



**Shire of Derby /  
West Kimberley**

# **CONFIRMED MINUTES**

## **Audit Committee Meeting Thursday, 22 February 2024**

**Date: Thursday, 22 February 2024**

**Time: 4:00 PM**

**Location: Council Chambers  
Clarendon Street  
Derby**



**Order Of Business**

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**MINUTES OF SHIRE OF DERBY / WEST KIMBERLEY  
AUDIT COMMITTEE MEETING  
HELD AT THE COUNCIL CHAMBERS, CLARENDON STREET, DERBY  
ON THURSDAY, 22 FEBRUARY 2024 AT 4:00 PM**

**PRESENT:**

**(In Person)** Mr Peter McCumstie (President), Cr Andrew Twaddle and Cr Brett Angwin.

**PRESENT:**

**(MS Teams)** Cr Geoff Haerewa (Deputy President) and Cr Geoff Davis.

**IN ATTENDANCE:**

**(In Person)** Amanda Dexter (Chief Executive Officer), Tamara Clarkson (Deputy Chief Executive Officer), Wayne Neate (Director, Technical and Development Services), Neil Hartley (Director, Strategic Business), Mark Davis (Executive Services Project Director), Sarah Smith (Executive Services Coordinator) and Noelene Bain (Executive Services Project Officer).

**IN ATTENDANCE:**

**(MS Teams)** Jess Karlsson (Executive Director of Operations and Strategic Development).

**VISITORS:** Cr Wayne Foley (entered at 4:09pm) and Cr Paul Bickerton (entered at 4:13pm).

**GALLERY:** Nil

**APOLOGIES:** Nil

**APPROVED LEAVE OF ABSENCE:** Nil

**ABSENT:** Nil

**1 DECLARATION OF OPENING, ANNOUNCEMENT OF VISITORS**

The meeting was opened at 4:01pm by Andrew Twaddle – Chair.

*Cr Haerewa entered the meeting at 4:02pm.*

**2 ACKNOWLEDGEMENT OF COUNTRY**

In the spirit of reconciliation, the Shire of Derby/West Kimberley acknowledges the traditional custodians of country throughout the Shire and their connection to land, sea and community.

The Shire of Derby/West Kimberley would also like to pay respect to the past, present and future traditional custodians and Elders of this nation and the continuation of cultural, spiritual and educational practices of Aboriginal and Torres Strait Islander peoples.

### 3 ATTENDANCE VIA TELEPHONE/INSTANTANEOUS COMMUNICATIONS

A Council Member may attend council or committee meetings by electronic means if the member is authorised to do so by the President or the Council. Electronic means attendance can only be authorised for up to half of the Shire's in-person meetings they have attended in total, in any rolling 12 months prior period. Authorisation can only be provided if the location and the equipment to be used by the Council Member is suitable to enable effective, and where necessary confidential, engagement in the meeting's deliberations and communications.

- Cr Geoff Haerewa; and
- Cr Geoff Davis.

### 4 ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION

- Nil.

*Cr Geoff Davis Entered the meeting at 4:03pm*

### 5 DISCLOSURE OF INTERESTS

#### 5.1 Declaration of Financial Interests

- Nil.

#### 5.2 Declaration of Proximity Interests

- Nil.

#### 5.3 Declaration of Impartiality Interests

- Nil.

### 6 PETITIONS, DEPUTATIONS, PRESENTATIONS AND SUBMISSIONS

- Nil.

### 7 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

#### COMMITTEE RESOLUTION AC01/24

**Moved:** Cr Brett Angwin

**Seconded:** Cr Geoff Davis

**That the Minutes of the Audit Committee Meeting held at the Council Chambers, Clarendon Street, Derby, on 13 December 2023 be CONFIRMED.**

**In Favour:** Crs Peter McCumstie, Andrew Twaddle, Brett Angwin, Geoff Davis and Geoff Haerewa

**Against:** Nil

**CARRIED 5/0**

## 8 REPORTS

### 8.1 COUNCIL POLICIES REVIEW

**File Number:** 4160

**Author:** Janyce Smith, Governance Administration Officer

**Responsible Officer:** Tamara Clarkson, Deputy Chief Executive Officer

**Authority/Discretion:** Legislative

#### SUMMARY

This report sets out fourteen (14) policies for review and two (2) new policies for endorsement.

#### DISCLOSURE OF ANY INTEREST

Nil by Author and Responsible Officer.

#### BACKGROUND

Twenty-two (22) policies were reviewed and adopted by Council at its 29 June 2023 Ordinary Meeting of Council (Resolution No. 70/23). This ensures policies remain current and in line with legislation, accounting standards and other relevant information.

#### STATUTORY ENVIRONMENT

The *Local Government Act 1995* regulates the ability of a local government to delegate the exercise of its powers or discharge its duties under the Act.

**Local Government Act 1995 S 2.7(2)(b) Role of Council** - outlines that one of the roles of Council is to “determine the local government’s policies”.

#### POLICY IMPLICATIONS

As detailed in each policy.

#### FINANCIAL IMPLICATIONS

Nil

#### STRATEGIC IMPLICATIONS

GOAL	OUR PRIORITIES	WE WILL
1. Leadership and Governance	1.2 Capable, inclusive and effective organisation	1.2.1 Provide strong civic leadership. 1.2.2 Provide strong governance.

#### RISK MANAGEMENT CONSIDERATIONS

RISK	LIKELIHOOD	CONSEQUENCE	RISK ANALYSIS	MITIGATION
Organisation's	Possible	Moderate	Medium	Regular review of policies, and ongoing

<p><b>Operations:</b> Inefficiency and inconsistency can occur if policy positions are not set, or not consistently followed.</p>			<p>induction and training of staff to ensure policies are consistently applied.</p>
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**CONSULTATION**

Nil.

**COMMENT**

Council policies reviewed on this occasion are:

- C3 Caretaker (Electoral Period)
- C5 Council Meetings – Date, Time and Venue
- C7 Presentations on Completion of Service Objective
- F1 Procurement of Goods and Services
- F3 Significant Accounting Policies
- F8 Transaction Cards
- F9 Rating Administration Policy
- F13 Reserve Accounts
- F17 Investments
- F18 Portable and Attractive Items Policy
- PC2 Work Health and Safety Policy
- PC3 Injury Management and Rehabilitation
- ES3 Fraud, Misconduct Control and Resilience
- ES5 Community Leases and Licence Agreements

In addition, there is two new policies for consideration:

- C14 Media and Communications Policy
- C15 Safeguarding Children and Adults at Risk

The draft policies are attached with the proposed policy modifications. There are three outcome types:

<p><b>Yellow</b> highlights</p>	<p>Minor changes - including terminology, typographical, formatting, pronunciation improvements and linkage to delegations.</p>
<p><b>Green</b> highlights</p>	<p>Changes warranting Council’s specific consideration.</p>
<p>No highlights</p>	<p>Policies that have been reviewed, but have no suggested changes/improvements.</p>

The table below outlines the changes that require specific consideration:

<b>POLICY</b>	<b>CHANGE / NEW POLICY</b>	<b>REASONING</b>
C3 Caretaker (Electoral Period)	(b) Local Government Elections to include "For Councillors and Candidates" and "For the Shire of Derby/West Kimberley".	To clarify the commencement of the Caretaker Period for the Shire.
F1 Procurement of Goods and Services	5. Authorised Officers – amend to include the position of Executive Director Operations and Strategic Development. Include a new limit of \$1,000,000 for the CEO for purchases relevant to the Fitzroy Service Workers Camp  7.1 – Inclusion of Purchases Relevant to the Fitzroy Service Workers Camp	New position that requires purchasing authorisation. This position was previously known as the Director Community Services.  Provision for the CEO to approve purchases up to \$1,000,000 for the Fitzroy Service Workers Camp, for the life of the camp or until otherwise modified by Council decision (including retrospective purchases).
F3 Significant Accounting Policies	12. Capitalisation and Depreciation of Non-Current Assets	Inclusion of Capitalisation Thresholds.
F13 Reserve Accounts	Remove the listed reserve accounts 1.1 to 1.11 and replace with examples of reserves.	The intent of this Policy is to confirm Council's cash-backing of reserves rather than detailing those reserves. On that basis, the policy can be "stream lined" with examples of reserves, minimising the need for amendments in the future.
ES3 Fraud, Misconduct Control and Resilience	Policy Scope: Inclusion of Code of Conduct for Council Members, Committee Members and Candidates and update CEO Directive D-PC2- Code of Conduct for Employees.	There are two separate codes of conduct for Council Members and Employees.
ES5 Community Leases and Licence Agreements	Amend the definition of Community or Sporting Group	To be inclusive of Aboriginal Corporations.
C14 Media and Communications Policy	New policy has been developed to provide a professional, consistent and cohesive approach to addressing media related issues.	Provides detail on obligations and protocols for responsible engagement with the community through traditional and digital communication platforms. This policy is applicable to all Elected Members, Employees,

		Consultants, Volunteers, Contractors, and outsourced Service Providers.
C15 Safeguarding Children and Adults at Risk	<p>New policy has been developed:</p> <ol style="list-style-type: none"> <li>1. In response to recommendations, especially recommendation 6.12 of the Royal Commission into Institutional Responses to Child Sexual Abuse.</li> <li>2. In line with the National Framework for Protecting Australia’s Children 2021-2031.</li> <li>3. In recognition of the important role local governments have in building a community approach to safeguarding for children and adults at risk.</li> </ol>	Outline’s the Shire’s approach to safeguarding children and adults at risk who access the Shire’s facilities, services, and programs, and setting standard for all people who work with and within the Shire relating specifically to safeguarding.

**VOTING REQUIREMENT**

Simple majority

**ATTACHMENTS**

1. Policy Review February 2024 [↓](#) 

**COMMITTEE RESOLUTION AC02/24**

**Moved: Mr Peter McCumstie**  
**Seconded: Cr Brett Angwin**

**That the Audit and Risk Committee recommends that Council endorses the policies in the attached Policy Review February 2024 document, inclusive of the policy revisions and the new policies outlined therein.**

**In Favour:** Crs Peter McCumstie, Andrew Twaddle, Brett Angwin, Geoff Davis and Geoff Haerewa

**Against:** Nil

**CARRIED 5/0**



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West Kimberley**

# **February 2024 Policy Review**





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**(C3) CARETAKER (ELECTORAL PERIOD)**

**POLICY OBJECTIVE**

This policy establishes protocols for the purpose of avoiding actual and perceived advantage or disadvantage to a candidate in a Government Election (**Federal, State, or Local**) through the use of public resources or decisions made by the Council or administration on behalf of the Shire of Derby/West Kimberley (Shire) during the ‘Caretaker Period’ prior to an election.

As the policy captures all three levels of Australian Government election caretaker periods, not all components of this policy will apply in respect to every election level. Application will be dependent on the circumstances that prevail for each particular election level.

**POLICY SCOPE**

This policy applies to Council Members and Employees during a ‘Caretaker Period’ relevant to:

- (a) Decisions made by the Council;
- (b) Decisions made under delegated authority;
- (c) Decisions made administratively;
- (d) Promotional materials published by the Shire;
- (e) Discretionary community consultation;
- (f) Events and functions, held by the Shire or other organisations;
- (g) Use of the Shire’s resources;
- (h) Access to information held by the Shire.

**POLICY STATEMENT**

**1. Definitions**

‘**Candidate**’ means a Council Member or Employee who has received ‘political party endorsement’ for an upcoming election, or who has officially nominated as a candidate for an upcoming election, including Council Members who have nominated for re-election.

‘**Caretaker Period**’ means:

(a) **For Federal and State Government Elections:** the period of time prior to an Election Day, specifically being the period commencing from the earlier of the Candidate’s official ‘political party endorsement’ for the upcoming election, or the Candidate’s official nomination as a candidate, until 6.00pm on Election Day; and

(b) **For Local Government Elections:** the period of time prior to an Election Day, specifically being the period from the Candidate’s official nomination as a candidate, until 6.00pm on Election Day.

For Councillors and Candidates	For the Shire of Derby/West Kimberley
<b>Commencement:</b> From the time/day of the Candidate’s official nomination in any Shire election.	<b>Commencement:</b> From the time/day that Elected Member nominations open for any Shire election.
<b>Conclusion:</b> The day after the day on which the returning officer declares the result of the relevant election; or, if there is no election then the day after the close of nominations.	





**'CEO'** means the Chief Executive Officer of the Shire.

**'Election Day'** means the day fixed for the holding of any poll needed for an election.

**'Electoral Material'** includes any advertisement, handbill, pamphlet, notice, letter, email, social media post or article that is intended or calculated to affect an Election Day result, but does not include:

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

**'Events and Functions'** including gatherings for the purpose of discussion, review, acknowledgement, communication, consultation, celebration or promotion, of any matter relevant to the Shire and/or its stakeholders and may take the form of conferences, workshops, forums, launches, promotional activities, social occasions such as dinners and receptions, including; gatherings coordinated or facilitated by the Shire or an external entity.

**'Extenuating Circumstances'** including a circumstance that requires the Council to make or announce a Significant Local Government Decision during the Caretaker Period because, in the CEO's opinion, delaying the decision or announcement to occur after the Caretaker Period has reasonable potential to:

- (a) Incur or increase legal, financial and/or reputational risk; or
- (b) Cause detriment to the strategic objectives of the Shire.

**'Significant Local Government Decision'** includes any decision:

- (a) Relating to the employment, remuneration or termination of the CEO or any other designated Senior Employee [s.5.37], other than a decision to appoint an Acting CEO, or suspend the current CEO (in accordance with the terms of their Contract of Employment), pending the Election Day result;
- (b) Relating to the Shire entering into a sponsorship arrangement with a total Shire contribution that would constitute Significant Expenditure, unless the Council resolved "in principle" support for the sponsorship prior to the Caretaker Period taking effect and sufficient funds are allocated in the Annual Budget;
- (c) Relating to the Shire entering into a commercial enterprise as defined by Section 3.59 of the *Local Government Act 1995*;
- (d) That would commit the Shire to Significant Expenditure or actions that, in the CEO's opinion, are significant to the Local Government operations, strategic objectives and/or will have significant impact on the community,
- (e) To prepare a report, initiated by the Administration, a Council Member, candidate or member of the public that, in the CEO's opinion, may be perceived as or is actually an election campaign issue;
- (f) Initiated through a Notice of Motion by a Council Member, where the effect of that motion will change the status quo or, in the CEO's opinion, may be relevant to the circumstances described in sub-clauses (a) to I above.
- (g) That adopts a new, or significantly changes an existing, policy, service or service level that incurs Significant Expenditure, unless the decision is necessary to comply with legislation.



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- (h) That initiates or adopts a new Local Planning Scheme, amendment to a Local Planning Scheme or Planning Policy.
- (i) Significant Local Government Decision does not include any decision necessary in response to an Emergency, either declared by the State or Federal Government or by the Shire President in accordance with s.6.8(1) of the *Local Government Act 1995*.

**'Caretaker Protocol'** means the practices or procedures prescribed in this policy.

**'Public Consultation'** includes a process which involves an invitation to individuals, groups, organisations or the wider community to provide comment on a matter, proposed action or proposed policy which may be perceived as or is actually an electoral/campaign issue, but does not include statutory consultation/submission periods prescribed in a written law.

**'Significant Expenditure'** means expenditure that exceeds \$50,000 (exclusive of GST).

## 2. Caretaker Period Protocols – Decision Making

The CEO will ensure that:

- (a) As soon as practical after awareness is known, they will advise Council Members and employees in writing of the dates that the Caretaker Period commences and concludes.
- (b) Candidates are provided with a copy of this policy at the time of their endorsement or nomination for election, to ensure their awareness of the protocols and equitable access requirements.

### 2.1 **Scheduling Significant Local Government Decisions**

1. During a Caretaker Period, unless Extenuating Circumstances apply, the CEO will reasonably ensure that:
  - a) Council or Committee Agenda, do not include reports and/or recommendations that constitute Significant Local Government Decisions; and
  - b) Council Forums, Workshops or Briefings, do not list for discussions matters that relate to Significant Local Government Decisions.
2. The CEO shall reasonably ensure that, unless Extenuating Circumstances apply, Significant Local Government Decisions are either considered by the Council prior to, or after, the conclusion of the Caretaker Period.
3. The CEO shall reasonably ensure that, unless Extenuating Circumstances apply, Delegated Authority from the Council to the CEO or a Committee is not exercised where the exercise of that delegated authority relates to a Significant Local Government Decision or an election campaign issue.

### 2.2 **Council Reports Electoral Caretaker Period Policy Statement**

#### 2.2.1 **Extenuating Circumstances**

##### 1. **Council Reports**

Where, during a Caretaker Period, the CEO determines that Extenuating Circumstances apply, the CEO may submit a report on a Significant Local Government Decision for Council's consideration, subject to the report including:



- a) Details, if applicable, of options for what aspects of the decision are necessary to be made within the Caretaker Period and what aspects may be deferred until after the Caretaker Period.
- b) An Electoral Caretaker Period Policy Statement, which details why Extenuating Circumstances apply.

## 2. Council Forums, Workshops or Briefings

Where, during a Caretaker Period, the CEO determines that Extenuating Circumstances apply, the CEO may include matters relating to a Significant Local Government Decision for Council Member discussion at Council Forums, Workshops or Briefings.

The CEO is required to provide Council with advice as to why Extenuating Circumstance apply. Details of this advice is to be retained, with the Forum, Workshop or Briefing notes, as a Local Government record.

### 2.3 Managing CEO Employment

This policy, prohibits Significant Local Government Decisions relating to the employment, remuneration or termination of the CEO during a Caretaker Period.

The Council is however required to fulfil its obligations as the CEO's employer regardless of a Caretaker Period. Therefore, during a Caretaker Period:

1. The Council may consider and determine:
  - a) CEO's leave applications;
  - b) Appoint an Acting CEO, where necessary;
  - c) Suspend the current CEO, where appropriate and in accordance with the terms of their contract.
2. The Council may not initiate a new CEO recruitment process or initiate or undertake a CEO performance review process, during a Caretaker Period.

### 2.4 Delegated Authority Decision Making in Extenuating Circumstances

During a Caretaker Period, Employees who have Delegated Authority are required to consider if a proposed delegated authority decision may relate, or be subsidiary, to a Significant Local Government Decision or election campaign issue and if so, refer the matter to the CEO for review and consideration in accordance with clause 2.1(3) above.

## 3. Caretaker Period Protocols - Candidates

Candidates shall be provided with equitable access to the Shire's public information in accordance with s.5.94 of the *Local Government Act 1995*.

The CEO shall ensure that assistance and advice provided to candidates as part of the conduct of the election is provided equally to all candidates.

Candidates may access information and assistance regarding the Shire's operations and Council matters during a Caretaker Period, but only to the extent necessary to perform their role as a Councillor and limited to matters currently relevant to the Shire [refer s.5.92 of the *Local Government Act 1995*].



All election process enquiries from Candidates, will be directed to the Returning Officer, or where the matter is outside the responsibility of the Returning Officer, to the CEO.

**3.1 Candidate Requests on behalf of Electors, Residents or Ratepayers**

Where a Candidate requires the assistance of the Administration to respond to a request made by an Elector, Resident or Ratepayer, then the Administration will (if applicable) provide the response directly to the requesting Elector, Resident or Ratepayer and will also advise the candidate of the outcome.

**3.2 Candidate Campaign Electoral Materials**

Candidates should note that the Shire's official crest or logo may not be used in campaign Electoral Materials without the express permission of the Shire.

**3.3 Local Government Candidate attendance at Local Government Meetings**

To ensure equitable access to information about Council's decision making during a Caretaker Period, the CEO shall ensure that Candidates to local government elections (only) who are not sitting Council Members, are advised of Ordinary and Special Council Meetings (if open to the public) called and convened during a Caretaker Period; providing each Candidate with a copy of the meeting agenda at the time it is distributed to Council Members.

For the purposes of transparency and the benefit of the public gallery, Candidates are requested to identify themselves as an election candidate prior to asking a question or making a statement at a Council or Committee meeting.

**4. Council Member Caretaker Period Protocols**

**4.1 Access to Information and Advice**

During a Caretaker Period, Candidates and all other Council Members will scrupulously avoid using or accessing Shire information, resources or employee resources and expertise for the purpose of gaining electoral advantage or disadvantage relevant to their own candidacy or any other person's candidacy.

During a Caretaker Period, Candidates and all Council Member requests for information and advice from the Shire will be reviewed by the CEO and where the subject of the information or advice is considered as relating to an election campaign issue, the CEO will either make a determination, or refer the request for Council's determination, as to if the information or advice is/is not to be provided, including if information is provided to one Candidate, or if that information is also to be provided to all Candidates (i.e. including Candidates who are not current Council Members).

**4.2 Media and Publicity**

During a Caretaker Period, all Candidate and Council Member requests for media advice or assistance will be referred to the CEO for review.

The CEO will only authorise access to media advice or assistance where, in the CEO's opinion, the subject matter is relevant to the Shire's objectives or operations and is not related to an election campaign purpose or issue or to the Candidate, or the candidacy of another person.





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### 4.3 Council Member Business Cards, Shire Printed Materials

Council Members must ensure that Shire business cards and Local Government printed materials are only used for purposes associated with their role as a Councillor, in accordance with section 2.10 of the *Local Government Act 1995*.

Council Members are prohibited from using Shire business cards or printed materials at any time, including times outside a Caretaker Period, for any election campaign purpose, either in support of their own candidacy or the candidacy of another person.

### 4.4 Council Member Participation in Events and Functions

During a Caretaker Period Council Members may continue to fulfil their role through attendance at events and functions hosted by external bodies.

### 4.5 Council Member Delegates to External Organisations

At any time, including times outside of a Caretaker Period, Council Members who are the Council's appointed delegate to an external organisation, must not use their attendance at an external organisations meeting, event or function for any purpose associated with an election campaign purpose, including; recruiting campaign assistance or to promote their own candidacy or the candidacy of another person.

### 4.6 Council Member Addresses/Speeches

Excluding the Shire President and Deputy Shire President when fulfilling their functions prescribed in sections 2.8 and 2.9 of the *Local Government Act 1995*, Council Members who are Candidates, shall not be permitted to make speeches or addresses during a Caretaker Period at events or functions organized or sponsored by the Shire unless expressly authorised by the CEO.

In any case, the Shire President, Deputy Shire President and Council Members are prohibited from using an official speech or address during a Caretaker Period to promote an election campaign purpose.

### 4.7 Council Member Misuse of Local Government Resources

A Council Member who uses Shire resources for the purpose of persuading electors to vote in a particular way is a "misuse of Local Government resources" breach in accordance with Regulation 8 of the Local Government (Rules of Conduct) Regulations 2007.

This prohibition on misuse of Local Government Resources for electoral purposes applies at all times and is not only applicable to a Caretaker Period.

For clarity, Local Government resources includes, but is not limited to: employee time or expertise, Shire provided equipment, information and communication technologies, stationery, hospitality, images, communications, services, reimbursements and allowances provided by the Shire.

### 4.8 Council Member Leave of Absence – applying from the issue of Writs

Elected Member Candidates at State or Federal Government elections (only) must take leave of absence from all aspects of their role as a Councillor from the time of the issue of Writs, until the electoral poll for the seat the Councillor has nominated for, is declared by the Returning Officer.

## 5. Shire Publicity, Promotional and Civic Activities

Publicity campaigns and promotional activities during a Caretaker Period may be undertaken only for the purposes of:



- a) Promoting Shire services and activities, where such promotions do not relate to an electoral campaign issue and would otherwise be undertaken as part of normal operations; and
- b) Conducting the Election and promoting Elector participation in the Election. All other publicity and promotional activities of Shire initiatives will be, where reasonably practicable, avoided during the Caretaker Period, including the announcement of Significant Local Government Decisions, made prior to the commencement of a Caretaker Period or proposed to be made after a Caretaker Period.

The CEO may determine if Exceptional Circumstances apply and if a Significant Local Government Decision announcement is necessary during a Caretaker Period.

#### 5.1 Civic Events and Functions

The Shire will avoid the scheduling of Civic Events and Functions during a Caretaker Period, which may give rise to any actual or perceived electoral advantage to Council Members who are Candidates.

Where the Shire is required to schedule a Civic Event or Function during a local government election Caretaker Period at which Council Members would usually be invited, then all Candidates to the local government election will also be invited to attend and will be acknowledged as candidates immediately following any acknowledgement provided to Council Members.

#### 5.2 Shire Publications and Communications

No Shire publications and communications distributed during a Caretaker Period can include content that:

- a) may actually, or be perceived to, persuade voting in an election; or
- b) is specific to a Candidate or candidates, to the exclusion of other candidates;
- c) draws focus to or promotes a matter which is a Significant Local Government Decision or which is an electoral campaign issue.

All Shire publications and communications proposed to occur immediately prior to, throughout or during, a Caretaker Period must be reviewed and approved by the CEO prior to publication or distribution.

#### 5.3 Shire Website and Social Media Content

1. During the Caretaker Period, this policy applies to content proposed for publication on the Shire's website and social media channels.

Website and social media content regarding Council Members will be limited to:

- Council Member names, contact details, membership of committees and Council appointments as Shire Delegates on external committees and organisations however, all other biographical information related to a sitting Council Member who is also a candidate will be removed from public access for the duration of the Caretaker Period.

The Candidate Election Profiles prescribed in s.4.49(b) of the Local Government Act 1995, may also be published on the Shire's website and social media.

2. Website and social media content, published prior to a Caretaker Period, will not be subject to this policy.



3. New website or social media content which relates to Significant Local Government Decisions or election campaign issues will not be published during a Caretaker Period, unless Exceptional Circumstances apply.
4. Content posted by the public, candidates or Council Members on the Shire’s social media channels, which is perceived as Candidate election campaign material or promotes a Candidate or candidates will be removed.

**5.4 Community Consultation**

The Shire will undertake planned community consultation (discretionary and legislative) during a Caretaker Period, unless the consultation relates to a Significant Local Government Decision or potentially contentious election campaign issue.

Policy Details			
<b>Original Adoption date:</b>	29 October 2020 (Item. 10.8 Res. 185/20)	<b>Review Frequency:</b>	3 years
		<b>Next Review Due:</b>	February 2027
<b>Policy Implementing Officer or Team:</b>	Executive Services Coordinator	<b>Policy Reviewer:</b>	Deputy Chief Executive Officer
<b>Legislative Head of Power (Act, Regulation, or Local Law):</b>	Local Government Act 1996 Sections s4.87 Printing and publication of electoral material, s5.93 Improper use of information and s.5.103 Model code of conduct for council members, committee members and candidates of the Local Government Act 1996;  Regulation 8 of the Local Government (Rules of Conduct) Regulations 1996. Local Government (Model Code of Conduct) Regulations 2021 r.17 Misuse of local government resources		
<b>Related Documents (other Policies, Operational Procedures, Delegations, etc.):</b>	Code of Conduct for Council Members, Committee Members and Candidates		
Version Control Council Meeting Review Details:			
<b>Review #:</b>	<b>Council Meeting Date:</b>	<b>Item/Resolution#:</b>	
1.	24 June 2021	Item 11.2 Res. 57/21	
2.	24 February 2022	Item 11.5 Res. 07/22	
3.	19 January 2024	The Director Strategic Business utilised AUTHO33 Local Government Act 1995 s.5.45 Other matters relevant to delegations under this Division (Acting Through on behalf of the Chief Executive Officer), to make minor changes using delegation 1.1.34 Minor Amendments to Policies and Delegations. Synergy Record No. N21078	
4.	XX February 2024	Item xx Res. Xxx	





**(C5) COUNCIL MEETINGS – DATE, TIME AND VENUE**

**POLICY OBJECTIVE**

To set suitable dates, times and locations for Councillors to meet and to provide the public with access to Council meetings at Fitzroy Crossing, Derby and other appropriate venues within the Shire of Derby/West Kimberley.

**POLICY STATEMENT**

The ordinary meetings of Council shall be held monthly (except January) and venues, months and commencement times for the ordinary meetings of Council will be as follows (unless otherwise decided by Council/advertised):

Meeting Location	Month of Meeting	Day of Meeting	Time of Meeting
Derby	February, April, May, July, August, September, October; and December.	The last Thursday of the month	5.30pm
Fitzroy Crossing	March, June; and November.	The last Thursday of the month	1.00pm
Other venues.	As Advertised	As Advertised	As Advertised

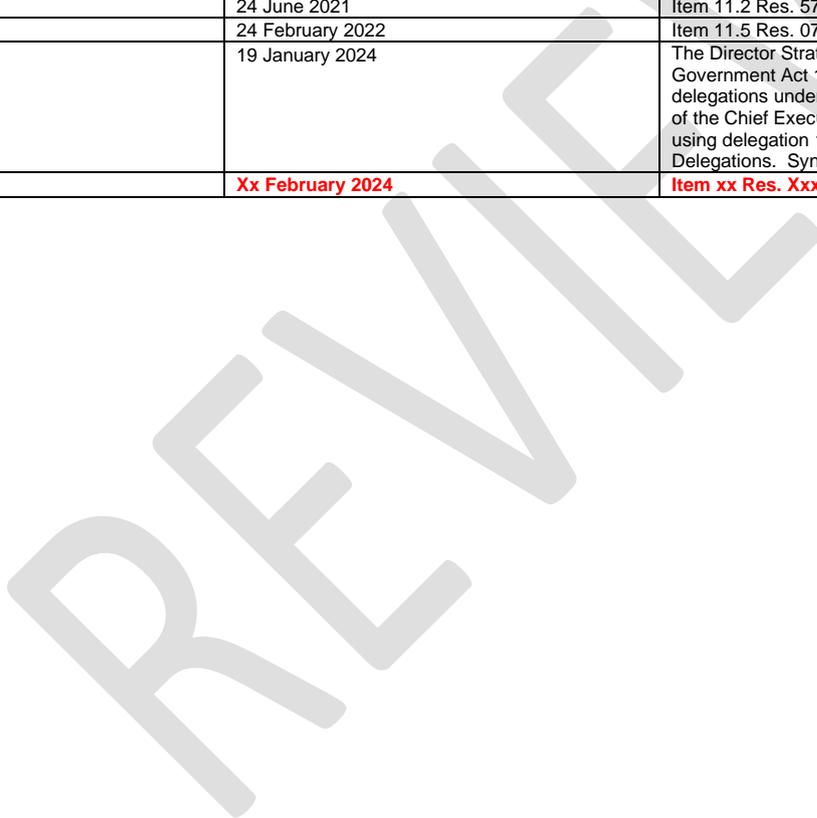
Council will endeavour to hold mid-month meetings (Councillor Briefing; Concept Forums and Committee Meetings) in Fitzroy Crossing.

The dates, times and venues for the ordinary meetings of Council shall be advertised locally prior to each meeting, and at least once annually.





Policy Details			
<b>Original Adoption date:</b>	28 February 2019 (Item 9.1.1, Res. 005/2019)	<b>Review Frequency:</b>	Every 2 years following an Election.
		<b>Next Review Due:</b>	February 2026
<b>Policy Implementing Officer or Team:</b>	Executive Services Coordinator	<b>Policy Reviewer:</b>	Deputy Chief Executive Officer
<b>Legislative Head of Power (Act, Regulation, or Local Law):</b>	Local Government Act 1995 S.s.5.5 Convening council meetings		
<b>Related Documents (other Policies, Operational Procedures, Delegations, etc.):</b>			
Version Control Council Meeting Review Details:			
Review #:	Council Meeting Date:	Item/Resolution#:	
1.	24 June 2021	Item 11.2 Res. 57/21	
2.	24 February 2022	Item 11.5 Res. 07/22	
3.	19 January 2024	The Director Strategic Business utilised AUTHO33 Local Government Act 1995 s.5.45 Other matters relevant to delegations under this Division (Acting Through on behalf of the Chief Executive Officer), to make minor changes using delegation 1.1.34 Minor Amendments to Policies and Delegations. Synergy Record No. N21078	
4.	Xx February 2024	Item xx Res. Xxx	





**(C7) PRESENTATIONS ON COMPLETION OF SERVICE OBJECTIVE**

**POLICY PURPOSE**

The purpose of this policy is to meet the requirements of Section s.5.50 (Payments to employees in addition to contract or award) and s.5.100A (Gifts to council members) of the *Local Government Act 1995*, and associated Regulations 19A and 34AC of the *Local Government (Administration) Regulations 1996*, by establishing a policy position for payments to Councillors and employees when finishing with the Council/Shire.

The legislative requirement for Councillors is that they must have served at least one full four year term of office, and the maximum gift value cannot exceed the amount of \$100 for each year served as a council member (to a maximum of \$1,000).

The legislative requirement for employees is that every local government must prepare a policy if it intends to make payments when its employees finish setting out (1) the circumstances in which the local government will pay an employee an amount in addition to any amount to which the employee is entitled under a contract of employment or award; and (2) the manner of assessment of the additional amount. Local public notice of the policy must also be given and the payment is not to exceed \$5,000.

**POLICY STATEMENT**

In recognition of long periods of service to the Shire of Derby/West Kimberley, the Chief Executive Officer is authorised to arrange the following payments (in addition to otherwise normal final entitlements):

**1. Councillor Recognition of Service**

Councillor Recognition of Service	
Completed Continuous Years of Service	Monetary Value
4 years	\$100
For each additional year	\$100
Maximum	\$500

**2. Employee Recognition of Service**

Employee Recognition of Service	
Completed Continuous Years of Service	Monetary Value
2 years	\$50
For each additional year	\$50
Maximum	\$250
Plus, on completion of 10 years' service, the equivalent of one day's salary, plus an additional 50% of a day's salary for each completed year of service thereafter.	As per pay rate at time of leaving.

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





A severance payment may be offered to employees who accept voluntary severance. This payment will be made in accordance with Regulation 19A *Local Government (Administration) Regulations 1996* pertaining to such a payment.

A local public notice is to be given as soon as practicable of the adoption or modification of the employee recognition component of this policy (in accordance with the *Local Government Act 1995*).

Subject to Regulation 19A of the *Local Government (Administration) Regulations 1996*, the Council may endorse payment to an employee that is in excess of the amounts provided for in this policy. Separate local public notice must be given as soon as practicable of any such Council decision.

Policy Details			
<b>Original Adoption date:</b>	28 February 2019 (Item 9.2.1, Res. 006/2019)	<b>Review Frequency:</b>	3 years
		<b>Next Review Due:</b>	February 2027
<b>Policy Implementing Officer or Team:</b>	Executive Services Coordinator (for Councillors) People & Culture (for staff)	<b>Policy Reviewer:</b>	Chief Executive Officer
<b>Legislative Head of Power (Act, Regulation, or Local Law):</b>	Local Government Act 1995 s.5.50 Payments to employees in addition to contract or award  Local Government Act 1995 s.5.100A Gift to council members  Local Government (Administration) Regulations 1996 r.19A Payments in additions to contract or award, limits of  Local Government (Administration) Regulations 1996 r.34AC Gifts to council members, when permitted etc		
<b>Related Documents (other Policies, Operational Procedures, Delegations, etc.):</b>	Nil applicable.		
Version Control Council Meeting Review Details:			
<b>Review #:</b>	<b>Council Meeting Date:</b>	<b>Item/Resolution#:</b>	
1.	24 June 2021	Item 11.2 Res. 57/21	
2.	24 February 2022	Item 11.5 Res. 07/22	
3.	19 January 2024	The Director Strategic Business utilised AUTHO33 Local Government Act 1995 s.5.45 Other matters relevant to delegations under this Division (Acting Through on behalf of the Chief Executive Officer), to make minor changes using delegation 1.1.34 Minor Amendments to Policies and Delegations. Synergy Record No. N21078	
4.	Xx February 2024	Item xx Res. Xx	





## (F1) PROCUREMENT OF GOODS AND SERVICES

### 1. PURCHASING

The Shire of Derby/West Kimberley (Shire) is committed to delivering the objectives, principles and practices outlined in this Policy, when purchasing goods, services or works to achieve the Shire's strategic and operational objectives.

This policy complies with the *Local Government (Functions and General) Regulations 1996* (The Regulations).

#### 1.1 Objectives

The Shire's purchasing activities will achieve:

- The attainment of best value for money;
- Sustainable benefits, such as environmental, social and local economic factors are considered in the overall value for money assessment;
- Consistent, efficient and accountable processes and decision-making;
- Fair and equitable competitive processes that engage potential suppliers impartially, honestly and consistently;
- Probity and integrity, including the avoidance of bias and of perceived and actual conflicts of interest;
- Compliance with the *Local Government Act 1995*, *Local Government (Functions and General) Regulations 1996*, as well as any relevant legislation, Codes of Practice, Standards and the Shire's policies and procedures;
- Risks identified and managed within the Shire's Risk Management framework;
- Records created and maintained to evidence purchasing activities in accordance with the *State Records Act 2000* and the Shire's Record Keeping Plan; and
- Confidentiality protocols that protect commercial-in-confidence information and only release information where appropriately approved.

#### 1.2 Ethics & Integrity

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

#### 1.3 Value for Money

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

The Shire will apply value for money principles when assessing purchasing decisions and acknowledges that the lowest price may not always be the most advantageous.

##### 1.31. Assessing Value for Money

Assessment of value for money will consider:

- (a) All relevant Total Costs of Ownership (TCO) and benefits including transaction costs associated with acquisition, delivery, distribution, as well as other costs such as but not limited to holding costs, consumables, deployment, training, maintenance and disposal;



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

#### **1.4 Purchasing Thresholds and Practices**

The Shire must comply with all requirements, including purchasing thresholds and processes, as prescribed within the Regulations, this policy and associated purchasing procedures in effect at the Shire.

##### **1.4.1 Policy Purchasing Value Definition**

Purchasing value for a specified category of goods, services or works is to be determined upon the following considerations:

- (a) Exclusive of Goods and Services Tax (GST); and
- (b) Where a contract is in place, the actual or expected value of expenditure over the full contract period, including all options to extend specific to a particular category of goods, services or works.  
OR
- (c) Where there is no existing contract arrangement, the Purchasing Value will be the estimated total expenditure for a category of goods, services or works over a minimum three year period. This period may be extended to a maximum of 3 years only where the supply category has a high risk of change i.e. to technology, specification, availability or the Shire's requirements (Regulation 12).

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

##### **1.4.2 Purchasing from Existing Contracts**

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

##### **1.4.3 Table of Purchasing Thresholds and Practices**

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



Purchase Value Threshold (excluding GST)	Purchasing Practice Required
Up to \$2,500	<p><b>Request</b> Consult as to whether an existing Term Contract or Panel of Pre-Qualified Suppliers exists and use as prescribed.</p> <p>If no Contract or Panel exists, seek at least one verbal or written quotation (preferably a written quotation if a new supplier is involved) from a suitable supplier:</p> <ul style="list-style-type: none"> <li>• a Local Supplier (direct or via <i>Vendor Panel</i> Marketplace).</li> </ul> <p><b>Evaluate</b> The rationale for the procurement decision is to be documented within the Record and Evaluation of Quotes form and attached to the requisition.</p>
\$2,501 to \$10,000	<p><b>Request</b> Consult as to whether an existing Term Contract or Panel of Pre-Qualified Suppliers exists and use as prescribed.</p> <p>If no Contract or Panel exists seek at least one written quotation from a suitable supplier:</p> <ul style="list-style-type: none"> <li>• a Local Supplier (direct or via <i>Vendor Panel</i> Marketplace);</li> <li>• a prequalified supplier on the WALGA Preferred Supplier Program (via <i>eQuotes</i>);</li> <li>• a WA Disability Enterprise; and/or</li> <li>• an Aboriginal Owned Business.</li> </ul> <p>Where it can be demonstrated that a suitable supplier is not available, seek at least one written quotation from:</p> <ul style="list-style-type: none"> <li>• other Suppliers that are accessible under another tender exempt arrangement; and/or</li> <li>• the open market.</li> </ul> <p>The reason for not using a suitable supplier must be documented within the Record and Evaluation of Quotes form and written approval must be given by the relevant Director or the CEO.</p> <p><b>Evaluate</b> The purchasing decision is to be based upon assessment of the supplier's response to:</p> <ul style="list-style-type: none"> <li>• a brief outline of the specified requirement for the goods; services or works required; and</li> <li>• value for Money criteria, not necessarily the lowest quote.</li> </ul>



Purchase Value Threshold (excluding GST)	Purchasing Practice Required
	<p>The rationale for the procurement decision is to be documented within the Record and Evaluation of Quotes form and attached to the requisition.</p>
\$10,001 to \$50,000	<p><b>Request</b>                      Consult as to whether an existing Term Contract or Panel of Pre-Qualified Suppliers exists and use as prescribed.</p> <p>If no Contract or Panel exists, seek at least two written quotations from suitable suppliers:</p> <ul style="list-style-type: none"> <li>• a prequalified supplier on the WALGA Preferred Supplier Program (via eQuotes);</li> <li>• a Local Supplier (direct or via Vendor Panel Marketplace);</li> <li>• a WA Disability Enterprise; and/or</li> <li>• an Aboriginal Owned Business.</li> </ul> <p>Where it can be demonstrated that a suitable supplier is not available, seek at least two written quotations from:</p> <ul style="list-style-type: none"> <li>• other Suppliers that are accessible under another tender exempt arrangement; and/or</li> <li>• the open market.</li> </ul> <p>The reason for not using a suitable supplier must be documented within the Record and Evaluation of Quotes form and written approval must be given by the Director or CEO.</p> <p>Where it can be demonstrated that the required number of quotes cannot be sourced, the reason will be documented within the Record and Evaluation of Quotes form and written approval must be given by the Director or CEO.</p> <p><b>Evaluate</b>                      The purchasing decision is to be based upon assessment of the supplier's response to:</p> <ul style="list-style-type: none"> <li>• a brief outline of the specified requirement for the goods; services or works required; and</li> <li>• Value for Money criteria, not necessarily the lowest quote.</li> </ul> <p>The rationale for the procurement decision is to be documented within the Record and Evaluation of Quotes form and attached to the requisition.</p>
\$50,001 to \$250,000	<p><b>Request</b>                      Consult as to whether an existing Term Contract or Panel of Pre-Qualified Suppliers relevant to the required purchasing category exists and seek at least three written quotations by invitation under a formal Request for Quotation.</p>





Purchase Value Threshold (excluding GST)	Purchasing Practice Required
	<p>If no Contract or Panel exists for the required purchasing category, seek at least three written quotations from a suitable supplier:</p> <ul style="list-style-type: none"> <li>• a prequalified supplier on the WALGA Preferred Supplier Program (via <i>eQuotes</i>);</li> <li>• a Local Supplier (direct or via <i>Vendor Panel Marketplace</i>);</li> <li>• a WA Disability Enterprise; and/or</li> <li>• an Aboriginal Owned Business.</li> </ul> <p>Where it can be demonstrated that a suitable supplier is not available, seek at least three written quotations from:</p> <ul style="list-style-type: none"> <li>• other Suppliers that are accessible under another tender exempt arrangement; and/or</li> <li>• the open market.</li> </ul> <p>The reason for not using a suitable supplier must be documented within the Record and Evaluation of Quotes form and written approval must be given by the Director or CEO.</p> <p>Where it can be demonstrated that the required number of quotes cannot be sourced, the reason will be documented within the Record and Evaluation of Quotes form and written approval must be given by the relevant Director or the CEO.</p> <p><b>Evaluate</b> The purchasing decision is to be based upon assessment of the supplier's response to:</p> <ul style="list-style-type: none"> <li>• a brief outline of the specified requirement for the goods; services or works required; and</li> <li>• Value for Money criteria, not necessarily the lowest quote.</li> </ul> <p>The rationale for the procurement decision is to be documented and recorded in accordance with the Shire Operational Procedure – Procurement of Goods and Services.</p>
Over \$250,000	<p><b>Request</b> Consult as to whether an existing Term Contract or Panel of Pre-Qualified Suppliers relevant to the required purchasing category exists and use in accordance with the procedures prescribed Section 3.</p> <p>If no Contract or Panel exists for the required purchasing category:</p> <ul style="list-style-type: none"> <li>• Seek at least three written quotations from suppliers included in the relevant WALGA Preferred Supplier Arrangement and / or another tender exempt arrangement; or</li> </ul>





Purchase Value Threshold (excluding GST)	Purchasing Practice Required
	<ul style="list-style-type: none"> <li>Conduct a Public Request for Tender process in accordance with the Local Government Act 1995 and relevant Shire Policy requirements.</li> </ul> <p><b>Evaluate</b> The purchasing decision is to be based upon assessment of the supplier's response to:</p> <ul style="list-style-type: none"> <li>a specification of the goods, services or works (for a tender exempt process including the WALGA Preferred Supplier Arrangement); or a detailed specification for the open tender process; and</li> <li>pre-determined evaluation criteria that assess all best and sustainable value considerations</li> </ul> <p>The rationale for the procurement decision is to be documented and recorded in accordance with the Shire Operational Procedure – Procurement of Goods and Services.</p>
<p>Emergency Purchases</p> <p><i>(Not Included in Budget)</i></p>	<p>Only applicable where, authorised in advance by the Mayor / President in accordance with s.6.8 of the <i>Local Government Act 1995</i> and reported to the next available Council Meeting.</p> <p>Where the Shire has an established Panel of Pre-Qualified Suppliers relevant to the required purchasing category, the emergency supply must be obtained from the Panel suppliers.</p> <p>If, however, no member of the Panel of Pre-qualified Suppliers or a suitable supplier from WALGA Preferred Supplier Arrangement is available, then the supply may be obtained from any supplier capable of providing the emergency purchasing requirement, and to the extent that it is reasonable in context of the emergency requirements, with due consideration of best and sustainable consideration.</p> <p>The rationale for the procurement decision should be documented and recorded in accordance with the Shire Operational Procedure – Procurement of Goods and Services.</p>

**1.4.4 Exemptions**

An exemption from the requirement to publicly invite tenders may apply when the purchase is:

- obtained from a pre-qualified supplier under the WALGA Preferred Supplier Arrangement or other suppliers that are accessible under another tender exempt arrangement.
- from a pre-qualified supplier under a Panel established by the Shire;
- from a Regional Local Government or another Local Government;
- acquired from a person/organisation registered on the WA Aboriginal Business Directory, as published by the Small Business Development Corporation, where the consideration under contract is worth \$250,000 or less (excluding GST) and represents value for money;



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- acquired from an Australian Disability Enterprise and represents value for money;
- the purchase is authorised under action by Council under delegated authority;
- within 6 months of no tender being accepted;
- where the contract is for petrol, oil, or other liquid or gas used for internal combustion engines; or
- the purchase is covered by any of the other exclusions under Regulation 11 of The Regulations.

### 1.4.5 Other Purchasing Exemptions

In addition to the regulatory Tender exemptions for purchasing as set out in Regulation 11.2 of The Regulations and section 1.4.4 of this policy, it may at times be necessary to vary from the requirements of this policy for a number of reasons, including but not limited to, the following further exemptions where the Shire is not required to undertake a competitive purchasing process (but these only apply where the total value of the purchase does not exceed \$250,000 (excluding GST) over three years):

- Services, supplies, and/or equipment directly related to an impacting epidemic or a pandemic (e.g., COVID-19);
- Services of industry organisations (e.g., WALGA, and Local Government Professionals);
- Advance / Prior Payment of Services (for example: accommodation, travel services, entertainment, conferences, seminars, Memberships, Subscriptions, training courses);
- Advertising – Newspaper (e.g., public notices and statutory advertising);
- Advertising – State Government Gazette (e.g., statutory advertising);
- Annual Memberships/Subscriptions (e.g., WALGA, and Library stocks);
- Annual Service/Software annual licencing and Maintenance/Support Fees;
- Reimbursements (TAFE, training course fees, accommodation / meal costs, telephone and internet);
- Employment of temporary staff through temporary personnel service agencies (CEO approval required for any contract exceeding or extended beyond three months);
- Motor vehicle licensing and registration;
- Postage;
- Talent acts for community events;
- Pre-employment medicals and staff medical services (e.g. annual flu immunisation program);
- Provision of utility services (where only sole provider – e.g. Western Power);
- Purchases from Original Equipment Manufacturer (OEMs) and where warranty provisions may be voided; and
- Local Government Insurance Service (e.g. premiums and insurance excesses) – note: not subject to the \$250,000 limit); and
- Purchasing as required and determined by the CEO and Directors providing that the approval is provided in writing prior to the purchase and the details are recorded against the requisition.

### 1.4.6 Inviting Tenders Under the Tender Threshold

The Shire may determine to invite Public Tenders, despite the estimated Purchase Value being less than the \$250,000 threshold.

This decision will be made after considering:





- Whether the purchasing requirement can be met through the WALGA Preferred Supplier Program or any other tender exemption arrangement; and
- Any value for money benefits, timeliness, risks; and
- Compliance requirements.

A decision to invite Tenders, though not required to do so, may occur where an assessment has been undertaken and it is considered that there is benefit from conducting a publicly accountable and more rigorous process. In such cases, the Shire's tendering procedures must be followed in full.

#### **1.4.7 Other Procurement Processes**

##### ***Expressions of Interest***

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

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

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

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

##### ***Request for Proposal***

As an alternative to a Request for Tender, the Shire may consider conducting a Request for Proposal where the requirements are less known, or less prescriptive and detailed. In this situation, the Request for Proposal would still be conducted under the same rules as for a Request for Tender but would seek responses from the market that are outcomes based or that outline solutions to meet the requirements of the Shire.

#### **1.4.8 Emergency Purchases**

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

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





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### 1.4.9 Sole Source of Supply

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

- purchasing value is estimated to be over \$5,000; and
- purchasing requirement has been documented in a detailed specification; and
- specification has been extensively market tested and only one potential supplier has been identified as being capable of meeting the specified purchase requirement; and
- market testing process and outcomes of supplier assessments have been documented, inclusive of a rationale for why the supply is determined as unique and cannot be sourced through more than one supplier.

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

### 1.4.10 Anti-Avoidance

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

Utilising rolling contract extensions at the end of a contract term without properly testing the market or using a tender exempt arrangement will not be adopted as this would place this Local Government in breach of The Regulations (Regulation 12).

The Shire will conduct regular periodic analysis of purchasing activities within supply categories and aggregating expenditure values in order to identify purchasing activities which can be more appropriately undertaken within the Purchasing Threshold practices detailed in clause 1.4.3 above.

### 1.4.11 Contract Variations

Authorises the CEO to approve minor variations to contracts entered by Council, subject to the funds required meeting the cost of the variations been contained within the amounts set aside in the budget.

## 2. SUSTAINABLE PROCUREMENT

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

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

Requests for Quotation and Tenders will include a request for information from Suppliers regarding their sustainable practices and/or demonstrate that their product or service offers enhanced sustainable benefits.



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### 2.1 Local Economic Benefit

The Shire encourages the development of competitive local businesses within its boundary first, and second within its broader region. As much as practicable, the Shire will:

- Where appropriate, consider buying practices, procedures and specifications that do not unfairly disadvantage local businesses;
- Consider indirect benefits that have flow on benefits for local suppliers (i.e. servicing and support);
- Ensure that procurement plans address local business capability and local content;
- Explore the capability of local businesses to meet requirements and ensure that Requests for Quotation and Tenders are designed to accommodate the capabilities of local businesses;
- Avoid bias in the design and specifications for Requests for Quotation and Tenders – all Requests must be structured to encourage local businesses to bid; and
- Provide adequate and consistent information to local suppliers.

To this extent, a qualitative weighting will be included in the evaluation criteria for quotes and Tenders where suppliers are located within the boundaries of the Shire, or substantially demonstrate a benefit or contribution to the local economy. This criteria will relate to local economic benefits that result from Tender processes.

The Shire has adopted F7 Regional Price Preference Policy, which will be applied when undertaking purchasing activities.

### 2.2 Purchasing from Disability Enterprises

An Australian Disability Enterprise may be contracted directly without the need to comply with the Threshold and Purchasing Practices requirements of this policy, where a value for money assessment demonstrates benefits for the Shire's achievement of its strategic and operational objectives.

A qualitative weighting will be used in the evaluation of quotes and Tenders to provide advantages to Australian Disability Enterprises, in instances where not directly contracted.

### 2.3 Purchasing from Aboriginal Businesses

A business registered in the current Aboriginal Business Directory WA (produced by the Small Business Development Corporation) may be contracted directly without the need to comply with the Threshold and Purchasing Practices requirements of this policy, only where:

- The contract value is or is worth \$250,000 or less, and
- A best and sustainable value assessment demonstrates benefits for the Shire's achievement of its strategic and operational objectives.

A qualitative weighting will be used in the evaluation of quotes and tenders to provide advantages to businesses registered in the current Aboriginal Business Directory WA, in instances where not directly contracted.

### 2.4 Purchasing from Environmentally Sustainable Business

The Shire will support the purchasing of recycled and environmentally sustainable products whenever a value for money assessment demonstrates benefits for the Shire's achievement of its strategic and operational objectives.



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A qualitative weighting will be used in the evaluation of quotes and tenders to provide advantages to suppliers which:

- Demonstrate policies and practices that have been implemented by the business as part of its operations;
- Generate less waste material by reviewing how supplies, materials and equipment are manufactured, purchased, packaged, delivered, used, and disposed; and
- Encourage waste prevention, recycling, market development and use of recycled/recyclable materials.

### 3. PANELS OF PRE-QUALIFIED SUPPLIERS

#### 3.1 Objectives

The Shire will consider creating a Panel of Pre-qualified Suppliers ("Panel") when a range of similar goods and services are required to be purchased on a continuing and regular basis.

Part of the consideration of establishing a panel includes:

- There are numerous potential suppliers in the local and regional procurement related market sector(s) that satisfy the test of 'value for money';
- The purchasing activity under the intended Panel is assessed as being of a low to medium risk;
- The Panel will streamline and will improve procurement processes; and
- The Shire has the capability to establish a Panel, and manage the risks and achieve the benefits expected of the proposed Panel through a Contract Management Plan.

#### 3.2 Establishing and Managing a Panel

If the Shire decides that a Panel is to be created, it will establish the panel in accordance with the Regulations.

Panels will be established for one supply requirement, or a number of similar supply requirements under defined categories. This will be undertaken through an invitation procurement process advertised via a state-wide notice.

Panels may be established for a maximum of three (3) years. The length of time of a Local Panel is decided with the approval of the CEO/ Executive Director.

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

In each invitation to apply to become a pre-qualified supplier, the Shire will state the expected number of suppliers it intends to put on the panel.

If a Panel member leaves the Panel, the Shire will consider replacing that organisation with the next ranked supplier that meets/exceeds the requirements in the value for money assessment – subject to that supplier agreeing. The Shire will disclose this approach in the detailed information when establishing the Panel.

A Panel contract arrangement needs to be managed to ensure that the performance of the Panel Contract and the Panel members under the contract are monitored and managed. This will ensure



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that risks are managed and expected benefits are achieved. A Contract Management Plan should be established that outlines the requirements for the Panel Contract and how it will be managed.

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

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

- Obtain quotations from each pre-qualified supplier on the Panel with respect to all discreet purchases; or
- Purchase goods and services exclusively from any pre-qualified supplier appointed to that Panel, and under what circumstances; or
- Develop a ranking system for selection to the Panel, with work awarded in accordance with the Regulations.

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

- Each Panel member will have the opportunity to bid for each item of work under the Panel, with pre-determined evaluation criteria forming part of the invitation to quote to assess the suitability of the supplier for particular items of work. Contracts under the pre-qualified panel will be awarded on the basis of value for money in every instance; or
- Work will be awarded on a ranked basis, which is to be stipulated in the detailed information set out under Regulation 24AD(5)(f) when establishing the Panel. The Shire will invite the highest ranked Panel member, who is to give written notice as to whether to accept the offer for the work to be undertaken. Should the offer be declined, an invitation to the next ranked Panel member is to be made and so forth until a Panel member accepts a contract. Should the list of Panel members invited be exhausted with no Panel member accepting the offer to provide goods/services under the Panel, the Shire may then invite suppliers that are not pre-qualified under the Panel, in accordance with the Purchasing Thresholds stated in section 1.4.3 of this policy. When a ranking system is established, the Panel will not operate for a period exceeding 12 months.

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

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

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

Each quotation process, including the invitation to quote, communications with Panel members, quotations received, evaluation of quotes and notification of award communications must all be made through *eQuotes* (or other nominated electronic quotation facility).

Each quotation process, including the invitation to quote, communications with Panel members, quotations received, evaluation of quotes and notification of award communications must all be captured on the Shire's electronic records system. A separate file is to be maintained for each



quotation process made under each Panel that captures all communications between the Shire and Panel members.

**4. PURCHASING POLICY NON-COMPLIANCE**

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

A failure to comply with the requirements of this policy will be subject to investigation, with findings to be considered in context of the responsible person’s training, experience, seniority and reasonable expectations for performance of their role.

Where a breach is substantiated, it may be treated as:

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

**5. AUTHORISED OFFICERS**

The following employees have delegated authority to make payment on behalf of Council:

OFFICER
Chief Executive Officer
Deputy Chief Executive Officer
Director Technical and Development Services
Director Community Services Director Operations and Strategic Development
Director Strategic Business

The following employees are authorised to approve official purchase orders and requisition Goods and services on behalf of Council:

LIMIT*	OFFICER
\$600,000	Chief Executive Officer (for purchases relevant to Ex-Tropical Cyclone Ellie only)
\$250,000	Chief Executive Officer
\$125,000	Deputy Chief Executive Officer
\$125,000	Director Technical and Development Services
\$125,000	Director Community Services Director Operations and Strategic Development
\$125,000	Director Strategic Business
\$125,000	Executive Services Project Director
\$60,000	Manager Infrastructure
<\$50,000 (vis. Below the lower limit of being classified as “Key Management Personnel”).	To ensure operational efficiency, the Chief Executive Officer is authorised to select employee roles and purchasing limits and manage operationally, for purchases <\$50,000. These are detailed in the CEO Directive D-CP3 Procurement Purchasing Limits.





*\*Note: Employees with authority  $\geq$ \$50,000 need to also be classified as "Key Management Personnel" and be include in the Related Party Transaction Register.*

## 6. RECORD KEEPING

All purchasing activity, communications and transactions must be evidenced and retained as local government records in accordance with the *State Records Act 2000* and the Shire's Record Keeping Plan. This includes those with organisations involved in a tender or quotation process, including suppliers.

## 7. AGRN 1044 – Ex-Tropical Cyclone Ellie (2023 Fitzroy Crossing Floods)

Procurement for goods or services under \$250,000 which are required as a result of Ex-Tropical Cyclone Ellie (AGRN1044) may be exempt from relevant quotation requirements where it can be demonstrated via the Shire's Requisition Form that:

The district's commercial and its Aboriginal businesses can provide the quotation, and the goods or services:

1. As a registered business;
2. Within the agreed timeframe and to the required standard;
3. At an acceptable and reasonable cost;
4. With a suitably high level of community engagement and employment;
5. That businesses local to firstly Fitzroy Crossing, then secondly Derby, have been given the opportunity to provide a quotation;
6. Where there is more than one local supplier, the procurement of goods and/or services must be shared amongst those suppliers, conditional on each provider supplying the goods/services:
  - Within the agreed timeframe and to the standard required;
  - At an acceptable and reasonable cost; and
  - With a suitably high level of community engagement and employment.

At least one quote must be obtained, but where adequate time is available to do so, two is preferable. Suitable levels of specification for the purchase must also be supplied by Shire, or obtained from the provider. Purchasing authority limits apply as for *business as usual* procurement.

This provision is intended to be in place for the period of dealing with the impacts of ex Tropical Cyclone Ellie, or until otherwise modified by Council decision.



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### 7.1 Purchases Relevant to the Fitzroy Service Workers Camp

Procurement for goods or services under \$250,000 which are required as a result of Ex-Tropical Cyclone Ellie (AGRN1044) may be exempt from relevant quotation requirements where it can be demonstrated via the Shire's Requisition Form that:

The district's commercial and its Aboriginal businesses can provide the quotation, and the goods or services:

1. As a registered business;
2. Within the agreed timeframe and to the required standard;
3. At an acceptable and reasonable cost;
4. With a suitably high level of community engagement and employment;
5. That businesses local to firstly Fitzroy Crossing, then secondly Derby, have been given the opportunity to provide a quotation;
6. Where there is more than one local supplier, the procurement of goods and/or services must be shared amongst those suppliers, conditional on each provider supplying the goods/services:
  - Within the agreed timeframe and to the standard required;
  - At an acceptable and reasonable cost; and
  - With a suitably high level of community engagement and employment.

At least one quote must be obtained, but where adequate time is available to do so, two is preferable. Suitable levels of specification for the purchase must also be supplied by Shire, or obtained from the provider. Purchasing authority limits apply as for *business as usual* procurement.

This provision is intended to be in place for the life of the Fitzroy Service Workers Camp, or until otherwise modified by Council decision.



Policy Details		
<b>Original Adoption date:</b>	27 August 1997	<b>Review Frequency:</b> Annual 1 year <b>(Annual/Bi-ennial):</b> <b>Next Review Due:</b> June 2024-June 2025
<b>Policy Implementing Officer or Team:</b>	Manager of Corporate Services	<b>Policy Reviewer:</b> Deputy Chief Executive Officer
<b>Legislative Head of Power (Act, Regulation, or Local Law):</b>	s.3.57 of the Local Government Act 1995 Part 4 of the Local Government (Functions and General) Regulations 1996	
<b>Related Documents (other Policies, Operational Procedures, Delegations, etc.):</b>	Policy F7 Regional Price Preference Policy F8 Transaction Cards Policy F18 Portable and Attractive Items Policy CEO Directive D-CP3 Procurements Purchasing Limits Delegation 1.1.16 Expressions of Interest for Goods and Services Delegation 1.1.17 Tenders for Goods and Services – Call Tenders Delegation 1.1.18 Tenders for Goods and Services – Accepting and Rejecting Tenders; Varying Contracts; Exercising Contract Extension Options Delegation 1.1.19 Tenders for Goods and Services – Exempt Procurement Delegation 1.1.20 Application of Regional Price Preference Delegation 1.1.21 Payments from the Municipal or Trust Funds Delegation 1.1.31 Renewal or Extension of Contracts during a State Emergency Delegation 1.1.32 Procurement of Goods or Services required to address a State of Emergency Delegation 1.2.10 Financial Management Systems and Procedures Code of Conduct (Employee) Risk Management Framework Operational Procedure – Procurement of Goods and Services	
Version Control Council Meeting Review Details:		
Review #:	Council Meeting Date:	Item/Resolution#:
1.	28 February 2019	Item 10.1.2 Res. 012/19
2.	12 December 2019	Item 10.7 Res. 159/19
3.	30 September 2020	Item 11.3 Res. 159/20
4.	24 June 2021	Item 11.2 Res. 57/21
5.	24 February 2022	Item 11.5 Res. 07/22
6.	30 March 2023	Item 10.1 Res. 15/23
7.	31 August 2023	Item 11.1 Res. 90/23
8.	13 October 2023	The Acting CEO utilised delegation 1.1.34 Minor Amendments to Policies and Delegations to change the position of Director Corporate Services to Deputy Chief Executive Officer and Manager Finance to Manager of Corporate Services. Synergy Record No. N20596.
9.	30 November 2023	Item 11.1 Res 133/23
10.	Xx February 2024	Item xx Res. Xx



### (F3) SIGNIFICANT ACCOUNTING POLICIES

#### POLICY STATEMENT

To provide a framework to ensure the Shire's financial information is reported to Council with consistent application of Australian Accounting Standards, and in compliance with statutory requirements under the *Local Government Act 1995*, and the *Local Government (Financial Management) Regulations 1996*.

The significant accounting policies which have been adopted in the preparation of these financial statements are:

#### 1. Basis of Preparation

The financial report comprises a general purpose financial statement which have been prepared in accordance with Australian Accounting Standards (as they apply to local governments and not for profit entities and to the extent they are not in-consistent with the *Local Government Act 1995* and accompanying regulations), Australian Accounting Interpretations, other authoritative pronouncements of the Australian Accounting Standards Board, the *Local Government Act 1995* and accompanying regulations. Accounting policies which have been adopted in the preparation of this financial report have been consistently applied unless stated.

#### 2. Critical Accounting Estimates

The preparation of a financial report in conformity with Australian Accounting Standards requires management to make judgements, estimates and assumptions that effect the application of polices and reported amounts of assets and liabilities, income and expenses.

The estimates and associated assumptions are based on historical experience and various other factors that are believed to be reasonable under the circumstances; the results of which form the basis of making the judgements about carrying values of assets and liabilities that are not readily apparent from other sources. Actual results may differ from these estimates.

#### 3. The Local Government Reporting Entity

All funds through which the Shire controls resources to carry on its functions have been included in the financial statements forming part of the financial reports (annual, monthly and budget).

In the process of reporting on the local government as a single unit, all transactions and balances between those funds (for example, loans and transfers between Funds) have been eliminated.

All monies held in the trust fund are excluded from financial statements.

#### 4. Land Under Roads

In Western Australia, all land under roads is Crown Land, the responsibility of managing which, is vested in the local government.

Effective as at 1 July 2008, Council elected not to recognise any value for land under roads acquired on or before 30 June 2008. This accords with the treatment available in Australian Accounting Standard AASB1051 Land Under Roads and the fact *Local Government (Financial Management) Regulations 1996* 16(a)(i) prohibits local governments from recognising such land as an asset.

While such treatment is inconsistent with the requirements of AASB 1051, Local Government (Financial Management) Regulation 4(2) provides, in the event of such an inconsistency, the *Local Government (Financial Management) Regulations 1996* prevail.



Consequently, any land under roads acquired on or after 1 July 2008 is not included as an asset of the Shire.

**5. Grants, Donations and Other Contributions**

Grants, donations and other contributions are recognised as revenues when the local government obtains control over the assets comprising the contributions.

Where contributions recognised as revenues during the reporting period were obtained on the condition that they be expended in a particular manner or used over a particular period, and those conditions were undischarged as at the reporting date, the nature of and amounts pertaining to those undischarged conditions are disclosed in Note 15. That note also discloses the amount of contributions recognised as revenues in a previous reporting period which were obtained in respect of the local government's operations for the current period.

**6. Cash and cash equivalents**

Cash and cash equivalents include cash on hand, cash at bank, deposits available on demand with banks and other short term highly liquid investments that are readily convertible to known amounts of cash and which are subject to an insignificant risk of changes in value and bank overdrafts. Bank overdrafts are reported as short term borrowings in current liabilities in the statement of financial position.

**7. Classification and subsequent measurement**

Financial assets at fair value through profit and loss Financial assets are classified at "fair value through profit or loss" when they are held for trading for the purpose of short-term profit taking. Such assets are subsequently measured at fair value with changes in carrying amount being included in profit or loss. Assets in this category are classified as current assets.

**7.1 Held-to-maturity investments**

Held-to-maturity investments are non-derivative financial assets with fixed maturities and fixed or determinable payments that the Shire has the position intention and ability to hold to maturity. They are subsequently measured at amortised cost. Gains or losses are recognized in profit or loss.

Held-to-maturity investments are included in current assets, where they are expected to mature within 12 months after the end of the reporting period. All other investments are classified as non-current.

**7.2 Available-for-sale financial assets**

Available-for-sale financial assets are non-derivative financial assets that are either not suitable to be classified into other categories of financial assets due to their nature, or they are designated as such by management. They comprise investments in the equity of other entities where there is neither a fixed maturity nor fixed or determinable payments.

They are subsequently measured at fair value with changes in such fair value (i.e. gains or losses) recognised in other comprehensive income (except for impairment losses). When the financial asset is derecognised, the cumulative gain or loss pertaining to that asset previously recognised in other comprehensive income is reclassified into profit or loss.





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### 7.3 Impairment

A financial asset is deemed to be impaired if, and only if, there is objective evidence of impairment as a result of one or more events (a "loss event") having occurred, which will have an impact on the estimated future cash flows of the financial asset(s).

Available-for-sale financial assets are included in current assets, where they are expected to be sold within 12 months after the end of the reporting period. All other available-for-sale financial assets are classified as non-current.

In the case of available-for-sale financial assets, a significant or prolonged decline in the market value of the instrument is considered a loss event. Impairment losses are recognised in profit or loss immediately. Also, any cumulative decline in fair value previously recognised in other comprehensive income is reclassified to profit or loss at this point.

In the case of financial assets carried at amortised cost, loss events may include: indications that the debtors or a group of debtors are experiencing significant financial difficulty, default or delinquency in interest or principal payments; indications that they will enter bankruptcy or other financial reorganization; and changes in arrears or economic conditions that correlate with defaults.

For financial assets carried at amortised cost (including loans and receivables), a separate allowance account is used to reduce the carrying amount of financial assets impaired by credit losses. After having taken all possible measures of recovery, if management establishes that the carrying amount cannot be recovered by any means, at that point the written-off amounts are charged to the allowance account or the carrying amount of impaired financial assets is reduced directly if no impairment amount was previously recognised in the allowance account.

### 7.4 Initial recognition and measurement

Financial assets and financial liabilities are recognised when the Shire becomes a party to the contractual provisions to the instrument. For financial assets, this is equivalent to the date that the Shire commits itself to either the purchase or sale of the asset (i.e. trade date accounting is adopted).

Financial instruments are initially measured at fair value plus transaction costs, except where the instrument is classified 'at fair value through profit or loss', in which case transaction costs are expensed to profit or loss immediately.

Financial instruments are subsequently measured at fair value, amortised cost using the effective interest rate method, or at cost.

Amortised cost is calculated as:

- a) The amount in which the financial asset or financial liability is measured at initial recognition;
- b) Less principal repayments and any reduction for impairment; and
- c) Plus or minus the cumulative amortization of the difference, (if any), between the amount initially recognised and maturity amount calculated using the effective interest rate method.

The effective interest rate method is used to allocate interest income or interest expense over the relevant period and is equivalent to the rate that discounts estimated future cash payments or receipts (including fees, transaction costs and other premiums or discounts) through the expected life (or when this cannot be reliably predicted, the contractual term) of the financial instrument to



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the net carrying amount of the financial asset or financial liability. Revisions to expected future net cash flows will necessitate an adjustment to the carrying value with a consequential recognition of an income or expense in profit or loss.

### 7.5 Derecognition

Financial assets are derecognized where the contractual rights to receipt of cash flows expire or the asset is transferred to another party whereby the Shire no longer has any significant continual involvement in the risks and benefits associated with the asset.

## 8. Trade and Other Receivables

Trade and other receivables include amounts due from ratepayers for unpaid rates and service charges and other amounts due from third parties for goods sold and services performed in the ordinary course of business.

Receivables expected to be collected within 12 months of the end of the reporting period are classified as current assets. All other receivables are classified as non-current assets.

Collectability of trade and other receivables is reviewed on an ongoing basis. Debts that are known to be uncollectable are written off when identified. An allowance for doubtful debts is raised when there is objective evidence that they will not be collectible.

### 8.1 Classification and subsequent measurement

Loans and receivables are non-derivative financial assets with fixed or determinable payments that are not quoted in an active market and are subsequently measured at amortised cost. Gains or losses are recognised in profit or loss.

Loans and receivables are included in current assets where they are expected to mature within 12 months after the end of the reporting period.

## 9. Inventories

Inventories are valued at the lower of cost and net realisable value.

Net realisable value is the estimated selling price in the ordinary course of business less the estimated costs of completion and the estimated costs necessary to make the sale.

## 10. Land Held for Resale

Land held for development and resale is valued at the lower of cost and net realisable value. Cost includes the cost of acquisition, development, borrowing costs and holding costs until completion of development. Interest and holding charges incurred after development is complete are recognised as expenses.

Revenue arising from the sale of property is recognised in the Income Statement as at the time of signing a binding contract of sale.

Land held for resale is classified as current except where it is held as non-current based on the Council's intentions to release for sale.



## 11. **Fixed Assets**

Each class of fixed assets within either property, plant and equipment or infrastructure, is carried at cost or fair value as indicated less, where applicable, any accumulated depreciation and impairment losses.

*Initial recognition and measurement between mandatory revaluation dates*

All assets are initially recognised at cost and subsequently revalued in accordance with the mandatory measurement framework.

In relation to this initial measurement, cost is determined as the fair value of the assets given as consideration plus costs incidental to the acquisition. For assets acquired at no cost or for nominal consideration, cost is determined as fair value at the date of acquisition. For assets acquired at no cost or for nominal consideration; cost is determined as fair value at the date of acquisition. The cost of non-current assets constructed by the Shire includes the cost of all materials used in construction, direct labour on the project and an appropriate proportion of variable and fixed overheads.

Individual assets acquired between initial recognition and the next revaluation of the asset class in accordance with the mandatory measurement framework, are recognised at cost and disclosed as being at fair value as management believes cost approximates fair value. They are subject to subsequent revaluation at the next anniversary date in accordance with the mandatory measurement framework.

### 11.1 **Revaluation**

The fair value of fixed assets is determined at least every three years in accordance with the regulatory framework. At the end of each period the valuation is reviewed and where appropriate the fair value is updated to reflect current market conditions. This process is considered to be in accordance with *Local Government (Financial Management) Regulations 2016 17A (2)* which requires property, plant and equipment to be shown at fair value.

Increases in the carrying amount arising on revaluation of assets are credited to a revaluation surplus in equity. Decreases that offset previous increases of the same class of asset are recognised against revaluation surplus directly in equity. All other decreases are recognised in profit or loss.

## 12. **Capitalisation and Depreciation of Non-Current Assets**

The Shire will establish a capitalisation threshold, which represents the minimum cost at which an item will be capitalised as a fixed asset. The capitalisation threshold is determined based on materiality, significance, and financial reporting requirements. The threshold will be periodically reviewed and adjusted if necessary to reflect changes in economic conditions, industry practices, or relevant regulations.

The depreciable amount of all fixed assets including buildings but excluding freehold land and vested land, are depreciated, on a straight-line basis over the asset's useful life from the time the asset is held ready for use. Leasehold improvements are depreciated over the shorter of either the unexpired period of the lease or the estimated useful life of the improvements.

When an item of property, plant and equipment is revalued, any accumulated depreciation at the date of the revaluation is treated in one of the following ways:



- a) The gross carrying amount is adjusted in a manner that is consistent with the revaluation of the carrying amount of the asset. For example, the gross carrying amount may be restated by reference to observable market data or it may be restated proportionately to the change in the carrying amount. The accumulated depreciation at the date of the revaluation is adjusted to equal the difference between the gross carrying amount and the carrying amount of the asset after taking into account accumulated impairment losses; or
- b) Eliminated against the gross carrying amount of the asset and the net amount restated to the revalued amount of the asset.

**Depreciation rates**

Major depreciation periods used for each class of depreciable asset are:

Buildings	25 to 40 years
Furniture and Equipment	8 years
Plant and Equipment	8 years
<b>Sealed roads and streets clearing and earthworks:</b>	
Construction/road base	40 years
Original surfacing and major re-surfacing bituminous seals.	40 years
<b>Gravel roads:</b>	
Clearing and earthworks	100 years
Construction/road base	40 years
Gravel sheet	8 years
<b>Formed roads (unsealed):</b>	
Clearing and earthworks	100 years
Construction/road base	40 years
Footpaths – slab	15 years

**Capitalisation Thresholds and Depreciation rates**

Major depreciation periods and thresholds used for each class of depreciable asset are:

Asset Class	Description (Asset Sub-Class)	Depreciation Period	Threshold
Buildings	Offices, residential, community centres, sports clubs, amenities, stadiums, health centres, commercial premises, public halls, depot sheds.	30 to 80 years.	\$25,000
Open Space and Recreation	Sports fields, courts, irrigation systems, retaining walls, street/park furniture, monuments.	10 to 100 years	\$10,000



Asset Class	Description (Asset Sub-Class)	Depreciation Period	Threshold
	lighting, playgrounds, recreation equipment, signs, bins.  Minor structures, including garden sheds, bus shelters, coaches' boxes, kiosks, barbeque shelters, equipment shelters, etc.	10 to 30 years	\$5,000
Roads	Sealed Road Surface	14 to 22 years	\$10,000
	Sealed Road Pavement	75 years	\$10,000
	Concrete Road Pavement	85 years	\$10,000
	Unsealed Road Pavement	25 years	\$10,000
	Road Formation	N/A	\$10,000
	Kerb and Channel	80 years	\$5,000
Off Street Carparks	Sealed carparks	75 to 85 years	\$10,000
	Unsealed carparks	25 years	\$10,000
Bridges	Road Bridges	60 to 100 years	\$20,000
	Pedestrian bridges	60 to 100 years	\$10,000
	Major culverts	60 to 100 years	\$20,000
Footpaths and cycle ways	Footpaths and cycle paths	10-80 years	\$10,000
Drainage	Drainage pipes	100 years	\$10,000
	Drainage pits	100 years	\$10,000
	Minor culverts	100 years	\$10,000
	Retardation basins	100 years	\$10,000
Plant, machinery and equipment	Heavy plant	5 to 7 years	All
	Vehicles	4 to 5 years	All
	Minor plant	2 to 5 years	All
Fixtures, fittings and furniture	Furniture and office equipment	1 to 20 years	\$10,000





Asset Class	Description (Asset Sub-Class)	Depreciation Period	Threshold
	Computer hardware and telecommunications	3 years	\$10,000
IT software	IT software	2 to 5 years	\$20,000

The assets residual values and useful lives are reviewed, and adjusted if appropriate, at the end of each reporting period.

An asset's carrying amount is written down immediately to its recoverable amount if the asset's carrying amount is greater than its estimated recoverable amount.

Gains and losses on disposals are determined by comparing proceeds with the carrying amount. These gains and losses are included in the statement of comprehensive income in the period in which they arise.

**13. Trade and other payables**

Trade and other payables represent liabilities for goods and services provided to the Shire prior to the end of the financial year that are unpaid and arise when the Shire becomes obliged to make future payments in respect of the purchase of these goods and services. The amounts are unsecured, are recognised as a current liability and are normally paid within 30 days of recognition.

**14. Loans and Receivables**

*Financial liabilities*

Financial liabilities are recognised at fair value when the Shire becomes a party to the contractual provisions to the instrument.

Non-derivative financial liabilities (excluding financial guarantees) are subsequently measured at amortised cost. Gains or losses are recognised in profit or loss.

Financial liabilities are recognised where the related obligations are discharged, canceled or expired. The difference between the carrying amount of the financial liability extinguished or transferred to another party and the fair value of the consideration paid, including the transfer or non-cash assets or liabilities assumed, is recognised in profit or loss.

**15. Borrowing Costs**

Borrowing costs are recognised as an expense when incurred except where they are directly attributable to the acquisition, construction or production of a qualifying asset. Where this is the case, they are capitalised as part of the cost of the particular asset until such time as the asset is substantially ready for its intended use or sale.

*Provisions*

Provisions are recognised when: The council has a present legal or constructive obligation as a result of past events, for which it is probable that an outflow of economic benefits will result and that outflow can be reliably measured.

Provisions are measured using the best estimate of the amounts required to settle the obligation at the end of the reporting period.





## 16. Employee Entitlements

### *Leave Entitlements*

#### Annual Leave and Long Service Leave (Short term employee benefits)

Provision is made for the Shire's obligations for short-term employee benefits. Short-term employee benefits are benefits (other than termination benefits) that are expected to be settled wholly before 12 months after the end of the annual reporting period in which the employees render the related service, including wages, salaries and sick leave. Short-term employee benefits are measured at the (undiscounted) amounts expected to be paid when the obligation is settled.

The Shire's obligations for short-term employee benefits such as wages, salaries and sick leave are recognised as a part of current trade and other payables in the statement of financial position.

#### Long Service Leave (Long term employee benefits)

The Shire's obligations for employees' long service leave entitlements are recognised as provisions in the statement of financial position.

Long-term employee benefits are measured at the present value of the expected future payments to be made to employees. Excepted future payments incorporate anticipated future wage and salary levels, durations or service and employee departures and are discounted at rates determined by reference to market yields at the end of the reporting period on government bonds that have maturity dates that approximate the terms of the obligations. Any re-measurements for changes in assumptions of obligations for other long-term employee benefits are recognised in profit and loss in the periods which the changes occur.

The Shire's obligations for long-term employee benefits are presented as non-current provisions in its statement of financial position, except where the Shire does not have an unconditional right to defer settlement for at least 12 months after the end of the reporting period, in which case the obligations are presented as current provisions.

#### Superannuation

The Shire contributes to a number of Superannuation Funds on behalf of employees. All funds to which the Shire contributes are defined contribution plans.

## 17. Leases

Leases of fixed assets where substantially all the risks and benefits incidental to the ownership of the asset, but not legal ownership, are transferred to the Shire, are classified as finance leases.

Finance leases are capitalised recording an asset and a liability at the lower of the fair value of the leased property or the present value of the minimum lease payments, including any guaranteed residual values. Lease payments are allocated between the reduction of the lease liability and the lease interest expense for the period.

Leased assets are depreciated on a straight line basis over the shorter of their estimates useful lives or the lease term.



Lease payments for operating leases, where substantially all the risks and benefits remain with the lessor, are charged as expenses on a straight line basis over the lease term.

Lease incentives under operating leases are recognised as a liability and amortised on a straight line basis over the life of the lease term.

**18. Interests in joint arrangements**

Joint arrangements represent the contractual sharing of control between parties in a business venture where unanimous decisions about relevant activities are required.

Separate joint arrangements providing joint ventures with an interest to net assets are classified as a joint venture and accounted for using the equity method. Refer to note 20 for a description of the equity method of accounting.

Joint operations represent arrangements whereby joint operators maintain direct interests in each asset and exposure to each liability of the arrangement. The Shire's interests in the assets, liabilities, revenue and expenses of joint operations are included in the respective line items or the financial statements.

**19. Investment in associates**

An associate is an entity over which the Shire has significant influence. Significant influence is the power to participate in the financial operating policy decisions of that entity but is not control or joint control of those policies. Investment in associates are accounted for in the financial statements by applying the equity method of accounting, whereby the investment is initially recognised at cost and adjusted thereafter for the post- acquisition change in the Shire's share of net assets of the associate. In addition, the Shire's share of the profit or loss of the associate is included in the Shire's profit or loss.

The carrying amount of the investment includes, where applicable, goodwill relating to the associate. Any discount or acquisition, whereby the Shire's share of the net fair value of the associate exceeds the cost of investment, is recognised in profit or loss in the period in which the investment is acquired.

Profits and losses resulting from the transactions between the Shire and the associate are eliminated to the extent of the Shire's interest in the associate. When the Shire's share of losses in an associate equals or exceeds its interest in the associate the Shire continues recognising its share of further losses unless it has incurred legal or constructive obligations or made payments on behalf of the associate. When the associate subsequently makes profits, the Shire will resume recognising its share of those profits once its share of the profits equals the share of the losses not recognised.

**20. Rates**

Control over assets and acquired from rates is obtained at the commencement of the rating period or, where earlier, upon receipt of the rates.

All rates are levied under the *Local Government Act 1995*. Includes general, differential, specified area rates, minimum rates, interim rates, back rates, ex-gratia rates, less discounts and concessions offered. Excludes administration fees, interest on instalments, interest on arrears, service charges and sewerage rates.

**21. Goods and services tax (GST)**

Revenues, expenses and assets are recognised net of the amount of GST, except where the amount of GST incurred is not recoverable from the Australian Taxation Office (ATO).



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Receivables and payables are stated inclusive of GST receivable or payable. The net amount of GST recoverable from, or payable to, the ATO is included with receivables or payables in the statement of financial position.

Cash flows are presented on a gross basis. The GST components of cash flows arising from investing or financing activities which are recoverable from, or payable to, the ATO are presented as operating cash flows.

### **22. Current and non-current classification**

The asset or liability is classified as current if it is expected to be settled within the next 12 months, being the Shire's operational cycle. In the case of liabilities where the Shire does not have the unconditional right to defer settlement beyond 12 months, such as vested long service leave, the liabilities classified as current even if not expected to be settled within the next 12 months. Inventories held for trading are classified as current or non-current based on the Shire's intentions to release for sale.

### **23. Rounding off figures**

All figures shown in this annual financial report, other than a rate in the dollar, are rounded to the nearest dollar. Amounts are presented in Australian Dollars.

### **24. Comparative figures**

Where required, comparative figures have been adjusted to conform with changes in presentation for the current financial year.

When the Shire applies an accounting policy retrospectively, makes a retrospective restatement or reclassifies items in its financial statements that has material effect on the statement of financial position an additional (third) statement of financial position as at the beginning of the preceding period in addition to the minimum comparative financial statements is presented.

### **25. Budget comparative figures**

Unless otherwise stated, the budget comparative figures shown in this annual financial report relate to the original budget estimate for the relevant item of disclosure.

### **26. Fair value of assets and liabilities**

Fair value is the price that the Shire would receive to sell the asset or would have to pay to transfer a liability; in an orderly (i.e. unforced) transaction between independent, knowledgeable and willing market participants at the measurement date.

As fair value is a market-based measure, the closest equivalent observable market pricing information is used to determine fair value. Adjustments to market values may be made having regard to the characteristics of the specific asset or liability. The fair values of assets that are not traded in an active market are determined using one or more valuation techniques. These valuation techniques maximize, to the extent passable, the use of observable market data.

To the extent possible, market information is extracted from either the principal market for the asset or liability (i.e. the market with the greatest volume and level of activity for the asset or liability) or, in the absence of such a market, the most advantageous market available to the entity at the sale of the asset after taking into account transaction costs and transport costs).



For non-financial assets, the fair value measurement also takes into account a market participants ability to use the asset in its highest and best use or to sell it to another market participant that would use the asset in its highest and best use.

Policy Details		
<b>Original Adoption date:</b>	28 June 2007	<b>Review Frequency (Annual/Bi-ennial):</b> Tri-ennial 3 years
		<b>Next Review Due:</b> February 2027
<b>Policy Implementing Officer or Team:</b>	Accountant	<b>Policy Reviewer:</b> Director Corporate Services-Deputy Chief Executive Officer
<b>Legislative Head of Power (Act, Regulation, or Local Law):</b>	Local Government Act 1995 Local Government (Financial Management) Regulations 1996	
<b>Related Documents (other Policies, Operational Procedures, Delegations, etc.):</b>	Delegation 1.2.10 Financial Management System and Procedures	
Version Control Council Meeting Review Details:		
Review #:	Council Meeting Date:	Item/Resolution#:
1.	28 February 2019	Item 9.1.1 Res. 005/2019
2.	24 June 2021	Item 11.2 Res. 57/21
3.	24 February 2022	Item 11.5 Res. 07/22
4.	29 June 2023	Item 12.3 Res. 70/23
5.	Xx February 2024	Item xx.x Res. Xx



## (F8) TRANSACTION CARDS

### POLICY OBJECTIVE

To provide the Chief Executive Officer (CEO) with a framework of principles to guide the use and management of Transaction Card facilities and which:

1. Ensures efficient and effective procurement and payment operations;
2. Minimises the risk of misuse, fraudulent or corrupt use;
3. Defines allowable and prohibited uses; and
4. Defines Cardholder duty of care and responsible use obligations.

### POLICY STATEMENT

This policy provides an in-principle framework to guide the CEO when fulfilling their statutory duties for establishing and implementing appropriate systems and procedures for incurring expenditure and making payments specific to Transaction Cards.

#### 1. Definitions

**Cardholder** means an employee who has been authorised by the CEO to incur expenditure by means of a Transaction Card.

**Transaction Card** means a card facility (which may include; credit, store, parking, cab-charge and fuel cards) approved for use in lieu of cash transactions, to incur expenditure for goods and services for the purposes of the Shire of Derby/West Kimberley (Shire) business activities and in accordance with relevant Shire Policies.

#### 2. Management Oversight and Reporting

##### 2.1 Legislation

Section 6.5(a) of the *Local Government Act 1995* prescribes the CEO's duty to ensure that proper accounts and records of the transactions and affairs of the Local Government are to be kept in accordance with regulations.

The *Local Government (Financial Management) Regulations 1996* prescribe:

- a) Regulation 5, the CEO's duties to ensure efficient systems and procedures are established for the proper authorisation of incurring of liabilities and the making of payments.
- b) Regulation 11(1)(a) and (2) requires the Local Government to develop procedures that ensure effective security for the authorisation and payment of accounts and for the authorised use of payment methods, including credit cards.

##### 2.2 Determining When Transaction Card Facilities are Appropriate

Transaction Card facilities may be implemented and maintained where the card facility provides benefit to the Shire operations by ensuring:

- a) Goods and services can be obtained in a timely and efficient manner to meet the business needs of the Shire;
- b) Financial management and accounting standards are met; and
- c) Purchasing and payment functions are secure, efficient and effective.



Transaction Card facility providers will only be acceptable where, in the opinion of the CEO, they:

- a) Provide appropriate and sufficient statement, administration and acquittal controls that enable the Shire to sufficiently administer the facility; and
- b) Provide the Shire with protection and indemnification from fraudulent/unauthorised transactions.

### 2.3 Management Oversight

The CEO shall determine and implement systems and procedures adequate to ensure:

- a) Assessment and selection of Transaction Card facilities suitable to the efficient and effective operations of the Shire;
- b) Authorisation and appointment of suitably eligible Cardholders;
- c) Cardholder duties and responsibilities are documented and Cardholders provided with training; and
- d) Monitoring and auditing of Transactional Card activities is planned and reported.

### 2.4 Reporting

The CEO will ensure that acquitted transaction statements for each Transaction Card facility are provided to Council as part of the monthly financial reporting regime.

### 2.5 Misuse, Misconduct and Fraudulent Use

Any alleged misuse of Transaction Cards will be investigated and may be subject to disciplinary procedures.

Where there is reasonable suspicion of misconduct or fraudulent activity arising from Transaction Card facilities the matter will be reported to the appropriate regulatory agency, subject to the requirements of the *Public Sector Management Act 1994* and the *Corruption, Crime and Misconduct Act 2003*.

### 2.6 Principles for Transaction Card Usage

#### Allowable Transactions:

Transaction Card facilities may only be used where:

- a) The expenditure is directly arising from a Shire operational business activity for which there is an Annual Budget provision;
- b) The expenditure is in accordance with legislation, the Council policy F1 Procurements of Goods and Services, CEO Directive D-PC2 Code of Conduct Employees and any conditions or limitations applicable to the individual Cardholder;
- c) The procurement of the required goods or services is impractical or inefficient if undertaken via a Purchase Order or is not able to be obtained other than by a Transaction Card;
- d) Supplier surcharges (fees) on transactions are minimised and only allowable where the alternative method of obtaining the supply (i.e. by purchase order) is more onerous, not cost effective or there is no alternative mode of supply.
- e) Hospitality expenditure may only occur with the express written permission of the CEO or Council. Official travel, accommodation and related expenses may only occur in accordance with Shire policies and procedures;
- f) Accounts payable payments are made under the direction of the Manager of Corporate Services;



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- g) A sufficient record of each transaction is obtained and retained in the local government record.

Allowable transaction modes include:

- a) In-person and over the counter retail purchases;
- b) Telephone purchasing;
- c) Mail order purchasing and subscriptions;
- d) Internet purchasing.

### Prohibited Transactions

The Shire prohibits the use of Transaction Card facilities for:

- a) Cash advances;
- b) Incurring expenses which are personal or private (i.e. any expenditure which is not an approved Shire activity);
- c) Making deposits onto the Card, whether to offset misuse or otherwise;
- d) Incurring Capital expenditure;
- e) Incurring expenditure for goods or services which are subject to a current supplier contract;
- f) Incurring expenses which are not in accordance with legislation, the Council policy F1 Procurement of Goods and Services, the Annual Budget and/or the conditions or limitations relevant to the individual Cardholder;
- g) Expenses for which another Transaction Card is the approved facility (i.e. the Corporate Credit Card is not to be used for purchasing fuel or oil, as the Fuel Card is the approved facility for that purpose);
- h) Splitting expenditure to avoid compliance with the Council policy F1 Procurement of Goods and Services or to negate limits or conditions applicable to the Cardholder; and
- i) Incurring expenses for the primary purpose of obtaining personal advantage through the transaction (i.e. membership or loyalty rewards).

### **2.7 Cardholder duty of care and responsible use obligations**

A Cardholder is required to:

- a) Keep the Transaction Card and access information in a safe manner; protected from improper use or loss;
- b) Only use the Transaction Card for allowable purposes and not for prohibited purposes;
- c) Obtain, create and retain Local Government records that evidence transactions;
- d) Acquit the reconciliation of Transaction Card usage in the required format and within required timeframes. The onus is on the cardholder to provide sufficient detail for each transaction to avoid any potential perception that a transaction may be of a personal nature;
- e) Return the Transaction Card to the Shire before termination of employment, inclusive of reconciliation records; and

Benefits obtained through use of a Transaction Card (i.e. membership or loyalty rewards) are the property of the Shire and may only be used for Shire business purposes. Such benefits must be relinquished by the Cardholder to the Shire. Under no circumstances may such benefits be retained as a personal benefit.



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### 2.8 Transaction evidence

A sufficient transaction record must include the following minimum information:

- a) Invoice and/or receipt that includes; the date, company name, address, ABN, amount and any GST amount included;
- b) Where an invoice and/or receipt cannot be obtained, the Cardholder must provide a Statutory Declaration-detailing the nature of the expense and sufficient information to satisfy the requirements of subclause (a) above.

Where a Transaction Card is used to incur an expense for hospitality, the transaction record must include for the purposes of Fringe Benefits Tax calculations and probity:

- a) The number of persons entertained;
- b) The names of any employees in that number; and
- c) The purpose of providing the entertainment or hospitality.

REVIEW





Policy Details			
<b>Original Adoption date:</b>	28 February 2019 (Item 9.2.1, Res. 006/2019)	<b>Review Frequency:</b>	2 years
		<b>Next Review Due;</b>	February 2026
<b>Policy Implementing Officer or Team:</b>	Manager of Corporate Services	<b>Policy Reviewer:</b>	Deputy Chief Executive Officer
<b>Legislative Head of Power (Act, Regulation, or Local Law):</b>	Local Government Act 1995 s.6.5 Accounts and Records  Local Government (Financial Management) Regulations 1996 r.5 CEO's duties as to financial management; r.11 Payments, procedures for making, etc  Public Sector Management Act 1994  Corruption, Crime and Misconduct Act 2003  Oaths, Affidavits and Statutory Declarations Act 2005  Department of Local Government, Sporting and Cultural Industries Local Government Operational Guidelines– Use of Corporate Credit Cards		
<b>Related Documents (other Policies, Operational Procedures, Delegations, etc.):</b>	Policy F1 Procurement of Goods and Services CEO Directive D-PC2 Code of Conduct Employees Shire of Derby/West Kimberley Operational Procedure – Transaction Card Administration Shire of Derby/West Kimberley Operational Procedure – Transaction Card User Delegation 1.1.21 Payments from the Municipal or Trust Funds Delegation 1.2.10 Financial Management Systems and Procedures		
Version Control Council Meeting Review Details:			
Review #:	Council Meeting Date:	Item/Resolution#:	
1.	24 June 2021	Item 11.2 Res. 57/21	
2.	24 February 2022	Item 11.5 Res. 07/22	
3.	30 March 2023	Item 10.1 Res. 15/23	
4.	19 February 2024	The Director Strategic Business utilis AUTHO33 Local Government Act 1995 s.5.45 Other matters relevant to delegations under this Division (Acting Through on behalf of the Chief Executive Officer), to make minor changes using delegation 1.1.34 Minor Amendments to Policies and Delegations. Synergy Record No. N21078	
5.	Xx February 2024	Item xx Res. Xxx	



## (F9) RATING ADMINISTRATION POLICY

### POLICY OBJECTIVE

The objective of this policy is to clearly set out guidelines for the calculation of rate increases, determination of non-rateable land, various methods for the payment of rates, write off of minor outstanding payments and associated rating procedures applicable within the Shire of Derby/West Kimberley.

### POLICY STATEMENT

#### 1. **Calculation of Rates and Charges**

Rates are to be raised in accordance with the *Local Government Act 1995*, calculated by the rate in the dollar set by Council for each financial year.

Any applications for objections or disputes must be received within 45 days of the issue of the original rates notice to be considered by Council.

#### 2. **Determining Non Rateable Land**

Non rateable land is defined in accordance with Section 6.26 of the *Local Government Act 1995*. The Chief Executive Officer (CEO) is to determine the validity of claims for non-rateable land.

When determining application in accordance with Section 6.26 (2) (g) of the *Local Government Act 1995* ("land used exclusively for charitable purposes") the organisation is to provide evidence that the property is used for a charitable purpose.

When the CEO has determined land to be non-rateable, details of the organisation, the property and reasons for such determination are to be reported to Council on an information basis through the Information Bulletin.

Any determinations made in accordance with Section 6.26 are to be reviewed every two years where practicable and the list be submitted to Council on an information basis through the Information Bulletin.

#### 3. **Instalment Options for Payment of Rates and Charges**

Ratepayers may choose to pay rates and charges using one of Council's three instalment options.

Instalment Option 1 – one payment covering all rates and charges, including any arrears that may apply. The discount as set by Council each financial year is to be applied to this option for full and early payment of rates.

Instalment Option 2 – two payments covering all rates and charges. An instalment administration fee is charged per instalment as well as instalment interest.

Instalment Option 3 – four payments covering all rates and charges. An instalment administration fee is charged per instalment as well as instalment interest.

Any arrears outstanding from previous financial years must be paid in addition to the first instalment to be eligible for the instalment option.

Instalment interest accrues at a rate set in the budget each year, on any late instalment payments. If an instalment remains unpaid 14 days after the issue of the Instalment Reminder notice, a letter will be sent advising of impending legal action if the instalment is not paid.



Early Payment – Should a ratepayer choose to undertake instalments and then clear their account before the original due date, then the administration and interest costs will be reversed.

Council sets the due dates for instalments in the budget each financial year. The *Local Government Act 1995* states that the due dates for instalments must be at least two months apart.

After 14 days from the issue of the original rate notice, ratepayers forfeit the right to undertake the instalment option provided.

4. **Alternative Payment Arrangements**

Alternative payment arrangements can be made in accordance with Council policy F6 Financial Hardship.

An administration fee as per the annual budget's schedule of fees and charges is to be applied and payable with the first instalment.

Should an alternative instalment payment not be made by the date specified in the agreement between the Shire and the ratepayer, recovery action on the balance of the rate account inclusive of any overdue alternative instalment is to be commenced.

5. **Raising of Minor Penalties**

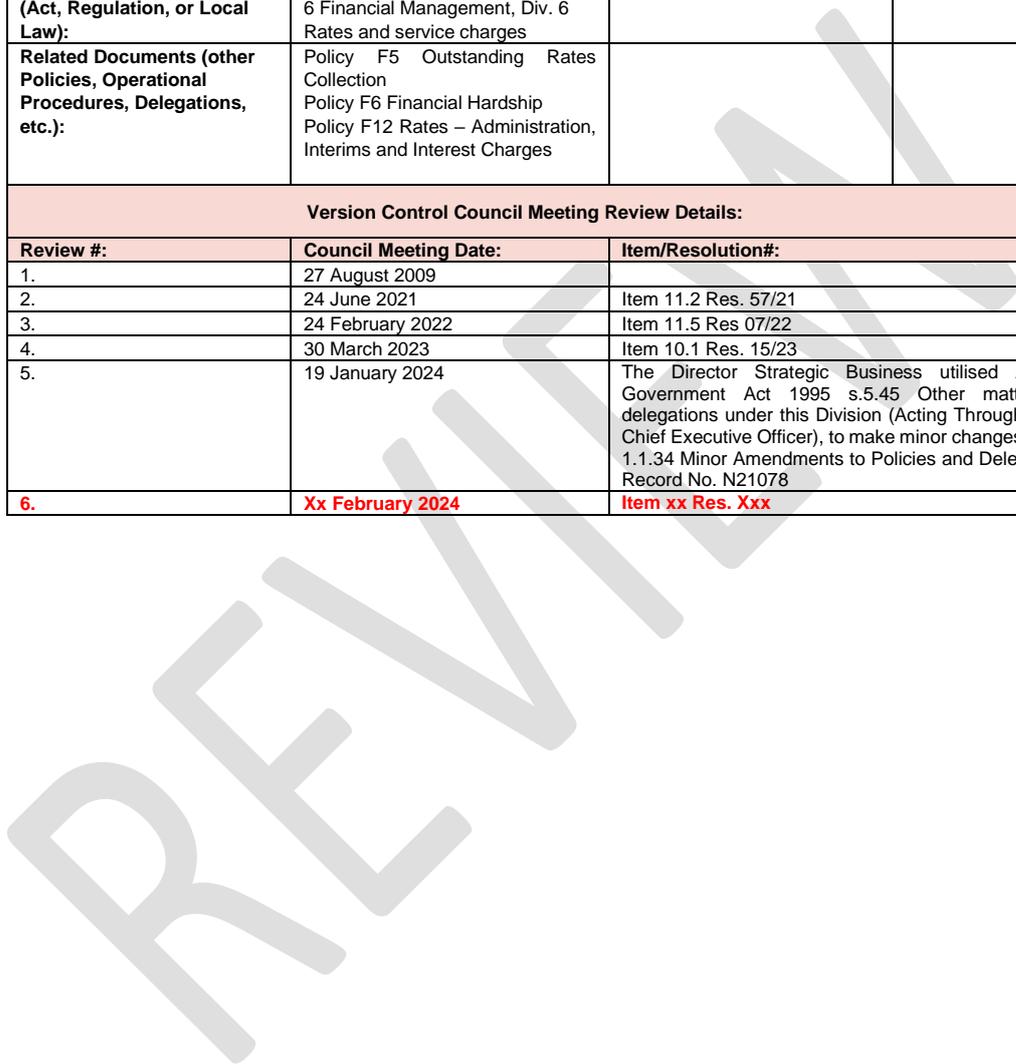
For operational efficiency purposes, late payment penalties shall not be raised until the amount exceeds \$5.00.

Where, in the opinion of the CEO, a ratepayer is clearly aware that penalty exists but refuses to pay the cost, the penalty will be raised.

Penalties will be applied to outstanding assessments for the previous month following the end of month balancing procedures.



Policy Details			
<b>Original Adoption date:</b>	29 July 1998	<b>Review Frequency:</b>	3 years
		<b>Next Review Due:</b>	February 2027
<b>Policy Implementing Officer or Team:</b>	Finance Team	<b>Policy Reviewer:</b>	Deputy Chief Executive Officer
<b>Legislative Head of Power (Act, Regulation, or Local Law):</b>	Local Government Act 1995, Part 6 Financial Management, Div. 6 Rates and service charges		
<b>Related Documents (other Policies, Operational Procedures, Delegations, etc.):</b>	Policy F5 Outstanding Rates Collection Policy F6 Financial Hardship Policy F12 Rates – Administration, Interims and Interest Charges		
Version Control Council Meeting Review Details:			
Review #:	Council Meeting Date:	Item/Resolution#:	
1.	27 August 2009		
2.	24 June 2021	Item 11.2 Res. 57/21	
3.	24 February 2022	Item 11.5 Res 07/22	
4.	30 March 2023	Item 10.1 Res. 15/23	
5.	19 January 2024	The Director Strategic Business utilised AUTHO33 Local Government Act 1995 s.5.45 Other matters relevant to delegations under this Division (Acting Through on behalf of the Chief Executive Officer), to make minor changes using delegation 1.1.34 Minor Amendments to Policies and Delegations. Synergy Record No. N21078	
6.	<b>Xx February 2024</b>	<b>Item xx Res. Xxx</b>	





## (F13) RESERVE ACCOUNTS

### POLICY STATEMENT

#### 1. Cash Backing of Discretionary Reserves

All of Council's discretionary Reserves, which include all Reserves except any asset revaluation reserves, shall be cash backed. The goal, subject to annual budget capacity, is to have the following reserves in place so as to best position the Shire and its ongoing sustainability. Ensure that any all Reserves that Council determines are necessary and appropriate, are matched with funds to ensure the capability to achieve the intent of the Reserve.

The following reserve Accounts shall be provided for (noting that these can be adjusted as part of the Shire's annual budget adoption process):

##### 1.1 (Employee) Leave Reserve (To fund annual and long service leave requirements)

###### Objective:

1. To ensure that sufficient funds have been set aside to meet any unforeseen circumstances (e.g. where payment requirements significantly exceed that provided for in the budget);
2. To be used in conjunction with Annual Budget allocations, to "even out" payments (i.e. so as to avoid any one particular year being charged with a large payment burden);
3. To establish a method as to how to provide for payments of Employee Leave Liabilities over the years;
4. To provide direction to staff, and future Councils, as to how the movements to and from the Reserve are to operate.

###### Notes:

- (a) At each budget, the projected liabilities shall be calculated and adequate provision made in the next budget for the anticipated costs over the next year. If there are any anticipated retirements, these are to be taken into account in the next year's payments, with an appropriate transfer from the Reserve where calculated as being needed.
- (b) This Reserve shall have sufficient money held in it to provide for any large payments that may occur, over and above that previously allowed for. Transfers to and from the Reserve will need to be adjusted at the close of each financial year, following the identification and calculation of the 'actual' figures for the year just past. The most appropriate time for these adjustments to be considered and adopted by Council is at its Budget meeting for the next year.

Council will ensure that it has money on hand to meet:

- (i) For the Current Liability of Annual Leave and Long Service Leave: 100% of the next year's anticipated costs or accruals should be included within the budget proposals;
- (ii) For the Non-Current Liability of Annual Leave and Long Service Leave [i.e.: That beyond one year]: at least 25% of such costs to be held in the Reserve.



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(iii) That transfers to and from this Reserve shall be as per that calculated in accordance with the requirements of AAS30 and adopted in each year's budget, or via any end of year adjustments adopted in the subsequent year's budget.

## 1.2 Rubbish Services Reserve

### Objective:

1. To operate the finances of the Rubbish collection and disposal services, and the related charges, on a 'cost/revenue neutral' basis;
2. To set aside those funds which are in excess of the operating costs each year;
3. To attempt to identify and effect multiple year plans for these services, and to structure the related charges accordingly, in an endeavour to avoid large fluctuations in such annual charges;
4. To provide direction to staff, and future Councils, as to how the movements to and from the Reserve are to operate.

Council will ensure that the surplus or deficit from all the operations of the Rubbish collection and disposal service are transferred to or from the Rubbish Service Reserve as per the provisions included in the budget, including those end of year adjustments for the prior year following the actual results for that year.

The Rubbish/Sanitation charges are to be structured so as to allow for future year issues, in an endeavour to avoid large fluctuations in any one year.

## 1.3 Staff Housing Reserve (to fund the construction of staff housing)

This Reserve Account is to operate for Staff Housing matters. All the income from the sale of Shire Houses is to be transferred into the Staff Housing Reserve Account. This account is to then be used to assist in the funding of future staff housing.

## 1.4 Derby Wharf Export Facilities Reserve (to carry out wharf maintenance)

This Reserve has been established to carry out short and long term wharf maintenance.

## 1.5 Airport Reserve (to fund airport capital works, primarily bitumen resealing)

This Reserve has been established to help fund the reconstruction of the main runway of the Derby Airport, plus other Capital works at all other Shire airports.

## 1.6 Plant Reserve

This Reserve is for the purchase of major plant. It is expected to only have limited use, principally for the helping in shortfall of various purchases or for funding emergency major repairs costs.

## 1.7 Office Building Reserve

To fund the new Derby Administration Building.

## 1.8 Economic Development Reserve

To promote economic development within the Shire.

## 1.9 Fitzroy Resource Centre



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To quarantine funds received from the lease of the Fitzroy Resource Recreation Hall to be utilised for any upgrade works.

### 1.10 Energy Development Reserve

To administer the funds provided by Energy Developments Limited to create lasting value throughout the West Kimberley by contributing to not-for-profit projects or activities that benefit the Shire of Derby/West Kimberley.

### 1.11 Capital Works Reserve

To help with the construction/maintenance of major capital works.

## 2. Examples of Reserves

Reserves that Council has in place or may establish, include (but are not limited to):

- Leave Staff
- Housing
- Office Building
- Airport
- Derby Wharf Maintenance
- Economic Development
- Fitzroy Crossing Recreation Hall.

Policy Details			
Original Adoption date:	31 May 2001	Review Frequency:	Annual-3 years
		(Annual/Bi-ennial):	
		Next Review Due:	February 2027
Policy Implementing Officer or Team:	Director-Corporate Services Deputy Chief Executive Officer	Policy Reviewer:	Chief Executive Officer
Legislative Head of Power (Act, Regulation, or Local Law):	Not applicable		
Related Documents (other Policies, Operational Procedures, Delegations, etc.):	Delegation 1.2.10 Financial Management System and Procedures		
Version Control Council Meeting Review Details:			
Review #:	Council Meeting Date:	Item/Resolution#:	
1.	28 August 2003		
2.	24 June 2021	Item 11.2 Res. 57/21	
3.	24 February 2022	Item 11.5 Res. 07/22	
4.	30 March 2023	Item 10.1 Res. 21/23	
5.	Xx February 2024	Item xxx Res. Xxxx	



## (F17) INVESTMENTS

### POLICY OBJECTIVE

To undertake the authorised investment of the Shire's surplus funds, with consideration of risk at the most favourable rate of interest available to it at the time, for that investment type, while ensuring that its liquidity requirements are met.

### POLICY DEFINITIONS

"**Authorised Institution**" means the same as that defined in Regulation 19C(1) of *the Local Government (Financial Management) Regulations 1996* as amended.

"**Counterparty**" means the other party that participates in a financial transaction.

"**Credit Rating**" means an estimate of overall ability and willingness of an entity or person to fulfil financial obligations in full and on time, based on previous financial dealings. Ratings are opinions issued by credit rating agencies.

"**Short Term**" in relation to investments means it matures in 12 months or less.

"**Long Term**" in relation to investments means it matures in excess of 12 months.

### POLICY STATEMENT

While exercising the power to invest, consideration needs to be given to preservation of capital, liquidity, and the return on investment.

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

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

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

#### 1. **Authority for Investment**

All investments are to be made in accordance with:

- a) *Local Government Act 1995* – Section 6.14;
- b) *Trustees Act 1962*, Part III – Investments;
- c) *Local Government (Financial Management) Regulations 1996* – Regulations 19 and 19C; and
- d) *Australian Accounting Standards*.

#### 2. **Delegation of Authority**

Authority is delegated to the Chief Executive Officer (CEO) to implement this policy. The CEO may in turn delegate the day-to-day management of the Shire's investments in accordance with the provisions of the *Local Government Act 1995*.

#### 3. **Prudent Person Standard**



Investments will be managed with the care, diligence and skill that a prudent person would exercise. Officers delegated with authority to manage investments are to safeguard the portfolios in accordance with the substance of this policy, and not for speculative or any other purposes.

**4. Authorised Investments**

Without Direct approvals from Council, Investments are limited to:

- a) Bank Accepted/Endorsed Bank Bills;
- b) Bank Negotiable Certificates of Deposit;
- c) Bank Interest Bearing Deposits; and
- d) State/Commonwealth Government Bonds.

**5. Prohibited Investments**

The investment policy strictly prohibits any investment carried out for speculative purposes including:

- a) Derivative or derivative based instruments and or structured products;
- b) Principal only investments or securities that provide potentially nil or negative cash flow;
- c) Stand-alone securities issued that have underlying futures, options, forwards contracts and swaps of any kind; and
- d) Any form of investment that risks the loss of the initial capital outlay in anticipation of significant gain that may arise from expected changes in future economic conditions.

This policy also prohibits the use of leveraging (borrowing to invest) of an investment.

This policy also requires that the Shire may not do any of the following when investing money, as per Regulation 19C of the *Local Government (Financial Management) Regulations 1996*:

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

**6. Risk Management Guidelines**

Any investments that are entered into by the Council should comply with the following five key criteria:

1. Portfolio Credit Framework – Limit overall credit exposure of the portfolio;
2. Counterparty Credit Framework – Limit exposure to individual counterparties/ institutions;
3. Term to Maturity Framework – Limits based upon maturity of securities;
4. Market Risk; and
5. Fraud.

(i) *Portfolio Credit Framework*

To control the credit quality on the entire portfolio, the following credit framework limits the percentage of the portfolio exposed to any particular credit rating category.



S&P Long Term Rating	S&P Short Term Rating	Direct Investment Maximum %	Managed Funds Maximum %
AAA	A 1+	100%	100%
AA	A 1	100%	100%
A	A2	60%	80%

- (ii) *Counterparty Credit Framework*  
Exposure to an individual counterparty/institution will be restricted by its credit rating so that any single entity exposure is limited.

S&P Long Term Rating	S&P Short Term Rating	Direct Investment Maximum %	Managed Funds Maximum %
AAA	A 1+	45%	50%
AA	A 1	35%	45%
A	A2	20%	40%

- (iii) *Term to Maturity*  
The investment portfolio is to be invested within the following maturity constraints.

Overall Portfolio Return to Maturity	S&P Short Term Rating	Direct Investment Maximum %
Up to 12 months	40%	100%
12 to 24 months	0%	35%
25 to 36 months	0%	20%

The Term to Maturity impacts investment products exposure in two ways:

- a) **Maturity Risk**- Identifies the impact of maturity on the valuation of the investment. The longer the term to maturity the greater the length of exposure.
- b) **Liquidity Risk**- A low liquidity risk for a product will arise if there a high market depth for a product. The product has to be easily converted to cash in a market environment without too much additional cost to the Council.

- (iv) *Market Risk*  
Market Risk – All investment products should be scrutinised to ensure there is no significant exposure to the Shire from movements in interest rates, currency and other prices.

- (v) *Fraud*  
Two authorised signatories are required to authorise any investment transaction.

**7. Investment Advisor**

Any Investment Advisor used by a local government must be approved by Council and licensed by the Australian Securities and Investment Commission. The advisor must be an independent person who has no actual, potential or perceived conflict of interest in relation to investment products recommended.

**8. Reporting**

A monthly information report should be provided to Council detailing the investment portfolio in terms of performance and counterparty percentage exposure of total portfolio.



The report should also detail investment income earned versus budget year to date.

For audit purposes, certificates must be obtained from the banks/fund managers confirming the amounts of investment held on Council’s behalf at 30 June each year.

**9. Quotations**

At least three quotes must be obtained for investment products that adhere to this investment policy. These quotations will contain enough information to ensure it complies with this investment policy.

**10. Variation to Policy**

The CEO or their delegated representative be authorised to approve variations to this policy if the investment is to the Shire’s advantage and/or due to revised legislation. All variations are to be reported to Council at the next Council meeting.

Policy Details			
<b>Original Adoption date:</b>	31 May 2001	<b>Review Frequency:</b>	1 year
		<b>Next Review Due:</b>	February 2025
<b>Policy Implementing Officer or Team:</b>	Manager of Corporate Services	<b>Policy Reviewer:</b>	Deputy Chief Executive Officer
<b>Legislative Head of Power (Act, Regulation, or Local Law):</b>	Local Government Act 1995 s.6.14 Power to invest The Trustees Act 1962 Part III – Investments Local Government (Financial Management) Regulations 1996 r.19 Investments, control procedures for, and r.19C Investment of money, restrictions on (Act s6.14(2)(a))		
<b>Related Documents (other Policies, Operational Procedures, Delegations, etc.):</b>	Delegation 1.1.23 Power to Invest and Management Investments Delegation 1.2.10 Financial Management Systems and Procedures		
Version Control Council Meeting Review Details:			
Review #:	Council Meeting Date:	Item/Resolution#:	
1.	15 December 2016	Item 11.2 Res. 145/2016	
2.	24 June 2021	Item 11.2 Res. 57/21	
3.	24 February 2022	Item 11.5 Res. 07/22	
4.	30 March 2023	Item 10.1 Res. 15/23	
5.	19 January 2024	The Director Strategic Business utilised AUTHO33 Local Government Act 1995 s.5.45 Other matters relevant to delegations under this Division (Acting Through on behalf of the Chief Executive Officer), to make minor changes using delegation 1.1.34 Minor Amendments to Policies and Delegations. Synergy Record No. N21078	
6.	Xx February 2024	Item xx Res. Xx	



## (F18) PORTABLE AND ATTRACTIVE ITEMS POLICY

### POLICY OBJECTIVE

The objective of this policy is to clearly set out guidelines in identifying, recording and tracking items that are portable and attractive within the Shire of Derby/West Kimberley (Shire).

### POLICY STATEMENT

The policy relates to all employees (full-time, part-time or casual) and temporary staff of the Shire, as well as Elected Members.

This policy applies to all items defined as portable and attractive and all workers who deal with portable and attractive items. A portable and attractive item is an item purchased by the Shire, with Shire funds, irrespective of the funding source, and includes items gifted or donated to the Shire.

The Accountable Officer will comply with all relevant standards and legislation which require written records of portable and attractive items. The Accountable Officer will maintain a register to record the receipt, movement and disposal of non- consumable items of a portable and attractive nature.

### POLICY DEFINITIONS

**Accountable Officer** – The person or entity accountable for the policy or procedure and who coordinates its deployment. The Accountable Officer is also responsible for leading the review of the policy or procedure and will ensure that any policy or procedure has accurate and current Regulatory Compliance Instruments referenced. The Chief Executive Officer / Deputy Chief Executive Officer is/are the accountable officer/s.

**Asset Capitalisation Threshold** – The amount which determines when acquisitions of the Shire will be classified as a portable or attractive asset. The Asset Capitalisation Threshold is \$5,000. All acquisitions less than the Asset Capitalisation Threshold will be expensed in the year of acquisition. All acquisitions greater than \$5,000 will be treated as assets of the Shire. (Refer to the Capitalisation Threshold Rates in F3 Significant Accounting Policies).

**Portable and Attractive Item** – Non-consumable items of a portable and desirable nature which are susceptible to theft or loss due to their portable nature and attractiveness for personal use or resale and that satisfies either of the following criteria:

- a. The item is of a non-consumable nature, such as a portable plant, laptop computer, tablet, desktop computer, mobile phone or portable business/consumer electronic device of any value less than \$5,000 (i.e. with no lower limit); or
- b. A non-consumable item valued between \$1,000 and \$4,999.99 (exclusive of Goods and Services Tax).

The Manager of Corporate Services will review and may adjust the lower value limit annually.

### POLICY PRINCIPLES

The following principles apply:

Portable and attractive items do not meet the Asset Capitalisation Threshold, and consequently are expensed in the year of acquisition.



All workers involved in the purchasing, disposal, usage, transfer, keeping, allocation and/or management of portable and attractive items are responsible for maintaining up-to-date knowledge of this policy and related procedures, to ensure that Council complies with its legislative obligations.

Responsibility for the control and safe custody of a portable and attractive item remains with the manager/supervisor responsible for that area or the worker who has control and use of the portable and attractive item. The Shire will retain ownership of the portable and attractive item at all times.

The Accountable Officer will maintain a portable and attractive item register and portable and attractive items will be subject to an annual stock-take.

#### **Stock-takes**

Stock-takes are the mechanism that assists in confirming the existence and proper control over assets. Stock-takes also ensure that operational units are accountable for the portable and attractive items under their control and assist them to:

- Identify items that have been lost or stolen and, where possible, recover them; and
- Assess the effectiveness of control practices for portable and attractive items and, where required, improve them.

**Frequency of Stock-takes** – Agencies must ensure that stock-takes of portable and attractive items are performed at least once a year, in order to safeguard identified portable and attractive items.

**Responsibility for the Stock-take** – The responsibility of performing the stock-take rests with the area responsible for the portable and attractive register. However, the person assigned to perform the stock-take must not maintain the portable and attractive register or report to that person.

**Results of Stock-take** – The results of each stock-take must be provided to Manager of Corporate Services, who should then address any significant issues of concern.

#### **BREACH OF THIS POLICY**

Any breach of the policy may result in disciplinary action, including, but not limited to, issue of a warning, demotion, suspension or termination of employment.



Policy Details			
<b>Original Adoption date:</b>	28 February 2019 (Item 9.1.1, Res. 005/2019)	<b>Review Frequency:</b>	1 year
		<b>Next Review Due;</b>	February 2025
<b>Policy Implementing Officer or Team:</b>	Manager of Corporate Services	<b>Policy Reviewer:</b>	Deputy Chief Executive Officer
<b>Legislative Head of Power (Act, Regulation, or Local Law):</b>	Local Government (Financial Management) Regulations 1996 r.17B CEO to take steps to protect excluded portable and attractive assets		
<b>Related Documents (other Policies, Operational Procedures, Delegations, etc.):</b>	CEO Directive D-PC2 Code of Conduct Employees Delegation 1.1.21 Payments from the Municipal or Trust Funds Delegation 1.2.10 Financial Systems and Procedures Policy F1 Procurement of Goods and Services Policy F8 Transaction Cards Policy ES3 Fraud, Misconduct Control and Resilience		
Version Control Council Meeting Review Details:			
Review #:	Council Meeting Date:	Item/Resolution#:	
1.	24 June 2021	Item 11.2 Res. 57/21	
2.	24 February 2022	Item 11.5 Res. 07/22	
3.	30 March 2023	Item 10.1 Res. 13/23	
4.	19 January 2024	The Director Strategic Business utilised AUTHO33 Local Government Act 1995 s.5.45 Other matters relevant to delegations under this Division (Acting Through on behalf of the Chief Executive Officer), to make minor changes using delegation 1.1.34 Minor Amendments to Policies and Delegations. Synergy Record No. N21078	
5.	Xx February 2024	Item xx Res. Xxxx	

REVIEWED





## (PC2) WORK HEALTH AND SAFETY POLICY

### POLICY PURPOSE

The purpose of the policy is to demonstrate the commitment of ensuring a safe and healthy work environment for all workers, inclusive of contractors, labour hire, work experience and volunteers, Elected Members, and visitors of the Shire of Derby/West Kimberley (Shire).

### POLICY STATEMENT

The Shire regards the provision of a safe and healthy work environment as fundamental to all organisational activities, and essential to maintaining high standards of organisational sustainability, performance and governance. The following objectives and responsibilities aid the Shire in achieving these standards.

### POLICY OBJECTIVES

1. Comply with *Local Government Act 1995*;
2. Comply with or exceed legislative requirements under the:
  - a. *Work Health and Safety Act 2020* and other relevant legislation; and
  - b. *Work Health and Safety (General) Regulations 2022*.
3. Develop an organisational culture with a high level of health and safety awareness through a continuous improvement process of consultation, communication, information provision, training and accountability.

### RESPONSIBILITIES

1. **Council**  
Ensure sufficient resources are available to achieve the objectives of this policy.
2. **Chief Executive Officer**
  - a) Ensure accountability for compliance with this policy is maintained;
  - b) Meet the Shire's duty of care as Person Conducting a Business or Undertaking (PCBU) under the *Work Health and Safety Act 2020*;
  - c) Promote and champion the importance and benefit of occupational health and safety throughout the organisation; and
  - d) Comply with all applicable laws, regulations, statutory obligations and other relevant requirements.
3. **Manager and Supervisors**
  - a) Plan, implement and budget for strategies to ensure both physical and psychological hazards are identified, and controlled, as far as practicable;
  - b) Accountable for compliance with safe work practices and safety related operational practices and procedures;
  - c) Enforce health and safety requirements within areas of responsibility;
  - d) Meet the Shire's duty of care as a PCBU under the *Work Health and Safety Act 2020*;
  - e) Ensure that all workers are provided with information, instruction, training and supervision appropriate to the scope of work required;
  - f) Provide and maintain a working environment, plant and systems of work, so far as is practicable, such that workers are not exposed to hazards; including the provision of personal protective equipment (PPE) where required;
  - g) Consult with employees on all safety related matters and activities;



- h) Encourage workers, inclusive of contractors, labour hire and volunteers to identify, report, assess and control health and safety risks to continuously improve health and safety in the workplace; and
- i) Actively promote and demonstrate safety leadership to drive continuous improvement through the setting and meeting of measurable safety objectives and targets as outlined by the Chief Executive Officer, and the Executive and Management Teams.

**4. Workers – including Contractors, Labour Hire, Work Experience and Volunteers**

- a) Work with care, for their own health and safety and of others;
- b) Meet the duty of care as workers under the *Work Health and Safety Act 2020*;
- c) Be proactive in identifying and reporting workplace hazards, incidents and near misses;
- d) Participate in identified health and safety training; and
- e) Comply with the Shire of Derby/West Kimberley’s health and safety requirements and instructions.

**5. Others – including Councillors and Visitors**

- a) Take reasonable care of their own health and safety when within Shire workplaces;
- b) Take reasonable care not to adversely affect other persons through their own acts or omissions; and
- c) Ensure as far as is reasonably possible, to comply with any reasonable instruction that is given by the Shire to enable them to fulfil the *Work Health and Safety Act 2020* requirements.

Policy Details			
Original Adoption date:	29 April 1998	Review Frequency:	1 year
		Next Review Due:	February 2025
Policy Implementing Officer or Team:	Senior Work Health and Safety Advisor	Policy Reviewer:	Chief Executive Officer
Legislative Head of Power (Act, Regulation, or Local Law):	Work Health and Safety (WHS) Act 2020 Work Health and Safety (General) Regulations 2022 Workers’ Compensations and Injury Management Act 1981 Health and Safety Codes of Practice, Guidance Notes and Australian Standards  Local Government (Functions and General) Regulations 1996		
Related Documents (other Policies, Operational Procedures, Delegations, etc.):	Policy PC1 Risk Management and Opportunity Management Policy PC3 Injury Management Work Health and Safety Handbook 2022 SDWK Tier 2 Action Plan		
Version Control Council Meeting Review Details:			
Review #:	Council Meeting Date:	Item/Resolution#:	
1.	24 June 2021	Item 11.2 Res. 57/21	
2.	24 February 2022	Item 11.5 Res. 07/22	
3.	29 June 2023	Item 12.3 Res. 70/23	
4.	19 January 2024	The Director Strategic Business utilised AUTHO33 Local Government Act 1995 s.5.45 Other matters relevant to delegations under this Division (Acting Through on behalf of the Chief Executive Officer), to make minor changes using delegation 1.1.34 Minor Amendments to Policies and Delegations. Synergy Record No. N21078	
5.	Xx February 2024	Item xx Res. Xx	





### (PC3) INJURY MANAGEMENT AND REHABILITATION

#### POLICY STATEMENT

It is a policy of the Shire of Derby/West Kimberley:

- a) To make provision for the injury management and rehabilitation of all workers who have sustained a compensable work related illness, injury or disability and to adhere to the requirements of the *Workers Compensation and Injury Management Act 1981*.
- b) To treat all workers with dignity and respect.
- c) To guarantee that all information is treated with sensitivity and confidentiality.
- d) To return the injured worker to the fullest capacity for gainful employment of which they are capable.

With this in mind, the 'Key Principles of Injury Management', as identified by *WorkCover WA*, will be adopted.

They are:

1. Recognition that employers and injured workers are the primary stakeholders within the workers' compensation system.
2. Maintenance in or a safe return to work is the expected outcome.
3. Medical practitioners and employers play a central decision making role in the return to work of injured workers.
4. The focus of all services should be workplace based.
5. The injury management process should be transparent, cost efficient and effective.
6. Early intervention and pro-active injury management is critical in achieving return to work goals.
7. When vocational rehabilitation is required, all parties are involved in a process that is transparent and requires joint decision making.



Policy Details			
<b>Original Adoption date:</b>	25 March 1998	<b>Review Frequency:</b>	1 year
		<b>Next Review Due:</b>	February 2025
<b>Policy Implementing Officer or Team:</b>	Work Health and Safety Advisor	<b>Policy Reviewer:</b>	Chief Executive Officer
<b>Legislative Head of Power (Act, Regulation, or Local Law):</b>	Worksafe Commissioner – Work Health Safety Act 2020 Work Health Safety (General) Regulations 2022 Workers Compensation and Injury Management Act (1981) Australian Standards 1885.1-1990 Workplace injury and disease recording standard		
<b>Related Documents (other Policies, Operational Procedures, Delegations, etc.):</b>	Policy PC1 Risk and Opportunity Management Policy PC2 Work Health and Safety Policy Procedures: Hazard / Near Miss Reporting, Vehicle Incident / Accident Reporting, Property Incident / Accident Reporting, Personal Injury Incident / Accident Reporting		
Version Control Council Meeting Review Details:			
Review #:	Council Meeting Date:	Item/Resolution#:	
1.	28 August 2003	Item 10.2.2 Res. 163/2003	
2.	24 June 2021	Item 11.2 Res. 57/21	
3.	24 February 2022	Item 11.5 Res. 07/22	
4.	30 March 2023	Item 10.1 Res. 15/23	
5.	19 January 2024	The Director Strategic Business utilised AUTHO33 Local Government Act 1995 s.5.45 Other matters relevant to delegations under this Division (Acting Through on behalf of the Chief Executive Officer), to make minor changes using delegation 1.1.34 Minor Amendments to Policies and Delegations. Synergy Record No. N21078	
6.	Xx February 2024	Item xx Res. Xx	



**(ES3) FRAUD, MISCONDUCT CONTROL AND RESILIENCE**

**POLICY OBJECTIVE**

To articulate the Shire of Derby/West Kimberley’s (Shire) commitment to a zero-tolerance approach to fraud, misconduct, bribery and corruption (Fraud and Misconduct) and to building resilience through the identification and implementation of strategies to prevent, detect and respond to Fraud and Misconduct.

**POLICY STATEMENT**

The Shire adopts a zero-tolerance approach to Fraud and Misconduct and will appropriately deal with all allegations and suspected instances of Fraud and Misconduct. This includes notifying, reporting or referring any such instances to the appropriate authority for investigation and possible prosecution. The Shire will seek to recover any losses incurred after considering all relevant issues.

**POLICY SCOPE:**

The management of Fraud and Misconduct is a collective responsibility of all persons engaged or closely associated with the Shire in any capacity.

The Shire’s ‘Statement of Business Ethics’, its **Code of Conduct for Council Members, Committee Members, and Candidates, and CEO Directive D-PC2 Code of Conduct (Employees)** outlines the integrity and ethical standards expected by the Shire to ensure business relationships between the Shire (and its Employees), suppliers and/or service providers exhibit the highest standards of integrity when conducting business.

Term	Definition
<b>Australian Standard</b>	AS8001-2021 – Fraud and Corruption Control.
<b>Bribe</b>	The Offering, giving, receiving, or soliciting of something of value for the purpose of influencing the action of an official in the discharge of his or her public or legal duties.
<b>CCC</b>	Corruption and Crime Commission.
<b>CEO</b>	Chief Executive Officer.
<b>Code of Conduct</b>	Principles, values, standards, and rules of behaviour that guide the decisions, procedures and systems of the Shire of Derby/West Kimberley.
<b>Corruption</b>	Dishonest activity in which a director, executive, manager, employee, or contractor of an entity acts contrary to the interests of the entity and abuses his/her position of trust in order to achieve some personal gain or advantage for him or herself or for another person or entity.  The concept of “corruption” can also involve corrupt conduct by the entity, or a person purporting to act on behalf of and in the interests of the entity, to secure some form of improper advantage for the entity.
<b>Employee</b>	A person employed by a local government in accordance with section 5.36 of the <i>Local Government Act 1995</i> including the CEO, Directors, Managers, officers, casual and contract employees.
<b>Fraud</b>	Dishonest activity causing actual or potential financial loss to any person or entity including theft of moneys or other property by employees or persons external to the entity and where deception is used at the time, immediately before or immediately following the activity. This also includes the deliberate falsification, concealment, destruction or use of falsified documentation used or intended for use for a normal purpose or the improper use of information or position for personal financial benefit.  The theft of property belonging to an entity by a person or persons internal to the entity but where deception is not used is also considered ‘fraud’ [for the purposes of this standard] (Source: AS8001:2008).





Term	Definition
<b>Minor Misconduct</b>	Minor misconduct occurs if a public officer engages in conduct that: <ul style="list-style-type: none"> <li>a. adversely affects the honest or impartial performance of the functions of a public authority or public officer, whether or not the public officer was acting in their public officer capacity at the time of engaging in the conduct; or</li> <li>b. involves the performance of functions in a manner that is not honest or impartial; or</li> <li>c. involves a breach of the trust placed in the public officer; or</li> <li>d. involves the misuse of information or material that is in connection with their functions as a public officer, whether the misuse is for the benefit of the public officer or the benefit or detriment of another person; <b>and</b> constitutes, or could constitute, a disciplinary offence providing reasonable grounds for termination of a person's office or employment. (<i>Corruption, Crime and Misconduct Act 2003</i>).</li> </ul>
<b>Misconduct</b>	Means when a public officer abuses their position and/or authority for personal gain, to cause detriment to another person, or acts contrary to the public interest (Source: Corruption and Crime Commission).
<b>PID Act</b>	The <i>Public Interest Disclosure Act 2003</i> was introduced to encourage people to report wrongdoing within amongst other places, a Local government, and protect them when they do.
<b>PID Officer</b>	The ' <i>Public Interest Disclosure (PID) Officer</i> ' is the person who holds the specified position as the proper authority to receive public interest disclosures within the sphere of responsibility of the public authority. This person is designated by the Principal Executive Officer (PEO) under section 23(1)(a) of the PID Act.
<b>PSC</b>	Public Sector Commission.
<b>Public Interest Information</b>	means information that tends to show, in relation to its public function a public authority, a public officer, or a public sector contractor is, has been, or proposes to be, involved in: <ul style="list-style-type: none"> <li>(a) improper conduct; or an act or omission that constitutes an offence under a written law; or a substantial unauthorised or irregular use of, or substantial mismanagement of, public resources; or an act done or omission that involves a substantial and specific risk of – <ul style="list-style-type: none"> <li>(i) injury to public health; or</li> <li>(ii) prejudice to public safety; or</li> <li>(iii) harm to the environment; or</li> </ul> </li> </ul> matter of administration that can be investigated under section 14 of the Parliamentary Commissioner Act 1971. ( <i>Public Interest Disclosure Act 2003</i> ).
<b>Public Officer</b>	Includes a member, officer, or employee of an authority, board, corporation, commission, local government, council, committee or other similar body established for a public purpose under an Act ( <i>Corruption, Crime and Misconduct Act 2003</i> ).
<b>Public Authority</b>	Includes a council, committee, local government, regional local government or similar body established under a written law. ( <i>Corruption, Crime and Misconduct Act 2003</i> ).
<b>Serious Misconduct</b>	Serious misconduct occurs when: <ul style="list-style-type: none"> <li>a) a public officer corruptly acts or corruptly fails to act in the performance of the functions of the public officer's office or employment; or</li> <li>b) a public officer corruptly takes advantage of the public officer's office or employment as a public officer to obtain a benefit for himself or herself or for another person or to cause a detriment to any person; or</li> <li>c) a public officer whilst acting or purporting to act in his or her official capacity, commits an offence punishable by two or more years' imprisonment. (<i>Corruption, Crime and Misconduct Act 2003</i>).</li> </ul>



## 1. **IMPLEMENTATION**

This policy along with the *'Shire's two separate codes of conduct*, the Shire's values and culture and its governance and risk management frameworks all operate in synergy to prevent, detect and respond to potential or actual fraud and misconduct.

The framework establishes the strategies and processes by which the Shire will determine specific practices, plans and procedures to manage the prevention and detection of fraudulent activities, the related investigation and, where appropriate, referral of incidents to the appropriate authorities.

### 1.1 **Reporting Serious or Minor Misconduct**

A Public Officer or any other person may report to the CCC or the PSC any matter which that person suspects on reasonable grounds concerns or may concern serious or minor misconduct. Information on reporting to the appropriate authority is available on the Shire's public website.

### 1.2 **Public Interest Disclosure**

Any person may make an appropriate disclosure of public interest information to the Shire, including anonymously.

If disclosures are made in accordance with the PID Act, the person making them is protected from reprisal. This means that the person enjoys immunity from civil or criminal liability, disciplinary action or dismissal.

The PID Act requires local governments to appoint a PID Officer to whom disclosures may be made. The PID Officer may be consulted when considering whether to make a disclosure. Information on disclosures and the Shire's PID Officers are maintained on the Shire's public website.

### 1.3 **Disciplinary and Recovery Action**

The Shire will respond to all instances of Fraud and Misconduct which may lead to termination, in accordance with its disciplinary process. The Shire will also seek to recover any losses it may have suffered through Fraud and Misconduct.

## 2. **DISPUTE RESOLUTION**

All disputes in respect of this policy must be referred to the Deputy Chief Executive Officer in the first instance, and if unresolved, to the CEO.



Policy Details			
<b>Original Adoption date:</b>	28 February 2019 (Item 9.1.1, Res. 005/2019)	<b>Review Frequency:</b>	3 years
		<b>Next Review Due:</b>	February 2027
<b>Policy Implementing Officer or Team:</b>	Senior Management Team	<b>Policy Reviewer:</b>	Chief Executive Officer
<b>Legislative Head of Power (Act, Regulation, or Local Law):</b>	Public Interest Disclosure Act 2003 Corruption, Crime and Misconduct Act 2003		
<b>Related Documents (other Policies, Operational Procedures, Delegations, etc.):</b>	Code of Conduct for Council Members, Committee Members, and Candidates CEO Directive D-PC2 Code of Conduct Employees Shire of Derby/West Kimberley Statement of Business Ethics Australian Standard for Fraud and Corruption Control (AS8001:2008/2021) Australian Standard for Organisational Codes of Conduct (AS8002:2003) Australian Standard for Whistleblower Protection (AS8004:2003) Australian National Audit Office – Fraud Control in Australian Government Entities Public Sector Commission: Public Sector Code of Ethics, Ethical Foundations – Commissioner’s Instruction 40, Integrity Strategy for WA Public Authorities 2020-2023  Corruption & Crime Commission: Agency Misconduct Management Systems and Misconduct Public Interest Disclosure Act 2003 The joint Corruption & Crime Commission/Public Sector Commission document titled “Notification of misconduct in Western Australia”  Reporting Serious and Minor Misconduct Policy and Procedures  Policy PC1 Risk and Opportunity Management Policy and Framework  Gifts, Benefits and Conflict of Interest Policies/Codes/Procedures		
Version Control Council Meeting Review Details:			
Review #:	Council Meeting Date:	Item/Resolution#:	
1.	24 June 2021	Item 11.2 Res. 57/21	
2.	24 February 2022	Item 11.5 Res. 07/22	
3.	30 March 2023	Item 10.1 Res. 15/23	
4.	19 January 2024	The Director Strategic Business utilised AUTHO33 Local Government Act 1995 s.5.45 Other matters relevant to delegations under this Division (Acting Through on behalf of the Chief Executive Officer), to make minor changes using delegation 1.1.34 Minor Amendments to Policies and Delegations. Synergy Record No. N21078	
5.	Xx February 2024	Item xx Res. Xxx	





## (ES5) COMMUNITY LEASES AND LICENSE AGREEMENTS OF SHIRE ASSETS (FACILITIES, BUILDINGS AND LAND)

### 1. POLICY OBJECTIVE

To provide a structured, equitable and consistent approach to the management of the Shire of Derby/West Kimberley's community lease and licence agreements with local community groups for the use of Shire owned and controlled facilities, buildings and lands.

### 2. POLICY DEFINITIONS

**Act** means The Local Government Act 1995 as amended.

**Community or Sporting Group** means a not for profit (vis. Does not operate as a business), corporation or organisation, sporting, recreational, occupational or religious group of any size whose members reside in the Shire and which contributes to active people, clubs and associations. Groups must be incorporated to enter into a Lease or Licence with the Shire and comprise of a committee consisting of a President, Vice President, Treasurer, and Secretary.

Other bodies (for example, local Aboriginal Corporations) might also qualify as being classified under this policy as a Community or Sporting Group, but will be subject individual assessment by the Shire on a case-by-case basis.

**Community Lease** means a legally binding agreement granted to community, sporting or recreation associations and government bodies or other organisations that provide services solely for the benefit of the community.

**Crown Land** means land owned by the Crown and vested in the Shire through the granting of a Management Order.

**Freehold Land** means freehold land (or fee simple) provides the most complete form of ownership of that land, in perpetuity. It allows the land holder to deal with the land including selling, leasing, licensing or mortgaging the land, subject to compliance with applicable laws such as planning and environment laws.

**Fees and Charges** means the rate set annually by Council in its absolute discretion as the rate chargeable for rateable Property.

**Incorporated** means a group of people who are recognised as a legal entity, separate from individual members as defined under the *Associations Incorporation Act (1987)*.

**Lease** means a legally binding agreement by which one party (Lessor) in consideration of rent, grants exclusive use and possession of real Property to a third party (Lessee) for a specified purpose and term. A Lease creates an interest in the Property.

**Lease or Licence Variation** means the addition, removal or change of one or more of the Lease or Licence provisions. The Shire's Deed of Variation template is utilised for lease and licence variations. This templates allows an arrangement for the lease or licence to be amended, provided the amendment is signed by all parties.



**Lessee** means an authorised third party that has entered into a Lease or Licence with the Shire for the use of Shire owned or managed real Property and pays rent to occupy the Property (and where the context permits includes a Licensee).

**Lessor** means the Shire being the owner or management body of Property with power to Lease or Licence to a third party (Lessee).

**Licence** means a permit for a person to occupy Property, or part thereof on particular conditions. The main feature that distinguishes a Licence from a Lease is that a Licence does not permit exclusive use of the Property. A Licence does not create an interest in the Property.

**Licensee** means a person that holds an approved Licence. For the purpose of this document (where context permits) a Licensee will also be referred to as "Lessee".

**Management Order** means an authorisation provided by the Crown giving the Shire both the power and authority to manage a parcel of land on behalf of the Crown.

**Planning Scheme Consent** means Local Planning Authority requirement if proposing to change a land use, develop or use any land including the erection, construction or alteration of any building, excavation or other works on any land.

**Property** means the Property that is subject to or intended to be subject to a Lease or Licence.

**Reserve** means a defined area of land belonging to the Crown which has been vested in the Shire by way of a Management Order.

**Shire** means the Shire of Derby/West Kimberley.

### 3. ESSENTIAL PRINCIPLES APPLIED BY THE SHIRE WHEN GRANTING A LEASE OR LICENCE OVER PROPERTY

#### 3.1 **Lessee / Licensee**

The Shire may enter into a Lease or Licence with the following entities:

- a) Incorporated Associations; and
- b) The Crown / a Statutory Authority / other Government body.

A standard lease or licence document is to be used in respect of all agreements, however the Shire reserves the right to attach a schedule to the agreement setting out special conditions, fees or concessions as appropriate and to amend the template lease or licence document as it sees fit.

#### 3.2 **Type of Agreement**

A Lease will be entered into where the intention is to grant exclusive possession of the property or part of the property.

A Licence will be entered into where the intention is to grant non-exclusive possession of the property or part of the property.

All property rights will be granted in writing.



### **3.3 Templates for Leases and Licences**

Shire templates are to be provided for each type of use envisaged by this policy in regards to creating a Lease or Licence agreement for community groups to utilise Shire facilities, buildings or land.

#### **3.3.1 Lease of Community Facility Template**

This template is used when the Shire is leasing out the whole or a portion of a facility, building or land which is Shire property. Groups that lease community facilities have sole occupancy of the leased area, meaning that other groups do not have access to this area at any stage for the entirety of the lease agreement. For example: the whole of the land contained in a Certificate of Title, a room within a larger facility or an entire building. The lease template will continue to evolve and will be updated from time to time as the need arises.

#### **3.3.2 Licence Agreement to Use Community Facility Template**

This template is used where the licensee does not have exclusive possession of the premises. It provides the Shire with flexibility to licence the premises to other parties at different times and better utilise the land and buildings. For example, a group may wish to hire out a storage room for six months of the year during its season or it may share the area with another group whom would also enter into a non-exclusive licence agreement to use the storage room on a shared basis. The licence template will continue to evolve and will be updated from time to time as the need arises.

Community user licences are not to be used for general hire of a facility (for example, for utilising a venue already listed in the Shire's Fees and Charges Schedule on a weekly basis for six hours/week).

## **4. TERM**

The term will depend on many factors:

- a) The needs of the Shire.
- b) The needs of the Community.
- c) The Lessee.
- d) The ongoing need for the Property or the provided use.
- e) The Management Order for the Property (if Crown land) and the requirements of the State Government/Minister for Lands.
- f) The maximum tenure of a Lease or Licence granted by the Shire on Crown land will be 21 years, including any included Lease term option/s.

The maximum tenure of a Lease or Licence granted by the Shire on freehold land will be at the discretion of Council.

## **5. VARIATION**

If a Lessee requests a variation to a Lease or Licence, the Shire may grant a variation on condition that the variation is achieved by surrender of the existing Lease or Licence and the grant of a new Lease or Licence with additional conditions the Shire considers appropriate, at the Lessee's cost.

## **6. ASSIGNMENT**

A Lessee must not assign a Lease or Licence without the Shire's prior written consent, which may be withheld in the Shire's absolute discretion. Assignors continue to be liable for the remainder term of the Lease and will be required to prove suitability of an assignee.



#### **7. FURTHER TERM / RENEWAL**

If a Lease or Licence provides for a further term, the Shire may grant the Lessee an extension of the Lease or Licence if the Lessee is not or has not been in default and complies with the procedures in the Lease or Licence for renewal. Where an option to renew is stated in the lease or licence agreement, this template is to be used to exercise this option. Both Parties signatures are required.

#### **8. PLANNING, CONSENT & APPROVALS**

Planning Scheme Consent/Approval (if required) must be obtained from the Shire as the local planning authority prior to any request for a lease or licence.

Where the Shire manages Crown land, the grant of a Lease or Licence, and each renewal, if any, will be conditional on Minister for Lands approval.

The Lessee or Licensee is solely responsible for obtaining all approvals, licences and authorities necessary to conduct the proposed activities on any premises.

The Shire makes no representation that a premises is suitable for any activity, whether permitted or otherwise.

#### **9. WORKS**

A Lessee may only undertake works on the Property in accordance with the Shire's prior written consent. A Lessee will also be responsible for any planning or building approvals that may be required. All works are to be conducted in a safe and professional manner.

#### **10. ENVIRONMENTAL**

A Lessee must not clear vegetation on the Property without the Shire's prior written consent.

#### **11. VACANT POSSESSION AND EXPIRY OF TERM**

Removal of a Lessee's effects, buildings or infrastructure, apparent cessation of activities, or the continued vacancy of premises, without notice, may be deemed a surrender of Lease or Licence without notice.

If a Lessee remains in occupation of Property after expiry of the Term, with the consent of the Shire, it will do so from month to month unless the Lease/Licence or Shire otherwise provides different holding over arrangements.

On expiry or termination of a lease or License, a Lessee may be directed to remove all Lessee's improvements at the Lessee's cost, unless otherwise directed by the Shire.

A Lessee must make good, damage caused by removal of its improvements and restore the Property to the same condition as at the beginning of the term.

#### **12. RISK MANAGEMENT AND INSURANCE**

The Shire requires that all Leases and Licences contain appropriate risk management measures including an obligation on the Lessee to:

- a) Indemnify the Shire (and the Minister for Lands if on Crown land) for loss or damage to persons or Property, wherever occurring;
- b) Maintain adequate public liability insurance;



- c) Ensure that appropriate documentation and insurance is in place for the hired use of the Property;
- d) Carry appropriate worker’s compensation insurance commensurate with activities; and
- e) Be responsible for emergency and evacuation procedures.

A Lessee must maintain a minimum of \$20million public liability insurance per occurrence during the term. If activities undertaken on the Leased or Licensed Property are considered high risk, a higher level of public liability insurance may be required by the Shire.

A Lessee is recommended to insure its personal Property (including contents) for the full replacement value as the Shire will not be responsible for any such replacements under any circumstances.

A Lessee will be required to provide the Shire with a copy of insurance certificates of currency before possession is granted under the Lease or Licence commences, and annually thereafter.

**13. LEASE AND LICENCE ANNUAL FEES**

An annual rent is to be charged for the use of the facility, building or land as per the below table. The Annual Fee will not be subject to annual increments, but may be amended following budget or policy review. Changes to annual fees as and when presented to Council, are considered to be a review of this policy.

<b>Guidelines on Fees for All Lease &amp; Licence Agreements</b>
The fees below are not to be incorporated into a Lease or Licence Agreement for general hire of a facility (e.g. utilising a venue in the Shire’s Annual Fees and Charges Schedule on a weekly basis for 6 hours per week).
Fees apply to club/associations regardless of financial stability.
Facilities, Buildings or Reserves will be charged at the same rate per annum regardless of size and location.
Fees apply regardless of new, old or renovated facility, building or land.
Fees apply regardless of any work carried out by the club or association.
Only one room, store room, building, facility or reserve to one lease/licence agreement. Groups may be able to access more than one lease/licence agreement should the Shire have facilities, buildings, rooms or reserves available.

<b>Facility, Building or Land Lease or Licence Agreement</b>	<b>Fee per Annum</b>	<b>Guidelines</b>
<i>Lease – Reserve/Land</i>	TBC (plus GST)	Buildings and infrastructure is an asset of the club/association and is the club’s responsibility. Insurance premiums, utilities, fire control (including DFES Levy) etc. is the responsibility of the lessee.





Facility, Building or Land Lease or Licence Agreement	Fee per Annum	Guidelines
<b>Lease – Associations/Clubs that Hold a Liquor Licence</b>	TBC (plus GST)	<p>This applies to any venue or reserve under a lease/licence agreement that is an approved Licenced Premises by the State Government for the sale of alcohol.</p> <p>Personal Property Insurance premiums and utilities are the responsibility of the lessee.</p>
<b>Lease – Entire Facilities or Rooms within a Building</b>	TBC (plus GST)	<p>These areas can be small or large however must be able to accommodate a recreational activity or small group meeting.</p> <p>These buildings, rooms or facilities must be for a ‘sole recreational purpose’. For example club meeting rooms, tennis courts, rooms within a facility are in a building in which the Shire hires the remaining areas of the facility to general users as per the Annual Fees. Personal Property Insurance premiums and utilities are the responsibility of the lessee.</p>
<b>Lease – Junior Organisation</b>	TBC (plus GST)	<p>The club/Association/Organisation must be specifically for children 17 years and under. This does not apply to any organisation that invites adults (i.e. 18 years and over).</p> <p>This applies to junior organisations that are on a reserve or have an entire facility or room/s within a facility. Personal Property Insurance premiums and utilities are the responsibility of the lessee.</p>
<b>Lease – storage</b>	TBC (plus GST)	<p>This is for any group that has storage within or on a Shire Property. Store rooms generally have no air conditioners or windows.</p> <p>Store rooms cannot accommodate space for a meeting room.</p> <p>Fees and Charges or Utilities or Service charges will not be charged; this includes Water Consumption, Water Rates, Land Tax, DFES Levy and Electricity.</p>
<b>All Community Lessee and Licensees</b>	TBC% discount	Collection Charges weekly bin service only.
	TBC% discount	Local Government rates.





Policy Details			
<b>Original Adoption Date:</b>	29 April 2021 (Item 11.1. Res. 33/21)	<b>Review Frequency:</b>	3 years
		<b>Next Review Due:</b>	February 2027
<b>Policy Implementing Officer or Team:</b>	Chief Executive Officer	<b>Policy Reviewer:</b>	Chief Executive Officer
<b>Legislative Head of Power (Act, Regulation, or Local Law):</b>	Local Government Act 1995 Local Government (Functions and General) Regulations 1996 Shire of Derby/West Kimberley Local Government Property Local Law 2011		
<b>Related Documents (other Policies, Operational Procedures, Delegations, etc.):</b>	Standard Community Lease and Community Licence documents		
Version Control Council Meeting Review Details:			
Review #:	Council Meeting Date:	Item/Resolution#:	
1.	30 September 2021	Item 11.1 Res. 111/21	
2.	29 June 2023	Item 12.3 Res. 70/23	
3.	19 January 2024	The Director Strategic Business utilised AUTHO33 Local Government Act 1995 s.5.45 Other matters relevant to delegations under this Division (Acting Through on behalf of the Chief Executive Officer), to make minor changes using delegation 1.1.34 Minor Amendments to Policies and Delegations. Synergy Record No. N21078	
4.	Xx February 2024	Item xx Res. Xx	

REVIEWED





**Shire of Derby /  
West Kimberley**

# **New Policies For Adoption**





## (C14) MEDIA AND COMMUNICATIONS POLICY

### POLICY OBJECTIVE

To provide a professional, consistent, and cohesive approach to addressing media related issues within the Shire of Derby/West Kimberley (the Shire).

This policy provides detail on obligations and protocols for responsible engagement with the community through traditional and digital communication platforms. This includes but is not limited to advertisements, media releases and public statements, media interactions, written publications, website, social media, online and web-based forums, blogs, and online surveys/polls.

### SCOPE

This policy is applicable to all elected members, employees, consultants, volunteers, contractors, and outsourced service providers of the Shire.

### DEFINITIONS

**Elected Members** means current elected members (Shire President and Councillors) of the Shire.

**Employee** means any employee, contractor, volunteer etc. of the Shire.

**Media** means all mediums used for communication including but not limited to, television, radio, newspaper, newsletter, magazine, internet, and social media.

**Social media** includes internet-based tools for sharing and discussing information among people and communities. It refers to user-generated information, opinion and other content shared and discussed over open digital networks. Social media may include (although it is not limited to):

- Social networking websites (e.g., Facebook, LinkedIn, Google+),
- Video and photo sharing platforms (e.g., Instagram, Snapchat, Flickr, YouTube, Tik Tok),
- Blogs, including corporate blogs and personal blogs,
- Blogs hosted by media outlets (e.g., 'comments' or "your say" features on news articles),
- Micro-blogging (e.g., Twitter),
- Wikis and online collaborations (e.g., Wikipedia),
- Forums, discussion boards and groups (e.g., Google groups),
- Video on demand (VOD) and podcasting,
- Online multiplayer gaming platforms,
- Instant messaging (including SMS), and
- Geospatial tagging (e.g., Foursquare, Facebook, Check-in).

**Comment** includes but is not limited to, public speaking engagements, comments to radio, television, press, online media outlets, views expressed in letters to newspapers or in books, journals, and notices where it is expected that the publication or circulation of the comment will spread to the community at large.

**Confidential information** is defined as information or data that must be protected from unauthorised access to safeguard the privacy or security of Council.



## **POLICY STATEMENT**

The Shire aims to provide consistent information to the community, in a timely manner using various modes of media.

The purpose of this policy is to:

- Outline the standards and expectations the Shire has of its elected members and employees as public officers, when making public comment both in their professional and personal lives,
- Provide public image of Council in line with corporate objectives,
- Ensure consistent information is provided to the media and community, in an open and transparent manner,
- Ensure Council presents a consistent message,
- Maximise media opportunities for Council's achievements and programs, and
- Maintain Council's corporate integrity.

This policy also acknowledges the rights and responsibilities of elected members as outlined in the *Local Government Act 1995*.

The Shire acknowledges that everyone has the right to contribute content to public communications and that individuals may use social media in their personal life and does not intend to discourage nor unduly limit personal expression or online activities. However, the potential for damage to be caused (either directly or indirectly) to the Shire in certain circumstances via the use of social media, should be recognised. Accordingly, this policy is to ensure that the risk of such damage is minimised when using social media.

### **1. Official Communications**

The purposes of the Shire of Derby/West Kimberley's official communications include:

- Sharing information required by law to be publicly available.
- Sharing information that is of interest and benefit to the community.
- Promoting Shire events and services.
- Promoting Public Notices and community consultation / engagement opportunities.
- Answering questions and responding to requests for information relevant to the role of the Shire.
- Receiving and responding to community feedback, ideas, comments, compliments and complaints.

The Shire's official communications will be consistent with relevant legislation, policies, standards and the positions adopted by the Council. Our communications will always be simple to understand, respectful and professional.

The Shire will use a combination of different communication modes to suit the type of information to be communicated and the requirements of the community or specific audience, including:

- Websites;
- Advertising and promotional materials;
- Media releases prepared for the President, to promote specific Shire positions;
- Social media; and
- Community newsletters, and letter drops and other modes of communications undertaken by Administration at the discretion of the Chief Executive Officer (CEO).



## 2. Media engagement and comment

All public statements on behalf of the Shire can only be issued by the Shire President or, if the President permits, the CEO. This is addressed under section 5.41(f) of the *Local Government Act 1995* and the Council policy *C8 Public Statements by Councillors and Chief Executive Officer*.

The CEO may refer an issue to another employee where appropriate, including at the request of the Shire President, but only the CEO may direct another employee accordingly.

The Shire President, CEO or authorised person should express the will of the Council and should not in any way present views which are, or could be interpreted as being inconsistent with the formal decisions or will of the Council.

No employee can speak on behalf of the Shire, to journalists in the media or social media outlets, without prior authorisation by the CEO.

### 2.1 Responding to Media Enquiries

The Media Team shall manage and coordinate all media relations.

Council and employees shall encourage all media to direct initial enquiries to the CEO or the Media Team, who is responsible for liaising with media and coordinating responses to media enquiries.

Written statements to the media on behalf of Council shall be issued through the Media Team with the approval of CEO and Shire President prior to its issue.

All quotes included in media releases must be approved by the relevant spokesperson.

Elected members and/or employees who become aware of issues or potential issues that could damage the image or reputation of the Shire, should contact the Shire President or CEO (as appropriate) immediately.

Providing timely information will assist in proactive communication with the media on an issue.

Elected Members are permitted to provide comments to the media in a personal capacity – refer to clause 4 below.

## 3. General expectations

- Only disclose and discuss publicly available information.
- Ensure that all content published is accurate and not misleading.
- Expressly state on all postings that the stated views are your own and not those of the Shire.
- Adhere to the Terms of Use of the relevant social media platform/website, as well as copyright, privacy, defamation, contempt of court, discrimination, harassment, and other applicable laws.
- Be polite and respectful to all people you interact with.
- Do not post or share material that is offensive, obscene, defamatory, threatening, harassing, bullying, discriminator, hateful, racist, sexist, infringes copyright, constitutes a contempt of court, breach a Court suppression order, or is otherwise unlawful.
- Do not imply that you are authorised to speak as a representative of the Shire, nor give the impression that the views you express are those of the Shire.
- Do not use the identity or likeness of another.
- Do not use or disclose any confidential information obtained in your capacity.



- Do not use your Shire email address or any logos or insignia that may give the impression of official support or endorsement of your personal comment.
- Do not post or share material that is, or might be construed as, threatening, harassing, bullying or discriminatory towards another.
- Do not make any comment, post, or share any material that might otherwise cause damage to the Shires' reputation or bring it into disrepute.
- Social media accounts or unsecured website forms must not be used to transact meetings.
- Recognise that communications and statements of a personal nature, whether conveyed in conversation, in writing, through recordings, emails, texts, or posted on social media have the potential to become public (whether intended or not).

#### 4. Elected Members

An elected member's right to express an opinion on any issue of public interest is recognised.

Elected members:

- Are at liberty to express personal views on any matter which is pertinent to the business of the Shire, including Council decisions, provided they do not purport to represent Council. Elected members are permitted to maintain their own personal social media accounts and tools.
- Will refrain from making any negative comments publicly regarding a resolution of Council under any account, profile or page that uses the title of Elected Member/Councillor.
- May make public statements to the media relating to their own personal matters provided their comments do not imply to represent Council or bring the Council into disrepute.
- Should not make comments about the Shire, other elected members, employees or its partners and stakeholders, on their personal social media tools.
- Should not make comment or disclose any confidential information relating to employees.
- Elected Member communications must comply with the *Code of Conduct (Council Members, Committee Members and Candidates)*, Council policy *C8 Publish Statements by Councillors and Chief Executive Officer* and the *Local Government Act 1995*.

#### 5. Employees

Employees within the Media Team are responsible for coordinating Council's media responses and may respond to media enquiries on behalf of Council provided that the enquiry is general in nature and is information freely available to the public.

Employees shall not respond directly to media requests except as authorised within this policy. If an employee receives a request or enquiry directly from the media, the employee shall refer the enquiry to the Media Team.

Employees, including employees within the Media Team, shall not:

- Engage in any media activity which is deemed by the CEO to be specifically for the personal advantage of the Shire President, Elected Members, or an employee.
- Compromise their capacity to perform their public role in an unbiased manner.
- Breach the *D-CP2 Code of Conduct (Employees)*.
- Imply the Shire's endorsement of personal views.
- Imply the employee is speaking on behalf of the Shire, unless authorised to do so.
- Disclose, without authorisation, any confidential information.



Employees should support Council decisions and should refrain from using the media to make negative personal reflections on each other or comment that could be interpreted as such and which are likely to undermine public confidence in the Council or local government.

Employees are entitled to enter public debate and make comment on civic affairs, provided they do not give the impression they are speaking in their official position for or on behalf of Council.

Should a situation arise where employees are requested to disclose information externally, they should consult with the Media Team or the CEO in the first instance.

#### 6. Website

The Shire of Derby/West Kimberley will maintain an official website, serving as the primary online resource for our community to access the Shire's official communications.

#### 7. Social Media

The Shire uses social media and maintains social media accounts to facilitate information sharing and to provide feedback to our community in a relevant and meaningful way and is mindful of the ever increasing and important role of online social media for communication, engagement, and interaction.

Social media will not be used by the Shire to communicate or respond to matters that are complex or relate to an individual's or entity's private matters.

The Shire manages various social media accounts and the Media Team is responsible for all public social media platforms and members of that team are authorised to distribute information and respond to comments and feedback posted on these platforms, ensuring that the Shire's strategic objectives are accurately represented and promoted.

The Shire will moderate its social media accounts to address and, if necessary, delete content that is considered:

- Offensive, abusive, defamatory, objectionable, inaccurate, false, or misleading.
- Promotional, soliciting, or commercial in nature.
- Unlawful or encourages others to break the law.
- Information that may compromise individual or community safety or security.
- Repetitive material that is copied and pasted or duplicated.
- Content that promotes or opposes any person campaigning for election to the Council, appointment to official office, or any ballot.
- Content that violates intellectual property rights or the legal ownership interests of another party
- Any other inappropriate content or comments at the discretion of the Shire.

If a third-party contributor to a Shire of Derby/West Kimberley social media account is identified as posting content that is deleted in accordance with the above, the Shire may, at its complete discretion, hide that contributor's comment and block that contributor for a specific period of time or permanently.

The CEO will determine the authorised contributors for the Shire's social media accounts.

Elected members and employees are permitted to maintain their own personal social media accounts and tools, however, shall not initiate social media discussions on work related matters.

In using social media in a way that identifies their employment with the Shire, employees should be conscious that their online behaviour reflects upon them and the Shire. When using social media for



private purposes, employees must ensure that they make it clear that any comments relating to the Shire's activities are not official, and that they are speaking only on behalf of themselves. Employees must ensure that any personal comments do not compromise their capacity to perform their public role in an unbiased manner.

If personally approached online regarding a work matter, employees should immediately inform Media Team and seek advice on how to reply in a way that positively reflects the Shire.

Although Council considers social media such as, for example Facebook, to be an informal communication channel, we will endeavour to reply to comments that ask a question about Council, or a matter related to Council.

#### **7.1 Use of Social Media in Emergency Management and Response**

The Shire will use the following channels to communicate and advise our community regarding Emergency Management:

- Social Media.
- Website.
- Advertising.
- Media releases or media statements.
- Community newsletters.
- Letter drops and other modes of communications at the discretion of the CEO.

#### **8. Incorrect Information**

In the event of incorrect information or information that has a personal or corporate reputation risk being published, the Media Team will investigate and report to the CEO on how the information came to be published. If necessary, the CEO will issue or will authorise a media release clarifying the incorrect information.

#### **9. Inappropriate Comments**

The following is guidance to help you comply with obligations under this policy:

- Persons covered by this policy should only use personal information in their role with the Shire in a manner consistent with this policy. This includes not publishing or reporting conversations or information that is deemed confidential or sensitive.
- Persons covered by this policy should refrain from publishing material that may cause injury to another person, organisation, association, or company's reputation.

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

Official communications undertaken on behalf of the Shire, including on the Shire's social media accounts and third-party social media accounts must be created and retained as local government records in accordance with the Shire's *Recordkeeping Plan 2018* and the *State Records Act 2000*. These records are also subject to the *Freedom of Information Act 1992*.



Policy Details			
<b>Original Adoption Date:</b>	<b>XX February 2024. Item xx Res. Xx</b>	<b>Review Frequency:</b>	3 years
		<b>Next Review Due:</b>	February 2027
<b>Policy Implementing Officer or Team:</b>	Media Team	<b>Policy Reviewer:</b>	Chief Executive Officer
<b>Legislative Head of Power (Act, Regulation, or Local Law):</b>	Local Government Act 1995; s.2.8 Role of mayor or president s.2.10 Role of councillors s.5.41(f) Function of CEO State Records Act 2000 Freedom of Information Act 1992		
<b>Related Documents (other Policies, Operational Procedures, Delegations, etc.):</b>	Code of Conduct (Council Members, Committee Members and Candidates) D-CP2 Code of Conduct (Employees) Policy C8 Public Statements by Councillors and Chief Executive Officer SDWK Recordkeeping Plan 2018		
Version Control Council Meeting Review Details:			
<b>Review #:</b>	<b>Council Meeting Date:</b>	<b>Item/Resolution#:</b>	

NEW POLICY





## (C15) SAFEGUARDING CHILDREN AND ADULTS AT RISK

### 1. POLICY OBJECTIVE

The purpose of this policy is to outline the Shire of Derby/West Kimberley's (the Shire's) approach to safeguarding the children and adults at risk who access our facilities, services, and programs, through maintaining their human rights, safety and ensuring freedom from abuse and neglect.

### 2. POLICY SCOPE

This policy and all related procedures apply to all the Shire's Council Members, employees, volunteers, and stakeholders (see definitions).

### 3. POLICY DEFINITIONS

**Employees** includes all paid workers, including, but not limited to officers and contractors.

**Volunteers** includes all unpaid workers, who are volunteering for any Shire activities.

**Stakeholders** is used to define all people engaged in Shire activities or working with the Shire outside of Elected Members, employees and volunteers; including but not limited to, service users, participants, and community partners.

**Abuse** is defined as any of the following: emotional, psychological, physical, sexual abuse, neglect, witnessing family violence, sexual exploitation, bullying and harm. Grooming is also a behaviour of concern, defined below.

**Emotional or psychological abuse** occurs when a child or young person does not receive the love, affection or attention they need for healthy emotional, psychological and social development.

Such abuse may involve repeated rejection or threats to a child or young person. Constant criticism, teasing, ignoring, threatening, yelling, scapegoating, ridicule and rejection or continual coldness are all examples of emotional abuse. These behaviours continue to an extent that results in significant damage to the child or young person's physical, intellectual or emotional wellbeing and development.

**Physical abuse** occurs when a person subjects a child or young person to non-accidental physically aggressive acts. The abuser may inflict an injury intentionally, or inadvertently as a result of physical punishment or the aggressive treatment of a child.

**Sexual abuse** occurs when an adult involves a child or young person in any sexual activity. Sexual abuse also occurs when a child or young person involves another child or young person in any sexual activity. Perpetrators of sexual abuse take advantage of their power, authority or position.

**Witnessing family violence** is a specific form of emotional and psychological abuse. Witnessing family violence occurs when children or young people are forced to live with violence between adults in their home. It is harmful to children and young people. It can include witnessing violence or the consequences of violence. Family violence is defined as violence between members of a family or extended family or those fulfilling the role of family in a child or young person's life.

Exposure to family violence places children and young people at increased risk of physical injury and harm and has a significant impact on their wellbeing and development.



**Sexual exploitation** occurs when children or young people are forced into sexual activities that are then recorded in some way and/or used to produce pornography. Such pornography can be in the form of actual photos or videos or published on the internet. Exploitation can also involve children or young people who are forced into prostitution.

#### **Harm**

to a child or young person, is any detrimental effect of a significant nature on the child or young person's physical, psychological or emotional wellbeing. It is immaterial how the harm is caused. Harm can be caused by:

- Physical, psychological or emotional abuse or neglect;
- Sexual abuse or exploitation;
- A single act, omission or circumstance; or
- A series or combination of acts, omissions or circumstances.

**Neglect** is the persistent failure or deliberate denial to provide the child or person at risk with the basic necessities of life.

#### **Bullying**

Bullying involves the inappropriate use of power by one or more persons over another less powerful person or group and is generally an act that is repeated over time. Bullying has been described by researchers as taking many forms which are often interrelated and include:

- Verbal (name calling, put downs, threats);
- Physical (hitting, punching, kicking, scratching, tripping, spitting);
- Social (ignoring, excluding, ostracising, alienating); or
- Psychological (spreading rumours, stalking, dirty looks, hiding or damaging possessions).

#### **Grooming**

Grooming is a term used to describe what happens when a perpetrator of abuse builds a relationship with a child or young person with a view to abusing them at some stage. There is no set pattern in relation to the grooming of children. For some perpetrators, there will be a lengthy period of time before the abuse begins. Other perpetrators may draw a child in and abuse them relatively quickly. Some abusers do not groom children but abuse them without forming a relationship at all.

Grooming can take place in any setting where a relationship is formed, such as leisure, music, sports and religious activities, or in internet chatrooms, in social media or by telecommunication.

#### **4. POLICY STATEMENT**

The Shire, and all its Elected Members, employees, volunteers and stakeholders have a legal, moral, and purpose-driven responsibility to safeguarding children and adults at risk.

We are committed to:

- Protecting children and adults at risk from all forms of abuse, bullying and exploitation;
- Creating and maintaining a child safe culture that is understood, endorsed and put into action by all the individuals who work for, volunteer, govern or access the Shire programs, facilities and/or services;
- Acknowledging that protecting children and adults at risk is everyone's business; and



- Managing behaviour of all our Elected Members, employees, volunteers, and stakeholders in an appropriate and safe manner, to the best of our ability.

We believe every person has a right to access services from the Shire without threat, intimidation or abuse from its Elected Members, employees, volunteers, and other stakeholders or any other person.

We understand we have a responsibility to ensure no person is neglected or exploited by Elected Members, employees, volunteers and other stakeholders, or any other person, to the best of our ability.

Whilst we take responsibility for the actions of our Elected Members, employees, volunteers, and other stakeholders, we will not tolerate any abuse, neglect, or exploitation of them. The Shire will take appropriate and reasonable action to protect the legal and human rights of our representatives.

#### **Ensuring Our Commitment to Safeguarding**

To ensure our commitment to safeguarding is met, we will:

- Put in place a management structure that supports and develops Elected Members, employees, volunteers and stakeholders in their roles.
- Provide all the employees with the necessary support to enable them to fulfil their roles. This will include regular and appropriate development and supervision.
- Provide regular opportunities to clarify and confirm the policy and procedures in relation to children and adults at risk's protections and welfare. This will include ongoing training with regards to understanding the principles and intent of this policy.
- Listen to all concerns voiced by Elected Members, employees, volunteers and stakeholders regarding keeping children and adults at risk safe from harm.
- Provide opportunities for Elected Members, employees, volunteers and stakeholders to receive formal debriefing and counselling arising from incidents of child or adults at risk abuse.
- Use best practice standard in the recruitment, screening and employment of the employees and volunteers so as they will not harm, abuse or exploit children and adults at risk who are involved in our programs and services.
- Maintain an environment for children and adults at risk to be safe and to feel safe.

#### **5. BREACH OF POLICY**

It is a serious breach of this policy, and possibly the law, if any Elected Member, employee, volunteer or stakeholder harms or exploits children and adults at risk who are involved in any of our services.

Breaches of this policy include, but are not limited to:

- Sexually assaulting children or adults at risk who are involved in one of our programs;
- Physically assaulting children or adults at risk who are involved in one of our programs;
- Verbally abusing, denigrating or bullying children or adults at risk who are involved in one of our programs;
- Sexually harassing children or adults at risk who are involved in one of our programs;
- Taking, reproducing and/or distributing photos of children or adults at risk without the consent of their guardians; and
- Publishing any materials containing images of children or adults at risk who are involved in one of our programs that can be used for the sexual gratification of others.



## Shire of Derby / West Kimberley

We expect that our Elected Members, employees, volunteers and stakeholders will not contravene any policies, regulations or laws in relation to the safety and protection of children and adults at risk. Any breaches will be dealt with immediately and in line with the law.

### 6. FURTHER INFORMATION

The management have the right to make discretionary decisions regarding implementation of this policy, and related procedures, provided that safeguarding children and adults at risk is the priority when making these decisions.

For further information on this policy, and the related procedures, contact the Shire's Chief Executive Officer. See website for contact details.

NEW POLICY





# Shire of Derby / West Kimberley

Policy Details			
<b>Original Adoption Date:</b>	<b>XX February 2024. Item xx Res. xx</b>	<b>Review Frequency:</b>	2 years
		<b>Next Review Due:</b>	February 2026
<b>Policy Implementing Officer or Team:</b>	Operations and Strategic Development Department	<b>Policy Reviewer:</b>	Executive Director of Operations and Strategic Development
<b>Legislative Head of Power (Act, Regulation, or Local Law):</b>	Child Care Services Act 2007 Children and Community Services Act 2004 Civil Liability Act 2002 Corruption, Crime and Misconduct Act 2003 Equal Opportunity Act 1984 Freedom of Information Act 1997 Local Government Act 1995 National Principles for Child Safety Organisations Parliamentary Commissioner Act 1971 Public Interest Disclosure Act 2003r Public Sector Management Act 1994 United Nations Convention on the Rights of the Child (CRC) Work Health and Safety Act 2020 Working with Children (Criminal Record Checking) Act 2004		
<b>Related Documents (other Policies, Operational Procedures, Delegations, etc.):</b>	Australian Childhood Foundation National Safeguarding Standards.  National Disability Insurance Scheme Quality and Safeguarding Commission Standards.  Policy C4 Violence and Aggression Policy C8 Public Comments by Councillors and CEO Policy C10 Code of Conduct Behaviour Complaints Management Policy Policy PC1 Risk and Opportunity Management Policy PC4 Work Health Safety Policy  CEO Directive D-CP2 Code of Conduct (Employees)  SDWK Procedures relating to Safeguarding including Mandatory Reporting (under development).  Expected Behaviours when working with Children and Young People - Guidelines		
Version Control Council Meeting Review Details:			
<b>Review #:</b>	<b>Council Meeting Date:</b>	<b>Item/Resolution#:</b>	



**8.2 COMPLIANCE AUDIT RETURN 2023**

**File Number:** 4110

**Author:** Janyce Smith, Governance Administration Officer

**Responsible Officer:** Tamara Clarkson, Deputy Chief Executive Officer

**Authority/Discretion:** Legislative

**SUMMARY**

The 2023 Compliance Audit Return (CAR) is presented for consideration.

**DISCLOSURE OF ANY INTEREST**

Nil by Author and Responsible Officer.

**BACKGROUND**

Each calendar year, local governments are required to undertake a compliance audit for the previous year. The compliance audit covers a range of matters that require actions to be completed by local governments in performing their functions to maintain legislative compliance with the *Local Government Act 1995* and associated regulations and focuses on areas considered to be high risk.

This review is required to be submitted to the Department of Local Government, Sport and Cultural Industries by 31 March.

**STATUTORY ENVIRONMENT**

**Local Government Act 1995 s 7.13 (Regulations as to Audits)**

Requires local governments to carry out an audit of compliance with such statutory requirements.

**Local Government (Audit) Regulations 1996 r 14 (Compliance audits by local governments)**

Outlines the period of time, the form and the process of the compliance audit. The compliance audit is required to be reviewed by an Audit Committee and then reported to Council.

**POLICY IMPLICATIONS**

Nil.

**FINANCIAL IMPLICATIONS**

Nil.

**STRATEGIC IMPLICATIONS**

GOAL	OUR PRIORITIES	WE WILL
1. Leadership and Governance	1.2 Capable, inclusive and effective organisation	1.2.2 Provide strong governance

**RISK MANAGEMENT CONSIDERATIONS**

<b>RISK</b>	<b>LIKELIHOOD</b>	<b>CONSEQUENCE</b>	<b>RISK ANALYSIS</b>	<b>MITIGATION</b>
<b>Legal &amp; Compliance:</b> If the Compliance Audit Return was not to be endorsed by Council, it would result in a regulatory non-compliance.	Unlikely	Minor	Low	Adopt the return, with or without additional conditions, at the February Council Meeting (in order to meet the 31 March 2024 deadline)

**CONSULTATION**

Internal.

**COMMENT**

The aim of the CAR is to monitor governance by promoting and enforcing compliance. Any identified non-compliance areas provides opportunity to review and improve current processes.

The following table summarises the Shire’s performance in each of the compliance categories. The Shire is 99% compliant for the 2023 CAR.

<b>Category</b>	<b>2023 Questions</b>	<b>Compliance Rating</b>
Commercial Enterprises by Local Governments	5	100%
Delegation of Power/Duty	13	100%
Disclosure of Interest	21	95%
Disposal of Property	2	100%
Elections	3	100%
Finance	7	100%
Integrated Planning and Reporting	3	100%
Local Government Employees	5	100%
Official Conduct	4	100%
Optional Questions	9	100%
Tenders for Providing Goods and Services	22	100%
<b>TOTAL</b>	<b>94</b>	<b>99%</b>

The one area of non-compliance identified in the 2023 CAR relates to Disclosure of Interest.

Disclosure of Interest	S5.76 Admin Reg 23, Form 3	Was an annual return in the prescribed form lodged by all relevant persons by 31 August 2023?	One resigned employee did not submit their annual return. As required, in these circumstances, the matter was referred to the Corruption and Crime Commission of Western Australia which after their inquiries, an outcome of “take no action” was determined.
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The Shire has addressed process improvements to ensure breaches are rectified and prevented from occurring in the future.

A copy of the 2023 Compliance Audit Return, inclusive of the Shire's responses is attached to this report. The responses will be uploaded to the online portal following confirmation of Council's decision.

### VOTING REQUIREMENT

Simple majority

### ATTACHMENTS

1. **2023 Compliance Audit Return**  

#### COMMITTEE RESOLUTION AC03/24

**Moved: Mr Peter McCumstie**

**Seconded: Cr Brett Angwin**

**That the Audit and Risk Committee:**

1. **Notes the areas of non-compliance in the 2023 Compliance Audit Return;**
2. **Recommends Council adopt the completed 2023 Compliance Audit Return (attached); and**
3. **Recommends Council authorise the President and the Chief Executive Officer to sign and submit the completed 2023 Compliance Audit Return to the Department of Local Government, Sport and Cultural Industries by 31 March 2024.**

**In Favour:** Crs Peter McCumstie, Andrew Twaddle, Brett Angwin, Geoff Davis and Geoff Haerewa

**Against:** Nil

**CARRIED 5/0**

## Derby-West Kimberley - Compliance Audit Return 2023

		Page	Officer(s) responsible
1	<b>Commercial Enterprises by Local Governments</b>	2	Director Strategic Business
2	<b>Delegation of Power/Duty</b>	3	Governance Administration Officer
3	<b>Disclosure of Interest</b>	5	Governance Administration Officer / Executive Services Coordinator
4	<b>Disposal of Property</b>	10	Director Strategic Business
5	<b>Elections</b>	11	Governance Administration Officer
6	<b>Finance</b>	12	Governance Administration Officer / Manager of Corporate Services
7	<b>Integrated Planning and Reporting</b>	14	Deputy Chief Executive Officer
8	<b>Local Government Employees</b>	15	Governance Administration Officer
9	<b>Official Conduct</b>	16	Governance Administration Officer
10	<b>Optional Questions</b>	17	Governance Administration Officer / Executive Services Coordinator / Manager of Corporate Services / Deputy Chief Executive Officer
11	<b>Tenders for Providing Goods and Services</b>	19	Manager of Corporate Services

## Derby-West Kimberley - Compliance Audit Return 2023

Commercial Enterprises by Local Governments					
No	Reference	Question	Response	Evidence	Respondent
1	s3.59(2)(a) F&G Regs 7,9,10	Has the local government prepared a business plan for each major trading undertaking that was not exempt in 2023?	Not Applicable	No major trading undertakings were progressed during 2023.	Director – Strategic Business
2	s3.59(2)(b) F&G Regs 7,8A, 8, 10	Has the local government prepared a business plan for each major land transaction that was not exempt in 2023?	Not Applicable	No major land transactions were progressed during 2023.	Director – Strategic Business
3	s3.59(2)(c) F&G Regs 7,8A, 8,10	Has the local government prepared a business plan before entering into each land transaction that was preparatory to entry into a major land transaction in 2023?	Not Applicable	No major land transactions were progressed during 2023.	Director – Strategic Business
4	s3.59(4)	Has the local government complied with public notice and publishing requirements for each proposal to commence a major trading undertaking or enter into a major land transaction or a land transaction that is preparatory to a major land transaction for 2023?	Not Applicable	No major trading undertakings or major land transactions were progressed during 2023.	Director – Strategic Business
5	s3.59(5)	During 2023, did the council resolve to proceed with each major land transaction or trading undertaking by absolute majority?	Not Applicable	No major trading undertakings or major land transactions were progressed during 2023.	Director – Strategic Business

## Derby-West Kimberley - Compliance Audit Return 2023

Delegation of Power/Duty					
No	Reference	Question	Response	Evidence	Respondent
1	s5.16 (1)	Were all delegations to committees resolved by absolute majority?	Yes	OCM 29 June 2023 Item 12.2 Res. No. 69/23. <b>Evidence submitted.</b>	Governance Administration Officer
2	s5.16 (2)	Were all delegations to committees in writing?	Yes	Letters to Councillors are saved in Synergy File No. 4120.	Governance Administration Officer
3	s5.17	Were all delegations to committees within the limits specified in section 5.17 of the <i>Local Government Act 1995</i> ?	Yes	Review of delegation 1.4.1 meets this requirement.	Governance Administration Officer
4	s5.18	Were all delegations to committees recorded in a register of delegations?	Yes	Delegation 1.4.1 Behaviour Complaints Committee – Authority on Complaints has been included in the delegations register. <b>Evidence submitted.</b>	Governance Administration Officer
5	s5.18	Has council reviewed delegations to its committees in the 2022/2023 financial year?	Yes	OCM 29 June 2023 Item 12.2 Res. No. 69/23 <b>Evidence submitted.</b>	Governance Administration Officer
6	s5.42(1) & s5.43 Admin Reg 18G	Did the powers and duties delegated to the CEO exclude those listed in section 5.43 of the <i>Local Government Act 1995</i> ?	Yes	Review of delegations against s.5.43.	Governance Administration Officer
7	s5.42(1)	Were all delegations to the CEO resolved by an absolute majority?	Yes	OCM 29 June 2023 Item 12.2 Res. No. 69/23 <b>Evidence submitted.</b>	Governance Administration Officer
8	s5.42(2)	Were all delegations to the CEO in writing?	Yes	CEO was advised via letter (from Shire President) and certificates of their delegations. Synergy File No. 4120, Record No. N20026. <b>Evidence submitted.</b>	Governance Administration Officer
9	s5.44(2)	Were all delegations by the CEO to any employee in writing?	Yes	Staff were advised via letter (from the CEO) and certificates of their delegations. Individual letters are saved in Synergy File No. 4120.	Governance Administration Officer
10	s5.16(3)(b) & s5.45(1)(b)	Were all decisions by the council to amend or revoke a delegation made by absolute majority?	Yes	OCM 29 June 2023 Item 12.2 Res. No. 69/23. <b>Evidence submitted.</b>	Governance Administration Officer

Derby-West Kimberley - Compliance Audit Return 2023

Delegation of Power/Duty					
No	Reference	Question	Response	Evidence	Respondent
11	s5.46(1)	Has the CEO kept a register of all delegations made under Division 4 of the Act to the CEO and to employees?	Yes	Sighted Delegation Register. <b>Evidence submitted.</b>	Governance Administration Officer
12	s5.46(2)	Were all delegations made under Division 4 of the Act reviewed by the delegator at least once during the 2022/2023 financial year?	Yes	OCM 29 June 2023 Item 12.2 Res. No. 69/23. <b>Evidence submitted.</b>	Governance Administration Officer
13	s5.46(3) Admin Reg 19	Did all persons exercising a delegated power or duty under the Act keep, on all occasions, a written record in accordance with <i>Local Government (Administration) Regulations 1996</i> , regulation 19?	Yes	Sought feedback from all officers that have delegated authority, who confirmed they have (1) retained a written record of when they used delegations, including (2) how and (3) what date the delegation was exercised, and (4) the persons (or classes of persons) affected by the exercise of the delegated power or the discharge of the duty.	Governance Administration Officer

Derby-West Kimberley - Compliance Audit Return 2023

Disclosure of Interest					
No	Reference	Question	Response	Evidence	Respondent
1	s5.67	Where a council member disclosed an interest in a matter and did not have participation approval under sections 5.68 or 5.69 of the <i>Local Government Act 1995</i> , did the council member ensure that they did not remain present to participate in discussion or decision making relating to the matter?	Yes	Minutes record all Council members leaving meeting if interest has been declared.	Executive Services Coordinator
2	s5.68(2) & s5.69(5) Admin Reg 21A	Were all decisions regarding participation approval, including the extent of participation allowed and, where relevant, the information required the <i>Local Government (Administration) Regulations 1996</i> regulation 21A, recorded in the minutes of the relevant council or committee meeting?	Yes	No such instance occurred.	Executive Services Coordinator
3	s5.73	Were disclosures under section sections 5.65, 5.70 or 5.71A(3) recorded in the minutes of the meeting at which the disclosures were made?	Yes	No such instance occurred.	Executive Services Coordinator
4	s5.75 Admin Reg 22, Form 2	Was a primary return in the prescribed form lodged by all relevant persons within three months of their start day?	Yes	Synergy File No. 4140, Record No. N20242.	Governance Administration Officer
5	s5.76 Admin Reg 23, Form 3	Was an annual return in the prescribed form lodged by all relevant persons by 31 August 2023?	No	<b>One resigned employee did not submit their annual return. As required, in these circumstances, the matter was referred to the Corruption and Crime Commission of Western Australia which after their inquiries, an outcome</b>	Governance Administration Officer

Derby-West Kimberley - Compliance Audit Return 2023

Disclosure of Interest					
No	Reference	Question	Response	Evidence	Respondent
				of "take no action" was determined. Synergy File No. 4140, Record No. N20766.	
6	s5.77	On receipt of a primary or annual return, did the CEO, or the mayor/president, give written acknowledgment of having received the return?	Yes	Synergy File No. 4140, Record No. N20242.	Governance Administration Officer
7	s5.88(1) & (2)(a)	Did the CEO keep a register of financial interests which contained the returns lodged under sections 5.75 and 5.76 of the <i>Local Government Act 1995</i> ?	Yes	Synergy File No. 4140, Record No. N20242 includes the 22/23 register. <b>Evidence submitted.</b>	Governance Administration Officer
8	s5.88(1) & (2)(b) Admin Reg 28	Did the CEO keep a register of financial interests which contained a record of disclosures made under sections 5.65, 5.70, 5.71 and 5.71A of the <i>Local Government Act 1995</i> , in the form prescribed in the <i>Local Government (Administration) Regulations 1996, regulation 28</i> ?	Yes	Synergy File No. 4140, Record No. N20940. <b>Evidence submitted.</b>	Governance Administration Officer
9	s5.88(3)	When a person ceased to be a person required to lodge a return under sections 5.75 and 5.76 of the <i>Local Government Act 1995</i> , did the CEO remove from the register all returns relating to that person?	Yes	All returns were removed and recorded, Synergy File No. 4140, Record No. N20238.	Governance Administration Officer
10	s5.88(4)	Have all returns removed from the register in accordance with section 5.88(3) of the <i>Local Government Act 1995</i> been kept for a period of at least five years after the person who lodged the	Yes	2023 returns removed from register and recorded, Synergy File No. 4140, Record No. N20238. 2022 returns were removed from were recorded, Synergy File No. 4140, Record No. N18360. 2021 - no incidences occurred, 2020 - 2018 - in non-current returns folder located in the 'strong room' of the Shire of Derby / West Kimberley Administration Office.	Governance Administration Officer

Derby-West Kimberley - Compliance Audit Return 2023

Disclosure of Interest					
No	Reference	Question	Response	Evidence	Respondent
		return(s) ceased to be a person required to lodge a return?			
11	s5.89A(1), (2) & (3) Admin Reg 28A	Did the CEO keep a register of gifts which contained a record of disclosures made under sections 5.87A and 5.87B of the <i>Local Government Act 1995</i> , in the form prescribed in the <i>Local Government (Administration) Regulations 1996</i> , regulation 28A?	Yes	Elected Member and CEO Gift Register 17.10.2020. Synergy File No. 0122, Record No. N18851. *Note: no gifts have been received since October 2020. <b>Evidence submitted.</b>	Governance Administration Officer
12	s5.89A(5) & (5A)	Did the CEO publish an up-to-date version of the gift register on the local government's website?	Yes	Elected Member and CEO Gift Register located on the Shire of Derby / West Kimberley website. Can be viewed via the following link <a href="#">here</a> .	Governance Administration Officer
13	s5.89A(6)	When a person ceases to be a person who is required to make a disclosure under section 5.87A or 5.87B, did the CEO remove from the register all records relating to that person?	Not Applicable	No incidences of forms required to be removed from the register.	Governance Administration Officer
14	s5.89A(7)	Have copies of all records removed from the register under section 5.89A(6) <i>Local Government Act 1995</i> been kept for a period of at least five years after the person ceases to be a person required to make a disclosure?	Yes	Hard copies are in non-current returns folder located in the 'Strong Room' of the Shire of Derby / West Kimberley Administration Office. Electronic returns are kept in Synergy File No. 0122.	Governance Administration Officer
15	s5.70(2) & (3)	Where an employee had an interest in any matter in respect of which the employee provided	Yes	All authors of Council reports have declared interest if present and was recorded in the minutes.	Executive Services Coordinator

Derby-West Kimberley - Compliance Audit Return 2023

Disclosure of Interest					
No	Reference	Question	Response	Evidence	Respondent
		advice or a report directly to council or a committee, did that person disclose the nature and extent of that interest when giving the advice or report?			
16	s5.71A & s5.71B(5)	Where council applied to the Minister to allow the CEO to provide advice or a report to which a disclosure under s5.71A(1) of the <i>Local Government Act 1995</i> relates, did the application include details of the nature of the interest disclosed and any other information required by the Minister for the purposes of the application?	Not Applicable	There were no applications for Ministerial approval in 2023.	Executive Services Coordinator
17	s5.71B(6) & s5.71B(7)	Was any decision made by the Minister under subsection 5.71B(6) of the <i>Local Government Act 1995</i> recorded in the minutes of the council meeting at which the decision was considered?	Not Applicable	There were no applications for Ministerial approval in 2023.	Executive Services Coordinator
18	s5.104(1)	Did the local government prepare and adopt, by absolute majority, a code of conduct to be observed by council members, committee members and candidates that incorporates the model code of conduct?	Not Applicable	The Code of Conduct for Council Members, Committee Members and Candidates was adopted at OCM 25 March 2021, Item 11.3 Res. No. 21/21.	Governance Administration Officer
19	s5.104(3) & (4)	Did the local government adopt additional requirements in addition to the model code of conduct? If yes, does it comply	Not Applicable	The additional Code requirements are considered to be compliant with s.5104(3) and (4) within the Code of Conduct for Council Members, Committee Members and Candidates which was adopted at OCM 25 March 2021, Item 11.3 Res. No. 21/21.	Governance Administration Officer

Derby-West Kimberley - Compliance Audit Return 2023

Disclosure of Interest					
No	Reference	Question	Response	Evidence	Respondent
		with section 5.104(3) and (4) of the <i>Local Government Act 1995</i> ?			
20	s5.104(7)	Has the CEO published an up-to-date version of the code of conduct for employees on the local government's website?	Yes	<a href="https://www.sdwk.wa.gov.au/council/governance/code-of-conduct-employees.aspx">https://www.sdwk.wa.gov.au/council/governance/code-of-conduct-employees.aspx</a>	Governance Administration Officer
21	s5.51A(1) & (3)	Has the CEO prepared and implemented a code of conduct to be observed by employees of the local government? If yes, has the CEO published an up-to-date version of the code of conduct for employees on the local government's website?	Yes	The Code of Conduct (Employees) was signed off by the CEO on 14.3.2022 and is on the website <a href="https://www.sdwk.wa.gov.au/council/governance/code-of-conduct-employees.aspx">https://www.sdwk.wa.gov.au/council/governance/code-of-conduct-employees.aspx</a>	Governance Administration Officer

Derby-West Kimberley - Compliance Audit Return 2023

Disposal of Property					
No	Reference	Question	Response	Evidence	Respondent
1	s3.58(3)	Where the local government disposed of property other than by public auction or tender, did it dispose of the property in accordance with section 3.58(3) of the <i>Local Government Act 1995</i> (unless section 3.58(5) applies)?	Not Applicable	The Shire progressed the disposed by Lease, of the following properties during 2023: <ol style="list-style-type: none"> <li>1. Derby Port Lease Area #2 and 3 MPA Fish Farms/Tassal Group (Commercial). Due to entity change/valuation expiry, will recommence with S3.58 advertising in 2024;</li> <li>2. Derby Airport Lease Area #17 to Kingdom Aviation (Charitable Group). Exempt under S3.58(5);</li> <li>3. Derby Airport Lease Area #20 to SouthPAN (Government Agency). Exempt under S3.58(5) but did not finalise in 2023 in any event. Will continue into 2024; and</li> <li>4. Part of at Nicholson Square Oval to Horizon Power (Government Agency). Exempt under S3.58(5) but abandoned as Horizon compulsorily utilised under its Energy Operators Act.</li> </ol>	Director – Strategic Business
2	s3.58(4)	Where the local government disposed of property under section 3.58(3) of the <i>Local Government Act 1995</i> , did it provide details, as prescribed by section 3.58(4) of the Act, in the required local public notice for each disposal of property?	Not Applicable	As outlined in (1) above, disposals were either exempt, or S3.58 public notice process will be undertaken in 2024.	Director – Strategic Business

Derby-West Kimberley - Compliance Audit Return 2023

Elections					
No	Reference	Question	Response	Evidence	Respondent
1	Elect Regs 30G(1) & (2)	Did the CEO establish and maintain an electoral gift register and ensure that all disclosure of gifts forms completed by candidates and donors and received by the CEO were placed on the electoral gift register at the time of receipt by the CEO and in a manner that clearly identifies and distinguishes the forms relating to each candidate in accordance with regulations 30G(1) and 30G(2) of the <i>Local Government (Elections) Regulations 1997</i> ?	Yes	Synergy File No. O122, Record No. N20765. <b>Evidence submitted.</b>	Governance Administration Officer
2	Elect Regs 30G(3) & (4)	Did the CEO remove any disclosure of gifts forms relating to an unsuccessful candidate, or a successful candidate that completed their term of office, from the electoral gift register, and retain those forms separately for a period of at least two years in accordance with regulation 30G(4) of the <i>Local Government (Elections) Regulations 1997</i> ?	Not applicable	No disclosure of gift forms were received.	Governance Administration Officer
3	Elect Regs 30G(5) & (6)	Did the CEO publish an up-to-date version of the electoral gift register on the local government's official website in accordance with regulation 30G(5) of the <i>Local Government (Elections) Regulations 1997</i> ?	Yes	<a href="https://www.sdwk.wa.gov.au/Profiles/sdwk/Assets/ClientData/Documents/Council_Registers/Electoral_Gift_Register/2023_Electoral_Gift_Register.pdf">https://www.sdwk.wa.gov.au/Profiles/sdwk/Assets/C lientData/Documents/Council_Registers/Electoral Gift_Register/2023_Electoral_Gift_Register.pdf</a>	Governance Administration Officer

Derby-West Kimberley - Compliance Audit Return 2023

Finance					
No	Reference	Question	Response	Evidence	Respondent
1	s7.1A	Has the local government established an audit committee and appointed members by absolute majority in accordance with section 7.1A of the <i>Local Government Act 1995</i> ?	Yes	OCM 26 October 2023 Item 12.2 Res. No. 126/23. <b>Evidence submitted.</b>	Governance Administration Officer
2	s7.1B	Where the council delegated to its audit committee any powers or duties under Part 7 of the <i>Local Government Act 1995</i> , did it do so by absolute majority?	Not applicable	The audit committee does not have delegations.	Governance Administration Officer
3	s7.9(1)	Was the auditor's report for the financial year ended 30 June 2023 received by the local government by 31 December 2023?	Yes	Synergy Record No. I60281 and presented to Council - Item 12.4 of Ordinary Council Meeting of 15 December 2023.	Manager of Corporate Services
4	S7.12A(3)	Where the local government determined that matters raised in the auditor's report prepared under section 7.9(1) of the <i>Local Government Act 1995</i> required action to be taken, did the local government ensure that appropriate action was undertaken in respect of those matters?	Yes	Each item has been listed for follow up through the Attain compliance process.	Manager of Corporate Services
5	s.7.12A(4)(a) & (4)(b)	Where matters identified as significant were reported in the auditor's report, did the local government prepare a report that stated what action the local government had taken or intended to take with respect to each of those matters? Was a copy of the report given to the	Yes	Report prepared and forwarded to Dept Local Government week ended 19/1/2024.	Manager of Corporate Services

Derby-West Kimberley - Compliance Audit Return 2023

Finance					
No	Reference	Question	Response	Evidence	Respondent
		Minister within three months of the audit report being received by the local government?			
6	S7.12A(5)	Within 14 days after the local government gave a report to the Minister under section 7.12A(4)(b) of the <i>Local Government Act 1995</i> , did the CEO publish a copy of the report on the local government's official website?	Yes	Will be on our website by the time this CAR is lodged.	Manager of Corporate Services
7	Audit Reg 10(1)	Was the auditor's report for the financial year ending 30 June 2023 received by the local government within 30 days of completion of the audit?	Yes	Synergy Record No. I60281 and presented to Council - Item 12.4 of Ordinary Council Meeting of 15 December 2023.	Manager of Corporate Services

Derby-West Kimberley - Compliance Audit Return 2023

Integrated Planning and Reporting					
No	Reference	Question	Response	Evidence	Respondent
1	Admin Reg 19C	Has the local government adopted by absolute majority a strategic community plan? If Yes, please provide the adoption date or the date of the most recent review in the Comments section?	Not Applicable	Not adopted in 2023.	Deputy Chief Executive Officer
2	Admin Reg 19DA(1) & (4)	Has the local government adopted by absolute majority a corporate business plan? If Yes, please provide the adoption date or the date of the most recent review in the Comments section?	Not Applicable	Not adopted in 2023.	Deputy Chief Executive Officer
3	Admin Reg 19DA(2) & (3)	Does the corporate business plan comply with the requirements of <i>Local Government (Administration) Regulations 1996</i> 19DA(2) & (3)?	Yes	<a href="https://www.sdwk.wa.gov.au/documents/189/corporate-business-plan-2019-2023">https://www.sdwk.wa.gov.au/documents/189/corporate-business-plan-2019-2023</a>  Corporate Business Plan review to be completed in 2024.	Deputy Chief Executive Officer

Derby-West Kimberley - Compliance Audit Return 2023

Local Government Employees					
No	Reference	Question	Response	Evidence	Respondent
1	s5.36(4) & s5.37(3) Admin Reg 18A	Were all CEO and/or senior employee vacancies advertised in accordance with <i>Local Government (Administration) Regulations 1996</i> , regulation 18A?	Not Applicable	The Shire did not have a CEO vacancy during 2023 and the does not have any designated "Senior Employees", so no advertising occurred for these positions.	Governance Administration Officer
2	Admin Reg 18E	Was all information provided in applications for the position of CEO true and accurate?	Not Applicable	The Shire did not have a CEO vacancy during 2023. No application was therefore received.	Governance Administration Officer
3	Admin Reg 18F	Was the remuneration and other benefits paid to a CEO on appointment the same remuneration and benefits advertised for the position under section 5.36(4) of the <i>Local Government Act 1995</i> ?	Not Applicable	The Shire did not have a CEO vacancy during 2023. No remuneration package negation therefore occurred.	Governance Administration Officer
4	s5.37(2)	Did the CEO inform council of each proposal to employ or dismiss senior employee?	Not Applicable	The Shire does not have any designated "Senior Employees", so no notifications were therefore required.	Governance Administration Officer
5	s5.37(2)	Where council rejected a CEO's recommendation to employ or dismiss a senior employee, did it inform the CEO of the reasons for doing so?	Not Applicable	The Shire does not have any designated "Senior Employees", so no considerations of an employment/dismissal recommendation were therefore proposed by the CEO.	Governance Administration Officer

Derby-West Kimberley - Compliance Audit Return 2023

Official Conduct					
No	Reference	Question	Response	Evidence	Respondent
1	s5.120	Has the local government designated an employee to be its complaints officer?	Yes	The Shire has appointed a Complaints Officer (Director - Strategic Business) but that employee is not required to be a "S.3.57 senior employee".	Governance Administration Officer
2	s5.121(1) & (2)	Has the complaints officer for the local government maintained a register of complaints which records all complaints that resulted in a finding under section 5.110(2)(a) of the <i>Local Government Act 1995</i> ?	Yes	Register has been maintained, no complaints have been received to date. <b>Evidence submitted.</b>	Governance Administration Officer
3	s5.121(2)	Does the complaints register include all information required by section 5.121(2) of the <i>Local Government Act 1995</i> ?	Yes	Register contains capacity to record the information required by s.5.121, no complaints have been received to date yet. <b>Evidence submitted.</b>	Governance Administration Officer
4	s5.121(3)	Has the CEO published an up-to-date version of the register of the complaints on the local government's official website?	Yes	The register is published on the website site. <a href="https://www.sdwk.wa.gov.au/council/governance/council-registers.aspx">https://www.sdwk.wa.gov.au/council/governance/council-registers.aspx</a>	Governance Administration Officer

Derby-West Kimberley - Compliance Audit Return 2023

Optional Questions					
No	Reference	Question	Response	Evidence	Respondent
1	Financial Management Reg 5(2)(c)	Did the CEO review the appropriateness and effectiveness of the local government's financial management systems and procedures in accordance with the <i>Local Government (Financial Management) Regulations 1996</i> regulations 5(2)(c) within the three years prior to 31 December 2022? If yes, please provide the date of council's resolution to accept the report	Yes	The review was undertaken during 2023 and the final report received by Council 12/12/2023 and will be provided to next appropriate meeting of Council.	Manager of Corporate Services
2	Audit Reg 17	Did the CEO review the appropriateness and effectiveness of the local government's systems and procedures in relation to risk management, internal control and legislative compliance in accordance with <i>Local Government (Audit) Regulations 1996</i> regulation 17 within the three financial years prior to 31 December 2023? If yes, please provide date of council's resolution to accept the report.	Yes	Review undertaken and complete 16 December 2022, adopted at December 2023 OCM.	Manager of Corporate Services
3	s5.87C	Where a disclosure was made under sections 5.87A or 5.87B of the <i>Local Government Act 1995</i> , were the disclosures made within 10 days after receipt of the gift? Did the disclosure include the information required by section 5.87C of the Act?	Not Applicable	No gifts have been accepted by Elected Member or CEO since October 2020.	Governance Administration Officer
4	s5.90A(2) & (5)	Did the local government prepare, adopt by absolute majority and publish an up-to date version on the local government's website, a policy	Yes	The policy C1 Elected Member and Chief Executive Officer Attendance at Events and Functions was adopted at the OCM 29 June 2023, Item 12.3 Resolution	Governance Administration Officer

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Optional Questions					
No	Reference	Question	Response	Evidence	Respondent
		dealing with the attendance of council members and the CEO at events?		No. 70/23. <a href="https://www.sdwk.wa.gov.au/council/local-laws-policies/policies.aspx">https://www.sdwk.wa.gov.au/council/local-laws-policies/policies.aspx</a> <b>Evidence submitted.</b>	
5	s5.96A(1), (2), (3) & (4)	Did the CEO publish information on the local government's website in accordance with sections 5.96A(1), (2), (3), and (4) of the <i>Local Government Act 1995</i> ?	Yes	A check of the Shire's Website (9 January 2024) indicates that all of these documents in accordance with the relevant legislative requirements are available.	Governance Administration Officer
6	s5.128(1)	Did the local government prepare and adopt (by absolute majority) a policy in relation to the continuing professional development of council members?	Yes	The policy C2 Elected Member Training and Professional Development was adopted at the OCM 15 December 2023, Item 12.2, Resolution No. 146/23. <b>Evidence submitted.</b>	Governance Administration Officer
7	s5.127	Did the local government prepare a report on the training completed by council members in the 2022/2023 financial year and publish it on the local government's official website by 31 July 2023?	Yes	The 2022-2023 Elected Member Training and Development Register was completed and published to the website on 19 July 2023. <a href="https://www.sdwk.wa.gov.au/council/governance/council-registers.aspx">https://www.sdwk.wa.gov.au/council/governance/council-registers.aspx</a> <b>Evidence submitted.</b>	Governance Administration Officer
8	s6.4(3)	By 30 September 2023, did the local government submit to its auditor the balanced accounts and annual financial report for the year ending 30 June 2023?	No	An extension was requested and granted to 31 December 2023 and was provided to Auditors mid-December 2023.	Manager of Corporate Services
9	s.6.2(3)	When adopting the annual budget, did the local government take into account all its expenditure, revenue and income?	Yes	The annual budget was adopted taking into account all of the Shire's expenditure, revenue and income, at the time, with the information and support of strategic documents available.	Deputy Chief Executive Officer

Derby-West Kimberley - Compliance Audit Return 2023

Tenders for Providing Goods and Services					
No	Reference	Question	Response	Evidence	Respondent
1	F&G Reg 11A(1) & (3)	Did the local government comply with its current purchasing policy, adopted under the <i>Local Government (Functions and General) Regulations 1996</i> , regulations 11A(1) and (3) in relation to the supply of goods or services where the consideration under the contract was, or was expected to be, \$250,000 or less or worth \$250,000 or less?	Yes	Policy on Council's website, policy thresholds and authorisations managed through Synergy accounts payable processes.	Manager of Corporate Services
2	s3.57 F&G Reg 11	Subject to <i>Local Government (Functions and General) Regulations 1996</i> , regulation 11(2), did the local government invite tenders for all contracts for the supply of goods or services where the consideration under the contract was, or was expected to be, worth more than the consideration stated in regulation 11(1) of the Regulations?	Yes	Investigation of financial records for the 2023 calendar year identifies no instances of expenditure more than \$250,000 outside of a tender environment.	Manager of Corporate Services
3	F&G Regs 11(1), 12(2), 13, & 14(1), (3), and (4)	When regulations 11(1), 12(2) or 13 of the <i>Local Government Functions and General) Regulations 1996</i> , required tenders to be publicly invited, did the local government invite tenders via Statewide public notice in accordance with Regulation 14(3) and (4)?	Yes	Yes, reviewed tenders through documents and interviews with relevant staff.	Manager of Corporate Services
4	F&G Reg 12	Did the local government comply with <i>Local Government (Functions and General) Regulations 1996</i> , Regulation 12 when deciding to	Yes	No procurements were split to avoid going to tender.	Manager of Corporate Services

Derby-West Kimberley - Compliance Audit Return 2023

Tenders for Providing Goods and Services					
No	Reference	Question	Response	Evidence	Respondent
		enter into multiple contracts rather than a single contract?			
5	F&G Reg 14(5)	If the local government sought to vary the information supplied to tenderers, was every reasonable step taken to give each person who sought copies of the tender documents or each acceptable tenderer notice of the variation?	Not applicable	No variations were made to information supplied to tenderers.	Manager of Corporate Services
6	F&G Regs 15 & 16	Did the local government's procedure for receiving and opening tenders comply with the requirements of <i>Local Government (Functions and General) Regulations 1996</i> , Regulation 15 and 16?	Yes	Yes, reviewed tenders through documents and interviews with relevant staff, legislated processes were followed.	Manager of Corporate Services
7	F&G Reg 17	Did the information recorded in the local government's tender register comply with the requirements of the <i>Local Government (Functions and General) Regulations 1996</i> , Regulation 17 and did the CEO make the tenders register available for public inspection and publish it on the local government's official website?	Yes	Reviewed Register and confirmed Register on website.	Manager of Corporate Services
8	F&G Reg 18(1)	Did the local government reject any tenders that were not submitted at the place, and within the time, specified in the invitation to tender?	Not applicable	No tenders were rejected due to incorrect lodgement.	Manager of Corporate Services
9	F&G Reg 18(4)	Were all tenders that were not rejected assessed by the local government via a written evaluation of the extent to which each tender	Yes	Reviewed tenders through documents and interviews with relevant staff, assessments undertaken and documented.	Manager of Corporate Services

Derby-West Kimberley - Compliance Audit Return 2023

Tenders for Providing Goods and Services					
No	Reference	Question	Response	Evidence	Respondent
		satisfies the criteria for deciding which tender to accept?			
10	F&G Reg 19	Did the CEO give each tenderer written notice containing particulars of the successful tender or advising that no tender was accepted?	Yes	Yes, reviewed tenders through documents and interviews with relevant staff.	Manager of Corporate Services
11	F&G Regs 21 & 22	Did the local government's advertising and expression of interest processes comply with the requirements of the <i>Local Government (Functions and General) Regulations 1996, Regulations 21 and 22</i> ?	Not Applicable	No expressions of interest were sought from tenderers.	Manager of Corporate Services
12	F&G Reg 23(1) & (2)	Did the local government reject any expressions of interest that were not submitted at the place, and within the time, specified in the notice or that failed to comply with any other requirement specified in the notice?	Not Applicable	No expressions of interest were sought from tenderers.	Manager of Corporate Services
13	F&G Reg 23(3) & (4)	Were all expressions of interest that were not rejected under the <i>Local Government (Functions and General) Regulations 1996, Regulation 23(1) &amp; (2)</i> assessed by the local government? Did the CEO list each person as an acceptable tenderer?	Not Applicable	No expressions of interest were sought from tenderers.	Manager of Corporate Services
14	F&G Reg 24	Did the CEO give each person who submitted an expression of interest a notice in writing of the outcome in accordance with <i>Local Government (Functions and General) Regulations 1996, Regulation 24</i> ?	Not Applicable	No expressions of interest were sought from tenderers.	Manager of Corporate Services

Derby-West Kimberley - Compliance Audit Return 2023

Tenders for Providing Goods and Services					
No	Reference	Question	Response	Evidence	Respondent
15	F&G Regs 24AD(2) & (4) and 24AE	Did the local government invite applicants for a panel of pre-qualified suppliers via Statewide public notice in accordance with <i>Local Government (Functions and General) Regulations 1996, Regulations 24AD(4) and 24AE?</i>	Not Applicable	No applications were sought for Pre-Qualified Suppliers.	Manager of Corporate Services
16	F&G Reg 24AD(6)	If the local government sought to vary the information supplied to the panel, was every reasonable step taken to give each person who sought detailed information about the proposed panel or each person who submitted an application notice of the variation?	Not Applicable	No applications were sought for Pre-Qualified Suppliers.	Manager of Corporate Services
17	F&G Reg 24AF	Did the local government's procedure for receiving and opening applications to join a panel of pre-qualified suppliers comply with the requirements of <i>Local Government (Functions and General) Regulations 1996, Regulation 16</i> , as if the reference in that regulation to a tender were a reference to a pre-qualified supplier panel application?	Not Applicable	No applications were sought for Pre-Qualified Suppliers.	Manager of Corporate Services
18	F&G Reg 24AG	Did the information recorded in the local government's tender register about panels of pre-qualified suppliers comply with the requirements of <i>Local Government (Functions and General) Regulations 1996, Regulation 24AG?</i>	Not Applicable	No applications were sought for Pre-Qualified Suppliers.	Manager of Corporate Services

Derby-West Kimberley - Compliance Audit Return 2023

Tenders for Providing Goods and Services					
No	Reference	Question	Response	Evidence	Respondent
19	F&G Reg 24AH(1)	Did the local government reject any applications to join a panel of pre-qualified suppliers that were not submitted at the place, and within the time, specified in the invitation for applications?	Not Applicable	No applications were sought for Pre-Qualified Suppliers.	Manager of Corporate Services
20	F&G Reg 24AH(3)	Were all applications that were not rejected assessed by the local government via a written evaluation of the extent to which each application satisfies the criteria for deciding which application to accept?	Not Applicable	No applications were sought for Pre-Qualified Suppliers.	Manager of Corporate Services
21	F&G Reg 24A1	Did the CEO send each applicant written notice advising them of the outcome of their application?	Not Applicable	No applications were sought for Pre-Qualified Suppliers.	Manager of Corporate Services
22	F&G Regs 24E & 24F	Where the local government gave regional price preference, did the local government comply with the requirements of <i>Local Government (Functions and General) Regulations 1996</i> , Regulation 24E and 24F?	Yes	Yes, reviewed tenders through documents and interviews with relevant staff, Reviewed Policy document F7 Regional Price Preference Policy.	Manager of Corporate Services

*Cr Foley entered the meeting as a visitor at 4:09pm.*

### **8.3 LOCAL GOVERNMENT ORDINARY ELECTION 2023**

**File Number:** 4125

**Author:** Tamara Clarkson, Deputy Chief Executive Officer

**Responsible Officer:** Amanda Dexter, Chief Executive Officer

**Authority/Discretion:** Information

#### **SUMMARY**

Provide overview of the Local Government Ordinary Election held 21 October 2023.

#### **DISCLOSURE OF ANY INTEREST**

Nil by Author and Responsible Officer.

#### **BACKGROUND**

The Shire of Derby/West Kimberley (SDWK) like most WA local governments, utilises the WA Electoral Commission (WAEC) to run its elections. The formal estimate from WAEC (February 2023) for it to coordinate the 2023 October in person voting election was \$26,000 (GST included). WAEC costs are based on elector numbers, voter participation expectations, and unique cost factors. In SDWK's case, this was based on 4,450 electors with a response rate of approximately 30%, five vacancies, the count be conducted at the Shire, the appointment of a local Returning Officer, and the need to visit several remote communities to offer the opportunity for early voting.

Most local governments opt for Postal Elections (vis. where an envelope of voting information is forwarded to every household and the elector completes and returns the ballot paper via Australia Post). This system is not appropriate for remote local governments as the only legislative option available in the Local Government Act to provide electors at remote communities with the opportunity vote via a mobile early voting station at their community, is to have the election held "in-person". This opportunity is welcomed by the Shire's remote communities, but is undertaken as a cost recovery electoral service to the Shire.

In February 2023, Honourable John Carey, Minister for Local Government introduced to Parliament the Local Government Amendment Bill 2023. These were compulsory legislative changes required of all WA local governments. They were designed by the state government and included a range of electoral/Council type changes, including:

- introducing optional preferential voting, bringing local government elections more in line with State and Federal elections;
- requiring public election of a Mayor or President for all larger councils;
- abolishing the use of wards for smaller local governments;
- aligning the size of councils with the size of the population of each local government area;
- enabling reforms to the owners and occupiers roll to prevent the use of 'sham leases', addressing critical findings of the City of Perth Inquiry; and

- setting State-wide caretaker periods during ordinary council elections.

The above legislated changes required for example, SDWK to change its past arrangement of having the President elected from within Council, to now having its first *Popularly Elected* President from a direct vote by the Shire's electors.

A further difference for the 2023 elections was needing to accommodate an extra-ordinary vacancy, which was created when Linda Evans resigned from her position as Councillor in July 2023, mid-term of her elected Councillor cycle. Permission was sought (and received) to leave the vacancy until the election was scheduled in October, otherwise the Shire would have been required to conduct and pay for an entire election to fill one extraordinary vacancy. The process for running an extraordinary election for one vacancy is the same as for several vacancies, so the cost for an extraordinary election is only slightly less than for an ordinary election with multiple vacancies.

In August 2023, the Shire gave State-wide public notice of the 2023 election and the vacancies that existed at that time were:

President	Four year term
Four Councillors	Four year terms
One Councillor	Two year term

Nominations for candidates opened at 8am on 31 August 2023. This is the same day that the Caretaker Period commences. Nominations closed at 4pm on 7 September 2023.

At close of nominations, one nomination for President was received, from Peter McCumstie. Peter McCumstie had two years remaining on his Councillor term. As he was the only nomination for President, he was elected unopposed, but that resulting in a second extraordinary (two-year) vacancy.

There were six nominations received for the advertised five Councillor vacancies.

The Returning Officer sought advice to confirm whether an election would proceed, considering there were now six nominations for six vacancies (including the one created by Mr McCumstie's successful nomination for the position of President) however on 12 September 2023 the Electoral Commissioner advised that an election would need to proceed on 21 October 2023 for six Councillors. Essentially, this was due to the fact that the public notice of election was advertised for five Councillor vacancies, and now there were six. Both the WA Electoral Commission (WAEC) and the Department of Local Government acknowledged the scenario created by the President's nominal/election and the subsequent vacancy created was not considered in the Local Government Act changes made, and there was therefore no capacity to reach a different conclusion other than an election needed to be held.

Voting at both the Shire's administration centres subsequently commenced and the Returning Officer attended seven remote communities in the week leading up to the election to accept early votes (noting that this system of remote early vote casting can only occur if an in-person election is held).

The final breakdown of votes received was as below:

Fitzroy Crossing Early Voting	0
Derby Early Voting	111

Remote Early Voting	63
Fitzroy Crossing Ordinary (Election Day)	5
Derby Ordinary (Election Day)	51
Absent votes	3
<b>Total votes</b>	<b>233</b>

The 2023 Australian Indigenous Voice referendum (14 October 2023) was scheduled for just one week prior to the local government election day for Western Australia.

### STATUTORY ENVIRONMENT

Local Government elections are heavily regulated and require strict compliance with the many steps of the election process, from the invitation to be listed on the Electoral Roll, to how to advertise the final results of the electoral count. The general areas are:

*Local Government Act 1995 – Part 4 Elections and other polls*

*Local Government (Elections) Regulations 1997*

*Local Government Amendment Bill 2023*

*1 (1)(d) of Schedule 4.1 B – Filling office of Councillor who is elected elector mayor or president*

### POLICY IMPLICATIONS

C3 Caretaker (Electoral Period).

### FINANCIAL IMPLICATIONS

WAEC cost to deliver the election for 2023 was \$25,975.10.

### STRATEGIC IMPLICATIONS

GOAL	OUR PRIORITIES	WE WILL
1. Leadership and Governance	1.2 Capable, inclusive and effective organisation	1.2.2 Provide strong governance

### RISK MANAGEMENT CONSIDERATIONS

RISK	LIKELIHOOD	CONSEQUENCE	RISK ANALYSIS	MITIGATION
<b>Legal &amp; Compliance:</b> Non completion of an ordinary election resulting in non-quorum of Council	Rare	Minor	Low	Engage WAEC to conduct election or internally resource the election.

### CONSULTATION

West Australian Electoral Commission

Department of Local Government, Sport and Cultural Industries

### COMMENT

As mentioned in the background section, most WA local governments utilises the WA Electoral Commission to run their elections. The reasons for this utilisation of WAEC is that it provides an appropriate separation of governance/strategic roles; provides consistency of service for each election; and it is efficient and effective from a cost and staffing resources perspective.

The Shire has a program of public notices and road verge signage for its elections, however the 2023 Australian Indigenous Voice referendum (14 October 2023) also had its own signage and this did lead to confusion amongst some electors wishing to vote in either one or both (noting that the referendum was compulsory, but local government elections are not). The lower than normal voter turn-out for our own Shire election can for 2023, probably be attributed to “voter exhaustion”, rather than anything else.

### VOTING REQUIREMENT

Simple majority

### ATTACHMENTS

Nil

### RECCOMENDATION

#### COMMITTEE RESOLUTION AC04/24

**Moved: Cr Geoff Davis**

**Seconded: Mr Peter McCumstie**

**That the Audit and Risk Committee recommends that Council receive and note the information in this report.**

In Favour: Crs Peter McCumstie, Andrew Twaddle, Brett Angwin, Geoff Davis and Geoff Haerewa

Against: Nil

**CARRIED 5/0**

## 8.4 OUTSTANDING DEBT - JANUARY 2024

**File Number:** 5174

**Author:** Aaron Gloor, Senior Finance Officer

**Responsible Officer:** Tamara Clarkson, Deputy Chief Executive Officer

**Authority/Discretion:** Information

### SUMMARY

The Audit and Risk Committee receive the outstanding rates and outstanding sundry debtors reports to provide strategic direction as required.

Reportable Financial Year: 2023/2024

Reportable Month: January 2024

### DISCLOSURE OF ANY INTEREST

Nil by Author and Responsible Officer.

### BACKGROUND

The Audit and Risk Committee will ensure compliance with the Shire's financial reporting and will liaise with the CEO to ensure the effective and efficient management to meet statutory requirements.

### STATUTORY ENVIRONMENT

*Local Government Act 1995*

*Subdivision 4 — Payment of rates and service charges*

6.43. *Rates and service charges are a charge on land*

6.44. *Liability for rates or service charges*

6.50. *Rates or service charges due and payable*

6.53. *Land becoming or ceasing to be rateable land*

*Subdivision 5 — Recovery of unpaid rates and service charges*

6.55. *Recovery of rates and service charges*

6.56. *Rates or service charges recoverable in court*

6.16 *Imposition of fees and charges*

### POLICY IMPLICATIONS

F4 – SUNDRY DEBTORS COLLECTION POLICY

F5 – OUTSTANDING RATES COLLECTION POLICY

F6 – FINANCIAL HARDSHIP POLICY

### FINANCIAL IMPLICATIONS

Outstanding Rates and Service Charges totalling \$2,591,338.89 in cash flow impacts.

Outstanding Sundry debtors totalling \$3,255,985.46 in cash flow impacts.

**STRATEGIC IMPLICATIONS**

GOAL	OUR PRIORITIES	WE WILL
1. Leadership and Governance	4.3 Sustainability	1.2.2 Provide strong governance

**RISK MANAGEMENT CONSIDERATIONS**

RISK	LIKELIHOOD	CONSEQUENCE	RISK ANALYSIS	MITIGATION
<b>Financial:</b> Non recovery of debts will impact the type and level of services provided to the town.	Almost Certain	Severe	Extreme	Be proactive with collection process and recovering outstanding debt

**CONSULTATION**

Internal

CS Legal

**COMMENT**

Attached to this report is an aged breakdown of outstanding rates and service charges by rating category as well a depiction of rates debt by month. The report also contains a breakdown of outstanding sundry debtor charges by age as well as the movement of this debt over a rolling five-month period.

There was a single write off processed for January for \$126,984.94 which related to rates debt on 5 Delewarr Street.

**VOTING REQUIREMENT**

Simple majority

**ATTACHMENTS**

1. **Sundry Debtors - Report to Council** [↓](#) 
2. **Debtors Comparison Graphs** [↓](#) 
3. **Rates Debt Summary Report** [↓](#) 
4. **Rates Outstanding - Report to Audit** [↓](#) 

**COMMITTEE RESOLUTION AC05/24****Moved: Cr Brett Angwin****Seconded: Mr Peter McCumstie****That the Audit and Risk Committee recommends that Council receive the information contained in the report detailing outstanding rates and sundry debtors as at 31 January 2024.****In Favour: Crs Peter McCumstie, Andrew Twaddle, Brett Angwin, Geoff Davis and Geoff Haerewa****Against: Nil****CARRIED 5/0**

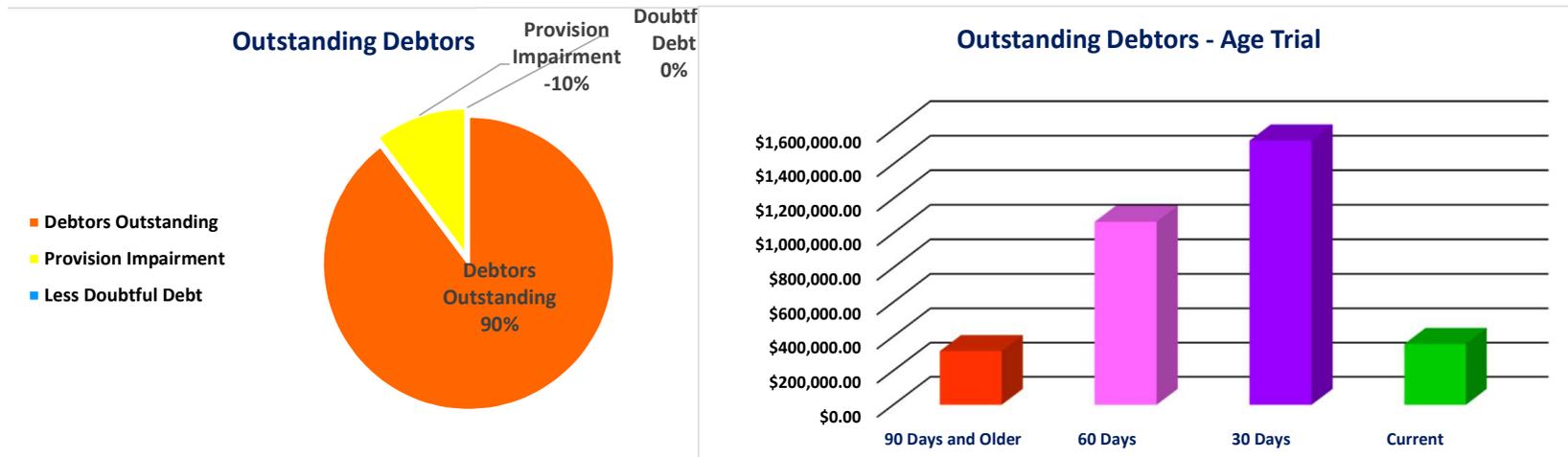


**Shire of Derby /  
West Kimberley**

**Report to Council Accounts Receivable**

January 2024

31/01/2024 \$ 3,255,985.46

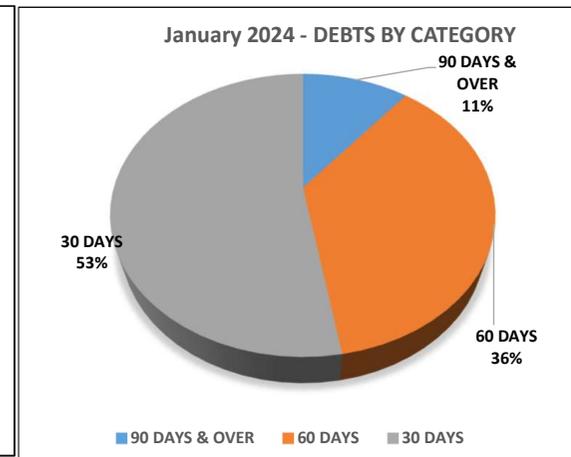
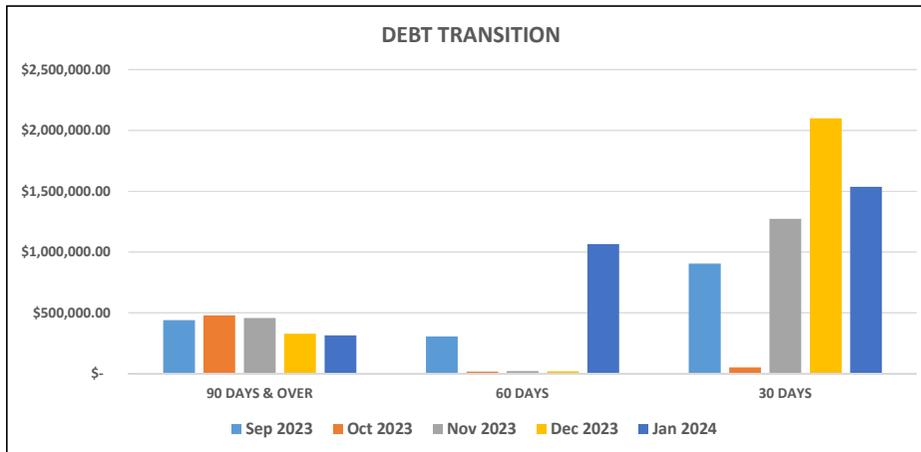


Of the above outstanding figure 74% is related either to reimbursement for flood related activity or invoices for grants yet to be paid. A further 10% of the overall debt relates to yet to be paid wharf charges.



TOTAL DEBTORS OUTSTANDING COMPARISON GRAPHS (A) - 2023/2024

	Sep 2023	Oct 2023	Nov 2023	Dec 2023	Jan 2024	Changes (Dec-Jan)
90 DAYS & OVER	\$ 441,081.05	\$ 480,850.52	\$ 458,404.82	\$ 329,965.00	\$ 314,325.52	-\$ 15,639.48
60 DAYS	\$ 307,493.44	\$ 17,354.06	\$ 22,675.53	\$ 19,045.04	\$ 1,065,302.47	\$ 1,046,257.43
30 DAYS	\$ 904,604.74	\$ 52,544.19	\$ 1,272,874.13	\$ 2,099,850.80	\$ 1,535,516.82	-\$ 564,333.98
<b>OUTSTANDING DEBT</b>	<b>\$ 773,812.74</b>	<b>\$ 1,653,179.23</b>	<b>\$ 1,753,954.48</b>	<b>\$ 2,448,860.84</b>	<b>\$ 2,915,144.81</b>	<b>\$ 466,283.97</b>





**Total Rates & Service Charges in arrears at rates levy date 23/24**  
**Total Rates & Service Charges Levied for FY 2023/24**  
**Total Collected YTD From Outstanding Rates & Service Charges**  
**Total Rates & Service Charges Outstanding as at 31st January 2024**

\$963,182.92  
 \$11,835,548.93  
 \$10,207,392.96  
**\$2,591,338.89**

**Total payments expected from instalment payers for 23/24** % of overall debt  
 \$569,673.49 22%  
 \*The above balance is included in the total outstanding figure

**Total Balance of Debt Currently Referred to CS Legal**  
 \$1,014,324.59

**Total Balance of owed by ratepayers on a payment arrangement OR making regular payments towards debt**  
 \$451,172.29

	Total Debt					Debt Reduction (Dec-Jan)
	Sep-23	Oct-23	Nov-23	Dec-23	Jan-24	
GRV (Residential, Commercial & Industrial)	\$ 4,037,207.63	\$ 3,013,504.49	\$ 2,490,558.45	\$ 2,180,535.65	\$ 1,748,180.44	\$ (432,355.21)
Mining UV (Mining Tenements)	\$ 209,302.17	\$ 131,030.87	\$ 105,272.06	\$ 64,237.82	\$ 14,880.89	\$ (49,356.93)
Rural UV (Pastoral properties)	\$ 1,602,984.00	\$ 1,066,447.10	\$ 804,262.59	\$ 795,065.38	\$ 774,861.34	\$ (20,204.04)
Non-Rateable	\$ 1,513.67	\$ 2,201.78	\$ 2,326.41	\$ 1,945.70	\$ 550.73	\$ (1,394.97)
Non-Rateable UV Exempt	\$ (1,812.06)	\$ (262.00)	\$ (382.00)	\$ (499.47)	\$ (597.47)	\$ (98.00)
Non-Rateable GRV Exempt (Waste & ESL Charges)	\$ 99,697.45	\$ 66,176.80	\$ 39,192.33	\$ 42,804.60	\$ 42,805.01	\$ 0.41
<b>Total</b>	<b>\$ 5,948,892.86</b>	<b>\$ 4,279,099.04</b>	<b>\$ 3,441,229.84</b>	<b>\$ 3,084,089.68</b>	<b>\$ 2,580,680.94</b>	<b>\$ (503,408.74)</b>

Debt balance above differs slightly from 31st January position as debt by category report was produced on the 5th of February

	Debt Older Than Three Years	21/22	22/23	23/24	Credit Balances	Total Outstanding
COMMERCIAL - GRV	\$ -	\$ 3,714.38	\$ 42,996.45	\$ 280,823.84	\$ (30,096.38)	\$ 297,438.29
INDUSTRIAL - GRV	\$ -	\$ -	\$ 7,806.47	\$ 54,805.31	\$ (18,482.24)	\$ 44,129.54
MINING - UV	\$ -	\$ 629.77	\$ 947.74	\$ 14,560.71	\$ (1,257.33)	\$ 14,880.89
NON-RATEABLE	\$ 111.70	\$ 1,745.76	\$ 2,636.89	\$ 650.97	\$ (4,594.59)	\$ 550.73
	\$ 13,257.20	\$ 8,703.98	\$ 11,520.06	\$ 13,973.01	\$ (4,649.24)	\$ 42,805.01
NON-RATEABLE/EXEMPT - GRV	\$ -	\$ -	\$ -	\$ 2.53	\$ (600.00)	\$ (597.47)
NON-RATEABLE/EXEMPT - UV	\$ -	\$ -	\$ -	\$ 83.02	\$ -	\$ 83.02
OTHER LOCATIONS - GRV	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
RESIDENTIAL - GRV	\$ 320,163.76	\$ 100,543.31	\$ 176,674.94	\$ 825,840.29	\$ (37,386.30)	\$ 1,385,836.00
RURAL - UV	\$ 7,797.04	\$ 11,441.46	\$ 67,205.85	\$ 701,041.70	\$ (12,624.71)	\$ 774,861.34
URBAN FARMLAND - GRV	\$ 2,588.16	\$ 3,290.42	\$ 5,753.85	\$ 9,186.86	\$ (125.70)	\$ 20,693.59
<b>Total</b>	<b>\$ 343,917.86</b>	<b>\$ 130,069.08</b>	<b>\$ 315,542.25</b>	<b>\$ 1,900,968.24</b>	<b>\$ (109,816.49)</b>	<b>\$ 2,580,680.94</b>

Comments	Instalment Dates
Debt reduction continues on trend with the \$503,408.74 balance reduction in line with January of last year.	Two Instalment Option 1st - 6/10/2023
	2nd - 12/01/2024
Large batch of outstanding debt for 23/24 has now been referred to CS Legal with a number of existing referrals also updated to include 23/24 balances.	Four Instalment Option 1st - 6/10/2023
	2nd - 8/12/2023
	3rd - 9/02/2023
	4th - 12/04/2023

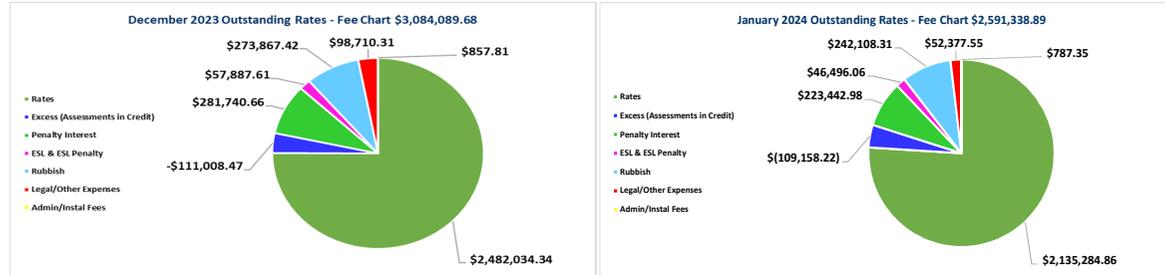
**Comparison of Current FY to Previous FY**

	2022/23	2023/24
Total rates and charges outstanding and levied at commencement of rating year	\$12,379,654.69	\$12,798,731.85
Unpaid rates and charges 31st January	\$2,450,871.81	\$2,591,338.89
Percentage Outstanding	19.80%	20.25%



Report to Audit Committee  
January 2024

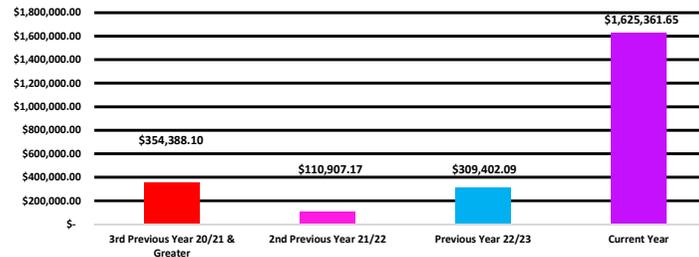
Total Rates Outstanding as at EOM January 2024 \$ 2,591,338.89



Rates and Service Charges Levied 2023/2024

Levied at 25th August 2023	
Rates	\$ 9,208,155.74
Waste	\$ 2,375,178.95
ESL	\$ 252,214.24
<b>Total Levied 23/24</b>	<b>\$ 11,835,548.93</b>
Arrears	\$ 963,182.92
<b>Total Outstanding</b>	<b>\$ 12,798,731.85</b>

Outstanding Rates - Financial Years



## 8.5 COMPLIANCE REPORTS - COUNCILLOR MEETING ATTENDANCE

**File Number:** 4262 - Status Reports  
**Author:** Sarah Smith, Executive Services Coordinator  
**Responsible Officer:** Amanda Dexter, Chief Executive Officer  
**Authority/Discretion:** Information

### SUMMARY

For the Committee to monitor councillor attendance at Ordinary Meetings of Council and Special Council Meetings to oversee compliance with the Local Government Act.

In accordance with regulation 14D of the Local Government (Administration) Regulations 1996 Council may approve the holding of any Ordinary or Special Council Meeting by electronic means (vis. telephone, video conference or other means of instantaneous communication).

Council cannot authorise more than half of its Council meetings, to be held electronically, in any rolling 12 months period.

A Councillor may attend council or committee meetings by electronic means if the member is authorised to do so by the President or the Council. Electronic means attendance can only be authorised for up to half of the Shire's in-person meetings they have attended in total, in any rolling 12 months prior period. Authorisation can only be provided if the location and the equipment to be used by the Councillor are suitable to enable effective, and where necessary confidential, engagement in the meeting's deliberations and communications.

### DISCLOSURE OF ANY INTEREST

Nil by Author and Responsible Officer.

### BACKGROUND

The Councillor Meeting Attendance Reports provides Council with accurate meeting attendance register and allows the Administration to monitor attendance by Councillors to ensure compliance with the Local Government Act 1995 and Local Government (Administration) – Amendment Regulations 2022.

### STATUTORY ENVIRONMENT

#### *Local Government Act 1995*

#### 2.25. Disqualification for failure to attend meetings

- (1) A council may, by resolution, grant leave of absence, to a member.
- (2) Leave is not to be granted to a member in respect of more than 6 consecutive ordinary meetings of the council without the approval of the Minister, unless all of the meetings are within a period of 3 months.
- (3A) Leave is not to be granted in respect of —
  - (a) a meeting that has concluded; or
  - (b) the part of a meeting before the granting of leave.

- (3) The granting of the leave, or refusal to grant the leave and reasons for that refusal, is to be recorded in the minutes of the meeting.
- (4) A member who is absent, without obtaining leave of the council, throughout 3 consecutive ordinary meetings of the council is disqualified from continuing his or her membership of the council, unless all of the meetings are within a 2 month period.
- (5A) If a council holds 3 or more ordinary meetings within a 2 month period, and a member is absent without leave throughout each of those meetings, the member is disqualified if he or she is absent without leave throughout the ordinary meeting of the council immediately following the end of that period.
- (5) The non-attendance of a member at the time and place appointed for an ordinary meeting of the council does not constitute absence from an ordinary meeting of the council —
  - (a) if no meeting of the council at which a quorum is present is actually held on that day; or
  - (b) if the non-attendance occurs —
    - (i) while the member has ceased to act as a member after written notice has been given to the member under section 2.27(3) and before written notice has been given to the member under section 2.27(5); or
    - (ii) while proceedings in connection with the disqualification of the member have been commenced and are pending; or
    - (iii) while the member is suspended under section 5.117(1)(a)(iv) or Part 8; or
    - (iiii) while the election of the member is disputed and proceedings relating to the disputed election have been commenced and are pending.
- (6) A member who before the commencement of the *Local Government Amendment Act 2009* section 5 was granted leave during an ordinary meeting of the council from which the member was absent is to be taken to have first obtained leave for the remainder of that meeting.

*[Section 2.25 amended: No. 49 of 2004 s. 19(1); No. 17 of 2009 s. 5; No. 31 of 2018 s. 5.]*

## **Local Government Act 1995 – Local Government (Administration) – Amendment Regulations 2022**

**Regulation 7** inserts additional provisions for meetings that are conducted entirely by electronic means under regulation 14D. Regulation 14D provides for a meeting of council or committee to be conducted by electronic means outside of a declared state of emergency. Regulation 14D(1) defines a relevant period in relation to the backward-looking test used to calculate how many electronic meetings a local government has conducted over the previous 12 months relative to the proposed meeting, and the 50% cap provided by regulation 14D(2A). Subsection 14D(2)(a)(ii) is amended to require the mayor, president or council to consider the requirements under subregulation 14D(2B) in deciding whether to conduct an electronic meeting. Regulation 14D(2B) requires the local government to consider the suitability of a person's location and their equipment with respect to effective communication and confidential matters during a meeting.

Regulation 14D(2A) applies the 50% cap to the number of electronic meetings that a local government (council) may authorise outside of an emergency situation under subregulation (2)(c) over a 12-month period. The backward-looking test used to determine how many meetings have

already been held by electronic means in the preceding 12 months applies in the same way it does for electronic attendance at in-person meetings.

Regulation 14D(2B) inserts the criteria that the authorising authority (the mayor, president or council) are required to consider before deciding to hold an electronic meeting. The authorising authority is required to consider each council or committee member's ability to maintain confidentiality during closed parts of the meeting and the suitability of each person's intended location and equipment to enable effective engagement in council deliberations. The authorising authority must have regard to these matters when deciding to hold and authorise electronic meetings. Electronic meetings held outside of emergency circumstances under subregulation 2(c) may only be approved by council.

Subregulations 14D(5)(a) and (b) insert subsections (6) to (8) that apply to closed parts of electronic meetings. Subsection (6) requires each member in attendance to make a declaration that they can maintain confidentiality during the closed part of the meeting. Subsection (7) requires that if a member makes a confidentiality declaration but is unable to maintain confidentiality subsequent to the declaration, they are required to leave prior to the closed part of the meeting. Subsection (8) requires a member's declaration to be recorded in the meeting minutes.

#### **POLICY IMPLICATIONS**

Nil.

#### **FINANCIAL IMPLICATIONS**

Nil.

#### **STRATEGIC IMPLICATIONS**

<b>GOAL</b>	<b>OUR PRIORITIES</b>	<b>WE WILL</b>
1. Leadership and Governance	1.2 Capable, inclusive and effective organisation	1.2.1 Provide strong civic leadership 1.2.2 Provide strong governance

#### **RISK MANAGEMENT CONSIDERATIONS**

<b>RISK</b>	<b>LIKELIHOOD</b>	<b>CONSEQUENCE</b>	<b>RISK ANALYSIS</b>	<b>MITIGATION</b>
<b>Financial:</b> Financial, Legal and Compliance, Organisational Operations and Reputation	Unlikely	Severe	Extreme	Monthly reporting to the Audit Committee for awareness and direction where required.

#### **CONSULTATION**

Internal consultation has been undertaken with relevant areas to collate information.

**COMMENT**

There is no compliance concerns noted for this reporting period.

**VOTING REQUIREMENT**

Simple majority

**ATTACHMENTS**

1. Council Meeting Attendance Table - 23-24 [↓](#) 
2. Electronic Council Meeting Attendance Table - 23-24 [↓](#) 

**COMMITTEE RESOLUTION AC06/24**

**Moved:** Cr Brett Angwin

**Seconded:** Cr Geoff Davis

**That the Audit & Risk Committee receives the information contained in the reports detailing Councillor meeting attendance (including via electronic means).**

**In Favour:** Crs Peter McCumstie, Andrew Twaddle, Brett Angwin, Geoff Davis and Geoff Haerewa

**Against:** Nil

**CARRIED 5/0**



**MEETING ATTENDANCE**

The following table provides information on attendance at the 2023/24 Financial Year Ordinary and Special Council Meetings:

Councillor	Cancelled	17	31	12	26	30	15	29	28	24	30	27
	Jul	Aug	Aug	Oct	Oct	Nov	Dec	Feb	Mar	Apr	May	June
	2023	2023	2023	2023	2023	2023	2023	2024	2024	2024	2024	2024
	OCM	Special	OCM	OCM	OCM	FX OCM	OCM	OCM	OCM	OCM	OCM	OCM
G Haerewa	-	✓ Phone	✓	✓	✓	LOA	✓					
P McCumstie	-	✓	✓	✓	✓	✓	✓					
A Twaddle	-	✓	✓	✓ Phone	✓	✓	✓					
G Davis	-	✓	✓	✓ Phone	✓	✓	✓					
B Angwin					✓	✓	✓					
P Bickerton					✓	✓	✓					
B Ellison					✓	✓	✓					
W Foley					✓	✓	✓					
K O'Meara					✓	✓ Phone	✓					

**Derby**  
 ☎ (08) 9191 0999 | 30 Loch Street  
 ✉ sdwk@sdwk.wa.gov.au | PO Box 94, Derby WA 6728

**Fitzroy Crossing**  
 ☎ (08) 9191 5355 | Flynn Drive  
 ✉ sdwk@sdwk.wa.gov.au | PO Box 101, Fitzroy Crossing

ABN: 96 034 203 062 | [www.sdwk.wa.gov.au](http://www.sdwk.wa.gov.au)

MONTH	26-Oct	30-Nov	15-Dec	29-Feb	28-Mar	24-Apr	30-May	27-Jun	25-Jul	29-Aug	26-Sep	31-Oct	28-Nov	12-Dec
TYPE/LOCATION	OCM - DBY	OCM - FX	OCM - DBY	OCM - DBY	OCM - FX	OCM - DBY	OCM - FX	OCM - DBY	OCM - REMOTE	OCM - DBY	OCM - FX	OCM - DBY	OCM - FX	OCM - DBY
NAME														
P McCumstie	P	P	P											
G Haerewa	P	LOA	P											
A Twaddle	P	P	P											
G Davis	P	P	P											
B Angwin	P	P	P											
P Bickerton	P	P	P											
B Ellison	P	P	P											
W Foley	P	P	P											
K O'Meara	P	O	P											
	P	: IN-PERSON												
	O	: ONLINE												
	A	: APOLOGY												
	LOA	: LEAVE OF ABSENCE												
	* Inclusion depends on date not conflicting with 12 months rolling period.													

Physical Attendance	Online Attendance	Apology*	LOA*	Total Attendance	Physically In Attendance %*	NAME
3	0	0	0	3	100	P McCumstie
2	0	0	1	2	100	G Haerewa
3	0	0	0	3	100	A Twaddle
3	0	0	0	3	100	G Davis
3	0	0	0	3	100	B Angwin
3	0	0	0	3	100	P Bickerton
3	0	0	0	3	100	B Ellison
3	0	0	0	3	100	W Foley
2	1	0	0	3	67	K O'Meara
		*Not counted in attendance %			*Measured using "rolling 12 months period".	

*Cr Bickerton entered the meeting as a visitor at 4:13pm.*

## 8.6 COMPLIANCE REPORTS - COUNCIL MINUTE MANAGEMENT

**File Number:** 4262 - Status Reports

**Author:** Sarah Smith, Executive Services Coordinator

**Responsible Officer:** Amanda Dexter, Chief Executive Officer

**Authority/Discretion:** Information

### SUMMARY

The Council Minute Management Report provides Council with an update on all actions required to be undertaken by the Administration once a resolution has been adopted by Council at the Ordinary Council and Audit Committee Meetings.

### DISCLOSURE OF ANY INTEREST

Nil by Author and Responsible Officer.

### BACKGROUND

Officers are required to provide an accurate update on items to inform the Council on the progress, or any delays or the completion of each recommendation adopted by Council at the Ordinary Council and Audit Committee Meetings.

The report assists the Shire fulfil its corporate governance responsibilities in managing the affairs of the organisation. This includes financial reporting, risk management, compliance requirements and auditing.

### STATUTORY ENVIRONMENT

#### *Local Government Act 1995*

Section 5.41(a) of the Act requires CEOs to advise councils in relation to the functions of a local government under both the *Local Government Act 1995*, and other legislation.

The CEO's function under section 5.41(b) is to ensure the availability of unbiased, professional and relevant advice and information to elected members for their decision-making purposes.

### POLICY IMPLICATIONS

Nil.

### FINANCIAL IMPLICATIONS

Nil.

### STRATEGIC IMPLICATIONS

GOAL	OUR PRIORITIES	WE WILL
1. Leadership and Governance	1.2 Capable, inclusive and effective organisation	1.2.1 Provide strong civic leadership 1.2.2 Provide strong governance

**RISK MANAGEMENT CONSIDERATIONS**

<b>RISK</b>	<b>LIKELIHOOD</b>	<b>CONSEQUENCE</b>	<b>RISK ANALYSIS</b>	<b>MITIGATION</b>
<b>Financial:</b> Financial, Legal and Compliance, Organisational Operations and Reputation	Unlikely	Severe	Extreme	Monthly reporting to the Audit Committee for awareness and direction where required.

**CONSULTATION**

Internal consultation has been undertaken with relevant areas to collate information.

**COMMENT**

Most items are up to date within reasonable parameters.

Staff leave, recent resignations and flood recovery impacts have had some impact on progress, and however the delays at this point are not concerning.

**VOTING REQUIREMENT**

Simple majority

**ATTACHMENTS**

1. **Actions - February 2024**  

**COMMITTEE RESOLUTION AC07/24**

**Moved: Mr Peter McCumstie**  
**Seconded: Cr Geoff Davis**

**That the Audit & Risk Committee receives the information contained in the report detailing Council Minute Management.**

In Favour: Crs Peter McCumstie, Andrew Twaddle, Brett Angwin, Geoff Davis and Geoff Haerewa

Against: Nil

**CARRIED 5/0**

<p><b>Division:</b> <b>Committee:</b> <b>Officer:</b></p> <p><a href="#">Action Sheets Report</a></p>	<p><b>Date From:</b> <b>Date To:</b></p> <p>Printed: 16 February 2024 5:23 PM</p>
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Meeting	Officer/Director	Section	Subject
Council 25/03/2021	Neate, Wayne Clarkson, Tamara	Development Services	Policy H2 - Traders and Stall Holders Permits (revised)
<p><b>RESOLUTION 24/21</b></p> <p><b>Moved: Cr Rowena Mouda</b> <b>Seconded: Cr Paul White</b></p> <p><b>That Council:</b></p> <ol style="list-style-type: none"> <li>Pursuant to Section 2.7(2)(b) of the Local Government Act, 1995 adopt Policy H2 – Traders and Stall Holders Permits (revised) as presented in Attachment 1 of this report for a period of three months whilst it seeks community consultation on the matter.</li> <li>Request the Chief Executive Officer to undertake a consultation process as addressed in the Shire Report and refer the matter back to Council for consideration.</li> </ol> <p><u>In Favour:</u> Crs Geoff Haerewa, Paul White, Geoff Davis, Chris Kloss, Andrew Twaddle, Rowena Mouda, Pat Riley and Keith Bedford</p> <p><u>Against:</u> Nil</p> <p style="text-align: right;"><b>CARRIED 8/0</b></p> <p><b>17 May 2021 3:49pm Paull, Robert</b> Further report to Council on outcome of advertising</p> <p><b>10 Sep 2021 4:14pm Paull, Robert</b> Report to be prepared for the 28 October 2021 Council meeting.</p> <p><b>10 Aug 2022 11:04am Smith, Sarah - Reallocation</b> Action reassigned to Neate, Wayne by: Smith, Sarah for the reason: Rob Paull has left the organisation</p> <p><b>12 Aug 2022 10:49am Neate, Wayne - Target Date Revision</b> Revised Target Date changed by: Neate, Wayne From: 8 Apr 2021 To: 01 Sep 2022, Reason: With resignation of MDS the DTDS will need to investigate what has occurred</p>			

Meeting	Officer/Director	Section	Subject
Council 26/08/2021	Dexter, Amanda Dexter, Amanda	Executive Services	Aboriginal Empowerment Strategy
<p><b>RESOLUTION 84/21</b></p> <p><b>Moved: Cr Geoff Davis</b></p>			

Division: Committee: Officer:	Date From: Date To:
<a href="#">Action Sheets Report</a>	Printed: 16 February 2024 5:23 PM

**Seconded: Cr Rowena Mouda**

**That Council:**

1. **Endorses the Workshop Report – 22 July 2021 – Shire of Derby/West Kimberley Aboriginal Empowerment Strategy;**
2. **Authorise the CEO to commence a Request for Quote process, to seek out an external consultancy with expertise to support Councillors and the Executive with strategic direction setting and policy development to the Aboriginal Empowerment Strategy; and**
3. **Endorse the scoping and development of a senior Aboriginal identified position within the SDWK to operationalise empowerment strategies including economic development and communications.**

In Favour: Crs Geoff Haerewa, Paul White, Geoff Davis, Chris Kloss, Andrew Twaddle, Rowena Mouda, Pat Riley and Keith Bedford

Against: Nil

**CARRIED 8/0**

**10 Sep 2021 4:12pm Smith, Sarah - Reallocation**  
 Action reassigned to O'Halloran, Amanda by: Smith, Sarah for the reason: Sarah Tobias is an external consultant

**16 Mar 2022 11:30am Dexter, Amanda**  
 Amanda will arrange advertising to progress the appointment of a Organisation/ Consultant to assist with the Development of a Strategy and/ or high level priorities in order to get this program up and running over the next few months.

**16 Mar 2022 11:34am Dexter, Amanda - Target Date Revision**  
 Revised Target Date changed by: Dexter, Amanda From: 9 Sep 2021 To: 31 May 2022, Reason: This item has not been resourced adequately and higher prioritisation has been allocated to ensure that it progresses over the next few months

**09 Jun 2022 4:02pm Dexter, Amanda - Target Date Revision**  
 Revised Target Date changed by: Dexter, Amanda From: 31 May 2022 To: 30 Jul 2022, Reason: This project has unfortunately not progressed due to resourcing issues, it has been reallocated in the 2022/23 Budget and the CEO's Exec Team will progress the project once the once the budget is approved.

**12 Aug 2022 11:09am Dexter, Amanda - Target Date Revision**  
 Revised Target Date changed by: Dexter, Amanda From: 30 Jul 2022 To: 30 Sep 2022, Reason: This Item is a high priority for the first quarter of the 2022/23 FY.

**12 Aug 2022 11:10am Dexter, Amanda - Target Date Revision**  
 Revised Target Date changed by: Dexter, Amanda From: 30 Sep 2022 To: 30 Sep 2022, Reason: This Item is a high priority of the 2022/23 FY. A detailed report will be provided to Council by the 30 September 2022

**11 Oct 2023 3:26pm Smith, Sarah - Target Date Revision**  
 Target date changed by Smith, Sarah from 30 September 2022 to 29 February 2024 - Aboriginal Empowerment Strategy this is ongoing – the CEO Exec Team will continue to progress this as time permits. We will look to regroup in the new year (11/10/2024)

Meeting	Officer/Director	Section	Subject
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<p><b>Division:</b> <b>Committee:</b> <b>Officer:</b></p> <p><b>Action Sheets Report</b></p>	<p><b>Date From:</b> <b>Date To:</b></p> <p><b>Printed: 16 February 2024 5:23 PM</b></p>
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Council 25/11/2021	Hartley, Neil Dexter, Amanda	Matters for which the Meeting May Be Closed (Confi	Derby Jetty - Insurance and Related Considerations
<p><b>RESOLUTION 159/21</b></p> <p><b>Moved: Cr Paul White</b> <b>Seconded: Cr Geoff Davis</b></p> <p><b>That Council:</b></p> <ol style="list-style-type: none"> <li>1. <b>Accepts the position offered by Kimberley Ports Authority that the Derby Jetty can be insured for \$5.6m on the basis that in the event of a catastrophic event which destroyed the jetty, the jetty would not be reinstated or replaced utilising the existing design and specifications, and the intent would be to clear the site and reinstate a small recreational jetty (due to the change in demand and utilisation since the Jetty was first built);</b></li> <li>2. <b>Understands that any costs above the insured level would be the responsibility of the Shire to bear, and asks that the Chief Executive Officer arrange for engineering studies to be sought to confirm the most prudent level of insurance that should be set, such that removal of debris/clean-up can be undertaken, and construction/reinstatement of a small recreational jetty to replace the existing structure can be achieved, without there being any undue risk of excess costs resulting.</b></li> <li>3. <b>Confirms the need to maintain current levels of insurance levels (until 2023 when the MPA Fish Farms Lease is due to expire) unless legal advice is obtained that reasonably allows the changes to be brought in earlier;</b></li> <li>4. <b>Notes that the eventual lease renegotiations with Kimberley Mineral Sands will need to accommodate a mutually agreed position on jetty insurance;</b></li> <li>5. <b>Requires the Chief Executive Officer to pursue the implementation of a Deed to suitably modify the insurance clauses of the Head Lease (from “replacement”, to a “removal of debris/clean up only” clause);</b></li> <li>6. <b>Requires that any future Derby Port/Jetty Leases provide clarity on the Shire’s capacity going forward to undertake Jetty maintenance or replacement, and that the Shire’s position be suitably protected;</b></li> <li>7. <b>Requires that a Derby Port Masterplan workshop be scheduled with Councillors, to outline options available for the sustainable operation of the Derby Port; and</b></li> <li>8. <b>Requires that a review of Derby Jetty fees/charges be undertaken and a report be presented to Council on the options available to it.</b></li> </ol>			

<p><b>Division:</b> <b>Committee:</b> <b>Officer:</b></p>	<p><b>Date From:</b> <b>Date To:</b></p>
<p><a href="#">Action Sheets Report</a></p>	<p>Printed: 16 February 2024 5:23 PM</p>

**In Favour:** Crs Geoff Haerewa, Paul White, Geoff Davis, Andrew Twaddle, Rowena Mouda, Pat Riley, Keith Bedford, Linda Evans and Peter McCumstie

**Against:** Nil

**CARRIED 9/0**

**31 Mar 2022 2:37pm Hartley, Neil - Target Date Revision**  
Revised Target Date changed by: Hartley, Neil From: 9 Dec 2021 To: 30 Jun 2023, Reason: Insurance changes can be accommodated by LGIS, but can generally only occur once each year, on policy renewal (end of financial year). Insurance change is also subject to Kimberley Mineral Sands and MPA Fish Farms lease clauses and commitments. It is hoped that a change to Removal of Debris Only insurance can be arranged to occur from 1 July 2023.

**05 Dec 2022 2:26pm Hartley, Neil - Target Date Revision**  
Revised Target Date changed by: Hartley, Neil From: 30 Jun 2023 To: 30 Jun 2023, Reason: KMS has agreed to fund the Replacement Value Insurance Premiums for the time being. Can revert to Removal of Debris Insurance once KMS ceases paying the premium.

**03 Apr 2023 8:40am Hartley, Neil - Target Date Revision**  
Revised Target Date changed by: Hartley, Neil From: 30 Jun 2023 To: 30 Jun 2024, Reason: KMS has agreed to fund the Replacement Value Insurance Premiums for the time being, with no change to that position anticipated until its Broome Road Train (Gubinge Road) application has been decided. Shire can revert to Removal of Debris Insurance once KMS ceases paying the premium.

**07 Aug 2023 10:57am Hartley, Neil - Target Date Revision**  
Target date changed by Hartley, Neil from 30 June 2024 to 30 June 2024 - KMS is considering allowing the Shire to move from Replacement Value Insurance to Removal of Debris (ROD) Insurance. KMS will then cease paying that higher Replacement Value premium, to be replaced with its portion of the ROD insurance premium only. Next change option consideration is likely to be 30 June 2024, upon the consideration of renewal of the premium.

Meeting	Officer/Director	Section	Subject
Council 9/12/2021	Hartley, Neil Dexter, Amanda	Executive Services	Fitzroy Crossing Airport - Proposal for State Government Funding Plan
<b>RESOLUTION 160/21</b>			
<b>Moved: Cr Peter McCumstie</b>			
<b>Seconded: Cr Keith Bedford</b>			
<b>That Council:</b>			
<ol style="list-style-type: none"> <li>1. Endorse the principle and thrust of the Fitzroy Crossing Airport Funding Plan and request the CEO to coordinate its finalisation at the earliest opportunity;</li> <li>2. Authorise the President and the Chief Executive Officer to facilitate discussions with the State Government for a contribution towards the long term asset management funding of the Fitzroy Crossing Airport; and</li> <li>3. Notes that a separate report on Curtin and Derby airports, including asset and operational cost considerations at those sites, will be forthcoming.</li> </ol>			

<b>Division:</b> <b>Committee:</b> <b>Officer:</b>	<b>Date From:</b> <b>Date To:</b>  <b>Printed: 16 February 2024 5:23 PM</b>
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**In Favour:** Crs Geoff Haerewa, Paul White, Andrew Twaddle, Rowena Mouda, Pat Riley, Keith Bedford, Linda Evans and Peter McCumstie

**Against:** Nil

**CARRIED 8/0**

- 15 Dec 2021 9:53am Hartley, Neil - Target Date Revision**  
 Revised Target Date changed by: Hartley, Neil From: 23 Dec 2021 To: 31 Mar 2022, Reason: Letter forwarded to State Minister for Health. Awaiting meeting opportunity. Still need to finalise Funding Proposal with accurate asset management estimates (awaiting consultant engineering report).
- 07 Feb 2022 7:28am Hartley, Neil - Target Date Revision**  
 Revised Target Date changed by: Hartley, Neil From: 31 Mar 2022 To: 30 Jun 2022, Reason: Minister for Health has passed on to Minister for Transport. Requires ongoing lobbying of state government.
- 03 Jun 2022 10:35am Hartley, Neil - Target Date Revision**  
 Revised Target Date changed by: Hartley, Neil From: 30 Jun 2022 To: 30 Sep 2022, Reason: In ongoing discussions with Department of Transport. Asset Management Plans being prepared for DoT consideration to justify ongoing state support. \$1.5m(State - approved) + \$1.5m(Federal - awaiting confirmation) grants applied for to fund runway and apron area upgrade.
- 07 Sep 2022 8:36am Hartley, Neil - Target Date Revision**  
 Revised Target Date changed by: Hartley, Neil From: 30 Sep 2022 To: 30 Apr 2024, Reason: \$1.5m (State) + \$1.5m (Federal) grants secured. Project Manager appointed. Works to now be scheduled and tendered for construction to occur in 2023. Discussions continue with State Department of Transport on the longer term management/funding of FX Airport.
- 17 Nov 2022 4:32pm Hartley, Neil - Target Date Revision**  
 Revised Target Date changed by: Hartley, Neil From: 30 Apr 2024 To: 30 Apr 2024, Reason: Project is progressing. For example, the Funding Agreements have been executed by the parties; the Project Manager has been appointed. One of the grant pre-conditions, a Geotechnical Assessment has been organised and will be commenced on 28 November 2022. An independent assessment/peer review is also a grant pre-condition and the RFQ for for that service has now closed but the successful contractor has not as yet been selected.
- 06 Feb 2023 8:35am Hartley, Neil - Target Date Revision**  
 Revised Target Date changed by: Hartley, Neil From: 30 Apr 2024 To: 30 Apr 2024, Reason: Independent Reviewer appointed (grant pre-condition) (AMS Australia) and protocols settled for review to be undertaken; Geo Technical survey undertaken (grant pre-condition); Specifications and Tender Documents being prepared. Delays and logistical difficulties expected in light of Cyclone Ellie but no change to final completion date expected at this point in time.
- 07 Mar 2023 2:47pm Hartley, Neil - Target Date Revision**  
 Revised Target Date changed by: Hartley, Neil From: 30 Apr 2024 To: 30 Apr 2025, Reason: Project now delayed by ex-Tropical Cyclone Ellie and application for 12 months deferral submitted. Project will progress to Full Tender Specification stage, with the view to calling tenders at the earliest reasonable opportunity.
- 13 Dec 2023 3:59pm Hartley, Neil - Target Date Revision**  
 Target date changed by Hartley, Neil from 30 April 2025 to 31 December 2025 - Additional grant funds sought from "Better Regions" fund (\$8.6m) and WA State Government (\$0.9m) to undertake \$9.45m full refurbishment of the airstrip. Preliminary approval provided, but the application is subject to a secondary approvals process, the outcome of which will not be known until mid-2024. MRD WA have agreed to undertake the capital works.

Meeting	Officer/Director	Section	Subject
Audit & Risk Committee 24/03/2022	Clarkson, Tamara Clarkson, Tamara	Matters for which the Meeting May Be Closed (Conf)	Kimberley Mineral Sands - Debt Write-Off

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**COMMITTEE RESOLUTION AC28/22**

**Moved: Cr Peter McCumstie**  
**Seconded: Cr Keith Bedford**

**That the Audit Committee recommends that Council, conditional on a new sub-lease being executed by the Shire and the Kimberley Mineral Sands group:**

- 1. Writes off the insurance contribution claim made upon the Derby Port lessee’s, Thunderbird Operations Pty Ltd and Sheffield Resources Limited (of \$172,958.16); and**
- 2. Notes that insurance contributions by the lessee will apply (as per the lease’s new position) from 1 January 2022 .**

In Favour: Crs Keith Bedford, Peter McCumstie and Andrew Twaddle

Against: Nil

**CARRIED 3/0 BY ABSOLUTE MAJORITY**

**03 May 2022 2:11pm Hartley, Neil - Target Date Revision**

Revised Target Date changed by: Hartley, Neil From: 7 Apr 2022 To: 26 May 2022, Reason: Lease negotiations ongoing, with report hoped to be presented to the 26 May 2022 Council Meeting.

**03 Jun 2022 10:29am Hartley, Neil - Target Date Revision**

Revised Target Date changed by: Hartley, Neil From: 26 May 2022 To: 30 Jun 2022, Reason: Updated decision as per 26 May Council Meeting. Debt can be written off on execution of revised lease documentation.

**04 Jul 2022 9:31am Hartley, Neil - Target Date Revision**

Revised Target Date changed by: Hartley, Neil From: 30 Jun 2022 To: 30 Sep 2022, Reason: Subject to new 28 July Council Meeting decision and lease being executed.

**07 Sep 2022 8:39am Hartley, Neil - Reallocation**

Action reassigned to Thornton, Alan by: Hartley, Neil for the reason: New lease agreement execution progressing. Debt to be written off through the normal accounting process once executed lease documents finalised.

**13 Feb 2023 3:34pm Smith, Sarah - Reallocation**

Action reassigned to Clarkson, Tamara by: Smith, Sarah for the reason: Alan Thornton no longer at SDWK

Meeting	Officer/Director	Section	Subject
Audit & Risk Committee 24/03/2022	Clarkson, Tamara Clarkson, Tamara	Reports	Long Term Financial Plan - 2022-23 to 2036-37

**COMMITTEE RESOLUTION AC24/22**

**Moved: Cr Peter McCumstie**

<p><b>Division:</b> <b>Committee:</b> <b>Officer:</b></p> <p><a href="#">Action Sheets Report</a></p>	<p><b>Date From:</b> <b>Date To:</b></p> <p>Printed: 16 February 2024 5:23 PM</p>
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**Seconded: Cr Keith Bedford**

**That the Audit Committee recommend that Council:**

- Endorse the Long Term Financial Plan 2022/23 – 2036/37 per attachment to this report for Council’s on going consideration.**

**In Favour:** Crs Keith Bedford, Peter McCumstie and Andrew Twaddle

**Against:** Nil

**CARRIED 3/0**

**12 Aug 2022 11:17am Dexter, Amanda - Target Date Revision**  
Revised Target Date changed by: Dexter, Amanda From: 7 Apr 2022 To: 30 Sep 2022, Reason: Formal Presentation of the Long Term Financial Plan will occur at the OCM Setember 29 2022

**13 Feb 2023 3:34pm Smith, Sarah - Reallocation**  
Action reassigned to Clarkson, Tamara by: Smith, Sarah for the reason: Alan Thornton no longer at SDWK

**13 Jun 2023 3:13pm Clarkson, Tamara - Target Date Revision**  
Target date changed by Clarkson, Tamara from 30 September 2022 to 30 September 2023 - Engaged Moore Australia to update

Meeting	Officer/Director	Section	Subject
Audit & Risk Committee 23/06/2022	Mildenhall, Christie Mildenhall, Christie	Reports	LGIS / Royal Life-saving WA Safety Assessment and Improvement Audit
<b>COMMITTEE RESOLUTION AC54/22</b>			
<b>Moved: Cr Peter McCumstie</b>			
<b>Seconded: Cr Geoff Haerewa</b>			
<b>That the Audit Committee;</b>			
<ol style="list-style-type: none"> <li><b>Receives the information contained in the report detailing the Royal Life-Saving Safety Assessment and Improvement Plan.</b></li> <li><b>Notes the proposed Action Plan as outlined in Attachment 2 to address the issues identified in the Royal Life-Saving WA Safety Assessment and Improvement Plan.</b></li> </ol>			
<b>In Favour:</b> Crs Geoff Haerewa, Keith Bedford, Peter McCumstie, Pat Riley and Andrew Twaddle			
<b>Against:</b> Nil			

<p><b>Division:</b> <b>Committee:</b> <b>Officer:</b></p> <p><a href="#">Action Sheets Report</a></p>	<p><b>Date From:</b> <b>Date To:</b></p> <p><b>Printed:</b> 16 February 2024 5:23 PM</p>
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<b>CARRIED 5/0</b>
<p><b>18 Aug 2022 8:12am Mildenhall, Christie</b> Feedback provided to Royal Lifesaving on some aspects of the report as per process. Final report has been provided with our total audit score increasing from 88.04% to 90.22% (90% is target mark).</p> <p><b>18 Aug 2022 3:22pm Mildenhall, Christie</b> 15 of 32 identified actions now completed.</p> <p><b>01 Nov 2022 10:42am Mildenhall, Christie</b> 26/32 items completed.</p> <p><b>16 Mar 2023 11:28am Mildenhall, Christie</b> Four actions remain outstanding, two of which are underway. , Since last update major risk identified relating to the chlorine gas system has been addressed and rectified. The other significant risk relating to the equipotential bonding has been addressed, with the certification required scheduled for next week.</p> <p><b>03 May 2023 7:52pm Mildenhall, Christie</b> 3 actions remain outstanding. 1 underway, 2 not yet commenced.</p> <p><b>08 Jun 2023 1:56pm Mildenhall, Christie</b> 3 actions remain outstanding. 2 underway, 1 not yet commenced.</p> <p><b>12 Oct 2023 10:58am Mildenhall, Christie</b> 1 action remaining as outstanding. In progress. 1 item reopened due to additional advice received post completion. Also in progress.</p>

Meeting	Officer/Director	Section	Subject
Council 29/06/2022	Hartley, Neil Dexter, Amanda	Executive Services	WA Grants Commission Submission - Change of Distribution Methodology
<b>RESOLUTION 75/22</b>			
<b>Moved: Cr Paul White</b>			
<b>Seconded: Cr Peter McCumstie</b>			
<b>That Council:</b>			
<ol style="list-style-type: none"> <li><b>1. Endorse the draft WA Grants Commission submission;</b></li> <li><b>2. Supports the principal that the Shire and the Kimberley Region would benefit from other Kimberley local governments also having input and lodging complimentary submissions to the Grants Commission, and requires that the CEO refer the submission to the Kimberley Regional Group for its input and support; and</b></li> <li><b>3. Authorises the CEO to modify the report following any feedback from the Kimberley Regional Group’s members, and subsequent to that, forward the finalised submission to the Grants Commission for its consideration.</b></li> </ol>			

<p><b>Division:</b> <b>Committee:</b> <b>Officer:</b></p>	<p><b>Date From:</b> <b>Date To:</b></p>
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<p><b>In Favour:</b> Crs Geoff Haerewa, Paul White, Andrew Twaddle, Keith Bedford and Peter McCumstie</p> <p><b>Against:</b> Nil</p> <p style="text-align: right;"><b>CARRIED 5/0</b></p> <p><b>12 Aug 2022 11:20am Dexter, Amanda - Target Date Revision</b> Revised Target Date changed by: Dexter, Amanda From: 13 Jul 2022 To: 30 Sep 2022, Reason: The Submission has been circulated to the KRG CEO's and Councils for their review and any recommendation and ultimate endorsement, prior to sending through to the Commission.</p> <p><b>07 Sep 2022 8:29am Hartley, Neil - Target Date Revision</b> Revised Target Date changed by: Hartley, Neil From: 30 Sep 2022 To: 30 Jun 2023, Reason: Submission forwarded to Grants Commission. Assessment by Commission is expected to be concluded prior to the notification of the 2023/24 grant allocations.</p> <p><b>06 Feb 2023 8:28am Hartley, Neil - Target Date Revision</b> Revised Target Date changed by: Hartley, Neil From: 30 Jun 2023 To: 30 Jun 2023, Reason: Awaiting communications with Grants Commission. Assessment by Commission is expected to be concluded prior to the notification of the 2023/24 grant allocations.</p> <p><b>07 Mar 2023 2:45pm Hartley, Neil - Target Date Revision</b> Revised Target Date changed by: Hartley, Neil From: 30 Jun 2023 To: 30 Jun 2024, Reason: State Government has delayed appointment of Grants Commission members, so still awaiting fromal communications. Assessment by Commission is not now expected until after 2023/24 grant allocations have been announced. Minor possibility of some "financial acknowledgement" in 2023/24 grants.</p> <p><b>07 Aug 2023 10:59am Hartley, Neil - Target Date Revision</b> Target date changed by Hartley, Neil from 30 June 2024 to 30 June 2024 - Grants Commission has now been appointed. Consideration of the Shire's application should commence in August/September 2023, but any change will not come into effect until 1 July 2024.</p> <p><b>13 Dec 2023 4:03pm Hartley, Neil - Target Date Revision</b> Target date changed by Hartley, Neil from 30 June 2024 to 30 June 2024 - Grants Commission unable to arrange a meeting before early 2024. Shire has asked for an "in-person" meeting to discuss our submission with the Granrts Commission.</p>
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Meeting	Officer/Director	Section	Subject
Council 25/08/2022	Neate, Wayne Clarkson, Tamara	Technical Services	REQUEST TO CLOSE HOLLAND STREET, DERBY AND TO AMALGAMATE WITH ADJOINING LAND
<b>RESOLUTION 110/22</b>			
<b>Moved: Cr Andrew Twaddle</b>			
<b>Seconded: Cr Rowena Mouda</b>			
<b>That with respect to request to close Holland Street, Derby and to amalgamate with adjoining land, Council:</b>			
<b>1. Pursuant to Section 58 of the Land Administration Act 1997, support the permanent closure of Holland Street, Derby as outlined in this Report and expresses its preference that the closed portion be offered to adjoining land owners to acquire those portions of the closed road that abut their</b>			

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land;

2. Give notice of the proposed road closure in accordance with *Land Administration Act 1978* allowing a minimum period of 35 days for people to lodge submissions from the date of the notice;
3. At the conclusion of the submission period, that the Chief Executive Officer be requested to provide a further report addressing whether to proceed or not to proceed with the proposed road closure in light of any submissions; and
4. Instruct the Chief Executive Officer to write to all of the owners requesting that they indemnify the Shire and the State of Western Australia of any and all third party costs that may be triggered by this process and only proceed with points 1, 2 and 3 when all letters are received from all property owners that adjoin the Holland Street road reserve.

In Favour: Crs Geoff Davis, Andrew Twaddle, Rowena Mouda, Pat Riley, Linda Evans and Peter McCumstie

Against: Nil

**CARRIED 6/0**

**03 Nov 2022 4:38pm Neate, Wayne - Target Date Revision**  
Revised Target Date changed by: Neate, Wayne From: 8 Sep 2022 To: 30 Jan 2023, Reason: All letters agreeing to indemnify Shire have been recieved from all property Owners. Currently advertising proposal and will await outcome of advertising.

**02 Aug 2023 3:17pm Neate, Wayne - Target Date Revision**  
Target date changed by Neate, Wayne from 30 January 2023 to 09 December 2023 - Application has been lodged with DPLH we now await thier confirmation and process's to occur to finalise the process

Meeting	Officer/Director	Section	Subject
Audit & Risk Committee 23/03/2023	Clarkson, Tamara Clarkson, Tamara	Reports	Audit Committee - Modifications to Role, Membership, Title and Meeting Cycle.

**COMMITTEE RESOLUTION AC28/23**

**Moved: Cr Geoff Haerewa**  
**Seconded: Cr Peter McCumstie**

**That Audit Committee recommends that Council by Absolute Majority:**

1. endorse the Audit & Risk Committee’s Terms of Reference (as provided in the attachment); and
2. requires that the Terms of Reference be reviewed as part of the appointment process for the new Audit & Risk Committee (which will occur at a

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**October or November 2023 Council Meeting, following the October 2023 Council Elections).**

In Favour: Crs Geoff Haerewa, Peter McCumstie, Pat Riley and Andrew Twaddle

Against: Nil

**CARRIED 4/0 BY ABSOLUTE MAJORITY**

**08 May 2023 11:22am Smith, Sarah - Reallocation**

Action reassigned to Clarkson, Tamara by: Smith, Sarah for the reason: To be driven by Tamara, Jill and Amanda

**13 Jun 2023 3:14pm Clarkson, Tamara - Target Date Revision**

Target date changed by Clarkson, Tamara from 06 April 2023 to 26 October 2023 - To be reviewed in October following LG Elections

Meeting	Officer/Director	Section	Subject
Council 27/04/2023	Hartley, Neil Dexter, Amanda	Executive Services	Derby Port Masterplan
<b>RESOLUTION 34/23</b>			
<b>Moved: Cr Paul White</b>			
<b>Seconded: Cr Peter McCumstie</b>			
<b>That Council:</b>			
<ol style="list-style-type: none"> <li>1. Express its appreciation to Derby Port stakeholders for their contributions towards the Masterplan;</li> <li>2. Endorse the attached draft Derby Port Masterplan (noting in incorporates the recommendation changes highlighted in the "Consultation" section above);</li> <li>3. Requires that the Chief Executive Officer (CEO) prepare for Council's 2023/24 budget consideration, a timetable for the Masterplan recommendations, incorporating the required funding and resources allocations to meet those timelines (with the view to progressing as many of them as is reasonably possible to do so within the 2023/24 financial year);</li> <li>4. Requires that the CEO provide an annual progress/status report on the implementation of the Masterplan's recommendations (at a Councillors' Forum in March/April of each year); and</li> <li>5. Requires that the Masterplan be formally reviewed in 2025, and then again in 2030 and 2035 (noting that the current Head Lease expires in 2040).</li> </ol>			
<u>In Favour:</u> Crs Geoff Haerewa, Paul White, Geoff Davis, Andrew Twaddle and Peter McCumstie			

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Against: Nil

**CARRIED 5/0**

**03 Jul 2023 3:47pm Hartley, Neil - Target Date Revision**  
 Target date changed by Hartley, Neil from 11 May 2023 to 30 June 2024 - Masterplan funding sought in 2023/24 budget to progress numerous recommendations. Regular reports logged into Attain as reminders for action.

Meeting	Officer/Director	Section	Subject
Council 31/08/2023	Hartley, Neil Dexter, Amanda	Executive Services	Derby Port - Leasing of Jetty Areas 2 and 3 to Tassal Group
<b>RESOLUTION 92/23</b>			
<b>Moved: Cr Paul White</b>			
<b>Seconded: Cr Geoff Davis</b>			
<b>That Council:</b>			
<ol style="list-style-type: none"> <li>1. <b>Authorises the Chief Executive Officer to negotiate a lease with Tassal Group (or its business arm taking responsibility for Areas 2 and 3 of the Derby Port’s Jetty Goods Shed), to be generally consistent with Council’s resolution of 24 November 2022;</b></li> <li>2. <b>Authorises the Chief Executive Officer to advertise the negotiated lease proposal, in accordance with Local Government Act S3.58; and</b></li> <li>3. <b>Requires that the lease, plus any submissions resultant from the S3.58 community consultation process, be referred to Council for its ultimate decision.</b></li> </ol>			
<u>In Favour:</u> Crs Geoff Haerewa, Paul White, Geoff Davis, Andrew Twaddle, Pat Riley and Peter McCumstie			
<u>Against:</u> Nil			
<b>CARRIED 6/0</b>			
<b>06 Sep 2023 3:29pm Hartley, Neil - Target Date Revision</b> Target date changed by Hartley, Neil from 14 September 2023 to 30 November 2023 - In communications with Tassal. Lease needs to be negotiated between Tassal, Shire and Kimberley Ports Authority. Draft lease established for discussions. May need to update valuations if timelines from commencing MPA lease valuation has expired.			
<b>01 Nov 2023 8:54am Hartley, Neil - Target Date Revision</b> Target date changed by Hartley, Neil from 30 November 2023 to 31 January 2024 - Communications continuing with Tassal Group. It is looking to a shorter term lease (possibly 2 years) and to renegotiate with KPA, some of the environmental conditions (noting that the lease is a standard Ports Authority provided lease that the Shire uses as a base document).			

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**13 Dec 2023 4:08pm Hartley, Neil - Target Date Revision**  
 Target date changed by Hartley, Neil from 31 January 2024 to 31 March 2024 - Tassal comments on draft lease received and referred to Kimberley Ports Authority for its comment. Advertising has commenced inviting community feedback.

Meeting	Officer/Director	Section	Subject
Council 31/08/2023	Hartley, Neil Dexter, Amanda	Executive Services	Derby Airport - Lease to Federal Government (SouthPAN Project)
<p><b>RESOLUTION 93/23</b></p> <p><b>Moved: Cr Peter McCumstie</b>  <b>Seconded: Cr Andrew Twaddle</b></p> <p><b>That Council:</b></p> <ol style="list-style-type: none"> <li>Notes that this proposed lease arrangement is exempt from the standard Local Government Act S3.58 requirements, via Regulation 30 of the Local Government (Functions and General) Regulations;</li> <li>Agrees to lease the portion of land referred to in this report to the Federal Government agency, Geoscience Australia, for a period of up to 20 years; and</li> <li>Authorises the Chief Executive Officer to negotiate the appropriate lease form, conditions, and annual lease charge.</li> </ol> <p><u>In Favour:</u> Crs Geoff Haerewa, Paul White, Geoff Davis, Andrew Twaddle, Pat Riley and Peter McCumstie</p> <p><u>Against:</u> Nil</p> <p style="text-align: right;"><b>CARRIED 6/0</b></p>			
<p><b>06 Sep 2023 3:32pm Hartley, Neil - Target Date Revision</b>                      Target date changed by Hartley, Neil from 14 September 2023 to 31 December 2023 - Advice of Council's position forwarded to Federal Government's Geoscience Australia. Awaiting its response so lease price can be negotiated. Will largely use Geoscience Australia lease document as a base, plus include operational protections for the Derby Airport. Timeline and lease priority establishment for Geoscience Australia is unknown.</p> <p><b>02 Oct 2023 8:35am Hartley, Neil - Target Date Revision</b>                      Target date changed by Hartley, Neil from 31 December 2023 to 31 December 2023 - Drafting of a lease agreement for the Shire's consideration is being progressed by SouthPAN.</p> <p><b>04 Dec 2023 9:37am Hartley, Neil - Target Date Revision</b>                      Target date changed by Hartley, Neil from 31 December 2023 to 31 March 2024 - Shire's comments on lease draft have been submitted to SouthPAN for feedback (generally only minor as lease looks to be an almost standard type commonwealth government lease document). Lease price is still to be negotiated.</p>			

<p><b>Division:</b> <b>Committee:</b> <b>Officer:</b></p> <p><a href="#">Action Sheets Report</a></p>	<p><b>Date From:</b> <b>Date To:</b></p> <p>Printed: 16 February 2024 5:23 PM</p>
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Meeting	Officer/Director	Section	Subject
Council 31/08/2023	Clarkson, Tamara Clarkson, Tamara	Corporate Services	POLICY - F1 Procurement of Goods and Services
<p><b>RESOLUTION 90/23</b></p> <p><b>Moved: Cr Geoff Davis</b> <b>Seconded: Cr Paul White</b></p> <p><b>That Council:</b></p> <ol style="list-style-type: none"> <li><b>1. Adopt F1 Procurement of Goods and Services;</b></li> <li><b>2. Approve Director Corporate Services to be issued a credit card with a limit of \$20,000;</b></li> <li><b>3. Note the Shire’s Corporate Credit Card limit is \$80,000 total; and</b></li> <li><b>4. Direct the CEO to prepare a report to Council on further options for district workforce development that can be considered as part of the Shire’s procurement policy.</b></li> </ol> <p><u>In Favour:</u> Crs Geoff Haerewa, Paul White, Geoff Davis, Andrew Twaddle, Pat Riley and Peter McCumstie</p> <p><u>Against:</u> Nil</p> <p style="text-align: right;"><b>CARRIED 6/0</b></p>			

Meeting	Officer/Director	Section	Subject
Council 31/08/2023	Hartley, Neil Dexter, Amanda	Executive Services	Derby Airport - Disposal of X-Ray and Security Equipment
<p><b>RESOLUTION 91/23</b></p> <p><b>Moved: Cr Andrew Twaddle</b> <b>Seconded: Cr Paul White</b></p> <p><b>That Council:</b></p> <ol style="list-style-type: none"> <li><b>1. Notes the professional assessment of the existing x-ray equipment stored at Derby Airport;</b></li> </ol>			

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**2. Requires that existing airport x-ray/security equipment owned by the Shire be disposed of and the WA Department of Health advised of that decision; and**

**3. That new contemporary standard equipment be procured if a future need arises.**

In Favour: Crs Geoff Haerewa, Paul White, Geoff Davis, Andrew Twaddle, Pat Riley and Peter McCumstie

Against: Nil

**CARRIED 6/0**

**06 Sep 2023 3:26pm Hartley, Neil - Target Date Revision**  
 Target date changed by Hartley, Neil from 14 September 2023 to 31 October 2023 - Liaising with Rapiscan to arrange disposal of equipment and reporting to WA Department of Health.

**02 Oct 2023 8:34am Hartley, Neil - Target Date Revision**  
 Target date changed by Hartley, Neil from 31 October 2023 to 30 November 2023 - Seeking advice from WALGA on potential contractors as original supplier has not maintained an interest to assist.

**05 Dec 2023 10:32am Hartley, Neil - Target Date Revision**  
 Target date changed by Hartley, Neil from 29 February 2024 to 29 February 2024 - Working with a company to undertake the decommissioning and delicensing work, and will work with local contractors to arrange the collection and transportation of the equipment.

Meeting	Officer/Director	Section	Subject
Council 12/10/2023	Hartley, Neil Dexter, Amanda	Executive Services	Derby Airport - Lease to Kingdom Aviation (Lease Area #17)

**RESOLUTION 111/23**

**Moved: Cr Peter McCumstie**

**Seconded: Cr Geoff Davis**

**That Council:**

- 1. Notes that this proposed lease arrangement with Kingdom Aviation Inc. is exempt from the standard Local Government Act S3.58 requirements, via Regulation 30 of the Local Government (Functions and General) Regulations;**
- 2. Agrees to lease Derby Airport Lease Area #17 to Kingdom Aviation Inc. on the following general conditions:**
  - a. Existing lease is extinguished;**
  - b. Lease to be for a 10+10 years period;**
  - c. Lessee to pay all legal costs to establish the lease (and also similarly for the Deed of Extension for the 10-year option within the lease) but**

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not any administration expenses for the lease's establishment/extension;

d. initial lease fee to be set at **\$100**, plus CPI annually thereafter; and

e. Lessee aircraft to pay normal airport fees and charges, as set by Council annually; and

**3. Authorises the Chief Executive Officer to negotiate the appropriate lease form (including any new larger lease area required), and all required lease conditions, so long as they are reasonably consistent with (2) above and the extended area does not impinge on the airport's operational requirements or capabilities.**

In Favour: Crs Geoff Haerewa, Geoff Davis, Andrew Twaddle, Rowena Mouda, Pat Riley and Peter McCumstie

Against: Nil

**CARRIED 6/0**

**01 Nov 2023 8:51am Hartley, Neil - Target Date Revision**  
 Target date changed by Hartley, Neil from 26 October 2023 to 31 January 2024 - Lease process continuing satisfactorily but there are numerous issues to address. Discussions occurring between lessee, legal advisor, and builders/planners responsible for the hanger/office extension.

**04 Dec 2023 9:44am Hartley, Neil - Target Date Revision**  
 Target date changed by Hartley, Neil from 31 January 2024 to 31 March 2024 - There are several historic issues to address with this lease, with parts of the structure built to the boundary line, parts outside of the lease area itself, and in addition, there is a storage unit located "airside" and outside of the leased area. The solution will probably require the lease area to be varied to enable the building licence to be compliantly issues.

Meeting	Officer/Director	Section	Subject
Council 26/10/2023	Edwards, Shane Neate, Wayne	Community and Recreation Services	Derby Landcare Group Cattle Grid and Installation Request for Donation
<b>RESOLUTION 131/23</b>			
<b>Moved: Cr Geoff Haerewa</b>			
<b>Seconded: Cr Paul Bickerton</b>			
<b>That Council:</b>			
<ol style="list-style-type: none"> <li>Approves the donation of an ex-Main Roads WA cattle grid to the Derby Landcare Group for installation at the entrance to Munkajarra Wetlands subject to Derby Landcare Group taking on the ongoing maintenance and upkeep of the cattle grid; and</li> <li>Approves the in-kind donation of Shire resources (staff and material) to the value of \$3,000.00 to assist with the installation of the cattle grid at the</li> </ol>			

Division: Committee: Officer:	Date From: Date To: Printed: 16 February 2024 5:23 PM
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[Action Sheets Report](#)

**entrance to Munkajarra Wetlands.**

In Favour: President Peter McCumstie, Crs Geoff Haerewa, Geoff Davis, Andrew Twaddle, Wayne Foley, Brian Ellison, Kerrissa O'Meara, Brett Angwin and Paul Bickerton

Against: Nil

**CARRIED 9/0 BY ABSOLUTE MAJORITY**

Meeting	Officer/Director	Section	Subject
Council 26/10/2023	Delvin, Ron Neate, Wayne	Technical Services	Application to install two grids on Nerrima road By Nerrima Pastoral Company
<b>RESOLUTION 129/23</b>			
<b>Moved: Cr Brian Ellison</b>			
<b>Seconded: Cr Geoff Haerewa</b>			
<b>That Council:</b>			
<ol style="list-style-type: none"> <li><b>1. Approve the installation of two new grids on Nerrima Road; and</b></li> <li><b>2. Instruct the Chief Executive Officer to write to Nerrima Pastoral Company noting the approval and note that all costs for the installation, ongoing maintenance and future replacement be the responsibility of Nerrima Pastoral Company.</b></li> </ol>			
<u>In Favour:</u> President Peter McCumstie, Crs Geoff Haerewa, Geoff Davis, Andrew Twaddle, Wayne Foley, Brian Ellison, Kerrissa O'Meara, Brett Angwin and Paul Bickerton			
<u>Against:</u> Nil			
<b>CARRIED 9/0</b>			

Meeting	Officer/Director	Section	Subject
Council 30/11/2023	Millar, Paris Mildenhall,	Community and Recreation Services	Request for Sponsorship - Derby Speedway Club National Representation

<p>Division: Committee: Officer:</p>	<p>Date From: Date To:</p>
<p><a href="#">Action Sheets Report</a></p>	<p>Printed: 16 February 2024 5:23 PM</p>

Christie

**RESOLUTION 137/23**

**Moved: Cr Geoff Davis**

**Seconded: Cr Wayne Foley**

**That Council;**

1. Approves a partial sponsorship of \$5,000.00 (ex GST) to the Derby Speedway Club as a sponsorship towards Jake Hoath’s attendance at the Speedway Sedans Australia National Street Stock Title subject to:
  - (a) Submission of an acquittal at the conclusion of the event;
  - (b) Suitable promotional recognition of the Shire’s contribution; and
2. Request Officers investigate and establish guidelines to govern the donation of financial support for individual community members at representative events and provide a report to Council outlining the recommendations.

In Favour: Crs Geoff Davis, Andrew Twaddle, Peter McCumstie, Wayne Foley, Brian Ellison, Kerrissa O'Meara, Brett Angwin and Paul Bickerton

Against: Nil

**CARRIED 8/0 BY ABSOLUTE MAJORITY**

**9 NEW BUSINESS OF AN URGENT NATURE**

- Nil.

**10 NEW AND EMERGING ITEMS FOR DISCUSSION**

- Nil.

**11 DATE OF NEXT MEETING**

The next meeting of Audit & Risk Committee will be held Thursday, 23 May 2024 at 4:00pm in the Council Chambers, Clarendon Street, Derby.

**12 CLOSURE OF MEETING**

The Presiding Member closed the meeting at 4:14pm.

**These minutes were confirmed at a meeting on**

23 May 2024

Signed:



Cr Andrew Twaddle

**Presiding Person at the meeting at which these minutes were confirmed.**

**Date:** 23 May 2024