinary Meetings of Council</li> </ol> <p><b>PROCEDURE - CONCEPT FORUMS</b></p> <p>Concept Forums involve Elected Members, staff and, where appropriate, external advisors, experts or proponents. They are to provide the opportunity to exchange information and ideas about issues or ideas that may affect the Shire of Peppermint Grove.</p> <p>Concept forums will generally involve projects or matters that are in the early planning stages and are some time away from being presented to the Council for consideration of a formal decision.</p>

During concept forums:

- The Chief Executive Officer or relevant officers will present on agenda items;
- the Chief Executive Officer seeks input from the Elected Members as input into research and further drafting of concepts for any future report;
- Elected Members are fully informed on matters to enable decisions to be made in the best interests of the Shire;
- Elected Members represent the views of the community.

The input through open and free-flowing exchange of ideas and the willingness to contribute to concept forums will provide invaluable direction to the Chief Executive Officer for research and the preparation of any report on the matter if required.

Concept Forums will be closed to the public and agendas will be Confidential. Concept Forums will generally be held on a monthly basis on the same evening, and immediately following, an Agenda Briefing Forum. Additional Concept Forums may be held at the discretion of the Chief Executive Officer in consultation with the President.

Where considered appropriate to ensure Elected Members are fully informed on a matter, guests including experts, consultants or proponents for an item listed on the agenda may be invited to attend and provide a presentation. They will only be present for so much of that forum that applies to their presentation.

The Chief Executive Officer, in consultation with the President, will prepare the agenda for the Concept Forum. The Chief Executive Officer will ensure timely written notice and a confidential agenda for each forum will be provided to all Elected Members, including briefing papers where necessary.

The President is to be the Presiding Member. If the President is unable or unwilling to assume the role of Presiding Member, then the Deputy President may preside. If the Deputy President is unable or unwilling, those Elected Members present may select one from amongst themselves to preside.

As Council's Meeting Procedures will not apply in Concept Forums, it will be responsibility of the Presiding Member to ensure the good conduct of the meeting.

The Presiding Member shall:

1. Advise Elected Members that no decisions will be made during the forum;
2. Encourage all Elected Members present to participate in the sharing and gathering of information;
3. Ensure that all Elected Members have a fair and equal opportunity to participate; and
4. Ensure the time available is liberal enough to allow for all matters of relevance to be identified.

Elected Members, employees and invited experts, consultants or proponents shall disclose their interests on any matter listed in accordance with the meeting procedures of an Ordinary Meeting of Council.

Elected Members have the opportunity to request matters to be included on the agenda for consideration at a future forum by:

- A request to the Chief Executive Officer; or
- A request made during the forum.

A record shall be kept during the forum, however, as no decisions are made, the record need only be a general record of the items covered but shall record any disclosure of interests as declared by individuals. A confidential copy of the record is to be forwarded to all Elected Members.

### **PROCEDURE - AGENDA BRIEFING FORUMS**

These are forums for Elected Members to become more informed on matters prior to formal consideration at the Ordinary Meeting of Council. The forums encourage open dialogue between Elected Members, Officers and members of the public, and allow Elected Members to gain maximum knowledge and understanding of issues prior to presentation at the Ordinary Meetings of Council.

Agenda Forums involve Elected Members, staff, residents and/or their representatives, and external advisors (where appropriate) and will be open to the public.

Agenda forums provide the opportunity for Elected Members to be equally informed and seek additional information on matters prior to the presentation of such matters to the next Ordinary Meeting of Council for formal consideration and decision.

Agenda Briefing Forums are not decision-making forums and items on the agenda are not to be debated at the Forum.

Agenda Briefing Forums occur two weeks prior to a Council meeting and consider the agenda prepared for the next Ordinary Meeting of Council.

The Agenda should be read in conjunction with the agenda for the next Ordinary Meeting of Council which will be issued at the same time. Both agendas will be publicly available in the Library and on the Shire's website.

The Agenda Briefing Forum will be open to the public except for matters of a confidential nature. The guide in determining those matters of a confidential nature shall be in accordance with the Local Government Act 1995 and as detailed in the meeting procedure for the Ordinary Meeting of Council.

The Chief Executive Officer will ensure timely written notice and an agenda for each forum will be provided to all Elected Members. The agenda will be available to the public at the Library and on the Shire's website.

The President is to be the Presiding Member. If the President is unable or unwilling to assume the role of Presiding Member, then the Deputy President may preside. If the Deputy President is unable or unwilling, those Elected Members present may select one from amongst themselves to preside.

The Meeting Procedures for the Ordinary Meetings of Council will generally apply including procedures around deputations and questions from the public which will be adhered to.

There is to be no debate or decision-making amongst Elected Members on any matters raised, however elected members may seek further information or request additional information be supplied prior to the Ordinary Meeting of Council.

Relevant employees of the Shire will make a presentation on agenda items and be available to respond to questions on matters listed on the agenda.

All Elected Members will be given a fair and equal opportunity to participate.

The Presiding Member will ensure that time is made available to allow for all matters of relevance to be covered.

Elected Members and employees shall disclose their interests on any matter listed in accordance with the meeting procedure for Ordinary Meetings of Council.

A record shall be kept during the forum, however, as no decisions are made, the record need only be a general record of the items covered but shall record requests for further information and any disclosure of interests as declared by individuals. A copy of the record is to be forwarded to all Elected Members and shall be posted on the Shire's website.

Additional requested information will be provided to elected members prior to the Ordinary Meeting of Council as soon as available unless there is a requirement to clarify information in the officers report or add additional information to the report. This will be clearly shown in the version presented to the council meeting under the heading of 'Further Information. at the end of 'Officers Comment.'

Members of the public may make a deputation by making a written request to the Chief Executive Officer on the working day immediately prior. Deputations must relate to matters listed on the agenda. Deputations are restricted to no more than 5 minutes.

## **ORDINARY MEETINGS OF COUNCIL**

### **1. Convening Meetings**

Council can decide to hold a meeting by resolution.

In the case of special meetings, the President, or at least one third of Councillors, can do so by giving the CEO written notice setting out the date and purpose of the meeting. The CEO will convene a meeting by giving the notice required by the Local Government Act 1995.

Ordinary Meetings will be set each year for the following twelve months.

### **2. Presiding at Meetings**

The President will preside at all Shire of Peppermint Grove Ordinary Meetings of Council at which he/she is present and able to preside at. If the Presiding Member is not present or is unable to preside, the Deputy Shire President will automatically take the chair. If he/she is

also not present or unable to preside, the elected members present will choose a chair from amongst themselves.

No member who has disclosed an interest in a matter is able to preside while that matter is dealt with.

### **3 Confidentiality**

In general, all Council meetings are open to the public. Any report on a matter that the Chief Executive Officer considers should be dealt with at a closed meeting will contain an explanation of why confidentiality is recommended. If Council resolves to deal with the matter in this way, the report will be deferred until immediately before the end of the meeting when the public will be asked to leave.

### **4 Processing Business**

The order of business will be as stated on the agenda paper unless Council resolves otherwise.

Public question time will precede the making of any decisions by Council.

Only business shown on the agenda will be discussed.

At Special Meetings only business specified in the notice of the purpose of the meeting will be discussed.

The order of business used will be as follows:-

1. Declaration of Official Opening
2. Recording of Attendance, Apologies and Leaves of Absence
3. Delegations and Petitions
4. Public Question Time
5. Declarations of Interest
6. Announcements and Declarations by Members
7. Confirmation of Minutes
8. Officer/Committee Reports
9. New Business of An Urgent Nature
10. Motions on Notice
11. Confidential Items of Business
12. Closure

### **5 Apologies and Leave of Absence (S2.25 Local Government Act 1995)**

Leave of absence may be granted to a member by resolution of Council. A member wishing to apply for leave should give notice of this to the CEO prior to the meeting. Leave cannot be granted for more than 6 consecutive ordinary meetings.

A member who is absent from more than 3 consecutive ordinary meetings without obtaining leave is disqualified as a member.

## **6 Public Question Time**

Public Question Time provides the public with an opportunity to put questions to the Council. Questions should only relate to the business of the council and should not be a statement or personal opinion.

During the Council meeting 15 minutes is allocated to public question time. After public question time, no member of the public may interrupt the meeting's proceedings or enter into conversation.

Whenever possible, questions should be submitted in writing at least 48 hours prior to the start of the meeting.

All questions should be directed to the President and only questions relating to matters affecting Council may be answered at an ordinary meeting, and at a special meeting only questions that relate to the purpose of the meeting may be answered. Questions may be taken on notice and responded to after the meeting at the discretion of the President.

The person presiding will control public question time and ensure that each person wishing to ask a question is given a fair and equal opportunity to do so. A person wishing to ask a question should state his or her name and address before asking the question. If the question relates to an item on the agenda, the item number should also be stated. In general, people seeking to ask questions will be given two minutes within which to address their question to the Council. The Presiding Member may shorten or lengthen this time at their discretion.

## **7 Confirmation of Minutes**

Minutes of all Council meetings are to be submitted to the next ordinary Council meeting for confirmation. No discussion regarding the minutes will take place other than as to their accuracy. The President must sign and date the minutes to certify confirmation.

## **8 Disclosure of Interest**

A member who has a financial, impartiality or proximity interest in any matter that is to be discussed at a meeting of Council or a Committee must disclose the nature of that interest if the member will be in attendance at the meeting.

Disclosure must be made in a written notice to the CEO before the meeting; or at the earliest possible time after the member has become aware of the interest.

## **9 Announcements by the President Without Discussion**

The person presiding may make any announcements on any matters that he/she considers of interest to Council. No discussion will take place or resolution regarding the matters raised.

## **10 Delegations and Petitions**

In the event that a guest speaker (or speakers) is in attendance as a delegation to address council on a specific issue, the guests will speak immediately after the President has made announcements without discussion. Following presentations, the President may facilitate questions and answers from elected members. Presentations will be limited to 5 minutes unless extended by the Presiding Member.

In the event of any petitions being presented, the Presiding Member will present the petition immediately following any delegation. Where a petition is presented, the Presiding Member shall read aloud the petition and advise council of the number of petitioners. The Presiding Member may move a motion as follows:-

- That the petition be received; or
- That the petition be referred to the Chief Executive Officer for a report to be presented at the next ordinary meeting.

There will be no debate on petitions at the meeting to which they are presented.

## **11 Officer's Reports**

The Chief Executive Officer may make any announcements on any matters relevant to the council as a matter of update for information. No discussion will take place or resolution regarding the matters raised.

The order of reports for consideration will be:

1. Urban Planning
2. Infrastructure
3. Community Development
4. Management/Governance/Policy
5. Corporate

### **13 Motions on Notice**

A member may raise any matter which relates to the good government of the Shire, providing he or she gives notice of the motion to the CEO for distribution to other members.

Such notice should be given at least 7 clear days prior to the day of the meeting to enable distribution to other members and availability to the public prior to the meeting. (7 clear days is 7 business days – therefore Motions on Notice would need to reach the CEO by the Thursday two weeks before the meeting (ie – 9 days prior to the meeting).

Motions on Notice will be treated procedurally by being referred to the Chief Executive Officer, without debate, for a report to be presented to the next Ordinary Meeting of Council.

### **14 Closure**

If the business of an ordinary or special meeting of Council is not completed by 9pm the person presiding may seek the leave of Council to proceed to the transaction of unopposed business, and to then adjourn the meeting. If a simple majority of members agree to this, unopposed business will be transacted and the remaining business will be adjourned to a specified time or to a time to be advised.

### **DEBATE**

All motions under consideration require a mover and a seconder, unless the Local Government Act 1995 requires otherwise. (eg for a motion to revoke a decision which was made by absolute majority see Administration regulation 10)

### **15 Recommended Motions**

The recommendations in reports will be drafted as motions recommended for adoption.

### **16 Moving Recommendations**

The person presiding will invite members to move the recommendations in the reports, in the order they appear in the agenda.

Members may move recommendations individually; or may move a number of recommendations in numerical sequence up to any recommendation which has been identified as subject to an interest disclosure, or on which Members have indicated they would like to debate or where a member has indicated that they have a disclosure of interest.

### **17 Recommendations Identified for Interest Disclosure**

Before the recommendation of a report that has been identified as subject to an interest disclosure is moved:

- the person presiding will bring the contents of any written notice of an interest regarding that report to the attention of the meeting;
- any member who has an interest in the report which is not yet disclosed will disclose the nature of the interest;
- any member who has disclosed an interest which is a direct or indirect financial interest or a proximity interest will leave the room while the matter is dealt with unless the interest is of the kind which falls under S5.63 of the Local Government Act 1995.
- Should the member wish to seek council approval to remain in the room but not take part in the discussion or the vote on the matter, they must leave the room while the council determines whether they will be allowed to remain in the room during discussion. In these circumstances, the nature and extent of the interest must also be disclosed. (S 5.68 & 5.69 Local Government Act 1995)

### **18 Clarification of Reports**

Members may request that Officers explain or clarify reports prior to, or during, any discussion of a recommended motion.

### **19 No Opposition**

The person presiding will ask the meeting if any member opposes the motion. If it is not opposed the motion will be declared carried without debate or taking a vote.

### **20 Opposition to the Motion**

If there is opposition to a motion the person presiding will (in the following order):

- invite the mover of the motion to speak to the motion;
- invite any member opposing the motion to speak to it;
- allow other members who wish to speak for or against the motion to speak.

## **21 Members to Only Speak Once**

Members may speak more than once on a motion. The person moving the motion he/she has the right at the end of debate to reply to any matters raised during the debate. Seeking points of clarification or seeking additional information relevant to the report is not considered to be speaking more than once.

## **22 Person Presiding to Control Debate**

The person presiding will ensure that points of view on a motion are given a fair and reasonable opportunity to be expressed and debated. However, he/she is not obliged to permit every member to speak on a motion nor to permit members to speak for excessive periods of time.

The general rule will be:

- each member permitted to speak will have approximately three minutes to present his/her case;
- the person presiding will determine when he or she believes that a motion has been given a fair and reasonable opportunity to be debated;
- all decisions of the person presiding will be final except if a motion of dissent with a ruling is moved by a member, such a motion will be put to the meeting without a seconder and without debate;
- the decision of the majority of members present will be final; and
- the person presiding will follow the meeting's ruling.

## **23 Amending a Motion**

Amendments to a motion on the table:

- may be moved at the conclusion of any speech on the motion;
- cannot negate the meaning of the substantive motion;
- must be of a minor nature such as omitting, substituting or adding words;
- must be seconded;
- must be accurately recorded by the Minute Secretary to the satisfaction of the mover.
- Only one amendment may be considered at a time, but as often as an amendment is lost, another amendment may be moved before the substantive motion is put to the vote.

## **24 Seconding the Amendment**

An amendment must be seconded. Once seconded, the amendment becomes the motion under consideration.

### **25 Amendment not Seconded**

If an amendment is proposed and not seconded the debate returns to the substantive motion.

### **26 Amendment Passed**

If an amendment is passed:

- the amended motion is the motion before the meeting;
- the person presiding will follow the same process used when dealing with a motion.

### **27 Reasons for Decision**

If an amended motion is adopted instead of an officer recommendation and the change from the recommendation is significant, the person presiding will:

- summarise the meeting's reasons for coming to that decision; and
- request the meeting to confirm the reasons for the decision for the purposes of recording in the minutes.

### **29 All Members Must Vote**

All members present must vote in all decisions of Council unless they cannot participate because of an interest disclosure.

### **30 Determining the Vote**

The person presiding can ask members to indicate their position on a motion as often as he/she believes is necessary to determine what the vote is. The outcome of the vote will be determined by a simple majority unless the decision requires an absolute majority.

### **31 Other Options**

A recommended motion may be:-

- adopted;

- referred back to the Administration for further report;
- amended;
- not adopted;
- replaced by an alternative motion.

### **32 Referring Back**

Before a motion to refer a recommendation back to the Administration is debated the person presiding will request that an officer provide advice on the implications of delaying the matter. The motion to refer an item back to the Administration must identify the action to be taken by the officer.

If an elected member moves a motion to refer back an item, the motion will be dealt with immediately, without debate.

### **33 Not Adopted**

If a motion is not adopted it is negated. If an officer recommendation is negated the person presiding will:

- summarise the meeting's reasons for coming to that decision;
- request that the meeting confirms those reasons for recording in the minutes.

### **34 Proposing an Alternative Motion**

If a recommendation is not adopted an alternative motion may be moved with the simple majority consent of Council. The minutes must show the reasons for the alternative motion being considered and adopted. If the alternative motion is not adopted, discussion will cease on the matter.

## **URGENT BUSINESS**

### **35 Person Presiding Consents**

If a matter of urgent business is raised:

- the person presiding will determine whether he/she considers the matter sufficiently urgent to be dealt with at the meeting;
- if he/she considers it is, he/she will permit a motion to be moved; and
- will deal with the motion in the same way as an officer recommendation.

### **36 Meeting consents**

If the person presiding determines a matter is not sufficiently urgent to be dealt with as urgent business:

- a member may move a motion of dissent with the ruling;
- the motion will be put to the meeting without a seconder and without debate;
- the decision of the majority of members present will be final;
- the person presiding will follow the meeting's ruling and permit a motion to be moved;
- the motion will be dealt with in the same way as an officer recommendation except that, prior to a final vote on the matter. The person presiding shall invite the Chief Executive Officer to provide advice on the impact of the proposed motion.

### **RULES OF DEBATE**

#### **37 Official Title to be Used**

During meetings, speakers should address others by using their accepted title. For example: Mayor, Deputy Mayor, Councillor, or in the case of staff by their position title.

#### **38 Order of Speakers**

When two or more members indicate they wish to speak at the same time, the President will decide who may speak first.

#### **39 Members not to Interrupt**

A member must not interrupt or speak out of turn during a meeting, other than to raise a point of order, make a personal explanation or move a procedural motion.

#### **40 President may Participate in Discussion**

The President may discuss any motion before the meeting, provided that he/she addresses the meeting before the right of reply is exercised. The President must exercise a deliberate vote and if the votes are tied may exercise a casting vote.

#### **41 President to be Heard without Interruption**

If the President wishes to speak during a debate, all other members should be silent so that the President may be heard without interruption.

**42 Members not to Reflect Adversely on Resolution of Council**

A member shall not reflect adversely upon the resolution of the Council except on a motion that the resolution be rescinded.

**43 Members not to Reflect Adversely on other Members or Officers**

A member shall not reflect adversely upon the character or actions of another member or an officer of the Shire of Peppermint Grove nor impute any motive to a member or an officer unless the Council resolves that the motion then before the Council cannot otherwise be adequately considered.

**44 Members to Apologise if Adversely Reflect**

Any member who, in the opinion of the President, uses offensive language or expressions during a Council meeting may be requested by the President to withdraw the statement and formally apologise.

If the member refuses or fails to comply, the President may refuse to hear any further comments from the member on the business currently being discussed.

**45 Relevance to Debate**

Members must ensure that any comments or remarks made are relevant to the business or motion under discussion.

**ORDER**

**46 Point Of Order**

A member may bring to the President's attention, any breach of these Meeting Procedures by stating the grounds for the breach and the name of the offending member.

A member expressing a difference of opinion with, or contradicting, a speaker shall not be recognised as raising a point of order.

The President shall decide all questions of order or practice. The decision is final and must be accepted by the meeting without discussion or argument unless a different ruling is resolved by majority.

A motion, amendment or other business deemed out of order shall not be further discussed and need not be subject of a resolution.

Where anything said or done by a member is deemed out of order, the President may require the member to make an explanation, retraction or apology.

**47 Preservation of Order**

The President’s role is to preserve order and he/she may call any member to order whenever he/she believes it necessary.

If a member persists in any conduct which the President decides is out of order, or the member refuses to explain, retract or apologise as requested by the President the President may direct the member not to take part in the proceedings of the meeting other than to record the members vote. The member must comply with this direction.

**48 Serious Disorder**

The President may adjourn a Council meeting for fifteen minutes if he/she believes business cannot be effectively continued. Once reassembled, the Council will decide, without debate, whether to continue with business.

If, having once adjourned the meeting, the President again believes that the business of the Council cannot effectively be continued, the meeting may be closed or adjourned by the President.

**49 Interpretation**

Where a situation arises where no provision or insufficient provision is made in this Policy, the President shall determine the procedure to be observed, based on the principles of fairness and equity. He/she may use the procedure of the Western Australian Parliament as a guide.

<b>Related Procedure</b>	
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<b>Amendment Authority Level</b>	
<b>Related Delegation</b>	
<b>Related Local Law/ Legislation</b>	
<b>Adopted/ Amended</b>	19 July 2010
<b>Review History</b>	

### 1.3 POLICY AND DELEGATIONS REVIEW

<b>Purpose</b>	To ensure good governance through regular review of Statutory and Operational Policies and Delegations
<b>Status</b>	GOVERNANCE - STATUTORY
<b>Policy</b>	<p>The Shire of Peppermint Grove will:</p> <ol style="list-style-type: none"> <li>1. Review all Statutory and Operational Policies on a bi-annual basis</li> <li>2. New policies or existing policies may be approved or reviewed when necessary and outside of the scheduled review process.</li> <li>3. The Code of Conduct will be reviewed within six (6) months of a Local Government election.</li> <li>4. Delegations will be reviewed annually.</li> </ol>
<b>Related Procedure</b>	
<b>Amendment Authority Level</b>	Council
<b>Related Delegation</b>	
<b>Related Local Law/ Legislation</b>	Local Government Act S 5.103 (2) – Code of Conduct Local Government Act S 5.18 and s 5.46 (2) - Delegations
<b>Adopted/ Amended</b>	18 September 2000 14 August 2007
<b>Review History</b>	

## 1.4 ELECTED MEMBERS' ALLOWANCES AND REIMBURSEMENTS

<b>Purpose</b>	The purpose of this policy is to:  <ol style="list-style-type: none"><li>1. Provide elected members with an appropriate level of remuneration and support in fulfilling their role.</li><li>2. Clarify those payments that elected members have a right to receive and those that are payable at the discretion of the Shire of Peppermint Grove.</li><li>3. Assist with budgeting and financial management.</li><li>4. Promote transparency and accountability.</li></ol>
<b>Status</b>	GOVERNANCE - STATUTORY
<b>Policy</b>	<p>This policy complies with the requirements of the <i>Local Government Act 1995</i> ("the Act") and <i>Local Government (Administration) Regulations 1996</i> ("the Regulations").</p> <p>Section 5.98 of the Act provides that an elected member is entitled to be paid a fee for attending a council or committee meeting. Under section 5.98 (1) of the Act each elected member has the right to decide whether he or she wishes to be paid meeting attendance fees. Each elected member must have the freedom to make their own decision on this matter without influence or pressure from other members. If an elected member wishes to receive meeting fees, he or she is entitled to the prescribed minimum fee under the regulations or to a higher fee set by the Council.</p> <p>The Council of the Shire of Peppermint Grove has determined that elected members will be paid an Annual Attendance Fee in lieu of fees for attending meetings.</p> <p>The Salaries and Allowances Tribunal (SAT) set the range for band 4 Local government and the allowances paid are within the band range.</p>

## **FEES AND ALLOWANCES**

### **Shire President**

The Shire President is entitled to an Annual Attendance Fee in lieu of meeting fees in accordance with Regulation 34 (2), paid quarterly in arrears. The allowance is set at 95% of the maximum of the band.

The Shire President is also entitled to an Annual Shire President Allowance under regulation 33 set at 95% of the maximum of the band.

### **Deputy Shire President**

The Deputy Shire President is entitled to an Annual Attendance Fee in Lieu of meeting fees in accordance with Regulation 34 (1), paid quarterly in arrears, set at 95% of the maximum of the band.

The Deputy Shire President is also entitled to a maximum of 25% of the Annual Shire President Allowance as prescribed in regulation 33A.

### **Elected Members Annual Attendance**

Elected Members are entitled to an Annual Attendance Fee in Lieu of meeting fees in accordance with Regulation 34 (1), paid quarterly in arrears, set at 95% of the maximum of the band.

## **EXPENSES THAT MUST BE REIMBURSED**

Elected members are entitled to be reimbursed upon request for the following expenses covered under Regulation 31:

1. Telephone and facsimile machine rental charges
2. Child care expenses
3. Travel costs

Claims for these expenses must relate to the actual cost incurred and be supported by documentation. Claims are for reimbursement of costs and are not an allowance.

## **EXPENSES THAT MAY BE REIMBURSED**

In accordance with Section 5.98 (3) of the Act and Regulation 32, elected members may be reimbursed for expenses incurred:

	<ol style="list-style-type: none"> <li>1. In performing a function under the express authority of the Shire;</li> <li>2. By reason of being accompanied by no more than one other person while performing an official function where the Shire considers it to be appropriate;</li> <li>3. In performing a function in the elected member's official capacity.</li> </ol> <p>A decision to reimburse these expenses is at the absolute discretion of the Chief Executive Officer and will only be considered following verification of sufficient information. Where a conflict arises relating to a decision not to reimburse an expense, then the matter will be referred to Council.</p> <p><b>Information Technology</b></p> <p>Elected Members are entitled to an annual information and technology allowance as determined each year as part of the budget process.</p> <p>Payment of fees and allowances will be paid by electronic funds transfer (EFT) into the elected members nominated bank account quarterly in arrears .</p>
<b>Related Procedure</b>	
<b>Amendment Authority Level</b>	Council
<b>Related Delegation</b>	
<b>Related Local Law/ Legislation</b>	Local Government Act 1995 S. 5.98 and 5.99 Local Government Administration Regulations 33 and 34
<b>Adopted/ Amended</b>	27 July 2010
<b>Review History</b>	

## 1.5 SMOKE FREE POLICY

<p><b>Purpose</b></p>	<p>The Shire recognises the extreme negative health impact that tobacco smoke, including environmental tobacco smoke, has on all people exposed to it.</p> <p>Tobacco smoking increases the risk of cancers, cardiovascular and respiratory diseases and other illnesses.</p> <p>It is the greatest single risk factor for health and has been estimated to cause 10 per cent of the total Australian burden of disease (NT Department of Health).</p> <p>The Smoke Free Policy has been developed to protect and promote the best health outcomes for its staff and for the users of our services. The Policy has been developed to:</p> <ul style="list-style-type: none"> <li>• Safeguard our staff against the health impacts of tobacco smoke, including environmental tobacco smoke</li> <li>• Protect those who use our services and visit our facilities</li> <li>• Promote an attitudinal and behavioural change to smoking</li> </ul>
<p><b>Status</b></p>	<p>GOVERNANCE - OPERATIONAL</p>
<p><b>Policy</b></p>	<p>This Smoke Free Policy applies to the Grove Precinct where tobacco smoking will not be permitted within the buildings and grounds. This policy extends to all staff, contractors, volunteers and customers.</p> <p>Appropriate signage will be provided to advise that the precinct is a smoke free area.</p> <p>The Grove Precinct includes the Shire Office, Community Centre, Library and all grounds.</p>
<p><b>Related Procedure</b></p>	<p>Nil</p>
<p><b>Amendment Authority Level</b></p>	<p>Council</p>
<p><b>Related Delegation</b></p>	<p>Nil</p>
<p><b>Related Local Law/Legislation</b></p>	<p>Nil</p>
<p><b>Adopted/Amended</b></p>	<p>22 February 2011</p>
<p><b>Review History</b></p>	<p>Nil</p>

## 1.6 COUNCILLOR'S WORKS REQUESTS

<b>Purpose</b>	To ensure Councillors requests are appropriately identified and handled promptly and efficiently.
<b>Status</b>	
<b>Policy</b>	<p>All general enquiries made by Councillors should be directed to the Chief Executive Officer or Managers subject to the CEO approval.</p> <p><b>Special Note</b></p> <ol style="list-style-type: none"> <li>1. The officer in charge will inspect the request or complaint and place it on the list of maintenance works according to priority.</li> <li>2. Special works requests or major works should be discussed with the Chief Executive Officer.</li> <li>3. Regarding major works the CEO can then recommend to the Council that it is / is not possible to modify the Works Program or the matter be placed for consideration on following year's budget.</li> </ol>
<b>Related Procedure</b>	Nil
<b>Amendment Authority Level</b>	Council
<b>Related Delegation</b>	Nil
<b>Related Local Law/Legislation</b>	Nil
<b>Adopted/Amended</b>	18 September 2000
<b>Review History</b>	19 April 2010

## 1.7 MEMBERS ATTENDANCE AT CONFERENCES, SEMINARS & TRAINING

<b>Purpose</b>	To maximise training opportunities for Elected Members.
<b>Status</b>	
<b>Policy</b>	<ol style="list-style-type: none"><li>1. That Council supports and wherever possible takes advantage of appropriate training opportunities for elected members according to the following guidelines</li><li>2. Priority be given to any course or Seminar that is specifically relevant to Councillors and attendance at such course or Seminar is subject to approval by Council, or Chief Executive Officer.</li><li>3. Priority be given to the attendance of any new Councillor at any Induction or Training Course specifically organised for the benefit of new Councillors.</li><li>4. Conference, Seminars or Courses organised by organizations of which Council is a member or has an interest in would usually be attended by Council's appointed representatives to those organizations, e.g., Local Government Association Conference would be attended by the Local Government Association Delegates.</li><li>5. In the case of Conferences relevant to specific disciplines the Presiding Member of the relevant Standing Committee would have priority in attending.</li><li>6. When determining costs of a conference all reasonable costs including travel, accommodation, meals and telephone are to be supported by receipts and paid for by Council. Elected Members can access \$1000 Per anum for attending conferences that match the criteria set out in this policy without needing to refer this to Council. However it is subject to sign off by the CEO. Cost in excess of \$1000 would be referred to Council for approval.</li><li>7. Conferences in other States would be dealt with in the same way as any other Conference within the State except that whenever attendance at the conference</li></ol>

	<p>entails travelling outside the State, the proposal be referred for the approval of full Council if time permits.</p> <p>8. Reports of conference attendance to be provided in writing to Council.</p> <p>9. The type of conferences that Councillors attend would generally be related to a particular function or activity in which council is involved rather than individual or personal development type Conference/Seminars.</p>
<b>Complementary Legislation/Agencies</b>	
<b>Related Procedure</b>	
<b>Amendment Authority Level</b>	Council
<b>Related Delegation</b>	
<b>Related Local Law/Legislation</b>	
<b>Adopted/Amended</b>	18 September 2000
<b>Review History</b>	19 April 2010

## 1.8 CONFERENCE ATTENDANCES – REPRESENTATION AND RELATED ISSUES

<b>Purpose</b>	To determine the nature and extent of Council's representation at international/interstate/state conferences, study tours, seminars or conventions
<b>Status</b>	
<b>Policy</b>	<p>The following guidelines are to be considered for any proposal for representatives of the Council to attend conferences, study tours, seminars or conventions:-</p> <ol style="list-style-type: none"> <li>1. when it is considered desirable that the Council be represented at an international/interstate and/or state conference, study tour, seminar or convention, a maximum of two councillors and one officer may attend;</li> <li>2. following attendance at such conferences, the councillors and officer be required to submit a report on the conference proceedings for the Council's information and records;</li> <li>3. a list be maintained on the Council's records of councillors' attendance at conferences;</li> <li>4. the representatives be determined by the Council and a list of previous attendances be submitted on each occasion to assist with that decision;</li> <li>5. where it is not appropriate for the Chief Executive Officer to attend a particular conference, other senior officers be given the opportunity to gain valuable experience as part of their career development.</li> <li>6. Attendance is subject to budget provisions</li> </ol>
<b>Related Procedure</b>	Nil
<b>Amendment Authority Level</b>	Council
<b>Related Delegation</b>	Nil
<b>Related Local Law/Legislation</b>	Nil
<b>Adopted/Amended</b>	18 September 2000
<b>Review History</b>	19 April 2010

## 1.9 COMMUNITY ENGAGEMENT POLICY

<b>Purpose</b>	The Shire will inform and consult our community on matters that affect them, understanding that the best outcomes come from working together. Feedback will be used to inform and strengthen the Shire's decision-making process.
<b>Status</b>	
<b>Policy</b>	<p>This policy applies to elected members, Shire of Peppermint Grove employees and the Peppermint Grove community, which includes residents, visitors, workers, volunteers and businesses.</p> <p><b>Principles</b> The Shire recognises the importance of open, transparent, accountable, inclusive and appropriate community engagement.</p> <p>The Shire undertakes community engagement to:</p> <ul style="list-style-type: none"><li>• improve and strengthen decision-making</li><li>• enable community involvement and participation</li><li>• understand community priorities and concerns</li><li>• improve the quality of services and facilities it provides.</li></ul> <p>Council will take account of the views and opinions expressed by the community and balance this feedback with other factors such as budgetary constraints, legal requirements.</p> <p><b>When to engage</b> The Shire will embed community engagement in appropriate decision-making processes at all levels of the organisation and, where possible, use community engagement outcomes to help inform actions and decisions.</p> <p>The Shire undertakes to engage when:</p> <ul style="list-style-type: none"><li>• a matter requires information from the community in order for a decision to be properly informed</li><li>• a new significant project or plan is being developed or a major review is occurring with an existing project or plan</li><li>• a matter affects the rights and entitlements of community members or a significant group within the community</li></ul>

- a matter has a significant impact on the quality of community life, services or facilities
- it is required under the Local Government Act 1995 or other legislation.

The Shire acknowledges that community confidence in consultation is paramount to its success. If a decision has already been made, or the community or the Shire cannot effectively influence the final decision, the Shire will not undertake a community engagement process.

Where routine matters to be determined by Council require consultation it will be undertaken by staff and the results presented to Council to assist in the decision making process.

Where issues affect the strategic direction of the Shire or are sensitive and potentially divisive, consultation will be undertaken following Council's consideration of the issue so that Council's in-principle resolution can guide the consultation process.

#### **Levels of engagement**

Differing levels of participation are legitimate depending on the project goals, Timeframe resources and level of interest in the decision to be made.

The Shire may use the International Association for Public Participation (IAP2) spectrum to consider and apply the most suitable level of engagement and to define the role of the community in the decision making process.

#### **Tools and Promotion**

The Shire strives to deliver meaningful, informed and genuine community participation to inform Council's decision making process. The Shire endeavours to communicate clearly the matters on which it is consulting and to outline any constraints or limitations on the consultation process.

To maintain proactive and best practice community engagement the Shire will explore and utilise contemporary tools of engagement and be open to new and innovative ways to engage. Community engagement techniques will be selected based on the project scope and level of community impact (the number of persons potentially affected by the topic).

	<p>Communication methods will be tailored to best encourage participation in each individual project.</p> <p><b>Measurement and evaluation</b> The Shire recognises that the level and type of engagement with the community will vary depending on the community interest in the topic and perceived impact. Both quantitative and qualitative measures will be assessed during project evaluation.</p> <p><b>Definitions</b> <b>IAP2</b> - International Association for Public Participation. An international member association which seeks to promote and improve the practice of public participation and stakeholder engagement.</p> <p><b>IAP2 Spectrum</b> - - a process document designed to assist with the selection of the level of participation to define the public's role in community engagement, with increasing levels of influence ranging from 'inform', 'consult' and 'involve' to 'collaborate' and 'empower'. Provides a guide as to how to engage with the community in different situations.</p> <p><b>Related Sources</b></p> <ul style="list-style-type: none"> <li>• IAP2 Public Participation Spectrum</li> <li>• City of Subiaco Community Engagement Toolkit</li> </ul>
<b>Related Procedure</b>	Nil
<b>Amendment Authority Level</b>	Council
<b>Related Delegation</b>	Nil
<b>Related Local Law/Legislation</b>	Nil
<b>Adopted/Amended</b>	
<b>Review History</b>	

## 1.10 RELATED PARTY TRANSACTION AND DISCLOSURES

### Purpose

The objective of this policy is to ensure that an entity's financial statements contain disclosures necessary for users to understand the potential effects on the financial statements may be affected by the existence of related parties and transactions.

This policy outlines required mechanisms to meet the disclosure requirements of AASB 124.

The purpose of this policy is to stipulate the information to be requested from related parties to enable an informed judgement to be made.

This Policy is to be applied in:

- Identifying related party transactions and relationships;
- Identifying outstanding balances including commitments between an entity and its related parties;
- Identifying circumstances in which disclosure of the above items are required; and
- Determining the disclosures to be made about those items.

### Related Parties

AASB 124 provides that the Shire will be required to disclose in its Annual Financial reports, related party relationships, transactions and outstanding balances.

Related parties includes a person who has significant influence over the reporting entity, a member of the key management personnel (KMP) of the entity, or a close family member of that person who may be expected to influence that person.

For the purposes of determining the application of the standard, the Shire has identified the following persons as meeting the definition of Related Party:

An elected Council member;

- Key management personnel being a person employed under section 5.36 of the Local Government Act 1995 in the capacity of Chief Executive Officer or any Manager reporting directly to the CEO;
- Close members of the family of any person listed above, including that person's child, spouse or domestic partner, children of a spouse or domestic partner, dependents of that person or person's spouse or domestic partner; and
- Entities that are controlled or jointly controlled by a Council member, KMP or their close family members. (Entities include companies, trusts, joint ventures, partnerships and non-profit associations such as sporting clubs).

Entities controlled by Council, jointly controlled by Council or over which Council has significant influence are related parties of Council. Council will need to identify transactions with these entities and may need to make extra disclosure about them in Council's financial statements. When assessing whether Council has control or joint control over an entity Council must consider AASB10 and AASB11. AASB128 details the criteria for determining where Council has significant influence over an entity.

Council's Contracts Register, Leases and License Register and the Schedule of Debts Written Off will be reviewed to identify Related Party Transactions/Parties.

The Shire will therefore be required to assess all transactions made with these persons or entities.

### **Related party transactions**

A related party transaction is a transfer of resources, services or obligations between the Shire (reporting entity) and the related party, regardless of whether a price is charged.

For the purposes of determining whether a related party transaction has occurred, the following transactions or

provision of services have been identified as meeting this criteria:

Examples of related party transactions are:

- a) purchases or sales of goods;
- b) purchases or sales of property and other assets;
- c) rendering or receiving of services;
- d) rendering or receiving of goods;
- e) leases;
- f) transfers under licence agreements;
- g) transfers under finance arrangements (example: loans);
- h) provision of guarantees (given or received);
- i) commitments to do something if a particular event occurs or does not occur in the future;
- j) settlement of liabilities on behalf of Council or by Council on behalf of that related party.

#### **Ordinary Citizen Transactions (OCTs)**

These transactions are those that an ordinary citizen would undertake with council and are referred to as an Ordinary Citizen Transaction (OCT). Where the Shire can determine that an OCT was provided at arms length, and in similar terms and conditions to other members of the public and, that the nature of the transaction is immaterial, no disclosure in the annual financial report will be required.

Council declares that in its opinion, based on the facts and circumstances, the following OCT (that are provided on terms and conditions no different to those applying to the general public and which have been provided in the course of delivering public service objectives, are unlikely to influence the decisions that users of the Council's financial statements make), no disclosure in the annual Related Party Disclosures - Declaration form will be required for the following transactions:

- Paying rates;

- Fines;
- Use of Shire owned facilities such as Recreation Centre, Civic Centre, library, parks, ovals and other public open spaces (whether charged a fee or not); and
- Attending Council functions that are open to the public.

Where these services were not provided at arms length and under the same terms and conditions applying to the general public, elected Council members and KMP will be required to make a declaration in the Related Party Disclosures - Declaration form about the nature of any discount or special terms received.

### **Disclosure Requirements**

For the purposes of determining relevant transactions above, elected Council members and key management personnel as identified above, will be required to complete a Related Party Disclosures - Declaration form.

### **The Ordinary Citizen Transactions:**

- Non-material in Nature** -A KMP is not required to notify in a RPT Notification, and Council will not disclose in its financial statements, related party transactions that are ordinary citizen transactions assessed to be not material in nature
- Material in Nature** - A KMP is required to notify in a RPT Notification, and Council will disclose in its financial statements related party transactions that are ordinary citizen transactions assessed to be material in nature.
- Materiality Assessment** - The Manager of Corporate Services will review and assess the materiality of the related party transactions' that are ordinary citizen transactions to determine whether the disclosure of such transactions are necessary for an understanding of the effects of the related party transactions on the financial statements, having regard to the criteria specified.

d) **Information Extraction** - The Finance Officer will identify and extract information specified in against each notified related party transaction that is an ordinary citizen transaction assessed as being material in nature in Council's business systems for the purpose of recording the related party transactions and associated information in a register of related party transactions.

***As a general rule, Council will utilise \$10,000 as the threshold for materiality.***

### **Register of Relation Party Transaction**

1. The Finance Officer will maintain and keep up to date a register of related party transactions that captures and records the information for each existing or potential related party transaction (including ordinary citizen transaction assessed as being material in nature) during the financial year.
2. The contents of the register of related party transactions must detail:
  - a) The description of the related party transaction;
  - b) The name of the related party;
  - c) The nature of the related party's relationship with Council;
  - d) Whether the notified related party transaction is existing or potential;
  - e) A description of the transactional documents the subject of the related party.

### **Procedures**

- a) The method for identifying the close members and associated entities of KMP will be by KMP self-assessment. KMP have an ongoing responsibility to advise Council immediately of any Related Party Transactions.

- b) The preferred method of reporting is for KMPs to provide details of Related Parties and Related Party Transactions to the Manager Corporate Services.
- c) Information provided will be reviewed in accordance with the Council's operational requirements and held on a centralised register held within the Corporate Services area.
- d) Should a KMP have any uncertainty as to whether a transaction may constitute a Related Party Transaction they should contact the Manager Corporate Services who will make a determination.

#### **Frequency of disclosures**

Elected Council members and KMP will be required to complete a Related Party Disclosures - Declaration form each annually.

Disclosures must be made by all Councillors immediately prior to any ordinary or extraordinary election.

Disclosures must be made immediately prior to the termination of employment of/by a KMP.

#### **Confidentiality**

All information contained in a disclosure return, will be treated in confidence. Generally, related party disclosures in the annual financial reports are reported in aggregate and as such, individuals are not specifically identified. Notwithstanding, management is required to exercise judgement in determining the level of detail to be disclosed based on the nature of a transaction or collective transactions and materiality. Individuals may be specifically identified, if the disclosure requirements of AASB 124 so demands.

#### **Associated Regulatory Framework**

AASB 124 Related Party Disclosures Local Government Act 1995

Local Government (Financial Management) Regulations 1996 Related Party Disclosures - Disclosure Form

#### **Application**

	<p>Responsibility for the implementation of this policy rest with the Mayor, Councillors and Chief Executive Officer. The Policy is to be reviewed as required.</p>
<p><b>Status</b></p>	<p>The objective of this policy is to ensure that an entity's financial statements contain disclosures necessary for users to understand the potential affects on the financial statements may be affected by the existence of related parties and transactions.</p> <p>This policy outlines required mechanisms to meet the disclosure requirements of AASB 124. The purpose of this policy is to stipulate the information to be requested from related parties to enable an informed judgement to be made.</p> <hr/> <p>This Policy is to be applied in:</p> <ul style="list-style-type: none"> <li>• Identifying related party transactions and relationships;</li> <li>• Identifying outstanding balances including commitments between an entity and its related parties;</li> <li>• Identifying circumstances in which disclosure of the above items are required; and</li> <li>• Determining the disclosures to be made about those items.</li> </ul> <p><b>Related Parties</b></p> <p>AASB 124 provides that the Shire will be required to disclose in its Annual Financial reports, related party relationships, transactions and outstanding balances.</p> <p>Related parties includes a person who has significant influence over the reporting entity, a member of the key management personnel (KMP) of the entity, or a close family member of that person who may be expected to influence that person.</p>

For the purposes of determining the application of the standard, the Shire has identified the following persons as meeting the definition of Related Party:

An elected Council member;

- Key management personnel being a person employed under section 5.36 of the Local Government Act 1995 in the capacity of Chief Executive Officer or any Manager reporting directly to the CEO;
- Close members of the family of any person listed above, including that person's child, spouse or domestic partner, children of a spouse or domestic partner, dependents of that person or person's spouse or domestic partner; and
- Entities that are controlled or jointly controlled by a Council member, KMP or their close family members. (Entities include companies, trusts, joint ventures, partnerships and non-profit associations such as sporting clubs).

Entities controlled by Council, jointly controlled by Council or over which Council has significant influence are related parties of Council. Council will need to identify transactions with these entities and may need to make extra disclosure about them in Council's financial statements. When assessing whether Council has control or joint control over an entity Council must consider AASB10 and AASB11. AASB128 details the criteria for determining where Council has significant influence over an entity.

Council's Contracts Register, Leases and License Register and the Schedule of Debts Written Off will be reviewed to identify Related Party Transactions/Parties.

The Shire will therefore be required to assess all transactions made with these persons or entities.

### **Related party transactions**

A related party transaction is a transfer of resources, services or obligations between the Shire (reporting entity) and the related party, regardless of whether a price is charged.

For the purposes of determining whether a related party transaction has occurred, the following transactions or provision of services have been identified as meeting this criteria:

Examples of related party transactions are:

- a) purchases or sales of goods;
- b) purchases or sales of property and other assets;
- c) rendering or receiving of services;
- d) rendering or receiving of goods;
- e) leases;
- f) transfers under licence agreements;
- g) transfers under finance arrangements (example: loans);
- h) provision of guarantees (given or received);
- i) commitments to do something if a particular event occurs or does not occur in the future;
- j) settlement of liabilities on behalf of Council or by Council on behalf of that related party.

### **Ordinary Citizen Transactions (OCTs)**

These transactions are those that an ordinary citizen would undertake with council and are referred to as an Ordinary Citizen Transaction (OCT). Where the Shire can determine that an OCT was provided at arms length, and in similar terms and conditions to other members of the public and, that the nature of the transaction is immaterial, no disclosure in the annual financial report will be required.

Council declares that in its opinion, based on the facts and circumstances, the following OCT (that are provided on terms and conditions no different to those applying to the general public and which have been provided in the course

of delivering public service objectives, are unlikely to influence the decisions that users of the Council's financial statements make), no disclosure in the annual Related Party Disclosures - Declaration form will be required for the following transactions:

- Paying rates;
- Fines;
- Use of Shire owned facilities such as Recreation Centre, Civic Centre, library, parks, ovals and other public open spaces (whether charged a fee or not); and
- Attending Council functions that are open to the public.

Where these services were not provided at arms length and under the same terms and conditions applying to the general public, elected Council members and KMP will be required to make a declaration in the Related Party Disclosures - Declaration form about the nature of any discount or special terms received.

#### **Disclosure Requirements**

For the purposes of determining relevant transactions above, elected Council members and key management personnel as identified above, will be required to complete a Related Party Disclosures - Declaration form.

#### **The Ordinary Citizen Transactions:**

- a) **Non-material in Nature** -A KMP is not required to notify in a RPT Notification, and Council will not disclose in its financial statements, related party transactions that are ordinary citizen transactions assessed to be not material in nature
- b) **Material in Nature** - A KMP is required to notify in a RPT Notification, and Council will disclose in its financial statements related party transactions that are ordinary citizen transactions assessed to be material in nature.
- c) **Materiality Assessment** - The Manager of Corporate Services will review and assess the

materiality of the related party transactions' that are ordinary citizen transactions to determine whether the disclosure of such transactions are necessary for an understanding of the effects of the related party transactions on the financial statements, having regard to the criteria specified.

- d) **Information Extraction** - The Finance Officer will identify and extract information specified in against each notified related party transaction that is an ordinary citizen transaction assessed as being material in nature in Council's business systems for the purpose of recording the related party transactions and associated information in a register of related party transactions.

***As a general rule, Council will utilise \$10,000 as the threshold for materiality.***

#### **Register of Relation Party Transaction**

1. The Finance Officer will maintain and keep up to date a register of related party transactions that captures and records the information for each existing or potential related party transaction (including ordinary citizen transaction assessed as being material in nature) during the financial year.
2. The contents of the register of related party transactions must detail:
  - a) The description of the related party transaction;
  - b) The name of the related party;
  - c) The nature of the related party's relationship with Council;
  - d) Whether the notified related party transaction is existing or potential;
  - e) A description of the transactional documents the subject of the related party.

## **Procedures**

- a) The method for identifying the close members and associated entities of KMP will be by KMP self-assessment. KMP have an ongoing responsibility to advise Council immediately of any Related Party Transactions.
- b) The preferred method of reporting is for KMPs to provide details of Related Parties and Related Party Transactions to the Manager Corporate Services.
- c) Information provided will be reviewed in accordance with the Council's operational requirements and held on a centralised register held within the Corporate Services area.
- d) Should a KMP have any uncertainty as to whether a transaction may constitute a Related Party Transaction they should contact the Manager Corporate Services who will make a determination.

## **Frequency of disclosures**

Elected Council members and KMP will be required to complete a Related Party Disclosures - Declaration form each annually.

Disclosures must be made by all Councillors immediately prior to any ordinary or extraordinary election.

Disclosures must be made immediately prior to the termination of employment of/by a KMP.

## **Confidentiality**

All information contained in a disclosure return, will be treated in confidence. Generally, related party disclosures in the annual financial reports are reported in aggregate and as such, individuals are not specifically identified. Notwithstanding, management is required to exercise judgement in determining the level of detail to be disclosed based on the nature of a transaction or collective transactions and materiality. Individuals may be specifically identified, if the disclosure requirements of AASB 124 so demands.

	<p><b>Associated Regulatory Framework</b></p> <p>AASB 124 Related Party Disclosures Local Government Act 1995</p> <p>Local Government (Financial Management) Regulations 1996 Related Party Disclosures - Disclosure Form</p> <p><b>Application</b></p> <p>Responsibility for the implementation of this policy rest with the Mayor, Councillors and Chief Executive Officer. The Policy is to be reviewed as required.</p>
<p><b>Policy</b></p>	<p>The objective of this policy is to ensure that an entity's financial statements contain disclosures necessary for users to understand the potential affects on the financial statements may be affected by the existence of related parties and transactions.</p> <p>This policy outlines required mechanisms to meet the disclosure requirements of AASB 124.</p> <p>The purpose of this policy is to stipulate the information to be requested from related parties to enable an informed judgement to be made.</p> <hr/> <p>This Policy is to be applied in:</p> <ul style="list-style-type: none"> <li>• Identifying related party transactions and relationships;</li> <li>• Identifying outstanding balances including commitments between an entity and its related parties;</li> <li>• Identifying circumstances in which disclosure of the above items are required; and</li> <li>• Determining the disclosures to be made about those items.</li> </ul> <p><b>Related Parties</b></p> <p>AASB 124 provides that the Shire will be required to disclose in its Annual Financial reports, related party relationships, transactions and outstanding balances.</p>

Related parties includes a person who has significant influence over the reporting entity, a member of the key management personnel (KMP) of the entity, or a close family member of that person who may be expected to influence that person.

For the purposes of determining the application of the standard, the Shire has identified the following persons as meeting the definition of Related Party:

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Entities controlled by Council, jointly controlled by Council or over which Council has significant influence are related parties of Council. Council will need to identify transactions with these entities and may need to make extra disclosure about them in Council's financial statements. When assessing whether Council has control or joint control over an entity Council must consider AASB10 and AASB11. AASB128 details the criteria for determining where Council has significant influence over an entity.

Council's Contracts Register, Leases and License Register and the Schedule of Debts Written Off will be reviewed to identify Related Party Transactions/Parties.

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Examples of related party transactions are:

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- b) purchases or sales of property and other assets;
- c) rendering or receiving of services;
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- e) leases;
- f) transfers under licence agreements;
- g) transfers under finance arrangements (example: loans);
- h) provision of guarantees (given or received);
- i) commitments to do something if a particular event occurs or does not occur in the future;
- j) settlement of liabilities on behalf of Council or by Council on behalf of that related party.

### **Ordinary Citizen Transactions (OCTs)**

These transactions are those that an ordinary citizen would undertake with council and are referred to as an Ordinary Citizen Transaction (OCT). Where the Shire can determine that an OCT was provided at arms length, and in similar terms and conditions to other members of the public and, that the nature of the transaction is immaterial, no disclosure in the annual financial report will be required.

Council declares that in its opinion, based on the facts and circumstances, the following OCT (that are provided on terms and conditions no different to those applying to the general public and which have been provided in the course of delivering public service objectives, are unlikely to influence the decisions that users of the Council's financial statements make), no disclosure in the annual Related Party Disclosures - Declaration form will be required for the following transactions:

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- Fines;
- Use of Shire owned facilities such as Recreation Centre, Civic Centre, library, parks, ovals and other public open spaces (whether charged a fee or not); and
- Attending Council functions that are open to the public.

Where these services were not provided at arms length and under the same terms and conditions applying to the general public, elected Council members and KMP will be required to make a declaration in the Related Party Disclosures - Declaration form about the nature of any discount or special terms received.

### **Disclosure Requirements**

For the purposes of determining relevant transactions above, elected Council members and key management personnel as identified above, will be required to complete a Related Party Disclosures - Declaration form.

### **The Ordinary Citizen Transactions:**

- a) **Non-material in Nature** -A KMP is not required to notify in a RPT Notification, and Council will not disclose in its financial statements, related party transactions that are ordinary citizen transactions assessed to be not material in nature
- b) **Material in Nature** - A KMP is required to notify in a RPT Notification, and Council will disclose in its financial statements related party transactions that

are ordinary citizen transactions assessed to be material in nature.

- c) **Materiality Assessment** - The Manager of Corporate Services will review and assess the materiality of the related party transactions' that are ordinary citizen transactions to determine whether the disclosure of such transactions are necessary for an understanding of the effects of the related party transactions on the financial statements, having regard to the criteria specified.
- d) **Information Extraction** - The Finance Officer will identify and extract information specified in against each notified related party transaction that is an ordinary citizen transaction assessed as being material in nature in Council's business systems for the purpose of recording the related party transactions and associated information in a register of related party transactions.

***As a general rule, Council will utilise \$10,000 as the threshold for materiality.***

#### **Register of Relation Party Transaction**

1. The Finance Officer will maintain and keep up to date a register of related party transactions that captures and records the information for each existing or potential related party transaction (including ordinary citizen transaction assessed as being material in nature) during the financial year.
2. The contents of the register of related party transactions must detail:
  - a) The description of the related party transaction;
  - b) The name of the related party;
  - c) The nature of the related party's relationship with Council;
  - d) Whether the notified related party transaction is existing or potential;
  - e) A description of the transactional documents the subject of the related party.

### **Procedures**

- a) The method for identifying the close members and associated entities of KMP will be by KMP self-assessment. KMP have an ongoing responsibility to advise Council immediately of any Related Party Transactions.
- b) The preferred method of reporting is for KMPs to provide details of Related Parties and Related Party Transactions to the Manager Corporate Services.
- c) Information provided will be reviewed in accordance with the Council's operational requirements and held on a centralised register held within the Corporate Services area.
- d) Should a KMP have any uncertainty as to whether a transaction may constitute a Related Party Transaction they should contact the Manager Corporate Services who will make a determination.

### **Frequency of disclosures**

Elected Council members and KMP will be required to complete a Related Party Disclosures - Declaration form each annually.

Disclosures must be made by all Councillors immediately prior to any ordinary or extraordinary election.

Disclosures must be made immediately prior to the termination of employment of/by a KMP.

### **Confidentiality**

All information contained in a disclosure return, will be treated in confidence. Generally, related party disclosures in the annual financial reports are reported in aggregate and as such, individuals are not specifically identified. Notwithstanding, management is required to exercise judgement in determining the level of detail to be disclosed based on the nature of a transaction or collective transactions and materiality. Individuals may be specifically identified, if the disclosure requirements of AASB 124 so demands.

	<p><b>Associated Regulatory Framework</b></p> <p>AASB 124 Related Party Disclosures Local Government Act 1995</p> <p>Local Government (Financial Management) Regulations 1996 Related Party Disclosures - Disclosure Form</p> <p><b>Application</b></p> <p>Responsibility for the implementation of this policy rest with the Mayor, Councillors and Chief Executive Officer. The Policy is to be reviewed as required.</p>
<b>Related Procedure</b>	Nil
<b>Amendment Authority Level</b>	Council
<b>Related Delegation</b>	Nil
<b>Related Local Law/Legislation</b>	Nil
<b>Adopted/Amended</b>	
<b>Review History</b>	November 2019

**PRIVACY COLLECTION NOTICE  
RELATED PARTY TRANSACTIONS AND  
DISCLOSURES BY KEY MANAGEMENT  
PERSONNEL**

**Purpose of Collection, Use and Disclosure**

Effective for annual financial periods beginning on or after 1 July 2016, Council must disclose certain related party relationships and related party transactions together with information associated with those transactions in its general purpose financial statements, in order to comply with *Australian Accounting Standard AASB 124 Related Party Disclosures July 2015 (AASB 124)*.

Related parties include Council's key management personnel (KMP), their close family members, and any entities that they or any of their close family members control or jointly control.

A related party transaction is any transaction (whether a transfer of resources, services or obligations) between the reporting local government and any of the related parties, whether monetary or not.

If there is a related party transaction with Council applicable to a reporting financial year, AASB 124 requires Council to disclose in the financial statements the nature of the related party relationship and information about the transaction, including outstanding balances and commitments associated with the transaction. Disclosure in the financial statements may be in the aggregate and/or made separately, depending on the materiality of the transaction.

For more information about Council's disclosure requirements under AASB 124, please refer to Council's Related Party Disclosure Policy.

**Notifications by Key Management Personnel**

In order to comply with AASB 124, Council has adopted a policy that requires all members of its KMP to periodically provide notifications to the Manager Corporate Services of any existing or potential related party transactions between Council and any of their related parties during a financial year, and any changes to previously notified related party relationships and transactions relevant to the subject financial year.

To this end, each KMP must provide a Related Party Disclosure, in the approved form, notifying any existing or potential related party transactions between Council and any related parties of the KMP, to the Manager Corporate Services by no later than the following periods during a financial year:

- 30 days after the commencement of the application of this policy;

- 30 days after a **KMP** commences their term or employment with Council; and
- 30 June (each year).

Note, these related party disclosure requirements are in addition to the notifications KMPs are required to make to comply with the Shire's Code of Conduct.

This includes disclosures relating to Conflicts of Interest (Pecuniary and Non Pecuniary) and Gifts and Benefits. Council's Auditors may audit related party information as part of the annual external audit.

For privacy and right to information status of this information, please refer to Council's Related Party Disclosure Policy.

### **Who are KMPs?**

- An elected Council member;
- Key management personnel being a person employed under section 5.36 of the Local Government Act 1995 in the capacity of Chief Executive Officer or Director and any Manager reporting directly to the CEO;
- Close members of the family of any person listed above, including that person's child, spouse or domestic partner, children of a spouse or domestic partner, dependents of that person or person's spouse or domestic partner; and
- Entities that are controlled or jointly controlled by a Council member, KMP or their close family members. (Entities include companies, trusts, joint ventures, partnerships and non-profit associations such as sporting clubs).

### **Who are close family members of a KMP Person?**

Close family members, or close members of the family, of a KMP are family members who may be expected to influence, or be influenced by, that person in their dealings with Council and include:

- that person's children and spouse or domestic partner;
- children of that person's spouse or domestic partner; and
- dependents of that person or that person's spouse or domestic partner.

Under AASB 124, close family members could include extended members of a family (such as, without limitation, a parent, grandparent, siblings, etc) *if* they could be expected to influence, or be influenced by, the KMP in their dealings with Council.

The following table may assist you in identifying your close family members:

Definitely a close family member	Maybe a close family member
Your spouse/domestic partner	Your brothers and sisters, if they could be expected to influence, or be influenced by, you in their dealings with Council
Your children	Your aunts, uncles and cousins, if they could be expected to influence, or be influenced by, you in their dealings with Council
Your dependents	Your parents and grandparents, if they could be expected to influence, or be influenced by, you in their dealings with Council
Children of your spouse/domestic partner	Your nieces and nephews, if they could be expected to influence, or be influenced by, you in their dealings with Council
Dependents of your spouse/domestic partner	Any other member of your family if they could be expected to influence, or be influenced, by you in their dealings with Council

### **What is an entity that I, or my close family member, control or jointly control?**

Entities include companies, trusts, incorporated and unincorporated associations such as clubs and charities, joint ventures and partnerships.

#### **Control**

You control an entity if you have:

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

#### ***Example of control***

Fred is the Mayor of Sunny Shire Council and owns 100% of the ordinary shares in Sunny Development Company Pty Ltd (the company). The ordinary shares are the only shares in the company that have voting rights. Fred controls the company because he has the power to affect the company's decisions and the return that he will get from the company. Fred will need to include the company on his related party disclosure.

### **Joint control**

To jointly control an entity there must be contractually 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.

#### ***Example of joint control***

---

Fred is the Mayor of Sunny Shire Council and owns 50% of the ordinary shares in Sunny Development Company Pty Ltd (the company). Fred's brother Stan owns the other 50% of the ordinary shares. Fred and Stan are the only Directors of the company and have equal voting rights on the board.

Fred and Stan have joint control of the company because any decisions require the unanimous consent of them both.

Fred will need to include the company on his related party disclosure and the entity's related party relationship with Fred and Stan.

---

In some cases, it will be obvious that you or a family member control or have joint control over an entity. In other cases it will be less clear.

If you are unsure whether you, or a close family member, has control or joint control of an entity then you should contact the Responsible Accounting Officer for a confidential discussion.

#### ***Related Standards:***

*AASB 10 Consolidated Financial Statements, paragraphs 5 to 18, and Appendices A (Defined Terms) and B (Application Guidance).*

*AASB 128 Investments in Associates and Joint Ventures, paragraph 3 (Definitions).*

## SHIRE OF PEPPERMINT GROVE

### Related Party Transactions and Disclosure by Key Management Personnel

Name of Key Management Personnel: \_\_\_\_\_

Position of Key Management Personnel: \_\_\_\_\_

Please read the Privacy Collection Notice provided with this notification, which explains what is a related party transaction and the purposes for which the Shire of Peppermint Grove is collecting and will use and disclose, the related party information provided by you in this notification.

Please complete the table below **for each related party transaction with the Shire of Peppermint Grove** that you, or a close member of your family, or an entity related to you or a close member of your family, has previously entered into during the 2018/2019 financial year and which may/may not continue into future years:

If there is no related party transactions, please insert "Nil" in the table below.

Description of Related Party Transaction	Is transaction existing/potential?	Related Party's Name (Individual's or entity's name)	Related Party's Relationship/ Reasons why related	Description of Transaction Documents or Changes to the Related Party Relationship

**Notification**

I, \_\_\_\_\_ ( full name & position)  
notify that, to the best of my knowledge, as at the date of this notification, the above list includes all existing and potential related party transactions with Council involving myself, close members of my family, or entities controlled or jointly controlled by me or close members of my family, relevant to the 2017/2018 financial year.

I make this notification after reading the Privacy Collection Notice provided by the Shire of Peppermint Grove, which details the meaning of the words "related party", "related party transaction", "close members of the family of a person" and, in relation to an entity, "control" or "joint control", and the purposes for which this information will be used and disclosed.

I permit the Responsible Accounting Officer and the other permitted recipients specified in Council's Related Party Disclosure Policy to access the register of interests of me and persons related to me and to use the information for the purposes specified in that policy.

SIGNATURE OF NAMED KEY MANAGEMENT PERSONNEL:

\_\_\_\_\_

DATED: \_\_\_\_\_

## **Definitions**

**AASB 10** - the Australian Accounting Standards Board - Consolidated Financial Statements - details the criteria for determining whether Council has significant influence over an entity

**AASB 11** - the Australian Accounting Standards Board - Joint Arrangements - details the criteria for determining whether Council has significant influence over an entity

**AASB 124**- the Australian Accounting Standards Board - Related Party Disclosures Standard under Section 334 of the *Corporations Act 2001*

**AASB 128** - the Australian Accounting Standards Board - Investments in Associates and Joint Ventures - details the criteria for determining whether Council has significant influence over an entity

**The Act** - *the Local Government Act 1993*

**The Regulation** - *the Local Government (General) Regulation 2005*

**Key Management Personnel** - are those persons having the authority and responsibility for planning, directing and controlling the activities of the entity, directly or indirectly, including any director (whether executive or otherwise) of the entity.

**Material (materiality)** - means the assessment of whether the transaction, either individually or in aggregate with other transactions, by omitting it or misstating 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** - means a transaction that an ordinary citizen of the community would undertake in the ordinary course of business with Council.

**Related Party** - any person or entity that is related to the entity that is preparing its financial statements (referred to in this standard as the 'reporting entity').

**Related Party Transaction** - is a transfer of resources, services or obligations between a Council and a related party, regardless of whether a price is charged.

**Significant (significance)** - means 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.

**Remuneration** - means remuneration package and includes any money, consideration or benefit received or receivable by the person but excludes reimbursement of out-of-pocket expenses, including any amount received or receivable from a Related Party Transaction.

## 1.11 ATTENDANCE AT EVENTS POLICY

### Purpose

This policy addresses attendance at any events, including concerts, conferences, functions or sporting events, whether free of charge, part of a sponsorship agreement, or paid by the local government. The purpose of the policy is to provide transparency about the attendance at events of council members and the chief executive officer (CEO).

Attendance at an event in accordance with this policy will exclude the gift holder from the requirement to disclose an interest if the ticket is above \$300 and the donor has a matter before council. Any gift received that is less than \$300 (either one gift or cumulative over 12 months from the same donor) also does not need to be disclosed as an interest. Receipt of the gift will still be required under the gift register provisions.

### Status

### Policy

#### 5.90 A. Policy for attendance at events

- (1) In this section —  
**event** includes the following —
  - (a) a concert;
  - (b) a conference;
  - (c) a function;
  - (d) a sporting event;
  - (e) an occasion of a kind prescribed for the purposes of this definition.
- (2) A local government must prepare and adopt\* a policy that deals with matters relating to the attendance of council members and the CEO at events, including

- 
- (a) the provision of tickets to events; and
  - (b) payments in respect of attendance; and
  - (c) approval of attendance by the local government and criteria for approval; and
  - (d) any prescribed matter.

\* Absolute majority required.

- (3) A local government may amend\* the policy.

\* Absolute majority required.

- (4) When preparing the policy or an amendment to the policy, the local government must comply with any prescribed requirements relating to the form or content of a policy under this section.

- (5) The CEO must publish an up-to-date version of the policy on the local government's official website.

## **1. Invitations**

1.1 All invitations of offers of tickets for a council member or CEO to attend an event should be in writing and addressed to the CEO.

1.2 Any invitation or offer of tickets not addressed to the CEO is not captured by this policy and must be disclosed in accordance with the gift and interest provisions in the Act.

## **2 Approval of attendance**

2.1 In making a decision on attendance at an event, the council will consider:

- a) who is providing the invitation or ticket to the event,
- b) the location of the event in relation to the local government (within the

- district or out of the district),
- c) the role of the council member or CEO when attending the event (participant, observer, presenter) and the value of their contribution,
  - d) whether the event is sponsored by the local government,
  - e) the benefit of local government representation at the event,
  - f) the number of invitations / tickets received, and
  - g) the cost to attend the event, including the cost of the ticket (or estimated value of the event per invitation) and any other expenses such as travel and accommodation.

2.2 Decisions to attend events in accordance with this policy will be made by simple majority or by the CEO in accordance with any authorisation provided in this policy.

**Guidance Note: If the local government is proposing to provide authorisation to the CEO to determine matters in accordance with this policy, then it will be necessary for the policy statement to include specific principles / criteria by which the CEO may make such determinations.**

## **2 Payments in respect of attendance**

2.1 Where an invitation or ticket to an event is provided free of charge, the local government may contribute to appropriate expenses for attendance, such as travel and accommodation, for events outside the district if the council determine attendance to be of public value.

2.2 For any events where a member of the public is required to pay, unless previously approved the council will determine whether it is in the best interests of the local government for a council member or the

	<p>CEO or another officer to attend on behalf of the council.</p> <p>2.3 If the council determines that a council member or CEO should attend a paid event, the local government will pay the cost of attendance and reasonable expenses, such as travel and accommodation.</p> <p>2.4 Where partners of an authorised local government representative attend an event, any tickets for that person, if paid for by the local government, must be reimbursed by the representative unless expressly authorised by the council.</p>
<b>Related Procedure</b>	
<b>Amendment</b>	
<b>Authority Level</b>	
<b>Related Delegation</b>	
<b>Related Local Law/Legislation</b>	
<b>Adopted/Amended</b>	
<b>Review History</b>	

## **SECTION TWO**

### **ADMINISTRATIVE POLICIES**

## 2.1 RECORD KEEPING POLICY

<b>Purpose</b>	<p>The purpose of this policy is to define the principles of the Shire of Peppermint Grove records management function and to document an orderly and efficient approach to the proper management of records. The policy incorporates applicable legislative requirements into standard Shire of Peppermint Grove practices and enumerates basic records management requirements.</p> <p>Records are recognised as an important information resource for the Shire of Peppermint Grove, and it is accepted that sound record management practices will contribute to the overall efficiency and effectiveness of the Shire of Peppermint Grove. Due to legislative requirement, the Shire of Peppermint Grove is obliged to maintain a records management system that completely, accurately and reliably creates and maintains evidential records, and to dispose of those records only through an approved scheme.</p> <p>The policy applies to all external and internal records, which are handled, received or generated by the Shire of Peppermint Grove, regardless of their physical format or media type.</p>
<b>Status</b>	ADMINISTRATIVE - STATUTORY
<b>Policy</b>	<ul style="list-style-type: none"><li>(a) All records created and received in the course of Shire business are to be captured at the point of creation, regardless of format, with required metadata, into appropriate recordkeeping and business systems, that are managed in accordance with sound recordkeeping principles;</li><li>(b) All records are to be managed according to whether they are significant or ephemeral records, vital or non-vital records, and in accordance with their security classification;</li><li>(c) All records are to be categorised as to their level of sensitivity and adequately secured and protected from violation, unauthorised access or destruction, and kept in accordance with necessary retrieval, preservation and storage requirements;</li><li>(d) Registers are to be maintained of all records, series and special categories, including but not limited to, registers of policies, databases, FOI applications, assets, tenders and quotations, forms, vital records, files and contracts;</li><li>(e) All contractual arrangements are to ensure the Shire of Peppermint Grove ownership of significant records;</li></ul>

- (f) Access to the Shire's records by staff and contractors will be in accordance with designated access and security classifications. Access to the Shire's records by the general public will be in accordance with the Freedom of Information Act 1992 and Shire policy. Access to the Shire's records by elected members will be via the Chief Executive Officer in accordance with the Local Government Act 1995;
- (g) Only approved record formats are to be used in effecting the Shire of Peppermint Grove business;
- (h) All records kept by the Shire will be retained and disposed of in accordance with the General Disposal Authority for Local Government Records produced by the State Records Office; and
- (i) Records are not to be removed from the Shire of Peppermint Grove sites unless in accordance with the approved retention and disposal schedule, or in the custody of an officer performing official business.

## **ROLES AND RESPONSIBILITIES**

### **1. Elected Members**

All Elected Members are to create and maintain records relating to their role as an Elected Member for the Shire of Peppermint Grove in line with legislation and state policies and procedures for the management of records. Political and personal records of Elected Members are exempt.

### **2. Chief Executive Officer**

In accordance with section 5.41 of the Local Government Act 1995, the Chief Executive Officer is to "Ensure that records and documents of the local government are properly kept for the purpose of this act and any other written law."

### **3. Managers**

All managers are to ensure that there are records management systems established to manage the records under their control. They are also to ensure that all new staff are inducted as to their record keeping responsibilities.

### **4. All Staff**

All staff (including contractors) are to create, collect and retain records relating to business activities they perform. They are to;

- (a) Identify significant and ephemeral records, ensuring that the significant records are captured into the record keeping system, and that all records are handled in a manner compliant with legislation and the Shire of Peppermint Grove policies and procedures for record keeping.

- (b) Ensure that only authorised disposal of records occur in accordance with the General Disposal Authority (GDA) for Local Government.

## **5. Records Staff**

The Records and Administration Officer is responsible for providing a records management service which complies with the Shire of Peppermint Grove records management policy and procedures, and Western Australia State Records Office requirements.

### **STATUTORY OBLIGATIONS**

There are legislative requirements for managing records, the primary legislation relating to the keeping of public records being the State Records Act 2000 (previously sections 22-23 of the Library Board Act of Western Australia).

In accordance with Section 19 of the State Records Act 2000, the Shire of Peppermint Grove has a Record Keeping Plan that has been approved by the State Records Commission.

Other legislation impacting on records management includes but is not limited to the:

- Evidence Act 1906
- Limitation Act 1935
- Freedom of Information 1992
- Local Government Act 1995
- Financial and Administration and Audit Act 1985
- Criminal Code 1913 (section 85)
- Electronic Transactions Act 2000
- Privacy Act 2001
- Crimes Act 1914

### **DEFINITIONS**

#### **1. Ephemeral Records**

Ephemeral records are duplicated records and/or those that have only short term value to the Shire of Peppermint Grove, with little or no on-going administrative, fiscal, legal, evidential or historical value. They may include insignificant drafts and rough notes, records or routine enquiries.

#### **2. General Disposal Authority (GDA)**

The General Disposal Authority for Local Government records (the schedule) is designed to provide consistency throughout Local Government in disposal activities and decisions. It is a continuing authority for the disposal and archival of records which document a Local Government's operations.

**3. Government Record**

A record created or received by a government organisation or a government organisation employee in the course of their work for the organisation.

**4. Information Services**

Is the service area within the Administrative Services section of the Shire of Peppermint Grove responsible for records and archives.

**5. Record**

A record is information recorded in any form created or received and maintained by an organisation in the transaction of business and kept as evidence of such activity.

**6. Record Keeping Plan**

The Record Keeping Plan ensures that records are created, managed and maintained over time and disposed of in accordance with principles and standards issued by the State Records Commission. It is the primary means of providing evidence of compliance with the Act, and that best practices have been implemented in the organisation.

**7. Records Disposal**

Disposal is by way of depositing records in the State Archives, managing the records as designated by State Archives, or by destruction in accordance with policy.

**8. Significant Records**

Significant records contain information, which is of administrative, legal, fiscal, evidential or historical value, and are not recorded elsewhere on the public record. They describe an issue, record who was involved, why a decision was made, and may include actual guidelines.

**9. State Record**

A parliamentary or government record.

**10. Vital Records**

Vital records are records, which are essential to the continued business of the Shire of Peppermint Grove. Vital records include those that protect the rights of the individual and the organisation, and are absolutely essential for reconstruction in the event of a disaster.

<b>Related Procedure</b>	
<b>Amendment Authority Level</b>	
<b>Related Delegation</b>	
<b>Related Local Law/ Legislation</b>	
<b>Adopted/ Amended</b>	17 May 2010
<b>Review History</b>	April 2011, December 2015

## 2.2 PUBLIC INTEREST DISCLOSURE

<b>Purpose</b>	To ensure that elected members and staff are supported under the <i>Public Interest Disclosure Act 2003</i> .
<b>Status</b>	ADMINISTRATIVE - STATUTORY
<b>Policy</b>	<p>The Shire of Peppermint Grove:</p> <ol style="list-style-type: none"> <li>1. Does not tolerate corrupt or other improper conduct, including mismanagement of public resources, in the exercise of the public functions of the Shire of Peppermint Grove and its officers, employees and contractors</li> <li>2. Is committed to the aims and objectives of the Public Interest Disclosure Act 2003. It recognises the value and importance of contributions of staff to enhance administrative and management practices and strongly supports disclosures being made by staff as to corrupt or other improper conduct.</li> <li>3. Will take all reasonable steps to provide protection to staff who make such disclosures from any detrimental action in reprisal for the making of a public interest disclosure.</li> <li>4. Does not tolerate any of its officers, employees, or contractors engaging in actions of victimisation or reprisal against those who make public interest disclosures.</li> </ol> <p>Disclosures of public interest information shall be made to the Public Interest Disclosure Officer (PID Officer) of the Council. The person holding the position of Manager Corporate and Community Services shall be designated as the Public Interest Disclosure Officer, or PID Officer, for the Shire of Peppermint Grove.</p>
<b>Amendment Authority Level</b>	Council
<b>Related Delegation</b>	
<b>Related Local Law/ Legislation</b>	Public Interest Disclosure Act 2003
<b>Adopted/ Amended</b>	19 July 2004
<b>Review History</b>	

### 2.3 SENIOR EMPLOYEES

<b>Purpose</b>	To designate senior employees as required under the Local Government Act.
<b>Status</b>	ADMINISTRATIVE - STATUTORY
<b>Policy</b>	The Chief Executive Officer is the only employee designated as a Senior Employee under the Local Government Act.
<b>Related Procedure</b>	
<b>Amendment Authority Level</b>	Council
<b>Related Delegation</b>	
<b>Related Local Law/ Legislation</b>	Local Government Act S. 5.37
<b>Adopted/ Amended</b>	18 September 2000 Amended 14 August 2007
<b>Review History</b>	

## 2.4 OCCUPATIONAL SAFETY AND HEALTH POLICY

<b>Purpose</b>	To provide for the occupational safety and health of Shire employees.
<b>Status</b>	ADMINISTRATIVE - STATUTORY
<b>Policy</b>	<p>The Shire of Peppermint Grove recognises its moral and legal responsibility to provide and maintain a work environment in which employees, contractors, customers and visitors are not exposed to hazards. This commitment extends to ensuring that the organisation's operations do not place the local community at risk of injury, illness or property damage.</p> <p>The Shire of Peppermint Grove will:</p> <ul style="list-style-type: none"><li>• Provide and maintain safe workplaces, safe plant and safe systems of work.</li><li>• Provide written procedures and instructions to ensure safe systems of work.</li><li>• Provide information, instruction, training and supervision to employees, contractors and customers to ensure that they are not exposed to hazards.</li><li>• Ensure compliance with legislative requirements, Australian Standards, Codes of Practice, Guidance Notes and current industry standards.</li><li>• Provide support and assistance to employees.</li></ul> <p>All levels of management are accountable for implementing this policy in their area of responsibility and implementation of this policy will be measured by annual performance reviews. Management responsibilities include the following:</p> <ul style="list-style-type: none"><li>• The provision and maintenance of the workplace in a safe condition.</li><li>• Involvement in the development, promotion and implementation of safety and health policies and procedures.</li><li>• Training employees in the safe performance of assigned tasks.</li><li>• The provision of resources to meet the safety and health commitment.</li></ul>

	<p>Employees are to:</p> <ul style="list-style-type: none"> <li>• Follow all safety and health policies and procedures.</li> <li>• Report all known or observed hazards to their immediate Manager.</li> </ul> <p>This policy is applicable to employees in all its operations and functions including those situations where employees are required to work off site.</p>
<b>Related Procedure</b>	
<b>Amendment Authority Level</b>	
<b>Related Delegation</b>	
<b>Related Local Law/ Legislation</b>	Occupational Safety and Health Act 1984
<b>Adopted/ Amended</b>	New
<b>Review History</b>	

## 2.5 COMPLAINTS POLICY

<b>Purpose</b>	To provide procedures to control the processing of complaints as a way of improving services to our customers, enhancing the image of the Shire, and ensuring that complaints are investigated efficiently and effectively.
<b>Status</b>	ADMINISTRATIVE – OPERATIONAL
<b>Policy</b>	<p><b>Objectives</b></p> <ul style="list-style-type: none"><li>• To recognise, promote and protect the customer's right to complain about their dealings with the Shire of Peppermint Grove;</li><li>• To ensure an accessible complaints procedure is in place;</li><li>• To recognise the need to be fair to both the complainant and the organisation, or the person complained about;</li><li>• To provide a mechanism for responding to complaints in a timely and courteous manner;</li><li>• To determine and implement remedies if appropriate;</li><li>• To provide adequate resources to support the complaints management process;</li><li>• To provide an appeal and review process;</li><li>• To record, assess and review complaints on a regular basis to ensure responsiveness and on-going commitment to service improvement.</li></ul> <p><b>Definition</b></p> <p>A service complaint is a grievance against a process or the quality of service that a customer receives when dealing with the Shire of Peppermint Grove.</p> <p>Complaints are not:</p> <ul style="list-style-type: none"><li>• Requests for services;</li><li>• Requests for information or explanation of policies or procedures;</li><li>• Lodging of an appeal in accordance with standard policy or procedure.</li></ul> <p>Complaints can be made:</p> <ul style="list-style-type: none"><li>• By letter – either through the mail, or email</li><li>• Verbally – either in person or over the telephone</li></ul>

Complainants may be residents, members of the public, other local governments, State government agencies, service providers, businesses or community organisations.

Complaints cannot be made where another avenue of appeal already exists e.g. State Administrative Tribunal.

Complaints which when assessed relate to corrupt or improper conduct must be referred to the Shire's nominated Public Interest Disclosure Officer for investigation under the Public Interest Disclosure Act.

### **Commitment**

This Policy will be disseminated to all staff and included in all staff inductions. Information about how to lodge a complaint will be included on the Shire's website and in a printed brochure available at the Shire.

All complaints will be reviewed in a timely and efficient manner, with a view to resolving issues in a non-confrontational and non-adversarial way.

Complaints will be documented and reviewed regularly as part of on-going service quality assessment.

The privacy of a complainant will be maintained at all times.

### **Complaints Handling Process**

This Policy will be supported by a complaints handling process map and procedure approved by the Chief Executive Officer.

A Complaints Handling Officer with responsibility for recording and monitoring complaints will be appointed by the Chief Executive Officer. The Complaints Handling Officer will refer the complainant to the appropriate manager for review and response to the complainant.

If the Manager's response is appealed, then it will be referred to the Chief Executive Officer for review and response.

In the event that a complaint is made against the Chief Executive Officer, the Manager of Corporate and Community Services will determine an appropriate course of action which may include referral to the Shire President and Deputy Shire President for review and determination.

	<p>Complaints will be responded to within five working days of being lodged. Appeals will be responded to within five working days of being lodged.</p> <p>Complainants will be advised of the Complaints Handling process available within the Shire of Peppermint Grove.</p> <p>Complainants will be advised of external avenues for further review of their complaint if they are not satisfied with the resolution provided.</p> <p>The Complaints Handling Officer will also provide regular reports to the Chief Executive Officer to ensure on-going service improvement.</p>
<b>Related Procedure</b>	Complaints Process Map and Procedure
<b>Amendment Authority Level</b>	Nil Council
<b>Related Delegation</b>	Nil
<b>Related Local Law/ Legislation</b>	Nil
<b>Adopted/ Amended</b>	New 26 July 2011
<b>Review History</b>	Nil

## 2.6 EMPLOYEES PAYMENTS IN ADDITION TO CONTRACTS

<b>Purpose</b>	To outline the circumstances in which gratuity payments may be made to an employee as a token of appreciation for their commitment and service to the Shire upon termination.
<b>Status</b>	ADMINISTRATIVE – STATUTORY
<b>Policy</b>	<p><b>Commitment</b> The Shire is committed to recognising long serving employees within the parameters set by the <i>Local Government Act 1995</i> and the associated regulations</p> <p><b>Eligibility for Gratuity Payments</b> An employee may be entitled to a gratuity payment as outlined within this policy based on the completed years of service when an employee's services are ceasing with the Local Government for any of the reasons identified below:</p> <ul style="list-style-type: none"><li>• Resignation (not as a result of any performance management or investigation being conducted by the Local Government);</li><li>• Retirement; or</li><li>• Redundancy.</li></ul> <p>An employee who has been dismissed by the [Local Government] for any reason other than redundancy, will not be eligible to receive any Gratuity Payment under this policy</p> <p><b>Prescribed amounts for Gratuity Payments</b></p> <p>For 2 years or more \$30 per completed year, pro rata for part time staff with the payment to be at the discretion of the CEO. And a 'Certificate of Appreciation' will be provided.</p> <p>The Shire acknowledges that at the time 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, legislation or a relevant industrial instrument. The Shire has considered these provisions when setting the prescribed amount of any gratuity payment in this policy.</p>

### **Determining Service**

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

- Any period of absence from duty on annual leave, long service leave, paid compassionate leave, accrued paid personal leave and public holidays;
- Any period of authorised paid absence from duty necessitated by sickness of or injury to the employee up to a maximum of three months in each calendar year, but not including leave without pay or parental leave; or
- Any period of absence that has been supported by an approved workers compensation claim up to a maximum absence of 12 months.

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

- Any period of unauthorised absence from duty unless the Shire determines otherwise;
- Any period of unpaid leave unless the Shire determines otherwise; or
- Any period of absence from duty on parental leave unless the Shire determines otherwise.

### **Financial Liability for Taxation**

The employee accepts full responsibility for any taxation payable on a gratuity payment, and agrees to fully indemnify the Shire in relation to any claims or liabilities for taxation in relation to the gratuity payment.

### **Payments in addition to this Policy**

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

### **Financial Implications**

The Shire acknowledges that at the time the policy was introduced, the financial implications were understood and that these financial implications had been investigated based on the workforce position current at that time.

The Shire will take reasonable steps to notify employees prior to the variation of this policy or the introduction of any new gratuity policy.

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

The policy constitutes a lawful instruction to anyone involved in administering a gratuity payment. Any breaches of the policy may lead to disciplinary action.

#### Variation to this Policy

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

<b>Related Procedure</b>	
<b>Amendment Authority Level</b>	Council
<b>Related Delegation</b>	
<b>Related Local Law/Legislation</b>	<i>Local Government Act 1995 (Sections 5.36 (2 - 3), 5.41 (g) &amp; 5.50) Local Government (Administration) Regulations 1996 (Reg. 19A)</i>
<b>Adopted/Amended</b>	<i>December 2016</i>
<b>Review History</b>	

## 2.7 SOCIAL MEDIA

<b>Purpose</b>	To guide all councillors, employees, contractors, agents and volunteers of the Shire of Peppermint Grove in the appropriate use of social media.
<b>Status</b>	ADMINISTRATIVE - STATUTORY
<b>Policy</b>	<p><b>Context</b></p> <p>The Shire of Peppermint Grove recognises that social media provides new opportunities for dynamic and interactive two-way communications which can complement existing communication and further improve information, access and delivery of key services.</p> <p>The intent of this policy is to provide understanding and guidance for the appropriate use of social media platforms and tools by council staff, councillors and contractors, agents and volunteers of the Shire of Peppermint Grove who purport to use social media for the purpose of conducting Council business.</p> <p><b>Statement</b></p> <p>The policy outlines requirements for compliance with confidentiality, governance, legal, privacy and regulatory parameters when using social media to conduct council business. It aims to:</p> <ul style="list-style-type: none"><li>• Inform appropriate use of social media tools for the Shire of Peppermint Grove;</li><li>• Promote effective and productive community engagement through social media;</li><li>• Minimise miscommunication or mischievous communications</li><li>• Help the Shire of Peppermint Grove manage the inherent challenges of speed and immediacy.</li></ul> <p>The policy applies to those digital spaces where people may comment, contribute, create, forward, post, upload and share content, including – but not limited to:</p> <ul style="list-style-type: none"><li>• Blogs</li><li>• Bulletin boards</li><li>• Citizen journalism and news sites</li><li>• Forums and discussion boards</li><li>• Instant messaging facilities</li><li>• Microblogging sites</li><li>• Online encyclopaedias</li><li>• Podcasts</li><li>• Social networking sites, ,</li><li>• Video and photo sharing sites Video podcasts</li><li>• Wikis</li></ul>

- Any other websites that allow individuals to use simple publishing tools or new technologies emerging from the digital environment.

This policy is not intended to cover personal use of social media where:

- the author publishes information in their personal capacity and not on behalf of, or in association with the Shire of Peppermint Grove; and
- no reference is made to the Shire of Peppermint Grove, its councillors, staff, policies and services, suppliers or other stakeholders or council related issues.
- Individuals should use discretion and keep personal use of social media to a minimum during work hours. For guidance on acceptable levels of personal use of social media during work hours see your manager.

This policy should be read in conjunction with other relevant policies and procedures of the Shire of Peppermint Grove.

### **Social Media Policy/Guidelines**

When using social media, council staff and contractors are expected to:

- Seek prior authorisation from the CEO
- Adhere to the Shire of Peppermint Grove Code of Conduct, policies and procedures
- Behave with caution, courtesy, honesty and respect
- Comply with relevant laws and regulations
- Reinforce the integrity, reputation and values of the Shire of Peppermint Grove

The following content is not permitted under any circumstances:

- Abusive, profane or sexual language
- Content not relating to the subject matter of that blog, board, forum or site
- Content which is false or misleading
- Confidential information about Council or third parties
- Copyright or Trade Mark protected materials
- Discriminatory material in relation to a person or group based on age, colour, creed, disability, family status, gender, nationality, marital status, parental status, political opinion/affiliation, pregnancy or potential pregnancy, race or social origin, religious beliefs/activity, responsibilities, sex or sexual orientation
- Illegal material or materials designed to encourage law breaking
- Materials that could compromise council, employee or system safety
- Materials which would breach applicable laws (defamation, privacy, trade practices, financial rules and regulations, fair use, trademarks)
- Material that would offend contemporary standards of taste and decency
- Material which would bring the Council into disrepute
- Personal details or references to councillors, council staff or third parties, which may breach privacy laws
- Spam, meaning the distribution of unsolicited bulk electronic messages

- Statements which may be considered to be bullying or harassment

If you have any doubt about applying the provisions of this policy, check with the Communications team before using social media to communicate. Depending upon the nature of the issue and potential risk, it may also be appropriate to consider seeking legal advice.

**Authorisation**

Ensure appropriate authorisation has been obtained before using social media including but not limited to uploading content and acting as a spokesperson on behalf of Council.

**Expertise**

Do not comment outside your area of expertise. Do not commit Council to actions or undertakings.

**Disclosure**

Only discuss publicly available information. Do not disclose confidential information, internal discussions or decisions of Council, employees or third parties. This includes publishing confidential, personal or private information where there is sufficient detail for potential identification of councillors, Council staff or third parties.

**Accuracy**

Be accurate, constructive, helpful and informative. Correct any errors as soon as practicable. Do not publish information or make statements which you know to be false or may reasonably be taken to be misleading or deceptive.

**Identity**

Be clear about professional identity or any vested interests. Do not use fictitious names or identities that deliberately intend to deceive, mislead or lie. Do not participate anonymously or covertly via a third party or agency.

**Opinion**

Clearly separate personal opinions from professional ones and be mindful of Council's Code of Conduct when discussing or commenting on council matters. In general, don't express personal opinions using Council tags or other identifications. Only where this is not possible, consider using a formal disclaimer to separate official council positions from personal opinions and distance council from comments made by public and other outside interests.

**Privacy**

Be sensitive to the privacy of others. Seek permission from anyone who appears in any photographs, video or other footage before sharing these via any form of social media. If asked to remove materials do so as soon as practicable.

**Intellectual Property**

Seek permission from the creator or copyright owner to use or reproduce copyright material including applications, audio tracks (speeches, songs), footage (video), graphics (graphs, charts and logos), images, artwork, photographs, publications or music. Also seek permission before publishing or uploading material in which the intellectual property rights, such as Trademarks, are owned by a third party e.g. company logos. Seek permission from the website's owner wherever possible before linking to another site (including a social media application).

**Defamation**

Do not comment, contribute, create, forward, post, upload or share content that is malicious or defamatory. This includes statements which may negatively impact the reputation of another.

**Reward**

Do not publish content in exchange for reward of any kind.

**Transparency**

Do not seek to buy or recompense favourable social media commentary. Encourage online publishers to be open and transparent in how they engage with, or review council personnel, services or wares.

**Political bias**

Do not endorse any political affinity or allegiance.

**Respect**

Always be courteous, patient and respectful of others' opinions, including detractors.

**Discrimination**

Be mindful of anti-discrimination laws and do not publish statements or information which may be discriminatory.

**Language**

Be mindful of language and expression.

**State of Mind**

Do not use social media when inebriated, irritated, upset or tired.

**Be safe**

Protect your personal privacy and guard against identity theft.

**Media**

Do not issue statements or make announcements through social media channels unless authorised. Do not respond directly if approached by media for comment through social media.

Refer the inquiry to the CEO.

**Modification and moderation**

Ensure that any social media sites created or contributed to can be readily edited, improved or removed and appropriately moderated.

**Access**

Be mindful of the requisite government web standards for accessibility. Information made available via non-compliant platforms should be made accessible in another form where practical.

**Be responsive**

Specify the type of comments and feedback that will receive a response and clearly communicate a target response time. Make it easy for audiences to reach Council via other methods by publishing Council’s phone number, generic email, Facebook, Skype and Twitter accounts.

**Roles and responsibilities**

Roles	Responsibilities
Members	<ul style="list-style-type: none"><li>• Seek approval for any council branding of social media;</li><li>• Register social media account/tools/site with the CEO;</li><li>• Understand and comply with the provisions in this policy;</li><li>• Seek training and development for using social media;</li><li>• Seek advice from the CEO if unsure about applying the provisions of this policy;</li></ul>
Staff and contractors	<ul style="list-style-type: none"><li>• Seek approval from relevant manager for business strategy incorporating social media;</li><li>• Seek advice and authorisation from CEO on using social media and developing a communications plan to support business strategy Seek approval for council branding of social media;</li><li>• Register social media account/tools/site with the CEO;</li><li>• Seek training and development for using social media;</li><li>• Understand and comply with the provisions in this policy;</li></ul>

		<ul style="list-style-type: none"> <li>• Maintain records of email addresses, comments, 'friends', followers and printed copies or electronic 'screen grabs' when using externally hosted sites to the extent practicable;</li> <li>• Seek advice from the CEO if unsure about applying the provisions of this policy;</li> <li>• Ensure relevant contractors are provided with a copy of this policy.</li> </ul> <p>Familiarise self with the End User Licence Agreements of any external social media tools being used</p>	
	Managers	<p>Approve business strategy incorporating use of social media</p> <p>Ensure staff consult and obtain authorisation from the CEO on their planned use of social media</p> <p>Ensure contractors are provided with a copy of the social media policy</p> <p>Offer training for staff using social media</p> <p>Authorise use of social media tools for conducting Council business</p> <p>Provide advice and assist with the development of communication plans using social media</p> <p>Educate councillors, staff and contractors about this policy and their responsibilities when using social media</p> <p>Advise appropriate precautions eg disclaimers</p> <p>Maintain a register of social media being used for conducting Council business including records of the business case for using social media, its strategic imperative, the intended administrator, URL, login, password and audience</p> <p>Assist staff to retain some record explaining the context or purpose of social media, and a sample of posts where it is impractical to retain large volumes of screen grabs</p> <p>Monitor social media accounts/tools/sites registered for conducting Council business</p> <p>Monitor social media for references to the Shire of Peppermint Grove</p> <p>Seek legal advice as appropriate where an issue is likely to be contentious or may create legal risk for Council.</p>	

		Advise IT of approval to access social media for business purposes
Corporate and Community Services		Facilitate secure access to support delivery of council business via social media Regularly back up and archive internally hosted social media sites
		Authorise use of social media tools for conducting Council business Provide advice and assist with the development of communication plans using social media Educate councillors, staff and contractors about this policy and their responsibilities when using social media Advise appropriate precautions eg disclaimers Maintain a register of social media being used for conducting Council business including records of the business case for using social media, its strategic imperative, the intended administrator, URL, login, password and audience Assist staff to retain some record explaining the context or purpose of social media, and a sample of posts where it is impractical to retain large volumes of screen grabs Monitor social media accounts/tools/sites registered for conducting Council business Monitor social media for references to the Shire of Peppermint Grove Seek legal advice as appropriate where an issue is likely to be contentious or may create legal risk for Council

**Enforcement**

The Shire of Peppermint Grove actively monitors social media for relevant contributions that impact on the Shire, its operations and reputation. The Shire will be able to find and act upon – contributions made by councillors and staff if deemed necessary.

This policy will be published and promoted to councillors and staff of the Shire of Peppermint Grove. Breaching this policy may result in disciplinary action, performance management and review. Serious breaches may result in suspension or termination of employment or association. The Shire of Peppermint Grove reserves the right to remove, where possible, content that violates this policy or any associated policies.

<b>Related Procedure</b>	<ul style="list-style-type: none"> <li>• Community Engagement Policy</li> <li>• Shire of Peppermint Grove Code of Conduct</li> <li>• Shire of Peppermint Grove employment contracts</li> <li>• Shire of Peppermint Grove Human Resource Policy</li> <li>• Shire of Peppermint Grove Information and Communications Technology Policy</li> </ul>
<b>Amendment Authority Level</b>	
<b>Related Delegation</b>	
<b>Related Local Law/ Legislation</b>	<ul style="list-style-type: none"> <li>• Copyright Act 1968</li> <li>• Fair Work Act 2009</li> <li>• Freedom of Information Act 1992</li> <li>• Local Government Act 1995</li> <li>• Equal Opportunity Act 1984</li> <li>• Australian Human Rights Commission Act 1986</li> <li>• Spam Act 2003</li> <li>• Privacy Act 1988</li> </ul>
<b>Adopted/ Amended</b>	December 2015
<b>Review History</b>	

## 2.9 PURCHASING AND TENDERING

<b>Purpose</b>	To ensure all purchases of goods and services are conducted efficiently, ethically and in compliance with legislation.
<b>Status</b>	ADMINISTRATIVE – OPERATIONAL
<b>Policy</b>	<p>The Shire of Peppermint Grove is committed to efficient, effective and economical procedures in all purchasing activities.</p> <p>This policy:</p> <ul style="list-style-type: none"><li>• Provides the Shire of Peppermint Grove with a more effective way of purchasing goods and services.</li><li>• Ensures that purchasing transactions are carried out in a fair and equitable manner.</li><li>• Strengthens integrity and confidence in the purchasing system.</li><li>• Ensures that the Shire of Peppermint Grove receives value for money in its purchasing.</li><li>• Ensures the Shire of Peppermint Grove is compliant with all regulatory obligations.</li><li>• Promotes effective governance and definition of roles and responsibilities.</li><li>• Uphold respect from the public and industry for Shire of Peppermint Grove purchasing practices that withstands probity.</li></ul> <p><b>Ethics &amp; Integrity</b></p> <p>All officers and employees of the Shire of Peppermint Grove shall observe the highest standards of ethics and integrity in undertaking purchasing activity and act in an honest and professional manner that supports the standing of the Shire of Peppermint Grove.</p> <p>The following principles, standards and behaviours must be observed and enforced through all stages of the purchasing process to ensure the fair and equitable treatment of all parties:</p> <ul style="list-style-type: none"><li>• full accountability shall be taken for all purchasing decisions and the efficient, effective and proper expenditure of public monies based on achieving value for money;</li></ul>

- all purchasing practices shall comply with relevant legislation, regulations, and requirements consistent with the Shire of Peppermint Grove policies and code of conduct;
- purchasing is to be undertaken on a competitive basis in which all potential suppliers are treated impartially, honestly and consistently;
- all processes, evaluations and decisions shall be transparent, free from bias and fully documented in accordance with applicable policies and audit requirements;
- any actual or perceived conflicts of interest are to be identified, disclosed and appropriately managed; and
- any information provided to the Shire of Peppermint Grove by a supplier shall be treated as commercial-in-confidence and should not be released unless authorised by the supplier or relevant legislation

### **Value for Money**

Value for money is an overarching principle governing purchasing that allows the best possible outcome to be achieved for the Shire of Peppermint Grove. It is important to note that compliance with the specification is more important than obtaining the lowest price, particularly taking into account user requirements, quality standards, sustainability, life cycle costing, and service benchmarks.

- An assessment of the best value for money outcome for any purchasing should consider:
- all relevant whole of life costs and benefits whole of life cycle costs (for goods) and whole of contract life costs (for services) including transaction costs associated with acquisition, delivery, distribution, as well as other costs such as but not limited to holding costs, consumables, deployment, maintenance and disposal.
- the technical merits of the goods or services being offered in terms of compliance with specifications, contractual terms and conditions and any relevant methods of assuring quality;
- financial viability and capacity to supply without risk of default. (Competency of the prospective suppliers in terms of managerial and technical capabilities and compliance history);
- a strong element of competition in the allocation of orders or

the awarding of contracts.

Where a higher priced conforming offer is recommended, there should be clear and demonstrable benefits over and above the lowest total priced, conforming offer.

### **Purchasing Thresholds**

Wherever practicable, all officers and employees of the Shire of Peppermint Grove shall endeavour to engage pre-qualified suppliers sourced directly via the WALGA Preferred Supplier Program.

The WALGA program offers members the benefit of a comprehensive list of pre-qualified, tender exempt suppliers with a 'best price guarantee'. Furthermore, all contracts on the WALGA preferred supplier network are provided with the safeguard of a quality assured process, legal compliance, probity, risk mitigation and security of supply. WALGA manages the Preferred Supplier Contracts on an ongoing basis to ensure optimal performance, best pricing and full compliance is maintained.

In cases where there is no suitable WALGA Preferred Supplier available, the following thresholds and purchasing requirements will automatically apply:

<b>Amount of Purchase</b>	<b>Model Policy</b>
\$0 to \$5,000	Direct purchase from suppliers using purchase order or Corporate Credit Card issued by the Shire.
\$5,001 - \$50,000	Obtain a minimum of two verbal or written quotations from alternate suppliers.
\$50,001 - \$150,000	Obtain three written quotations with price, the specification of goods and services to be provided listed. The procurement decision will be based on value for money and qualitative considerations.
Above \$150,000	A public tender process is required to be conducted, or alternatively, a WALGA eQuote process is to be followed from the tender exempt/pre-qualified suppliers.

### **Regulatory Compliance Tender Exemption**

In the following instances public tenders or quotation procedures are not required (regardless of the value of expenditure):

- An emergency situation as defined by the Local Government Act 1995;
- The purchase is under a contract of WALGA (Preferred Supplier Arrangements), Department of Treasury and Finance (permitted Common Use Arrangements), Regional Council, or another Local Government;
- The purchase is under auction which has been authorised by Council;
- The contract is for petrol, oil, or other liquid or gas used for internal combustion engines;
- Any of the other exclusions under Regulation 11 of the Functions and General Regulations apply.

### **Sole Source of Supply (Monopoly Suppliers)**

The procurement of goods and/or services available from only one private sector source of supply, (i.e. manufacturer, supplier or agency) is permitted without the need to call competitive quotations provided that there must genuinely be only one source of supply.

Every endeavour to find alternative sources must be made. Written confirmation of this must be kept on file for later audit.

**Note:** The application of provision "sole source of supply" should only occur in limited cases and procurement experience indicates that generally more than one supplier is able to provide the requirements.

### **Anti-Avoidance**

The Shire of Peppermint Grove shall not enter two or more contracts of a similar nature for the purpose of splitting the value of the contracts to take the value of consideration below the level of \$150,000, thereby avoiding the need to publicly tender.

### **Tender Criteria**

The Shire of Peppermint Grove shall, before tenders are publicly invited, determine in writing the criteria for deciding which tender should be accepted.

The evaluation panel shall be established prior to the advertising of a tender and include a mix of skills and experience relevant to the nature of the purchase.

For request with a total estimated (Ex GST) price of \$150,000 and above, the panel must contain a minimum of 3 members

### **Advertising Tenders**

Tenders are to be advertised in a state-wide publication e.g. "The West Australian" newspaper, Local Government Tenders section, preferably on a Wednesday or Saturday.

The tender must remain open for at least 14 days after the date the tender is advertised. Care must be taken to ensure that 14 full days are provided as a minimum.

The notice must include;

- a brief description of the goods or services required;

- information as to where and how tenders may be submitted;
- the date and time after which tenders cannot be submitted;
- particulars identifying a person from whom more detailed information as to tendering may be obtained;
- detailed information shall include;
- such information as the Shire of Peppermint Grove decides should be disclosed to those interested in submitting a tender;
- detailed specifications of the goods or services required;
- the criteria for deciding which tender should be accepted;
- whether or not the Shire of Peppermint Grove has decided to submit a tender; and
- Whether or not tenders can be submitted by facsimile or other electronic means, and if so, how tenders may so be submitted

**Issuing Tender Documentation**

Tenders will not be made available (counter, mail, internet, referral, or other means) without a robust process to ensure the recording of details of all parties who acquire the documentation.

This is essential as if clarifications, addendums or further communication is required prior to the close of tenders, all potential tenderers must have equal access to this information in order for the Shire of Peppermint Grove not to compromise its Duty to be Fair.

**Tender Deadline**

A tender that is not received in full in the required format by the advertised Tender Deadline shall be rejected.

**Opening of Tenders**

No tenders are to be removed from the tender box or opened (read or evaluated) prior to the Tender Deadline.

Tenders are to be opened in the presence of the Chief Executive Officer’s delegated nominee and preferably at least one other Shire Officer. The details of all tenders received and opened

shall be recorded in the Tenders Register.

Tenders are to be opened in accordance with the advertised time and place. There is no obligation to disclose or record tendered prices at the tender opening, and price information should be regarded as

### **No Tenders Received**

Where the Shire of Peppermint Grove has invited tenders, however no compliant submissions have been received, direct purchases can be arranged on the basis of the following:

- a sufficient number of quotations are obtained;
- the process follows the guidelines for seeking quotations between \$50,000 & \$149,999 (listed above);
- the specification for goods and/or services remains unchanged;
- purchasing is arranged within 6 months of the closing date of the lapsed tender.

### **Tender Evaluation**

Tenders that have not been rejected shall be assessed by the Shire of Peppermint Grove by means of a written evaluation against the pre-determined criteria. The tender evaluation panel shall assess each tender that has not been rejected to determine which tender is most advantageous.

### **Addendum to Tender**

If, after the tender has been publicly advertised, any changes, variations or adjustments to the tender document and/or the conditions of tender are required, the Shire of Peppermint Grove may vary the initial information by taking reasonable steps to give each person who has sought copies of the tender documents notice of the variation.

### **Minor Variation**

If after the tender has been publicly advertised and a successful tenderer has been chosen but before the Shire of Peppermint Grove and tenderer have entered into a Contract, a minor variation may be made by the Shire of Peppermint Grove.

A minor variation will not alter the nature of the goods and/or

services procured, nor will it materially alter the specification or structure provided for by the initial tender.

**Notification of Outcome**

Each tenderer shall be notified of the outcome of the tender following Council resolution.

**Records Management**

All records associated with the tender process or a direct purchase process must be recorded and retained. For a tender process this includes:

- Tender documentation;
- Internal documentation;
- Evaluation documentation;
- Enquiry and response documentation;
- Notification and award

documentation. For a direct purchasing process this includes:

- Quotation documentation;
- Internal documentation;

Order forms and requisitions. Record retention shall be in accordance with the minimum requirements of the State Records Act, and the Shire of Peppermint Grove’s internal records management policy

<b>Related Procedure</b>	
<b>Amendment Authority Level</b>	
<b>Related Delegation</b>	
<b>Related Local Law/ Legislation</b>	Regulation 11 &11A of the Local Government (Functions and General) Regulations 1996 Section 3.57 of the <i>Local Government Act 1995</i>
<b>Adopted/ Amended</b>	December 2016
<b>Review History</b>	June 2019

## 2.10 INFORMATION AND COMMUNICATION TECHNOLOGY (ICT) USE POLICY

<b>Purpose</b>	To ensure effective security is maintained by every employee who deals with information and/or information systems and devices.
<b>Status</b>	ADMINISTRATIVE – STATUTORY
<b>Policy</b>	<p><b>General Use of ICT Equipment</b></p> <ul style="list-style-type: none"><li>• While the Shire’s network administration desires to provide a reasonable level of privacy, users should be aware that the data they create on the corporate systems remain the property of the Shire. Because of the need to protect the Shire’s network, the confidentiality of personal (non-work-related) information stored on any network device belonging to the Shire cannot be guaranteed; and</li><li>• A degree of personal use is allowed on Shire’s equipment/devices/systems. Employees should exercise conservative judgement regarding the reasonableness of personal use but should be guided by the following principles:<ul style="list-style-type: none"><li>○ Personal use should be conducted either before or after contracted hours of work or authorized breaks;</li><li>○ Personal use should be limited and brief, avoiding excessive download or transmission. An example of acceptable personal use would be conducting brief transactions through internet banking;</li><li>○ Personal use should not breach anything in the policy, particularly relating to the downloading of offensive or copyrighted materials;</li><li>○ Managers will determine the specific acceptable personal use for their respective business areas as this will differ according to the needs of each group; and</li><li>○ If there is any uncertainty regarding acceptable personal use then employees should consult their supervisor or manager for guidance.</li></ul></li><li>• For security and network maintenance purposes, authorised individuals within the Shire may monitor equipment, systems and network traffic at any time according to the specific nature and requirements of their roles.</li><li>• The Shire reserves the right to audit networks and systems on a periodic basis to ensure system integrity and compliance with this policy.</li></ul>

All emails sent by Shire staff should include the 'signature' and disclaimer at the foot of the body of the email, in the format specified by the Shire's style guide or as otherwise advised by the CEO

### **Security and Proprietary Information**

- All information stored on the Shire's corporate systems should be regarded as confidential and care must be exercised before sharing or distributing any information. If there is any uncertainty regarding the level of confidentiality involved then employees should consult their supervisor or manager for guidance;
- Passwords should be kept secure and accounts must not be shared. Authorised users are responsible for the security of their passwords and accounts. Passwords should be changed in accordance with the Shire's advice from the ICT consultant.
- All devices connect to the Shire's computing systems/networks, regardless of ownership, must be running approved and up to date virus-scanning software; and
- People must use caution when opening files received from unknown senders.

### **Unacceptable Use**

The information in this policy provides a framework for activities which fall into the category of unacceptable use, but do not represent an exhaustive list. Some users are exempted from these restrictions during the course of carrying out responsibilities related to their role. Under no circumstances is any user authorised to engage in any activity that is illegal under local, state, federal or international law while connected to or utilising the Shire's ICT systems or resources.

### **Systems and Network Activities**

The following activities are not permitted:

- Violations of the rights of any person or company/organisation protected by copyright, trade secret, patent or other intellectual property, or similar laws or regulations, including, but not limited to, the duplication, installation or distribution of "pirated" or other software products that are not appropriately licensed for use by the Shire or the end user;
- Unauthorised copying or digitising of copyrighted material and the installation of any copyrighted software for which the Shire or the end user does not have an active license;
- Exporting software, technical information, encryption software or technology, in violation of international or regional export control laws. The appropriate manager should be consulted prior to export of any material where status is unclear;

- Introduction of malicious programs or code into the network or onto devices connected to the network;
- Revealing your account password to others or allowing use of your account by others;
- The Shire's equipment is not be used for the downloading or distribution of any material that could be considered as offensive. If a user receives such material they should notify their manager and also the ICT Team;
- Making fraudulent offers of products, items, or services, or running private business interests via any Shire equipment, device or account; and
- Undertaking private work

The following activities are not permitted unless they are within the scope of regular responsibilities for an expressly authorised role/position:

- Effecting security breaches or disruptions of network communication. Security breaches include, but are not limited to, accessing data of which the user is not an intended recipient or logging into a server or account that the user is not expressly authorised to access;
- Executing any form of network monitoring which will intercept data not intended for the user's host;
- Attempting to avoid or bypass the Shire's network security measures;
- Interfering with any other user's account, by whatever means; and
- Using the system in a way that could damage or affect the performance of the network in any way.

#### Email and Communications Activities

The following activities are not permitted:

- Except in the course of normal business notifications, sending or forwarding unsolicited electronic messages, including the sending of "junk mail" or other advertising material, jokes, or chain communication to individuals who did not specifically request such material;
- Any form of harassment via electronic/ICT means;
- Unauthorised use, or forging, of email header information;
- Solicitation of communication for any other electronic address, other than that of the poster's account, with the intent to harass or to collect replies;
- Creating or forwarding "chain letters" or "pyramid" schemes of any type;
- Use of any of the Shire's network or systems for the purpose of generating unsolicited communications;
- Providing information about, or lists of the Shire's employees to parties outside the Shire or to personal email addresses;

- Communicating in a manner that could adversely affect the reputation or public image of the Shire; and
- Communicating in a manner that could be construed as making statements or representations on behalf of the Shire without express permission to do so.

Users should also endeavor to clean out their Inbox, Sent Items, Deleted Items and other email boxes on a regular basis, by either deletion or saving in the central record system. A size limit per mailbox may be implemented to ensure that the system is functioning optimally

**Remote Access**

Users with remote access should be reminded that, when they are connected to the Shire’s network, their machines are an extension of that network, and as such are subject to the same rules and regulations that apply to the Shire’s corporate equipment and systems. That is, their machines need to connect and communicate reliably with the Shire’s network and servers to ensure the security and integrity of data and records.

Users are reminded of the following conditions relating to remote access to the Shire’s system:

- Family members must not violate any of the Shire’s policies, perform illegal activities, or use the access for outside business interests;
- The device that is connected remotely to the Shire’s corporate network should be secure from access by external non-Shire parties and should be under the complete control of the user;
- The use of non-Shire email accounts (e.g. Yahoo, Hotmail, Gmail etc.) or other external resources is not permitted for the conduct of Council business, thereby ensuring official business is not confused with personal business; and
- All devices (whether personal or corporate) connected to the Shire’s networks via remote access technologies should have up-to-date anti-malicious-code software.

**Provision and use of Mobile Phones and Information/communication Devices**

Some Officers will be supplied with a mobile phone and/or other mobile computing device if it is deemed necessary to their position. All mobile devices supplied remain the property of the Shire and users must not change service providers unless permitted to do so.

Where a mobile device provides an email service, all emails sent or received or otherwise processed via the mobile device that are classified as a record of the Shire should be through the Shire’s server, to ensure the integrity of the recordkeeping system.

	<p>Where the device includes a digital camera, users are to use the technology in a sensible manner. A failure to do so may lead to disciplinary action including possible termination of employment. Employees may also be held criminally liable for their actions.</p> <p>It is unlawful for drivers to operate a mobile phone and/or other mobile computing device whilst driving. Phone calls may otherwise be made or received providing the device is accessible while mounted/fixed to the vehicle or does not need to be touched by the user. An employee who operates a mobile phone and/or other mobile computing device whilst driving may face disciplinary action including possible termination of employment. Employees may also be held criminally liable for their actions.</p> <p><b>Consequences of Breaching This Policy</b></p> <ul style="list-style-type: none"> <li>• Any user found to have breached this policy may be subject to disciplinary action including possible termination of employment. The Shire may also be obligated to refer any breach of this policy to an external agency where an employee may be held criminally liable for their actions.</li> <li>• Private/personal or unauthorised use of corporate ICT systems and/or devices may result in the user being obligated to pay any extra costs incurred.</li> </ul> <p><b>Variation to This Policy</b></p> <p>This policy may be cancelled or varied from time to time. All the Shire's employees will be notified of any variation to this policy by the normal correspondence method. All users of the organisations ICT are responsible for reading this policy prior to accessing the organisations ICT.</p>
<b>Related Policies/Procedures</b>	<ul style="list-style-type: none"> <li>• Code of Conduct</li> <li>• Social Media Use Policy</li> </ul>
<b>Amendment Authority Level</b>	Council
<b>Related Local Law/Legislation</b>	
<b>Adopted/Amended</b>	December 2015
<b>Review History</b>	

## 2.11 ACTING CHIEF EXECUTIVE OFFICER

<b>Purpose</b>	To maintain continuity in the office of the CEO
<b>Status</b>	
<b>Policy</b>	That where the CEO is to be absent from office The CEO is authorised to appoint an Acting CEO from one of the Management Team with authority to exercise the powers and duties of that position. For periods exceeding 4 weeks, Council is to appoint Acting CEO.
<b>Special Note</b>	Depending on the length of absence involved a relieving officer or senior employee will be appointed.  Delegations to the CEO will carry over to the Acting CEO for the period they are acting.
<b>Related procedure</b>	
<b>Amendment Authority Level</b>	
<b>Related Delegation</b>	
<b>Related Local Law/Legislation</b>	Local Government Act S.5.36 provides that a local government is to employ a person to be the CEO of the local government.  Delegation No. 1 to the CEO
<b>Adopted Amended</b>	18 September 2000
<b>Review History</b>	19 April 2010

## 2.12 DONATIONS

<b>Purpose</b>	To outline the circumstances in which donations may be made to an eligible recipient.
<b>Status</b>	ADMINISTRATIVE - STATUTORY
<b>Policy</b>	<p><b>Commitment</b> The Shire is committed to recognising the value of charitable organisations within the local community and will provide assistance where appropriate.</p> <p><b>Eligibility</b> Priority for assistance will be given to requests where:</p> <ul style="list-style-type: none"><li>• Applicant is a not-for-profit incorporated organisation and is based in, or has a visible presence or significant impact in either Peppermint Grove or immediately adjacent local government districts;</li><li>• Applicant can demonstrate that the funded project will provide an on-going benefit to Peppermint Grove residents;</li><li>• Funding is required for a new initiative or a significant one-off project with evidence of other funding sources having been pursued (successfully or otherwise);</li><li>• If donation is for an event, entry to the event is free of charge to Peppermint Grove residents to attend or participate; and</li></ul> <p>Council will consider donations that meet the eligibility criteria on a case by case basis and will make an annual budget provision for donations. The CEO is authorised to approve donations up to \$1000 subject to consultation with the councillors. Request over \$1000 will be presented to council.</p>
<b>Related Procedure</b>	
<b>Amendment Authority Level</b>	<b>Council</b>
<b>Related Delegation</b>	
<b>Related Local/Law Legislation</b>	
<b>Adopted</b>	

<b>2.13 VEHICLE USE</b>	
<b>Purpose</b>	To achieve higher levels of productivity, more flexible work practices and to remain competitive in the employment market by offering varying levels of vehicle usage to new and existing personal.
<b>Status</b>	ADMINISTRATIVE - STATUTORY
<b>Policy</b>	<p>The Shire may provide specified staff with a council vehicle for either commuting or private use on the basis of work requirement or as part of a salary package. The provision and use of such vehicles shall be in accordance with the current Management Practices. The following arrangements are provided:</p> <ol style="list-style-type: none"> <li>1. Managers (As below) <ul style="list-style-type: none"> <li>- The vehicle will wherever possible be made available at the discretion of the CEO, during hours for use by other staff.</li> <li>- Members of the employees immediate family are permitted to drive the vehicle within the guidelines provided by the CEO and provided they have a current drivers licence.</li> <li>- Use of vehicle is restricted to the state of WA unless otherwise approved by the CEO.</li> <li>- Fuel card provided.</li> <li>- The vehicle must generally be made available during business hours, for use by other staff members who require a vehicle to carry out their normal duties.</li> <li>- The employees partner is permitted to drive the vehicle within the guidelines provided by the CEO and provided they have a current drivers licence.</li> <li>- Fuel card provided but not to be used for extensive travel.</li> </ul> </li> <li>2. Community Use (as below) <ul style="list-style-type: none"> <li>- The vehicle will not be available for the employees use whilst on leave, leave without pay or sick leave of more than three (3) Days duration.</li> <li>- Vehicle is for business use only</li> </ul> </li> </ol>

	- Fuel card for officer use only.
<b>Related Procedure</b>	
<b>Amendment Authority Level</b>	<b>Council</b>
<b>Related Delegation</b>	
<b>Related Local/Law Legislation</b>	
<b>Adopted</b>	

## 2.14 PUBLIC ART POLICY

<b>Purpose</b>	To maintain and express the unique identity and amenity of the shire of Peppermint Grove through appropriate arts and cultural representations in the public realm.
<b>Status</b>	ADMINISTRATIVE - STATUTORY
<b>Policy</b>	<p>The Shire has limited public space for public art; however, it will endeavour to incorporate public art where possible, within budgetary constraints, within the following general guidelines; the same criteria will be applied to proposed donations of public artworks;</p> <p>Themes: should reflect and be sympathetic to the values of the shire, including heritage, the environment and local stories</p> <p>Places: The Grove Precinct Reserve, Manners Hill Park, Keane’s Point Reserve, and the foreshore, without obstructing or detracting from already established activities, streetscapes or views.</p> <p>Forms: Could include, but is not limited to, street furniture, sculptures, heritage interpretation, virtual installations and artworks for interior display at the Shire offices</p> <p>Source: Wherever possible, public artworks should be sourced from local West Australian artists</p> <p>Other factors: artistic and structural quality and durability of the work, the cost of installation, maintenance and disposal; and the ongoing moral rights of the artist.</p> <p>Approval process:</p> <p>Where a work of art is under consideration, it will be assessed and processed as follows;</p> <ul style="list-style-type: none"> <li>• Assessed against themes;</li> <li>• Assessed for aesthetic quality (a consultant may be engaged to assist council)</li> <li>• Possible sites identified;</li> <li>• Assessed for engineering integrity;</li> <li>• Risk assessment for potential harm, for example, from climbing on artwork;</li> <li>• Estimation of longevity;</li> <li>• Calculation of acquisition, installation and ongoing maintenance costs;</li> <li>• Adequate budget provision for purchases and installation</li> </ul>
<b>Related Procedure</b>	

<b>Amendment Authority Level</b>	
<b>Related Delegation</b>	
<b>Related Local/Law Legislation</b>	
<b>Adopted</b>	

## **SECTION THREE**

### **FINANCIAL POLICIES**

### 3.1 RATES – PROCEDURE OF COLLECTION

<b>Purpose</b>	To establish a firm, consistent rate collection policy to apply on a year by year basis.
<b>Status</b>	
<b>Policy</b>	<ol style="list-style-type: none"> <li>1. As soon as possible after the expiry of 35 days following the issue of the Rate Notices, a Final Notice shall be sent to all ratepayers who have not paid the rates imposed, or an instalment.</li> <li>2. After a further period of 30 days, a further notice is to be issued to those debtors who have not responded seeking payment within 14 days to avoid action for collection.</li> <li>3. That action for recovery be taken after that time to the extent allowed in the Act.</li> </ol> <p><b>Special Note:</b> See also Delegation 2.2</p>
<b>Related procedure</b>	
<b>Amendment Authority Level</b>	
<b>Related Delegation</b>	
<b>Related Local Law/Legislation</b>	
<b>Adopted Amended</b>	18 September 2000
<b>Review History</b>	19 April 2010

### 3.2 PAYMENT OF ACCOUNTS

<b>Purpose</b>	To establish procedures for the authorisation, payment and approval of accounts.
<b>Status</b>	
<b>Policy</b>	<p>That the procedures for the authorisation, payment and approval of accounts be as follows –</p> <ol style="list-style-type: none"> <li>1. that an order form be issued for the purchase of goods and services except in the case of small purchases from petty cash.</li> <li>2. that all purchases from petty cash be acquitted by a receipt;</li> <li>3. that where feasible and practical, price be negotiated in advance of a purchase and recorded on the order form.</li> <li>4. that invoices, where practicable, be certified by the person who placed the order so as to indicate –             <ol style="list-style-type: none"> <li>(i) that the purchase was duly authorized; and</li> <li>(ii) that the goods and services were received in a satisfactory condition, or to a satisfactory standard, and the price and computations on the invoice are correct;</li> </ol> </li> <li>5. that the CEO place a list of accounts paid, including credit card purchases under delegated authority before the Council each month in accordance with Financial Management Regulation 13 (1) (together with vouchers and invoices) for recording in the minutes;</li> <li>6. EFT Approvals</li> <li>7. that two signatories be required to all cheques –             <ol style="list-style-type: none"> <li>(i) the CEO (or Acting CEO in his/her absence or inability) and Senior Administration Officer or the Manager of Development Services</li> </ol> </li> </ol> <p><b>Special Note:</b> See also Delegation No. 2.2</p>
<b>Related procedure</b>	
<b>Amendment Authority Level</b>	
<b>Related Delegation</b>	

<b>Related Local Law/Legislation</b>	
<b>Adopted Amended</b>	18 September 2000
<b>Review History</b>	19 April 2010

### 3.3 ATTENDANCE AT WALGA AGM AND LOCAL GOVERNMENT WEEK

<b>Purpose</b>	To recognise the importance of providing Council members with the opportunity to meet other persons in local government and to participate in a state wide forum on issues relevant to local government.
<b>Status</b>	
<b>Policy</b>	That budget provision be made for four persons to attend Local Government Week each year, with in-house accommodation, these to be – <ul style="list-style-type: none"> <li>• President</li> <li>• CEO</li> <li>• Two Council-appointed delegates, preference to be given to LGA zone delegates.</li> <li>• Delegates are approved for full registration, including functions listed in the program</li> <li>• Voting delegates at the WALGA AGM will be the Shire President and one of the two Shire delegates as determined by the President. In the absence of the President, CEO will determine the delegates</li> </ul>
<b>Related procedure</b>	
<b>Amendment Authority Level</b>	
<b>Related Delegation</b>	
<b>Related Local Law/Legislation</b>	
<b>Adopted Amended</b>	18 September 2000
<b>Review History</b>	19 April 2010

### 3.4 ASSET MANAGEMENT

<b>Purpose</b>	To set the broad framework for decision making by Council in undertaking asset management in a structured, coordinated and organised approach.
<b>Status</b>	ADMINISTRATIVE - STATUTORY
<b>Policy</b>	<p>Asset Management in the Shire is the utilisation of best practise within available resources ensuring that the assets under its control are maintained in a safe and functional condition and replaced according to adopted strategies and plans.</p> <p>Asset Management involves Council, administration and the community; from those that plan services, provide services and manage assets and services to those who use the assets. Council will utilise integrated decision making in order that the built, social, economic and natural impacts of asset provision and maintenance are properly considered throughout the asset management lifecycle.</p> <p>The primary goal of asset management is to provide the required level of service in the most cost effective way through the creation, acquisition, maintenance, operation, rehabilitation and disposal of assets to provide for present and future generations.</p> <p>Asset management is a key objective in the Shire's ten (10) year Strategic Community Plan and Corporate Business Plan and shall be incorporated in to long term financial planning and management plans. The Shire's strategic financial planning will ensure that:</p> <ul style="list-style-type: none"><li>a) Sufficient funds are allocated as a priority each year for operating, maintenance and refurbishment or replacement of existing assets; and</li><li>b) Additional funds are identified and allocated where appropriate for the investment in new or upgraded assets.</li></ul> <p>Long term financial models will be prepared which identify the whole of life costs for all Shire infrastructure assets. Where appropriate this should include performance modelling of assets based on different funding scenarios.</p> <p>Investments in new infrastructure creation shall consider whole of life costs of the asset assessing benefit/cost ratios, net present values and the environmental and social benefits of investment.</p>

	<p>This policy shall be read in conjunction with the ten (10) year Strategic Community Plan, Strategic Plan, four (4) year Corporate Business Plan and various strategic documents including but not limited to:</p> <ul style="list-style-type: none"> <li>• Asset Management Strategy;</li> <li>• Asset Management Plans;</li> <li>• Forward Financial Plans; and</li> <li>• Disability Access and Inclusion Plan.</li> </ul>
<b>Related Procedure</b>	<ul style="list-style-type: none"> <li>• Asset Management Strategy;</li> <li>• Asset Management Plans</li> </ul>
<b>Amendment Authority Level</b>	Council
<b>Related Delegation</b>	
<b>Related Local Law/Legislation</b>	
<b>Adopted/Amended</b>	December 2014
<b>Review History</b>	

### 3.5 RISK MANAGEMENT

<b>Purpose</b>	The Shire of Peppermint Grove's Risk Management Policy documents the commitment and objectives regarding managing uncertainty that may impact the Shire's strategies, goals or objectives.
<b>Status</b>	ADMINISTRATIVE – STATUTORY
<b>Policy</b>	<p>To achieve best practice (aligned with AS/NZS ISO 31000:2018 Risk Management) in the management of all risks that may affect the Shire, its customers, people, assets, functions, objectives, operations or members of the public.</p> <p>Risk management will form part of the strategic, operational, project and line management responsibilities and where possible be incorporated within the Shire's integrated planning framework.</p> <p>The senior management team will determine and communicate the risk management policy, objectives and procedures as well as direct and monitor implementation, practice and performance.</p> <p>Every employee within the Shire is recognised as having a role in risk management from the identification of risks to implementing risk treatments and shall be invited and encouraged to participate in the process.</p> <p>Consultants may be retained at times to advise and assist in the risk management process or management of specific risks or categories of risk.</p> <p><b>Definitions (from AS/NZS ISO 31000:2018)</b></p> <p><b>Risk:</b> - The effect of uncertainty on objectives.</p> <ul style="list-style-type: none"> <li>• Note 1: An effect is a deviation from the expected – positive or negative;</li> <li>• Note 2: Objectives can have different aspects (such as financial, health &amp; safety and environmental goals) and can apply at different levels (such as strategic, organisation-wide, project, product or process).</li> </ul> <p><b>Risk Management:</b> Coordinated activities to direct and control an organisation with regards to risk.</p> <p><b>Risk Management Process:</b> Systematic application of management policies, procedures and practices to the activities of communicating,</p>

consulting, establishing the context and identifying, analysing, evaluating, treating, monitoring and reviewing risk.

**Risk Management Objectives**

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

**Risk Appetite**

The Shire quantified its risk appetite through the development and endorsement of the Shire’s risk assessment and acceptance criteria. The criteria are included within the risk management procedures and are subject to ongoing review in conjunction with this policy.

All organisational risks to be reported at a corporate level are to be assessed according to the Shire’s risk assessment and acceptance criteria to allow consistency and informed decision-making. For operational requirements such as projects or to satisfy external stakeholder requirements alternative risk assessment criteria may be utilised. However these cannot exceed the organisation’s appetite and are to be noted within the individual risk assessment.

**Roles, Responsibilities and Accountabilities**

The Chief Executive Officer is responsible for the allocation of roles, responsibilities and accountabilities. These are documented in the Risk Management Procedures (operational document).

**Monitor and Review**

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

This policy will be kept under review by the Shire’s senior management team and its employees. It will be formally reviewed every two years.

<b>Related Procedure</b>	Shire of peppermint Grove Risk Management Procedures
<b>Amendment Authority Level</b>	Council

<b>Related Delegation</b>	
<b>Related Local Law/:Legislation</b>	Local Government (Audit) Regulations 1996 (Regulation 17)
<b>Adopted/Amended</b>	December 2015
<b>Review History</b>	

### 3.6 STAFF SUPERANNUATION POLICY

<b>Purpose</b>	To set out the criteria for the payment of employee staff superannuation contributions in addition to payments made in accordance with the <i>Superannuation Guarantee (Administration) Act 1992</i> .
<b>Status</b>	ADMINISTRATIVE – STATUTORY
<b>Policy</b>	<p>Council will contribute on a matching basis up to an additional 6% of an employee’s gross salary to a complying superannuation fund provided that an employee contributes a maximum amount up to 6% of their gross salary, either as an after-tax deduction or via salary sacrifice.</p> <p>Employees are free to contribute more than 6% of their gross salary but Council’s contribution is capped at 6%.</p> <p>This policy does not apply to staff employed under the previous policy of council contribution.</p> <p>Council staff employed prior to 1 January 2019 can continue with the matching arrangements under the previous policy.</p>
<b>Related Procedure</b>	
<b>Amendment Authority Level</b>	
<b>Related Delegation</b>	
<b>Related Local Law/Legislation</b>	<i>Superannuation Guarantee (Administration) Act 1992</i> <i>Local Government Act 1955 (Part VIA – Employee Superannuation)</i>
<b>Adopted/Amended</b>	<i>December 2015</i>
<b>Review History</b>	

### 3.7 INVESTMENT POLICY

<b>Purpose</b>	To invest the local government's surplus funds, with consideration of risk and the most favourable rate of interest available to it at the time, for that investment type, while ensuring that its liquidity requirement is being met.
<b>Status</b>	ADMINISTRATIVE - STATUTORY
<b>Policy</b>	<p><b>Investment Objectives</b></p> <ul style="list-style-type: none"><li>• To take a conservative approach to investments, but with a focus to add value through prudent investment of funds.</li><li>• To have investment funds achieve a return consistent with the Bank Bill Swap Rate (BBSW) 90 day Bank Bill Index.</li><li>• To achieve a high level of security by using recognised ratings criteria</li><li>• To maintain an adequate level of diversification.</li><li>• To have ready access to funds for day-to-day requirements, without penalty</li><li>• To exercise a deliberative preference in favour of "green" investments.</li></ul> <p><b>2. Statutory Compliance</b></p> <p>All investments are to be made in accordance with: (i) Local Government Act 1995 - Section 6.14; and (ii) Local Government (Financial Management) Regulations 1996 – Regulation 19 and 19C.</p> <p><b>3. Investing Funds</b></p> <p>When investing funds the Shire:</p> <ul style="list-style-type: none"><li>i) Shall only deposit funds with 'authorised institutions' meaning: a. an authorised deposit-taking institution as defined in the Banking Act 1959 (Commonwealth) section 5; or b. the Western Australian Treasury Corporation established by the Western Australian Treasury Corporation Act 1986;</li><li>ii) (Shall not invest in 'foreign currency' meaning a currency except the currency of Australia;</li><li>iii) Shall not deposit for a fixed term of more than 3 years;</li><li>iv) Shall not deposit at-call for a term of more than 180 days;</li></ul>

- v) Shall not invest in bonds that are not guaranteed by the Commonwealth Government, or a State or Territory Government;
- vi) Shall not invest in bonds with a term to maturity of more than 3 years;
- vii) Shall have regard for the investment diversification and credit risk matrix as presented in the 'Diversification and Credit Risk Matrix' table below.

**4. Investment Diversification and Credit Risk Matrix Investments** shall be made in accordance with the following matrix table. When placing investments, consideration shall be given to the relationship between credit rating and interest rate.

Diversification and Credit Risk Matrix Table

Long Term Rating (Standard & Poor's)	Short Term Rating (Standard & Poor's)	Maximum % with any one Institution	Maximum % of Total Total Portfolio
Government Guaranteed Deposits	Government Guaranteed Deposits	100%	100%
AAA Category	A1+	60%	100%
AA Category	A1+	40%	90%

If any of the authorised investments held are downgraded such that they no longer fall within the above listed credit ratings and diversification limits, they shall be divested immediately or as soon as is possible.

The short term rating order 0-365 days is:

- A1+ extremely strong degree of safety regarding timely payment
- A1 a strong degree of safety for timely payment
- A2 a satisfactory capacity for timely payment

Long Term Rating Order is:

- AAA AAA- AA+ an extremely strong capacity to repay ; to
- AA- A+ a very strong capacity to repay ; to

**5. Green Investments “Green” investments** are authorised investment products made in authorised institutions that respect the

	<p>environment by not investing in fossil fuel industries. When investing surplus Council funds, a deliberative preference will be made in favour of authorised institutions that respect the environment by not investing in fossil fuel industries. This preference will however only be exercised after the foremost investment considerations of credit rating and risk diversification are fully satisfied.</p> <p><b>6. Reporting Documentary</b> evidence must be held for each investment and details thereof maintained in an Investment Register. Certificates must be obtained from the financial institutions confirming the amounts of investments held on Council's behalf as at 30th June each year and reconciled to the Investment Register. A monthly report shall be submitted to Council with details of the investment portfolio including performance figures/benchmarks and investment diversification/credit risk percentages.</p> <p><b>7. Investment Performance Benchmark</b> -Cash 11am Cash rate Cash Plus / or Equivalent / Direct Investments BBSW Bank Bill Index</p>
<b>Related Procedure</b>	
<b>Amendment Authority Level</b>	
<b>Related Delegation</b>	
<b>Related Local Law/Legislation</b>	
<b>Adopted Amended</b>	25 February 2020
<b>Review History</b>	

### 3.8 CORPORATE CREDIT CARDS

<b>Purpose</b>	To establish rules for the use and responsibilities of cardholders using the Shire's corporate credit cards.
<b>Status</b>	<b>ADMINISTRATIVE - STATUTORY</b>
<b>Policy</b>	<p><b>AUTHORITY FOR APPROVAL OF CORPORATE CREDIT CARDS</b></p> <p>The Chief Executive Officer has delegated authority to make payments from the Shire's Municipal Fund, and Trust Fund. The Chief Executive Officer must approve the issue of a Corporate Credit Card and any change to credit card limits for any credit cards issue to council officers.</p> <p>The Shire of Peppermint Grove credit cards are issued by the National Australia Bank.</p> <p>Staff authorised to use credit cards must comply with these procedures in conjunction with all Procurement Procedures and the Shire's Code of Conduct. The employee is solely responsible for the proper use of the Credit Card. The Employee will be held responsible for unauthorised use of the Credit Card, the which could result in criminal conviction and will result in termination of employment.</p> <p><b>Introduction</b></p> <p>Corporate credit cards can deliver significant benefits to the Shire of Peppermint Grove through improved administrative practices and more effective cash management. However, they can also potentially expose the Town to significant risks if not properly controlled.</p> <p>These procedures and associated purchasing procedures are designed to minimise any risks associated with the use of corporate credit cards.</p> <p>It is a condition of use of credit cards that new employees who are authorised to use credit cards are informed of these procedures as part of the induction process with supervisor, manager or CEO.</p> <p>The CEO and Managers will be issued with a corporate credit card upon commencement of employment. Other staff requiring access to the corporate credit card will require approval from the CEO via the relevant Manager.</p>

## **PURCHASES AND USE OF CORPORATE CREDIT CARDS**

The Shire's Corporate Credit Cards shall only be used for purchases of goods and services in the performance of official duties for which there is a budget provision. Under no circumstances are they to be used for personal or private purposes or for the withdrawal of cash through a bank branch or any automatic teller machine.

Where purchases are made by over the telephone or internet, an invoice should be requested to support the purchase. If no invoice or receipt is available, as much detail about the transaction should be recorded and used to support the payment when required.

Where a payment is made for entertainment, it is important to note on the invoice/receipt the number of persons entertained and the names of any Shire of Peppermint Grove employees in that number. This is required to ensure the correct amount of Fringe Benefit Tax is paid by the Shire.

<b>Related Procedure</b>	Procedures have been established for the use of the Credit Card under the delegation of the CEO
<b>Amendment Authority Level</b>	
<b>Related Delegation</b>	
<b>Related Local Law/Legislation</b>	
<b>Adopted Amended</b>	November 2019
<b>Review History</b>	December 2014

**SECTION FOUR**

**INFRASTRUCTURE POLICIES**

#### 4.1 RESERVES – PUBLIC USE

<b>Purpose</b>	To provide direction on the public use of the Shire’s three public reserves.
<b>Status</b>	INFRASTRUCTURE - OPERATIONAL
<b>Policy</b>	<p>This Policy applies to the following reserves:</p> <ol style="list-style-type: none"><li>1. Manners Hill Park (reserve 7802)</li><li>2. Keane’s Point Reserve (reserve 22156)</li><li>3. Foreshore Reserve (reserve 17113)</li></ol> <p>Public usage of the Shire’s reserves will be determined in accordance with relevant Local Laws and the following conditions:</p> <ol style="list-style-type: none"><li>1. Public use of reserves is encouraged for individuals, families and groups for recreational and family activities.</li><li>2. Use of reserves for events and functions including weddings will be at the discretion of the CEO, is permitted on the basis that they do not negatively impact on local amenity, in particular parking and noise. Other users must have some access to public toilets and other public facilities.</li><li>3. Commercial use of reserves will be considered on the basis that they do not adversely limit public access to the reserve or impact on the amenity of residents.</li><li>4. Fees charged for the hire of reserves will be used to offset the cost of maintenance and where necessary, for remedial costs in the event of damage to the reserve and associated facilities.</li><li>5. A service charge may be applied when Shire staff are required to provide services to accommodate traffic and parking arrangements, or to provide assistance with assessing and erecting approved equipment.</li><li>6. All applications for hiring of reserves must be submitted on the prescribed form and be approved by the Chief Executive Officer.</li><li>7. Applications may incur a bond charge, a commercial or non-commercial hire fee, and where necessary a service charge, at a rate determined by Council each year in the schedule of fees and charges.</li></ol>

	<p>8. Where determined by the Chief Executive Officer due to the nature or size of an event, approval may be sought from Council.</p> <p>9. Consumption of alcohol on a Shire reserve will require approval from the CEO. Sale of alcohol will also require an Occasional Liquor Licence from the Department of Racing, Gaming and Liquor.</p>
<b>Related Procedure</b>	
<b>Amendment Authority Level</b>	Council
<b>Related Delegation</b>	
<b>Related Local Law/ Legislation</b>	
<b>Adopted/ Amended</b>	February 2020
<b>Review History</b>	

## 4.2 BULK WASTE VERGE COLLECTION SERVICE

<b>Purpose</b>	To provide a comprehensive, economical and efficient bulk waste removal service for all households in the Shire of Peppermint Grove.
<b>Status</b>	INFRASTRUCTURE - OPERATIONAL
<b>Policy</b>	<p>1. A combined kerbside Bulk Waste and Bulk Garden Organics (Greenwaste) Collection Service will be provided to all residential properties within the Shire three times a year, subject to the following conditions:</p> <ul style="list-style-type: none"> <li>a) All items for disposal are to be neatly placed on the front verge. Residents are to be considerate with the placement of these items to ensure they do not obstruct the footpath or the line of sight for pedestrians, cyclists or vehicles.</li> <li>b) Any goods placed out on the verge after the start time will not be collected and the contractor will not return for late pickups.</li> <li>c) Strictly no waste is to be placed on the verge before the advertised dates. Any material put out before this date will be treated as illegal dumping by the Shire Ranger.</li> <li>d) All waste is to be placed at least 0.5m away from fences and 1.0m away from street trees.</li> <li>e) Bulk Garden Organics (Greenwaste) and Bulk Waste must be placed in clearly separate piles at least 1 metre apart.</li> <li>f) The maximum amount of waste that will be collected from any property shall not exceed 2 cubic metres.</li> <li>g) Tree branches are to be no longer than 1.5 metres in length, 150mm in diameter and the cut ends are to be placed facing the street.</li> <li>h) Loose material such as lawn clippings, small cuttings and leaves must be placed in sealed boxes or bags. These containers will not be returned.</li> <li>i) For child safety reasons all whitegoods such as fridges, freezers, washing machines, ovens etc <b>MUST</b> have the doors / lid removed.</li> </ul> <p>2. The Shire and its contractors <b>WILL NOT</b> collect the following:</p> <ul style="list-style-type: none"> <li>a) Gas bottles</li> <li>b) Vehicle parts, tyres or batteries</li> <li>c) Paint, liquids of any description, oils, flammable materials, acids or solvents</li> <li>d) Building materials, cement or cement products, bricks, sand, rubble, plate glass etc.</li> <li>e) Asbestos</li> </ul>

	<ul style="list-style-type: none"> <li>f) Food waste</li> <li>g) Poisons, pesticides, medicines or other hazardous material</li> <li>h) Mattresses or bed bases</li> </ul> <p>3) Council reserves the right to approach any householder for a financial contribution where the amount of bulk waste left on the verge is, in the opinion of the Chief Executive Officer, unreasonably large in comparison with other collections.</p> <p>4) A person other than the owner or occupier of the premises is not to remove any material which has been left on the verge for collection unless authorised to do so by the owner or occupier of the premises, or authorised in writing to do so by the Chief Executive Officer.</p> <p>5) The local government will advise residents of the timing of a bulk waste collection service in their area by advertising on the Shire website, PepTalk and flyer distribution prior to the collection.</p>
<p><b>Related Local Law/Legislation</b></p>	<p>Thoroughfares' Local Law, clause 2.2 –</p> <p>(1) <i>A person shall not, without a permit -</i></p> <p>(a) <i>subject to Division 3 of this Part, throw, place or deposit any thing on a verge except for removal by the local government under a bulk rubbish collection, and then only in accordance with the terms and conditions and during the period of time advertised in connection with that collection by the local government.</i></p>

<b>Adopted</b>	September 2000
<b>Amended</b>	November 2015
<b>Review History</b>	November 2019

### 4.3 KERB NUMBERING

<b>Purpose</b>	To establish that kerb numbering is not a Shire service, and if undertaken, is not to prejudice the performance of any other function by the Shire.
<b>Status</b>	INFRASTRUCTURE - OPERATIONAL
<b>Policy</b>	<p>That Shire will permit street numbers to be painted on kerbs by contractors, subject to the following conditions:</p> <ol style="list-style-type: none"> <li>1. It is understood that kerbside number painting is not a Shire requirement and all costs are the sole responsibility of the property owner.</li> <li>2. The Shire may request the removal of the number at any time and for any reason by the ratepayer, or carry out removal at the ratepayer's expense</li> <li>3. The Shire accepts no responsibility for the maintenance or future re-markings of kerbside numbers.</li> <li>4. That the work being undertaken is performed by suitably qualified person to the Chief Executive Officer's satisfaction and in accordance with this policy.</li> <li>5. That the correct house number is to be painted, not the lot number, and that it is not considered a replacement for the main number displayed on the property fence.</li> <li>6. That all numerals and letters shall be centrally located within the background and not more than 200mm in diameter at its widest point.</li> <li>7. That all markings be retro-reflective in accordance with AS1743. The standard colours shall be a reflective dark green numeral set against a light background.</li> </ol>
<b>Related procedure</b>	
<b>Amendment Authority Level</b>	
<b>Related Delegation</b>	
<b>Related Local Law/Legislation</b>	
<b>Adopted</b>	September 2000
<b>Amended</b>	September 2001
<b>Amended</b>	November 2015
<b>Review History</b>	November 2015

#### 4.4 CROSSOVERS / VEHICLE ACCESS

<b>Purpose</b>	To ensure effective legal vehicle access / crossover design, construction, maintenance and specification for ease of access and safety.
<b>Status</b>	INFRASTRUCTURE - OPERATIONAL
<b>Policy</b>	<p>To enable the Shire to effectively administer its powers and responsibilities regarding Crossing Places, and to ensure a uniform approach to the construction of vehicle crossovers within the Shire of Peppermint Grove whilst ensuring that crossovers provide ease of access, safety and give priority to footpaths users.</p> <p>More detailed information can be found in the Shire of Peppermint Grove '<i>Vehicular Crossovers – General Requirements and Specifications 2012</i>' booklet which can be downloaded from the Shire website or supplied in hardcopy via the Administration upon request.</p> <p><b>SPECIAL NOTES</b></p> <ul style="list-style-type: none"><li>• <b>Construction:</b> The Shire of Peppermint Grove does not construct crossovers, nor does it have a register of preferred contractors for the construction of crossovers. It is the owner's responsibility to engage a suitably qualified private contractor or have the crossover constructed under contract with their builder.</li><li>• <b>Reinstatements:</b> It should be noted the Shire cannot be held responsible for reinstatement works, by any party, for any reason, regarding matching the existing crossover in materials, colour or texture. This includes lawn, reticulation and other verge treatments.</li><li>• <b>Maintenance or Repair of Existing Crossovers:</b> All crossovers within the Shire are to be maintained to an acceptable standard as determined by the Chief Executive Officer. The Shire does not maintain private crossovers. This is the sole responsibility of the land owner. When requested by a ratepayer, the Shire will assess an existing residential crossover and provide general advice regarding the maintenance options available.</li><li>• <b>Footpaths:</b> The footpath is to take priority over any crossover constructed within a verge. Wherever there is an existing, or proposed footpath in the verge, it shall continue through the</li></ul>

crossover, matching the width of the surrounding pathways irrespective of what was there previously.

Where a new crossover is required to cross a pathway, and the existing infrastructure is in good condition, the pathway shall be retained and the crossover constructed to match up with it. Where the existing pathway is in poor condition, or is less than 100mm thick, the pathway is to be neatly saw cut along the nearest expansion joints to the proposed crossover alignment and removed. The pathway is then to be reinstated in 150mm thick grey in-situ concrete and including F62 reinforcement mesh and the balance of the crossover constructed either side of the pathway in accordance with the Shire's Specifications.

Where it is proposed to change the level or alignment of a footpath to facilitate redevelopment of a property, council will have regard to the design (grades, line of sight, levels and surfacing) prior to issuing consent. All costs associated with the investigating, designing and implementing the works shall be borne by the proponent, with the final design being to the satisfaction of the CEO.

- **Street Trees:** Where a street tree is within 1.5 metres of the proposed crossover, the Applicant shall submit a written request to the Shire's Manager Infrastructure Services requesting an assessment of the street tree with regard to the street tree's relocation or removal and replacement (size and species dependent). For public liability purposes, all works associated with the removal and replacement of any street tree shall be undertaken by the Shire at the Applicant's/Owner's cost.
- **Clearances:** All crossovers shall have the following minimum clearances: Side Boundary (at front property line) 0.5m, Street Trees 1.5m, Drainage side entry pits 0.5m, Western Power poles 0.6m
- **Redundant Crossovers and Kerbing:** All redundant crossovers and damaged or modified kerbing are to be removed and / or reinstated according to specifications by the applicant at their expense without delay. All reinstatement works are to be to the satisfaction of the Shire's Chief Executive Officer

## **SPECIFICATION**

### **1.1 Standard Crossing – Concrete**

A 'Standard Crossover' is defined by the Shire of Peppermint Grove as:

- a single crossover with a minimum width of 3.0 metres at the property boundary and a maximum width of 6 metres
- constructed in non-slip, reinforced grey concrete
- a crossover that is constructed to the Shire's specifications
- a crossover that is for a residential property
- a second crossover is subject to approval by Council

### **1.2 Alternative Crossing – Bitumen**

When the Shire considers that the circumstances warrant, it may approve a crossing to the standard dimensions provided in the appended sketch plan to be constructed with a base course of 125mm minimum depth compacted road base surface with a 20mm minimum depth of bituminous concrete.

It should be noted the Shire cannot be held responsible for reinstatement works, by any party and for any reason, matching the existing crossover in materials, colour or texture.

### **1.3 Alternative Crossing – Brick or Block Paving**

The Shire may permit brick or block paving or crossing places provided that:

- (a) The bricks or paving blocks or slabs shall be solid clay or concrete of a minimum depth of 60mm laid on an evenly graded, compacted base with all edges laid in a header pattern and retained in a mortar.
- (b) Cast in-situ concrete shall be used to connect to the street for a minimum distance of 900mm towards the building line as shown on the appended sketch plan of the standard concrete crossing place.

	<p>(c) Unless the Shire approves an alternative material, cast in-situ concrete shall be used for any footpath intersecting the crossing place.</p> <p><b>2. Shire Contribution Towards Construction of The First Crossing</b></p> <p>The Shire shall bear one half of the cost of a standard crossing, as estimated by the Council, for those crossing places constructed as the <i>first crossing to the abutting land</i>. In respect of the alternatives specified in Clause 1 hereof the council's share of the cost will be one half of the cost as estimated by the Council of a standard crossing – concrete as detailed in paragraph 1.1 of that Clause. The Shire will not contribute towards the construction of a new crossover when the Lot is, or has ever previously been, serviced by a crossover. The Shire will not contribute towards the cost of second crossing places, the cost of any area resulting from an increase to the standard width of 3.0 metres as specified or for repairs, resurfacing and reconstruction.</p> <p><b>3. Non-standard Crossings</b> Any non-standard crossings shall be assessed on merit by a Shire Officer and may require approval by Council if deemed necessary.</p> <p><b>4. Maintenance of Crossovers</b> The property owner is required to fully maintain the crossover once constructed. All repairs, maintenance and associated costs relating to a private crossover are the sole responsibility of the ratepayer.</p> <p><b>5. Commercial and Industrial Properties</b> There is no subsidy applicable to crossovers for commercial or industrial properties. All construction and maintenance of commercial crossovers remains the sole responsibility of the landowner.</p>
<b>Related procedure</b>	
<b>Amendment Authority Level</b>	

<b>Related Delegation</b>	
<b>Related Local Law/Legislation</b>	<ul style="list-style-type: none"> <li>• Under the provisions of the Local Government Act 1995 (Schedule 9, clause 7) and the Local Government (Uniform Local Provisions) Regulations 1996 (Regulation 12), property owners must make application to the Shire of Peppermint Grove for approval to construct a crossover prior to the works on the verge commencing.</li> <li>• Local Government (Uniform Local Provisions) Regulations – “Contribution to cost of crossing 15. (1) where – <ul style="list-style-type: none"> <li>(a) a local government <ul style="list-style-type: none"> <li>(i) under regulation 12 constructs or approves the construction of; or</li> <li>(ii) under regulation 13(1) requires the construction of, a crossing giving access from a public thoroughfare to private land or a private thoroughfare serving the land;</li> </ul> </li> <li>(b) the crossing is the first crossing in respect of the land; and</li> <li>(c) the crossing is a standard crossing or is of a type that is superior to a standard crossing,</li> </ul> <p><i>“the local government is obliged to bear 50% of the cost, as estimated by the local government, of a standard crossing, but otherwise the local government is not obliged to bear, nor prevented from bearing, any of the cost.”</i>  <i>“first crossing”</i> and <i>“standard crossing”</i> are defined in sub regulation (2) of this regulation.</p> </li> <li>• Main Roads Department if a Government road is involved. See ULP Reg 14.</li> </ul>
<b>Adopted Amended</b>	September 2000 November 2015
<b>Review History</b>	November 2019

#### 4.5 STREET TREE AND VERGE MANAGEMENT POLICY

<p><b>Purpose</b></p>	<p>To ensure that Peppermint Grove retains its treasured leafy ambience through the sound management of its street trees and verges.</p> <p>Council affirms that the Shire of Peppermint Grove's <i>agonis flexuosa</i> street trees are a valuable community asset for environmental, aesthetic and social reasons including shade, heat reduction, and habitat for native fauna, visual amenity and replenishment of the atmosphere.</p>
<p><b>Status</b></p>	<p>INFRASTRUCTURE - OPERATIONAL</p>
<p><b>Policy</b></p>	<p>The Shire is responsible for the establishment and maintenance of street trees on verges, parks and bushland areas within its jurisdiction.</p> <p>The Shire does not accept responsibility for the establishment and maintenance of lawn on street verges, but encourages residents to establish and maintain the approved grasses to a high standard and welcomes the assistance of residents in the watering of street trees.</p> <p>The Shire is not responsible for reticulation on street verges.</p> <p><b>Policy</b></p> <p>The Policy recognises that verges are required principally to contain:</p> <ul style="list-style-type: none"> <li>a) Utility services and associated equipment such as communication, electricity, water, gas, sewer, stormwater drainage and street lighting.</li> <li>b) Footpaths, cycle paths and shared paths</li> <li>c) Street trees</li> <li>d) Planting to provide useful shade and urban cooling as well as biodiversity and habitat</li> <li>e) Road furniture such as street name signs, regulatory and advisory traffic signs, traffic signals, bus stops, bus shelters and bus bays, parking spaces, vehicle and pedestrian movement control devices, seating and litter bins.</li> </ul> <p>Reticulation of verges is encouraged within the following conditions:</p> <ul style="list-style-type: none"> <li>a) Owners and/or occupiers are responsible for the installation, maintenance, operation and related costs of reticulation in street verges and its operation must comply with watering roster requirements set by the Water Corporation.</li> </ul>

b) Such reticulation is to be installed centrally in the verge, not parallel or adjacent to paths, crossovers or kerbs and no wiring or solenoids are to be installed in road reserve and verge areas.

c) The local government will take due care and may, at its cost, reinstate reticulation equipment it damages during works carried out by or authorised for the local government.

1. **Street Trees** The standard tree is the Peppermint Tree (*Agonis Flexuosa*). Other species presently standing are to be replaced with Peppermint Trees when they have deteriorated. Street trees may only be planted, pruned and removed by the Shire unless a specific approval is granted by the Chief Executive Officer.
2. **Retention of Existing Street Trees** Developers will be encouraged to retain existing street trees wherever possible.
3. **Planting of New Street Trees** Council will budget funds each year to plant sufficient new street trees to at least maintain total street tree numbers and preferably increase them. Spacing of street trees shall be the minimum required to maintain a near continuous tree canopy in the street even if this means multiple trees per lot frontage
4. **Maintenance of Street Trees** Council will budget sufficient funds each year to properly maintain and water young street trees to ensure a good survival rate.
5. **Pruning of Trees** Trees shall generally only be pruned to improve their form, structural integrity, health, or to clear infrastructure such as streetlights, street signs and to maintain pedestrian and vehicle access and/or sight lines. Only authorised Council contractors may prune trees under instruction from the Shire. The Shire does not prune or remove trees for reasons such as views, leaf litter, allergies, wind noise, aesthetics, or sightlines for commercial signage unless approved by the Chief Executive Officer.
6. **Removal of Trees** trees will generally only be removed where they are dead, diseased or dangerous.

- 7. Street Verges** Street verges at the front, side or rear of all lots, are to be grassed and the establishment and maintenance is the responsibility of the ratepayer. Couch, Buffalo, Dichondra or Lippia are the approved grasses. Vegetation other than Peppermint Trees and approved grasses, are not permitted. Verges already developed with other plants and grasses, shall be allowed to remain, but their continuance may be terminated by Council. If, due to health or financial reasons, a ratepayer is no longer able to maintain a street verge, they are welcome to discuss this matter with the Chief Executive Officer.
- 8. Reinstatement of verges.** In the course of Shire works such as kerbing, drainage works and activities conducted by external utility providers, it is acknowledged that some site disturbance to verges is inevitable. The Shire will ensure that once works are complete the verge will be backfilled with quality soil and any affected reticulation will reinstated. The Shire will not supply or re-lay previously existing turf, provide new replacement turf, nor will it upgrade reticulation systems.
- 9. Overhanging Vegetation** It is the responsibility of the land owner to ensure that branches of trees, shrubs and creepers on their property do not extend beyond the boundary of the property.
- 10. Storage of materials and placement of skip bins**  
Council discourages the storage of skip bins or building and landscaping materials on public land, street verges and right of ways, but will consider applications in cases where there are exceptional circumstances.  
Approval will be at the discretion of the CEO which may include a bond

<b>Related procedure</b>	
<b>Amendment Authority Level</b>	
<b>Related Delegation</b>	

<b>Related Local Law/Legislation</b>	<ul style="list-style-type: none"> <li>• Activities on Thoroughfares and Trading In Thoroughfares and Public Places Local Law, particularly Part 2, Div 3 – Verge Treatments.</li> <li>• Local Government Act – Schedule 3.1, items 8 &amp; 9 Re trees on private property obstructing or endangering persons on a thoroughfare.</li> <li>• Local Government Act (ULP) Regs –“Disturbing local government land or anything on it”  <i>A person who, without lawful authority –</i> <ul style="list-style-type: none"> <li>(a) <i>interferes with the soil of, or anything on, land that is local government property; or</i></li> <li>(b) <i>takes anything from land that is local government property, commits an offence the penalty for which is a fine of \$1,000.”</i></li> </ul> </li> <li>• Thoroughfares’ Local law, clause 2.2 (1) (i), which requires a permit, and clause 6.3 (g) under which a bond may be imposed.</li> </ul>
<b>Adopted</b> <b>Amended</b> <b>Amended</b>	September 2000 September 2004 November 2015
<b>Review History</b>	November 2019

#### 4.6 GRAFFITI AND VANDALISM POLICY

<b>Purpose</b>	This policy establishes the principles for the Shire of Peppermint Grove in relation to the removal of graffiti from commercial and residential properties viewable from the public domain.
<b>Status</b>	INFRASTRUCTURE - OPERATIONAL
<b>Policy</b>	<p>The Shire of Peppermint Grove views graffiti as distasteful, damaging and unwelcome vandalism. The Shire wishes to retain and demonstrate its commitment to maintaining an attractive environment and a strong sense of neighbourhood pride by preserving a graffiti-free environment within the municipality, and endorses the following principles:</p> <p>In order to maintain the ambience of Peppermint Grove, the Shire will endeavour to:</p> <ol style="list-style-type: none"> <li>1. Clean, remove or cover all graffiti on buildings, fences and structures that are under the care, control and management of the Shire within five working days of notification.</li> <li>2. If the damage is particularly offensive (e.g. racially motivated, of a sexual nature etc), every effort will be made by the Shire and the nominated contractor to have the graffiti removed within 24 hours.</li> <li>3. Where the structure is a wall, building or fence on a shared boundary between private property and the Shire controlled land, permission will be sought from the landowner for the Shire to clean, remove or cover the graffiti provided a written approval and damage indemnity is given for action to be taken.</li> <li>4. Where graffiti has been placed on private property or a structure belonging to another Government Authority the vandalism will be reported to the owner/authority and a request made for its removal.</li> <li>5. Report incidents of graffiti vandalism to the Police and liaise with neighbouring Local Governments to reduce graffiti vandalism in the Western Suburbs.</li> </ol>
<b>Related procedure</b>	
<b>Amendment Authority Level</b>	
<b>Related Delegation</b>	

<b>Related Local Law/Legislation</b>	
<b>Adopted</b>	September 2004
<b>Amended</b>	November 2015
<b>Review History</b>	November 2019

## 4.8 DINGHY MANAGEMENT POLICY

<p><b>Purpose</b></p>	<p>The aim of this Dinghy Management Policy is to formally manage the storage of dinghies along the Shire of Peppermint Grove's river foreshore areas, in accordance with State Government policy, for the protection of the foreshore amenity and environment, whilst optimising convenient access to moored vessels.</p> <p><b>Scope</b> The Shire of Peppermint Grove Dinghy Management Policy applies to all persons, organisations or others seeking to store or tether a dinghy, canoe, ski, board or tender type vessel ('dinghy') on the river foreshore areas that fall within the jurisdiction of the Shire of Peppermint Grove.</p> <p><b>Objective</b> The objectives of the Shire of Peppermint Grove <i>Dinghy Management Policy</i> are:</p> <ol style="list-style-type: none"> <li>1. To prohibit the uncontrolled storage of dinghies along the Shire's foreshore areas</li> <li>2. To control and manage the storage of dinghies in a defined area</li> <li>3. To ensure the needs of all foreshore users are considered when addressing the management of dinghy storage</li> <li>4. To facilitate convenient access to moored vessels</li> <li>5. To further protect and enhance the amenity and ecological value of the foreshore</li> <li>6. Maintain and improve public safety and access to the river foreshore</li> <li>7. Support the DBCA in the implementation of its dinghy management policy</li> <li>8. To manage disposal of abandoned or unregistered dinghies</li> </ol>
<p><b>Status</b></p>	<p>INFRASTRUCTURE - OPERATIONAL</p>
<p><b>Policy</b></p>	<p>The <i>Shire of Peppermint Grove Dinghy Management Policy</i> provides for the management of dinghies along the river foreshore areas of Peppermint Grove, while achieving compliance with the Swan River Trust's September 2010 policy <i>SRT/D26 – Dinghy Management along the Swan Canning Riverpark Shoreline</i>.</p>

	<p><b>Policy Details</b></p> <p>1.The ad hoc storage of dinghies by the public is not permitted in any area of the foreshore. Storage of dinghies is only permitted in the formal dinghy storage area and only with the appropriate Dinghy Storage Registration as issued by the Shire.</p> <ol style="list-style-type: none"> <li>1. Dinghy storage will be limited by the available space (as determined by the Shire), not by demand.</li> <li>2. Any dinghy found outside a designated dinghy storage area, or any unregistered dinghy within a designated dinghy storage area may be subject to confiscation, impoundment and disposal by the Shire or Swan River Trust.</li> <li>3. With the Swan River being a State asset, dinghy storage is available to the general public.</li> <li>4. An annual registration fee will apply as set in the annual fees and charges schedule.</li> <li>5. Registration is a flat fee for a calendar year and will not be varied on a pro-rata basis, irrespective of when the application is received or approved.</li> <li>6. The Shire accepts no responsibility for any damage, theft or vandalism to property in or around this storage facility.</li> <li>7. The Shire reserves the right to terminate any dinghy registration at any time.</li> <li>8. Storage bays are non-transferrable.</li> <li>9. If a storage bay is not renewed within 28 days of renewal date falling due, the bay will be considered ‘abandoned’ by the Shire, the dinghy impounded and the bay re-let to another applicant on the wait list.</li> <li>10.All unclaimed impounded dinghies will be disposed of in an appropriate manner as directed by the Chief Executive Officer.</li> <li>11.The Sea Scouts and PLC may store dinghies at the Chief Executive Officers discretion as, where and when required.</li> </ol>
<b>Related procedure</b>	
<b>Amendment Authority Level</b>	
<b>Related Delegation</b>	
<b>Related Local Law/Legislation</b>	September 2010 SRT policy <i>SRT/D26 – Dinghy Management along the Swan Canning Riverpark Shoreline</i>
<b>Adopted Amended</b>	November 2015
<b>Review History</b>	November 2019

#### 4.9 MANAGEMENT OF RIGHT OF WAYS

<b>Purpose</b>	To establish how the Shire's Right of Ways (laneways) are managed and maintained.
<b>Status</b>	INFRASTRUCTURE - OPERATIONAL
<b>Policy</b>	<p>The Shire of Peppermint Grove has a network of Right of Ways (ROW) running throughout the municipality. These are mostly unsealed and unnamed thoroughfares which are used by residents for accessing their properties and for the passage of rubbish trucks. These are also used by pedestrians as pathways.</p> <p>The ROW network is surfaced using recycled road profilings. This treatment is cost effective, allows for rainwater infiltration, is easy to maintain and does not unduly damage tree roots.</p> <p>The Shire does not permit the sealing or paving of Right of Ways (laneways).</p> <p>The Shire acknowledges that leaf litter is a part of living in a leafy suburb and as such will not sweep ROW to the same standard as the sealed roads.</p> <p>The Shire will maintain its network of Right of Ways by the following processes:</p> <ol style="list-style-type: none"> <li>1. Grading the surfaces as and when required</li> <li>2. Maintaining and upgrading the drainage network where required.</li> <li>3. Spraying weeds on a regular basis as required, taking seasonal conditions into consideration.</li> <li>4. Pruning overhanging vegetation and obstructions to permit the passage of vehicles and pedestrians.</li> <li>5. Regular inspections by the Shire's Rangers to deter illegal parking</li> </ol>
<b>Adopted Amended</b>	November 2015
<b>Review History</b>	November 2019

#### 4.10 CLOSED CIRCUIT TELEVISION

<b>Purpose</b>	The purpose of this policy is to provide guidelines on the provision of Closed Circuit Television (CCTV) by the Shire to assist in the safety and enjoyment of residents, visitors and staff within the Shire of Peppermint Grove.
<b>Status</b>	INFRASTRUCTURE - OPERATIONAL
<b>Policy</b>	<p>The Shire may provide CCTV in buildings, facilities and public areas when determined by the Chief Executive Officer as necessary.</p> <p>The aim is to deter offences against persons and property, protect assets, and provide video recordings/evidence to events or incidents which may have occurred in the area of use.</p> <p>Images or records will be captured, accessed and stored in accordance with the Shire of Peppermint Grove Record Management Policy and the Freedom of Information Act.</p>
<b>Related procedure</b>	
<b>Amendment Authority Level</b>	
<b>Related Delegation</b>	
<b>Related Local Law/Legislation</b>	<ul style="list-style-type: none"><li>• Relevant Legislation: State Records Act 2000</li><li>• Freedom of Information Act 1992</li><li>• Evidence Act 1906</li></ul>
<b>Adopted Amended</b>	November 2015
<b>Review History</b>	November 2019

#### 4.11 MEMORIALS POLICY

<b>Purpose</b>	The purpose of this policy is to provide guidelines for staff regarding requests for memorials within the Shire of Peppermint Grove.
<b>Status</b>	INFRASTRUCTURE - OPERATIONAL
<b>Policy</b>	The Shire does not permit the installation of memorials such as plaques, crosses, shrines or similar.
<b>Related procedure</b>	
<b>Amendment Authority Level</b>	
<b>Related Delegation</b>	
<b>Related Local Law/Legislation</b>	
<b>Adopted Amended</b>	November 2015
<b>Review History</b>	November 2019

## 4.12 ASSET DISPOSAL

<b>Purpose</b>	To establish a policy for the Shire to openly and transparently dispose of its assets surplus to council's needs, that have a maximum written down value of \$500.
<b>Status</b>	ASSETS – Materials and equipment that has been purchased by the Shire of Peppermint Grove
<b>Policy</b>	<p>Assets (that are valued at less than \$500) that are no longer needed by the Shire should be disposed of promptly.</p> <p>The disposal should achieve best value for money such that council obtains the best possible return for the goods it sells.</p> <p><u>Decision to Dispose</u></p> <p>Before any disposal action can be taken, it is necessary to seek approval that the goods are appropriate for disposal from the responsible Manager. Common criteria for determining that goods may be suitable for disposal include:</p> <ul style="list-style-type: none"><li>• No longer required</li><li>• Unserviceable or beyond economic repair</li><li>• Technologically obsolete</li><li>• Operationally inefficient</li><li>• Surplus to current or immediately foreseeable needs</li><li>• Part of an asset replacement plan</li><li>• Unsustainable costs associated with the retaining of goods such as storage, insurance, security and management.</li></ul> <p><u>Method of disposal</u></p> <p>The disposal method chosen must be appropriate to the value, nature, quantity and location of the goods. The following methods are to be utilised:</p> <ol style="list-style-type: none"><li>1. Destruction / and filling – where items are of no value</li><li>2. Donation to charity groups or non-profit organisations.</li><li>3. Verbal quotes – goods valued up to \$500 incl. GST may be disposed of by verbal quotes. A minimum of 2 quotes must be obtained.</li><li>4. Council to be advised of goods disposed of under this policy</li></ol>

	Record retention shall be in accordance with the minimum requirements of the State Records Act, and the Shire of Peppermint Grove's internal records management policy
<b>Related Procedure</b>	
<b>Amendment Authority Level</b>	
<b>Related Development</b>	
<b>Related Local Law/Legislation</b>	Regulation 11 & 11A of the Local Government (Functions and General) Regulations 1996 Section 3.57 of the <i>Local Government Act 1995</i>
<b>Adopted/Amended</b>	December 2014
<b>Review History</b>	December 2015

## **SECTION FIVE**

### **PLANNING POLICIES**

**\*TO BE REVIEWED SEPERATLEY\***