



**Shire of Derby /
West Kimberley**

ATTACHMENTS

Item 12.1 – Attachment 1

Item 14.1 – Attachment 1

**Ordinary Council Meeting
Thursday, 27 November 2025**

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**Shire of Derby /
West Kimberley**

UNCONFIRMED MINUTES

Audit, Risk and Improvement Committee Meeting

Thursday, 20 November 2025

Date: Thursday, 20 November 2025

Time: 4:00 PM

**Location: Council Chambers,
Clarendon Street, Derby**



Audit, Risk and Improvement Committee Meeting Minutes20 November 2025**Order Of Business**

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Audit, Risk and Improvement Committee Meeting Minutes

20 November 2025

**MINUTES OF SHIRE OF DERBY/WEST KIMBERLEY
AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING
HELD AT THE COUNCIL CHAMBERS, CLARENDRON STREET, DERBY
ON THURSDAY, 20 NOVEMBER 2025 AT 4:00 PM**

PRESENT: (In Person)	<i>Danielle Cornish (Independent Chair), Peter McCumstie (President), Cr Trish Gault, Cr Eliot Money, Jeffrey Porra (Independent Member) and Cr Leah Umbagai (Observer).</i>
PRESENT: (Remote)	<i>Cr Val Ross.</i>
IN ATTENDANCE: (In Person)	<i>Tamara Clarkson (Chief Executive Officer), Wayne Neate (Director Infrastructure), Luke Lawrence (Director Community Planning), Aaron Gloor (Acting Manager Corporate Services), Telia Reilly (Coordinator Governance and Risk), Maria O'Connell (Coordinator Communications and Media), Maria Sandoval (Administration Officer), Ryan Boldison (Executive Assistant).</i>
IN ATTENDANCE: (Remote)	<i>Christie Mildenhall (Strategic Development Advisor)</i>
VISITORS: (In Person)	<i>Nil.</i>
VISITORS: (Remote)	<i>Kellie Tonich (Office of the Auditor General), Amit Kabra (RSM), Krushna Hirani (RSM), Russell Barnes (Moore Australia).</i>
GALLERY:	<i>0.</i>
APOLOGIES:	<i>Nil.</i>
APPROVED LEAVE OF ABSENCE:	<i>Nil.</i>
ABSENT:	<i>Cr Kerrissa O'Meara.</i>

1 DECLARATION OF OPENING, ANNOUNCEMENT OF VISITORS

The Presiding Member opened the meeting at 4:03pm.

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 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.

Audit, Risk and Improvement Committee Meeting Minutes

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At 4:04pm Cr Ross joined the meeting remotely via electronic means.

4 ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION

Presiding Member Danielle Cornish welcomed all in attendance with thanks and noted the meeting to be her first since being appointed as Independent Chair of the Audit, Risk and Improvement Committee.

5 DISCLOSURE OF INTERESTS**5.1 Declaration of Financial Interests**

Danielle Cornish declared a financial interest as the Audit, Risk and Improvement Committee Independent Chair, noting that she receives remuneration for her role and her spouse. Cr Adam Cornish is currently serving as a Shire of Derby/West Kimberley Council Member.

Cr Umbagai declared a financial interest in to Item 8.5, noting her involvement with Mowanjum Aboriginal Corporation.

5.2 Declaration of Proximity Interests

Nil.

5.3 Declaration of Impartiality Interests

Nil.

6 PETITIONS, DEPUTATIONS, PRESENTATIONS AND SUBMISSIONS**1. Office of the Auditor General representative and Audit Consultants – Annual Financial Report 2024/2025 - Kellie Tonich (Office of the Auditor General), Amit Kabra (RSM).**

At 4:07pm, Kellie Tonich (Office of the Auditor General) delivered an introduction of the Annual Financial Report and auditing process to the Committee.

At 4:09pm, Amit Kabra (RSM) conducted a presentation summarising the Annual Financial Report 2024/2025 and results.

At 4:21pm, Kellie Tonich, Amit Kabra and Krushna Hirani (RSM) left the meeting and did not return.

Audit, Risk and Improvement Committee Meeting Minutes20 November 2025**7 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS****COMMITTEE RESOLUTION AC16/25***Moved: Mr Jeffrey Porra**Seconded: Mr Peter McCumstie*

That the Minutes of the Audit, Risk and Improvement Committee Meeting held at the Council Chambers, Clarendon Street, Derby, on 21 August 2025 be CONFIRMED.

In Favour: *Mrs Danielle Cornish, Mr Peter McCumstie, Cr Trish Gault, Cr Eliot Money, Cr Val Ross and Mr Jeffrey Porra.*

Against: *Nil.*

CARRIED 6/0

Audit, Risk and Improvement Committee Meeting Minutes

20 November 2025

8 REPORTS**8.1 ANNUAL FINANCIAL REPORT - 2024/2025****File Number:** 4105**Author:** Jill Brazil, Director Corporate Services**Responsible Officer:** Tamara Clarkson, Chief Executive Officer**Authority/Discretion:** Legislative**SUMMARY**

To consider and accept the audited Annual Financial Report and the Office of the Auditor General's (OAG) Independent Audit Report of the Shire of Derby / West Kimberley for the financial year ended the 30 June 2025.

DISCLOSURE OF ANY INTEREST

Nil by Author or Responsible Officer.

BACKGROUND

Each year, the Shire is required to produce its Annual Financial Report and send the report to the Shire's auditor by 30 September (Section 6.4 (3) of the *Local Government Act 1995*). The Office of Auditor General appointed RSM as the Shire's contract auditors to undertake the audit. RSM has now completed the audit and have provided their Independent Auditor Report and Management Report to the OAG.

Shire officers together with consultants, Moore Australia worked in collaboration to prepare the Annual Financial Report for the year ended 30 June 2025 that was provided to the Shire auditors.

STATUTORY ENVIRONMENT

The *Local Government Act 1995* sets out the requirements for the preparation of the annual financial report as follows:

Section 6.4 (1) and (2) requires the Shire to prepare an annual financial report for the preceding financial year which is to be presented in the manner and form prescribed.

Section 6.4 (3) requires the Shire to submit to its auditor the accounts balanced up to the last day of the preceding financial year and to submit the annual financial report by 30 September.

Section 5.53(2)(f) and 5.53(2)(h) requires the Shire to prepare an annual report that includes the financial report and auditor's report for the financial year.

Section 5.54 requires the Shire to accept the annual report for a financial year by no later than 31 December after that financial year; unless the auditor's report is not available in time, then it is to be accepted no later than two months after the auditor's report becomes available.

Regulation 10(1) of the *Local Government (Audit) Regulations 1996* requires the auditors to submit an audit report to the persons specified in section 7.9(1) of the LGA within 30 days of completing the audit.

Regulation 10(2) and 10(3) of the Local Government (Audit) Regulations 1996 provides the details the required in the auditor's report. The report is to include the financial position of the local

Audit, Risk and Improvement Committee Meeting Minutes

20 November 2025

government, the results of the operations of the local government and a report on the conduct of the audit.

Regulation 10(4) of the *Local Government (Audit) Regulations 1996* considers where appropriate, the auditor is to prepare a management report to accompany the auditor's report and to forward a copy of the management report to the persons specified in section 7.9(1) of the *Local Government Act 1995* with the auditor's report.

All statutory requirements related to the Annual Financial Report 2024/25 have been met.

POLICY IMPLICATIONS

The financial report of the Shire of Derby/West Kimberley comprises of general purpose financial statements which have been prepared in accordance with the *Local Government Act 1995* and accompanying regulations to the extent that they are not inconsistent with the Act, and the Australian Accounting Standards.

FINANCIAL IMPLICATIONS

The Annual Financial Report sets out the financial position of the Shire and the results of the operations of the Shire.

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
Financial: Failure to prepare and adopt the Annual Financial Report would result in non-compliance with its statutory responsibilities under the <i>Local Government Act 1995</i>	Rare	Moderate	Low	Accept Officer recommendation

CONSULTATION

Office of the Auditor General

RSM, contracted by OAG to conduct audit

Moore WA, the Shire's financial services provider

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COMMENT

The independent audit report issued by OAG is an unqualified report.

RSM has completed their audit of the Shire's financial affairs for the financial year ended 30 June 2025. The primary financial statements which have been prepared as part of the Annual Financial Report are:

Statement of Comprehensive Income

The Statement of Comprehensive Income reflects a net result of -\$2,984,847 with depreciation of \$8,196,866 and Total Comprehensive Income of -\$3,161,791.

Statement of Financial Position

The Statement of Financial Position reflects a net asset position of \$340,670,069.

Statement of Cash Flows

The Statement of Cash Flows of the Financial Statement reflects a net increase in cash of \$554,079 with cash and cash equivalents of \$8,449,148 at the 30 June 2025.

Statement of Financial Activity

The Statement of Financial Activity of the Financial Statement show a total surplus to be carried forward at 30 June 2025 of \$4,364,313.

The Audit, Risk and Improvement Committee is to examine the report of the auditor and determine if any matters raised by the report require action to be taken and ensure appropriate action is taken in the future.

VOTING REQUIREMENT

Simple majority

ATTACHMENTS

1. **Annual Financial Report 2024/25** 
2. **Draft Auditor's Report and Management Report - Confidential**

COMMITTEE RESOLUTION AC17/25

Moved: Cr Eliot Money

Seconded: Cr Trish Gault

That the Audit, Risk and Improvement Committee recommend that Council ACCEPTS the:

1. **Audited Annual Financial Report for the year ended 30 June 2025; and**
2. **Auditor's Report and Auditor's Management Report.**

In Favour: Mrs Danielle Cornish, Mr Peter McCumstie, Cr Trish Gault, Cr Eliot Money, Cr Val Ross and Mr Jeffrey Porra.

Against: Nil

CARRIED 6/0

SHIRE OF DERBY-WEST KIMBERLEY

FINANCIAL REPORT

FOR THE YEAR ENDED 30 JUNE 2025

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The Shire of Derby-West Kimberley conducts the operations of a local government with the following community vision:

A place where people want to live, invest, visit and return to.

Principal place of business:
30 Loch Street
Derby WA 6728

SHIRE OF DERBY-WEST KIMBERLEY
FINANCIAL REPORT
FOR THE YEAR ENDED 30 JUNE 2025

Local Government Act 1995
Local Government (Financial Management) Regulations 1996

Statement by CEO

The accompanying financial report of the Shire of Derby-West Kimberley has been prepared in compliance with the provisions of the *Local Government Act 1995* from proper accounts and records to present fairly the financial transactions for the reporting period ended 30 June 2025 and the financial position as at 30 June 2025.

At the date of signing this statement the particulars included in the financial report are not misleading or inaccurate.

Signed on the _____ day of _____ 2025

_____ CEO

_____ Tamara Clarkson
Name of CEO

SHIRE OF DERBY-WEST KIMBERLEY
STATEMENT OF COMPREHENSIVE INCOME
FOR THE YEAR ENDED 30 JUNE 2025

	Note	2025 Actual	2025 Budget	2024 Actual
		\$	\$	\$
Revenue				
Rates	2(a),23	9,516,217	9,714,351	9,116,320
Grants, subsidies and contributions	2(a)	16,081,553	27,323,097	14,376,356
Fees and charges	2(a)	6,353,836	6,493,603	6,127,002
Interest revenue	2(a)	248,419	187,500	255,634
Other revenue	2(a)	6,176,394	1,915,600	1,869,985
		38,376,419	45,634,151	31,745,297
Expenses				
Employee costs	2(b)	(14,825,578)	(16,416,880)	(13,975,600)
Materials and contracts		(17,766,546)	(24,669,894)	(24,223,701)
Utility charges		(879,495)	(858,300)	(1,069,245)
Depreciation		(8,196,866)	(7,996,421)	(7,972,106)
Finance costs	2(b)	(577,227)	(229,272)	(419,062)
Insurance		(1,241,010)	(1,775,510)	(1,335,474)
Other expenditure	2(b)	(3,526,312)	(449,957)	(846,723)
		(47,013,034)	(52,396,234)	(49,841,911)
		(8,636,615)	(6,762,083)	(18,096,614)
Capital grants, subsidies and contributions	2(a)	5,455,824	29,562,057	15,346,711
Profit on asset disposals		195,944	209,546	18,342
Loss on asset disposals		0	0	(665,474)
		5,651,768	29,771,603	14,699,579
Net result for the period	22(b)	(2,984,847)	23,009,520	(3,397,035)
Other comprehensive income for the period				
<i>Items that will not be reclassified subsequently to profit or loss</i>				
Changes in asset revaluation surplus	16	2,349,167	0	(3,389,567)
Changes in asset revaluation surplus arising from a change in liabilities	15	(2,526,111)	0	0
Total other comprehensive income for the period	16	(176,944)	0	(3,389,567)
Total comprehensive income for the period		(3,161,791)	23,009,520	(6,786,602)

This statement is to be read in conjunction with the accompanying notes.

SHIRE OF DERBY-WEST KIMBERLEY
STATEMENT OF FINANCIAL POSITION
AS AT 30 JUNE 2025

	Note	2025	2024
		\$	\$
CURRENT ASSETS			
Cash and cash equivalents	3	8,449,148	7,895,069
Trade and other receivables	5	2,424,836	3,585,642
Other financial assets	4(a)	975,801	975,801
Inventories	6	24,789	26,222
Other assets	7	135,982	57,207
TOTAL CURRENT ASSETS		12,010,556	12,539,941
NON-CURRENT ASSETS			
Trade and other receivables	5	130,611	124,147
Property, plant and equipment	8	48,578,807	48,148,506
Infrastructure	9	308,300,393	307,458,558
TOTAL NON-CURRENT ASSETS		357,009,811	355,731,211
TOTAL ASSETS		369,020,367	368,271,152
CURRENT LIABILITIES			
Trade and other payables	11	4,563,106	5,740,736
Contract liabilities	12	106,218	166,370
Capital grant/contributions liabilities	12	1,187,743	780,693
Borrowings	13	5,394,024	5,539,077
Employee related provisions	14	1,215,816	955,938
Other provisions	15	0	56,144
TOTAL CURRENT LIABILITIES		12,466,907	13,238,958
NON-CURRENT LIABILITIES			
Borrowings	13	1,514,354	1,908,378
Employee related provisions	14	214,776	129,936
Other provisions	15	14,154,261	9,162,020
TOTAL NON-CURRENT LIABILITIES		15,883,391	11,200,334
TOTAL LIABILITIES		28,350,298	24,439,292
NET ASSETS		340,670,069	343,831,860
EQUITY			
Retained surplus		60,425,322	63,410,169
Reserve accounts	26	975,801	975,801
Revaluation surplus	16	279,268,946	279,445,890
TOTAL EQUITY		340,670,069	343,831,860

This statement is to be read in conjunction with the accompanying notes.

SHIRE OF DERBY-WEST KIMBERLEY
STATEMENT OF CHANGES IN EQUITY
FOR THE YEAR ENDED 30 JUNE 2025

	Note	Retained surplus	Reserve accounts	Revaluation surplus	Total equity
		\$	\$	\$	\$
Balance as at 1 July 2023		66,807,204	975,801	282,835,457	350,618,462
Comprehensive income for the period					
Net result for the period		(3,397,035)	0	0	(3,397,035)
Other comprehensive income for the period	16	0	0	(3,389,567)	(3,389,567)
Total comprehensive income for the period		(3,397,035)	0	(3,389,567)	(6,786,602)
Balance as at 30 June 2024		63,410,169	975,801	279,445,890	343,831,860
Change in accounting policies		0	0	2,349,167	2,349,167
Restated balance at 1 July 2024		63,410,169	975,801	281,795,057	346,181,027
Comprehensive income for the period					
Net result for the period		(2,984,847)	0	0	(2,984,847)
Other comprehensive income for the period	16	0	0	(176,944)	(176,944)
Total comprehensive income for the period		(2,984,847)	0	(176,944)	(3,161,791)
Balance as at 30 June 2025		60,425,322	975,801	279,268,946	340,670,069

This statement is to be read in conjunction with the accompanying notes.

SHIRE OF DERBY-WEST KIMBERLEY
STATEMENT OF CASH FLOWS
FOR THE YEAR ENDED 30 JUNE 2025

	Note	2025 Actual	2024 Actual
		\$	\$
CASH FLOWS FROM OPERATING ACTIVITIES			
Receipts			
Rates		9,315,456	9,171,197
Grants, subsidies and contributions		16,148,713	13,375,732
Fees and charges		7,077,730	5,860,549
Interest revenue		248,419	255,634
Goods and services tax received		3,102,662	4,215,970
Other revenue		5,926,394	1,869,985
		41,819,374	34,749,067
Payments			
Employee costs		(14,577,951)	(13,828,513)
Materials and contracts		(18,839,910)	(23,401,208)
Utility charges		(879,495)	(1,069,245)
Finance costs		(232,587)	(194,697)
Insurance paid		(1,241,010)	(1,335,474)
Goods and services tax paid		(3,353,238)	(4,221,924)
Other expenditure		(541,010)	(846,723)
		(39,665,201)	(44,897,784)
Net cash provided by (used in) operating activities	17(b)	2,154,173	(10,148,717)
CASH FLOWS FROM INVESTING ACTIVITIES			
Payments for purchase of property, plant & equipment	8(a)	(1,831,710)	(2,881,709)
Payments for construction of infrastructure	9(a)	(5,329,734)	(9,753,162)
Proceeds from capital grants, subsidies and contributions		5,862,874	14,963,716
Proceeds from sale of property, plant & equipment		237,553	108,343
Net cash provided by (used in) investing activities		(1,061,017)	2,437,188
CASH FLOWS FROM FINANCING ACTIVITIES			
Repayment of borrowings	25(a)	(12,539,077)	(2,237,288)
Proceeds from new borrowings	25(a)	12,000,000	7,000,000
Net cash provided by (used in) financing activities		(539,077)	4,762,712
Net increase (decrease) in cash held		554,079	(2,948,817)
Cash at beginning of year		7,895,069	10,843,886
Cash and cash equivalents at the end of the year	17(a)	8,449,148	7,895,069

This statement is to be read in conjunction with the accompanying notes.

SHIRE OF DERBY-WEST KIMBERLEY
STATEMENT OF FINANCIAL ACTIVITY
FOR THE YEAR ENDED 30 JUNE 2025

	Note	2025 Actual	2025 Budget	2024 Actual
		\$	\$	\$
OPERATING ACTIVITIES				
Revenue from operating activities				
General rates	23	9,023,756	9,253,510	8,687,508
Rates excluding general rates	23	492,461	460,841	428,812
Grants, subsidies and contributions		16,081,553	27,323,097	14,376,356
Fees and charges		6,353,836	6,493,603	6,127,002
Interest revenue		248,419	187,500	255,634
Other revenue		6,176,394	1,915,600	1,869,985
Profit on asset disposals		195,944	209,546	18,342
		38,572,363	45,843,697	31,763,639
Expenditure from operating activities				
Employee costs		(14,825,578)	(16,416,880)	(13,975,600)
Materials and contracts		(17,766,546)	(24,669,894)	(24,223,701)
Utility charges		(879,495)	(858,300)	(1,069,245)
Depreciation		(8,196,866)	(7,996,421)	(7,972,106)
Finance costs		(577,227)	(229,272)	(419,062)
Insurance		(1,241,010)	(1,775,510)	(1,335,474)
Other expenditure		(3,526,312)	(449,957)	(846,723)
Loss on asset disposals		0	0	(665,474)
		(47,013,034)	(52,396,234)	(50,507,385)
Non-cash amounts excluded from operating activities	24(a)	10,545,428	7,786,875	8,814,497
Amount attributable to operating activities		2,104,757	1,234,338	(9,929,249)
INVESTING ACTIVITIES				
Inflows from investing activities				
Capital grants, subsidies and contributions		5,455,824	29,562,057	15,346,711
Proceeds from disposal of assets		237,553	215,850	108,343
		5,693,377	29,777,907	15,455,054
Outflows from investing activities				
Acquisition of property, plant and equipment	8(a)	(1,831,710)	(7,151,370)	(2,881,709)
Acquisition of infrastructure	9(a)	(5,329,734)	(29,360,885)	(9,753,162)
		(7,161,444)	(36,512,255)	(12,634,871)
Amount attributable to investing activities		(1,468,067)	(6,734,348)	2,820,183
FINANCING ACTIVITIES				
Inflows from financing activities				
Proceeds from borrowings	25(a)	12,000,000	10,000,000	7,000,000
		12,000,000	10,000,000	7,000,000
Outflows from financing activities				
Repayment of borrowings	25(a)	(12,539,077)	(4,829,076)	(2,237,288)
		(12,539,077)	(4,829,076)	(2,237,288)
Amount attributable to financing activities		(539,077)	5,170,924	4,762,712
MOVEMENT IN SURPLUS OR DEFICIT				
Surplus or deficit at the start of the financial year				
Amount attributable to operating activities	24(b)	4,266,700	329,086	6,613,054
Amount attributable to investing activities		2,104,757	1,234,338	(9,929,249)
Amount attributable to financing activities		(1,468,067)	(6,734,348)	2,820,183
Surplus or deficit after imposition of general rates	24(b)	(539,077)	5,170,924	4,762,712
		4,364,313	0	4,266,700

This statement is to be read in conjunction with the accompanying notes.

SHIRE OF DERBY-WEST KIMBERLEY
FOR THE YEAR ENDED 30 JUNE 2025
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SHIRE OF DERBY-WEST KIMBERLEY
NOTES TO AND FORMING PART OF THE FINANCIAL REPORT
FOR THE YEAR ENDED 30 JUNE 2025

. BASIS OF PREPARATION

The financial report of the Shire of Derby-West Kimberley which is a Class 2 local government comprises general purpose financial statements which have been prepared in accordance with the *Local Government Act 1995* and accompanying regulations.

Local Government Act 1995 requirements

Section 6.4(2) of the *Local Government Act 1995* read with the *Local Government (Financial Management) Regulations 1996* prescribe that the financial report be prepared in accordance with the *Local Government Act 1995* and, to the extent that they are not inconsistent with the *Local Government Act 1995*, the Australian Accounting Standards. The Australian Accounting Standards (as they apply to local governments and not-for-profit entities) and Interpretations of the Australian Accounting Standards Board were applied where no inconsistencies exist.

The *Local Government (Financial Management) Regulations 1996* specify that vested land is a right-of-use asset to be measured at cost, and is considered a zero cost concessionary lease. All right-of-use assets under zero cost concessionary leases are measured at zero cost rather than at fair value, except for vested improvements on concessionary land leases such as roads, buildings or other infrastructure which continue to be reported at fair value, as opposed to the vested land which is measured at zero cost. The measurement of vested improvements at fair value is a departure from AASB 116 *Property, Plant and Equipment*, which would have required the Shire to measure at each reporting date whether the carrying amount of the above mentioned non-financial assets materially differs from their fair value and, if so, revalue the class of non-financial assets.

The *Local Government (Financial Management) Regulations 1996* provide that:

- land and buildings classified as property, plant and equipment; or
- infrastructure; or
- vested improvements that the local government controls; and measured at reportable value, are only required to be revalued every five years. Revaluing these non-financial assets every five years is a departure from AASB 116 *Property, Plant and Equipment*, which would have required the Shire to assess at each reporting date whether the carrying amount of the above mentioned non-financial assets materially differs from their fair value and, if so, revalue the class of non-financial assets.

Accounting policies which have been adopted in the preparation of this financial report have been consistently applied unless stated otherwise. Except for cash flow and rate setting information, the financial report has been prepared on the accrual basis and is based on historical costs, modified, where applicable, by the measurement at fair value of selected non-current assets, financial assets and liabilities.

Critical accounting estimates and judgements

The preparation of a financial report in conformity with Australian Accounting Standards requires management to make judgements, estimates and assumptions that affect the application of policies 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 amounts of assets and liabilities that are not readily apparent from other sources. Actual results may differ from these estimates.

As with all estimates, the use of different assumptions could lead to material changes in the amounts reported in the financial report.

The following are estimates and assumptions that have a significant risk of causing a material adjustment to the carrying amounts of assets and liabilities within the next financial year and further information on their nature and impact can be found in the relevant note:

- Fair value measurement of assets carried at reportable value including:
 - Property, plant and equipment - Note 8
 - Infrastructure - Note 9
- Expected credit losses on financial assets - Note 5
- Measurement of employee benefits - Note 14
- Measurement of provisions - Note 15

Fair value hierarchy information can be found in Note 21

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 this financial report.

All monies held in the Trust Fund are excluded from the financial statements. A separate statement of those monies appears at Note 27 of the financial report.

Initial application of accounting standards

During the current year, the following new or revised Australian Accounting Standards and Interpretations were applied for the first time:

- AASB 2020-1 Amendments to Australian Accounting Standards
 - Classification of Liabilities as Current or Non-current
- AASB 2022-5 Amendments to Australian Accounting Standards
 - Lease Liability in a Sale and Leaseback
- AASB 2022-6 Amendments to Australian Accounting Standards
 - Non-current Liabilities with Covenants
- AASB 2023-3 Amendments to Australian Accounting Standards
 - Disclosure of Non-current Liabilities with Covenants: Tier 2
- AASB 2024-1 Amendments to Australian Accounting Standards
 - Supplier Finance Arrangements: Tier 2 Disclosures
- AASB 2023-1 Amendments to Australian Accounting Standards
 - Supplier Finance Arrangements

These amendments are not expected to have any material impact on the financial report on initial application.

- AASB 2022-10 Amendments to Australian Accounting Standards
 - Fair Value Measurement of Non-Financial Assets of Not-for-Profit Public Sector Entities

These amendment may result in changes to the fair value of certain non-financial assets on revaluation. The impact has not been quantified as it is not considered practicable to determine the amount of the difference in fair value attributable to the change in the standard.

New accounting standards for application in future years

The following new accounting standards will have application to local government in future years:

- AASB 2014-10 Amendments to Australian Accounting Standards
 - Sale or Contribution of Assets between an Investor and its Associate or Joint Venture
- AASB 2024-4b Amendments to Australian Accounting Standards
 - Effective Date of Amendments to AASB 10 and AASB 128 [deferral AASB 10 and AASB 128 amendments in AASB 2014-10 apply]
- AASB 2022-9 Amendments to Australian Accounting Standards
 - Insurance Contracts in the Public Sector
- AASB 2023-5 Amendments to Australian Accounting Standards
 - Lack of Exchangeability
- AASB 18 (F-P) Presentation and Disclosure in Financial Statements
 - (Appendix D) [for for-profit entities]
- AASB 18 (NFP/super) Presentation and Disclosure in Financial Statements
 - (Appendix D) [for not-for-profit and superannuation entities]
- AASB 2024-2 Amendments to Australian Accounting Standards
 - Classification and Measurement of Financial Instruments
- AASB 2024-3 Amendments to Australian Accounting Standards
 - Annual Improvements Volume 11

These amendments are not expected to have any material impact on the financial report on initial application.

SHIRE OF DERBY-WEST KIMBERLEY
NOTES TO AND FORMING PART OF THE FINANCIAL REPORT
FOR THE YEAR ENDED 30 JUNE 2025

2. REVENUE AND EXPENSES

(a) Revenue

Contracts with customers

Recognition of revenue is dependant on the source of revenue and the associated terms and conditions associated with each source of revenue and recognised as follows:

Revenue category	Nature of goods and services	When obligations typically satisfied	Payment terms	Returns/refunds/warranties	Timing of revenue recognition
Grants, subsidies and contributions	Community events, minor facilities, research, design, planning evaluation and services	Over time	Fixed terms transfer of funds based on agreed milestones and reporting	Contract obligation if project not complete	Output method based on project milestones and/or completion date matched to performance obligations
Fees and charges - licences, registrations, approvals	Building, planning, development and animal management.	Single point in time	Full payment prior to issue	None	On payment of the licence, registration or approval
Fees and charges - airport landing charges	Permission to use facilities and runway	Single point in time	Monthly in arrears	None	On landing/departure event
Fees and charges - sale of stock	Aviation fuel	Single point in time	In full in advance, on 15 day credit	Refund for faulty goods	At point of sale
Other revenue - private works	Contracted private works	Single point in time	Monthly in arrears	None	At point of service

Consideration from contracts with customers is included in the transaction price.

Revenue recognition

Rate revenue was recognised from the rate record as soon as practicable after the Shire resolved to impose rates in the financial year as well as when the rate record was amended to ensure the information in the record was current and correct.

Revenue recognised during the year under each basis of recognition by nature of goods or services is provided in the table below:

For the year ended 30 June 2025

Nature	Contracts with customers	Capital grant/contributions	Statutory requirements	Other	Total
	\$	\$	\$	\$	\$
Rates	0	0	9,516,217	0	9,516,217
Grants, subsidies and contributions	1,512,398	0	0	14,569,155	16,081,553
Fees and charges	3,720,649	0	2,504,991	128,196	6,353,836
Interest revenue	0	0	181,525	66,894	248,419
Other revenue	3,235,680	0	0	2,940,714	6,176,394
Capital grants, subsidies and contributions	0	5,455,824	0	0	5,455,824
Total	8,468,727	5,455,824	12,202,733	17,704,959	43,832,244

For the year ended 30 June 2024

Nature	Contracts with customers	Capital grant/contributions	Statutory requirements	Other	Total
	\$	\$	\$	\$	\$
Rates	0	0	9,116,320	0	9,116,320
Grants, subsidies and contributions	1,841,319	0	0	12,535,037	14,376,356
Fees and charges	3,872,773	0	2,169,808	84,421	6,127,006
Interest revenue	0	0	150,498	105,136	255,634
Other revenue	1,548,052	0	0	321,933	1,869,985
Capital grants, subsidies and contributions	0	15,346,711	0	0	15,346,711
Total	7,262,144	15,346,711	11,436,626	13,046,527	47,092,006

SHIRE OF DERBY-WEST KIMBERLEY
NOTES TO AND FORMING PART OF THE FINANCIAL REPORT
FOR THE YEAR ENDED 30 JUNE 2025

2. REVENUE AND EXPENSES (Continued)

(a) Revenue (Continued)

Notes	2025 Actual \$	2024 Actual \$
Interest revenue		
Trade and other receivables overdue interest	191,502	168,697
Other interest revenue	56,917	86,937
	248,419	255,634
The 2025 original budget estimate in relation to: Trade and other receivables overdue interest was \$127,500.		
Fees and charges relating to rates receivable		
Charges on instalment plan	15,881	15,080
The 2025 original budget estimate in relation to: Charges on instalment plan was \$15,080.		
(b) Expenses		
Auditors remuneration		
- Audit of the annual financial report	116,430	92,588
	116,430	92,588
Employee Costs		
Employee benefit costs	10,413,850	9,512,107
Other employee costs	4,411,728	4,463,493
	14,825,578	13,975,600
Finance costs		
Interest and financial charges paid/payable for lease liabilities and financial liabilities not at fair value through profit or loss	232,587	194,697
Provisions: unwinding of discount	344,640	224,365
	577,227	419,062
Other expenditure		
Increase in loss allowance on rates and statutory receivables	20(b)	213,734
Increase in loss allowance on trade receivables	20(b)	23,959
Increase in make good provision	16	2,961,343
Sundry expense relating to Flood damage		0
Members expenses		401,454
	327,276	445,269
	3,526,312	846,723

**SHIRE OF DERBY-WEST KIMBERLEY
NOTES TO AND FORMING PART OF THE FINANCIAL REPORT
FOR THE YEAR ENDED 30 JUNE 2025**

3. CASH AND CASH EQUIVALENTS

CASH AND CASH EQUIVALENTS	Note	2025	2024
		\$	\$
Cash at bank and on hand		8,449,148	7,895,069
Total cash and cash equivalents	17(a)	8,449,148	7,895,069
 Held as			
- Unrestricted cash and cash equivalents		7,155,187	6,948,006
- Restricted cash and cash equivalents		1,293,961	947,063
		8,449,148	7,895,069

MATERIAL ACCOUNTING POLICIES

Cash and cash equivalents

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 with original maturities of three months or less that are readily convertible to known amounts of cash and which are subject to an insignificant risk of changes in value.

Bank overdrafts are reported as short term borrowings in current liabilities in the statement of financial position.

Restricted financial assets

Restricted financial assets
Restricted financial asset balances are not available for general use by the local government due to externally imposed restrictions. Restrictions are specified in an agreement, contract or legislation. This applies to reserve accounts, unspent grants, subsidies and contributions and unspent loans that have not been fully expended in the manner specified by the contributor, legislation or loan agreement.

4. OTHER FINANCIAL ASSETS

(a) Current assets

Financial assets at amortised cost

Other financial assets at amortised cost

Other financial

Hold as

Held as

Note	2025	2024
	\$	\$
	975,801	975,801
	975,801	975,801
	975,801	975,801
	975,801	975,801
17(a)	975,801	975,801
	975,801	975,801

MATERIAL ACCOUNTING POLICIES

Other financial assets at amortised cost

The Shire classifies financial assets at amortised cost if both of the following criteria are met:

- the asset is held within a business model whose objective is to collect the contractual cashflows, and
- the contractual terms give rise to cash flows that are solely payments of principal and interest.

Fair values of financial assets at amortised cost are not materially different to their carrying amounts, since the interest receivable on those assets is either close to current market rates or the assets are of a short term nature. Non-current financial assets at amortised cost fair values are based on discounted cash flows using a current market rates. They are classified as level 2 fair values in the fair value hierarchy (see Note 21 (i)) due to the observable market rates).

Interest received is presented under cashflows from operating activities in the Statement of Cash Flows where it is earned from financial assets that are held for cash management purposes.

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SHIRE OF DERBY-WEST KIMBERLEY
NOTES TO AND FORMING PART OF THE FINANCIAL REPORT
FOR THE YEAR ENDED 30 JUNE 2025

5. TRADE AND OTHER RECEIVABLES

	Note	2025	2024
		\$	\$
Current			
Rates and statutory receivables		1,396,715	1,309,642
Trade receivables		1,132,605	2,405,399
GST receivable		382,816	132,240
Allowance for credit losses of rates and statutory receivables	20(b)	(256,614)	(42,984)
Allowance for credit losses of trade receivables		(230,686)	(218,655)
		2,424,836	3,585,642
Non-current			
Rates and statutory receivables		130,611	124,147
		130,611	124,147

Disclosure of opening and closing balances related to contracts with customers

Information about receivables from contracts with customers along with financial assets and associated liabilities arising from transfers to enable the acquisition or construction of recognisable non-financial assets is:

Trade and other receivables from contracts with customers
 Allowance for credit losses of trade receivables
 Total trade and other receivables from contracts with customers

Note	30 June 2025 Actual	30 June 2024 Actual	1 July 2023 Actual
	\$	\$	\$
5	1,259,917	2,405,399	1,323,265
	(230,686)	(218,655)	(374,162)
	1,029,231	2,186,744	949,103

MATERIAL ACCOUNTING POLICIES

Rates and statutory receivables

Rates and statutory receivables are non-contractual receivables arising from statutory requirements and include amounts due from ratepayers for unpaid rates and service charges and other statutory charges or fines.

Rates and statutory receivables are recognised when the taxable event has occurred and can be measured reliably.

Trade receivables

Trade receivables are amounts receivable from contractual arrangements with customers for goods sold, services performed or grants or contributions with sufficiently specific performance obligations or for the construction of recognisable non financial assets as part of the ordinary course of business.

Measurement

Trade and other receivables are recognised initially at the amount of the transaction price, unless they contain a significant financing component, and are to be recognised at fair value.

Classification and subsequent measurement

Receivables which are generally due for settlement within 30 days except rates receivables which are expected to be collected within 12 months are classified as current assets. All other receivables such as, deferred pensioner rates receivable after the end of the reporting period are classified as non-current assets.

Trade and other receivables are held with the objective to collect the contractual cashflows and therefore the Shire measures them subsequently at amortised cost using the effective interest rate method.

Due to the short term nature of current receivables, their carrying amount is considered to be the same as their fair value. Non-current receivables are indexed to inflation, any difference between the face value and fair value is considered immaterial.

Impairment and risk exposure

Information about the impairment of trade receivables and their exposure to credit risk and interest rate risk can be found in Note 20.

SHIRE OF DERBY-WEST KIMBERLEY
NOTES TO AND FORMING PART OF THE FINANCIAL REPORT
FOR THE YEAR ENDED 30 JUNE 2025

6. INVENTORIES

Current
 Fuel and materials
 Visitor centre stock

	2025	2024
	\$	\$
Fuel and materials	8,856	9,251
Visitor centre stock	15,933	16,971
	24,789	26,222

The following movements in inventories occurred during the year:

Balance at beginning of year
 Inventories expensed during the year
 Additions to inventory
Balance at end of year

26,222	50,780
(167,600)	(235,768)
166,167	211,210
24,789	26,222

MATERIAL ACCOUNTING POLICIES

General

Inventories are measured 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.

7. OTHER ASSETS

Other assets - current

Accrued income

	2025	2024
	\$	\$
Accrued income	135,982	57,207
	135,982	57,207

MATERIAL ACCOUNTING POLICIES

Other current assets

Other non-financial assets include accrued income which represent income earned in the financial year ended 30 June 2025, and not received by that date.

SHIRE OF DERBY-WEST KIMBERLEY
NOTES TO AND FORMING PART OF THE FINANCIAL REPORT
FOR THE YEAR ENDED 30 JUNE 2025

8. PROPERTY, PLANT AND EQUIPMENT

a) Movements in balances

Movement in the balances of each class of property, plant and equipment between the beginning and the end of the current financial year.

	Note	Total property			Plant and equipment		Total property, plant and equipment
		Land	Buildings	Work in progress	Plant and equipment	Work in progress	
Balance at 1 July 2023		4,213,000	41,097,844	0	45,310,844	1,994,158	8,723 47,313,725
Additions		0	1,787,688	0	1,787,688	1,094,021	0 2,881,709
Disposals		0	(618,905)	0	(618,905)	(136,570)	0 (755,475)
Depreciation		0	(983,568)	0	(983,568)	(307,885)	0 (1,291,453)
Transfers		0	0	0	0	8,723	(8,723) 0
Balance at 30 June 2024		4,213,000	41,283,059	0	45,496,059	2,652,447	0 48,148,506
Comprises:							
Gross balance amount at 30 June 2024		4,213,000	44,139,771	0	48,352,771	4,303,253	0 52,656,024
Accumulated depreciation at 30 June 2024		0	(2,856,712)	0	(2,856,712)	(1,650,806)	0 (4,507,518)
Balance at 30 June 2024	8(b)	4,213,000	41,283,059	0	45,496,059	2,652,447	0 48,148,506
Additions		0	520,515	15,425	535,940	1,295,770	0 1,831,710
Disposals		0	0	0	0	(41,609)	0 (41,609)
Depreciation		0	(964,597)	0	(964,597)	(395,203)	0 (1,359,800)
Balance at 30 June 2025		4,213,000	40,838,977	15,425	45,067,402	3,511,405	0 48,578,807
Comprises:							
Gross balance amount at 30 June 2025		4,213,000	44,660,286	15,425	48,888,711	5,270,219	0 54,158,930
Accumulated depreciation at 30 June 2025		0	(3,821,309)	0	(3,821,309)	(1,758,814)	0 (5,580,123)
Balance at 30 June 2025	8(b)	4,213,000	40,838,977	15,425	45,067,402	3,511,405	0 48,578,807

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SHIRE OF DERBY-WEST KIMBERLEY
NOTES TO AND FORMING PART OF THE FINANCIAL REPORT
FOR THE YEAR ENDED 30 JUNE 2025

8. PROPERTY, PLANT AND EQUIPMENT (Continued)

(b) Carrying amount measurements

Asset class	Note	Fair value hierarchy	Valuation technique	Basis of valuation	Date of last valuation	Inputs used
(i) Fair value - as determined at the last valuation date						
Land and buildings						
Land - market value	8(a)	2	Market approach using recent observable market data for similar properties / income approach using discounted cash flow methodology	Independent registered valuer	June 2021	Price per hectare / market borrowing rate
Buildings - non specialised	8(a)	2	Replacement cost method	Independent registered valuer	June 2021	Perth based construction rates with appropriate district allowance applied to each location

SHIRE OF DERBY-WEST KIMBERLEY
NOTES TO AND FORMING PART OF THE FINANCIAL REPORT
FOR THE YEAR ENDED 30 JUNE 2025

9. INFRASTRUCTURE

(a) Movements in balances

Movement in the balances of each class of infrastructure between the beginning and the end of the current financial year.

	Infrastructure - roads	Other infrastructure- drainage	Other infrastructure- footpaths	Other infrastructure - land & parks	Other infrastructure - wharf	Other infrastructure - airports	Other infrastructure - other structures	Other infrastructure - landfill assets	Other infrastructure- work in progress	Total
Balance at 1 July 2023	241,660,265	1,862,337	560,508	3,128,082	20,134,141	27,699,333	8,217,880	1,052,650	0	304,315,196
Additions	7,691,547	8,500	164,333	0	54,950	0	1,833,832	0	0	9,753,162
Revaluation increments / (decrements) transferred to revaluation surplus	0	0	0	0	0	0	0	70,853	0	70,853
Depreciation	(4,693,910)	(37,465)	(23,767)	(157,516)	(635,960)	(603,829)	(459,663)	(68,543)	0	(6,680,653)
Balance at 30 June 2024	244,657,902	1,833,372	701,074	2,970,566	19,553,131	27,095,504	9,592,049	1,054,960	0	307,458,558
Comprises:										
Gross balance at 30 June 2024	307,759,826	3,318,786	1,377,555	3,443,072	21,459,005	28,906,994	10,926,957	4,906,236	0	382,098,431
Accumulated depreciation at 30 June 2024	(63,101,924)	(1,485,414)	(676,481)	(472,506)	(1,905,874)	(1,811,490)	(1,334,908)	(3,851,276)	0	(74,639,873)
Balance at 30 June 2024	244,657,902	1,833,372	701,074	2,970,566	19,553,131	27,095,504	9,592,049	1,054,960	0	307,458,558
Additions	3,829,766	519,982	0	232,846	0	0	672,716	0	74,424	5,329,734
Revaluation increments / (decrements) transferred to revaluation surplus	0	0	0	0	0	0	0	2,349,167	0	2,349,167
Depreciation	(4,728,537)	(39,401)	(26,613)	(134,103)	(639,152)	(543,150)	(577,450)	(148,660)	0	(6,837,066)
Balance at 30 June 2025	243,759,131	2,313,953	674,461	3,069,309	18,913,979	26,552,354	9,687,315	3,255,467	74,424	308,300,393
Comprises:										
Gross balance at 30 June 2025	311,589,592	3,838,768	1,377,555	3,675,918	21,459,005	28,906,994	11,599,673	14,352,261	74,424	396,874,190
Accumulated depreciation at 30 June 2025	(67,830,461)	(1,524,815)	(703,094)	(606,609)	(2,545,026)	(2,354,640)	(1,912,358)	(11,096,794)	0	(88,573,797)
Balance at 30 June 2025	243,759,131	2,313,953	674,461	3,069,309	18,913,979	26,552,354	9,687,315	3,255,467	74,424	308,300,393

SHIRE OF DERBY-WEST KIMBERLEY
NOTES TO AND FORMING PART OF THE FINANCIAL REPORT
FOR THE YEAR ENDED 30 JUNE 2025

3. INFRASTRUCTURE (Continued)

b) Carrying amount measurements

Asset class	Fair value hierarchy	Valuation technique	Basis of valuation	Date of last valuation	Inputs used
(i) Fair value - as determined at the last valuation date					
Infrastructure - roads	3	Cost approach using current replacement cost	Independent registered valuer	June 2023	Construction costs and current condition, residual values and remaining useful life assessments
Other infrastructure- drainage	3	Cost approach using current replacement cost	Independent registered valuer	June 2023	Construction costs and current condition, residual values and remaining useful life assessments
Other infrastructure- footpaths	3	Cost approach using current replacement cost	Independent registered valuer	June 2023	Construction costs and current condition, residual values and remaining useful life assessments
Other infrastructure - land & parks	3	Cost approach using current replacement cost	Independent registered valuer	June 2021	Construction costs and current condition, residual values and remaining useful life assessments
Other infrastructure - wharf	3	Cost approach using current replacement cost	Independent registered valuer	June 2021	Construction costs and current condition, residual values and remaining useful life assessments
Other infrastructure - airports	3	Cost approach using current replacement cost	Independent registered valuer	June 2021	Construction costs and current condition, residual values and remaining useful life assessments
Other infrastructure - other structures	3	Cost approach using current replacement cost	Independent registered valuer	June 2021	Construction costs and current condition, residual values and remaining useful life assessments
Other infrastructure - landfill assets	3	Cost approach using depreciated replacement cost and using discounted cash flow methodology for make good estimates	Management valuation utilising independent estimates of future make good costs	June 2025	Construction costs including discounted future make good cost estimates and remaining useful life estimates

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SHIRE OF DERBY-WEST KIMBERLEY
NOTES TO AND FORMING PART OF THE FINANCIAL REPORT
FOR THE YEAR ENDED 30 JUNE 2025

10. FIXED ASSETS

(a) Depreciation

Depreciation rates

Typical estimated useful lives for the different asset classes for the current and prior years are included in the table below:

Asset class	Useful life
Buildings	30 to 80 years
Plant and equipment	2 to 20 years
Infrastructure - roads	14 to 22 years
- sealed road surface	75 years
- sealed road pavement	85 years
- concrete road pavement	25 years
- unsealed road pavement	Infinite
- road formation	80 years
- kerb and channel	100 years
Other infrastructure - drainage	10 to 80 years
Other infrastructure - footpaths	10 to 100 years
Other infrastructure - land & parks	35 years
Other infrastructure - wharf	8 to 65 years
Other infrastructure - airports	10 to 50 years
Other infrastructure - other structures	20 to 50 years
Other infrastructure - landfill assets	

(b) Fully depreciated assets in use

The gross carrying amount of assets held by the Shire which are currently in use yet fully depreciated are shown in the table below.

Plant and equipment
 Other infrastructure - other structures

	2025	2024
	\$	\$
Plant and equipment	605,011	822,703
Other infrastructure - other structures	204,665	5,329
	809,676	828,032

SHIRE OF DERBY-WEST KIMBERLEY
NOTES TO AND FORMING PART OF THE FINANCIAL REPORT
FOR THE YEAR ENDED 30 JUNE 2025

10. FIXED ASSETS (Continued)

MATERIAL ACCOUNTING POLICIES

Initial recognition

An item of property, plant and equipment or infrastructure that qualifies for recognition as an asset is measured at its cost.

Upon initial recognition, cost is determined as the amount paid (or other consideration given) to acquire the assets, plus costs incidental to the 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. For assets acquired at zero cost or otherwise significantly less than fair value, cost is determined as fair value at the date of acquisition.

Assets for which the fair value as at the date of acquisition is under \$5,000 are not recognised as an asset in accordance with *Local Government (Financial Management) Regulation 17A(5)*. These assets are expensed immediately.

Where multiple individual low value assets are purchased together as part of a larger asset or collectively forming a larger asset exceeding the threshold, the individual assets are recognised as one asset and capitalised.

Individual assets that are land, buildings and infrastructure acquired between scheduled revaluation dates of the asset class in accordance with the Shire's revaluation policy, are recognised at cost and disclosed as being at reportable value.

Measurement after recognition

Plant and equipment including furniture and equipment and right-of-use assets (other than vested improvements) are measured using the cost model as required under *Local Government (Financial Management) Regulation 17A(2)*. Assets held under the cost model are carried at cost less accumulated depreciation and any impairment losses being their reportable value.

Reportable value

In accordance with *Local Government (Financial Management) Regulation 17A(2)*, the carrying amount of non-financial assets that are land and buildings classified as property, plant and equipment, investment properties, infrastructure or vested improvements that the local government controls.

Reportable value is for the purpose of *Local Government (Financial Management) Regulation 17A(4)* is the fair value of the asset at its last valuation date minus (to the extent applicable) the accumulated depreciation and any accumulated impairment losses in respect of the non-financial asset subsequent to its last valuation date.

Revaluation

Land and buildings classified as property, plant and equipment, infrastructure or vested improvements that the local government controls and measured at reportable value, are only required to be revalued every five years in accordance with the regulatory framework. This includes buildings and infrastructure items which were pre-existing improvements (i.e. vested improvements) on land vested in the Shire.

Whilst the regulatory framework only requires a revaluation to occur every five years, it also provides for the Shire to revalue earlier if it chooses to do so.

For land, buildings and infrastructure, increases in the carrying amount arising on revaluation of asset classes 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.

Subsequent increases are then recognised in profit or loss to the extent they reverse a net revaluation decrease previously recognised in profit or loss for the same class of asset.

Depreciation

The depreciable amount of all property, plant and equipment and infrastructure, are depreciated on a straight-line basis over the individual 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.

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

Depreciation on revaluation

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

- (i) The gross carrying amount is adjusted in a manner that is consistent with the revaluation of the carrying amount of the asset; or
- (ii) Eliminated against the gross carrying amount of the asset and the net amount restated to the revalued amount of the asset.

Impairment

In accordance with *Local Government (Financial Management) Regulation 17A(4C)*, the Shire is not required to comply with *AASB 136 Impairment of Assets* to determine the recoverable amount of its non-financial assets that are land or buildings classified as property, plant and equipment, infrastructure or vested improvements that the local government controls in circumstances where there has been an impairment indication of a general decrease in asset values.

In other circumstances where it has been assessed that one or more of these non-financial assets are impaired, the 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 or losses on disposal

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.

SHIRE OF DERBY-WEST KIMBERLEY
NOTES TO AND FORMING PART OF THE FINANCIAL REPORT
FOR THE YEAR ENDED 30 JUNE 2025

11. TRADE AND OTHER PAYABLES

Current

Sundry creditors
 Prepaid rates
 Accrued payroll liabilities
 Accrued expenses
 Other payables
 Accrued interest on loans

	2025	2024
	\$	\$
Sundry creditors	3,454,203	3,132,029
Prepaid rates	161,796	246,313
Accrued payroll liabilities	302,408	399,499
Accrued expenses	341,765	1,497,775
Other payables	264,306	397,351
Accrued interest on loans	38,628	67,769
	4,563,106	5,740,736

MATERIAL ACCOUNTING POLICIES

Financial liabilities

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

Non-derivative financial liabilities (excluding financial guarantees) are subsequently measured at amortised cost.

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

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 usually paid within 30 days of recognition. The carrying amounts of trade and other payables are considered to be the same as their fair values, due to their short-term nature.

Prepaid rates

Prepaid rates are, until the taxable event has occurred (start of the next financial year), refundable at the request of the ratepayer. Rates received in advance are initially recognised as a financial liability. When the taxable event occurs, the financial liability is extinguished and the Shire recognises income for the prepaid rates that have not been refunded.

SHIRE OF DERBY-WEST KIMBERLEY
NOTES TO AND FORMING PART OF THE FINANCIAL REPORT
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12. OTHER LIABILITIES

	2025	2024
	\$	\$
Current		
Contract liabilities	106,218	166,370
Capital grant/contributions liabilities	1,187,743	780,693
	1,293,961	947,063
Reconciliation of changes in contract liabilities		
Opening balance	166,370	84,860
Additions	106,218	118,663
Revenue from contracts with customers included as a contract liability at the start of the period	(166,370)	(37,153)
	106,218	166,370
Reconciliation of changes in capital grant/contribution liabilities		
Opening balance	780,693	1,107,545
Additions	915,743	719,937
Revenue from capital grant/contributions held as a liability at the start of the period	(508,693)	(1,046,789)
	1,187,743	780,693

MATERIAL ACCOUNTING POLICIES

Contract liabilities

Contract liabilities represent the Shire's obligation to transfer goods or services to a customer for which the Shire has received consideration from the customer.

Contract liabilities represent obligations which are not yet satisfied. Contract liabilities are recognised as revenue when the performance obligations in the contract are satisfied.

Capital grant/contribution liabilities

Capital grant/contribution liabilities represent the Shire's obligations to construct recognisable non-financial assets to identified specifications to be controlled by the Shire which are yet to be satisfied. Capital grant/contribution liabilities are recognised as income when the obligations in the contract are satisfied.

SHIRE OF DERBY-WEST KIMBERLEY
NOTES TO AND FORMING PART OF THE FINANCIAL REPORT
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13. BORROWINGS

Secured	Note	2025			2024		
		Current	Non-current	Total	Current	Non-current	Total
Debentures		\$ 5,394,024	\$ 1,514,354	\$ 6,908,378	\$ 5,539,077	\$ 1,908,378	\$ 7,447,455
Total secured borrowings	25(a)	5,394,024	1,514,354	6,908,378	5,539,077	1,908,378	7,447,455

MATERIAL ACCOUNTING POLICIES

Borrowing costs

The Shire has elected to recognise borrowing costs as an expense when incurred regardless of how the borrowings are applied.

Fair values of borrowings are not materially different to their carrying amounts, since the interest payable on those borrowings is either close to current market rates or the borrowings are of a short term nature.

Borrowings fair values are based on discounted cash flows using a current borrowing rate. They are classified as level 3 fair values in the fair value hierarchy (see Note 21(ii)) due to the unobservable inputs, including own credit risk.

Risk

Details of individual borrowings required by regulations are provided at Note 25(a).

Information regarding exposure to risk can be found at Note 20.

SHIRE OF DERBY-WEST KIMBERLEY
NOTES TO AND FORMING PART OF THE FINANCIAL REPORT
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14. EMPLOYEE RELATED PROVISIONS

Employee related provisions

Current provisions

Employee benefit provisions

Annual leave

Long service leave

	2025	2024
	\$	\$
Annual leave	853,893	620,098
Long service leave	361,923	335,840
	1,215,816	955,938
Total current employee related provisions	1,215,816	955,938
Non-current provisions		
Employee benefit provisions		
Long service leave	214,776	129,936
	214,776	129,936
Total non-current employee related provisions	214,776	129,936
Total employee related provisions	1,430,592	1,085,874

Provision is made for benefits accruing to employees in respect of wages and salaries, annual leave and long service leave and associated on costs for services rendered up to the reporting date and recorded as an expense during the period the services are delivered.

Annual leave liabilities are classified as current, as there is no unconditional right to defer settlement for at least 12 months after the end of the reporting period. Assessments indicate that actual settlement of the liabilities is expected to occur as follows:

Amounts are expected to be settled on the following basis:
 Less than 12 months after the reporting date
 More than 12 months from reporting date

	2025	2024
	\$	\$
Less than 12 months after the reporting date	1,195,150	813,593
More than 12 months from reporting date	235,442	272,281
	1,430,592	1,085,874

MATERIAL ACCOUNTING POLICIES

Employee benefits

The Shire's obligations for employees' annual leave, long service leave and other employee leave entitlements are recognised as employee related provisions in the Statement of Financial Position.

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.

Other long-term employee benefits

Long-term employee benefits provisions are measured at the present value of the expected future payments to be made to employees. Expected future payments incorporate anticipated future wage and salary levels, durations of 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 remeasurements for changes in assumptions of obligations for other long-term employee benefits are recognised in profit or loss in the periods in 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.

SHIRE OF DERBY-WEST KIMBERLEY
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FOR THE YEAR ENDED 30 JUNE 2025

15. OTHER PROVISIONS

Note	Make good provisions	Other provisions	Total
	\$	\$	\$
Opening balance at 1 July 2024			
Current provisions	0	56,144	56,144
Non-current provisions	8,322,167	839,853	9,162,020
	8,322,167	895,997	9,218,164
Increase in provision charged to the revaluation surplus 16	2,526,111	0	2,526,111
Increase in provision charged to profit or loss 2(b)	2,961,343	0	2,961,343
Amounts used	0	(645,997)	(645,997)
Unused amounts reversed	0	(250,000)	(250,000)
Charged to profit or loss			
- unwinding of discount	344,640	0	344,640
Balance at 30 June 2025	14,154,261	0	14,154,261
Comprises			
Non-current	14,154,261	0	14,154,261
	14,154,261	0	14,154,261

Other provisions

Amounts which are expected to be paid out within 12 months of the reporting date are classified as current. Exact timing of payment of non-current obligations is unable to be reliably estimated as it is dependent on factors beyond the control of the local government.

Make good provisions

Under the licence for the operation of the Shire of Derby-West Kimberley waste landfill sites, the Shire has a legal obligation to restore the sites.

The estimated future obligations include the costs of restoring the affected areas and continued monitoring of the sites. During the year management received a landfill financial summary for the Derby and Fitzroy landfill sites resulting in an increase to the value of landfill assets of \$2,349,167 and an increase in the landfill provision of \$5,487,454. The increase in the provision has been allocated firstly against the revaluation surplus with the balance charged to profit and loss in accordance with *Interpretation 1*. The amount of \$2,961,343 charged to profit and loss was allocated to other expenditure. Refer Note 2(b).

The provision for future remediation costs is the best estimate of the present value of the expenditure required to settle the remediation obligation at the reporting date. Future remediation costs are reviewed annually and any changes in the estimate are reflected in the remediation provision at each reporting date.

MATERIAL ACCOUNTING POLICIES

Provisions

Provisions are recognised when the Shire 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.

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SHIRE OF DERBY-WEST KIMBERLEY
NOTES TO AND FORMING PART OF THE FINANCIAL REPORT
FOR THE YEAR ENDED 30 JUNE 2025

16. REVALUATION SURPLUS

	2025 Opening balance	2025 Movement of asset	2025 Movement of provision *	2025 Closing balance	2024 Opening balance	Total Movement on revaluation	2024 Closing balance
Revaluation surplus - Land	\$ 12,888,340	\$ 0	\$ 0	\$ 12,888,340	\$ 12,888,340	\$ 0	\$ 12,888,340
Revaluation surplus - Buildings	8,731,138	0	0	8,731,138	8,731,138	0	8,731,138
Revaluation surplus - Plant and equipment	748,903	0	0	748,903	748,903	0	748,903
Revaluation surplus - Computer equipment	18,880	0	0	18,880	18,880	0	18,880
Revaluation surplus - Infrastructure - roads	201,576,694	0	0	201,576,694	201,576,694	0	201,576,694
Revaluation surplus - Other infrastructure- drainage	2,294,725	0	0	2,294,725	2,294,725	0	2,294,725
Revaluation surplus - Other infrastructure - land & parks	4,451,496	0	0	4,451,496	4,451,496	0	4,451,496
Revaluation surplus - Other infrastructure - wharf	17,705,999	0	0	17,705,999	17,705,999	0	17,705,999
Revaluation surplus - Other infrastructure - airports	28,313,650	0	0	28,313,650	28,313,650	0	28,313,650
Revaluation surplus - Other infrastructure - other structures	2,539,121	0	0	2,539,121	2,539,121	0	2,539,121
Revaluation surplus - Other infrastructure - landfill assets	176,944	2,349,167	(2,526,111)	0	3,566,511	(3,389,567)	176,944
	279,445,890	2,349,167	(2,526,111)	279,268,946	282,835,457	(3,389,567)	279,445,890

* refer note 15

SHIRE OF DERBY-WEST KIMBERLEY
NOTES TO AND FORMING PART OF THE FINANCIAL REPORT
FOR THE YEAR ENDED 30 JUNE 2025

17. NOTES TO THE STATEMENT OF CASH FLOWS

(a) Reconciliation of cash

For the purposes of the statement of cash flows, cash includes cash and cash equivalents, net of outstanding bank overdrafts. Cash at the end of the reporting period is reconciled to the related items in the statement of financial position as follows:

	Note	2025 Actual	2024 Actual
Cash and cash equivalents	3	\$ 8,449,148	\$ 7,895,069
Restrictions			
The following classes of financial assets have restrictions imposed by regulations or other externally imposed requirements which limit or direct the purpose for which the resources may be used:			
- Cash and cash equivalents	3	1,293,961	947,063
- Financial assets at amortised cost	4	975,801	975,801
		2,269,762	1,922,864
The restricted financial assets are a result of the following specific purposes to which the assets may be used:			
Restricted reserve accounts	26	975,801	975,801
Contract liabilities	12	106,218	166,370
Capital grant liabilities	12	1,187,743	780,693
Total restricted financial assets		2,269,762	1,922,864

(b) Reconciliation of net result to net cash provided by operating activities

Net result	(2,984,847)	(3,397,035)
Non-cash items:		
Depreciation/amortisation	8,196,866	7,972,106
(Profit)/loss on sale of asset	(195,944)	647,132
Increase in make good provision through profit or loss	2,961,343	0
Changes in assets and liabilities:		
(Increase)/decrease in trade and other receivables	1,154,342	(1,383,755)
(Increase)/decrease in other assets	(78,775)	256,205
(Increase)/decrease in inventories	1,433	24,558
Increase/(decrease) in trade and other payables	(1,177,630)	747,704
Increase/(decrease) in employee related provisions	344,718	25,204
Increase/(decrease) in other provisions	(551,357)	168,222
Increase/(decrease) in other liabilities	346,898	(245,342)
Capital grants, subsidies and contributions	(5,862,874)	(14,963,716)
Net cash provided by/(used in) operating activities	2,154,173	(10,148,717)

(d) Undrawn borrowing facilities

Credit standby arrangements		
Bank overdraft limit	0	0
Bank overdraft at balance date	0	0
Credit card limit	50,000	50,000
Credit card balance at balance date	(21,926)	(24,320)
Total amount of credit unused	28,074	25,680
Loan facilities		
Loan facilities - current	5,394,024	5,539,077
Loan facilities - non-current	1,514,354	1,908,378
Total facilities in use at balance date	6,908,378	7,447,455
Unused loan facilities at balance date	NIL	NIL

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**SHIRE OF DERBY-WEST KIMBERLEY
NOTES TO AND FORMING PART OF THE FINANCIAL REPORT
FOR THE YEAR ENDED 30 JUNE 2025**

18. CONTINGENT LIABILITIES

Potential Contaminated Sites

In compliance with the Contaminated Sites Act 2003, the Shire has listed sites to be possible sources of contamination. Details of those sites are:

Derby Airport
Myalls Bore
Fitzroy Crossing Works Depot
Derby Works Depot
Derby Landfill Site
Derby Cemetery
Fitzroy Crossing Landfill Site
Fitzroy Crossing Cemetery
Camballin Cemetery
Camballin Landfill Sites

Until the Shire conducts an investigation to determine the presence and scope of contamination, assess the risk and agree with the Department of Water and Environment Regulation the need and criteria for remediation using on a risk based approach, the amount of the contingent liability is unknown. This approach is consistent with the Department of Water and Environment Regulation Guidelines.

SHIRE OF DERBY-WEST KIMBERLEY
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FOR THE YEAR ENDED 30 JUNE 2025

19. RELATED PARTY TRANSACTIONS

(a) Council member remuneration

	Note	2025 Actual	2025 Budget	2024 Actual
Fees, expenses and allowances to be paid or reimbursed to council members.		\$ 41,094	\$ 51,414	\$ 54,069
President's annual allowance		20,205	25,280	23,231
President's meeting attendance fees		1,199	1,500	1,334
President's annual allowance for ICT expenses		2,675	0	12,464
President's annual allowance for travel and accommodation expenses		65,173	78,194	91,098
Deputy President's annual allowance		11,425	12,854	15,682
Deputy President's meeting attendance fees		12,569	18,853	17,325
Deputy President's annual allowance for ICT expenses		1,000	1,500	1,334
Deputy President's annual allowance for travel and accommodation expenses		0	0	9,072
All other council member's meeting attendance fees		149,027	131,971	115,951
All other council member's annual allowance for ICT expenses		22,987	10,500	8,922
All other council member's annual allowance for travel and accommodation expenses		0	0	4,325
		172,014	142,471	129,198
	19(b)	262,181	253,872	263,709

(b) Key management personnel (KMP) compensation

The total of compensation paid to KMP of the Shire during the year are as follows:

Short-term employee benefits	1,266,789	1,486,200
Post-employment benefits	165,841	180,305
Employee - other long-term benefits	84,958	107,260
Employee - termination benefits	30,962	0
Council member costs	19(a) 262,181	19(a) 263,709
	1,810,731	2,037,474

Short-term employee benefits

These amounts include all salary and fringe benefits awarded to KMP except for details in respect to fees and benefits paid to council members which may be separately found in the table above.

Post-employment benefits

These amounts are the current-year's cost of the Shire's superannuation contributions made during the year.

Other long-term benefits

These amounts represent annual leave and long service leave entitlements accruing during the year.

Termination benefits

These amounts represent termination benefits paid to KMP (Note: may or may not be applicable in any given year).

Council member costs

These amounts represent payments of member fees, expenses, allowances and reimbursements during the year.

SHIRE OF DERBY-WEST KIMBERLEY
NOTES TO AND FORMING PART OF THE FINANCIAL REPORT
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19. RELATED PARTY TRANSACTIONS (Continued)

(c) Transactions with related parties

Transactions between related parties and the Shire are on normal commercial terms and conditions, no more favourable than those available to other parties, unless otherwise stated.

No outstanding balances or provisions for doubtful debts or guarantees exist in relation to related parties at year end.

In addition to KMP compensation above the following transactions occurred with related parties:	2025 Actual \$	2024 Actual \$
Sale of goods and services	6,750	9,781
Purchase of goods and services	1,332,137	218,998
Amounts outstanding from related parties:		
Trade and other receivables	1,695	937
Amounts payable to related parties:		
Trade and other payables	136,596	0

(d) Related parties

The Shire's main related parties are as follows:

i. Key management personnel

Any person(s) having authority and responsibility for planning, directing and controlling the activities of the Shire, directly or indirectly, including any council member, are considered key management personnel.

ii. Other Related Parties

Outside of normal citizen type transactions with the Shire, there were no other related party transactions involving key management personnel and/or their close family members and/or their controlled (or jointly controlled) entities.

iii. Entities subject to significant influence by the Shire

There were no such entities requiring disclosure during the current or previous year.

SHIRE OF DERBY-WEST KIMBERLEY
NOTES TO AND FORMING PART OF THE FINANCIAL REPORT
FOR THE YEAR ENDED 30 JUNE 2025

20. FINANCIAL RISK MANAGEMENT

This note explains the Shire's exposure to financial risks and how these risks could affect the Shire's future financial performance.

Risk	Exposure arising from	Measurement	Management
Market risk - interest rates	Long term borrowings at variable rates	Sensitivity analysis	Utilise fixed interest rate borrowings
Credit risk	Cash and cash equivalents, trade receivables, financial assets and debt investments	Aging analysis Credit analysis	Diversification of bank deposits, credit limits. Investment policy
Liquidity risk	Borrowings and other liabilities	Rolling cash flow forecasts	Availability of committed credit lines and borrowing facilities

The Shire does not engage in transactions expressed in foreign currencies and is therefore not subject to foreign currency risk.

Financial risk management is carried out by the finance department under policies approved by the council. The finance department identifies, evaluates and manages financial risks in close co-operation with the operating divisions. Council have approved the overall risk management policy and provide policies on specific areas such as investment policy.

(a) Interest rate risk

Cash and cash equivalents

The Shire's main interest rate risk arises from cash and cash equivalents with variable interest rates, which exposes the Shire to cash flow interest rate risk. Short term overdraft facilities also have variable interest rates however these are repaid within 12 months, reducing the risk level to minimal.

Excess cash and cash equivalents are invested in fixed interest rate term deposits which do not expose the Shire to cash flow interest rate risk. Cash and cash equivalents required for working capital are held in variable interest rate accounts and non-interest bearing accounts. Carrying amounts of cash and cash equivalents at the 30 June and the weighted average interest rate across all cash and cash equivalents and term deposits held disclosed as financial assets at amortised cost are reflected in the table below.

	Weighted average interest rate	Carrying amounts	Fixed interest rate	Variable interest rate	Non interest bearing
					\$
2025					
Cash and cash equivalents	2.53%	8,449,148	0	8,448,248	900
Financial assets at amortised cost - term deposits	5.02%	975,801	975,801	0	0
2024					
Cash and cash equivalents	0.15%	7,895,069	0	7,893,519	1,550
Financial assets at amortised cost - term deposits	4.88%	975,801	975,801	0	0

Sensitivity

Profit or loss is sensitive to higher/lower interest income from cash and cash equivalents as a result of changes in interest rates.

	2025	2024
	\$	\$
Impact of a 1% movement in interest rates on profit or loss and equity*	84,482	78,935

* Holding all other variables constant

Borrowings

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Audit, Risk and Improvement Committee Meeting Minutes20 November 2025

Borrowings are subject to interest rate risk - the risk that movements in interest rates could adversely affect funding costs. The Shire manages this risk by borrowing long term and fixing the interest rate to the situation considered the most advantageous at the time of negotiation. The Shire does not consider there to be any interest rate risk in relation to borrowings. Details of interest rates applicable to each borrowing may be found at Note 25(a).

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SHIRE OF DERBY-WEST KIMBERLEY
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20. FINANCIAL RISK MANAGEMENT (Continued)

(b) Credit risk

Trade and other receivables

The Shire's major trade and other receivables comprise contractual non-statutory user fees and charges, grants, contributions and reimbursements. The major risk associated with these receivables is credit risk – the risk that the debts may not be repaid. The Shire manages this risk by monitoring outstanding debt and employing debt recovery policies.

The level of outstanding receivables is reported to council monthly and benchmarks are set and monitored for acceptable collection performance.

The Shire applies the AASB 9 Financial Instruments simplified approach to measuring expected credit losses using a lifetime expected loss allowance for all trade and other receivables. To measure the expected credit losses, receivables from grants, contributions and reimbursements are separated from other trade receivables due to the difference in payment terms and security.

The expected loss rates are based on the payment profiles of trade and other receivables over a period of 36 months before 1 July 2024 or 1 July 2025 respectively and the corresponding historical losses experienced within this period. Historical credit loss rates are adjusted to reflect current and forward-looking information on macroeconomic factors such as the ability of users to settle the receivables.

The loss allowance as at 30 June 2025 and 30 June 2024 was determined as follows for trade and other receivables.

	Current	More than 30 days past due	More than 60 days past due	More than 90 days past due	Total
30 June 2025					
Trade receivables					
Expected credit loss	5.37%	4.61%	8.22%	57.75%	
Gross carrying amount	727,539	285,381	40,629	303,266	1,356,815
Loss allowance	39,053	13,153	3,339	175,141	230,686
30 June 2024					
Trade receivables					
Expected credit loss	4.71%	4.71%	9.87%	23.91%	
Gross carrying amount	1,455,876	705,155	48,156	468,879	2,678,066
Loss allowance	68,564	33,214	4,753	112,124	218,655

SHIRE OF DERBY-WEST KIMBERLEY
NOTES TO AND FORMING PART OF THE FINANCIAL REPORT
FOR THE YEAR ENDED 30 JUNE 2025

20. FINANCIAL RISK MANAGEMENT (Continued)

(b) Credit risk (Continued)

The loss allowances for trade, other receivables and rates and statutory receivables as at 30 June reconcile to the opening loss allowances as follows:

Note	Trade receivables		Rates and statutory receivables	
	2025 Actual	2024 Actual	2025 Actual	2024 Actual
Opening loss allowance as at 1 July	\$ 218,655	\$ 374,162	\$ 42,984	\$ 42,984
Increase in loss allowance recognised in profit or loss during the year	23,959	0	213,734	0
Receivables written off during the year as uncollectible	(11,928)	(119,689)	(104)	0
Unused amount reversed	0	(35,818)	0	0
Closing loss allowance at 30 June	230,686	218,655	256,614	42,984

Trade, other receivables and contract assets are written off where there is no reasonable expectation of recovery. Indicators that there is no reasonable expectation of recovery include, amongst others, the failure of a debtor to engage in a repayment plan with the Shire, and a failure to make contractual payments for a period of greater than 120 days past due.

Impairment losses on rates and statutory receivables, trade, other receivables and contract assets are presented as net impairment losses within other expenditure. Subsequent recoveries of amounts previously written off are credited against the same line item.

SHIRE OF DERBY-WEST KIMBERLEY
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20. FINANCIAL RISK MANAGEMENT (Continued)

(c) Liquidity risk

Payables and borrowings

Payables and borrowings are both subject to liquidity risk – that is the risk that insufficient funds may be on hand to meet payment obligations as and when they fall due. The Shire manages this risk by monitoring its cash flow requirements and liquidity levels and maintaining an adequate cash buffer. Payment terms can be extended and overdraft facilities drawn upon if required and disclosed in Note 17(d).

The contractual undiscounted cash flows of the Shire's payables and borrowings are set out in the liquidity table below. Balances due within 12 months equal their carrying amounts, as the impact of discounting is not significant.

	Due within 1 year	Due between 1 & 5 years	Due after 5 years	Total contractual cash flows	Carrying amount
2025	\$	\$	\$	\$	\$
Trade and other payables	4,127,685	0	0	0	4,127,685
Borrowings	5,394,024	1,447,938	68,660	7,099,335	6,908,378
	9,521,709	1,447,938	68,660	7,099,335	11,036,063
2024					
Trade and other payables	5,740,736	0	0	5,740,736	5,740,736
Borrowings	5,643,349	1,700,731	398,604	7,742,684	7,447,455
	11,384,085	1,700,731	398,604	13,483,420	13,188,191

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SHIRE OF DERBY-WEST KIMBERLEY
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1. OTHER MATERIAL ACCOUNTING POLICIES**a) 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).

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.

b) 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 liability is 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.

c) 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.

d) 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 a 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 report is presented.

e) 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.

f) 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.

g) 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 maximise, to the extent possible, 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 end of the reporting period (i.e. the market that maximises the receipts from 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 participant's 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.

h) Interest revenue

Interest revenue is calculated by applying the effective interest rate to the gross carrying amount of a financial asset measured at amortised cost except for financial assets that subsequently become credit-impaired. For credit-impaired financial assets the effective interest rate is applied to the net carrying amount of the financial asset (after deduction of the loss allowance).

i) Fair value hierarchy

AASB 13 *Fair Value Measurement* requires the disclosure of fair value information by level of the fair value hierarchy, which categorises fair value measurement into one of three possible levels based on the lowest level that an input that is significant to the measurement can be categorised into as follows:

Level 1

Measurements based on quoted prices (unadjusted) in active markets for identical assets or liabilities that the entity can access at the measurement date.

Level 2

Measurements based on inputs other than quoted prices included in Level 1 that are observable for the asset or liability, either directly or indirectly.

Level 3

Measurements based on unobservable inputs for the asset or liability.

The fair values of assets and liabilities that are not traded in an active market are determined using one or more valuation techniques. These valuation techniques maximise, to the extent possible, the use of observable market data. If all significant inputs required to measure fair value are observable, the asset or liability is included in Level 2. If one or more significant inputs are not based on observable market data, the asset or liability is included in Level 3.

Valuation techniques

The Shire selects a valuation technique that is appropriate in the circumstances and for which sufficient data is available to measure fair value. The availability of sufficient and relevant data primarily depends on the specific characteristics of the asset or liability being measured. The valuation techniques selected by the Shire are consistent with one or more of the following valuation approaches:

Market approach

Valuation techniques that use prices and other relevant information generated by market transactions for identical or similar assets or liabilities.

Income approach

Valuation techniques that convert estimated future cash flows or income and expenses into a single discounted present value.

Cost approach

Valuation techniques that reflect the current replacement cost of the service capacity of an asset.

Each valuation technique requires inputs that reflect the assumptions that buyers and sellers would use when pricing the asset or liability, including assumptions about risks. When selecting a valuation technique, the Shire gives priority to those techniques that maximise the use of observable inputs and minimise the use of unobservable inputs. Inputs that are developed using market data (such as publicly available information on actual transactions) and reflect the assumptions that buyers and sellers would generally use when pricing the asset or liability are considered observable, whereas inputs for which market data is not available and therefore are developed using the best information available about such assumptions are considered unobservable.

j) Impairment of assets

In accordance with Australian Accounting Standards the Shire's assets, other than inventories, are assessed at each reporting date to determine whether there is any indication they may be impaired.

Where such an indication exists, an impairment test is carried out on the asset by comparing the recoverable amount of the asset, being the higher of the asset's fair value less costs to sell and value in use, to the asset's carrying amount except for non-financial assets that are:

- land and buildings classified as property, plant and equipment;
- infrastructure; or
- vested improvements that the local government controls, in circumstances where there has been an impairment indication of a general decrease in asset values.

These non-financial assets are assessed in accordance with the regulatory framework detailed in Note 10.

Any excess of the asset's carrying amount over its recoverable amount is recognised immediately in profit or loss, unless the asset is carried at a revalued amount in accordance with another Standard (e.g. AASB 116 *Property, Plant and Equipment*) whereby any impairment loss of a revalued asset is treated as a revaluation decrease in accordance with that other Standard.

SHIRE OF DERBY-WEST KIMBERLEY
NOTES TO AND FORMING PART OF THE FINANCIAL REPORT
FOR THE YEAR ENDED 30 JUNE 2025

22. FUNCTION AND ACTIVITY

(a) Service objectives and descriptions

Shire operations as disclosed in this financial report encompass the following service orientated functions and activities.

Objective	Description
Governance To provide a decision making process for the efficient allocation of scarce resources.	Administration and operation of facilities and services to members of council. Other costs that relate to the tasks of assisting elected members and ratepayers on the matters which do not concern specific council services.
General purpose funding To collect revenue to allow for the provision of services.	Rates, general purpose government grants and interest revenue.
Law, order, public safety To provide services to help ensure a safer and environmentally conscious community.	Supervision of various by-laws, fire prevention, emergency services and animal control.
Health To provide an operational framework for environmental and community health.	Food quality and pest control, inspection of abattoir and operation of child health clinic, analytical testing and environmental health administration.
Education and welfare To provide services to disadvantaged persons, the elderly, children and youth.	Year round care, housing for the aged and educational services.
Housing Help ensure adequate housing.	Management and maintenance of staff and rental housing.
Community amenities To provide services required by the community.	Rubbish collections, recycling, refuse site operations, litter control, administration of the town planning scheme, cemetery operations, public toilet facilities, sewerage and protection of the environment.
Recreation and culture To establish and effectively manage infrastructure and resources which help the social well being of the community.	Maintenance and operation of the Town Hall, the aquatic centre, recreation centre, library, community arts program, cultural activities and various services.
Transport To provide safe, effective and efficient transport services to the community.	Construction and maintenance of streets, roads, bridges, footpaths, street lighting, traffic management and airport. Purchase and disposal of Council's road plant, parking control and police licensing.
Economic services To help promote the Shire and its economic well being.	Building control, saleyards, tourism and area promotion, standpipes and pest control.
Other property and services To monitor and control the Shire's overheads operating accounts.	Private works operations, plant repairs and operation costs, stock and materials, property leases and rental, salaries and wages for council employees.

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SHIRE OF DERBY-WEST KIMBERLEY
NOTES TO AND FORMING PART OF THE FINANCIAL REPORT
FOR THE YEAR ENDED 30 JUNE 2025

22. FUNCTION AND ACTIVITY (Continued)

(b) Income and expenses

	2025 Actual	2024 Actual
	\$	\$
Income excluding grants, subsidies and contributions and capital grants, subsidies and contributions		
Governance	3,260	7,172
General purpose funding	9,812,769	9,429,235
Law, order, public safety	58,271	78,972
Health	48,755	54,350
Education and welfare	27,138	153,517
Housing	1,140,304	140,781
Community amenities	3,244,011	3,187,825
Recreation and culture	541,782	687,503
Transport	3,298,516	7,951,823
Economic services	104,408	65,019
Other property and services	4,211,596	747,123
	22,490,810	22,503,320
Grants, subsidies and contributions and capital grants, subsidies and contributions		
Governance	44,071	8,444
General purpose funding	5,947,356	7,361,554
Law, order, public safety	71,067	240,671
Health	893,811	618,265
Education and welfare	683,567	923,751
Community amenities	94,238	0
Recreation and culture	844,167	1,104,508
Transport	4,480,668	10,956,544
Economic services	343,465	0
Other property and services	8,134,967	3,393,293
	21,537,377	24,607,030
Total income	44,028,187	47,110,350
Expenses		
Governance	(1,593,572)	(2,296,303)
General purpose funding	(580,240)	(410,504)
Law, order, public safety	(998,632)	(1,204,082)
Health	(1,213,574)	(1,788,482)
Education and welfare	(2,101,174)	(1,958,443)
Housing	(1,267,123)	(724,071)
Community amenities	(7,562,584)	(4,784,347)
Recreation and culture	(8,140,541)	(8,660,669)
Transport	(14,045,933)	(12,804,064)
Economic services	(1,218,734)	(1,671,141)
Other property and services	(8,290,927)	(14,205,279)
Total expenses	(47,013,034)	(50,507,385)
Net result for the period	(2,984,847)	(3,397,035)
(c) Assets		
Assets		
Governance	300,660	242,403
General purpose funding	1,173,979	1,415,037
Law, order, public safety	636,572	850,799
Health	534,338	518,793
Education and welfare	3,045,115	2,801,336
Housing	9,928,989	10,124,970
Community amenities	7,133,162	4,544,085
Recreation and culture	21,837,046	22,291,869
Transport	305,202,870	307,711,021
Economic services	3,367,714	3,323,293
Other property and services	4,548,792	3,837,281
Unallocated	11,311,130	10,610,265
Total assets	369,020,367	368,271,152

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SHIRE OF DERBY-WEST KIMBERLEY
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23. RATING INFORMATION**(a) General rates**

RATE TYPE Rate description	Basis of valuation	Rate in \$	Number of properties	2024/25	2024/25	2024/25	2024/25	2024/25	2024/25	2024/25	2023/24
				Actual rateable value*	Actual rate revenue	Actual interim rates	Actual total revenue	Budget rate revenue	Budget interim rate	Budget total revenue	Actual total revenue
GRV General	Gross rental valuation	0.144896	1,402	39,820,185	5,769,786	0	5,769,786	5,769,786	3,000	5,772,786	5,537,684
UV General	Unimproved valuation	0.090954	145	38,236,074	3,477,724	(223,754)	3,253,970	3,477,724	3,000	3,480,724	3,129,909
Total general rates			1,547	78,056,259	9,247,510	(223,754)	9,023,756	9,247,510	6,000	9,253,510	8,667,593
Minimum payment											
GRV General	Gross rental valuation	1,643	273	1,270,970	448,539	0	448,539	448,539	0	448,539	435,708
UV General	Unimproved valuation	638	130	280,003	82,940	0	82,940	82,302	0	82,302	84,940
Total minimum payments			403	1,550,973	531,479	0	531,479	530,841	0	530,841	520,648
Total general rates and minimum payments											
			1,950	79,607,232	9,778,989	(223,754)	9,555,235	9,778,351	6,000	9,784,351	9,188,241
Discounts											
Total rates								(39,018)		(70,000)	(71,921)
										9,714,351	9,116,320

*Rateable Value at time of raising of rate.

(b) Rates related information

Rates instalment interest	25,953	25,000	19,235
Rates instalment plan charges	15,881	15,080	15,080
Rates overdue interest	155,571	102,500	131,264

SHIRE OF DERBY-WEST KIMBERLEY
NOTES TO AND FORMING PART OF THE FINANCIAL REPORT
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14. DETERMINATION OF SURPLUS OR DEFICIT

Note	2024/25 (30 June 2025 carried forward)	2024/25 Budget (30 June 2025 carried forward)	2023/24 (30 June 2024 carried forward)
(a) Non-cash amounts excluded from operating activities			
The following non-cash revenue or expenditure has been excluded from amounts attributable to operating activities within the Statement of Financial Activity in accordance with <i>Financial Management Regulation 32</i> .			
Adjustments to operating activities			
Less: Profit on asset disposals	(195,944)	(209,546)	(18,342)
Add: Loss on disposal of assets	0	0	665,474
Add: Depreciation	10(a) 8,196,866	7,996,421	7,972,106
Add: Increase in make good provision through profit or loss	0	0	0
Non-cash movements in non-current assets and liabilities:			
Pensioner deferred rates	(6,464)	0	(5,349)
Employee benefit provisions	84,840	0	32,386
Other provisions	2,466,130	0	168,222
Non-cash amounts excluded from operating activities	10,545,428	7,786,875	8,814,497
(b) Surplus or deficit after imposition of general rates			
The following current assets and liabilities have been excluded from the net current assets used in the Statement of Financial Activity in accordance with <i>Financial Management Regulation 32</i> to agree to the surplus/(deficit) after imposition of general rates.			
Adjustments to net current assets			
Less: Reserve accounts	26 (975,801)	(975,801)	(975,801)
Add: Current liabilities not expected to be cleared at end of year			
- Current portion of borrowings	13 5,394,024	10,062,639	5,539,077
- Employee benefit provisions	402,441	402,441	402,441
Total adjustments to net current assets	4,820,664	9,489,279	4,965,717
Net current assets used in the Statement of financial activity			
Total current assets	12,010,556	3,660,365	12,539,941
Less: Total current liabilities	(12,466,907)	(13,149,644)	(13,238,958)
Less: Total adjustments to net current assets	4,820,664	9,489,279	4,965,717
Surplus or deficit after imposition of general rates	4,364,313	0	4,266,700

SHIRE OF DERBY-WEST KIMBERLEY
NOTES TO AND FORMING PART OF THE FINANCIAL REPORT
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25. BORROWING AND LEASE LIABILITIES

(a) Borrowings

Purpose	Actual						Budget				
	Principal at 1 July 2023	New loans during 2023-24	Principal repayments during 2023-24	Principal at 30 June 2024	New loans during 2024-25	Principal repayments during 2024-25	Principal at 30 June 2025	Principal at 1 July 2024	New loans during 2024-25	Principal repayments during 2024-25	Principal at 30 June 2025
Staff housing	26,728	0	(26,728)	0	0	0	0	0	0	0	0
Staff housing	465,197	0	(54,699)	410,498	0	(58,216)	352,282	410,499	0	(58,216)	352,283
Staff housing	223,894	0	(10,231)	213,663	0	(32,093)	181,570	213,663	0	(32,093)	181,570
Staff housing	0	0	0	0	0	0	0	0	5,000,000	0	5,000,000
Wharf fenders, boat ramp	137,417	0	(15,216)	122,201	0	(48,859)	73,342	122,200	0	(48,858)	73,342
Derby wharf infrastructure	212,810	0	(19,875)	192,935	0	(61,443)	131,492	192,935	0	(61,443)	131,492
Derby Airport Infrastructure & wharf	1,338,829	0	(97,749)	1,241,080	0	(298,350)	942,730	1,241,080	0	(298,350)	942,730
Derby Visitors Centre	279,868	0	(12,790)	267,078	0	(40,116)	226,962	267,079	0	(40,116)	226,963
WATC short term loan	0	2,000,000	(2,000,000)	0	0	0	0	0	0	0	0
WATC short term loan	0	2,000,000	0	2,000,000	0	(2,000,000)	0	5,000,000	0	(4,290,000)	710,000
WATC short term loan	0	1,000,000	0	1,000,000	0	(1,000,000)	0	0	5,000,000	0	5,000,000
WATC short term loan	0	2,000,000	0	2,000,000	0	(2,000,000)	0	0	0	0	0
WATC short term loan	0	0	0	0	3,000,000	(3,000,000)	0	0	0	0	0
WATC short term loan	0	0	0	0	2,000,000	(2,000,000)	0	0	0	0	0
WATC short term loan	0	0	0	0	2,000,000	(2,000,000)	0	0	0	0	0
WATC short term loan	0	0	0	0	2,000,000	(2,000,000)	0	0	0	0	0
WATC short term loan	0	0	0	0	2,000,000	(2,000,000)	0	0	0	0	0
WATC short term loan	0	0	0	0	2,000,000	(2,000,000)	0	0	0	0	0
Total	2,684,743	7,000,000	(2,237,288)	7,447,455	12,000,000	(12,539,077)	6,908,378	7,447,456	10,000,000	(4,829,076)	12,618,380

SHIRE OF DERBY-WEST KIMBERLEY
NOTES TO AND FORMING PART OF THE FINANCIAL REPORT
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25. BORROWING AND LEASE LIABILITIES (Continued)

Borrowing finance cost payments

Purpose	Loan number	Institution	Interest rate	Date final payment is due	Actual for year ending	Budget for year ending	Actual for year ending
					30 June 2025	30 June 2025	30 June 2024
Staff housing	136	WATC	6.46%	28/05/2024	0	0	(1,142)
Staff housing	146	WATC	6.33%	28/03/2030	(24,127)	(25,078)	(27,701)
Staff housing	148	WATC	4.49%	29/06/2032	(8,878)	(13,680)	(9,818)
Staff housing	N/A	WATC	TBA	N/A	0	0	0
Wharf fenders, boat ramp	145	WATC	6.87%	30/06/2027	(6,749)	(10,952)	(8,912)
Derby wharf infrastructure	151	WATC	3.02%	29/09/2028	(4,901)	(7,821)	(6,120)
Derby Airport Infrastructure & wharf	152	WATC	1.73%	30/12/2029	(18,895)	(29,640)	(22,307)
Derby Visitors Centre	149	WATC	4.49%	29/06/2023	(11,098)	(17,101)	(12,272)
WATC short term loan	DRFWA	WATC	4.7 - 5.01%	31/12/2024	0	0	(106,425)
WATC short term loan	258089	WATC	4.87%	11/07/2024	(1,650)	(40,000)	0
WATC short term loan	259216	WATC	4.92%	11/07/2024	(1,135)	0	0
WATC short term loan	259705	WATC	5.01%	31/12/2024	(50,203)	0	0
WATC short term loan	363502	WATC	4.72%	31/10/2024	(29,489)	0	0
WATC short term loan	271551	WATC	4.78%	28/02/2025	(15,453)	0	0
WATC short term loan	274853	WATC	4.45%	20/06/2025	(27,318)	0	0
WATC short term loan	276042	WATC	4.49%	21/08/2025	(23,861)	0	0
WATC short term loan	278403	WATC	4.21%	31/10/2025	(6,335)	0	0
WATC short term loan	281211	WATC	4.23%	20/11/2025	(2,495)	0	0
Total finance cost payments					(232,587)	(144,272)	(194,697)

* WA Treasury Corporation

(b) New borrowings - 2024/25

Particulars/purpose	Institution	Loan type	Term years	Interest rate	Amount borrowed		Amount (used)		Total interest and charges	Actual balance unspent
					2025 Actual	2025 Budget	2025 Actual	2025 Budget		
Staff housing	WATC	Short Term	3	TBA	0	5,000,000	0	(5,000,000)	0	0
WATC short term loan	WATC	Short Term	3	TBA	12,000,000	5,000,000	12,000,000	(5,000,000)	(104,951)	12,000,000

* WA Treasury Corporation

SHIRE OF DERBY-WEST KIMBERLEY
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26. RESERVE ACCOUNTS

Restricted by council

- (a) Leave Reserve
- (b) Office Building Reserve
- (c) Airport Reserve
- (d) Derby Wharf Maintenance Reserve
- (e) Economic Development Reserve
- (f) Fitzroy Crossing Recreation Hall Reserve
- (g) Staff Housing Reserve

	2025 Actual opening balance	2025 Actual transfer to	2025 Actual transfer (from)	2025 Actual closing balance	2025 Budget opening balance	2025 Budget transfer to	2025 Budget transfer (from)	2025 Budget closing balance	2024 Actual opening balance	2024 Actual transfer to	2024 Actual transfer (from)	2024 Actual closing balance
	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
(a) Leave Reserve	402,441	0	0	402,441	402,441	0	0	402,441	402,441	0	0	402,441
(b) Office Building Reserve	314,511	0	0	314,511	314,511	0	0	314,511	314,511	0	0	314,511
(c) Airport Reserve	28,456	0	0	28,456	28,456	0	0	28,456	28,456	0	0	28,456
(d) Derby Wharf Maintenance Reserve	3,721	0	0	3,721	3,721	0	0	3,721	3,721	0	0	3,721
(e) Economic Development Reserve	19,936	0	0	19,936	19,936	0	0	19,936	19,936	0	0	19,936
(f) Fitzroy Crossing Recreation Hall Reserve	46,771	0	0	46,771	46,771	0	0	46,771	46,771	0	0	46,771
(g) Staff Housing Reserve	159,965	0	0	159,965	159,965	0	0	159,965	159,965	0	0	159,965
	975,801	0	0	975,801	975,801	0	0	975,801	975,801	0	0	975,801

All reserves are supported by cash and cash equivalents and financial assets at amortised cost and are restricted within equity as Reserve accounts.

In accordance with council resolutions or adopted budget in relation to each reserve account, the purpose for which the reserves are set aside and their anticipated date of use are as follows:

Name of reserve account Restricted by council	Purpose of the reserve account
(a) Leave Reserve	To be used to fund annual and long service leave requirements.
(b) Office Building Reserve	To be used to fund the new Derby administration building.
(c) Airport Reserve	To be used to fund airport capital works, primarily bitumen resealing.
(d) Derby Wharf Maintenance Reserve	To be used to carry out wharf maintenance.
(e) Economic Development Reserve	To promote economic development within the Shire.
(f) Fitzroy Crossing Recreation Hall Reserve	To be used to quarantine funds received from the lease of the FX Recreation Hall to be utilised for any upgrade works.
(g) Staff Housing Reserve	To be used for the construction of staff housing.

Audit, Risk and Improvement Committee Meeting Minutes20 November 2025**8.2 COUNCIL POLICY MANAGEMENT - POLICY REVIEW****File Number:** 4160**Author:** Telia Reilly, Governance and Risk Coordinator**Responsible Officer:** Jill Brazil, Director Corporate Services**Authority/Discretion:** Legislative**SUMMARY**

Council is committed to ensuring that its policies address a clearly identified issue in a proportionate and considered manner, remain relevant, and do not impose unnecessary burdens on external stakeholders or generate internal inefficiencies.

Policies are intended to provide for the efficient and effective use of the Shire's resources and enable Council to make decisions based on the principles of equity, fairness, natural justice, transparency and accountability, as well as meeting statutory requirements.

Shire officers have conducted a comprehensive review of the Shire's Council policies and made recommendations for retention, amendment, renewal and repeal.

DISCLOSURE OF ANY INTEREST

Nil by Author or responsible Officer

BACKGROUND

A comprehensive review of all Council policies has been completed, including evaluation assessment and recommendations provided by an independent external advisor, under a guiding principle of ensuring that all policies meet relevant statutory requirements and remain fit for purpose. Policies were also compared to relevant independent advice and templates provided by the West Australian Local Government Association and the Department of Local Government.

STATUTORY ENVIRONMENT

Local Government Act 1995, s.2.7 (2) (b) - The council's governing role includes the following — (b) determining the local government's policies.

POLICY IMPLICATIONS

As set out in this report.

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

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RISK MANAGEMENT CONSIDERATIONS

RISK	LIKELIHOOD	CONSEQUENCE	RISK ANALYSIS	MITIGATION
Legal & Compliance: A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure is authorised in advance by an absolute majority of Council	Rare	Minor	Low	Expenditure to only be incurred in accordance with budget parameters, which have been structured on financial viability and sustainability principles

CONSULTATION

Internal and external consultancy.

COMMENT

Compulsory policy provisions are set out the *Local Government Act 1995*, which requires that local governments must adopt a policy in specified statutory circumstances. This review ensures that policies are appropriate to the following statutory provisions:

- Section 5.39C: Temporary Employment or Appointment of Acting CEO*
- Section 5.50: Payments to employees in addition to contract or award
- Section 5.90A: Attendance at Events Policy*
- Section 5.128: Council Member Continuing Professional Development*
- r.11A, Functions and General Regulations: Purchasing Policy for goods and services under \$250,000

* require absolute majority resolution

Additionally, a local government may adopt a policy under section 5.129 of the Act relating to paying fees or reimbursing expenses to attend training or professional development. Council Policy C2 - Council Member Training and Professional Development includes provision for reimbursement of travel expenses for approved use of a private motor vehicle. Council Policy C12 – Elected Member Fees and President’s Allowances does not provide additional provisions for fees to be paid relative to training or professional development.

A future policy requirement will be introduced through the *Local Government Amendment Act 2024* Section 5.56AA ‘Rates and Revenue Policy’ however this is pending commencement to coincide with the 2026/27 Annual Budget.

Numerous Council policies are subject to recommendations to repeal, replace or retain with amendment. The complete suite of policies can be found attached to the report, and it is recommended they be adopted as proposed.

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The following comments are provided as a guide to those policies that have been substantially reviewed, recommended to be replaced or recommend for repeal.

Council Policy	Comment
C3 Caretaker Policy	Recommend Rescind - No longer required due to commencement of Section 3.73 of the Act.
C4 Violence and Aggression	Recommend Rescind - Shire could potentially consider a more substantial policy approach in future.
C5 Council Meetings – Date, Time and Venue	Recommend Rescind - In report to Council Annually for their endorsement.
C6 Use of Council Chambers	Recommend Rescind – Internal booking process in place.
C8 Public Statements by President	Recommend Rescind - Replicates much of Policy C14, which is a suitable approach.
C9 Temporary Appointment of CEO	Recommend Rescind - Current policy not fully compliant with s.5.39C of Act, new Policy aligns with compliant WALGA template.
C11 Electronic Council Meetings	Recommend Rescind – Policy updated to ensure compliance with <i>Local Government (Administration) Regulations</i> .
C15 Child Safeguarding	Recommend Replace - version sourced from recommended Department of Local Government template.
ES3 Fraud, Misconduct Control	Recommend Rescind – Recommendation from Office of Auditor General is to adopt Fraud Control Action Plan as an internal CEO workplace directive, not a Council Policy.
ES4 Local Publications	Recommend Rescind – No requirement for policy to give local notice, this is mandated in <i>Local Government (Administration) Regulations</i> .
F10 Forward Planning	Recommend Rescind – This policy cross-references other policies and is not required.
F11 Budget Issues	Recommend Rescind - Policy principal will be incorporated in new annual Rates and Revenue Policy (section 5.56AA) when it commences in 2026.
F12 Rates Admin. Charges	Recommend Rescind – This subject matter is provided for under s.6.45(3) of the Act.
F13 Reserve Accounts	Recommend Rescind – Consideration of reserve accounts determined by Council in annual budget preparation.
F14 Loan Borrowings	Recommend Rescind - Consideration of reserve accounts determined by Council in annual budget preparation.
F15 Provisions	Recommend Rescind - Consideration of reserve accounts determined by Council in annual budget preparation.
F16 Cash Flow Management	Recommend Rescind – Current policy reads as a statement rather than policy guidance.

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F18 Portable and Attractive Items	Recommend Rescind – Current policy is guided by FM Reg 17B which is a responsibility of the CEO. Principles will be converted to internal procedure.
PC5 GPS Fleet Tracking	Recommend Rescind – Current internal procedure is adequate.
R1 Fire Control Officers Authorities	Recommend Rescind - Only Shire employees can be authorised to purchase goods and services.

VOTING REQUIREMENT

Absolute majority

ATTACHMENTS

Nil

COMMITTEE RESOLUTION AC18/25**Moved:** *Mr Jeffrey Porra***Seconded:** *Cr Val Ross*

That the Audit, Risk and Improvement Committee recommend that Council by ABSOLUTE MAJORITY resolves to:

1. **ADOPT** the below Council Policies:

C1: Elected Member and Chief Executive Officer attendance at events and functions

C2: Council Member Training and Professional Development

C9: Temporary employment or appointment of Acting CEO

2. **APPROVES** the Chief Executive Officer to make any relevant amendments, formatting, or other minor wording changes to the policies.

In Favour: *Mrs Danielle Cornish, Mr Peter McCumstie, Cr Trish Gault, Cr Eliot Money, Cr Val Ross and Mr Jeffrey Porra.*

Against: *Nil*

CARRIED 6/0**COMMITTEE RESOLUTION AC19/25****Moved:** *Cr Eliot Money***Seconded:** *Mr Peter McCumstie*

That the Audit, Risk and Improvement Committee recommend that Council RESCINDS the following policies:

C3: Caretaker Electoral Period

C4: Violence and Aggression

C5: Council Meetings – Date, Time and Venue

C6: Use of Council Chambers

C8: Public Statements by President, Councillors and Chief Executive Officer

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C15: Child Safeguarding
ES4: Local Publications
F10: Forward Planning
F11: Budget Issues
F12: Rates – Administration, Interims and Interest Charges
F13: Reserve Accounts
F14: Loan Borrowings
F16: Cash Flow Management
F18: Portable and Attractive Items
PPC5: GPS Fleet Tracking
R1: Fire Control Officers Authorities

In Favour: *Mrs Danielle Cornish, Mr Peter McCumstie, Cr Trish Gault, Cr Eliot Money, Cr Val Ross and Mr Jeffrey Porra.*

Against: *Nil*

CARRIED 6/0

COMMITTEE RESOLUTION AC20/25

Moved: *Mr Peter McCumstie*

Seconded: *Mr Jeffrey Porra*

That the Audit, Risk and Improvement Committee recommend that Council:

1. ADOPTS the below Council Policies:

C7: Presentations on Completion of Service Objective
C10: Code of Conduct Behaviour Complaints Management
C19: Electronic Attendance at Meetings
C12: Council Members Fees and President's Allowances
C14: Media and Communications
C16: Use of Common Seal and Execution of Documents
C17: Council Policy Management Framework
C18: Child Safety Awareness
ES1: Legal Representation Costs Indemnification
ES2: Establishment of Commercial Leases
ES3: Fraud, Misconduct and Resilience
ES5: Community Leases and License Agreements of Shire Assets (Facilities, Buildings and Land)
F1: Procurement of Goods and Services
F2: Asset Management
F3: Significant Accounting
F4: Sundry Debtors Collection
F5: Outstanding Rates Collection
F6: Financial Hardship
F7: Regional Price Preference

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F8: Transaction Cards
F9: Rating Administration
F17: Investments
F19: Community Funding Scheme
F20: Related Party Disclosure
F22: Damages Claims
H21: Traders and Stall Holders Permits
PC1: Risk and Opportunity Management
PC2: Work, Health and Safety
PC3: Injury Management and Rehabilitation
PC6: Volunteer Emergency Service / Defence Reservist Leave
PC7: Generative Artificial Intelligence (AI)
TP1: Light Industrial Area – Caretakers Residence
TP2: Radio Masts
TP4: Town Centre Development
TP5: Transportable / Relocated Dwellings
TPG1: Town Planning Guideline Minimum Floor Level for New Buildings Fitzroy Crossing and Camballin
W1: Crossovers
W4: Memorials in Public Parks and Reserves
W5: Public Art
W7: Closed Circuit Television (CCTV)
W3: Underground Public Utilities Services that cross Council Controlled Thoroughfares

2. AUTHORISES the Chief Executive Officer to make any relevant amendments, formatting, or other minor wording changes to the policies.

In Favour: *Mrs Danielle Cornish, Mr Peter McCumstie, Cr Trish Gault, Cr Eliot Money, Cr Val Ross and Mr Jeffrey Porra.*

Against: *Nil*

CARRIED 6/0

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8.3 GOVERNANCE AND COMPLIANCE - RISK MANAGEMENT**File Number:** 5476**Author:** Telia Reilly, Governance and Risk Coordinator**Responsible Officer:** Jill Brazil, Director Corporate Services**Authority/Discretion:** Executive**SUMMARY**

This report presents an update on controls developed and implemented in ensuring effective risk management.

DISCLOSURE OF ANY INTEREST

Nil by Author or Responsible Officer

BACKGROUND

The Audit, Risk and Improvement Committee provides guidance and assistance to Council. The Committee assumes a key role in assisting the Shire fulfil its governance and oversight obligations related to financial reporting, internal controls, risk management systems, legislative compliance, ethical accountability and internal and external functions.

There are a number of audits that local governments are required to complete to address these obligations, and the reports from these audits are presented for endorsement at the time. Managing risk requires all Council Members and officers to use an interactive process consisting of steps that, when undertaken in sequence, enable a sound basis for decision-making and facilitates continuous improvement in performance.

STATUTORY ENVIRONMENT

Local Government Act 1995 - Section 7.1A requires a local government is to establish an audit committee of 3 or more persons to exercise the powers and discharge the duties conferred on it.

Local Government (Audit) Regulations 1996 – Regulation 17 requires the Chief Executive Officer to review certain systems and procedures.

Local Government (Financial Management) Regulations 1996 - Part 2 s.6.10 provides requirements for general financial management of the local government.

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

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RISK MANAGEMENT CONSIDERATIONS

RISK	LIKELIHOOD	CONSEQUENCE	RISK ANALYSIS	MITIGATION
Legal & Compliance: Non-compliance with legislation	Possible	Moderate	Medium	Continue to build and monitor internal procedures and to educate employees on legislative compliance
Reputation: Adverse media and lack of community confidence	Possible	Moderate	Medium	Continue to build and monitor internal procedures and to ensure legislative compliance

CONSULTATION

Internal

COMMENT

The below table highlights the current status of the Shire's Risk Register.

STATUS	NUMBER
Identified risk items at beginning of reporting	94
Risk Items added to register since inception	40
Completed (Since 23 May 2024)	80
TOTAL OUTSTANDING	54

VOTING REQUIREMENT

Simple majority

ATTACHMENTS

1. Governance and Compliance - Risk Register 

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COMMITTEE RESOLUTION AC21/25***Moved: Mr Peter McCumstie******Seconded: Cr Trish Gault***

That the Audit, Risk and Improvement Committee recommend that Council RECEIVE and NOTE the information contained in the attached Risk Register – October 2025.

In Favour: *Mrs Danielle Cornish, Mr Peter McCumstie, Cr Trish Gault, Cr Eliot Money, Cr Val Ross and Mr Jeffrey Porra.*

Against: *Nil*

CARRIED 6/0

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Shire of Derby / West Kimberley Risk Register
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	Category	System or Procedure	Description	Suggested Actions	Other Audit Reference	Risk Rating	Date Due	Progress Update	Status
Regulation 17 Review - December 2022									
1	Claims and Litigation	5.1 Dealing with claims and litigation (Risk Management)	The Shire does not have a formal internal process for dealing with claims and litigation. However, we understand from officers that it is well understood that engagement of legal advisors requires approval of the CEO.	Draft a CEO directive to provide guidelines for how to manage a claim in a manner that minimises risk. This should include consulting with the Shire's insurers and guidance on how to appropriately communicate to the claimant (if at all).		Medium	Ongoing	31/10/25 There is a draft CEO Directive (D-CP5) Criminal Investigations and Prosecutions that continues to be reviewed to include claims and litigation against the Shire. Liaison is ongoing with LGIS	Progressing
2	Environmental Management Plan	5.1 Environmental risk management (Risk Management)	The Shire does not maintain a Shire-wide environmental risk management plan. The Shire does maintain a Derby Port Environmental Policy which sets out high-level goals regarding the environmental management of the port and surrounding waters. Specific mitigation strategies are not identified. The Derby Waste Disposal Site is nearing the end of its capacity.	Develop environmental management plans for high-risk areas of the Shire. All plans must comply with relevant legislation vesting/management orders, and head leases. High-risk areas may include waste management sites, the Derby Port, and the Derby and Fitzroy Crossing depots and their respective airports. If not done so already, ensure all contaminated sites are being managed in accordance with their waste site licence requirements and other relevant statutory requirements. Plan for the future of the Shire's (and its community's) waste disposal requirements. Consider developing a Shire-wide Environmental Risk Management plan to address the Shire's environmental targets. This may include factors such as responsible disposal of chemicals, waste reduction targets, water consumption and electrical consumption. Ensure the Derby Port Environmental Policy is dated and includes review details.	FA 2022 3. Rehabilitation Provision Assessment FA 2023 3. Rehabilitation Provision Assessment	Medium	Ongoing	31/10/25 Consultant has been engaged and project plan developed. Included in budget review 2025/26. Included in budget review 25/26	Progressing
3	Procurement	5.1 Controls for unusual types of transactions or high-risk transactions (Risk Management)	We understand from officers that business cases have historically been presented to council in relation to proposed projects requiring significant investment. This practice has not been used in recent times. We understand from officers that large projects are generally discussed in corporate planning sessions and are addressed to the Corporate Business Plan. The Shire regularly uses the WALGA and the local Derby Vendor Panel system to seek suppliers to ensure a suitable level of probity and transparency.	Consider developing a CEO's directive regarding the practice of drafting business cases and risk assessments for unusual, expensive or high-risk activities or projects. This will assist the Shire to assess risk, ensure costings are accurate and consider whether a project manager is needed.			Ongoing	31/10/25 The continuous reviewing of processes is occurring, and the development and implementation of templates has occurred. The reviewing of processes and randomly auditing purchase orders started in late March 2025. A process change for purchase orders was implemented on the 1 July 2025	Progressing
4	IT Management	5.1 IT management plan and data recovery procedure (Risk Management)	The Shire has engaged an external contractor to manage its IT requirements. The officers identified that the contractual documents between the Shire and its external contractor address service details including backup service agreements and products. We understand from the Shire's IT contractor that the Shire's data is stored at multiple backup points. Backups of the Shire's data are replicated both onsite and offsite (Perth). Officer emails are also backed-up. Shire officers are able to send a service request to the external contractor to restore a document or other lost information. If restoring the information may result in loss of new information, the contractor will contact the Manager ICT & Customer Service for approval. This process appears to be well understood but is not captured in a written procedure.	Ensure the IT contract and the associated tender requirements are managed and upheld. This could be achieved through the regular joint meetings between the Shire and Managed IT. Maintain a status sheet to monitor whether the managed services tender requirements are being met. Ensure the Shire is satisfied that the external contractor has in place the necessary practices and procedures to satisfy terms and conditions of the contract and tender requirements. Especially in relation to protecting the Shire's IT systems from cyber security risks. Capture the procedure for requesting and approving the restoration of a document in a written procedure.	ISA 2022 3. IT Governance - Standards, Policies and Procedures ISA 2023 3. IT Governance - Standards, Policies and Procedures ISA 2024 4. IT Governance and Strategy Reg 5 Back-Up Procedures		Ongoing	05/11/2025 Manager ICT and Customer Services meets with Managed IT bi monthly. An ongoing review of cyber risks, together with improvements to Essential 8. Budget 2025/26 includes provision for additional risk controls Managed IT to provide policy documentation around backup and restore process for SDWK. Adding a field in Managed Portal for test restores of specific files will be added, which then will allow the request to be actioned, and documented for further audits	Progressing

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	Category	System or Procedure	Description	Suggested Actions	Other Audit Reference	Risk Rating	Date Due	Progress Update	Status
Regulation 17 Review - December 2022									
5	Agendas	5.2 Drafting reports to council (Internal Control)	The Shire has a template document for drafting reports to council and a Report Writing Guide (April 2020). The Report Writing Guide is not specific to council reports but can be used as a guide for drafting reports to council. There are no formalised supporting guidance documents to assist those officers who are new or unfamiliar with drafting reports to council. Officers are required to confer with other officers and consider previous reports to council.	Review the Report Writing Guide and provide review details at the base of the document, including a review deadline.			Ongoing	31/10/25 Review is finalised	Completed
6	Legal advice	5.2 Liaising with legal advisors	The Shire regularly engages with various legal advisors, all of whom are in the WALGA Preferred Supplier Directory. Some of those advisors have been supporting the Shire for a number of years. We understand from officers that the advisor is often selected based on the type of matter being dealt with. Executive staff or the CEO will determine when legal advice is required. We understand from officers that the CEO encourages advice to be sought if there is doubt.	Create a register of advice received, including a brief matter description and reference numbers to the relevant documents. This will enable employees to use (but not necessarily apply) as a reference material advice received in the past. A guideline must accompany the register to ensure that employees seek an updated version of advice, to cater for changes in law and application to circumstances different from those prevailing at the time of the original advice. Draft a CEO directive for seeking legal advice. This may include how to request legal advice, what needs to be considered before seeking legal advice, who can seek advice from lawyers, and contacts for lawyers who specialise in certain areas.			Ongoing	31/10/25 Work is progressing on developing a register	Progressing
7	Procurement	5.2 Separation of roles and functions (Internal Control)	The procurement process requires multiple employees to review and/or sign off on the required documentation. For example, the invoice ought not to be signed off by the officer procuring the good or service.	Conduct periodic internal reviews to ensure that the various components of the purchasing process include a separation of roles and functions.			Ongoing	31/10/25 Implemented key separations in the procurement cycle. Ongoing procurement training and development occurring	Progressing
8	Assets and Records	5.2 Restricting access to physical assets and records (Internal Control)	Physical archived documents are restricted by key access. Only three officers have keys to access the strong room and safe which stores leases, contracts and other important items. Property records in Coleman Centre can be accessed by anyone in the building. The records are not permitted to leave the building. A member of the public may access property records by submitting an application and fee. The Records Officer or administrative officers will access records on their behalf. The IT server room is only accessible by key. Executive officers and the Manager Administration have a key to access this room. There is a sign-in sheet for all external visitors to the IT server room. Mobile phones, laptops and other assets are also kept in the IT server room. The Manager Administration can distribute these items at the request of the People and Culture business unit or a director. This procedure is not captured in a written document. Officers are issued with keys to the administration building during their induction. People and Culture records indicate which officers have been issued with certain keys. Alarm codes for the administration building are issued to employees during their induction. Alarm codes are also provided to access the Council Chamber. These codes are limited to allow access within set access times. Keys to access Shire buildings can be issued to officers and contractors. This must be recorded on the Key Register. The Shire maintains procedural documents to support the hiring of facilities and the dispersion of keys accordingly. These documents include procedures to be followed should keys not be returned.	Implement a written procedure for accessing records in Coleman Centre to ensure documents are suitably protected. This may include using lockable compactors or relocating the records to a room that can be locked. Draft a written procedure for the issuing of phones, laptops and other assets stored in the server room. Ensure that the Server Room Access Log is located in the vicinity of the server room. Implement a written procedure for the management of the Key Register. Noting that both of the above could be included in the ProMapp initiative. Ensure procedural documents are dated and include review periods, including the Facility Hire Procedure. Review the Employee Exit Checklist to ensure it captures the need to return access keys and other shire equipment like phones, computers, and vehicles, etc. on departure from the Shire.			Ongoing	31/10/25 The server room in the Administration Office is locked by key and is only accessible by the CEO and Manager ICT and Customer Service. Record keeping in the Coleman Centre is being investigated Asset Management has completed a full review of key register in 2023. Process map being developed for key register. The Employee Exit Checklist is completed and a CEO Directive is currently being developed	Progressing
9	IT Management	5.2 Authorising changes to data files and systems (Internal Control)	The Shire currently lacks significant control in relation to authorising changes to data files as the Shire currently does not have an administrator for its IT software. The Shire significantly relies on its external IT contractor to assist with these matters.	Introduce an authorisation procedure for occasions when changes to data files are proposed.	ISA 2022 3. IT Governance - Standards, Policies and Procedures ISA 2023 3. IT Governance - Standards, Policies and Procedures ISA 2022 4. IT Governance and Strategy Reg 5 Back-up Procedures		Ongoing	05/11/2025 This has been completed	Completed

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Regulation 17 Review - December 2022									
10	Record Management	5.2 Records management procedures (Internal Control)	<p>The Shire's Recordkeeping Procedure is given to new employees during their induction. This addresses information such as what needs to be recorded, what file numbers to allocate, the authorisation of officers, how long records must be kept and the disposal of records.</p> <p>The officers recognise that a significant number of records are currently not being filed correctly. For example, many files are not being saved into Synergy and are instead accessed via the X-Drive. This issue is also hindered when external email information is received by individual officers rather than the customer service inbox.</p>	<p>Conduct a comprehensive review of the Shire's record systems to identify and address issues such as consistency of filing.</p> <p>Implement a centralised and consistent filing system supported by staff training and written procedures. This will require a managed transition from the use of the x-Drive and personal drives to Synergy Records or a dedicated digital records management system.</p> <p>Consider if additional support/resourcing is needed to assist with records management.</p> <p>Ensure records of individual officers are effectively managed. For example, by addressing these requirements in job descriptions and discussing records management during performance reviews.</p>		Ongoing	10/11/25 Ongoing process development. Training has occurred and training manual developed. This will be included in the new employee induction program. The record keeping manual is near completion. 5/11/25 Training has been developed and is being refined through the sessions held		Progressing
11	Assets	5.2 Asset management plan (Internal Control)	<p>The Shire has drafted Asset Management Plans for buildings, roads, the plant, land and other assets. The Shire also has an Asset Management Policy (June 2021). The Asset Management Plan is a part of the Integrated Planning Process and identifies when replacements, refurbishments and maintenance are required.</p> <p>Reference is made to the draft Asset Management Plans when formulating the annual budget. Expenditure outside of the draft Asset Management Plans requires justification. A gap may at times exist between what is required in the draft Asset Management Plan and the expenditure provided in the budget.</p> <p>We understand from officers that the Shire maintains a working document of assets and an Assets Register. The Assets Register does not include any items valued under \$5,000, in accordance with relevant accounting standards.</p> <p>Physical inspections of large assets are undertaken for insurance purposes.</p> <p>We understand from officers that smaller items such as phones and laptops may not be captured on the Assets Register or the Asset Management Plans. Similarly, crew gear are mostly unaccounted items. These items are managed using a Small Plant Register and are replaced at end of their useful life.</p> <p>We understand from the officers that the Shire's IT service provider keeps track of the Shire's IT equipment needs and will contact the Shire when items require updates or replacing.</p>	<p>Prioritise endorsing the draft Asset Management Plans.</p> <p>Ensure relevant budgeting reports to council identify the long-term consequences of not meeting the requirements of the Asset Management Plan. Asset management training may also be appropriate if this is a concern of the Shire.</p>	<p>FA 2022 1. Impairment Assessment of Roads FA 2022 4. Fixed Asset Depreciation Rates FA 2023 7. Fixed Asset Depreciation Rates FA 2022 5. Fixed Asset Additions FA 2023 8. GST Capitalised on Fixed Asset Additions FA 2022 7. Fixed Asset Management Policy FA 2023 4. Fixed Asset Management Policy FA 2022 8. Fixed Asset Capitalisation Policy FA 2023 5. Fixed Asset Capitalisation Policy FA 2022 10. Fixed Asset Capitalisation Dates FA 2023 1. Impairment Assessment of Roads</p>	Ongoing	31/10/25 This work is ongoing, in consultation with Corporate Services		Progressing
12	Local Laws	5.3 Local Laws	A task is set in the Compliance Calendar to remind the relevant officers to conduct a review of all local laws in accordance with statutory requirements. The Shire's procedure for reviewing local laws will follow the guidelines issued by the Department of Local Government, Sport and Cultural Industries. The local law review (for all local laws) is currently overdue.	Prioritise the review of the local laws (currently overdue). CEO to review the reasons for the Shire's failure to undertake the reviews of local laws in a timely manner and address those issues in a report to the Audit Committee.		Extreme	31/10/25 Consultant has been engaged and at the Ordinary Council Meeting dated 30 October 2025, Council approved the initiation of the public consultation period		Progressing

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	Category	System or Procedure	Description	Suggested Actions	Other Audit Reference	Risk Rating	Date Due	Progress Update	Status
Information Systems Audit - 22/23 Financial Year									
13	IT Management	4. IT Governance and Strategy	<p>Finding: Appropriate and defined IT governance structures and processes enable alignment with business strategies and help to efficiently manage/monitor outsourced IT systems. We identified that the Shire does not have an up-to-date IT strategic plan which aligns to the overall business strategy in place. This finding was first identified in 2021-22.</p> <p>Implication: Without appropriate and defined IT strategic plan, the Shire may not be able to effectively align IT with business strategies, increasing the risk of sub-optimal achievement in relation to business plans and initiatives.</p>	<p>Recommendation: The Shire should develop an IT strategic plan to ensure alignment of IT strategy to overall business strategy.</p> <p>Management Comment: Progress on the development of a strategy has occurred and will continue in 2024.</p> <p>Rating: Moderate (2021-22) Moderate</p>	Reg 17 5.2 Updating computer applications and information systems ISA 2022 4. IT Governance and Strategy	High	30/06/2024	5/11/2025 Staff are currently in consultation with Managed IT	Progressing
14	Long Term Financial Plan	5.2 Audit Finding Long Term Financial Plan	<p>Finding: There is no current Long Term Financial Plan (LTFP) in place for the Shire. This document provides a framework to help assess the short, medium and long term impact of funding decisions on the Shire's financial sustainability and is a required element of the Integrated Planning & Reporting Framework.</p> <p>Management are aware of this and we understand that development has commenced but is in its preliminary stages.</p> <p>Implication: The absence of an LTFP may expose the Shire to financial sustainability risks due to lack of financial forecasting information to assess the impact of decisions</p>	<p>Recommendation: The LTFP should be developed and annually reviewed as part of the budgeting process to ensure it remains relevant to inform financial decision making.</p> <p>Management Comment and Action: The LTFP will be developed and implemented in 2024.</p> <p>Risk Rating: High Risk</p>		High	30/06/2024	5/11/2025 This has been adopted 3.9.25 The draft plan is currently under review	Completed
Information Systems Audit - Year End 2024									
15	Financial Application – User Access Management	IT General Controls Audit	<p>Finding: The following previous year finding remains unresolved in this audit period: • There is no formal periodic review process verifying whether generic or system accounts are still appropriate. • There were no user access reviews conducted during the audit period. • There is no process to periodically review the segregation of duties matrix. In addition, we identified several deficiencies in the access management of the SynergySoft financial application: • 1 out of 131 user accounts belonged to terminated employees. The identified user did not log in after termination date. We acknowledge that the account was disabled on 28 June 2024. • 8 out of 131 user accounts were not found in the HR active employee list. We acknowledge that the identified accounts were disabled on 28 June 2024. • 2 out of 23 system or generic accounts' purposes and their use could not be substantiated by the Shire. • 6 out of 12 active administrator level accounts were not required. We acknowledge that these accounts were disabled on 28 June 2024.</p> <p>This finding was first raised in 2021-22. Rating: Significant (2022-23: Significant)</p> <ul style="list-style-type: none"> Without effective user access management processes, there is an increased risk of unauthorised access to the finance application. This could impact the confidentiality, integrity, and availability of the Shire's information. Without an effective review of user access and segregation of duties controls, there is an increased risk of making unauthorised changes and approvals to application transactions. This could impact the integrity of the data in the SynergySoft application and lead to inappropriate segregation controls, unauthorised and fraudulent transactions. 	<p>Recommendation</p> <ul style="list-style-type: none"> Ensure terminated users are disabled in a timely manner. Regularly review and monitor all SynergySoft accounts to ensure they are still appropriate and required. Appropriate records of these reviews should be retained, and accounts not needed should be disabled in a timely manner. User access reviews should include a review over: <ul style="list-style-type: none"> o Generic and system accounts and verify their purposes. o Administrator level accounts to verify if they are still required. Document and implement a segregation of duties review procedure, including frequency of review. 		Extreme	30/06/2025	31/10/25 This is addressed through a monthly report	Completed
16	Risk Management	IT General Controls Audit	<p>Finding: the Shire had not established an IT risk register according to the agreed Information Security Risk Assessment Policy.</p> <p>This finding was first raised in 2021-22. Rating: Moderate (2022-23: Moderate)</p>	<p>Recommendation: The Shire should develop and maintain a risk register, ensuring the mitigation actions have been properly defined and actioned.</p> <p>This finding was first raised in 2021-22. Rating: Moderate (2022-23: Moderate)</p>		Medium	30/06/2025	31/10/25 IT risks are identified through audit and added to this register	Completed

AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING MINUTES

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Shire of Derby / West Kimberley Risk Register
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	Category	System or Procedure	Description	Suggested Actions	Other Audit Reference	Risk Rating	Date Due	Progress Update	Status
Regulation 5 Review - November 2023									
17	Procurement & Purchasing Process Compliance	5.3 Audit Finding - Procurement & Purchasing Process Compliance	<p>Finding: Paxon performed testing of a sample of procurement transaction and noted the following points: - The Shire does not require evaluation panel members to sign the evaluation to evidence participation or to complete conflict of interest forms. - PO73158's procurement threshold is between \$50,001 to \$250,000 (exclusive of GST), therefore at least three written quotations were required. Only two quotations were received and there is no evidence as to how many were sought, as this is not documented. - There is no documented justification for the exemption of procurement processes relating to PO79201.</p> <p>Paxon also noted findings in relation to the three way matching of purchase order, goods and service receiving and invoices, which is a key financial control. - There is no invoice payment approval noted for PO75908. - Total invoice amount is more than the original purchase order amount for PO77065 and no approval of the was provided for the approximate \$600,000 variance noted. - For PO79201 the purchase order and invoice, but they contain different descriptions for the service provided. The PO description relates to the supply of security to look after machinery and materials and the invoice description relates to supply of fuel trailer. - Purchase order date does not precede invoice date on 3/10 of the procurement samples for PO75129, PO77126, and PO74550.</p>	<p>Implication: Non-compliance with procurement and three way matching processes may result in a lack of appropriately authorised transactions and potentially misappropriation.</p> <p>Recommendation: 5.3.1 Evaluation forms should be signed as evidence of outcome and participation and conflicts of interest should be included to record evidence of their consideration. 5.3.2 All steps of review and authorisation through procurement and three way matching processes should be evidenced and any deviations from process documented, authorised and recorded. 5.3.3 A report should be run monthly to assess the volume and value of invoices being received before purchase orders are raised. These should be reviewed and investigated with officers not following process receiving training to increase process compliance.</p> <p>Management Comment and Action: Management agrees with the recommendations and will develop appropriate evaluation forms and declarations.</p> <p>Risk Rating: High Risk</p>	Reg 17.5.1 Procurement Framework (Risk Management) Reg 17.5.3 Monitoring compliance legislation and regulations in regard to tendering and procurement (Legislative Compliance)	High	Ongoing	31/10/25 A full review of procurement is currently occurring. Evaluation documents have been developed and are in use.	Progressing
18	Financial Risk	5.6 Audit Finding - Financial Risk	<p>Finding: The financial risks identified and assessed by the Shire were requested, but only the risk management framework was received, not specific documented risks.</p> <p>A financial task calendar to identify required activity during the financial year is kept, however there are no responsible employees for the tasks and there is also an absence of deadlines recorded.</p> <p>Implication: - Financial risks may not be appropriately identified, assessed and managed. - Financial processes may not be performed completely and timely. </p>	<p>Recommendation: 5.6.1 A plan should be developed to make the risk management framework operational. 5.7.2 Within the task calendar it should clearly define responsibility and the timeframe.</p> <p>Management Comment and Action: Management agrees with this recommendation and a full review of the Risk Framework is scheduled for 2024</p> <p>Risk Rating: Medium Risk</p>		High	1/12/2024	31/10/25 Risk Management review is occurring in 2025. 3.9.25 This action is progressing	Progressing
19	Financial Audit	ARGN	AGRN Claims	AGRN Claims may not be fully paid to the Shire. Current claim response success is approx 65%.	The Shire will continue to work with DFES to progress claims		High	31/10/25 Claims are progressing. \$395,309.45 is currently under review with the Disaster Recovery Funding Arrangements	Progressing
WHS 2025 Audit									
20	Management Commitment	Element 1.2	<p>CEO and Council endorsed WHS Policy in Council meeting minutes, but CEO's signature is not present in the document.</p> <p>Policy is reviewed annually; previous versions maintained.</p> <p>Included in health and safety induction training and referenced in Employee H&S Handbook.</p> <p>Included in health and safety induction training and referenced in Employee H&S Handbook.</p> <p>Displayed on workplace noticeboards.</p>	<p>Insufficient: - CEO to formally endorse/sign the WHS Policy. - Review contractor H&S documentation to ensure policy is communicated effectively.</p>		Medium	1/11/2025	13/11/2025 70% completed. Edits to the WHS Policy have been completed to include the CEO's signature, and will be presented to the Audit, Risk and Improvement Committee and Council in November 2025 for adoption	Progressing
21	Management Commitment	Element 1.3	<p>Senior WHS Officer monitors relevant H&S legislation and standards via WorkSafe WA, LGIS, etc.</p> <p>Legislation referenced in policy/procedure templates.</p> <p>Legislation referenced in policy/procedure templates.</p>	<p>Insufficient: - Develop process to ensure SWMS, SWPs, and related documents identify relevant legislative requirements. - Ensure this information is clearly understood by management and workers.</p>		Medium	1/06/2026	13/11/2025 All WHS documents have been reviewed and aligned with relevant legislative requirements. Only SWMS and JSAs now require updates and further review to ensure full compliance	Progressing

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	Category	System or Procedure	Description	Suggested Actions	Other Audit Reference	Risk Rating	Date Due	Progress Update	Status
22	Management Commitment	Element 1.7	<p>Time is allocated for toolbox/pre-start meetings and training.</p> <p>Time is allocated for toolbox/pre-start meetings and training.</p> <p>Workplace inspections are mainly completed by Senior WHS Officer and HSR every 6 months.</p>	<p>Insufficient:</p> <ul style="list-style-type: none"> - Review workplace inspection process to include managers and supervisors. - Increase inspection frequency to promote involvement and a strong safety culture. 		Medium	1/11/2025	<p>13/11/2025 75% completed. Toolbox meeting template to include WHS as an agenda item was created and shared with all the teams. The Workplace Inspection schedule is created and completed monthly by Health and Safety Representatives. Managers/Supervisors are to be included for quarterly inspections</p>	Progressing

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	Category	System or Procedure	Description	Suggested Actions	Other Audit Reference	Risk Rating	Date Due	Progress Update	Status
WHS 2025 Audit									
23	Planning	Element 2.2	No health and safety objectives or measurable targets have been developed.	Unsatisfactory: - Develop health, safety, and psychosocial objectives and measurable targets. - Include both lead and lag indicators. - Review and document performance indicators at least annually.		High	1/03/2026	13/11/2025 Development of the draft WHS targets and objectives is currently in progress. The aim is to establish clear, measurable goals that align with the Shire's overall safety strategy and support continuous improvement across all departments. Once completed, it will be reviewed in the WHS committee meeting to finalise	Progressing
24	Planning	Element 2.3	Use plans or records to ensure relevant parties are informed and supportive. Training tailored for literacy concerns. Ergonomic assessments and fitness-for-work policy applied. Management of special needs workers not formally documented unless via workers compensation.	Insufficient: - Develop a documented process for managing workers with special needs. - Use plans or records to ensure relevant parties are informed and supportive.		Medium	1/03/2026	13/11/2025 Work is progressing to create a documented process for managing workers with special needs	Progressing
25	Planning	Element 2.4	Draft WHS Contractor Management Procedure exists. Tender/RFQ processes for large projects in place. Contractor inductions are inconsistent. Accountability for contractor WHS performance is not defined.	Unsatisfactory: - Finalise WHS Contractor Management Procedure. - Develop contractor induction (organisational + onsite). - Define WHS performance accountability for contractors. - Use LGIS Contractor Management Toolkit.		Extreme	1/03/2026	13/11/2025 Contractor management procedure draft is completed and currently under review by the Manager Assets and Works. Changes were made to the PC2 WHS Policy to include contractor management aspects	Progressing
26	Planning	Element 2.5	Contractor info (insurance, training) is collected. Other records (consultations, inspections) not clearly maintained.	Insufficient: - Develop process for maintaining contractor management records (consultation, assessment, inspections, reviews). - Use LGIS Contractor Management Toolkit.		Extreme	1/06/2026	13/11/2025 A draft has been developed and is currently under review	Progressing
27	Planning	Element 2.6	Emergency procedures in place at all workplaces. First aiders and wardens trained and identified. Equipment regularly maintained. Evacuation drills occur at least annually.	Satisfactory: - Include photos of first aiders/wardens on noticeboards. - Expand emergency drill schedule to include varied emergency types.		Low	1/11/2025	13/11/2025 Completed. All the information is updated and emergency drills are conducted on a 6 monthly schedule	Completed
28	Planning	Element 2.7	Templates include legislative reference section. Work instructions and SWMS/SWPs do not reference current legislation or standards.	Insufficient: - Review tasks to determine if SWMS is legally required. - Update SWMS/SWPs to include legislative requirements.		Medium	1/09/2026	13/11/2025 SWMS and JSA will be reviewed with the Manager Assets and Works, and Works Supervisor	Progressing
29	Planning	Element 2.8	Workers know to approach WHS team or supervisors for information. Legislative references stored in SharePoint. SDS and other documents available in hard/soft copy.	Satisfactory: Promote HSR (Health and Safety Representative) roles so workers know they are a resource for WHS support.		Low	1/11/2025	13/11/2025 Completed. Staff are aware of the contact details of Health and Safety Representatives. This information is present on all workplace noticeboards	Completed
30	Planning	Element 2.9	Licences and training info stored in personnel files and ELMO. Equipment is inspected/maintained regularly. Asbestos registers and training in place. No noise surveys have been conducted.	Insufficient: - Identify equipment requiring noise surveys. - Conduct risk assessments, evaluate PPE effectiveness, and document controls.		High	1/12/2025	13/11/2025 A list of plant/equipment was sent to the contractors. The quotes have been received to conduct the noise survey in early December	Progressing

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	Category	System or Procedure	Description	Suggested Actions	Other Audit Reference	Risk Rating	Date Due	Progress Update	Status
31	Planning	Element 3.1	WHS Handbook (2023) outlines communication methods for health and safety. WHS is an agenda item in DMT, OMT, and WHS Committee meetings. Toolbox and pre-start meetings occur, but minutes are not consistently maintained. WHS Committee has a Terms of Reference.	Insufficient: - Finalise updated WHS Handbook. - Ensure health and safety is included in all staff meeting agendas and minutes are kept. - Train team leaders on conducting and recording toolbox/pre-start meetings.		Medium	1/03/2026	13/11/2025 WHS Handbook is to be finalised after Contractor Management Procedure is completed. The toolbox meeting template was created and circulated to all the departments to use to include WHS as an agenda item.	Progressing
32	Consultation and Reporting	Element 3.3	WHS, DMT, and OMT meetings involve worker input. Training opportunities discussed annually and as needed. Contractors' involvement in hazard management is unclear.	Insufficient: Train and involve contractors in consultation and hazard management processes.		Medium	1/06/2026	13/11/2025 The procedure is currently under development and is being reviewed by the Manager Assets and Works. Revisions will be made following feedback	Progressing
33	Consultation and Reporting	Element 3.4	Workers are verbally consulted on changes and purchases, but it is not documented. WHS Committee includes mechanisms for consulting on certain issues.	Insufficient: Develop and document a formal process for consulting workers/representatives on workplace changes and purchasing decisions.		Medium	1/06/2026	13/11/2025 Consultation currently occurs verbally; however, a formalised process will be developed. Discussions have commenced to establish a documented procedure for consulting workers and their representatives on workplace changes and purchasing decisions	Progressing
IHS 2025 Audit									
34	Consultation and Reporting	Element 3.6	Managers assess staff understanding of consultation requirements via team meetings. Gaps lead to targeted awareness actions.	Satisfactory: Document any amendments or actions taken (e.g., in meeting minutes or procedure reviews).		Low	1/11/2026	13/11/2025 Completed. The WHS Officer conducts regularly reviews meeting minutes and procedure reviews as provided by area managers	Completed
35	Consultation and Reporting	Element 3.8	Managers/supervisors are aware of the Issue Resolution Process, but it is not actively used.	Insufficient: Review and reinforce use of the documented Issue Resolution Process. Ensure WHS reps are involved in the resolution process.		Medium	1/03/2026	13/11/2025 The issue resolution process is included in the new WHS Handbook. It will be circulated in the WHS Committee meeting for HSRs' review	Progressing

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	Category	System or Procedure	Description	Suggested Actions	Other Audit Reference	Risk Rating	Date Due	Progress Update	Status
36	Hazard Management	Element 4.1	WHS Handbook (2023) includes a hazard reporting procedure. Workers use SWMS, SWP, Take 5s, but not in compliance with WHS legislative requirements.	Insufficient: Review SWMS and SWP templates to ensure legislative compliance.		High	1/12/2026	13/11/2025 The template has been reviewed to ensure legislative requirements	Progressing
37	Hazard Management	Element 4.2	Control measures are in place and monitored through a hazard action register. Reports are increasing. Workers are not fully completing controls section in documents.	Insufficient: Train workers on using SWMS/JSA/SWP and the importance of recording appropriate controls.		Medium	1/12/2026	13/11/2025 The Manager Assets and Works and the Works Supervisor have also discussed the review and development of Safe Work Procedures. The aim is to update existing procedures and create any that are missing, ensuring they align with current work practices. Implementation will be phased in through regular pre-start discussions and toolbox meetings	Progressing
38	Hazard Management	Element 4.3	SWMS/SWP developed but not fully compliant with WHS legislation Legislative references are missing.	Insufficient: Identify high-risk tasks and ensure SWMS comply with WHS legislation. Create JSAs/SWPs for other regular tasks. Add legislative references section to SWMS templates.		High	1/12/2026	13/11/2025 Discussions have been held with the Manager Assets and Works and the Works Supervisor to develop new SWMS and JSAs and to review the existing documents. These will be progressively integrated into the daily pre-start meetings	Progressing
39	Hazard Management	Element 4.4	SWMS are rewritten before each task in consultation with workers.	Satisfactory: Consider reviewing existing SWMS for recurring tasks instead of rewriting each time.		Low	1/06/2026	13/11/2025 SWMS and JSA are to be reviewed by the Manager Assets and Works, and Works Supervisor	Progressing
40	Hazard Management	Element 4.5	Control effectiveness is discussed but not documented.	Unsatisfactory: Implement a documented process for reviewing effectiveness of control measures.		Medium	1/06/2026	13/11/2025 Completed. WHS Officer review the effectiveness in consultation with the asset team and area manager/HSR	Completed
41	Hazard Management	Element 4.6	Reporting procedure is outlined in WHS Handbook and reinforced during induction and staff meetings. Investigations are documented in forms, registers, and stored in ELMO.	Satisfactory: Ensure HSRs are engaged in all investigation processes.		Low	1/11/2025	13/11/2025 Completed. Health and Safety Reps are involved in all WHS-related issues and investigations	Completed
42	Training and Supervision	Element 5.4	Position descriptions include required WHS knowledge, skills, and experience. Managers and supervisors have completed WHS roles/responsibilities training, but a refresher may be useful.	Satisfactory: Provide refresher WHS training for leadership roles on a regular basis.		Low	1/11/2025	13/11/2025 Completed. People and Culture conducts regular refresher training	Completed
43	Training and Supervision	Element 5.6	Training is evaluated individually through performance reviews, but not against program objectives.	Insufficient: Develop a formal review process involving senior management/WHS Committee to evaluate the training program against objectives. Maintain records.		Medium	1/12/2026	13/11/2025 Training is the agenda of discussion for the WHS Committee, training objectives and relevance are discussed during these meetings	Progressing
44	Training and Supervision	Element 5.7	Most training is provided by RTOs. Non-RTO trainer materials are collected. Job observations are conducted but not recorded.	Insufficient: Develop a process to document job observations to confirm learning transfer.		Medium	1/12/2026	13/11/2025 During discussions with the Works Supervisor, it was noted that job observations are currently conducted visually but are not formally recorded. A process for documenting these observations will be developed	Progressing

AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING MINUTES

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	Category	System or Procedure	Description	Suggested Actions	Other Audit Reference	Risk Rating	Date Due	Progress Update	Status
45	Training and Supervision	Element 5.8	Training records, certificates, and competencies are maintained. Job observation records are not kept.	Insufficient: Implement job observation recording in personnel files or ELMO.		Medium	1/12/2026	13/11/2025 With the Manager Assets and Works now commenced, this matter will progress further to establish an appropriate recording procedure	Progressing
46	Volunteer Management	Element 6.1	Develop a process to document job observations to confirm learning transfer. Bushfire volunteers managed solely by DFES. Inductions only conducted for non-bushfire volunteers.	Unsatisfactory: Develop a Volunteer Management Policy and Procedure. Engage with and induct bushfire volunteers directly.		Extreme	1/06/2027	13/11/2025 Volunteer management is covered under the Shire's existing WHS Policy, and no separate policy has been developed. Volunteer information from DFES has been requested and the Shire is awaiting for this information An MOU between the Shire and DFES states that DFES will assist the Shire in managing volunteers. Nonetheless, this arrangement does not remove the Shire's responsibilities or obligations towards the volunteers	Progressing
47	Volunteer Management	Element 6.2	Bushfire volunteer records held by DFES, not accessible to the organisation. Records for other volunteers are maintained in ELMO.	Unsatisfactory: Establish data sharing with DFES for bushfire volunteer records (e.g. personal data, assessments, consultations).		Extreme	1/06/2027	13/11/2025 Awaiting information from DFES	Progressing
48	Volunteer Management	Element 6.3	Other volunteers use paid staff work instructions. Unclear if bushfire volunteers get compliant work instructions.	Unsatisfactory: Confirm DFES-issued instructions align with current legislation, standards, and codes of practice.		Extreme	1/06/2027	13/11/2025 Awaiting information from DFES	Progressing
49	Volunteer Management	Element 6.4	Cannot confirm whether bushfire volunteers have proper training or licences to operate equipment.	Unsatisfactory: Develop processes to confirm and record licences, training, and qualifications of bushfire volunteers.		Extreme	1/06/2027	13/11/2025 Awaiting information from DFES	Progressing
50	Volunteer Management	Element 6.5	Unclear if ongoing training and VOCs for bushfire volunteers are conducted.	Unsatisfactory: Establish processes for ongoing training and verification of competency (VOC) for all volunteers.		Extreme	1/06/2027	13/11/2025 Awaiting information from DFES	Progressing
51	Volunteer Management	Element 6.6	Cannot confirm if PPE is provided to bushfire volunteers or if equipment maintenance responsibilities are defined.	Unsatisfactory: Provide suitable PPE and training. Define responsibilities and keep maintenance records for all volunteer equipment.		Extreme	1/06/2027	13/11/2025 Awaiting information from DFES	Progressing
52	Volunteer Management	Element 6.7	No formal consultation/communication with bushfire volunteers. Communication with other volunteers is informal and undocumented.	Unsatisfactory: Create a documented consultation and communication process for all volunteers.		Extreme	1/06/2027	13/11/2025 Awaiting information from DFES	Progressing
53	Volunteer Management	Element 6.8	No evidence that bushfire volunteers are involved in planning or risk assessments.	Unsatisfactory: Include bushfire volunteers in task planning and risk assessment processes.		Extreme	1/06/2027	13/11/2025 Awaiting information from DFES	Progressing
54	Volunteer Management	Element 6.9	Draft Fitness to Work Policy includes volunteers, but fatigue management isn't confirmed.	Unsatisfactory: Implement a fatigue management process specifically for bushfire volunteers.		Extreme	1/06/2027	13/11/2025 Awaiting information from DFES	Progressing

Audit, Risk and Improvement Committee Meeting Minutes

20 November 2025

8.4 GOVERNANCE AND COMPLIANCE - INTERNAL CONTROLS**File Number:** 5476**Author:** Telia Reilly, Governance and Risk Coordinator**Responsible Officer:** Jill Brazil, Director Corporate Services**Authority/Discretion:** Executive**SUMMARY**

The Audit, Risk and Improvement Committee assists Council in fulfilling its responsibilities regarding the oversight of internal and external audits at the Shire, ensuring due care, diligence, and skill are applied.

The purpose of this report is to provide Council with the status of internal control management matters within the Shire.

DISCLOSURE OF ANY INTEREST

Nil by Author or Responsible Officer

BACKGROUND

Local Government (Audit) Regulations 1996 outline the functions of a local government audit committee. Council at its meeting dated 26 October 2023 confirmed the purpose of the current Audit Committee, which included amongst others the following:

- Review the CEO's systems and procedures and progress its implementation

Due to an increased focus on the accountability and transparency of local governments, a review of the effectiveness of all business processes is considered best practice. Internal auditing is one way to reduce risk and identify improvements in internal controls. There are many benefits to conducting internal audits, such as:

- Improving the performance of the organisation;
- Making the organisation process-dependent instead of person-dependent;
- Identifying redundancies in operational and control procedures and the provision of recommendations to improve the efficiency and effectiveness of procedures;
- Serving as an early warning system, enabling deficiencies to be identified and remediated on a timely basis (i.e., prior to external, regulatory or compliance audits); and
- Increasing accountability within the organisation and supports strategic objectives.

Compliance Calendar

The Shire has a Compliance Calendar (Attain) which is used to track activities and action due dates to ensure compliance is met with critical legislative compliance requirements, operational requirements and also to reduce risk of non-compliance. Data entered in to this system throughout the year supports completion of the annual Compliance Audit Return. This is an annual legislative requirement and is reported to the Audit, Risk and Improvement Committee meeting, prior to being submitted for Council endorsement.

Audit, Risk and Improvement Committee Meeting Minutes20 November 2025**STATUTORY ENVIRONMENT***Local Government Act 1995*

Section 2.7 outlines the role of local government including overseeing the allocation of the local government's finances and resources

Section 5.41 outlines the role of the Chief Executive Officer as responsible for managing the local government's administration and operations

Section 7.1A A local government is to establish an audit committee of 3 or more persons to exercise the powers and discharge the duties conferred on it

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

RISK	LIKELIHOOD	CONSEQUENCE	RISK ANALYSIS	MITIGATION
Legal & Compliance: Non-compliance with legislation.	Possible	Moderate	Medium	Continue to build and monitor internal procedures and to train/manage employees on legislative compliance
Reputation: Adverse media and lack of community confidence.	Possible	Moderate	Medium	Continue to build and monitor internal procedures and to train/manage employees on legislative compliance

CONSULTATION

Nil

COMMENT

This report highlights to Council the actions taken by the Chief Executive Officer to ensure compliance and minimise risk. It also promotes an improved understanding by officers, of the strategic risk/compliance expectations of Council. Administration is continuing to build best practice in this area using staff training, information sessions and the provision of support.

Audit, Risk and Improvement Committee Meeting Minutes20 November 2025**VOTING REQUIREMENT**

Simple majority

ATTACHMENTS1. **Governance and Compliance - Internal Controls** ***COMMITTEE RESOLUTION AC22/25******Moved: Cr Eliot Money******Seconded: Mr Jeffrey Porra***

That the Audit, Risk and Improvement Committee recommend that Council RECEIVE and NOTE the information contained in the attached Internal Controls – October 2025 report.

In Favour: Mrs Danielle Cornish, Mr Peter McCumstie, Cr Trish Gault, Cr Eliot Money, Cr Val Ross and Mr Jeffrey Porra.

Against: Nil

CARRIED 6/0

AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING MINUTES

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Shire of Derby / West Kimberley Compliance Schedule
As at October 2025

Task Number	Calendar task	Category	Legislation	Due	Comment	Status
C42-8 Asset Management Plan	Update the Asset Management Plan to be included in the outcomes of the Corporate Business Plan Review	Legislative Requirement	<i>Local Government Act 1995</i> <i>Local Government (Administration) Regulations 1996</i>	Annual Task - Due on the 1 January	20% Progress Status - Review is underway - confirming consultant to undertake plan	Progressing
C245 Satellite Phone Serviceability	Task to complete a stock take and serviceability check of all satellite phones in the possession of SDWK	Compliance Requirement		Annual Task - Due every six months	20% Progress Status - This continues to be a priority and will occur as part of a larger check of all Shire ICT assets. All phone numbers associated with the phones are still active	Ongoing Action Item
C360 Six monthly progress report - Recreational Boating Facilities Scheme (Round 29)	The Shire has received funding from the Department of Transport to undertake works to upgrade and make safe the two existing recreational boat ramps at Derby	Compliance Requirement		15/05/2025	70% Progress Status - Staff are in the process of finalising the grant as reporting requirements have changed	Ongoing Action Item
C364 Six monthly progress report - Recreational Boating Facilities Scheme (Round 28)	The Shire has received funding from the Department of Transport to undertake project planning to facilitate an upgrade to the two existing recreational boat ramps at Derby	Compliance Requirement		28/05/2025	70% Progress Status - Staff are in the process of reviewing the grant	Grant - In Progress
C204 Lease Renewals / Extensions	To ensure that commercial and community lease expiry dates are monitored, so that renewals (or extensions) can be considered and progressed prior to their interim/financial expiry date	Legislative Requirement	<i>Local Government Act 1995</i>	30/06/2025	50% Progress Status - All leases are currently being reviewed	Progressing
C226 Community Strategic Plan - Collection of key performance indicators	The Community Strategic Plan incorporates a range of Key Performance Indicators for the Shire to meet	Legislative Requirement	<i>Local Government Act 1995</i>	30/06/2025	50% Progress Status - Workshops to obtain community feedback are currently occurring in Derby and Fitzroy Crossing	Progressing
C338 Acquittal Local Government Heritage Consultation Grants	Acquittal of funding to engage a consultant to undertake a Local Heritage Survey	Legislative Requirement	<i>Heritage Act 2018</i>	30/06/2025	70% Progress Status - The Draft Heritage Survey and List are awaiting Council endorsement to go out for community consultation. Extension to due date, and possibly beyond	Grant - In Progress
C334 Annual audited financial report Youth at Risk Funding – Derby Youth Service	Audited financial report for funding for the Derby Youth Drop-in Service (Monday to Friday, 2pm to 6pm)	Compliance Requirement		31/08/2025	70% Progress Status - Extension received for the submission of the audited financials. These are now due 10 January 2026	Progressing
C373 National Disaster Risk Reduction (NDRR) Program 2022-23 Final acquittal report	The Shire auspiced a funding application by the Fitzroy Fires Forum to the NDRR Program. The funding agreement requires the submission of the acquittal report at the completion of the project	Compliance Requirement		31/08/2025	70% Progress Status - Acquittal report provided to organisation auspiced for this project (Land Alliance). Payment of invoice has been approved and is in progress.	Progressing
C357 Regional Airport Development Scheme (RADS) 2023 - 2025	The Shire received funding from the Department of Transport to undertake a flood study and engineering design works at the Fitzroy Crossing Airport	Compliance Requirement		7/08/2025	10% Progress Status - Project has been completed. Awaiting outstanding invoice before processing the acquittal	Grant - In Progress
C232 LGA 1995 Statutory Obligation - Authorised Persons Identifying Cards	All employees for the Shire of Derby / West Kimberley who are appointed as Authorised Persons under the relevant legislative authority, must be provided by the CEO, an identifying card	Legislative Requirement	<i>Local Government Act 1995</i>	1/09/2025	10% Progress Status - Staff are in the process of reviewing which staff require cards and issuing them	Progressing
C16 Annual Report - Record Keeping Statement	The Annual report is to include a section addressing - efficiency and effectiveness of record keeping systems	Legislative Requirement	<i>Local Government Act 1995</i>	4/09/2025	50% Progress Status - Staff are in the process of finalising the statement	Progressing
C166 Aerodrome Manual Review (Derby and Fitzroy Crossing)	Derby and Fitzroy Crossing Aerodrome Manuals to be reviewed annually	Compliance Requirement		Annual task - Due on the 15 September	40% Progress Status	Progressing

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Task Number	Calendar task	Category	Legislation	Due	Comment	Status
C233 Bi- annual Review of CEO Directives	Review of CEO Directives	Legislative Requirement	<i>Local Government (Financial Management) Regulations 1996</i>	30/09/2025	20% Progress Status - The directives are currently being reviewed. Review and finalisation is anticipated by March 2026	Progressing
C91 Fines Enforcement - Designated Prosecuting Officers	Review Designated Prosecuting Officers and provide written advice to Fines Enforcement Registry of changes	Legislative Requirement	<i>Fines, Penalties and Infringement Notices Enforcement Act 2008</i>	30/09/2025	60% Progress Status - This is in progress in consultation with Governance	Progressing
C223 Managed Services Contract Management – IT Management Meetings and Site Visits	Ensure that Managed IT leads, coordinates, and suitably records a two-monthly ICT Management meeting	Compliance Requirement		Annual Task - Due every February	Meetings occur with Managers Meetings	Ongoing Action Item
C312 Derby and Fitzroy Crossing Airports Framework Agreements - Biennial Review	To undertake the two- yearly review of the Derby and the Fitzroy Crossing Framework Agreements			Annual task - Due on the 30 September	20% Progress Status - Agreement under review	Progressing
C346 Annual Report - Kimberley Development Commission - Financial Assistance Grant	Funding has been received to develop an Economic Development Strategy for the Shire. The Shire is required to provide an annual financial report to KDC of the progress of the funded project	Compliance Requirement		30/09/2025	Delays due to the development of Council Plan and community engagement	Grant - In Progress
C282 Annual Lease Report to be provided to Audit Committee	Provide an annual report to the Audit Committee, updating it on the current status of the Shire's leases	Compliance Requirement		1/10/2025	50% Progress Status - Report to be presented in the first half of 2026	Progressing
C382 Quarterly Activity Report - Aboriginal Environmental Health Services to Remote And Rural Communities Service Agreement (Department of Health WA)	The Shire has a Service Agreement with the Department of Health (WA) to provide Aboriginal Health Services to Remote and Rural Communities	Compliance Requirement		14/10/2025 (3 months on the 14th day of the commencing month)	30% Progress Status - Development of the report is in progress. Staff are in communication with the Department of Health	Progressing
C39 Official Conduct Complaints Register - Internal Audit	Review complaints register for compliance	Legislative Requirement	<i>Local Government Act 1995</i>	31/20/2025	Staff are in the process of reviewing the register	Progressing
C126 Primary Returns - Newly Elected Members	Ensure newly elected Council Members submit a Primary Return within 3 months of start date	Legislative Requirement	<i>Local Government Act 1995</i>	30/10/2025 (Forms due by 31/01/2026)	20% Progress Status - Staff are in the process of obtaining the form from President and Councillors	Progressing
C143 Roads to Recovery - Online Submission	Online submission expenditure report and forecast for the next quarter	Compliance Requirement		31/10/25 (Due every 3 months)	Completed	Completed
C255 Councillors Service Register and Honour Board Update – Bi-annual Review	Update the Councillors Service Register and Honour Board following annually	Compliance Requirement		Annual task - Due on the 31 October	This is due following elections. This task is in progress	Progressing
C336 Rio Tinto Graduate Traineeship Program Progress Meeting	6 monthly meeting with Rio Tinto regarding the Graduate Traineeship Program	Compliance Requirement		31/20/25	50% Progress Status	Progressing

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At 4:33pm Cr Umbagai left the meeting.

8.5 OUTSTANDING DEBT - OCTOBER 2025

File Number: 5174 & 5112

Author: Aaron Gloor, Senior Finance Officer

Responsible Officer: Jill Brazil, Director Corporate Services

Authority/Discretion: Information

SUMMARY

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

DISCLOSURE OF ANY INTEREST

Nil by Author and Responsible Officer.

BACKGROUND

The Audit, Risk and Improvement Committee will ensure compliance with the Shire's financial reporting and will liaise with the Chief Executive Officer 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

Policy F4 – Sundry Debtors Collection

Policy F5 – Outstanding Rates Collection

Policy F6 – Financial Hardship

FINANCIAL IMPLICATIONS

Outstanding Rates and Service Charges totalling \$3,684,279.91.

Outstanding Sundry Debtors (non rates) totalling \$911,820.78.

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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
Financial: Non-recovery of debts will impact the type and level of services provided to the town.	Almost Certain	Severe	Extreme	Continue to proactively approach 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 (non rates) charges by age as well as the movement of this debt over a rolling five-month period.

VOTING REQUIREMENT

Simple majority

ATTACHMENTS1. Outstanding Debt Report October 2025 [!\[\]\(302a67b00c7d9881f74c5369f9a1db0f_img.jpg\)](#)**COMMITTEE RESOLUTION AC23/25****Moved:** Cr Trish Gault**Seconded:** Cr Eliot Money

That the Audit, Risk and Improvement Committee recommends that Council RECEIVE the information contained in the report detailing outstanding rates and sundry debtors as at 31 October 2025.

In Favour: Mrs Danielle Cornish, Mr Peter McCumstie, Cr Trish Gault, Cr Eliot Money, Cr Val Ross and Mr Jeffrey Porra.

Against: Nil

CARRIED 6/0



Rates Debt Summary Report - 2025/2026

Total Rates & Service Charges in arrears at rates levy date 25/26
 Total Rates & Service Charges Levied for FY 2025/26
 Total Collected YTD From Outstanding Rates & Service charges
 Total Rates & Service Charges Outstanding as at 31 October 2025

\$1,230,911.44
 \$12,994,407.29
 \$10,541,038.82
 \$3,684,279.91

Total Outstanding Balance from Instalment Payers
 \$1,023,618.56

Total Balance of Debt Currently Referred to CS Legal (148 Debtors)
 \$1,461,204.27

	Total Debt					Debt Movement July - October
	Jun-25	Jul-25	Aug-25	Sep-25	Oct-25	
GRV (Residential, Commercial & Industrial)	\$ 1,075,657.10	\$ 8,997,350.14	\$ 3,709,954.32	\$ 3,110,850.84	\$ 2,637,870.20	\$ (6,359,479.94)
Mining UV (Mining Tenements)	\$ 14,967.16	\$ 667,791.06	\$ 391,004.22	\$ 329,686.06	\$ 294,606.80	\$ (373,184.26)
Rural UV (Pastoral properties)	\$ 274,062.81	\$ 3,045,183.59	\$ 1,400,299.27	\$ 882,326.16	\$ 631,820.51	\$ (2,413,363.08)
Non-Rateable	\$ 3,128.04	\$ (1,786.12)	\$ (1,309.55)	\$ (1,749.26)	\$ (1,730.51)	\$ 55.61
Non-Rateable UV Exempt	\$ (8,532.52)	\$ 36,380.50	\$ (3,619.73)	\$ (4,272.04)	\$ (1,703.24)	\$ (38,083.74)
Non-Rateable GRV Exempt (Waste & ESL Charges)	\$ 50,016.27	\$ 390,033.13	\$ 79,576.66	\$ 76,570.65	\$ 123,416.15	\$ (266,616.98)
Total	\$ 1,409,298.86	\$ 13,134,952.30	\$ 5,575,905.19	\$ 4,393,412.41	\$ 3,684,279.91	\$ (9,450,672.39)

	Debt Older Than Three Years	23/24	24/25	25/26	Credit Balances	Total Outstanding
COMMERCIAL - GRV	\$ -	\$ 21,502.97	\$ 67,626.00	\$ 598,507.54	-\$ 1,338.65	\$ 686,297.86
INDUSTRIAL - GRV	\$ 4,608.92	\$ 11,250.19	\$ 23,370.06	\$ 106,337.77	-\$ 23,052.85	\$ 122,514.09
MINING - UV	\$ -	\$ -	\$ 13,843.35	\$ 281,568.16	-\$ 804.71	\$ 294,606.80
NON-RATEABLE	\$ 5,787.57	\$ 1,098.13	\$ 468.54	-\$ 4,824.72	-\$ 4,260.03	\$ 1,730.51
NON-RATEABLE/EXEMPT - GRV	\$ 33,476.10	\$ 10,856.41	\$ 12,619.68	\$ 67,609.28	-\$ 1,145.32	\$ 123,416.15
NON-RATEABLE/EXEMPT - UV	\$ -	\$ -	\$ 860.01	-\$ 579.63	-\$ 1,983.62	\$ 1,703.24
OTHER LOCATIONS - GRV	\$ -	\$ -	\$ -	\$ 256.26	\$ -	\$ 256.26
RESIDENTIAL - GRV	\$ 343,166.37	\$ 157,897.99	\$ 264,517.10	\$ 1,089,166.15	-\$ 51,367.29	\$ 1,803,380.32
RURAL - UV	\$ 29,418.08	\$ 38,041.93	\$ 113,515.47	\$ 595,123.66	-\$ 144,278.63	\$ 631,820.51
URBAN FARMLAND - GRV	\$ 3,839.53	\$ 5,624.99	\$ 6,207.85	\$ 9,749.30	\$ -	\$ 25,421.67
Total	\$ 420,296.57	\$ 246,272.61	\$ 503,028.06	\$ 2,742,913.77	\$ (228,231.10)	\$ 3,684,279.91

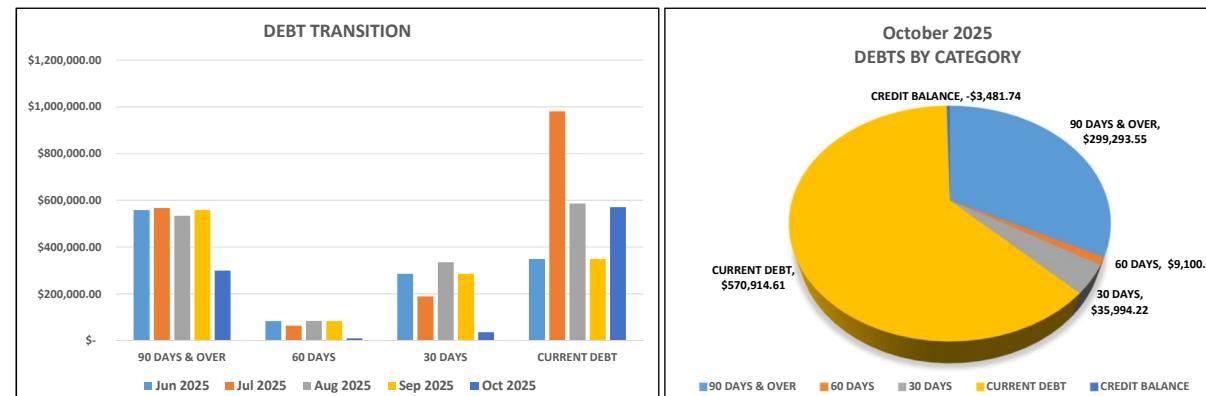
Comments
Rate payments on trend with previous financial year
Majority of work now in the debt collection space, working with CS Legal to clear outstanding debt.
Two Local Government Act (LGA) sales due to take place in November which will resolve 180k of longstanding rates arrears. The team is looking to bring more LGA sale matters to Council with a view to clear further long-term rates debt.

Comparison of Current FY to Previous FY		
	2024/25	2025/26
Total rates and charges outstanding and levied at commencement of rating year	\$13,318,609.54	\$14,225,318.73
Unpaid rates and charges 31 October	\$5,303,752.80	\$3,684,279.91
Percentage Outstanding	39.82%	25.90%



NON-RATES DEBT SUMMARY REPORT - 2025/2026

	Jun 2025	Jul 2025	Aug 2025	Sep 2025	Oct 2025	Changes (July - October)
90 DAYS & OVER	\$ 557,884.55	\$ 567,598.55	\$ 534,333.42	\$ 557,884.55	\$ 299,293.55	-\$ 268,305.00
60 DAYS	\$ 82,896.34	\$ 63,530.97	\$ 83,980.66	\$ 82,896.34	\$ 9,100.14	-\$ 54,430.83
30 DAYS	\$ 285,701.16	\$ 188,982.90	\$ 335,081.33	\$ 285,701.16	\$ 35,994.22	-\$ 152,988.68
CURRENT DEBT	\$ 348,505.91	\$ 981,047.85	\$ 586,335.01	\$ 348,505.91	\$ 570,914.61	-\$ 410,133.24
CREDIT BALANCE	-\$ 5,376.01	-\$ 2,882.08	-\$ 2,095.82	-\$ 5,376.01	-\$ 3,481.74	-\$ 599.66
TOTAL	\$ 1,269,611.95	\$ 1,798,278.19	\$ 1,537,634.60	\$ 1,269,611.95	\$ 911,820.78	-\$ 886,457.41



90+ Days Debt Comparison by Year						
Oct-19	Oct-20	Oct-21	Oct-22	Oct-23	Oct-24	Oct-25
\$361,478.58	\$472,488.19	\$580,877.99	\$250,049.92	\$480,850.52	\$138,973.02	\$299,293.55

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90+ Days Outstanding Debt over \$1000 31/10/2025

DEBTOR	TOTAL	COMMENTS	DEBTOR CODE
Employee - 872	\$ 2,182.46	Relocation cost reimbursement invoice for previous employee that did not complete 12 months of employment. The former employee had entered into a payment arrangement for \$500 per month however this is not being adhered to. Several emails have been sent without response. Due to age of debt and the unlikelihood of receiving payment this will be considered for write-off.	MS
Tristans Lawnmowing	\$ 1,751.95	Multiple waste charges from 31/01/2023 to present. Statements and follow-up requests have been issued to this debtor without response. Due to the age of the debt and the continued operation of the business we may look to recommended revoking access to the waste site until these charges are cleared.	TLW
Department of Communities	\$ 1,478.86	Completion of Firebreaks 2023 - emails and statements have been sent to debtor without successfully securing payment. The accounts team have escalated this matter within the Department.	DOR
Boab Festival Derby Inc	\$ 131,625.65	Invoice raised on the 3rd of December for reimbursement of Long Table Dinner expenses incurred by the Shire. BFE	
Act Eco Homer	\$ 58,429.76	Multiple waste charges from 14/06/2024 to present. Debtor originally emailed requesting the Shire remove these invoices stating that they should be charged to other companies that Act Eco Homer was completing work on behalf of. The debtor did not supply sufficient detail to support this request and therefore this matter was referred to the Manager of Infrastructure to work towards a resolution. Recently the debtor made contact indicating that they are now going to clear this debt and a payment of 15K was made. The debtor has continued making intermittent payments towards the debt. Contact received on the 3rd of November indicates that they now wish to dispute some of the charges and would like a formal meeting with the Shire. This request has been escalated for review.	AEH
Unreel Adventure Safaris	\$ 4,413.74	May 2025 wharf usage charge and annual rent charge for Area 1 of the Derby Wharf. Finance and previous ports manager made several attempts via phone and email to secure payment for these outstanding invoices without success. Given the operator is likely to continue operation at the commencement of the next tourist season we will recommend that future wharf bookings are not granted until this debt is cleared.	UNR
ACA Northern Enterprises	\$ 2,076.35	Waste charges back dating to June 2025, statements and direct communication have been sent without a response. The Shire may look to remove the business's access to the waste facility pending payment of these charges as the business remains active in Derby	ACANE
Broomecrete	\$ 7,391.02	Waste charges back dating May 2025 & interest, The Shire has made direct enquiries with the business's administration team and are awaiting a response	CRET
Mowanjum Aboriginal Corporation - Mowanjum Station & Knowsley Agricultural	\$ 104,792.08	Mowanjum is currently responsible for the payment of rates on two pastoral properties in the Shire with the combined total of rates outstanding at \$104,792.08. This debt is an accumulation of current debt as well as arrears back to 23/24. Mowanjum has previously communicated with the Shire and made payments towards the debt via an arrangement without ever achieving full clearance of the balance. In the 25/26 FY the Shire has not yet received communication from Mowanjum with regards to these assessments and the matter has now been referred to CS Legal.	MJU

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Mowanjum Aboriginal Corporation	\$ 53,200.44	<p>Waste charges that were raised in 2020. These charges relate to Mowanjum's use of the Debry waste facility for residential waste from 2016 through to 2020. The total payable in the original invoice was \$158,371.30, these charges were disputed by Mowanjum at the time and subsequently reduced by 50% to \$79,185.65 in October 2020 via Council Resolution 170/20. On the 18th of June 2021 Mowanjum made a payment of \$26,395.21 via a payment arrangement. From this point no further payments were made by Mowanjum who then proceeded to take the matter to the Ombudsmen in 2022. The Ombudsmen made no ruling in Mowanjum's favour and at this point Mowanjum indicated they would be seeking legal advice. There has been no further communication from Mowanjum with regards to this debt nor has the Shire received any communication from Mowanjum's legal representatives. The Shire now believes that these charges may be recovered after expected administrative changes at Mowanjum.</p>	MJU
Burrinunga Aboriginal Corporation	\$ 68,013.18	<p>This debt relates to residential bin charges dating back to 2018 for the group of houses at 18-32 Panton Street Derby. The matter has previously progressed through CS Legal who concluded that due to the nature of the houses, the enforcement of the debt through legal proceedings is difficult as the Shire does not realistically have the ability to exercise our power of sale. The director of the corporation has also previously stated they have no income and no ability to repay this debt. Following this conclusion the Shire wrote to the minister for Local Government's office but a response was not received. The Shire has also attempted to secure payment through the Department of Housing and Works, Aboriginal Housing and the section of the Department of Housing and works that deals specifically with remote area housing. All of these avenues have been unsuccessful to date with each area advising they were not responsible for the payment of these charges. The Shire has most recently been advised to communicate with the Derby office of the Department of Housing and Works however these contact attempts have not been responded to. At this stage the Shire may need to engage directly again with the minister's office or potentially cease collection of waste at this location. The latter option is problematic given the implications this would have from a health/waste recovery point of view.</p>	PRN

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At 4:34pm Cr Val Ross re-joined the meeting.

8.6 UPDATE ON EXTERNAL GRANTS AND FUNDING - AUGUST TO OCTOBER 2025

File Number: GS/010/1

Author: Christie Mildenhall, Community Planning Advisor

Responsible Officer: Tamara Clarkson, Chief Executive Officer

Authority/Discretion: Information

SUMMARY

This report provides a regular update of the funding opportunities investigated and sought by Officers and seeks support for the proposed projects. It covers grant activity from the period 1 August to 31 October 2025.

The purpose of this report is to inform Council about the funding support the Shire receives for many of our community services and infrastructure projects and how the funding risk is being managed by Shire Officers.

DISCLOSURE OF ANY INTEREST

Nil by Author or Responsible Officer.

BACKGROUND

The Shire relies heavily on grant and other funding opportunities to support the delivery of projects, programs, services, and events. This report provides an overview of the funding which has been applied for (pending outcome), confirmed or acquitted during the period 1 August to 31 October 2025.

STATUTORY ENVIRONMENT

Part 6 – Financial Management of the *Local Government Act 1995* provides for the financial management of local governments, including provisions around the development of an annual budget which grant funding must be incorporated into.

POLICY IMPLICATIONS

Policy PC1 – Risk and Opportunity Management

Policy F3 – Significant Accounting

FINANCIAL IMPLICATIONS

This report outlines funding which is being sought, has been obtained or has been acquitted, to support the delivery of projects, programs, services and events of the Shire. At the time of developing the 2025/26 financial year budget, grants were only included if the funding had been confirmed and an agreement had been executed. Where grants have been obtained post the endorsement of the annual budget these will be incorporated as part of the budget review process.

The funding received from grants must be used for the express purpose outlined in the grant application and subsequent agreement. Some grants will cover the full cost of the related project, while others require a co-contribution from the Shire. The co-contributions are either in the form

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of in-kind or cash. Projects which require cash contributions from the Shire that cannot be met within the operational budget and have not previously been identified in the budget will be brought to Council for budget allocations to be endorsed.

STRATEGIC IMPLICATIONS

GOAL	OUR PRIORITIES	WE WILL
1. Leadership and Governance	1.2 Capable, inclusive and effective organisation	1.2.4 Attract and effectively use resources to meet community needs
2. Community	2.4 Sustainable Communities	2.4.2 Collaborate with key agencies, groups and service providers to improve community services, programs and facilities

RISK MANAGEMENT CONSIDERATIONS

RISK	LIKELIHOOD	CONSEQUENCE	RISK ANALYSIS	MITIGATION
Business Interruption: Lack of funding may result in the non-performance of functions.	Likely	Moderate	High	Ensure Shire activities are conducted efficiently to allow spread of funding. Apply for grants wherever possible to support Shire's activities. Delay commencement of activities until funding is confirmed.
Financial: Poor management of grant funding may impact the Shire's ability to get funding in the future.	Likely	Moderate	High	Ensure a process is established and implemented to allow good governance and compliance of grant funding.
Organisation's Operations: Lack of processes relating to grant management may result in failure to meet grant requirements and deliver funded programs.	Likely	Moderate	High	Ensure a process is established and implemented to allow good governance and compliance of grant funding.

CONSULTATION

Generally, only internal consultation has been undertaken in relation to the grants applied for. However, some specific projects may involve or have been informed by community consultation

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with relevant stakeholders and community groups to gauge projects and seek external support for the project. This occurs on a case-by-case basis depending on the nature of the project and the grant.

COMMENT

To support the projects, programs and services of the Shire a number of funding arrangements are entered into with a variety of Government (State and Federal) agencies, not for profit organisations and philanthropic foundations. Funding received enables the Shire to deliver necessary community services and community engagement support programs as part of ongoing operations. Other funding is used for 'add on' activities for which the community expects the Shire to provide. In many cases, if the Shire does not receive this funding the projects will not go ahead and the Shire will not be able to meet community expectations.

Below is a summary of the grants which have been applied for during this reporting period, the outcome of submitted funding applications and grants which have been acquitted.

Grants of larger sums often result in issuing bodies seeking confirmation that projects have been approved by Council prior to executing the funding agreements. Council is requested to provide their support for these projects.

Funding received during the period 1 August to 31 October 2025

Grant Program and Funder	Project Description	Funding Received (Ex GST)	Funding Period
COMMUNITY SERVICES AND EVENTS			
Advocare WA – Seniors Week Grants 2025	Community morning teas at Derby HACC and Juniper Numbla Nunga as part of Seniors Week 2025	\$3,000.00	28 October to 16 November 2025
Children's Book Council WA – Children's Book Week 2025	Children's Book Week activities in Derby and Fitzroy Crossing	\$2,000.00	30 June to 31 October 2025
Department of Communities – International Volunteer Day 2025	Volunteer recognition event held on International Volunteers Day (5 December)	\$1,000.00	18 September to 5 December 2025
Department of Creative Industries, Tourism and Sport – Community Place Based Grant	Contribution towards the cost of delivering youth school holiday programs in Derby.	\$150,000.00	1 July 2025 to 30 June 2028
Department of Health – Contiguous Local Authorities Group (CLAG)	Contribution towards the Shire's mosquito management program.	\$3,900.11	1 July 2025 to 30 June 2026
Developmental Disability WA – International Day of People with Disability Grant 2025	Contribution toward the International Day of People with Disability event held at Derby Airport on 3 December.	\$1,000.00	6 October 2025 to 3 December 2025
TOTAL AMOUNT – COMMUNITY SERVICES AND EVENTS		\$160,900.11	

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INFRASTRUCTURE / CAPITAL PROJECTS			
Department of Infrastructure, Transport, Regional Development, Communications, Sports and the Arts – Local Roads and Community Infrastructure Phase 2	Variation to existing agreement – CCTV System repairs, safety works on Derby Memorial Swimming Pool fence, electrical works at Derby Civic Centre, automated doors at Derby Library / Council Chambers, road drainage improvements.	\$605,500.00	31 December 2025
* Department of Infrastructure, Transport, Regional Development, Communications, Sports and the Arts – Regional Precincts and Partnerships Program (Stream 1)	Development of a master plan and other facility plans for the Derby Recreational Precinct.	\$669,448.00	TBA
* Department of Infrastructure, Transport, Regional Development, Communications, Sports and the Arts – Remote Airstrip Upgrade Program – Round 11	Reseal of runway and line marking at Derby Airport.	\$750,000.00	
Department of Infrastructure, Transport, Regional Development, Communications, Sports and the Arts – Roads to Recovery 2024-2029	Road Projects - Claredon Street, Rowan Street, Johnston Street, Jetty Road, Gn-h-Gee Gully Road, Calwynnyardah-Noonkanbah Road, Fossil Downs Road, Camballin-Myroodah Road, Gieke Gorge Road. Drainage Projects - Waycott Street, Sutherland street, Flynn Drive, Henwood close, Ord street.	\$6,203,991.00	1 June 2024 to 30 June 2029
* Department of Transport – Regional Airports Development Scheme (RADS) 2025-27	Reseal of runway and line marking at Derby Airport.	\$650,000.00	TBA
Main Roads WA – State Roads fund	Funding for road projects - Cherrabun Road, Camballin Myroodah Road, Fossil Downs Road, Gee Gully Road, Jetty Road, Fairbarn Street.	\$1,728,731.00	1 July 2025 to 30 June 2026
TOTAL AMOUNT – Infrastructure Projects		\$10,607,590.00	
TOTAL FUNDING RECEIVED		\$10,768,490.11	

* Advised that application has been successful, however funding agreement have not yet been executed.

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Applications pending outcome

A number of funding applications have been submitted and are still progressing through the relevant organisation's assessment process. The expected notification of outcome date is calculated based on information provided in program guidelines and is a rough estimate. The list below highlights all applications, not just those submitted during the reporting period.

Grant Program and Funder	Project Description	Funding Requested (Ex GST)	Funding Period	Expected Notification of Outcome
Tourism WA – Regional Events Scheme	Kimberley Art and Photographic Prize Roadshow to remote community arts centres.	\$20,000	April to June 2027	19 February 2026
State Library WA – Better Beginnings	Library outreach projects in remote communities	\$9,500	12 months	31 December 2025
Department of Primary Industries and Regional Development – Animal Welfare Grants Round 5	Animal de-sexing, preventive health and vet services in remote communities for domestic animals	\$47,626.59	12 months	22 December 2025
TOTAL AMOUNTS		\$77,126.59		

Unsuccessful applications

During the reporting period no grant applications were deemed unsuccessful.

Funding Acquitted

During the reporting period the following grant funded project were completed and successfully acquitted with all reporting requirements met. The Shire no longer has any liabilities in relation to these grants.

Grant Program and Funder	Project Description	Amount Acquitted (ex GST)
Children's Book Council WA – Children's Book Week 2025	Children's Book Week 2025 activities in Derby and Fitzroy Crossing.	\$2,000
Creative Industries, Tourism and Sport – Community Place Based Grant 2022/23 - 2024/25	Youth School holiday programs and after school sporting activities in Derby and Fitzroy Crossing.	\$300,000
Department of Primary Industries and Regional Development – Grant Agreement	Funding towards the assessment and design of the Derby Recreation and Emergency Rescue Boat Ramps (co-funding for Dept of Transport Project).	\$62,500
Main Roads WA – Direct Grants	Certificate of Completion for various roads projects across the Shire funded in 2024/25.	\$407,758
Main Roads WA – Road Project Grant	Certificate of Completion for Jetty Roads pavement correction and reseal.	\$197,186.80
Rio Tinto – Community Giving Grants	Kimberley Art and Photographic Prize event sponsorship.	\$5,000
Tourism WA – Regional Events Scheme 2025-2027	Acquittal report for Year 1 funding towards Kimberley Art and Photographic Prize.	\$15,000
TOTAL AMOUNTS		\$989,444.80

Audit, Risk and Improvement Committee Meeting Minutes

20 November 2025

VOTING REQUIREMENT

Simple majority

ATTACHMENTS

Nil

COMMITTEE RESOLUTION AC24/25***Moved: Mr Jeffrey Porra******Seconded: Cr Trish Gault*****That the Audit, Risk and Improvement Committee recommend that Council:**

1. NOTES the summary of grant and funding applications which have been submitted by Officers; and
2. PROVIDES in principle support for the outlined projects for which funding is being sought.

In Favour: Mrs Danielle Cornish, Mr Peter McCumstie, Cr Trish Gault, Cr Eliot Money, Cr Val Ross and Mr Jeffrey Porra.

Against: Nil

CARRIED 6/0

Audit, Risk and Improvement Committee Meeting Minutes20 November 2025**9 NEW BUSINESS OF AN URGENT NATURE***Nil.***10 DATE OF NEXT MEETING**

The next meeting of Audit, Risk and Improvement Committee will be held 4:00pm, Thursday 4 December 2025 in the Council Chambers, Clarendon Street, Derby.

11 CLOSURE OF MEETING

The Presiding Member closed the meeting at 4:36pm.

These minutes were confirmed at a meeting on

.....

Signed:

Presiding Person at the meeting at which these minutes were confirmed.

Date:



Shire of Derby / West Kimberley

(C11) CONDUCTING ELECTRONIC COUNCIL AND COMMITTEE MEETINGS, AND ATTENDANCE BY ELECTRONIC MEANS POLICY

1. POLICY OBJECTIVE

The purpose of this Policy is to (1) enable Council and Committee meetings to be conducted electronic, and (2) enable and manage Councillor attendance of Council and Committee meetings by electronic means.

These meeting protocols will facilitate Councillor meeting attendance when Councillors cannot reasonably attend meetings due for example, to wet season flooding, the need to travel for their work, or to care for loved ones when they are unwell. The intent of this electronic meeting attendance capacity, is to increase flexibility for Councillors in meeting their obligations to attend meetings, and to also assist in achieving meeting quorums.

Council must also meet the requirements of Regulations 14C to 14E (inclusive) of the *Local Government (Administration) Regulations 1996*, by establishing positions and procedures on how it will for example, permit electronic meetings (Council and Committee) to occur, including how to deal with requests for electronic attendance at meetings and the expectations of Council in relation to Councillor equipment and the remote location used for the meeting's attendance.

It is not proposed presently, that Council or Committee Meetings will be held completely "on-line" and without any physical attendance (e.g. Derby Council Chamber) being in place.

This policy has no applicability for meetings using electronic means in the instance of a public health emergency, or where a state of emergency exists in the whole or a part of the district of the Shire of Derby/West Kimberley (SDWK). Where a declared public health or state of emergency, or associated directions, are in effect that prevent an in person meeting being held, the President or the Council can approve a meeting to be held by electronic means. Meetings held by electronic means in these circumstances are not subject to, or included in, the prescribed limitation on the number of meetings held by electronic means [Admin.r.14D(2)(a)(b)].

2. POLICY BACKGROUND

Electronic Meetings:

A relevant meeting may be held by electronic means subject to legislative requirements.

Regulations 14D and 14E provide the requirements and circumstances for holding a relevant meeting by electronic means.

In accordance with regulation 14D of the *Local Government (Administration) Regulations 1996*, Council may approve the holding of any Ordinary or Special Council or Committee* Meeting by electronic means*. Notices types and notice periods as for non electronic means meetings apply to meetings by electronic means. (*) Neither a Committee, nor the Presiding Person of a Committee has a role to play in this area, or in the authorising of a Councillor to attend a Committee Meeting electronically.

*The definition of *electronic means*, refers to the approved electronic requirements to access an in-person meeting or attend an electronic meeting, encompassing hardware and software requirements to enable instantaneous communication [Admin.r.14CA(3)]. The electronic means must be determined before the suitability of a location and equipment can be assessed as part of a request to attend electronically to an in-person meeting or to an electronic meeting.



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~~The Council (or Committee) must determine how its notice papers, agendas, reports or other documents are to be presented at the meeting, and how they will be made available to Councillors and members of the public. To ensure adequate public notice of a meeting that is authorised to be held as an electronic meeting, the CEO must ensure details are:~~

- ~~1. published on the Local Government's Official webpage [Admin.r.12];~~
- ~~2. provided in the Notice of Meeting/Agenda; and~~
- ~~3. broadly promoted to ensure community awareness, such as through social media, newsletters, on noticeboards, etc.~~

~~For meetings to meet the legislative requirements of being open to members of the public, the meeting must be (1) accessible to the public; or (2) as the Shire of Derby/West Kimberley is a Band 2 local government, where a meeting must be 'open to members of the public', then the Council or Committee must publicly broadcasts the meeting on a website; or (3) a broadcast of the meeting must be otherwise accessible to the public.~~

~~Time must be allocated for raising questions by members of the public, including the opportunity to (1) submit questions prior to the meeting; and (2) submit questions at the meeting. The council (or the committee) must develop a procedure to determine how it intends to respond to questions submitted.~~

~~Council* cannot authorise more than half of its Council, or its Committee meetings, to be held electronically, in any rolling 12 months period (calculated for the prior 12 months period). Council cannot authorise any meetings to be held by electronic means unless (1) the location and the equipment to be used by Councillors attending are suitable to enable them to effectively engagement in the meeting's deliberations and communications; and (2) the CEO has been consulted. (*)Whilst the Council has a primary role in authorising a Council or Committee Meeting to be held by electronic means, the President can also authorise a Councillors attendance by electronic means should that be considered warranted. This Council Policy clarifies how this dual authorisation process will be managed.~~

Councillor Meeting Attendance by Electronic Means:

~~In addition to attending the Council authorised electronic meetings by electronic means referred to above, a Councillor may also attend additional 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 (Council or Committee, calculated separately) they have attended in total, in any rolling 12 months prior period. (*)Excluding a Councillor with a disability as defined in the Disability Services Act 1993. Neither the Committee nor the Committee Presiding Person has a role to play in this matter. Authorisation can only be provided if the location* and the equipment to be used by the Councillor are suitable to enable effectively engagement in the meeting's deliberations and communications. (*)The location is not limited to being within the district.~~

~~A Council/President cannot authorise it to occur, and no Councillor is permitted to attend a closed meeting, or the closed portion of a meeting, unless the Councillor declares* they and their location can maintain confidentiality. If confidentiality cannot be maintained, the Councillor must leave the meeting or the closed part of the meeting. (*)The declaration must be recorded in the minutes of the meeting.~~

3. POLICY STATEMENT

Authorising the holding of meetings conducted by electronic means: The Council can as part of its annual Council Meeting decision-making process of setting meeting days/times (to comply with Regulation 12 (Publication of meeting details)) consider setting some, or even up to the 50% maximum, of these meetings it believes ought to be held electronically at the time that decision is made. This will be the primary decision making time for which and how many meetings the Council wishes to set as electronic meetings.



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Outside of the above, urgent requests for a meeting to be held electronically can be considered by Council directly, where circumstances require that level of urgency, but the preference is for these applications to be made by (1) the President or individual Councillors in writing to the CEO, outlining reasons for the request; or (2) by the CEO directly. In both cases, the applications should progress to Council through the normal officer report process to the Council Agenda, inclusive of a CEO's acknowledgment of the application, and a recommendation. This will ensure that the logistics of the meeting process is accommodated, like electronic meeting invites being forwarded, records keeping occurs, and that the 50% cap is monitored and not exceeded.

The Kimberley is a region where meetings conducted by electronic means are considered to be "normal practice" rather than being the "exception to the rule" (which would be the case for most other local governments in WA). Distance, isolation, and annual seasonal weather conditions make it challenging for all SDWK Councillors to attend all meetings, all of the time. As such, the legislated 50% annual limit on meetings being held electronically, needs to form an important part of the authorisation process. This policy requires that the Council, in considering whether a meeting should be held by electronic means, must:

1. Firstly, consider the outcome that best provides for the overall needs of the district, the Council, and the Shire; then
2. Secondly, take into account the overall needs of the Council in order that the 50% cap on electronic meetings can still provide for optimal meeting attendance and accommodate key decision making requirements; and then
3. Thirdly, ensure that the maximum number of Councillors can be in attendance at its meetings (and particularly at key meetings like the budget meeting).

Distribution of notice papers, agendas, reports or other documents: The Council (or Committee) must determine how its notice papers, agendas, reports or other documents are to be presented at the meeting, and how they will be made available to Councillors and members of the public. This policy determines that:

1. Meeting notice papers will be distributed similarly to non-electronic means meetings (vis. as a minimum, to Councillors in a digital format, and currently via the *Teams* software package, and to the general public in accordance with Regulation 12 of the *Local Government (Administration) Regulations 1996*;
2. Agendas will be distributed similarly to non-electronic means meetings (vis. as a minimum, to Councillors in a digital format, and currently via the *Teams* software package, and to the general public in accordance with Regulation 14 of the *Local Government (Administration) Regulations 1996*;
3. Reports or other documents to be presented at the meeting will be distributed similarly to non-electronic means meetings (vis. as a minimum, to Councillors in a digital format, and currently via the *Teams* software package, and to the general public in accordance with Regulation 14 of the *Local Government (Administration) Regulations 1996*; and
4. In the event that Council elects to change an in person meeting to an electronic meeting, and no in person general public access to any meeting venue is to be provided, the CEO must undertake appropriate public notice of this fact. In particular, how the public might be able to view the meeting electronically, and submit any questions.

Public Questions: Time must be allocated for raising questions by members of the public (1) submitted prior to the meeting; and (2) submit at the meeting. Council determines that the following procedures will apply:



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1. **Council** – written questions can be submitted prior to the meeting through all of the normal business channels (e.g. post, email). Responses will either be provided at the meeting, or taken on notice and responded to directly back to the person that submitted the question, with a summary of the question and the answer included in the next available Council meeting minutes; and
2. **Committees** – written questions can be submitted prior to the meeting through all of the normal business channels (e.g. post, email). Responses will either be provided at the meeting, or taken on notice and responded to directly back to the person that submitted it, with a summary of the question and the answer included in the next available Committee meeting minutes.

Unless exceptional circumstances prevail, the opportunity for physical attendance (e.g. Derby Council Chamber) will always be in place for community members to participate.

Electronic means for Councillor and General Public attendance: Electronic attendance at meetings will be conducted through the Shire's Microsoft Teams software capacity as a preference (or an alternative digital capacity as determined by the CEO). In the event of technical difficulties being encountered, telephone access will be provided.

Electronic attendance by the general public will also be through the Teams program, on a view only basis. The ability to ask questions at the Question Time section of the meeting will be provided if the technology can accommodate such access in a suitably controlled manner.

Unless exceptional circumstances prevail, the opportunity for physical attendance (e.g. Derby Council Chamber) will be in place for Councillors and the community.

Authorisation of Councillor attendance: A Councillor may only attend a previously declared in-person meeting, by electronic means, if they have the prior authorisation to do so by either the Council, or the President. Where possible a Councillor is required to provide their request to attend electronically, direct to Council. However, where this may not be possible, because the request has to be made at short notice, the Councillor may provide a request to attend a meeting electronically, to the President.

This policy promotes a preference for "in person" attendance where that is practical for individual Councillors, but acknowledges the legislative right of each Councillor to apply to attend electronically, up to 50% of these previously decided to be "in person/non-electronic" Council or a Committee meetings using electronic means during any rolling 12 months period. This policy also acknowledges the legislative right of the President to unilaterally decide if a Councillor can attend a previously decided to be "in person/non-electronic" Council or a Committee meeting using electronic means, but requires the President to only utilise that power using similar considerations outlined in this policy as for any other urgent request considered directly by Council. The President is permitted to authorise their own electronic means meeting attendance, but they are encouraged as a preference, to either apply for a Council authorisation if circumstances permit, or alternatively to refer their request to the Deputy President [acting under Section 5.34 of the Act] for consideration.

This policy requires that the President, in considering whether an individual Councillor may attend a meeting electronically, must make their decision based on the priority needs of the Council, before providing for the convenience of individual Councillors, so that consideration must follow the below process:

1. Firstly, consider the outcome that best provides for the overall needs of the district, the Council, and the Shire; then



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2. Secondly, take into account any likely future conflicts relevant to the 50% cap on either Councillor requested or Council endorsed electronic meetings (so meeting decision-making capacity is optimised); and then
3. Thirdly, ensure that the maximum number of Councillors can be in attendance at its meetings (and particularly at key meetings like the budget meeting), and then
4. Fourthly, consider the individual needs of the applicant Councillor.

Authorisation of Councillor's meeting attendance location: The Council/President is required to consider the location from which a person intends to attend the meeting with respect to their ability to effectively engage in deliberations and communications during the meeting.

The Shire has two sites with good quality digital access facilities, the Derby Council Chamber, and the Fitzroy Crossing Administration Centre's Meeting Room. Councillors are encouraged to use these facilities for those occasions where the meeting is held electronically. In instances where a Councillor cannot reasonably attend either of these two locations, the following should be established by the Councillor for the period of the electronic meeting:

1. the location is quiet and private (e.g. a private room in their house); and
2. if there will be other people at the location at the time of the meeting, there must be a door that can be closed during the meeting that maintains suitable levels of confidentiality, and preferably, the Councillor also wears headphones.

If the Council/President is not satisfied that the location can suitably provide (1) and (2) above without compromising the needs of Council, or that for any other reason the Councillor cannot effectively engage in meeting's deliberations and communications, then authorisation cannot be granted.

Equipment to enable Councillor attendance: In deciding whether to authorise a Councillor's remote attendance, the Council, or the President, must also consider whether the Councillor's equipment will support Council's preferred choice of electronic communication. The Council takes responsibility for providing individual Councillors with the necessary hardware for internet access to Microsoft Teams. Also, to have sufficient resources and capacity to coordinate the meeting's digital requirements from the meeting's primary location (vis. generally the Derby Council Chamber).

Councillor declaration of a suitable meeting location for the purposes of Confidential Items using remote electronic attendance: A Council cannot authorise it to occur, and no Councillor is permitted to attend a closed meeting, or the closed portion of a meeting, unless the Councillor declares (and the declaration must be recorded in the minutes of the meeting) they and their location can maintain confidentiality. If confidentiality cannot be maintained, the Councillor must leave the meeting (if its only consideration is confidential items closed to the public) or the closed part of the meeting.

External Parties Participating in Closed Meetings/Closed Portion of a Meeting: Where external parties are invited to participate in a closed part of an electronic meeting (such as auditor attending an Audit Committee electronic meeting), before being approved to attend by a resolution of the meeting, they are to first confirm they have met the electronic means, location and equipment suitability requirements of this policy, including maintaining confidentiality.

Electronic Meetings Register and Schedule/Control Table: To monitor electronic meetings, and attendances, and for appropriate records keeping purposes, this policy requires that the CEO maintain a Register and a meeting agenda schedule/control table. The Register must suitably record Council, Committee, Councillor, and CEO considerations, and record attendances at electronic meetings. A suitable schedule/control table must also be incorporated into in the relevant Council/Committee



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~~agendas/minutes, so that a record over the past "rolling 12 months" period can be easily considered during deliberations on electronic meeting applications. The purpose of the Register and the schedule/control table, is to ensure that both the 50% limit of Council endorsed electronic meetings, and the "additional" 50% limit of Councillors' electronic means attendance of in-person meetings, is not exceeded over the past "rolling 12 months" period.~~

~~Where the President makes the decision on Councillor attendance by electronic means, the President is to advise the CEO of that decision so that a record (e.g. email communication) is established and the Electronic Meetings Register and Schedule/Control Table can be updated.~~

Policy Details			
Original Adoption Date:	30 March 2023, Item 12.1, Res. No. 21/23	Review Frequency (Annual/Bi-annual):	Bi-annual (or earlier if there is a change to legislation)
		Next Review Due:	June 2025
Policy Implementing Officer or Team:	Executive Services Coordinator	Policy Reviewer:	Director Corporate Services
Legislative Head of Power (Act, Regulation, or Local Law):	Regulations 14C to 14E (inclusive) of the Local Government (Administration) Regulations (1996)		
Related Documents (other Policies, Operational Procedures, Delegations, etc.):	Electronic Meeting Register Council Agenda Schedule		
Version Control/Council Meeting Review Details:			
Review #:	Council Meeting Date:	Item/Resolution#:	



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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:**

For Councillors and Candidates	For the Shire of Derby/West Kimberley
Commencement: From the time/day of the Candidate's official nomination in any Shire election.	Commencement: From the time/day that Elected Member nominations open for any Shire election.
Conclusion: 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.



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'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 (e) 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;
- (h) That initiates or adopts a new Local Planning Scheme, amendment to a Local Planning Scheme or Planning Policy.



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(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)(c) 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

4. 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:~~



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- 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].



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~~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.~~

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.~~



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~~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 organised 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~~



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~~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.~~



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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			
Original Adoption date:	29 October 2020 (Item. 10.8 Res. 185/20)	Review Frequency:	3 years
		Next Review Due:	February 2027
Policy Implementing Officer or Team:	Executive Services Coordinator	Policy Reviewer:	Deputy Chief Executive Officer
Legislative Head of Power (Act, Regulation, or Local Law):	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		
Related Documents (other Policies, Operational Procedures, Delegations, etc.):	Code of Conduct for Council Members; Committee Members and Candidates		
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 AUTH033 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.	29 February 2024	Item 12.3 Res. 09/24	



(C4) VIOLENCE AND AGGRESSION

POLICY OBJECTIVE

To outline the Shire's commitment to providing a safe workplace free of violence and aggression.

POLICY STATEMENT

The Shire recognises its legal obligations under the Work, Health and Safety Act 2020 (as amended) and will actively resource, and promote the principles of providing a safe working environment for all staff, as well provide as a safe place for its customers to engage with the Shire.

Policy Details			
Original Adoption date:	29 October 2015 (Item 12.1.4, Res. 117/2015)	Review Frequency (Annual/ Bi-annual):	Tri-annual
		New Review Due:	June 2026
Policy Implementing Officer or Team:	People & Culture	Policy Reviewer:	Manager of People and Culture
Legislative Head of Power (Act, Regulation, or Local Law):	Work Health and Safety Act 2020 Work Health and Safety (General) Regulations 2022		
Related Documents (other Policies, Operational Procedures, Delegations, etc.):	Code of Practice: Violence, Aggression and Bullying at Work 2010 Procedure: Workplace Violence and Aggression		
Version Control Council Meeting Review Details:			
Review #:	Council Meeting Date:	Item/Resolution#:	
1.	24 June 2021	Item 11.2 Res. 57/21	
2.	29 June 2023	Item 12.3 Res. 70/23	



(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			
Original Adoption date:	28 February 2019 (Item 9.1.1, Res. 005/2019)	Review Frequency:	Every 2 years following an Election.
		Next Review Due:	February 2026
Policy Implementing Officer or Team:	Executive Services Coordinator	Policy Reviewer:	Deputy Chief Executive Officer
Legislative Head of Power (Act, Regulation, or Local Law):	Local Government Act 1995 S.s.5.5 Convening council meetings		
Related Documents (other Policies, Operational Procedures, Delegations, etc.):			
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 AUTH033 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.	29 February 2024	Item 12.3 Res. 09/24	



(C6) USE OF COUNCIL CHAMBERS

POLICY OBJECTIVE

To maintain security of the building after hours and to retain the Chambers for Council purposes.

POLICY STATEMENT

Use of the Chambers by outside organisations is permitted when a Council Member or staff member is in attendance whilst performing their role as a Council Member or staff member.

Use of the Council's Chambers for meetings that otherwise benefit the Shire may also be permitted, following an application to the Shire and payment of any hire fees set in the Shire's Fees & Charges Schedule.

Policy Details			
Original Adoption date:	27 August 1997	Review Frequency (Annual/Bi-annual):	Bi-annual
		Next Review due:	July 2027
Policy Implementing Officer or Team:	Manager Community Development	Policy Reviewer:	Director Community Planning
Legislative Head of Power (Act, Regulation, or Local Law):	Local Government Act 1995 S.5.41		
Related Documents (other Policies, Operational Procedures, Delegations, etc.):	Nil Applicable		
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.	29 June 2023	Item 12.3 Res. 70/23	



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(C8) PUBLIC STATEMENTS BY PRESIDENT, COUNCILLORS AND CHIEF EXECUTIVE OFFICER

POLICY OBJECTIVE

~~It is common experience that the President or a Councillor identified as such in a media or other public statement is at risk of being understood as speaking for the local government. It is appropriate to take precautions against that risk.~~

~~The objective of this policy is to provide clarity as to the roles and responsibilities of the President, the Deputy President, Councillors and the Chief Executive Officer (CEO) when speaking publicly / issuing public statements on behalf of the Shire of Derby / West Kimberley (the Shire).~~

POLICY STATEMENT

~~Speaking Otherwise than for the Local Government~~

~~The performance of a role as Councillor imposes special limitations on what would otherwise be a normal member of the public's right to speak in public on local government affairs.~~

~~The principal limitation is that a Councillor who is not the President cannot speak or purport to speak on a matter which the *Local Government Act 1995* (the Act) assigns to the role of the President, or to be a function of the CEO.~~

~~Each of the President, Deputy President and a Councillor may speak in public to the extent that doing so does not conflict with each other's roles.~~

1. The President

- ~~1.1 When speaking to the media or otherwise in public the President is the only member of Council who may speak on behalf of the Shire.~~
- ~~1.2 When the President is speaking to the media or otherwise in public but not officially speaking on behalf of the Shire, the President must make it clear that he/she is not speaking as President or in any other Shire capacity.~~

2. The Deputy President

- ~~2.1 The Deputy President may only speak to the media or otherwise in public on behalf of the Shire in the circumstances set out in s.5.34 of the Act.~~
- ~~2.2 The Deputy President must otherwise comply with the limits on the role of a Councillor when speaking to the media or otherwise in public.~~

3. Councillor

- ~~3.1 A Councillor may not speak to the media or otherwise in public on behalf of the Shire.~~
- ~~3.2 When a Councillor is speaking to the media or otherwise in public, he/she must make it clear that he/she is not speaking on behalf of the Shire, or in the role of a Council member.~~



~~3.3 A member of Council speaking on Shire matters to the media or otherwise in public may identify himself/herself as an elected member of the Council but must avoid any suggestion or appearance of speaking on behalf of the Shire.~~

4. Chief Executive Officer

~~4.1 It is part of the function of the CEO to speak on behalf of the Shire if the President agrees.~~

~~4.2 The President may give agreement to the CEO speaking on behalf of the Shire:~~

- ~~a) on a specific occasion; or~~
- ~~b) on a specific subject matter; or~~
- ~~c) on a specified category of occasions or a specified category of subjects when they arise.~~

~~4.3 Further to the above, the CEO may speak to the media or otherwise in public as to the Shire's affairs in performance of the CEO's functions under s.5.41 of the Act, including that of managing the day-to-day operations of the Shire. The CEO only requires the agreement of the President when making statements of the kind which would ordinarily fall within the role of the President as spokesperson of the Shire.~~

5. Written, Oral and Electronic Statements

~~This policy applies equally to statements in public whether they are communicated orally, in writing, electronically, or by any other means.~~

Policy Details			
Original Adoption date:	27 June 2019 (Item 12.2, Res. 60/19)	Review Frequency:	3-years
		Next Review Due:	August 2027
Policy Implementing Officer or Team:	Executive Services Coordinator	Policy Reviewer:	Chief Executive Officer
Legislative Head of Power (Act, Regulation, or Local Law):	<p>Local Government Act 1995</p> <p>S.2.8(1)(d) of the LG Act provides that it is part of the role of the President to speak on behalf of the local government.</p> <p>S.5.41(f) of the LG Act provides that it is part of the function of the CEO to speak on behalf of the local government if the President agrees.</p> <p>Under s.5.41, the CEO has additional broad functions including the function of managing the day-to-day operations of the local government. That function requires the CEO from time to time to speak in public as to the local government's affairs, but the agreement of the President is only required where the CEO makes a public statement on behalf of the local government of a kind which would ordinarily fall within the role of the President as the spokesperson of the local government.</p> <p>S.2.10 of the LG Act sets out the role of a Councillor, and the role does not include speaking on behalf of the local government.</p> <p>S.5.34 of the LG Act provides that the Deputy President may perform the functions of the President if:</p> <ul style="list-style-type: none"> (a) the office of President is vacant; or (b) the President is not available, or is unable or unwilling to perform the functions of President. 		
Related Documents (other Policies, Operational Procedures, Delegations, etc.):			
Version Control Council Meeting Review Details:			
Review #:	Council Meeting Date:	Item/Resolution#:	
1.	24 June 2024	Item 11.2, Res. 57/21	
2.	24 February 2022	Item 11.5, Res. 07/22	
3.	29 August 2024	Item 12.1, Res. 100/24	



Shire of Derby / West Kimberley

(ES4) LOCAL PUBLICATIONS

POLICY OBJECTIVE

~~To determine the importance of this form of media.~~

POLICY STATEMENT

~~The Babbling Boabs is acknowledged to be a newspaper generally circulating in the district pursuant to Section 1.7 of the Local Government Act 1995.~~

~~The Babbling Boabs community newspaper is produced by the Shire of Derby / West Kimberley and is distributed monthly.~~

~~Hard copies are available at several locations in town, and an electronic version is on the website.~~

Policy Details			
Original Adoption date:	28 February 2019 (Item 9.2.1, Res. 006/2019)	Review Frequency:	3 years
		Next Review Due:	August 2027
Policy Implementing Officer or Team:	Media Team	Policy Reviewer:	Deputy Chief Executive Officer
Legislative Head of Power (Act, Regulation, or Local Law):	Local Government Act 1995		
Related Documents (other Policies, Operational Procedures, Delegations, etc.):			
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 August 2024	Item 12.1, Res. 100/24	



(F10) FORWARD PLANNING

POLICY OBJECTIVE

~~Council will set objectives for all of its services, with these to be reviewed at least once in every four years.~~

~~Detailed Forward plans will be drawn up for all new major items, showing their likely financial implications/effects, over at least the next four years. Such financial effects shall include all operating expenses, operating incomes, as well as any debt repayments, or other financial issues.~~

POLICY STATEMENT

~~A detailed long-term plan for the following is required to be produced:~~

Details	Review Period
Debt Servicing Position, projected out for 10 years.	Every Year
All of Council's Major Assets.	Every 4 years
Each and every parcel of Council Owned or Controlled Land.	Every 4 years
All services provided by Council (as per Principal Activities Plan).	Every Year

Policy Details			
Original Adoption date:	31 May 2001	Review Frequency (Annual/Bi-annual):	Bi-annual
		Next Review Due:	February 2025
Policy Implementing Officer or Team:	Director Corporate Services	Policy Reviewer:	Chief Executive Officer
Legislative Head of Power (Act, Regulation, or Local Law):			
Related Documents (other Policies, Operational Procedures, Delegations, etc.):	Strategic Community Plan 2021-2031 Corporate Business Plan 2019-2023		
Version Control Council Meeting Review Details:			
Review #:	Council Meeting Date:	Item/Resolution#:	
1.	24 June 2021	Item 11.2 Res. No. 57/21	
2.	30 March 2023	Item 10.1 Res. No. 15/23	



(F11) BUDGET ISSUES

POLICY STATEMENT

Rate Increases

Council will endeavour to set its annual rate increases at not less than the increase in the annual Consumer Price Index plus 2% until its *Financial Health Indicator Comparison Score* (as provided by the Department of Local Government) reaches the *Regional Average Score* (for the Kimberley).

Budget for a Minor Surplus Each Year

So as to avoid Council going into overdraft in future, and the fact that certain items within Council's current Assets are not easily convertible to cash in a short period of time, Council will attempt to budget for a minor surplus each year.

[NOTE: Council's stock inventory, debtors and outstanding rates cannot be readily converted to cash. This is particularly so with regard to deferred payment of pensioner rates. This will need to be allowed for when preparing budget proposals].

Policy Details			
Original Adoption date:	31 May 2001	Review Frequency (Annual/Bi-annual):	Bi-annual
		Next Review Due:	February 2025
Policy Implementing Officer or Team:	Director Corporate Services	Policy Reviewer:	Director Corporate Services
Legislative Head of Power (Act, Regulation, or Local Law):			
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.	24 June 2021	Item 11.2 Res. No. 57/21	
2.	30 March 2023	Item 10.1 Res. No. 15/23	

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(F12) RATES - ADMINISTRATION, INTERIMS AND INTEREST CHARGES

POLICY STATEMENT

Administration Charge Applicable to Payment by Instalments

Where a ratepayer elects to pay rates by instalments, an Administration Charge to cover administration and handling costs will be imposed for each of the three instalments that apply (after the first instalment has been paid by the relevant due date).

The level of the charge will be set at the budget meeting each year, as part of the annual fees and charges considerations.

Interim Rates – Minimum Level

Where calculation of a minimum interim rate on an individual property would result in the net rate that would be raised to be less than \$25, then Council considers that the amount is of such a low level that it is considered not material enough to warrant staff time, resources and costs to justify the amount to be raised.

Interest Charges

Interest will be charged as follows where rates are paid later than permitted:

Rate Payment Type	Interest Charge Percentage Rate
On Late Payment of Rates.	As per statutory maximum.
On Late Payment of Instalments.	As per statutory maximum.

Policy Details			
Original Adoption date:	31 May 2001	Review Frequency (Annual/Bi-annual):	Bi-annual
		Next Review Due:	February 2025
Policy Implementing Officer or Team:	Finance Team	Policy Reviewer:	Director Corporate Services
Legislative Head of Power (Act, Regulation, or Local Law):			
Related Documents (other Policies, Operational Procedures, Delegations, etc.):	Policy F5 Outstanding Rates Collection Policy Policy F9 Rating Administration Policy		
Version Control Council Meeting Review Details:			
Review #:	Council Meeting Date:	Item/Resolution#:	
1.	24 June 2021	Item 11.2 Res. 57/21	
2.	30 March 2023	Item. 10.1 Res. 15/23	



(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 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.

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:	2 years
		Next Review Due:	February 2027
Policy Implementing Officer or Team:	Director Corporate Services	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.	29 February 2024	Item 12.3 Res. 09/24	



(F14) LOAN BORROWINGS

POLICY STATEMENT

Debt Servicing Ratio

Council believes that its level of debt should be kept at a manageable level.

Council's level of Net Debt Servicing Ratio shall not exceed 8% of its net Available Operating Revenue.

Self-Supporting Loans

Council is prepared to undertake loan borrowings for community projects on behalf of various groups which may wish to proceed with specific capital works, conditional upon the group supplying Council with a written undertaking that it will make the repayments to the Shire, and to supply Council with a written personal undertaking by specific guarantors. A Profit and Loss statement, and a Statement of Financial Position for the past three years is to be provided to the CEO at the time of the lodgement of an application for a self-supporting loan.

Policy Details			
Original Adoption date:	31 May 2001	Review Frequency (Annual/Bi-annual):	Bi-annual
		Next Review Due:	February 2025
Policy Implementing Officer or Team:	Director Corporate Services	Policy Reviewer:	Chief Executive Officer
Legislative Head of Power (Act, Regulation, or Local Law):			
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.	30 March 2023	Item 10.1 Res. 15/23	



(F15) PROVISIONS

POLICY STATEMENT

Provision for Doubtful Debts

That a provision be maintained for doubtful debts, and that the amount recorded be not less than the equivalent of the assessed level of credit risk exposure applicable to doubtful debts.

Provision for Employee Leave Entitlements

That Council adequately provide for its outstanding liability, by ensuring the following:

1. That the amount of the current liability is identified, and the amount projected to be paid out in the next financial year be provided for within the operating expense accounts of Council's annual budget; and
2. That the amount of the non-current liability is calculated and a level of 40% of that liability be matched by the level on cash set aside within the Employee Leave Entitlements Reserve.

Policy Details			
Original Adoption date:	31 May 2001	Review Frequency (Annual/Bi-annual):	Tri-ennial
		Next Review Due:	June 2026
Policy Implementing Officer or Team:	Director Corporate Services	Policy Reviewer:	Director Corporate Services
Legislative Head of Power (Act, Regulation, or Local Law):	Not applicable		
Related Documents (other Policies, Operational Procedures, Delegations, etc.):	Not applicable		
Version Control Council Meeting Review Details:			
Review #:	Council Meeting Date:	Item/Resolution#:	
1.	24 June 2021	Item 11.2 Res. 57/21	
2.	29 June 2023	Item 12.3 Res. 70/23	

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(F16) CASH FLOW MANAGEMENT

POLICY STATEMENT

A detailed, modern, daily cash flow management system is to be maintained so as to quickly monitor cash movements, and to assist in the maximisation of investment opportunities.

Policy Details			
Original Adoption date:	31 May 2001	Review Frequency (Annual/Bi-annual):	Bi-annual
		Next Review Due:	February 2025
Policy Implementing Officer or Team:	Finance Team	Policy Reviewer:	Director Corporate Services
Legislative Head of Power (Act, Regulation, or Local Law):			
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.	24 June 2021	Item 11.2 Res. 57/21	
2.	30 March 2023	Item 10.1 Res. 15/23	



(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 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			
Original Adoption date:	28 February 2019 (Item 9.1.1, Res. 005/2019)	Review Frequency:	1 year
		Next Review Due:	February 2025
Policy Implementing Officer or Team:	Manager of Corporate Services	Policy Reviewer:	Deputy Chief Executive Officer
Legislative Head of Power (Act, Regulation, or Local Law):	Local Government (Financial Management) Regulations 1996 r.17B CEO to take steps to protect excluded portable and attractive assets		
Related Documents (other Policies, Operational Procedures, Delegations, etc.):	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.	29 February 2024	Item 12.3 Res. 09/24	



(PC5) GPS FLEET TRACKING

POLICY OBJECTIVE

To allow for the installation and use of GPS tracking devices in any of the Shire's fleet, for the purpose of operator safety, fleet management and best practice utilisation.

POLICY STATEMENT

The authorisation of the installation and usage of GPS tracking in any of the Shire's fleet in accordance with the Shire of Derby/West Kimberley Management Practice – GPS Fleet Tracking.

POLICY SCOPE

This policy applies to all Shire plant and equipment, and to all employees, contractors, Elected Members, persons performing voluntary work or any other person that has been authorised to operate a vehicle or item of plant to undertake a Shire function or activity.

POLICY DEFINITIONS

GPS: Global Positioning System – a system that utilises satellite transmissions to determine the geographical location in all weather conditions.

Tracking: The use of a GPS device to collect, interpret, and record data such as geographical location, movements, speed, and/or vehicle/plant activity.

Policy Details			
Original Adoption date:	2 December 2016	Review Frequency (Annual/Bi-annual):	Tri-ennial
		Next Review Due:	June 2026
Policy Implementing Officer or Team:	Manager of Assets and Projects	Policy Reviewer:	Director – Technical & Development Services
Legislative Head of Power (Act, Regulation, or Local Law):	Local Government Act 1995 S.41 Surveillance Devices Act 1998		
Related Documents (other Policies, Operational Procedures, Delegations, etc.):	CEO Directive D-TD2 GPS Fleet Tracking Code of Conduct for Council Members, Committee Members and Candidates Directive D-CP2 Code of Conduct (Employees) Policy F1 Procurement of Goods and Services Policy F2 Asset Management Policy PC2 Occupational Health and Safety Policy		
Version Control Council Meeting Review Details:			
Review #:	Council Meeting Date:	Item/Resolution#:	
1.	28 March 2019	Item 10.1 Res. 12/19	
2.	24 June 2021	Item 11.2 Res. 57/21	
3.	29 June 2023	Item 12.3 Res. 70/23	



(R1) FIRE CONTROL OFFICERS AUTHORITIES

POLICY OBJECTIVE

To set guidelines as to the value of financial commitment a Fire Control Officer, without prior approval from the Chief Executive Officer or the Shire President, may make on behalf of the Shire toward the control of bush fires.

POLICY STATEMENT

To hire or by whatever means, procure the use of equipment or machinery for the use of fire control in the Shire of Derby/West Kimberley within the following limits:

Responsible Person	Authorised Amount	Expanded Authorised Amount
Chief Executive Officer, and Chief Bushfire Control Officer.	\$50,000 per fire incident	Can exceed \$50,000 with joint agreement.
Deputy Chief Bushfire Control Officer.	\$5,000 per fire incident	Can exceed \$5,000 with prior authorisation by the Chief Executive Officer, or Chief Bushfire Control Officer.
Fire Control Officers.	\$500 per fire incident	Can exceed \$500 with prior authorisation by the Chief Executive Officer, Chief Bushfire Control Officer or Deputy Chief Bushfire Control Officer.



Policy Details			
Original Adoption date:	25 November 1998	Review Frequency (Annual/Bi-annual):	2 years
		Next Review Due:	July 2027
Policy Implementing Officer or Team:	Senior Ranger	Policy Reviewer:	Director – Technical & Development Services
Legislative Head of Power (Act, Regulation, or Local Law):	Bush Fires Act 1954 S.38(4)		
Related Documents (other Policies, Operational Procedures, Delegations, etc.):	Delegation 3.1.1 Make a Request to FES Commissioner - Control of Fire Delegation 3.1.4 Restricted Burning Times - Vary and Control Activities Delegation 3.1.5 Control of Operations Likely to Create Bush Fire Danger Delegation 3.1.7 Firebreaks Delegation 3.1.8 Appoint Bush Fire Control Officer/s and Fire Weather Officer Delegation 3.1.9 Control and Extinguishment of Bush Fires Delegation 3.1.10 Recovery of Expenses Incurred through Contraventions of the Bush Fires Act		
Version Control Council Meeting Review Details:			
Review #:	Council Meeting Date:	Item/Resolution#:	
1.	28 March 2019	Item 10.1 Res. 12/19	
2.	24 June 2021	Item 11.2 Res. 57/21	
3.	29 June 2023	Item 12.3 Res. 70/23	



Shire of Derby / West Kimberley

(W3) UNDERGROUND PUBLIC UTILITIES SERVICES THAT CROSS COUNCIL CONTROLLED THOROUGHFARES

POLICY OBJECTIVE

To define the procedure as to how underground public utilities services cross Council controlled thoroughfares.

POLICY STATEMENT

When an existing town street does not have any scarring or the integrity of the pavement is intact, then installation of required services shall be placed by *under-road* boring technique.

When an existing town street does have previous scarring, or the integrity of the pavement has suffered failure, then installation of required services may be placed by the open excavation method with a cement stabilised sand or compacted road-base backfill, and sealed with bitumen/aggregate or asphalt premix surface (as per WA Water Corporation backfilling of trenches standards).

The Director of Infrastructure (or their delegate) shall be advised a minimum of 28 days in advance of any proposed installation of under road services so that assessment of the carriageway may be undertaken to ascertain the most appropriate method of installation and issue authorisation.

The authorising Corporation will be responsible for public consultation.

A Main Roads WA compliant traffic management plan (TMP) shall be presented to the Director of Infrastructure (or their delegate) for approval, a minimum of 14 days prior to commencement of any scheduled works. Appropriate warning signage for these works shall be displayed in accordance with the approved TMP and Australian or Main Roads WA standards.

Policy Details			
Original Adoption date:	31 May 2001 (Item 6.2.1 Res. 113/2001)	Review Frequency:	3 years
		Next Review Due:	August 2027
Policy Implementing Officer or Team:	Manager Infrastructure	Policy Reviewer:	Director of Infrastructure
Legislative Head of Power (Act, Regulation, or Local Law):	Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law		
Related Documents (other Policies, Operational Procedures, Delegations, etc.):			
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 August 2024	Item 12.1, Res. 100/24	



(C17) Council Policy Management Framework Policy

PURPOSE

This policy sets out principles and expectations for the development and management of Council's policies.

SCOPE

This policy applies to all Shire of Derby / West Kimberley policies made under the Local Government Act 1995 (WA). Administrative controls, including management practices, guidelines and procedures must also be consistent with this policy.

DEFINITIONS

For the purpose of this policy —

guideline means a document that supports the interpretation of a policy, often by providing examples to demonstrate how the policy and supplementary documents should be applied.

policy means a written statement of Council's position on a matter adopted under the *Local Government Act 1995 (WA)*.

POLICY STATEMENT

Under the Local Government Act 1995 (WA) section 2.7, one of the roles of Council is to determine the policies of the local government.

Policies provide strategic direction and principles to guide the activities of and decision making by Council and the administration.

The administration will develop and maintain such supplementary documents as are necessary to ensure effective implementation of policies.

PRINCIPLES FOR POLICY DEVELOPMENT

1. A policy response may be considered where there is complexity or lack of clarity in one or more of the following circumstances:
 - Statutory requirements
 - Industry standards
 - Community need or expectations
 - A resolution by Council
 - The Shire's strategic objectives
2. A policy will be adopted where it is demonstrated the policy will provide:
 - Clarity and consistency in operations or decision-making
 - Greater efficiency
 - Improved customer or community outcomes
3. All policies must:
 - Be applied consistently across the organisation, unless stated otherwise



- Support and represent the Shire's values and strategic objectives
- Consider relevant stakeholders
- Comply with statutory requirements
- Be consistent with other policies, resolutions and local laws
- Assign a responsible officer to administer the policy
- Be made available on the Shire's website within 14 days of being adopted by Council.

4. If necessary, a guideline may be developed to support the interpretation of a policy. Guidelines are to be appended to the relevant policy and adopted by Council.
5. All supplementary documents must be consistent with the relevant policies, local laws and other relevant statutory and administrative requirements.

PRINCIPLES FOR POLICY MANAGEMENT

Policies will be reviewed periodically to ensure they remain relevant and fit-for-purpose.

Policies will be assessed in accordance with the Shire's Risk Management Framework and the frequency of review will occur every two years unless legislated otherwise.

A policy may be reviewed, amended or rescinded at any time by resolution of Council outside the set review cycle if it is considered necessary. The administration will maintain a register of all policies and supplementary documents.

The administration will update relevant internal controls to reflect the review, amendment or rescission of a policy within 30 days of the decision being adopted by Council, if practical.

The administration may make the following types of minor, inconsequential amendments to the Shire's policies, without the requirement to present those minor amendments to Council for adoption:

- Style, formatting and numbering of policies;
- Correction of spelling and grammatical errors;
- The updating of references in relation to operational procedural documents, legislation and Australian and New Zealand Standards; and
- The updating of position titles to reflect the current organisational structure.



Policy Details			
Original Adoption date:		Review Frequency (Annual/Bi-annual):	2 years
		Next Review Due:	July 2027
Policy Implementing Officer or Team:	Governance	Policy Reviewer:	Director Corporate Services
Legislative Head of Power (Act, Regulation, or Local Law):	<i>Local Government Act 1995 (WA) s2.7(2)(b)</i>		
Related Documents (other Policies, Operational Procedures, Delegations, etc.):			
Version Control Council Meeting Review Details:			
Review #:	Council Meeting Date:	Item/Resolution#:	



(PC7) Generative Artificial Intelligence (AI) Policy

POLICY OBJECTIVE

To provide guidance and establish a framework on the responsible and ethical use of generative Artificial Intelligence (AI), and to ensure privacy and security implications are managed appropriately.

POLICY STATEMENT

This policy applies to all users including Council Members. The policy enables appropriate usage of AI within the organisation, while protecting data from unauthorised exposure.

PROCEDURE

Users including Council Members must follow the following general usage rules:

- The use of generative AI tools on Shire owned devices is restricted to work related purposes and for limited personal use that does not interfere with their work or compromise the organisation
- The usage of all generative AI tools must be explainable and transparent in use
- Users must disclose the use of generative AI in generating information, assisting with decision making or producing communications
- Users must not distribute or click on any links provided or generated by public AI platforms or Bots. These links could lead to phishing sites or malware downloads. Only click on links from trusted sources
- Publicly available generative AI tools must not be used where services will be delivered or decisions will be made
- Any incident related to data leak through AI tools must be reported immediately to the Manager Customer Service and ICT
- In the event of an alleged breach of this policy, or any investigation of misconduct or inappropriate use, the Shire reserves the right to verify compliance with this policy including but not limited to, monitoring usage, reviewing logs, accessing cookie history and engaging internal and external audits

DEFINITIONS

Artificial Intelligence: Computer Systems able to perform tasks normally requiring human intelligence, such as visual perception, speech recognition, decision-making, and translation between languages.

Bot: Is a software program that operates on the internet and performs repetitive tasks.

Generative Artificial Intelligence (AI): A subset of AI techniques that involve the use of algorithms to generate new, original data. Unlike traditional AI, which is designed to solve specific tasks based on pre-existing data, generative AI algorithms can produce new data that has never been seen before.

Publicly Available Generative AI: These are third-party AI platforms, tools or software that have not been security risk assessed nor entered a commercial contract with the organisation.

“Public” Data Classification: This type of data is freely accessible to the public (i.e., all employees/citizens). It can be freely used, reused and redistributed without repercussions.

Users: Are employees, work experience personnel, volunteers, contractors, consultants, temporary and other category personnel who use the Shire's information and technology resources (including Council Members).



Policy Details			
Original Adoption date:		Review Frequency (Annual/Bi-annual):	Annually
		Next Review Due:	July 2026
Policy Implementing Officer or Team:	People & Culture	Policy Reviewer:	Manager of People and Culture
Legislative Head of Power (Act, Regulation, or Local Law):	<i>Local Government Act 1995</i> <i>Freedom of Information Act 1992</i> <i>State Records Act 2000</i>		
Related Documents (other Policies, Operational Procedures, Delegations, etc.):	Code of Conduct (Council Members, Committee Members and Candidates) Policy Code of Conduct (Employees) Recordkeeping Plan		
Version Control Council Meeting Review Details:			
Review #:	Council Meeting Date:	Item/Resolution#:	



Shire of Derby / West Kimberley

(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.



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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



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- 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.



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~~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.~~

RESCINNED



Policy Details			
Original Adoption Date:	29 February 2024. Item 12.3 Res. 09/24	Review Frequency:	2 years
		Next Review Due:	February 2026
Policy Implementing Officer or Team:	Operations and Strategic Development Department	Policy Reviewer:	Executive Director of Operations and Strategic Development
Legislative Head of Power (Act, Regulation, or Local Law):	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		
Related Documents (other Policies, Operational Procedures, Delegations, etc.):	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:			
Review #:	Council Meeting Date:	Item/Resolution#:	



(C18) Child Safety Awareness Policy

PURPOSE

The purpose of the policy is to reduce the risk of harm and child sexual abuse in our community by encouraging child safe environments to be created and maintained. The Shire encourages local organisations to be child safe and ensure children are safe and empowered.

SCOPE

This policy applies to Shire employees and Council.

DEFINITIONS

Shire means the Shire of Derby/West Kimberley

Shire staff means employees, volunteers, trainees, work experience students and anyone else who undertakes work on behalf of the Shire, regardless of whether their work relates directly to children or young people.

Council means the Shire's governing body comprised of Council Members.

Volunteer means any person donating their time to Shire programs, activities and events.

Abuse: Abuse is an act, or a failure to act, towards or on behalf of a child that may result in harm. It can occur on one occasion or multiple occasions. Sometimes the impact of multiple events leads to harm that becomes cumulative in nature. Types of abuse include physical, emotional and sexual abuse, and neglect.

Child/Children: Means a person under 18 years of age, and in the absence of positive evidence as to age, means a person who appears to be under 18 years of age.

Child Safe Organisation: is defined in the Royal Commission Final Report as one that:

- creates an environment where children's safety and wellbeing are at the centre of thought, values, and actions
- places emphasis on genuine engagement with and valuing of children and young people
- creates conditions that reduce the likelihood of harm to children and young people
- creates conditions that increase the likelihood of identifying any harm, and
- responds to any concerns, disclosures, allegations, or suspicions of harm.

Child safe: For the purpose of this policy, child safe means protecting the rights of children and young people to be safe.

Harm: Harm, in relation to a child, means any detrimental effect of a significant nature on the child's wellbeing, whether caused by a single act, omission or circumstance; or a series or combination of acts, omissions or circumstances.

Wellbeing: Wellbeing of children and young people includes the care, development, education, health and safety of children and young people.

POLICY STATEMENT

Shire of Derby/West Kimberley is committed to supporting the safety and wellbeing of all children and young people, including protection from abuse. This Child Safe Awareness policy is one of the ways the Shire demonstrates its commitment to being child safe and its zero-tolerance approach to child abuse.

It has been developed in response to recommendation 6.12 of the Royal Commission into Institutional Responses to Child Sexual Abuse and recognises that the Shire is uniquely placed within the community to demonstrate leadership by supporting organisations to be child safe and to protect children and young people from harm and/or abuse.



Recommendation 6.12 also states that local governments should designate child safety officer positions from within existing staff profiles.

The Shire will promote the safety and wellbeing of children participating in Shire programs, activities and events. Consistent with the National Principles for Child Safe Organisations and Commonwealth Child Safe Framework, this policy also outlines the Shire's role in supporting local organisations to be child safe through access to resources, awareness raising and sharing relevant information.

POLICY DETAILS

This policy delivers on the following objectives:

- a) Communities are informed and involved in promoting the safety and wellbeing of children and young people including protection from harm. Although the Shire is not legally responsible for providing oversight of compliance with child safe practices, it will take steps to ensure that Shire staff and any persons who participate in Shire programs, activities and events operate in alignment with the Child Safe Awareness policy. The Shire will develop a process to deliver child safe messages at Shire programs, activities and events.
- b) Collaboration with the community and our partners promotes the safety, participation and empowerment of all children and young people. The Shire has a leadership role in our community to support relevant organisations to be child safe and promote child safe practices. It will connect and support local community groups, organisations, and stakeholders to access child safe resources.

COMPLIANCE REQUIREMENTS

The Shire does not have any mandatory obligations it needs to comply with by having this policy in place. However, the following pieces of legislation apply generally to the child safety environment -

- *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 2003*
- *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) Amendment Act 2022*



Policy Details			
Original Adoption date:		Review Frequency (Annual/Bi-annual):	2 Years
		Next Review Due:	July 2027
Policy Implementing Officer or Team:	Community Planning	Policy Reviewer:	Manager Community Development
Legislative Head of Power (Act, Regulation, or Local Law):	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 Parliamentary Commissioner Act 1971 Public Interest Disclosure Act 2003 Public Sector Management Act 1994 Work Health and Safety Act 2020 Working with Children (Criminal Record Checking) Amendment Act 2022		
Related Documents (other Policies, Operational Procedures, Delegations, etc.):	National Principles for Child Safety Organisations United Nations Convention on the Rights of the Child (CRC)		
Version Control Council Meeting Review Details:			
Review #:	Council Meeting Date:	Item/Resolution#:	



Shire of Derby / West Kimberley

(C10) CODE OF CONDUCT BEHAVIOUR COMPLAINTS MANAGEMENT POLICY

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1. POLICY OBJECTIVE

To establish, in accordance with Clause 15(2) of the *Local Government (Model Code of Conduct) Regulations 2021* and Shire of Derby/West Kimberley Code of Conduct for Council Members, the procedure for dealing with complaints about alleged breaches of the behaviour requirements included in Division 3 of the Shire of Derby/West Kimberley Code of Conduct for Council Members, Committee Members and Candidates.

To give effect to the Shire of Derby / West Kimberley's (the Shire) commitment to an effective, transparent, fair and accessible complaints handling process that supports high standards of behaviour of Council Members, Committee Members and Candidates.

2. POLICY SCOPE

This Policy applies to complaints made in accordance with Clause 40 of the Shire's Code of Conduct for Council Members, Committee Members and Candidates.

This Policy applies to Council Members, Committee Members, Candidates and any person who submits a complaint in accordance with this Policy.

3. POLICY DEFINITIONS

Act means the *Local Government Act 1995*.

Behaviour Complaints Committee means the Committee established by the Council in accordance with s.5.8 of the Act for the purpose of dealing with Complaints. The role of the Behaviour Complaints Committee is outlined in Part 5.3 of this Policy.

Behaviour Complaints Officer means a person authorised in writing by Council resolution under clause 11(3) of the Code of Conduct to receive complaints and withdrawals of complaints. The role of the Behaviour Complaints Officer is addressed in Part 5.1 of this Policy.

Breach means a breach of Division 3 of the Code of Conduct for Council Members, Committee Members and Candidates.

Candidate means a candidate for election as a Council Member.

Candidate Complaint means a Complaint alleging a Breach by a Candidate. Candidate Complaints are dealt with in Part 6.2 of this Policy.

Code of Conduct means the Shire's Code of Conduct for Council Members, Committee Members and Candidates.

Committee means a committee established by the council under *Local Government Act 1995*.

Committee Member means a Council Member, employee of the Shire or other person who has been appointed by the Council to be a member of a Committee, in accordance with s.5.10(1) of the Act. A person is a Committee Member from the date on which they are appointed, until their appointment expires or is terminated by Council resolution.

Complaint means a complaint submitted under Clause 40 of the Code of Conduct.

Complainant means a person who has submitted a Complaint in accordance with this Policy.



Complaint Assessor means a person appointed by the Behaviour Complaints Officer in accordance with Part 5.2 and Part 6.8 of this Policy.

Complaint Documents means the Complaint Form and any supporting information, evidence, or attachments provided by the Complainant.

Complaint Form means the form approved under clause 40(2)(a) of the Code of Conduct by Council resolution.

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

Council or Committee Meeting means a formal meeting of the Council or a Committee that is called and convened in accordance with the Act. It does not include informal meetings, such as workshops or briefings.

Council Member means a person who holds the office of Shire President or Councillor.

Finding means a finding made in accordance with clause 41(1) of the Code of Conduct as to whether the alleged Breach has or has not occurred.

Plan means a Plan that may be prepared and implemented under clause 41(4)(b) of the Code of Conduct, to address the behaviour of the person to whom the complaint relates (the Respondent), if a Finding has been made that a Breach has occurred.

Response Documents means the response provided by the Respondent to the Complaint, and includes any supporting information or evidence that is supplied.

4. PRINCIPLES

4.1 **Procedural Fairness**

The principles of procedural fairness, or natural justice, will apply when dealing with a Complaint under this Policy. In particular:

- the Respondent will be afforded a reasonable opportunity to be heard before any findings are made, or a plan implemented;
- the decision maker should be objective and impartial, with an absence of bias or the perception of bias; and
- any findings made will be based on proper and genuine consideration of the evidence.

4.2 **Consistency**

The application of this Policy should lead to consistency in process and outcomes. While each Complainant and Respondent will be dealt with according to their circumstances, and each Complaint considered and determined on its merits, similar circumstances will result in similar decisions.

4.3 **Confidentiality**

The Shire will take all reasonable steps to maintain confidentiality when dealing with the Complaint, in order to protect both the Complainant and Respondent.



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Council Members, Local Government employees and contractors who have a role in handling a specific complaint will be provided with sufficient information to fulfil their role. They must manage this information securely, and must not disclose or inappropriately use this information.

Complainants will be advised of the level of confidentiality they can expect, and that breaches of confidentiality on their part may prejudice the progress of their Complaint.

4.4 **Accessibility**

The Shire will ensure that information on how to make a complaint, including this Policy, is available at the Shire's Administration Building and on the Shire's website. The Shire will make information available in alternative formats if requested.

Any person wishing to make a complaint may contact the Behaviour Complaints Officer if they require assistance in completing the complaint form or otherwise navigating the complaints process.

Please contact the Shire's Complaints Officer via the following contact details

Phone: 08 9191 0999

Email: sdwk@sdwk.wa.gov.au

The complaint form can be located via the following link:

[Code of Conduct \(Council Members, Committee Members and Candidates\) » Shire of Derby / West Kimberley](#)

5. ROLES

5.1 **Behaviour Complaints Officer**

The Behaviour Complaints Officer is authorised in accordance with clause 40(3) of the Code of Conduct to accept complaints and withdrawal of complaints.

The Behaviour Complaints Officer is not an advocate for the complainant or the respondent. The Behaviour Complaints Officer provides procedural information and assistance to both Complainant and Respondent.

The Behaviour Complaints Officer will liaise with and provide administrative support to a Complaint Assessor appointed under this Policy.

5.2 **Complaints Assessor**

The Complaint Assessor is appointed by the Behaviour Complaints Officer in accordance with Part 6.8 of this Policy.

The Complaint Assessor is an impartial third party who will undertake the functions specified in this Policy. In undertaking their functions, the Complaint Assessor will apply the Principles of this Policy.

The Complaint Assessor will liaise with the Behaviour Complaints Officer to manage the administrative requirements of dealing with the Complaint in accordance with this Policy.



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5.3 **Behaviour Complaints Committee**

The Behaviour Complaints Committee is a Committee of Council established in accordance with s.5.8 of the Act for the purpose of dealing with Complaints.

The Behaviour Complaints Committee is a Committee of Council Members only. The membership and purpose of the Behaviour Complaints Committee is outlined in Council's Behaviour Complaints Committee Terms of Reference.

6. PROCEDURE

6.1 **Behaviour Complaints Officer**

Any person may make a Complaint alleging that a Council Member, Committee Member or Candidate has behaved in a way that constitutes a breach of Division 3 of the Code of Conduct [*clause 40(1) of the Code of Conduct*].

A Complaint must be made within one month after the alleged Breach [*clause 40(2)(c) of the Code of Conduct*].

A complaint must be made by completing the Behaviour Complaint Form in full and providing the completed forms to the Behaviour Complaints Officer.

A complaint must be made in accordance with the Behaviour Complaint Form and specify which requirement(s) of the Code of Conduct is alleged to have been breached.

A complaint is required to include the name and contact details of the Complainant therefore anonymous complaints cannot be accepted.

Where a complaint form omits required details, the Behaviour Complaints Officer will invite the Complainant to provide this information in order for the Complaint to be progressed.

Where a complaint is made more than one month after the alleged breach, the Behaviour Complaints Officer will give the Complainant written notice that the Complaint cannot be made [*clause 40(2)(c) of the Code of Conduct*].

6.2 **Candidate Complaints**

A Complaint in relation to a Candidate must be made in accordance with Part 6.1, above, but cannot be dealt with unless the Candidate is subsequently declared elected as a Council Member.

Within 7 days after receiving a Candidate Complaint, the Behaviour Complaints Officer will provide written notice:

- To the Complainant confirming receipt, and advising of the procedure for candidate complaints; and
- To the Respondent, including a summary of the complaint, and advising of the procedure for candidate complaints.

No action will be taken until the results of the election are declared by the Returning Officer. If the respondent is elected, then the complaint will be dealt with in accordance with this Policy.



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Timeframes that would otherwise commence on the receipt of a Complaint will be taken to commence on the election date.

If the Respondent is not elected, the Behaviour Complaints Officer will provide the Complainant with notice that the Respondent has not been elected and that the Complaint cannot be dealt with *[clause 44(1) of the Code of Conduct]*.

6.3 **Withdrawing a Complaint**

A Complainant may withdraw their Complaint at any time before a Finding has been made in relation to the Complaint *[clause 43(1) of the Code of Conduct]*.

A Complainant may withdraw a Complaint by advising the Behaviour Complaints Officer in writing that they wish to do so *[clause 43(2)(a) of the Code of Conduct]*.

After receiving a written withdrawal of the Complaint, the Behaviour Complaints Officer will take all necessary steps to terminate the process commenced under this Policy.

6.4 **Notice to Complainant**

Within 7 days after receiving a Complaint, the Behaviour Complaints Officer will provide written notice to the Complainant that:

- confirms receipt of the complaint;
- outlines the process that will be followed and possible outcomes;
- explains the application of confidentiality to the complaint;
- includes a copy of this Policy; and
- if necessary, seeks clarifications or additional information.

If the Complaint Form indicates that the Complainant agrees to participate in Alternative Dispute Resolution, the Behaviour Complaints Officer will advise the Complainant of the process in accordance with Part 6.6 of this Policy.

6.5 **Notice to Respondent**

Within 14 days after receiving a complaint, the Behaviour Complaints Officer will provide written notice to the Respondent that:

- advises that a complaint has been made in accordance with the Code of Conduct and this Policy;
- includes a copy of the Complaint Documents;
- outlines the process that will be followed, the opportunities that will be afforded to the Respondent to be heard and the possible outcomes;
- includes a copy of this Policy; and
- if applicable, advises that further information has been requested from the Complainant and will be provided in due course.

If the Complainant has agreed to participate in Alternative Dispute Resolution, the Behaviour Complaints Officer will ask the Respondent if they are also willing to participate in accordance with Part 6.6 of this Policy.



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6.6 Alternative Dispute Resolution

The Shire recognises that Alternative Dispute Resolution may support both parties reach a mutually satisfactory outcome that resolves the issues giving rise to the Complaint. Alternative Dispute Resolution requires the consent of both parties to the Complaint and may not be appropriate in all circumstances.

To commence the process, the Behaviour Complaints Officer will, as the first course of action upon receiving a complaint, offer the Complainant and the Respondent the option of Alternative Dispute Resolution. If both parties agree to participate in Alternative Dispute Resolution, the Behaviour Complaints Officer will pause the formal process.

The objective of Alternative Dispute Resolution will be to reach an agreed resolution that satisfies the Complainant that the formal process is no longer required, allowing them to withdraw the Complaint, in accordance with Part 6.3 of this Policy.

For example, an offer by a Respondent to issue a voluntary apology in response to a Complaint, even in the absence of a request from the Complainant, qualifies for consideration as Alternative Dispute Resolution. Other options may include the Behaviour Complaints Officer or other appropriate person acting as an intermediary during negotiation/mediation or the facilitation of mediation with a contracted service provider.

If Alternative Dispute Resolution is commenced, both the Complainant and Respondent may decline to proceed with the process at any time. The process may also be terminated on the advice of a third party who is providing assistance to the Local Government, such as a facilitator or mediator.

6.7 Order of Complaints

Complaints will normally be dealt with in the order in which they are received.

If more than one Complaint is received that relates to the same alleged behaviour, the Behaviour Complaints Officer may decide to progress those Complaints concurrently.

6.8 Appointment of Complaints Assessor

If Alternative Dispute Resolution is not commenced, is terminated or does not achieve an agreed outcome resulting in the withdrawal of the Complaint, the Behaviour Complaints Officer will appoint a suitably qualified and experienced Complaint Assessor. Should this requirement be sought external to an employee with suitable qualifications employed by the Shire, the appointment is to be executed in accordance with the Shire's F1 Procurement of Goods and Services policy.

The Behaviour Complaints Officer will endeavour to appoint a Complaint Assessor within a reasonable period. The Behaviour Complaints Officer will provide written notice of the appointment to the Complainant and the Respondent.

6.9 Search of Local Government Records

The Complaint Assessor may request the Behaviour Complaints Officer to search for any relevant records in the Shire's Record Management System.

In particular, if the behaviour is alleged to have occurred at a Council or Committee Meeting, the Behaviour Complaints Officer will be requested to identify any Local Government records that provide evidence that may support a decision as to whether:



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- the behaviour occurred at a Council or Committee Meeting,
- the behaviour was dealt with by the person presiding at the meeting, and/or
- the Respondent has taken remedial action in accordance with the Shire's Standing Orders Local Law 2001.

The Complaints Assessor must provide the Respondent with a copy of any records that are identified. In addition, where a clarification or additional information has been sought from the Complainant by either the Behaviour Complaints Officer or the Complaint Assessor, copies must also be provided to the Respondent.

6.10 Assessment of Complaint

The Complaint Assessor will undertake an assessment of the Complaint in accordance with the process outlined in the Notices given under Part 6.4 and Part 6.5 of this Policy.

The Complaint Assessor must ensure that the Respondent is provided with a reasonable opportunity to be heard before forming any opinions, or drafting the Complaint Report or recommendations.

6.11 Complaint Report

The Complaint Assessor will prepare a Complaint Report that will:

- outline the process followed, including how the Respondent was provided with an opportunity to be heard;
- include the Complaint Documents, the Response Documents and any relevant Local Government Records as attachments; and
- include recommendations on each decision that may be made by the Complaints Committee; and
- include reasons for each recommendation, with reference to Part 7 of this Policy.

If the Complaint Report recommends that a Plan is prepared and implemented in accordance with clause 41(4)(b) of the Code of Conduct and Part 7.4 of this Policy, the Complaint Report must include a Proposed Plan.

The Complaint Assessor will liaise with the Behaviour Complaints Officer to include the Complaint Report in the Agenda for a meeting of the Complaints Committee. The Behaviour Complaints Officer will be responsible for preparation of an Officer Report with the Complaint Report provided as a confidential attachment. The recommendations of the Complaint Report will be provided as the Officer Recommendations.

6.12 Complaints Committee Meeting

The Agenda will be prepared on the basis that the part of the meeting that deals with the Complaint Report will be held behind closed doors in accordance with s.5.23(2) of the Act.

The Behaviour Complaints Committee will consider the Complaint Report and attachments and give due regard to the recommendations.

In accordance with Regulation 11(d)(a) of the *Local Government (Administration) Regulations 1996*, reasons for any decision that is significantly different from the Officer Recommendation must be recorded in the meeting minutes.



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If the behaviour that is the subject of the Complaint is alleged to have occurred at a Council or Committee Meeting, the Behaviour Complaints Committee will determine whether or not to dismiss the Complaint in accordance with Clause 42(1) of the Code of Conduct and Part 7.2 of this Policy.

If the Behaviour Complaints Committee dismisses a Complaint, the Behaviour Complaints Officer must give the Complainant and the Respondent written notice of the decision and the reasons for the decision in accordance with clause 42(2) of the Code of Conduct. This concludes the process for this Complaint.

If the Complaint is not dismissed, the Behaviour Complaints Committee will consider the Complaint and make a Finding as to whether the alleged Breach that is the subject of the Complaint has or has not occurred, in accordance with clause 41 of the Code of Conduct and Part 7.3 of this Policy.

If the Behaviour Complaints Committee finds that the alleged Breach **did not** occur, the Behaviour Complaints Officer must give the Complainant and the Respondent written notice of the Finding and the reasons for the Finding in accordance with clause 42(7)(a) of the Code of Conduct. This concludes the process for this Complaint.

If the Behaviour Complaints Committee finds that the alleged breach **did** occur, the Committee will decide whether to take no further action in accordance with clause 42(4)(a) of the Code of Conduct **or** prepare a plan to address the behaviour in accordance with clause 42(4)(b) of the Code of Conduct and Part 7.4 of this Policy.

If the Behaviour Complaints Committee decides to take no further action, the Behaviour Complaints Officer must give the Complainant and the Respondent written notice of this decision and the reasons for the Finding in accordance with clause 42(7)(a) of the Code of Conduct. This concludes the process for this Complaint.

If the Behaviour Complaints Committee decides to prepare a Plan, the Committee will first consult with the Respondent in accordance with clause 42(5) of the Code of Conduct. The Behaviour Complaints Committee will consider any submissions made by the Respondent before preparing and implementing a Plan.

6.13 Compliance with Plan Requirement

The Behaviour Complaints Officer will monitor the actions in timeframes set out in a Plan.

Failure to comply with a requirement included in a Plan is a minor breach under section 5.105(1) of the Act and clause 54 of the Code of Conduct.

The Behaviour Complaints Officer must provide a report advising Council of any failure to comply with a requirement included in a Plan.

7. DECISION MAKING

7.1 Objective and Principles

All decisions made under this Policy will reflect the Policy Objectives and the Principles included in Part 4 of this Policy.



7.2 **Dismissal**

The Behaviour Complaints Committee must dismiss a Complaint in accordance with clause 42(1)(a) and (b) of the Code of Conduct if it is satisfied that -

- a) the behaviour to which the Complaint relates occurred at a Council or Committee Meeting; and b) either —
 - i. the behaviour was dealt with by the person presiding at the meeting; or
 - ii. the Respondent has taken remedial action in accordance with the Shire's Standing Order's Local Law 2001.

7.3 **Finding**

In deciding whether to take no further action, or prepare and implement a Plan, the Complaints Committee may consider:

- the nature and seriousness of the breach(es);
- the Respondent's submission in relation to the contravention;
- whether the Respondent has breached the Code of Conduct knowingly or carelessly;
- whether the Respondent has breached the Code of Conduct on previous occasions;
- likelihood or not of the Respondent committing further breaches of the Code of Conduct;
- personal circumstances at the time of conduct;
- need to protect the public through general deterrence and maintain public confidence in Local Government; and
- any other matters which may be regarded as contributing to or the conduct or mitigating its seriousness.

7.4 **Plan Requirements**

The Proposed Plan may include requirements for the Respondent to do one or more of the following:

- engage in mediation;
- undertake counselling;
- undertake training;
- take other action the Complaints Committee considers appropriate (e.g. an apology).

The Proposed Plan should be designed to provide the Respondent with the opportunity and support to demonstrate the professional and ethical behaviour expected of elected representatives expressed in the Code of Conduct.

The Proposed Plan may also outline:

- the actions to be taken to address the behaviour(s);
- who is responsible for the actions;
- any assistance the Local Government will provide to assist achieve the intent of the Plan; and
- a reasonable timeframe for the Plan action(s) to be addressed by the Respondent.

Policy Details			
Original Adoption Date:	28 July 2022 (Item 12.1, Res. 93/22)	Review Frequency (Annual/Bi-annual):	2 years
		Next Review Date:	July 2027
Policy Implementing Officer or Team:	Manager Corporate Services	Policy Reviewer:	Chief Executive Officer
Legislative Head of Power (Act, Regulation, or Local Law):	Local Government Act Local Government (Model Code of Conduct) Regulations 2021		
Related Documents (other Policies, Operational Procedures, Delegations, etc.):	Code of Conduct (Council Members, Committee Members and Candidates) C10 Code of Conduct – Complaint about Alleged Breach Form Minor Breach Complaints Register		
Version Control Council Meeting Review Details:			
Review #:	Council Meeting Date:	Item/Resolution#:	
1.	14 December 2023	The Director Strategic Business utilised delegation 1.1.34 Minor Amendments to Policies and Delegations to make a minor amendment to (1) paragraph 5.3 by deleting "Council Policy Behaviour Complaints Committee Terms of Reference" and replacing it with "Council's" Behaviour Complaints Committee Terms of Reference"; and (2) including the Policy Details Box the next review date; an updated reference in the Policy Implementing Officer or Team area; and adding "Minor Breach Complaints Register" in the related documents area. Synergy Record No. N20948	



(C12) **ELECTED COUNCIL MEMBER FEES AND PRESIDENT'S ALLOWANCES**

1. POLICY OBJECTIVE

To ensure that all Elected Members are suitably compensated and reimbursed for their contributions to the Shire of Derby/West Kimberley and its community.

2. POLICY STATEMENT

The *Local Government Act 1995* (the Act) outlines the provisions within which a local government must operate when setting elected member meeting/allowance and other fees. The Act provides that:

1. S5.98 (Fees etc. for council members) and S5.99 (Annual fee for ~~Council~~ Members in lieu of fees for attending meetings) provides for local governments to pay elected members either a meeting attendance fee (for attending each council or designated committee meeting) or alternatively, to pay an annual fee within the range for annual fees determined by that Salaries and Allowances Tribunal (SAT).
2. S5.98 (Fees etc. for council members) and S5.98A (Allowance for deputy mayor or deputy president) also provides the entitlement for the president of a local government to be paid an additional annual allowance, within the range determined by SAT) and for the deputy president to be entitled to be paid up to 25% of the president's additional entitlement.

The Council holds the view that in light of the consistent level of workload and expectation of individual elected members, that [a there should also be a consistent meeting attendance sitting fee will be paid in accordance with S5.98\(1\) of the Act. provided to all Elected Members.](#)

President: This policy provides [that the President will be paid the minimum allowance as established by the Salaries and Allowances Tribunal Annual Determination.](#)

[Council reserves](#) the [right to ability for Council](#) to consider a higher allowance for the President, but that consideration cannot be given until a period of at least three months has elapsed from the original election date of the President. Council can review that additional allowance at any time, but if it does not, the [minimum allowance](#) will continue until a new President is elected. [-The additional fee for the Deputy President has similarly considerations.](#)

In reviewing the President's allowance, Council will consider a range of factors including the following:

- The leadership role taken by the President, and its effectiveness;
- The contemporary challenges of the Shire and the President's Council endorsed role in addressing those challenges;
- The number of Shire and other Council endorsed meetings requiring the attendance by the President, and the outcome benefits of those attendances;
- The ceremonial and other civic duties required of the President, and the community's appreciation of those engagements; and
- The frequency that the Deputy President is required to deputise.



The below table reflects the policy position for sitting fees and other allowances:

Details	Council Member	President	Deputy President
Base Annual Meeting Fee Allowance (% of Salaries & Allowances Tribunal maximum)	*Minimum as prescribed by SAT	*Minimums prescribed by SAT	*Minimum as prescribed by SAT
Base President's Allowance (% of Salaries & Allowances Tribunal maximum)	Nil Applicable	Minimum as prescribed by SAT	25% of President's Allowance
President's Allowance maximum, as confirmed by Council decision (% of Salaries & Allowances Tribunal maximum)	Nil Applicable	Up to 100% of the maximum SAT range allowance (at Council's discretion after three months)	Up to 25% of Shire President's Additional Allowance
Travelling Allowance/Motor Vehicle for President	Regulated rate	Regulated rate (or a Motor Vehicle at Council's discretion after three months).	Regulated rate

(*)Level can be reviewed by Council as part of any future policy review, or the annual budget's adoption.

ICT and Communications Allowance: The Shire will provide a suitable laptop/tablet to each Elected Member, and digital connectivity to the Telstra network. In addition, a communications allowance of \$500.00 (to meet telephone and service provider costs) will be paid to the President and Councillors.

Elected Members and President's Travel Allowance/Motor Vehicle: All Elected Members are entitled to be reimbursed travel at the legislated rate, as is the President. For Council endorsed meetings attended by Elected Members, the Chief Executive Officer may choose (if a vehicle is available) to allocate an existing Shire vehicle for the Elected Member's use, in lieu of payment of a travel allowance.

Council may consider allocating a suitable motor vehicle to the President if the travel requirements at the legislated rate is ~~more costly~~costlier than the provision of a dedicated motor vehicle, or it otherwise considers that option to be warranted. In order to develop the necessary costing data and build up a knowledge of the expected ongoing commitments of the President, consideration of this option cannot be given until a period of at least three months has elapsed from the original election date of the President.



Policy Details			
Original Adoption Date:	25 May 2023 (Item 10.1, Res.48/23)	Review Frequency	3-2 years
		Next Review Due:	August 2028, July 2027
Policy Implementing Officer or Team:	Executive Services Coordinator Governance	Policy Reviewer:	Deputy Chief Executive Officer Director Corporate Services
Legislative Head of Power (Act, Regulation, or Local Law):	Local Government Act s5.98, s5.98A and S5.99		
Related Documents (other Policies, Operational Procedures, Delegations, etc.):	Elected Member Fees, Expenses and Allowances Register C2 Elected Member and Employee Training and Professional Development		
Version Control Council Meeting Review Details:			
Review #:	Council Meeting Date:	Item/Resolution#:	
1.	30 November 2023	Item 11.2 Res. 135/23	
2.	18 June 2025	Item 12.4 Res. CC042/24, Synergy # N23461	



(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 council members, employees, consultants, volunteers, contractors, and outsourced service providers of the Shire.

DEFINITIONS

Elected Council Members means current elected council 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, Reddit),
- 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 Councilelected 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 Council 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. The Shire. 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-Council Members* 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-Council 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 Media Team or CEO (as appropriate) immediately.

Providing timely information will assist in proactive communication with the media on an issue. Elected Council Members are permitted to provide comments to the media in a personal ~~capacity~~ refer 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



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- 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.
- Do not comment on any posts even if in defence of the Shire or even to provide information if not authorized to do so.
- 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 Council Members

A Council elected Member's right to express an opinion on any issue of public interest is recognised.

Elected—Council

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 Council 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.Council 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—Council MemberMember communications must comply with the *Code of Conduct (Council Members, Committee Members and Candidates, Council policy C8 Publish Statements by Council Members for 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—Council 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.



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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 Council 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.
- [Radio Broadcasting](#)

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](#) These records are also subject to the *Freedom of Information Act 1992*.



Policy Details			
Original Adoption Date:	29 February 2024. Item 12.3 Res. 09/24	Review Frequency:	2 years
		Next Review Due:	July 2027
Policy Implementing Officer or Team:	Media Team	Policy Reviewer:	Chief Executive Officer
Legislative Head of Power (Act, Regulation, or Local Law):	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		
Related Documents (other Policies, Operational Procedures, Delegations, etc.):	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:			
Review #:	Council Meeting Date:	Item/Resolution#:	



(C16) USE OF COMMON SEAL AND EXECUTION OF DOCUMENTS

1. POLICY OBJECTIVE

To ensure that the Shire of Derby/West Kimberley's (the Shire) Common Seal is used, and documents are executed in accordance with the provisions of the *Local Government Act 1995*.

2. POLICY DEFINITIONS

Common Seal: is a device which formally and solemnly records the collective will of Council.

Document: means the documents identified in Appendix 1. ~~For the purposes of this policy, document means any paper or electronic document, including communications such as letter and emails, which:~~

- a) ~~convey a decision, or~~
- b) ~~establish an obligation on the Shire, or~~
- c) ~~is ceremonial.~~

3. POLICY STATEMENT

~~Unless otherwise provided for, all documents requiring the affixing of the Common Seal must be referred to Council for approval.~~

~~In accordance with section 9.49A of the Act, a document is duly executed if the common seal is affixed to it, or it is signed by an officer authorised to do so. The President and the Chief Executive Officer (CEO) By may by general authority of Council under this Policy, the President and Chief Executive Officer may affix the Shire's Common Seal to the following documents referred to in without referral to Council (Appendix 1).~~

Executing documents by affixing the common seal or by an authorised person's signature does not constitute the decision to undertake a course of action. They can only be executed after a Council resolution, via the exercise of delegated authority, or as authorised by a Council policy.

- a) ~~Legal documents that are a renewal or extension of the original document and there is not a significant variation in clauses/conditions in the renewal;~~
- b) ~~Legal documents required as a condition of a subdivision or development approval previously granted by Council; and~~
- c) ~~Grant agreements/acquittals requiring the affixing of the Common Seal.~~

A list of the documents to which the Shire's Common Seal has been affixed by general authority of Council in accordance with this policy shall be reported monthly to Council for information purposes. The CEO is to:

- a) Have charge of the Common Seal and is responsible for the safe custody and proper use of it, and
- b) Maintain a register detailing for each occasion that the Common Seal is affixed:

- i. A record number which is also recorded on the document to which the Common Seal is affixed;
- ii. The date that the Common Seal was affixed;
- iii. The Council resolution or reference of this policy, which authorised the affixing of the Common Seal;
- iv. The parties to the document;
- iv. A description of the type of document to which the Common Seal was affixed;
- v. The expiry date of the document, if relevant, and
- vi. The location in the Shire's records where the executed document is evidenced.

c) The format of affixing of the Common Seal to a document is set out in the attached Appendix 2.



Policy Details			
Original Adoption Date:	29 August 2024 (Item 12.1, Res. No. 100/24)	Review Frequency:	2 years
		Next Review Due:	July 2027
Policy Implementing Officer or Team:	Executive Services	Policy Reviewer:	Chief Executive Officer
Legislative Head of Power (Act, Regulation, or Local Law):	s.9.49A, S.9.49B, s.9.49 Local Government Act 1995		
Related Documents (other Policies, Operational Procedures, Delegations, etc.):	Common Seal Register		
Version Control Council Meeting Review Details:			
Review #:	Council Meeting Date:	Item/Resolution#:	

APPENDIX 1

DOCUMENT TYPE	COMMON SEAL	EXECUTION BY SIGNATURE ONLY	
		Shire President	CEO or Delegated Officer
Common Seal only to be applied where specified in a document prepared by an external party.			
Local Laws – made and amended	✓	<input type="checkbox"/>	<input type="checkbox"/>
Planning Schemes – adopted and amended	✓	<input type="checkbox"/>	<input type="checkbox"/>
Land Transaction documents, including: <ul style="list-style-type: none"> • sale; • purchase; • vesting; • contributed assets; • notifications of factors affecting land under 70A of the <i>Land Transfer Act 1893</i> – lodge or withdraw; • easements – by land transfer <ul style="list-style-type: none"> ◦ rights of carriage way; ◦ rights of support to land burdened by buildings; ◦ rights to erect a party wall; ◦ rights to light and air (Property Law Act 1969); ◦ rights to take water from wells or bores; ◦ rights to install and operate drains and drainage works; ◦ rights to install, maintain and operate oil, gas or other pipelines; ◦ rights to install, maintain and operate electric power lines, telephone and other cables and supporting pylons; • restrictive Covenants – by land transfer; and • deeds – land transfer for public purposes 	✓	<input type="checkbox"/>	<input type="checkbox"/>
Land Transaction documents, including: <ul style="list-style-type: none"> • Caveats - registering or removing; • Leases; • Easements – by deed, deposited plan or other legal instrument: 	✓	<input type="checkbox"/>	<input type="checkbox"/>



Shire of Derby / West Kimberley

DOCUMENT TYPE

Common Seal only to be applied where specified in a document prepared by an external party.

- rights of carriage way;
- rights of support to land burdened by buildings;
- rights to erect a party wall;
- rights to light and air (*Property Law Act 1969*);
- rights to take water from wells or bores;
- rights to install and operate drains and drainage works;
- rights to install, maintain and operate oil, gas or other pipelines; and
- rights to install, maintain and operate electric power lines, telephone and other cables and supporting pylons;
- Restrictive Covenants – lodge, modify or withdraw (other than by land transfer);
- Deeds; and
- Legal agreements.

Mortgages, Loans and Debentures

Power of Attorney to act for the Shire

State or Commonwealth Government Funding Agreements

Grants and Funding Agreements with private agencies (incoming and outgoing)

Memorandum of Understanding

Contracts and legal instruments, including contract variations, related to:

Procurement Contracts

- Service Agreements (incoming or outgoing services)
- Heritage Agreements

COMMON SEAL	EXECUTION BY SIGNATURE ONLY	
	Shire President	CEO or Delegated Officer
✓		
✓		
		✓
		✓
	✓	✓
		✓
		✓
●		✓
		✓

- Maintenance of the public realm
- Development, subdivision and strata-title approvals for Shire Land
- Memorial
- Deed Poll Registration: A document lodged under the Registration of Deeds Act 1856,

DOCUMENT TYPE	COMMON SEAL	EXECUTION BY SIGNATURE ONLY	
		Shire President	CEO or Delegated Officer
Common Seal only to be applied where specified in a document prepared by an external party.			
<ul style="list-style-type: none"> notifying the change of name of a person. • <u>Memorial of Advertisement</u>: A document lodged at the Office of Titles by a Local Authority evidencing that the legal requirements necessary to sell land for the non-payment of rates, have been attended to. • <u>Prohibiting dealings in land</u>: A document lodged at the Office of Titles under one of a number of statutes, which when noted on a Certificate of Title acts as a caveat. 			
Documents that fulfil a statutory local government duty or power, for which there is no power of delegation or authorisation and is a matter which constitutes a potential risk to the Shire.	<input type="checkbox"/>	<input type="checkbox"/>	✓
Communications on behalf of the Shire, with Commonwealth or State Ministers	<p>Note: <i>Officers are authorised to sign routine Day to day operational communications where the recipient is of a similar organisational level as the Shire Officer.</i></p>	<input type="checkbox"/>	✓
Communications on behalf of the Shire, with CEOs of: <ul style="list-style-type: none"> • Commonwealth or State Government Departments • Industry representative bodies 		<input type="checkbox"/>	✓
Communications on behalf of the Shire, relevant to the day-to-day operations of the Shire and which are subject of a level of political sensitivity or potential risk to the Shire.	<input type="checkbox"/>	<input type="checkbox"/>	✓
Ceremonial Certificates: <ul style="list-style-type: none"> • Honorary Freeman • Honorary Citizenship 	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Deeds of Settlement – Employee matters	<input type="checkbox"/>	<input type="checkbox"/>	✓
Enterprise Bargaining Agreements	<input type="checkbox"/>	<input type="checkbox"/>	✓
Leases/Licences to External Parties (not registered on title)	<input type="checkbox"/>	<input type="checkbox"/>	✓
Register an Interest in any Native Title Claim affecting Shire Derby/West Kimberley, so as to become a Party to the Native Title Application	<input type="checkbox"/>	<input type="checkbox"/>	✓
Response to Department of Mines Industry and Regulation for proposed: <ul style="list-style-type: none"> • Exploration Licence pursuant to s110 of the Mining Act 1972 	<input type="checkbox"/>	<input type="checkbox"/>	✓



Shire of Derby / West Kimberley

DOCUMENT TYPE

Common Seal only to be applied where specified in a document prepared by an external party.

- Mining Licence pursuant to S41, S58, S70C and S91 and Reg 64 of the Mining Regulations 1981
- Response to Department of Planning, Lands and Heritage for proposed:
- Power to Lease pursuant to S46 of the Land Administration Act 1997 and
- Licence pursuant to S91 of the Land Administration Act 1997

COMMON SEAL	EXECUTION BY SIGNATURE ONLY	
	Shire President	CEO or Delegated Officer
		✓
		✓
		✓

Response to Department of Water and Environmental Regulation for proposed Clearing Permit Applications pursuant to S51E of the Environmental Protection Act 1986

Response to state government requests for local government feedback under the Liquor Control Act 1988 (e.g. S175 restricted area regulations)



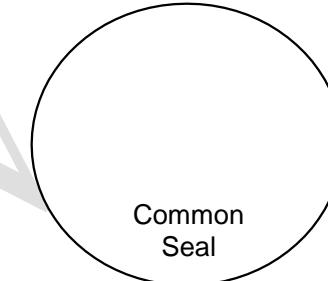
Shire of Derby / West Kimberley

APPENDIX 2

The COMMON SEAL of the Shire of Derby/West Kimberley
by the authority of a resolution of Council
as hereunto affixed in the presence of:)

(Insert Name of Shire President)
Shire President

(Insert name of CEO)
Chief Executive Officer



Common
Seal



Shire of Derby / West Kimberley

(C1) **ELECTED COUNCIL MEMBER AND CHIEF EXECUTIVE OFFICER ATTENDANCE AT EVENTS AND FUNCTIONS**

POLICY OBJECTIVE

Section 5.90A of the Local Government Act 1995 provides that a local government must prepare and adopt an Attendance at Events policy. This policy is made in accordance with those provisions.

The purpose of this policy is to meet the requirements of Section 5.90A of the Local Government Act 1995, by establishing guidelines for appropriate disclosure and management of acceptance of invitations to events or functions, or other hospitality occasions, where Elected Members and the Chief Executive Officer (CEO) are invited free of charge, whether as part of their official duties as Shire representatives or not.

POLICY STATEMENT

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

This policy provides direction to Elected Members and the CEO only when an invitation to an event or function, or other hospitality occasion, ticketed or otherwise, is offered free of charge. It does not provide guidance on the acceptance of any other tangible gift or travel contribution.

Any other tangible gift/contribution to travel is required to be disclosed in accordance with current Local Government Act 1995 requirements.

Attendance at events and functions (tickets and hospitality) from the following entities are specifically excluded from the application of this policy:

1. WALGA (but not LGIS);
2. Local Government Industry or affiliated organisations such as Kimberley Zone of WALGA, or Local Government Professionals Australia;
3. Australian Local Government Association;
4. A department of the public service;
5. A government department of another State, a Territory or the Commonwealth; and
6. A local government or regional local government.

Should the attendance at events and functions (tickets and hospitality) from any of the above entities fall within the confines of Sections 5.87A and 5.87B (Gifts) of the Local Government Act 1995, they are still treated as a "Gift" and required to be recorded in the "Gift Register".

PRE-APPROVED EVENTS

Attendance at an event in accordance with this policy relieves the gift holder from the requirements to disclose an interest if the donor has a matter before Council. Receipt of the gift is still however, required under the Gift Register provisions.



The Shire approves the attendance at the following events by **Elected Council** Members and the CEO:

1. Events where President or CEO representation has been formally requested;
2. Events that are Council approved events in accordance with agreed sponsorship pertaining to their application (e.g. Kimberley Art and Photographic Prize);
3. Meetings with the Shire of Derby/West Kimberley's clubs or organisations;
4. Ceremonies and functions hosted by the Shire of Derby/West Kimberley;
5. Sporting tournaments or events run by the Shire of Derby/West Kimberley;
6. Cultural Events and Festivals hosted by the Shire of Derby/West Kimberley;
7. Events run by schools within the Shire of Derby/West Kimberley;
8. The opening or launch of an event or facility within the Shire of Derby/West Kimberley;
9. Events with employees;
10. Events run by a Local, State or Federal Government; and
11. Not for Profit Association events.

Attendance by Elected Members, CEO and other staff members at events includes the following:

- A concert;
- A conference;
- A function;
- A sporting event;
- Agricultural shows;
- School award nights;
- Cultural events; and
- An occasion of a kind prescribed for the purposes of this definition.

APPROVAL PROCESS

Where an invitation is received to an event that is not pre-approved, it may be submitted for approval under the following guidelines:

The policy also sets out the guidelines relating to the provision of the following:

1. The provision of tickets to an event;
2. Payment in respect of attendance;
3. Approval of attendance by the Shire and criteria approval; and
4. Any prescribed matter.

Provision of Tickets to Events - All invitations or offers of tickets for an **Elected Council** Member or CEO to attend an event should be in writing addressed to the CEO, and must be approved by Council pursuant to this policy before being used. The tickets should be provided to the Shire of Derby/West Kimberley, not individual **Elected Council** Members or the CEO.

A ticket or invitation provided by a donor to an individual in their capacity as an **Elected Council** Member or CEO is to be treated as a gift to that person, unless the tickets or invitation is referred to the Shire to be considered in accordance with this policy.

Any invitation or offer of tickets not addressed to the CEO is not captured by this policy and is required to be disclosed in accordance with the gift and interest provisions in the *Local Government Act 1995*.

Approval of Attendance - In making a decision on attendance at an event, Council should consider:

1. Who is providing the invitation or ticket to the event;
2. The location of the event in relation to the Shire of Derby/West Kimberley;



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3. The role of the Elected Council Member or CEO when attending the event (participant, observer, presenter) and the value of their contribution;
4. Whether the event is sponsored by the local government;
5. The benefit of Shire of Derby/West Kimberley's representation at the event;
6. The number of invitations/tickets received;
7. The cost to attend the event, including the cost of the ticket/s (or estimated value of the event per invitation) and any other expenses such as travel and accommodation; and
8. That it is not to restrict the ability to participate in Council meetings or to be used as a mechanism to avoid conflict of interest provisions where significant matters are likely to come before Council from the provider of the invitation.

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

Pre-Approved Events - In order to meet the requirements of this policy, tickets and invitations to events must be received by the CEO.

~~The Shire approves the attendance at the following events by Elected Members and the CEO:~~

- ~~1. Events where President or CEO representation has been formally requested;~~
- ~~2. Events that are Council approved events in accordance with agreed sponsorship pertaining to their application (e.g. Kimberley Art Event);~~
- ~~3. Meetings with the Shire of Derby/West Kimberley's clubs or organisations;~~
- ~~4. Ceremonies and functions hosted by the Shire of Derby/West Kimberley;~~
- ~~5. Sporting tournaments or events run by the Shire of Derby/West Kimberley;~~
- ~~6. Cultural Events and Festivals hosted by the Shire of Derby/West Kimberley;~~
- ~~7. Events run by schools within the Shire of Derby/West Kimberley;~~
- ~~8. The opening or launch of an event or facility within the Shire of Derby/West Kimberley;~~
- ~~9. Events with employees;~~
- ~~10. Events run by a Local, State or Federal Government; and~~
- ~~11. Not for Profit Association events.~~

Payments in Respect of Attendance - Where an invitation or ticket to an event is provided free of charge, the Shire of Derby/West Kimberley may contribute to appropriate expenses for attendances, such as travel and accommodation for events outside of the Shire if Council determines attendance to be of public value.

For any events where a member of the public is required to pay, Council should determine whether it is in the best interests of the Shire for an Elected Council Member or the CEO or another officer to attend on behalf of Council.

If Council determines that an Elected Council Member or the CEO should attend a paid event, the Shire is required to pay the cost of attendance and reasonable expenses, such as travel and accommodation.

Where partners of an authorised representative attend an event, any tickets for that person, if paid for by the Shire, are to be reimbursed by the representative unless expressly authorised by Council.



Policy Details			
Original Adoption date:	29 October 2020 (Item 10.6, Res. 183/20)	Review Frequency (Annual/Bi-annual):	Tri-annual ^{2 years}
		Next Review Due:	June 2026July 2027
Policy Implementing Officer or Team:	Executive Services Coordinator Governance	Policy Reviewer:	Director Corporate Services
Legislative Head of Power (Act, Regulation, or Local Law):	Section 5.90A of the Local Government Act requires a local government to prepare and adopt an Attendance at Events Policy. Sections 5.87A and 5.87B of the Local Government Act requires Elected Members and Employees to disclose gifts that are received in their capacity as an Elected Member (or Employee). Local Government (Rules of Conduct) Regulations 2007.		
Related Documents (other Policies, Operational Procedures, Delegations, etc.):	Policy C2 Elected Member and Employee Training and Professional Development. Code of Conduct (Council Members, Committee Members and Candidates) Directive D-CP2 Code of Conduct (Employees)		
Version Control Council Meeting Review Details:			
Review #:	Council Meeting Date:	Item/Resolution#:	
1.	24 June 2021	Item 11.2 Res. 57/21	
2.	29 June 2023	Item 12.3 Res. 70/23	



(C2) COUNCIL MEMBER TRAINING AND PROFESSIONAL DEVELOPMENT

POLICY OBJECTIVE

This policy describes the Shire of Derby/West Kimberley's approach to enabling Council Members to meet their Local Government Act obligations in relation to Council Member training, and gives effect to the legislative requirement to adopt a continuing professional development policy.

This policy ~~also provides guidance on training and professional development that is not of a statutory nature, by supporting~~ the attendance by Council Members at conferences, seminars and relevant training courses that contribute to their ongoing professional, skills, and knowledge development (and to detail the relevant expenses to be paid by the Shire associated with such attendance).

POLICY STATEMENT

Where the benefits to the Council, or the organisation, can be clearly identified, Council encourages and will fund the attendance of Council Members at training events. Training can take several forms, including formal qualifications; and on and off-site short courses, events, seminars, and conferences.

Training is required to relate to the professional development of Shire of Derby/West Kimberley ~~Council Members representatives~~. Training related to for example, local government leadership, town planning, strategic planning, financial management, corporate governance, risk management, conflict resolution, emergency management, and public sector management, are all considered to be relevant.

Training should be conducted through a Registered Training Organisation. Examples of organisations that provide training relating to the professional development of Council Members, includes, but is not restricted to:

1. Western Australian Local Government Association (WALGA);
2. Australian Local Government Association (ALGA);
3. Local Government Managers Australia (WA and national);
4. Australian Institute of Management;
5. Australian Institute of Company Directors; ~~and~~
6. Institute of Public Administration Australia; ~~and~~
7. ~~Governance Institute of Australia.~~

~~Legislated Training for Council Members~~

~~Section 5.126 of the Local Government Act 1995 (the Act) – (Training for Council Members), requires that each Council Member must complete training in accordance with Regulation 35 of the Local Government (Administration) Regulations 1996 (the Regulations). Council Members are to successfully complete the course 'Council Member Essentials (consisting of five modules), within 12 months of being elected. This mandatory training is valid for five years.~~

~~Non-compliance with the requirements to complete the mandatory training is an offence under s5.126(d) of the Act.~~

~~Under Regulation 36 of the Regulations an Council Member is exempt from the requirements outlined in s5.126(1) of the Act if they have passed either of the following courses within five years ending immediately before the day on which they commenced their current term of office:~~

- ~~Council Member Essentials~~
- ~~52756WA Diploma of Local Government (Council Member) or~~



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- ~~The Council Member passed the course titled LGASS002 Council Member Skill Set before 1 July 2019 and within a period of five years ending immediately before the day on which the Council Member commences their term of office.~~

~~Training completed by Council Members each financial year is required to be published on the Shire's website by the 31 July each year in accordance with s5.127 of the Act.~~

Following each ordinary election, Council Members will be provided with information on training options from approved training providers. Council Members will be able to select a training option to meet their learning style and availability.

Unless otherwise resolved by Council, training that a Council Member is required to complete under s5.126 of the Act will be paid for separately by the Shire and will not be subtracted from any budget allocation provided for additional (non-legislated) training for Council Members.

Formats of Professional Development

Continuing professional development formats include, but are not limited to:

- Training courses
- Short courses
- Workshops
- Seminars
- Conferences
- Formal qualifications
- Membership of recognised professional development organisation, where membership includes access to continuing professional development

Additional (Non-Legislated) Training and Professional Development for Council Members

Subject to sufficient funds being available in the Shire's Budget for this purpose, Council Members are encouraged to attend:

1. Western Australian Local Government Association's (WALGA) Annual Local Government Week Convention;
2. WALGA's Kimberley Zone Meetings;
3. Up to two separate conferences/seminars/training events of significant importance to the Shire each financial year;
4. Other relevant conferences or seminars in addition to the above, but only following a request being submitted by the Council Member to the Chief Executive Officer, for presentation to Council for its consideration of approval; and
5. ALGA's Annual National Assembly of Local Government (President and Deputy President only).

On return from any conference attended (excluding the Annual Local Government Week Conference and WA Local Government Association Kimberley Country Zone Meetings), Council Members shall provide a written report to Council on the benefits of attendance to both themselves and the Council.

Council Member Authorisation to attend Conferences/Seminars/Training Events

To expedite consideration of attendance, training requests are to be submitted in the first instance, to the CEO. The CEO is authorised to approve, if considered to meet this policy, Council Member applications to attend conferences/seminars/training events.



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Where a Council Member is seeking to attend more than two training events in a financial year, or an event outside of Australia, the request is required to be the subject of a separate report to Council for its consideration.

Where a Council Member's request for training is declined by the CEO under this policy, the Council Member can request that the matter be referred to Council for determination.

Where the CEO considers special circumstances apply in relation to a Council Member's training application, the CEO may refer the application to Council for its consideration.

Council Member Travel Arrangements and Acceptable Costs of Attendance

~~The cost of travel and accommodation, including meals and any other business related costs (e.g. telephone calls) for Council Member delegates shall be met by the Shire.~~

~~To best control expenditure, expenses are to be prepaid through the Shire's Purchase Order system or approved Corporate Purchasing/Credit Card, where practical.~~

~~The only Council Member partner costs that will be met by the Shire will be for the relevant event's official function (e.g. Local Government Week Dinner).~~

Kilometre Allowance

~~Where travel by road is appropriate, Council Members should, where it is practical to do so, utilise one of the Shire's fleet vehicles. Should a vehicle not be available, the use of a private vehicle to attend meetings or conferences in Broome and Fitzroy Crossing (and other areas when authorised by the CEO/Council) is permissible.~~

~~Expense claims for the kilometres travelled are to be submitted to the CEO on the Council Member Travel Claim Form and payment will be made on the rates per kilometer in accordance with s30.6 of the *Local Government Officers' (Western Australia) Award 2021*, issued by the Western Australian Industrial Relations Commission as at the date of the current determination of the Western Australian Salaries and Allowances Tribunal—Local Government Chief Executive Officers and Council Members.~~

~~A contribution to fuel costs where a Council Member travels with a third party will be considered on submission of a Council Member Travel Claim Form with supporting receipts (noting that where travel is with a third party, a per kilometre claim for travel is not permitted).~~

Intrastate and Interstate Travel

~~Intrastate and interstate travel and accommodation costs incurred will be reimbursed at cost, or at the same rates as the *Schedule 1 of the Public Service Award 1992* as at the date of the current determination of the Western Australian Salaries and Allowances Tribunal—Local Government Chief Executive Officers and Council Members.~~

~~Expenses will generally be reimbursed from the time a Council Member leaves home to attend an event to the time the Council Member returns home. If a reimbursement claim for 'part of day' is made, calculation will be used as per s.54(4) of the *Public Service Award 1992*, relevant to the departure and arrival times.~~

~~Should a Council Member extend a visit by leaving prior to the time necessary to arrive for the event or return after the time at which the Council Member could have returned following the event, reimbursement will be paid:~~

- ~~• For the days of the Conference and Training event only; and~~
- ~~• For the costs of travel to and from the airport to the accommodation to be used for the Conference and Training.~~



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~~If an Council Member chooses to stay with family or friends instead of Shire funded accommodation, reimbursement will be made in accordance with the rates of "Accommodation Involving an Overnight Stay at Other Than a Hotel or Motel" as set in Schedule 1 of the Public Service Award 1992.~~

Reasonable Expenses

~~Nothing prevents an Council Member from being reimbursed for any reasonable expenses incurred whilst attending conferences or training.~~

~~Reimbursement of reasonable expenses will be considered on the submission of a completed Council Member Travel Claim Form and relevant receipt/s.~~

~~Reasonable expenses may include but are not limited to:~~

- ~~Meals and drinks for the Council Member only.~~
- ~~Transport travel - taxi, Uber or public transport.~~
- ~~Entry fees.~~

Reimbursement of Meals

~~When meals are provided and have been paid for as part of the attendance registration fee or accommodation costs, then claims for meals at alternative venues are not permitted.~~

~~Where meals are not provided by the Shire, the actual cost of meals will be reimbursed to Council Members upon receipt of a completed Council Member Travel Claim Form and relevant receipt/s.~~

Council Member Travel Arrangements and Acceptable Costs of Attendance

The Shire will be responsible for the costs associated with training or professional development approved in accordance with this policy, as detailed in this section.

Event Registration and Bookings

Travel, registration fees and accommodation are to be arranged directly by the Shire administration.

Council Members are not to pay such costs and seek reimbursement, except in the case of an emergency or unique circumstances and subject to the Chief Executive Officer's prior approval.

Travel

Where travel is involved, the actual costs of travel to and from the event venue are to be met by the Shire in accordance with the current WA Salaries and Allowances Tribunal Determination for Local Government CEOs and Elected Members (the Determination).

Travel arrangements are to be by the most cost effective and reasonably convenient mode.

Air travel is to be by Economy Class at a time that is convenient to the Council Member. As far as is practicable, tickets will be purchased well in advance and take advantage of available discount fares.

A Council Member may seek approval to travel within Western Australia by private motor vehicle and be reimbursed for vehicle costs in accordance with the Determination. Approval may only be granted where the cost is approximately equivalent to the most cost-effective mode of travel.

A Council Member may choose to upgrade the mode of travel, however additional costs incurred are to be paid to the Shire by the Council Member before the Shire confirms the booking/s.



Registration

Registration fees may include, where applicable, event registration, conference program dinners, technical tours and accompanying workshops identified within the event program.

Accommodation

Reasonable accommodation will be booked for the Council Member for a room at or in close proximity to the event venue and within the expenditure limitations prescribed in the Determination.

If it is not reasonable to expect travel to occur on the day of the event, the booking may allow for arrival the day prior to commencement, and departure the day following the close of the event.

A Council Member may choose to upgrade their accommodation standard or extend their visit for personal reasons, however additional costs are to be paid to the Shire by the Council Member (including any additional associated or travel costs) prior to the Shire confirming the booking.

Loyalty Program and Reward Points

Council Members are not to obtain personal benefit from expenditure of Shire funds and must not claim personal frequent flyer or accommodation loyalty points for air travel or accommodation paid for by the Shire.

Meals and Incidental Expenses

Funding for meals and incidental expenses is to be provided in accordance with the Determination.

Meal expenses are to be interpreted as reasonable expenses incurred for the purchase of breakfast, lunch and dinner where these meals are not provided at the event or in travel. When meals are included and have been paid for as part of the registration fee or accommodation costs, claims for alternative meals at venues other than the event will not be paid by the Shire.

Incidental taxi, economy ride share or public transport modes of transport (i.e. to / from airport, event venue) may be claimed for reimbursement on submission of receipts.

In lieu of reimbursement, Council Members may request a cash advance prior to departure. This is conditional upon the Council Member providing a written acquittal and supporting receipts to the CEO within 7 days of return from travel. If a Council Member fails to provide a reasonable and satisfactory acquittal inclusive of unspent funds, the value of the un-acquitted funds will be incurred as a debt invoiced to the Council Member.

Travel Insurance – Intrastate, Interstate and International

Subject to policy wording and conditions, Council Members are covered by the Shire's corporate travel protection for the duration of their travel relevant to attendance at the approved event, including any incidental private travel taken either side or during the event.

Council Members should review the conditions of the Shire's corporate travel protection policy and member certificate to determine whether it is adequate for their personal needs and circumstances, and so that the Shire and/or the Council Member can make any necessary alternative arrangements.

Accompanying persons/entertainment costs

Council Members are responsible and will be required to pay all costs associated with an accompanying person attending an event (including conference dinners and functions).

The Shire may coordinate accompanying person bookings and registrations for travel, accommodation and the event / function, with costs incurred to be paid to the Shire by the Council Member prior to the Shire confirming the booking/s.



Booking Change / Modification Costs

Costs incurred for changing or modifying a booking for travel or accommodation, where the change or modification is:

- At the request of the Council Member, are to be paid by the Council Member; or
- A requirement or for the convenience of the Shire are to be paid by the Shire.

Cancellations

Costs incurred for cancellation of registration, travel or accommodation, where the cancellation is:

- At the request of the Council Member, are to be attributed to the Council Member's individual allocation; or
- A requirement or for the convenience of the Shire are to be paid by the Shire.

Policy Details			
Original Adoption date:	29 October 2020 (Item 10.7, Res. 184/20)	Review Frequency (Annual/Bi-annual):	2 years
		Next Review Due:	July 2027
Policy Implementing Officer or Team:	Executive Services	Policy Reviewer:	Chief Executive Officer
Legislative Head of Power (Act, Regulation, or Local Law):	Local Government Act 1995 Part 2, Div. 2 Local governments and councils of local governments Local Government Act 1995 Part 5, Div. 10 Training and Development Local Government (Administration) Regulations 1966 r.31 Expenses to be reimbursed, r.32 Expenses that may be approved for reimbursement, & r.37 Fees and Expenses Salaries and Allowances Tribunal determination for Local Government Chief Executive Officers and Council Members Local Government Officers' (Western Australia) Award 2011 Public Service Award 1992		
Related Documents (other Policies, Operational Procedures, Delegations, etc.):	C1 Council Member and Chief Executive Officer Attendance at Events and Functions. Council Member Training and Development Register Code of conduct (Council Members, Committee Members and Candidates) C2 Council Member Travel Claim Form		
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.	15 December 2023	Item 12.1 Res. 146/23	



(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 Council Members and employees when finishing with the Council/Shire.

The legislative requirement for Council Members 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.



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~~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			
Original Adoption date:	28 February 2019 (Item 9.2.1, Res. 006/2019)	Review Frequency:	2 years
		Next Review Due:	July 2027
Policy Implementing Officer or Team:	Executive Services Coordinator (for Councillors) People & Culture (for staff)	Policy Reviewer:	Chief Executive Officer
Legislative Head of Power (Act, Regulation, or Local Law):	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		
Related Documents (other Policies, Operational Procedures, Delegations, etc.):	Nil applicable.		
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.	29 February 2024	Item 12.3 Res. 09/24	



(C9) TEMPORARY EMPLOYMENT OR APPOINTMENT OF (ACTING) CHIEF EXECUTIVE OFFICER

Policy Objective

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

Policy Scope

This policy applies to the statutory position of Chief Executive Officer (CEO) of the Shire of Derby / West Kimberley.

Policy Statement

1. Definitions

(1) **Acting CEO** means a person employed or appointed to fulfil the statutory position of CEO during a period where the substantive CEO remains employed but is on planned or unplanned leave.

(2) **Temporary CEO** means a person employed or appointed to fulfil the statutory position of CEO for the period of time between the end of the substantive CEO's employment and the appointment and commencement of a newly appointed substantive CEO.

2. Acting and Temporary CEO Requirements and Qualification

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

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

3. Appoint Acting CEO – Planned and unplanned leave for periods up to 6 weeks

(1) The CEO is authorised to appoint the Director Corporate Services, Director Infrastructure or Director Community Planning in writing as Acting CEO, where the CEO is on planned or unplanned leave for periods not exceeding 6 weeks, subject to the CEO's consideration of the appointees performance, availability, operational requirements and, where appropriate, the equitable access to the professional development opportunity.

(2) The CEO must appoint an Acting CEO for any leave periods greater than 48 hours and less than 6 weeks.



(3) The CEO is to immediately advise all Council Members when and for what period of time the Acting CEO is to be appointed.

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

- President will appoint.

(5) Council may, by resolution, extend an Acting CEO period under subclause (4) beyond 6 weeks if the substantive CEO remains unavailable or unable to perform their functions and duties.

4. Appoint Acting CEO for extended leave periods greater than 6 weeks but less than 12 months.

(1) This clause applies to the following periods of extended leave:

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

(2) The Council will, by resolution, appoint an Acting CEO for periods greater than 6 weeks but less than 12 months, as follows:

- a. Appoint one employee, or multiple employees for separate defined periods, as Acting CEO to ensure the CEO position is filled continuously for the period of extended leave; or
- b. Conduct an external recruitment process in accordance with the principles of merit and equity prescribed in section 5.40 of the Act.

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

(4) Subject to Council's resolution, the President will execute in writing the Acting CEO appointment with administrative assistance.

5. Appoint Temporary CEO – Substantive Vacancy

(1) In the event that the substantive CEO's employment with the Shire is ending, the Council when determining to appoint a Temporary CEO may either:

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

(2) The President will liaise with the administration to coordinate Council reports and resolutions necessary to facilitate a Temporary CEO appointment.

(3) The President is authorised to execute in writing the appointment of a Temporary CEO in accordance with Councils resolution/s, with administrative assistance.

Remuneration and Conditions of Acting or Temporary CEO



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(1) Unless Council otherwise resolves, an employee appointed as Acting CEO shall be remunerated at [< >%] of the cash component only of the substantive CEO's total reward package.

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

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

POLICY OBJECTIVE

To:

1. Outline an appropriate process for the appointment of an Acting Chief Executive Officer (Acting CEO) during leave absences of the Chief Executive Officer (CEO); and to
2. Ensure compliance with s.5.36 of the *Local Government Act 1995* (the Act), which requires every local government to adopt (by absolute majority decision) a policy that sets out the process to be followed by the local government in relation to the employment of a person (being an existing employee or otherwise) in the position of CEO for a term not exceeding one year.

POLICY SCOPE

This policy applies to all appointments to the position of Acting CEO for a term not exceeding one year.

POLICY DEFINITIONS

CEO means the Chief Executive Officer of the Shire of Derby/West Kimberley.

Leave means annual, long service or personal leave.

Publicly invited means an open invitation to submit proposals, the format and extent of which is to be decided by Council if time permits, or alternatively the CEO.

POLICY STATEMENT

1. The process to be followed by the local government in relation to the employment of a person to the position of Acting CEO for a term not exceeding one year, other than to an existing employee as outlined in (2) above, is:
 - (a) That invitations are to be sought from at least two suitably qualified persons where the appointment is for a period of four weeks or less, with the appointment being at the discretion of the CEO;
 - (b) That invitations are to be sought from at least four suitably qualified persons for consideration, where the appointment is for a period of four to 26 weeks, with the appointment being made by Council;
 - (c) That where time reasonably permits, invitations are to be publicly invited for appointments believed to be for a period greater than 26 weeks;
 - (d) The relevant provisions of the Act sections 5.36 (Local government employees); 5.39 (Contracts for CEO and senior employees) and 5.40 (Principles affecting employment by local governments) must be maintained in compliance; and
 - (e) All relevant human resource standards, protocols and procedures for the selection and appointment of Shire employees must be followed.



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2. In accordance with the requirements of s5.36(2)(a) of the Act, the Council has determined that the persons holding either of the following position titles within the organisation are suitably qualified and experienced to be considered for the position of Acting CEO:
 - (a) Deputy Chief Executive Officer (Deputy CEO)
 - (b) Director of Infrastructure
 - (c) Director Strategic Business
 - (d) Director Sustainable Communities
3. For periods of up to four weeks, the CEO is to appoint the Acting CEO (with any decision regarding the appointment of an Acting CEO for any period exceeding four weeks to be made by Council). There is no minimum period that the CEO needs to be on leave or away from the district for, to appoint an Acting CEO, that will be at the CEO's discretion and depend on operational needs.
4. The methodology for the CEO to appoint an Acting CEO from the listed positions in (2) for a period of absence of up to four weeks; is that the Deputy CEO or Directors will be appointed to the role at the discretion of the CEO, taking into consideration for example, current and anticipated operational requirements, past performance, and the employee's availability.
5. All Acting CEO appointments are to be confirmed in writing and to be for a defined period. Appointments may be extended if circumstances change (subject to any decision regarding the appointment of an Acting CEO for any period exceeding four weeks being confirmed by the Council).
6. The CEO is to advise the Shire President and Councillors of any appointments made under this policy arrangement.
7. Should the CEO become incapacitated and unable to appoint an officer to the role of Acting CEO, the Deputy CEO (or if the Deputy CEO is unavailable, the Director with the most years of service at the Shire until the Deputy CEO is available) is to take on the role as Acting CEO.
8. Should the Acting CEO not be available or themselves become incapacitated, the Deputy CEO (in the first instance) or the Director with the next highest service at the Shire (in the second instance) is appointed as Acting CEO.



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Policy Details			
Original Adoption date:	29 April 2021 (Item 11.7, Res. 39/21)	Review Frequency:	3.2 years
		Next Review Due:	August-July 2027
Policy Implementing Officer or Team:	Chief Executive Officer	Policy Reviewer:	Chief Executive Officer
Legislative Head of Power (Act, Regulation, or Local Law):	Local Government Act 1995 S 5.39C requires that local governments prepare and adopt a policy for temporary employment or appointment of an acting CEO.		
Related Documents (other Policies, Operational Procedures, Delegations, etc.):	Nil (Note: The Procedure for CEO recruitment and selection do not apply to the employment or appointment of an acting or temporary CEO for less than one year).		
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 August 2024	Item 12.1, Res. 100/24	



(ES1) **LEGAL REPRESENTATION COSTS INDEMNIFICATION**

POLICY OBJECTIVE

To protect the interests of Council Members and employees (including past members and former employees) where they become involved in civil legal proceedings because of their official functions.

In most situations the Shire of Derby/West Kimberley (the Shire) shall assist the individual in meeting reasonable expenses and any liabilities incurred in relation to those proceedings.

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

POLICY STATEMENT

1. General Principles

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

2. Applications for Financial Assistance

- (a) Subject to item (e), decisions as to financial assistance under this policy are to be made by the Council.
- (b) A member or employee requesting financial support for legal services under this policy is to make an application in writing, where possible in advance, to the Council, providing full details of the circumstances of the matter and the legal services required.
- (c) An application to the Council is to be accompanied by an assessment of the request and with a recommendation which has been prepared by, or on behalf of, the Chief Executive Officer (CEO).



- (d) A member or employee requesting financial support for legal services, or any other person who might have a financial interest in the matter, should take care to ensure compliance with the financial interest provisions of the *Local Government Act 1995*.
- (e) Where there is a need for the provision of urgent legal service before an application can be considered by Council, the CEO may give an authorisation to the value of \$5,000 provided that the power to make such an authorisation has been delegated to the CEO*.
- (f) Where it is the CEO who is seeking urgent financial support for legal services the Council shall deal with the application.

3. Repayment of Assistance

- (a) Any amount recovered by a member or employee in proceedings, whether for costs or damages, will be offset against any moneys paid or payable by the local government.
- (b) Assistance will be withdrawn where the Council determines, upon legal advice, that a person has acted unreasonably, illegally, dishonestly, against the interests of the local government or otherwise in bad faith, or where information from the person is shown to have been false or misleading.
- (c) Where assistance is so withdrawn, the person who obtained financial support is to repay any moneys already provided. The local government may act to recover any such moneys in a court of competent jurisdiction.

**That the Chief Executive Officer be delegated the authority to approve the provision of urgent legal service as provided by Council policy in accordance with Section 5.42 of the Local Government Act 1995.*

Policy Details			
Original Adoption date:	30 November 2000	Review Frequency:	2 years
		Next Review Due:	July 2027
Policy Implementing Officer or Team:	Chief Executive Officer	Policy Reviewer:	Chief Executive Officer
Legislative Head of Power (Act, Regulation, or Local Law):	Local Government Act 1995 S.3.1(1)		
Related Documents (other Policies, Operational Procedures, Delegations, etc.):			
Version Control Council Meeting Review Details:			
Review #:	Council Meeting Date:	Item/Resolution#:	
1.	28 March 2019	Item 10.1, Res. 12/19	
2.	24 June 2021	Item 11.2, Res. 57/21	
3.	24 February 2022	Item 11.5, Res. 07/22	
4.	29 August 2024	Item 12.1, Res. 100/24	



(ES2) ESTABLISHMENT OF COMMERCIAL LEASES

POLICY OBJECTIVE

To ensure that all commercial businesses occupying shire facilities are operating under a formal agreement with the Shire of Derby/West Kimberley (the Shire). To outline the process to be used when establishing Leases for commercial business and to ensure a standard, equitable and consistent approach is adopted that is appropriate to this region.

POLICY STATEMENT

1. Commercial Business

A commercial business is a business that engages in trade or the provision of services with the primary goal of generating profit and meets at least some of the following criteria:

- a) Registered as a Corporate Body.
- b) Is a registered business.
- c) Is registered under other legislation for the purpose of carrying on the operation of a business.
- d) Generates income to pay for operational expenses.
- e) Has stock in trade.
- f) Business turnover is in excess of \$50,000 annually.
- g) Business is open for operating in excess of 20 hours per week on a yearly basis.
- h) Employs staff to assist in the operation of the business.

2. Commercial Leases

Commercial Business Lease Agreements ~~s are to should~~ be prepared in the manner outlined below: ~~for all new LIf this arrangement is beneficial to an existing lessee, a new Lease may be established.~~

- Applies to any commercial business which has exclusive ~~se~~ occupancy rights over Shire property.
- The Lessee is required to pay all legal, valuation and surveying costs in relation to signing of a lease agreement, subject to the limitation of any existing laws in place (e.g. retail premises leases can only be charged a maximum of 50% of legal expenses).
- The Lessee will be charged and invoiced an annual lease fee based on a Market or Land Rental Valuation unless otherwise directed by Council. This will be charged as per the frequency determined in the lease, for example, monthly, quarterly.
- Rent to be reviewed annually at the anniversary date of the commencement of the term of the lease and increased by the Consumer Price Index (all groups) for Western Australia's Capital City of Perth. Periodic market reviews will apply for leases over five years.
- Lessee will be responsible for all outgoings, including Shire rates and rubbish charges, water, drainage, sewerage, electricity, etc. The Lessee is responsible for maintenance and cleaning of the premises. The Lessee is required to insure all building structures, fixtures, fittings and contents belonging to the Lessee on the land. GST will apply to all leases.
- The Lease contains a redevelopment clause which allows the Lessor to terminate the Lease by giving not less than six months' notice to the Lessee if the Lessor wishes to redevelop the premises.
- The Lessee may not assign or sublet the premises without the Lessor's consent.



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- All commercial businesses operating under a Lease will need to provide evidence of current public liability insurance to the value of \$20,000,000.
- The term of the Lease shall be five (5) years with a five (5) year option unless otherwise determined by Council.
- The Lessee must abide by conditions set out in the lease agreement together with all other legislation, local laws and other regulations relative to the type of the activity of the lessee.
- Provision of special conditions to apply to individual Leases is to be inserted in the applicable item of the Schedule.
- At expiration term of lease there is to be the application of a month by month holding over clause, with this clause exercisable at the discretion of Council.

Policy Details			
Original Adoption date:	26 September 2002 (Item 10.5.5 Res. 225)	Review Frequency:	2 years
		Next Review Due:	July 2027
Policy Implementing Officer or Team:	Manager ICT and Customer Services	Policy Reviewer:	Director Corporate Services
Legislative Head of Power (Act, Regulation, or Local Law):	Not applicable		
Related Documents (other Policies, Operational Procedures, Delegations, etc.):	Not applicable		
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 August 2024	Item 12.1, Res. 100/24	



Shire of Derby / West Kimberley

(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

Council 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
Australian Standard	AS8001-2021 – Fraud and Corruption Control.
Bribe	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.
CCC	Corruption and Crime Commission.
CEO	Chief Executive Officer.
Code of Conduct	Principles, values, standards, and rules of behaviour that guide the decisions, procedures and systems of the Shire of Derby/West Kimberley.
Corruption	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.
Employee	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 and volunteers.
Fraud	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.



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Term	Definition
	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).
Minor Misconduct	Minor misconduct occurs if a public officer engages in conduct that: <ul style="list-style-type: none"> 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 b. involves the performance of functions in a manner that is not honest or impartial; or c. involves a breach of the trust placed in the public officer; or 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; and 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>).
Misconduct	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).
PID Act	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.
PID Officer	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.
PSC	Public Sector Commission.
Public Interest Information	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"> (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"> (i) injury to public health; or (ii) prejudice to public safety; or (iii) harm to the environment; or matter of administration that can be investigated under section 14 of the Parliamentary Commissioner Act 1971. (<i>Public Interest Disclosure Act 2003</i>).
Public Officer	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>).
Public Authority	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>).
Serious Misconduct	Serious misconduct occurs when: <ul style="list-style-type: none"> 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 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



Term	Definition
	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>).

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 Director Corporate Services in the first instance, and if unresolved, to the CEO.



Policy Details			
Original Adoption date:	28 February 2019 (Item 9.1.1, Res. 005/2019)	Review Frequency:	2 years
		Next Review Due:	July 2027
Policy Implementing Officer or Team:	Senior Management Team	Policy Reviewer:	Chief Executive Officer
Legislative Head of Power (Act, Regulation, or Local Law):	Public Interest Disclosure Act 2003 Corruption, Crime and Misconduct Act 2003		
Related Documents (other Policies, Operational Procedures, Delegations, etc.):	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 (AS8001:20082021) 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.	29 February 2024	Item 12.3 Res. 09/24	



(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 (does not operate as a business), 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 template 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.



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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;



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- 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.

Guidelines on Fees for All Lease & Licence Agreements		
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.		

Facility, Building or Land Lease or Licence Agreement	Fee per Annum	Guidelines
Lease – Reserve/Land	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.



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Facility, Building or Land Lease or Licence Agreement	Fee per Annum	Guidelines
Lease - Associations/Clubs that Hold a Liquor Licence	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>
Lease - Entire Facilities or Rooms within a Building	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.</p> <p>Personal Property Insurance premiums and utilities are the responsibility of the lessee.</p>
Lease – Junior Organisation	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.</p> <p>Personal Property Insurance premiums and utilities are the responsibility of the lessee.</p>
Lease - storage	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>
All Community Lessee and Licensees	TBC% discount	Collection Charges weekly bin service only.
	TBC% discount	Local Government rates.



Policy Details			
Original Adoption Date:	29 April 2021 (Item 11.1. Res. 33/21)	Review Frequency:	2 years
		Next Review Due:	July 2027
Policy Implementing Officer or Team:	Chief Executive Officer	Policy Reviewer:	Chief Executive Officer
Legislative Head of Power (Act, Regulation, or Local Law):	Local Government Act 1995 Local Government (Functions and General) Regulations 1996 Shire of Derby/West Kimberley Local Government Property Local Law 2011		
Related Documents (other Policies, Operational Procedures, Delegations, etc.):	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.	29 February 2024	Item 12.3 Res. 09/24	



(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*.



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.

3. 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.

4. 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.

5. 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.



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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 is 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.

6. 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.

7. 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.

8. 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. The best quotation will be accepted after allowing for banking, administrative and transactional costs as well as limitations set for each borrower.

9. 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.

Policy Details			
Original Adoption date:	31 May 2001	Review Frequency:	2 years
		Next Review Due:	July 2027
Policy Implementing Officer or Team:	Manager Corporate Services	Policy Reviewer:	Director Corporate Services
Legislative Head of Power (Act, Regulation, or Local Law):	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))		
Related Documents (other Policies, Operational Procedures, Delegations, etc.):	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.	29 February 2024	Item 12.3 Res. 09/24	



(F19) COMMUNITY FUNDING SCHEME

POLICY OBJECTIVE

To provide financial and non-monetary in-kind assistance to individuals, community groups and not-for-profit organisations in a transparent, equitable and consistent manner. Support is provided as a contribution towards the delivery of services, activities and initiatives by community groups and not-for-profit organisations which enhance community participation and wellbeing. Contributions may also be provided to support individuals who have been selected at a representative level to participate in relevant events.

POLICY SCOPE

This policy applies to all requests from individuals, community groups and not-for-profit organisations to access financial, or non-monetary in-kind resources, to support the delivery of activities and initiatives within the Shire of Derby/West Kimberley (the Shire) district.

This policy does not cover:

- (a) Sponsorship arrangements whereby the Shire negotiates the right to associate the Shire's name with an event, service or activity;
- (b) Partnership arrangements; and
- (c) Lease agreements and approved waivers for Shire fees and charges.

POLICY DEFINITIONS

Non-monetary and in-kind assistance – the provision of goods and services which do not involve a monetary transaction. This may include, but is not limited to, the use of Shire operated facilities, equipment and personnel.

Not-for-profit organisations – Organisations that provide services to the community and do not operate to make a profit for its members. All profits must go back into the services the organisations provide and must not be distributed to members, even if the organisation winds-up. This includes registered charities, sporting and recreation clubs, community service organisations, professional and business associations, cultural and social societies and some indigenous corporations (*Australia Tax Office definition*).

POLICY STATEMENT

The Shire acknowledges its role as a facilitator and partner in building the capacity, ownership and identity of the community. To support this role the Shire is committed to supporting community groups and not-for-profit organisations in the delivery of activities, services and initiatives by making an annual allocation to the Community Funding Scheme (the Scheme). Funds allocated to this scheme can be accessed by individuals, community groups and not-for-profit organisations through grant programs or requests to Council and can include financial or non-monetary contributions from the Shire.

Activities funded through the Scheme must address identified community priorities as outlined in the Shire's Strategic Community Plan. Generally, the funded activities are to be delivered within the district of the Shire. Exceptions can be made where it can be demonstrated the project has significant benefit to Shire residents or promotes the Shire on a wider basis. Priority is given to groups that are based within the Shire district, however this does not preclude organisations who are based outside of the Shire area from obtaining funding.



The funding allocation to the individual grants programs to be administered under the Scheme will be determined annually by Council. Each grants program will have a management guideline which will, at a minimum, outline:

- (a) Objectives of the grant program and types of projects to be funded;
- (b) Eligibility criteria;
- (c) Funding criteria;
- (d) Terms and conditions of the grant;
- (e) Application, assessment and approval process;
- (f) Appeals process;
- (g) Acquittal and reporting requirements; and
- (h) How the Shire's contribution should be acknowledged.

All other funding requests will be presented to Council, or as otherwise determined by Council, and outlined in the relevant program's management guidelines.

Policy Details			
Original Adoption date:	26 September 2002 (Item 10.5.4 Res. 223/2002)	Review Frequency:	2 years
		Next Review Due:	July 2027
Policy Implementing Officer or Team:	Manager Community Development	Policy Reviewer:	Director Community Planning
Legislative Head of Power (Act, Regulation, or Local Law):	Not applicable		
Related Documents (other Policies, Operational Procedures, Delegations, etc.):	Policy PC1 Risk and Opportunity Management Policy Policy PC10 Code of Conduct Behaviour Complaints Management Policy Strategic Community Plan 2021-2031 Record Keeping Procedure Community Grants Management Guidelines Community Representatives Grants Program Guidelines		
Version Control Council Meeting Review Details:			
Review #:	Council Meeting Date:	Item/Resolution#:	
1.	28 February 2019	Item 9.1.1, Res. 005/2019	
2.	30 September 2020	Item 15.1, Res. 168/20	
3.	29 September 2022	Item 15.3. Res/ 124/22	
4.	29 August 2024	Item 12.1, Res. 100/24	



(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.

1.4 Procurement Principles

1.3.1 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;



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- (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.

<u>Purchasing Threshold</u>	<u>Requirement</u>	<u>Compliance Check and Approval by Delegated Authority</u>
<u>\$0 to \$2,500</u>	<u>At least one (1) Verbal Quote</u>	<u>Procurement and Manager</u>
<u>\$2,501 to \$10,000</u>	<u>At least one (1) Written Quote</u>	<u>Procurement and Manager</u>
<u>\$10,001 to \$50,000</u>	<u>At least two (2) Written Quotes</u>	<u>Procurement and Manager</u>
<u>\$50,001 to \$250,000</u>	<u>At least three (3) Written Quotes</u>	<u>Procurement and Director up to \$125,000 and Chief Executive Officer up to \$250,000</u>
<u>\$250,001 above</u>	<u>Public Tender, Tender Exempt</u> <u>Procurement: WALGA, CUA</u>	<u>Council Approval</u>

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).



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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:

Purchasing Threshold	Requirement	Compliance Check and Approval by Delegated Authority
<u>\$0 to \$2,500</u>	<u>At least one (1) Verbal Quote</u>	<u>Procurement and Manager</u>
<u>\$2,501 to \$10,000</u>	<u>At least one (1) Written Quote</u>	<u>Procurement and Manager</u>
<u>\$10,001 to \$50,000</u>	<u>At least two (2) Written Quotes</u>	<u>Procurement and Manager</u>
<u>\$50,001 to \$250,000</u>	<u>At least three (3) Written Quotes</u>	<u>Procurement and Director up to \$125,000 and Chief Executive Officer up to \$250,000</u>
<u>\$250,001 above</u>	<u>Public Tender, Tender Exempt Procurement: WALGA, CUA</u>	<u>Council Approval</u>

Purchasing Practice Required for all requests up to \$250,000.

Consult as to whether an existing Term Contract or Panel of Pre-Qualified Suppliers exists and use as prescribed. If no Contract or Panel exists seek at least one written quotation from a suitable supplier as per the purchasing thresholds:

- a Local Supplier (direct or via Vendor Panel Marketplace);
- a prequalified supplier on the WALGA Preferred Supplier Program (via eQuotes);
- a WA Disability Enterprise; and/or
- an Aboriginal Owned Business.

Where it can be demonstrated that a suitable supplier is not available, seek at least one written quotation as per purchasing thresholds from:

- other Suppliers that are accessible under another tender exempt arrangement; and/or
- the open market.

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.

Evaluate

The purchasing decision is to be based upon assessment of the supplier's response to:

- a brief outline of the specified requirement for the goods; services or works required; and
- value for Money criteria, not necessarily the lowest quote.



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The rationale for the procurement decision is to be documented within the Record and Evaluation of Quotes form and attached to the requisition.

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Purchase Value Threshold (excluding GST)	Purchasing Practice Required
Up to \$2,500	<p>Request 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"> ● a Local Supplier (direct or via Vendor Panel Marketplace); <p>Evaluate 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>Request 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"> ● a Local Supplier (direct or via Vendor Panel Marketplace); ● a prequalified supplier on the WALGA Preferred Supplier Program (via eQuotes); ● a WA Disability Enterprise; and/or ● an Aboriginal Owned Business. <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"> ● other Suppliers that are accessible under another tender exempt arrangement; and/or ● the open market. <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>Evaluate The purchasing decision is to be based upon assessment of the supplier's response to:</p> <ul style="list-style-type: none"> ● a brief outline of the specified requirement for the goods; services or works required; and ● value for Money criteria, not necessarily the lowest quote.



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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>Request 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"> • a prequalified supplier on the WALGA Preferred Supplier Program (via eQuotes); • a Local Supplier (direct or via Vendor Panel Marketplace); • a WA Disability Enterprise; and/or • an Aboriginal Owned Business. <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"> • other Suppliers that are accessible under another tender exempt arrangement; and/or • the open market. <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>Evaluate The purchasing decision is to be based upon assessment of the supplier's response to:</p> <ul style="list-style-type: none"> • a brief outline of the specified requirement for the goods; services or works required; and • Value for Money criteria, not necessarily the lowest quote. <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>Request 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>



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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"> • a prequalified supplier on the WALGA Preferred Supplier Program (via eQuotes); • a Local Supplier (direct or via Vendor Panel Marketplace); • a WA Disability Enterprise; and/or • an Aboriginal Owned Business. <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"> • other Suppliers that are accessible under another tender exempt arrangement; and/or • the open market. <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>Evaluate</p> <p>The purchasing decision is to be based upon assessment of the supplier's response to:</p> <ul style="list-style-type: none"> • a brief outline of the specified requirement for the goods, services or works required; and • Value for Money criteria, not necessarily the lowest quote. <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>Request</p> <p>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"> • Seek at least three written quotations from suppliers included in the relevant WALGA Preferred Supplier Arrangement and / or another tender exempt arrangement; or



Purchase Value Threshold (excluding GST)	Purchasing Practice Required
	<ul style="list-style-type: none"> Conduct a Public Request for Tender process in accordance with the Local Government Act 1995 and relevant Shire Policy requirements. <p>Evaluate The purchasing decision is to be based upon assessment of the supplier's response to:</p> <ul style="list-style-type: none"> 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 pre-determined evaluation criteria that assess all best and sustainable value considerations <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>
Emergency Purchases <i>(Not Included in Budget)</i>	Only applicable where, authorised in advance by the Mayor <ins>the Mayor</ins> / <ins>President in</ins> accordance with s.6.8 of the Local Government Act 1995 and reported to the next available Council Meeting. Where the Shire has an established Panel of Pre-Qualified Suppliers relevant to the required purchasing category, the emergency supply must be obtained from the Panel suppliers. If, however, no member of the Panel of Pre-qualified Suppliers 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. The rationale for the procurement decision should be documented and recorded in accordance with the Shire Operational Procedure – Procurement of Goods and Services.

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 or as contractors~~consultants~~consultants (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:



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- 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

In accordance with Local Government (Functions and General) Regulations 1996 (WA) regulation 11 (2)(i) procurement activities for the same goods or services should be aggregated into a single procurement activity to achieve the best value for money and efficiencies for the Shire. Multiple procurement activities, for the same goods or services, must not be conducted, with the intent of separating the procurement over two or more purchase orders or contracts, so that the effect is to avoid a procurement (purchasing) threshold or avoid sign off from the delegated authority.

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).

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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.

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~~~~This criterion~~ 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.



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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.

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 as per in the initial value for money



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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 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).



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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*.

AUTHORISED OFFICERS

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

OFFICER
Chief Executive Officer
Deputy Chief Executive Officer
Director of Infrastructure
Director Community Planning
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 of Infrastructure
\$125,000	Director Community Planning
\$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



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 detailed in the CEO Directive D-CP3 Procurement Purchasing Limits.

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

6.5. 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.

7.6. 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.

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:



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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.



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Policy Details			
Original Adoption date:	27 August 1997	Review Frequency:	2 years
		Next Review Due:	July 2027
Policy Implementing Officer or Team:	Manager of Corporate Services	Policy Reviewer:	Director Corporate Services
Legislative Head of Power (Act, Regulation, or Local Law):	s.3.57 of the Local Government Act 1995 Part 4 of the Local Government (Functions and General) Regulations 1996		
Related Documents (other Policies, Operational Procedures, Delegations, etc.):	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 Corporate Services. Synergy Record No. N20596.	
9.	30 November 2023	Item 11.1 Res 133/23	
10.	29 February 2024	Item 12.3 Res. 09/24	
11.	23 October 2024	The Acting CEO utilised delegation 1.1.34 Minor Amendments to Policies and Delegations to change the positions in clause 5 to reflect the current organisational structure. Synergy Record No. N22237.	



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FOR REVIEW



(F20) RELATED PARTIES DISCLOSURE POLICY

POLICY OBJECTIVE

The objective of the policy is to ensure that the Shire of Derby/West Kimberley's (the Shire's) financial statements disclose dealings with related parties and transactions and outstanding balances, including commitments with such parties that may have affected the Shire's financial position and profit or loss.

DEFINITIONS

Related Party:

A person or entity that is related to the local government that is preparing its financial statements (The Shire).

A person or a close member of that person's family is related if that person:

- a) Has significant influence over the reporting entity; or
- b) Is a member of the key management personnel of the reporting entity.

An entity is related if any of the following conditions applies:

- a) The entity and the reporting entity are members of the same group (which means that each parent, subsidiary and fellow subsidiary is related to the others); or
- b) A person is a member of the key management personnel of the entity.
- c) The entity is controlled or jointly controlled by a person identified above.

Key Management Personnel (KMP):

Those persons having authority and responsibility for planning, directing and controlling the activities of the entity, directly or indirectly, including any director (whether executive or otherwise) of that entity.

KMP for local governments would include Elected Members and Senior Staff (CEO and Directors).

Close Member of the Family of a Person:

Those family members who may be expected to influence, or be influenced by, that person in their dealings with the entity and include:

- a) that person's children and spouse or domestic partner;
- b) children of that person's spouse or domestic partner;
- c) dependants of that person or that person's spouse or domestic partner;
- d) and any other close family member.

Related Party Transactions:

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



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POLICY STATEMENT

The Shire is committed to ensuring its financial operations are conducted with the highest of ethical integrity and in an open and transparent environment. To evidence this, and to comply with the Australian Accounting Standard AASB 124 Related Party Disclosures (AASB 124), the Shire will:

1. Establish, review and maintain a list of Key Management Personnel (KMP);
2. Establish, review and maintain a Related Party Transactions Register for the Shire; and will
3. Disclose related party relationships, transactions and outstanding balances, including commitments, in the Shire's annual financial statements.

~~For the purposes of implementing this policy, individuals who meet the definition of a Key Management Personnel (KMP) will include:~~

1. ~~President, Deputy President and Councillors;~~
2. ~~Chief Executive Officer (CEO), Deputy Chief Executive Officer and all Directors of the Shire; and~~
3. ~~All officers with a procurement authority of \$50,000 or more.~~

Council requires temporary appointments to KMP positions or persons acting as KMP in their absence, to be considered as KMP for that duration if the appointment is for three or more months in the financial year. For appointments of less than three months, the assessment is a matter of judgment based on facts, that is to be made by the Chief Executive Officer, such as that person's participation in key decisions made in that period.

For the purposes of determining the application of the Standard, implementing this policy, the related parties ~~for nominated KMP will~~ include:

- (a) An Elected Member;
- (b) Key management personnel being a person employed under section 5.36 of the Local Government Act 1995 in the capacity of Chief Executive Officer or Director
- (c) Close members of the family of any person listed above, including that person's child, spouse or domestic partner, children of a spouse or domestic partner, dependents of that person or person's spouse or domestic partner
- (d) Entities that are controlled or jointly controlled by an Elected Member, KMP or their close family members. Entities include companies, trusts, joint ventures, partnerships and non-profit associations such as sporting clubs.
- (a) ~~Their spouse or domestic partner (including married, de facto, civil union partnership, but excluding separated or divorced spouse or partner);~~
- (b) ~~Their children, including children of their spouse/partner (whether step, adopted, dependant/non-dependant, adult children living/not living at home);~~
- (c) ~~Their dependants, including dependants of their spouse/partner (i.e. family members financially supported by them or their spouse/partner and may include siblings, elderly parents/grandparents or disabled family members); and~~
- (d) ~~Entities (including sole proprietors, partnerships, companies and trusts) in which KMP and/or his/her close family members have control or joint control (i.e. hold 50% or more of the shares or 50% or more of the voting power).~~

Identification of related party transactions

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

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

- Paying rates
- Fines



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- Use of Shire-owned and managed facilities such as Recreation Centre, Civic Centre, library, parks, ovals and other public open spaces (whether charged a fee or not)
- Attending council functions that are open to the public
- Employee compensation whether it is for KMP or close family members of KMP
- Application fees paid to the Shire for licenses, approvals or permits
- Lease agreements for housing rental (whether for a Shire owned property or property sub-leased by the Shire through a Real Estate Agent)
- Lease agreements for commercial properties
- Monetary and non-monetary transactions between the Shire and any business or associated entity owned or controlled by the related party (including family) in exchange for goods and/or services provided by/to the Shire (trading arrangement)
- Sale or purchase of any motor vehicles, buildings or land owned by the Shire, to a person identified above
- Sale or purchase of any motor vehicles, buildings or land owned by a person identified above, to the Shire
- Loan Arrangements
- Contracts and agreements for construction, consultancy or services

For the purpose of ~~determining the application of the Standard implementing this policy~~ Ordinary Citizen Transactions (OCT), that is transactions that occur on terms and conditions no different to those applying to the general public and are of an immaterial nature, include:

- (a) Attending Shire functions that are open to the public;
- (b) Fines on normal terms and conditions;
- (c) Paying rates and other statutory fees or charges for applications, licenses, approvals or permits;
- (d) Using Shire services and accessing Shire facilities; and
- (e) Making a development application.

These aforementioned OCT's that meet the definition as stated, do not require disclosure. As such they will not be captured by the Shire within its Related Party Register.

For all other transactions, Key Management Personnel will be required to make a declaration on the relevant *Related Parties Disclosure - Declaration* form.

Designation	Period of Declaration	Disclosure Frequency
Key Management Personnel.	To 30 June annually.	By 31 July annually.
Key Management Personnel.	To the date of KMP termination.	Immediately prior to the date of KMP termination, <u>where possible</u> .
Councillors participating in a Shire of Derby/West Kimberley Councillor election.	To Election Day.	Within 30 days of the ordinary or extraordinary election day.

Information (including personal information) provided by a key management person in a Related Party Transaction Notification and personal information contained in a register of related party transactions is classified as confidential, and will not be available for inspection by, or disclosure to, the public.

The CEO will prepare a *Related Party Disclosure Management Procedure*, so as to provide guidelines for the implementation of this Related Party Disclosure Policy.



Policy Details

Original Adoption date:	25 November 2021 (Item 12.1, Res. 146/21)	Review Frequency:	2 years
		Next Review Due:	July 2027
Policy Implementing Officer or Team:	Corporate Services	Policy Reviewer:	Director Corporate Services
Legislative Head of Power (Act, Regulation, or Local Law):	Australian Accounting Standard AASB124		
Related Documents (other Policies, Operational Procedures, Delegations, etc.):	Management Procedure Related Party Disclosure Related Party Disclosure Declaration Form Code of Conduct (Council Members, Committee Members and Candidates) Code of Conduct (Employees)		

Version Control Council Meeting Review Details:

Review #:	Council Meeting Date:	Item/Resolution#:
1.	24 February 2022	Item 11.5. Res. 07/22
2.	29 August 2024	Item 12.1, Res. 100/24



(F22) DAMAGES CLAIMS

POLICY OBJECTIVE

To outline the principles that must be considered for assessment of any damages claim that is lodged with the Shire of Derby/West Kimberley (the Shire), such that the Shire equitably addresses the variety of potential claims that might occur across the Shire's broad level of operations.

POLICY STATEMENT

All claims for damages must firstly be referred to the Shire's insurers for consideration.

Following assessment of a damages claim by the Shire's insurers, that claim for damages may subsequently be submitted to the Shire. Such a claim will be considered by Council if:

1. The claimant can justify (and the Council accepts that justification) why they did not have in place, relevant insurance for the event claimed for;
2. It can be reasonably concluded that the activities of the Shire, or the fact that the Shire did not undertake an activity (vis. mis-feasance v's non-feasance) was the primary cause of the damages being claimed;
3. The claim is for less than the level of the Shire's insurance excess threshold value applicable for the claim;
4. The Shire's insurance policies do not cover the claim, or the Shire's insurer does not accept the claim (in which case the claim must be for below the excess threshold value for the closest similar insurance policy that might have otherwise applied); and
5. Any payment that might be made by Council is accepted by the claimant on the basis of it being "ex-gratia", and is "without any fault admission" by the Shire.

Only the Council can consider the payment of a damages claim and this must be through an officer report to Council. Whilst this policy makes every effort to reflect a strategic and generic approach to damages claims, each case may also be considered based on its own unique merits. The report must contain commentary on at least the following for Council considerations:

1. Whether the Shire, through its actions or negligence, are considered to have caused harm or damage to the claimant;
2. The legitimacy of the claim and the level of responsibility the Shire should take for its actions;
3. Whether the claimant has lodged any previous claims for this or other events;
4. Whether there are any Council precedents for payment/non-payment of similar claims;
5. The potential of a legitimate legal action/legal penalties prevailing, and the organisational time/expense of defending that legal action;
6. Whether there is any legitimate risk of adverse reputational/negative publicity if the claim is accepted/not accepted;
7. The cost/benefit of accepting the claim versus the potential precedent for other less legitimate/opportunistic claims being encouraged as a result; and
8. Whether any unique claimant circumstances prevail such that more generous levels of empathy/compassion ought to be offered by Council.



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Policy Details			
Original Adoption date:	12 December 2024, Item 11.1, Res. 165/24	Review Frequency:	2 years
		Next Review Due:	July 2027
Policy Implementing Officer or Team:	Manager Corporate Services	Policy Reviewer:	Director Corporate Services
Legislative Head of Power (Act, Regulation, or Local Law):	s.2.7 of the Local Government Act 1995		
Related Documents (other Policies, Operational Procedures, Delegations, etc.):			
Version Control Council Meeting Review Details:			
Review #:	Council Meeting Date:	Item/Resolution#:	



(F2) ASSET MANAGEMENT

POLICY OBJECTIVE

Asset management practices impact directly on the core business of the organisation and appropriate asset management is required to achieve our strategic service delivery objectives. The Shire owns and uses over \$300 million of depreciable assets to support delivery of service to the community

This policy is designed to ensure adequate provision is made for the long-term replacement of the Shire's major assets by:

1. Ensuring that the Shire of Derby/West Kimberley's services and infrastructure are provided in a sustainable manner, with the appropriate levels of service to residents, visitors and the environment.
2. Safeguarding the Shire's assets including physical assets and employees by implementing appropriate asset management strategies and appropriate financial resources for those assets.
3. Creating an environment where all employees take an integral part in overall management of the Shire's assets by creating and sustaining an asset management awareness throughout the organisation through training and development.
4. Meeting legislative requirements for asset management.
5. Ensuring resources and operational capabilities are identified and responsibility for asset management is allocated.
6. Demonstrating transparent and responsible asset management processes that align with demonstrated best practice.

POLICY STATEMENT

Council is committed to implementing a systematic asset management methodology in order to apply appropriate asset management best practices across all areas of the organisation. This includes ensuring that assets are planned, created, operated, maintained, renewed and disposed of in accordance with Council's priorities for service delivery.

A strategic approach to asset management will ensure that the Shire delivers the highest appropriate level of service through its assets. This will positively impact on:

- a) Members of the public and staff;
- b) The Shire's financial position;
- c) The ability of the Shire to deliver the expected level of service and infrastructure;
- d) The political environment in which the Shire operates; and
- e) The legal liabilities of the Shire.

POLICY PRINCIPLES

A consistent Asset Management Strategy must exist for implementing systematic asset management and appropriate asset management best-practice throughout all areas of the Shire of Derby/West Kimberley.

All relevant legislative requirements together with political, social and economic environments are to be taken into account in asset management.



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Asset management principles will be integrated within existing planning and operational processes.

Asset Management Plans will be developed/maintained for major service/asset categories. The plans will be informed by community consultation and financial planning and reporting.

An inspection regime will be used as part of asset management to ensure agreed service levels are maintained and to identify asset renewal priorities.

Asset renewals required to meet agreed service levels and identified in adopted asset management plans and long term financial plans will be fully funded in the annual budget estimates.

Service levels agreed through the budget process and defined in adopted Asset Management Plans will be fully funded in the annual budget estimates.

Asset renewal plans will be prioritised and implemented progressively based on agreed service levels and the effectiveness of the current assets to provide that level of service.

Systematic and cyclic reviews will be applied to all asset classes and are to ensure that the assets are managed, valued and depreciated in accordance with appropriate best practice and applicable Australian Standards.

Future life cycle costs will be reported and considered in all decisions relating to new services and assets and upgrading of existing services and assets.

Future service levels will be determined in consultation with the community.

RESPONSIBILITIES

Council is responsible for adopting the policy and ensuring that sufficient resources are applied to manage the assets.

The Chief Executive Officer has overall responsibility for developing an asset management strategy, plans and procedures and reporting on the status and effectiveness of asset management within the Shire.

The co-ordination of the asset management function within the Shire is primarily the responsibility of the Director Infrastructure, with direction from Council via the Chief Executive Officer

Training in asset and financial management will be provided for Council Members and relevant staff.



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Policy Details			
Original Adoption date:	27 June 2013	Review Frequency (Annual/Bi-annual):	2 years
		Next Review Due:	July 2027
Policy Implementing Officer or Team:	Senior Management Team	Policy Reviewer:	Director Corporate Services
Legislative Head of Power (Act, Regulation, or Local Law):	Local Government Act 1995		
Related Documents (other Policies, Operational Procedures, Delegations, etc.):			
Version Control Council Meeting Review Details:			
Review #:	Council Meeting Date:	Item/Resolution#:	
1.	28 February 2021	Item 9.2.1 Res. 006/2019	
1.	24 June 2021	Item 11.2 Res. 57/21	
2.	29 June 2023	Item 12.3 Res. 70/23	



(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 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 policies 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.



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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 the Notes to the financial statements. 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 recognised 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:

- The amount in which the financial asset or financial liability is measured at initial recognition;
- Less principal repayments and any reduction for impairment; and
- 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



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life (or when this cannot be reliably predicted, the contractual term) of the financial instrument to 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 five 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:



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- 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.
- c) Assets acquired after the revaluation date will be depreciated at the same rate as determined in the revaluation.

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.	\$10,000
Open Space and Recreation	Sports fields, courts, irrigation systems, retaining walls, street/park furniture, monuments, lighting, playgrounds, recreation equipment, signs, bins. Minor structures, including garden sheds, bus shelters, coaches' boxes, kiosks, barbecue shelters, equipment shelters, etc.	10 to 100 years 10 to 30 years	\$10,000 \$5,000
Roads	Sealed Road Surface Sealed Road Pavement Concrete Road Pavement Unsealed Road Pavement Road Formation Kerb and Channel	14 to 22 years 75 years 85 years 25 years N/A 80 years	\$10,000 \$10,000 \$10,000 \$10,000 \$10,000 \$5,000
Off Street Carparks	Sealed carparks Unsealed carparks	75 to 85 years 25 years	\$10,000 \$10,000



Asset Class	Description (Asset Sub-Class)	Depreciation Period	Threshold
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 to 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	10 to 20 years	\$5,000
	Vehicles	2 to 7 years	\$5,000
	Minor plant	2 to 5 years	\$5,000
Fixtures, fittings and furniture	Furniture and office equipment	1 to 20 years	\$5,000
	Computer hardware and telecommunications	3 years	\$5,000
IT software	IT software	2 to 5 years	\$20,000

Grouped assets over \$5,000 will be added to the asset register. Individual assets under \$5,000 will be added to the portable and attractive asset register. Processes and controls will be implemented to verify the existence of portable and attractive assets, including regular stocktakes for inventory reconciliation and an annual audit of these assets.

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. Disposal forms are filled in and approved by the relevant officer, and records of the asset's disposal, including the method and date.

**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 derecognised 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 of 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 substantial 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 in 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 induced 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).

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.

FOR REVIEW



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			
Original Adoption date:	28 June 2007	Review Frequency:	2 years
		Next Review Due:	July 2027
Policy Implementing Officer or Team:	Accountant	Policy Reviewer:	Director Corporate Services
Legislative Head of Power (Act, Regulation, or Local Law):	Local Government Act 1995 Local Government (Financial Management) Regulations 1996		
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 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.	29 February 2024	Item 12.3 Res. 09/24	
6.	8 August 2024	The Acting CEO utilised delegation 1.1.34 Minor Amendments to Policies and Delegations to make minor amendments to thresholds for Plant, machinery and equipment and Fixtures, fittings and furniture. Synergy Record No. N21918.	



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(F4) SUNDRY DEBTORS COLLECTION POLICY

POLICY OBJECTIVE

The objective of this policy is to clearly set out guidelines for the collection of outstanding fees and charges, and the undertaking of legal action in relation to debt collection for sundry debtors.

Policy Scope

The Shire of Derby/-West Kimberley will exercise its debt recovery powers, as outlined in Part 6 of the Local Government Act 1995, in order to reduce the overall debt burden on ratepayers. It will be guided by the principles of:

- ensuring that debt collection procedures are carried out in a fair and equitable manner;
- making the processes used to recover outstanding debt clear, simple to administer and cost effective;
- transparency by making clear the obligations of its ratepayers and sundry debtors to the processes used by the Shire in ensuring that they meet their financial obligations;
- equity by having regard to providing the same treatment for ratepayers and sundry debtors with similar circumstances;

POLICY STATEMENT

1. Credit Management

- Invoice* – Each invoice shall be dated and request payment within 14 days.
- Statement* – Statements will be sent to all debtors at the end of each month. Monthly Statements shall be issued for all invoices that have not been paid. Statements shall clearly indicate the due date.
- Aged Debtor Report* – will be reviewed monthly.

~~Where appropriate, receipt of a prepayment, bond or deposit will be required prior to Council commencing the supply of goods or services.~~

The debt recovery process is always subject to the priority positions as outlined in the F6 Financial Hardship Policy.

2. Debt Management

- Should the invoice/statement remain unpaid after close of business on the ~~30th~~thirtieth day after the original invoice was issued the following steps shall be taken:
 - A statement with a final sticker/stamp will be posted to the debtor advising of the invoices still to be paid.
 - If payment has still not been received within 60 days of the invoice date, where possible, telephone contact is made with the debtor requesting payment. A reminder is also issued via post or email.
 - If payment has not been received within 90 days of the invoice date, a letter of demand is sent to the debtor advising that debt collection will commence if the invoices is not paid in full with seven days and all costs associated with this process will be added to the outstanding debt.
 - A list of all outstanding debts of more than 90 days is to be sent to the Council's debt collection agency.
- Letter of Demand – The debtor will be issued with a Letter of Demand by Council's debt collection agency, the letter shall advise of impending legal action for recovery of the unpaid amounts, allowing seven days for payment.



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3. If no response is received and no alternative payment arrangement is entered into following the Letter of Demand, a senior officer of the Shire of Derby/West Kimberley is required to be consulted prior to further legal action being undertaken. The invoice is then to be processed by Council's debt collection agency for the ~~lodgement~~lodgment of a General Procedure Claim and served by a bailiff.
4. Debtors are required to either pay the full amount on the General Procedure Claim, or enter into an alternative payment arrangement plan as agreed between the debtors and Council.
5. Any payments received from the debtor whom a General Procedure Claim has been issued, must immediately be removed from any further legal action.
6. In cases where the debtor cannot be located, Council's debt collection agency can be requested to carry out a "skip trace" on the debtor. The costs associated with a skip trace cannot be recovered from the debtor.
7. If the debtor has not responded to the General Procedure Claim, court action may be taken to recover the debt. A Property Seizure and Sale Order (PSSO) is to be lodged within 14 days after the date of service of the General Procedure Claim. The PSSO is to be served by a bailiff.
8. Alternative Payment Arrangements – In order to be considered for an alternative payment arrangement, the following is required:
 - a) Debtor must prove financial hardship.
 - b) An arrangement must be entered into on the appropriate form.
 - c) All invoices are to be cleared by 30th June of the applicable financial year.
 - d) Should an alternative instalment payment not be made by the date specified in the agreement between Council and the debtor, Council will proceed with recovery action on the balance of the outstanding debtors account.

3. Financial Hardship

While evidence of hardship will be required, the Shire recognises that not all circumstances are alike. In accordance Shire Policy 'F6 – Financial Hardship' the Shire will consider a range of individual circumstances including, but not limited to, the following situations:

- Recent unemployment or under-employment;
- Sickness or recovery from illness;
- Low income or loss of income;
- Unanticipated circumstances such as caring for and supporting extended family;

Ratepayers will be required to provide information about their individual circumstances that may be relevant. This includes demonstrating a capacity to make some payment where possible and entering into a formal payment arrangement.

The Shire will consider all circumstances, applying the principles of fairness, integrity and confidentiality whilst complying with all statutory responsibilities.



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34. Provision for Doubtful Debts

Where the debt has not been recovered after the above steps, a provision for doubtful debt shall be made. Write off:

1. Section 6.12 of the Local Government Act 1995 will apply when determining if an outstanding debt should be written off.
2. Debts will only be written off when all reasonable attempts to recover outstanding amounts have been made or the costs of recovery are likely to equal or exceed the amount to be recovered.
3. The writing off of a debt and any associated debt recovery or legal costs will be charged to the account where the invoice was originally raised.
4. The thresholds contained in Council's Delegations Register will be applied when approving the write-off of an existing debt.
5. All write-offs will be reported to Council on a quarterly basis and will include the amount written off, description of the invoice and reason for write-off.

Policy Details			
Original Adoption date:	27 August 2009	Review Frequency (Annual/Bi-annual):	Tri-annual 2 years
		Next Review Due:	February 2026 July 2027
Policy Implementing Officer or Team:	Finance Team	Policy Reviewer:	Director Corporate Services
Legislative Head of Power (Act, Regulation, or Local Law):	Local Government Act 1995, Part 6, Div. 4		
Related Documents (other Policies, Operational Procedures, Delegations, etc.):	F6 Financial Hardship Policy Delegation 1.1.22 Defer, Grant Discounts, Waive or Write Off Debts Delegation 1.1.258 Agreement as to Payment of Rates and Service Charges Delegation 1.1.27 Recovery of Rates or Service Charges Delegation 1.1.28 Recovery of Rates Debts – Require Lessee to Pay Rent Delegation 1.1.29 Recovery of Rates Debts – Actions to Take Possession of Land Delegation 4.1.6 Reduce or Waiver Cat Registration Fee Delegation 5.1.4 Recovery of Moneys Due Under the Dog Act Delegation 6.1.5 Debt Recovery and Prosecutions (Food Act) Delegation 6.1.6 Abattoir Inspections and Fees		
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	



(F5) OUTSTANDING RATES COLLECTION POLICY

POLICY OBJECTIVE

The objective of this policy is to clearly set out guidelines for the collection of outstanding rates and charges, applicable legal action requirements and associated rating procedures within the Shire of Derby/West Kimberley.

POLICY STATEMENT

1. Rates Notices and Penalty Notification

A notation is to be made on each rate notice stating the rate of interest which is to be imposed on rates and service charges which are unpaid, together with the date from which the interest will apply.

All rates notices following issue of the original notice must be clearly marked "Final Notice", "Interim Notice", "Instalment Reminder" or "Copy of Original".

2. Recovery of Outstanding Rates and Charges

1. The debt recovery process is always subject to the priority positions as outlined in the F6 Financial Hardship Policy.
2. Should any amount of rates or charges remain unpaid following the due date stated on the original notice (after close of business on the 35th day after the original notice was issued) penalty interest shall be applied and a Final Notice will be issued allowing 14 (fourteen) days for payment.
3. The Final notice must state that if any amount remains unpaid after the 14th day, the assessment will be referred to a debt collection agency appointed by the Council for collection of the outstanding amounts.
4. The Manager Corporate Services will approve the final list to be sent to the debt collection agency. A Senior Officer of the Shire of Derby/West Kimberley is required to be consulted prior to further legal action being undertaken.
5. Final Notices are not to be issued to eligible pensioners or seniors that are entitled to receive rebates or defer rates and charges under the *Rates and Charges (Rebates and Deferments) Act 1992* as such persons have until 30 June in the applicable financial year to make payment, without incurring any late payment penalties.
6. Any assessments with outstanding rates and charges after the due date of the Final Notice shall be issued with a Letter of Demand by Council's debt collection agency, the letter shall advise of impending legal action for recovery of the unpaid amounts, allowing 7 (seven) days for payment.
7. If no response is received and no alternative arrangement is entered into following the Letter of Demand, the assessment is to be processed by Council's debt collection agency for the lodgment of a General Procedure Claim and served by a bailiff servicing the property owner's area.
8. In accordance with Section 6.56 of the *Local Government Act 1995*, the costs associated with further legal action, inclusive of the lodgment of the General Procedure Claim, are recoverable from the property owner/s and are to be debited to the rates account, exclusive of any company search fees.



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9. Property owners are required to either pay the full amount on the General Procedure Claim, inclusive of any legal charges, or enter into an alternative instalment plan as agreed between the ratepayer and Council.
10. Any payments received from ratepayers whom a General Procedure Claim has been issued, must immediately be removed from any further legal action. If costs have already been incurred then the ratepayer is responsible for payment of these in addition to the outstanding rates and charges and any applicable penalties.
11. In cases where the owner of a leased or rented property on which rates and charges are outstanding cannot be located or refuses to settle rates owed, notices may be served on the lessee or tenant under the provisions of Section 6.60 of the *Local Government Act 1995*, requiring the lessee or tenant to pay to the Council the rent due under the lease/tenancy agreement as it becomes due, until the amount in arrears has been paid.
12. In cases where the owner/s cannot be located, Council's debt collection agency can be requested to carry out a "skip trace" on the ratepayer. The costs associated with a skip trace cannot be recovered from the ratepayer.
13. If the property owner/s has not responded to the General Procedure Claim, a Property Seizure and Sale Order (PSSO) is to be lodged within 14 (fourteen) days after the date of service of the General Procedure Claim. The PSSO is to be served by a bailiff servicing the property owner/s area.
14. If rates and service charges which are due to Council in respect of any rateable land have been unpaid for at least three years a caveat may be registered on the title for the land, under the provisions of Section 6.64 (3) of the *Local Government Act 1995*. The approval of Council is to be obtained before this course of action is undertaken.
15. If rates and service charges in respect of any rateable land remain outstanding for at least three years, Council may take possession of the land and either; lease the land, sell the land, transfer to the Crown, or transfer to itself under the provisions of Section 6.64 of the *Local Government Act 1995*. The approval of Council is to be obtained before this course of action is undertaken (which can include a suitable notification to either the Audit Committee or to Council of a proposal to progress under delegation, an action outlined in s.6.64).

Policy Details			
Original Adoption date:	27 August 2009	Review Frequency (Annual/Bi-annual):	2 years
		Next Review Due:	July 2027
Policy Implementing Officer or Team:	Manager Corporate Services	Policy Reviewer:	Director Corporate Services
Legislative Head of Power (Act, Regulation, or Local Law):	Local Government Act 1995, Part 6, Div. 6		
Related Documents (other Policies, Operational Procedures, Delegations, etc.):	Policy F9 Rating Administration Policy Policy F12 Rates – Administration, Interims and Interest Charges Delegation 1.1.22 Defer, Grant Discounts, Waive or Write Off Debts Delegation 1.1.25 Agreement as to Payment of Rates and Services Charges Delegation 1.1.27 Recovery of Rates or Service Charges Delegation 1.1.28 Recovery of Rates Debts - Require Lessee to Pay Rent Delegation 1.1.29 Recovery of Rates Debts - Actions to Take Possession of the Land		
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.	28 April 2022	Item 12.1 Res. 53/22	
5.	29 June 2023	Item 12.3 Res. 70/23	



(F6) FINANCIAL HARSHIP POLICY

POLICY OBJECTIVE

- This policy is intended to ensure that the Shire offers fair, equitable, consistent and dignified support to debtors suffering hardship, while treating all members of the community with respect and understanding.
- Provide a decision-making framework for the appropriate assessment of hardship applications.

POLICY SCOPE

This policy applies to currently outstanding, as well as future Shire rates, fees, and charges.

It is a reasonable community expectation that those with the capacity to pay rates will continue to do so. For this reason, the policy is not intended to provide rate or other fees/charges relief to debtors who are not able to evidence financial hardship. The statutory provisions of the *Local Government Act 1995* and *Local Government (Financial Management) Regulations 1996* will apply.

POLICY STATEMENT

1. Payment difficulties, hardship and vulnerability

Payment difficulties, or short term financial hardship, occur where a change in a person's circumstances result in an inability to pay a debt.

Financial hardship occurs where a person is unable to pay a debt without affecting their ability to meet their basic living needs, or the basic living needs of their dependents. The Shire of Derby/West Kimberley recognises the likelihood that on occasion, there will be payment difficulties, financial hardship and vulnerability in our community. This policy is intended to apply to all debtors experiencing financial hardship regardless of their status, be they a property owner, tenant, business owner, etc.

¹ Adapted from the *Ombudsman Western Australia* publication, *Local government collection of overdue rates for people in situations of vulnerability: Good Practice Guidance*: <http://www.ombudsman.wa.gov.au/>

2. Financial Hardship Criteria

While evidence of hardship will be required, the Shire recognises that not all circumstances are alike. The Shire will take a flexible approach to a range of individual circumstances including, but not limited to the following situations:

- Recent unemployment or under-employment;
- Sickness or recovery from sickness;
- Low income or loss of income;
- Unanticipated circumstances such as caring for and supporting extended family; and
- Declared disaster.

3. Payment Arrangements

Payment arrangements facilitated in accordance with Section 6.49 of the Act are of an agreed frequency and amount. These arrangements will consider the following:

- That a debtor has made a genuine effort to meet rate and service charge obligations in the past;



- The payment arrangement will establish a known end date that is realistic and achievable, and will ideally allow the debtor to finalise payment as soon as is reasonably practical within the current financial year;
- The debtor will be responsible for informing the Shire of Derby/West Kimberley of any change in circumstance that jeopardises the agreed payment schedule;
- In the case of severe financial hardship, the Shire reserves the right to consider waiving additional charges (excluding the late payment interest applicable to the Emergency Services Levy); and
- The standard payment arrangement fee will not be charged.

4. Interest Charges

A debtor that meets the Financial Hardship Criteria and enters into a payment arrangement will not be charged penalty interest for the duration of the payment arrangement. Once the debt is cleared or the arrangement is cancelled under the provisions set out in section 10 of this policy, interest charges will resume where applicable.

5. Deferment of Rates

Deferment of rates may apply for debtors who have a Pensioner Card, State Concession Card or Seniors Card and Commonwealth Seniors Health Care Card registered on their property. The deferred rates balance:

- Remains as a debt on the property until paid;
- Becomes payable in full upon the passing of the pensioner or if the property is sold or if the Pensioner ceases to reside in the property;
- May be paid at any time, but the concession will not apply when the rates debt is subsequently paid (deferral forfeits the right to any concession entitlement); and
- Does not incur penalty interest or waste charges.

6. Debt Recovery

The Shire will suspend its debt recovery processes whilst negotiating a suitable payment arrangement with a debtor. Where a debtor is unable to make payments in accordance with the agreed payment plan and the debtor advises the Shire and makes an alternative plan, then the Shire will continue to suspend debt recovery processes.

The Shire will not commence any legal proceedings whilst the debtor's financial application is being reviewed. Additionally, the Shire will not commence any legal proceedings to recover a debt where the debtor is complying with their payment arrangement.

If legal proceedings have been commenced, and the debtor lodges a financial hardship application, these proceedings will be temporarily suspended whilst the debtor's application for hardship is reviewed and assessed. If the debtor is successful with their application, no further legal action will be taken whilst the debtor is complying with their payment arrangement.

The Shire reserves the right to recommence the legal proceedings if the debtor's payment arrangement is cancelled for noncompliance. The Shire will make all reasonable attempts to contact the debtor to advise them of the next course of action.

Rates and service charge debts that remain outstanding at the end of the financial year, will then be subject to the rates debt recovery procedures prescribed in the *Local Government Act 1995*.



7. Applying for Financial Hardship

To apply for financial hardship, the debtor is required to submit a F6 Financial Hardship Application which can be located on the Shire website or by attending the office in person and requesting a printed form.

Debtors are encouraged to provide any information in the application about their individual circumstances that may be relevant for assessment. This may include demonstrating a capacity to make some payment and where possible, entering into a payment proposal. The Shire will consider all circumstances, applying the principles of fairness, integrity and confidentiality whilst complying our statutory responsibilities.

8. Review

A debtor's application will be reviewed within ten (10) business days and if it meets the policy's criteria will proceed to the assessment stage. An application may be referred back to the debtor or the debtor's financial counsellor for further information or discussion.

An application will be assessed by applying the principles of fairness, integrity and confidentiality, whilst complying with statutory requirements. The delegated officer will exercise due diligence in assessing and identifying genuine hardship based on circumstances that vary in each debtor's situation.

9. Communication and Confidentiality

The Shire will maintain confidential communications at all times and will undertake to communicate with a nominated support person or other third party at your request.

Debtor will be advised of this policy and its application, when communicating in any format (i.e. verbal or written) with a debtor that has an outstanding debt.

The Shire recognises that applicants for hardship consideration are experiencing additional stressors, and may have complex needs. The Shire will provide additional time to respond to communication and will communicate in alternative formats where appropriate. The Shire will ensure all communication with applicants is clear and respectful.

10. Non-Compliance to Payment Plan

If a debtor does not comply with their payment arrangement and fails to contact the Shire to renegotiate the terms, the Shire will make all reasonable attempts to contact the debtor.

If the debtor misses three consecutive payments and fails to contact the Shire, the Shire reserves the right to cancel the payment arrangement for non-compliance. If an arrangement has been cancelled, penalty interest and any suspended collection/legal activity will recommence. The Shire is not obligated to offer a Hardship Payment Arrangement if the debtor has had three (3) Payment Arrangements cancelled because of non-payment or declined payments.

11. Right to Appeal

A debtor dissatisfied with the outcome of their application has the right to appeal to the Chief Executive Officer.

12. Financial Counselling

The Shire will advise a debtor of any financial counselling services or other organisation that may be available to them.

Policy Details			
Original Adoption date:	30 April 2020 (Item 11.1, Res. 56/20)	Review Frequency (Annual/Bi-annual):	2 years
		Next Review Due:	July 2027
Policy Implementing Officer or Team:	Manager Corporate Services	Policy Reviewer:	Director Corporate Services
Legislative Head of Power (Act, Regulation, or Local Law):	Local Government Act 1995 Local Government (Financial Management) Regulations 1996		
Related Documents (other Policies, Operational Procedures, Delegations, etc.):	Delegation 1.1.22 Defer, Grant Discounts, Waive or Write Off Debts Delegation 1.1.25 Agreement as to Payment of Rates and Services Charges Delegation 1.1.27 Recovery of Rates or Service Charges Delegation 1.1.28 Recovery of Rates Debts - Require Lessee to Pay Rent Delegation 1.1.29 Recovery of Rates Debts - Actions to Take Possession of the Land Financial Hardship Application Form		
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 13.2 Res. 70/23	



(F7) REGIONAL PRICE PREFERENCE POLICY

POLICY OBJECTIVE

To encourage and foster local businesses within the Shire of Derby/West Kimberley (the Shire).

POLICY DEFINITIONS

A Regional Supplier, as defined by the *Local Government (Functions and General) Regulations 1996*, is a supplier of goods or service that has been operating in the Shire for at least 6 months prior to the supply, or, some or all of the goods or services are to be supplied from sources within the Shire.

A Local Business is defined as a business that has a physical presence (office or depot) within the Shire boundary.

POLICY STATEMENT

Council supports purchasing locally and this policy is to apply to the entire district of the Shire of Derby/West Kimberley.

The price percentage that may be given within the district will vary according to the type of contract.

A preference may be given (i.e. a discount applied) to the tendered price of:

Tender Type	Regional Price Preference Amount
Contract for goods or services.	Up to 10% (to a maximum price reduction of \$50,000).
Contract for construction (building) services.	Up to 5% (to a maximum price reduction of \$50,000).
Contract for goods or services (including construction (building) services), if the Shire is seeking tenders for the provision of these goods or services, as those goods or services having been, until then, undertaken by the Shire.	Up to 10% (to a maximum price reduction of \$500,000).



Policy Details			
Original Adoption Date:	24 April 2002 (Item 10.3.1 Res. 92/2002)	Review Frequency:	2 years
		Next Review Due:	July 2027
Policy Implementing Officer or Team:	Officers conducting purchasing	Policy Reviewer:	Chief Executive Officer
Legislative Head of Power (Act, Regulation, or Local Law):	Local Government Act 1995 Local Government (Functions and Generals) Regulations 1996 Local Government (Functions and Generals) Amendment Regulations 2000		
Related Documents (other Policies, Operational Procedures, Delegations, etc.):	Local Government Purchasing and Tender Guide 2000 Policy F1 Procurement of Goods and Services 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 Policy		
Version Control Council Meeting Review Details:			
Review #:	Council Meeting Date:	Item/Resolution#:	
1.	28 March 2019	Item 10.1 Res. 12/19	
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.	18 August 2024	The Acting CEO utilised delegation 1.1.34 Minor Amendments to Policies and Delegations to include a definition of a Regional Supplier. Synergy Record No. N21952.	



(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.



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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) unless in extenuating circumstances;
- 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, unless agreed by Council or CEO as part of employment contract. Under no circumstances may such benefits be retained as a personal benefit.



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.

Policy Details			
Original Adoption date:	28 February 2019 (Item 9.2.1, Res. 006/2019)	Review Frequency:	2 years
		Next Review Due:	February 2026
Policy Implementing Officer or Team:	Manager Corporate Services	Policy Reviewer:	Director Corporate Services
Legislative Head of Power (Act, Regulation, or Local Law):	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		
Related Documents (other Policies, Operational Procedures, Delegations, etc.):	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 utilised AUTH033 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.	29 February 2024	Item 12.3 Res. 09/24	



(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. In so doing, the CEO will have regard to relevant cases determined by the State Administrative Tribunal.

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 A discount or prize draw as will be 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			
Original Adoption date:	29 July 1998	Review Frequency:	2 years
		Next Review Due:	July 2027
Policy Implementing Officer or Team:	Finance Team	Policy Reviewer:	Director Corporate Services
Legislative Head of Power (Act, Regulation, or Local Law):	Local Government Act 1995, Part 6 Financial Management, Div. 6 Rates and service charges		
Related Documents (other Policies, Operational Procedures, Delegations, etc.):	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.	29 February 2024	Item 12.3 Res. 09/24	



(H1) TRADERS AND STALL HOLDERS' PERMITS

POLICY OBJECTIVE

The objective of this policy statement are:

- a) To allow for the operation of trading activities in thoroughfares and public places in such a manner that they do not conflict with or prejudice the Shire's permanent retail and service base, or other normal functions of the towns located within the Shire.
- b) To avoid the creation of adverse traffic, pedestrian and general public safety conditions, particularly on routes where the dominant function is the safe movement of vehicular traffic.
- c) To regulate the level and intensity of vendor activities on road reserves and private land accessible to the public to ensure that the site is retained primarily for its purpose (community/traffic use, parking and commercial activities).
- d) To accommodate appropriate vendor activities in order to provide services that enhance the visitor/resident experience.
- e) To ensure that the parking of vehicles (or erection of other equipment) will not adversely affect the public amenity and the characteristic streetscape of the area and the street carparks, and private commercial areas.

POLICY DEFINITIONS

Mobile means working in one place for a short period of time.

Public Place includes a road or place which the public are allowed to use, whether or not the road or place is on private property.

Vendor means someone who promotes, exchanges or hires goods or services for money.

Itinerant Vendor means a person who travels along a road looking for customers and who sells, hires or provides a product or service from a vehicle which is parked temporarily to customers who stop the vendor or come to the vendor while the vehicle is so parked.

Note: The main difference between an itinerant vendor and a mobile vendor is that a mobile vendor can solicit business from a parked location whereas an itinerant vendor stops to serve waiting customers (an ice cream van is an itinerant vendor whereas a vehicle parked selling pre-prepared food or produce is a mobile vendor).

POLICY STATEMENT

A. All Applications

This section applies to all forms of trading as defined in Division 1, Part 6 - *Division 1 Trading in Thoroughfares and Public Places of the Shire of Derby/West Kimberley Activities in Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2011*.

Trading activities should meet a demand for goods and services which are not already being met by existing, permanent facilities.

Applications to establish trading activities in public places will be subject to the same planning considerations as are applied to applications for the use of private land. Particular attention will be paid to the impact of the proposal on the public environment.



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Trading activities should be appropriate to the character and functions of the area in which they are proposed to be located.

Trading should not take place where the gathering of customers would impede pedestrian or vehicle movements, or cause conflicts with other activities.

Trading locations should be readily and safely accessible to potential customers.

Where trading is proposed to take place from a unit such as a stall or barrow, the form, design and appearance of that unit should be appropriate to its intended location.

Applications to establish trading activities should also comply with the specific requirements of any relevant policy relating to the location and/or type of activity proposed.

Where the location or type of activity proposed does not fall within the scope of an adopted policy, the Council may consider the application in the light of the desirability of the proposed activity and its location, and the general circumstances of the case.

B. Trading in Food

In assessing an application for a licence to trade in food, the suitability of the proposed site for that purpose will be considered, having particular regard to health requirements and standards or any other matter considered necessary for the satisfactory operation of the activity.

The place of trading should have a sealed or graded surface and should be adequately drained.

The place of trading should be accessible to service vehicles if appropriate.

Where trading involves the preparation and cooking of food for sale to the public, particular regard to the following will be given, and conditions may be imposed relating to:

- a) The form and structure of the stall;
- b) The provisions to be made for the storage of cooked and uncooked food; and
- c) The storage and disposal of waste material, for both operators and patrons.

Provision of on-site power, if required, will be the responsibility of the operator, and to the satisfaction of the Shire.

A food-trading activity may be required to have access to a supply of potable water and/or to a sewer for the disposal of wastewater. Where such conditions are imposed, arrangements for compliance will be the responsibility of the operator, but to the satisfaction of the Shire.

1. LOCATION OF MOBILE VENDORS:

1.1 General

- 1.1.1 Itinerant vendors are to move on when all customers at a particular location have been satisfied.
- 1.1.2 Public liability insurance cover of \$20 million is required where an activity occurs on local government managed land.
- 1.1.3 The local government may seek contribution towards the upgrading and/or construction of a site used by a mobile vendor.



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1.1.4 A mobile trading licence shall only be issued to the specific applicant and is not transferable to any other person or to any other land parcel.

1.1.5 Activities may require additional approvals/permits under the applicable health standards.

1.1.6 If an additional approval/permit is required then the mobile trading licence shall only remain valid while the additional approval/permit remains current and valid. On the expiration or earlier termination of the additional approval/permit, the mobile trading licence shall cease to be valid.

1.1.7 This policy does not apply to the following:

- A 'produce stall' within private property;
- Where a vendor is part of an event, carnival, market, fete or the like;
- Where the activity is a one-off occurrence such as an opening or open day for business/premises; and
- Community health mobile clinics and other government/community like uses.

1.2 **Application Requirements**

1.2.1 Applications must be accompanied by:

- Details of goods/merchandise and or services to be offered;
- Details of vehicle intended to be used for trading including a photograph(s) of the vehicle (such vehicle may be subject to assessment in order to determine its suitability for the purpose proposed);
- For mobile vendors, specific details of area(s) or route (including site plans);
- Times, days and dates sought; and
- Evidence of public liability insurance; and.
- A copy of your current Food Business Registration, if registered in another Shire.

1.2.2 Where the land is not under the care, control and management of the local government, the written consent of the Crown via the Department of Planning, Lands and Heritage or vesting Authority or Management Authority is required prior to processing the application.

1.2.3 Where the land is privately owned, the written consent of the land owner is required prior to processing the application.

1.3 **Schedule of Declared Trading Locations**

1.3.1 The Schedule of Declared Trading Locations has been created to identify various locations within Derby as being worthy of encouraging or allowing mobile trading within certain parameters due to the particular needs of the community and the benefit that mobile trading can bring to the public place. The Schedule should be interpreted in the light of the declared benefit that is provided for each item.

1.4 **Site Requirements**

1.4.1 A place will only be approved if it:

- Is located within a place identified in the Schedule of Declared Trading Locations;
- Is readily and safely accessible to customers;
- Provides adequate parking for customers;



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- Does not present a traffic hazard or danger to the public;
- Has adequate rubbish disposal facilities;
- Does not breach any regulatory or signposted car parking restrictions;
- Takes place where the goods displayed and the gathering of customers will not impede pedestrians or vehicle movements or cause conflict with other activities; and
- Will not interfere with access to other facilities and/or businesses (including occupying car parking areas to the detriment of the public).

1.4.2 Trading in road reserves will not be supported unless the site has a formal parking area (such as parking bays, a car park or rest area).

1.4.3 Itinerant vendors are generally not appropriate on roads with speed limits greater than 70km/hr.

1.4.4 Based on experience of the impacts of previous/similar activities (within or outside the municipality), the fragile nature of certain areas, and/or the dominant public use of certain areas, the local government is of the view that activities should not be supported in certain areas and also that a restriction on the number of certain activities in certain areas should be prescribed.

1.4.5 These restrictions (if any) are attached to this policy and area based on knowledge and experience at this time and may be amended from time to time by the local government as further knowledge and experience is accumulated.

1.5 Approval Periods

1.5.1 Approval periods for mobile vendors are generally restricted to:

- No more than 4 hours in any one location each day.
- A maximum period of 12 months shall be approved for each licence.

2. REFERENCE TO COUNCIL – MOBILE VENDORS

Should an application be lodged with the Shire by a Mobile Vendor to operate within Derby (irrespective whether the application is to operate within a Declared Trading Location or outside a Declared Trading Location), the application will first be referred to all Councillors inviting comment within 72 hours on the application.

A Councillor may request the CEO that the matter not be determined under delegation but rather be determined by Council. In this regard, the application will be referred to the Council at the earliest opportunity.

Should no such request be received from a Councillor, the application may be determined by the Shire under relevant delegation. It is still available to the CEO to refer any application by a Mobile Vendor (irrespective whether it is to operate within a Declared Trading Location) to Council for decision.

3. ENFORCEMENT PROCEDURES

The following procedure will be followed in dealing with breaches of the Local Law on Trading in Public Places 2011, or non-compliance with the provisions of licences issued under that Local Law:

- a) A verbal warning will be issued, indicating the nature of the infringement. The date, time and nature of the warning and reasons given should be documented.



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- b) A written warning will be issued, setting out the reasons for the warning being issued, and the actions required to comply.
- c) The licence will be revoked, or proceedings initiated, in accordance with Part 10 of the Local Law.

Reasonable opportunities should be provided between each step in the process, to permit the person(s) to either comply or otherwise explain the reason for their non-compliance.

The CEO (or their delegate) may approve non-trading activities considered suitable for each area and may place restrictions or conditions on activities when considered necessary.

Schedule of Declared Trading Locations (defined in red below)

Figure 1: Schedule of declared trading location map - Jetty Car Park, Derby





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Figure 2: Schedule of declared trading location map – Villiers Street (opposite Wharfinger House), Derby



Figure 3: Schedule of declared trading location map – Loch Street (Civic Centre parking area), Derby





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Figure 5 : Schedule of declared trading location map – Loch Street (Old Basketball Courts), Derby



Figure 6: Schedule of declared trading location map – Loch Street (Lytton Park), Derby





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Figure 7: Schedule of declared trading location map – Derby Highway/Guildford Street/Wells Street, Derby



Figure 8: Schedule of declared trading location map – Derby Airport





Policy Details			
Original Adoption date:	25 October 2001	Review Frequency (Annual/Bi-annual):	Bi-annual ^{2 years}
		Next Review Due:	June 2025 ^{July 2027}
Policy Implementing Officer or Team:	Manager Development Services	Policy Reviewer:	Director ^{— Technical & Development Services} Community Planning
Legislative Head of Power (Act, Regulation, or Local Law):	Shire of Derby/West Kimberley Activities in Thoroughfares and Public Places Local Law 2011		
Related Documents (other Policies, Operational Procedures, Delegations, etc.):	Delegation 1.3.1 Infrastructure Control - Template Activities in Thoroughfares and Public Places and Trading Law Delegation 1.3.2 Trading, Stallholders, Performing and Outdoor Dining - Activities in Thoroughfares and Public Places and Trading Local Law		
Version Control Council Meeting Review Details:			
Review #:	Council Meeting Date:	Item/Resolution#:	
1.	28 February 2019	Item 9.2.1 Res. 006/2019	
2..	24 June 2021	Item 11.2 Res. 57/21	
3.	29 June 2023	Item 12.3 Res. 70/23	



(PC1) RISK AND OPPORTUNITY MANAGEMENT POLICY

POLICY STATEMENT

INTENT

The Shire of Derby/West Kimberley is committed to organisation-wide risk management principles, systems and processes that ensure consistent, efficient and effective assessment of risk in all planning, decision making and operational processes.

DEFINITION OF 'RISK'

AS/NZS ISO 31000:2018 defines risk as "the effect of uncertainty on objectives."

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative, or a deviation from the expected. An objective may be financial, related to health and safety, or defined in other terms.

DEFINITION OF 'RISK MANAGEMENT'

The application of coordinated activities to direct and control an organisation with regard to risk.

PRINCIPLES – FRAMEWORK – PROCESS

The Shire of Derby/West Kimberley considers risk management to be an essential management function in its operations. It recognises that the risk management responsibility for managing specific risks lies with the person who has the responsibility for the function, service or activity that gives rise to that risk.

Council is committed to the principles, framework and process of managing risk as outlined in AS/NZS ISO 31000:2018.

The Shire of Derby/West Kimberley will manage risks continuously using a process involving the identification, analysis, evaluation, treatment, monitoring and review of risks. It will be applied to decision making through all levels of the organisation in relation to planning or executing any function, service or activity.

In particular it will be applied to:

- a) Strategic planning;
- b) Expenditure of large amounts of money;
- c) New strategies and procedures;
- d) Management of projects, tenders and proposals; and
- e) The management of sensitive issues.

RISK MANAGEMENT OBJECTIVES

Risk management objectives are:

- a) The achievement of organisational goals and objectives;
- b) The ongoing health and safety of all employees at the workplace;
- c) Ensuring public safety within the Council's jurisdiction is not compromised;
- d) Limited loss or damage to property and other assets;
- e) Limited interruption to business continuity;
- f) Positive public perception of Council and the Shire of Derby West/Kimberley; and
- g) Application of equal opportunity principles in the workforce and the community.



RESPONSIBILITIES

Executives, managers and supervisors have the responsibility and accountability for ensuring that all staff manage the risks within their own work areas. Risks should be anticipated and reasonable protective measures taken.

All managers will encourage openness and honesty in the reporting and escalation of risks.

All staff will be encouraged to alert management to the risks that exist within their area, without fear of recrimination.

All staff will, after appropriate training, adopt the principles of risk management and comply with all policies, procedures and practices relating to risk management.

All staff and employees will, as required, conduct risk assessments during the performance of their daily duties.

The level of sophistication of the risk assessment will be commensurate with the scope of the task and the associated level of risk identified.

Failure by staff to observe reasonable directions from supervisors regarding the management of risks and/or failure of staff to take reasonable care in identifying and treating risks in the workplace may result in disciplinary action.

It is the responsibility of every department to observe and implement this policy in accordance with Council is committed morally and financially to the concept and resourcing of risk management.

MONITOR AND REVIEW

The organisation will implement a robust reporting and recording system that will be regularly monitored to ensure closeout of risks and identification of ongoing issues and trends.

Risk management key performance indicators, relating to both organisational and personal performance will be developed, implemented and monitored, by the Shire of Derby/West Kimberley.

Policy Details			
Original Adoption date:	29 September 2016	Review Frequency (Annual/Bi-annual):	2 years
		Next Review Due:	July 2027
Policy Implementing Officer or Team:	Senior Management Team	Policy Reviewer:	Director Corporate Services
Legislative Head of Power (Act, Regulation, or Local Law):	Local Government (Audit) Regulations 1996 s.17 Work Health and Safety Act 2020 Work Health and Safety (General) Regulations 2022		
Related Documents (other Policies, Operational Procedures, Delegations, etc.):	Australia/New Zealand Standard ISO 31000:2018 Procedure: Risk and Opportunity Management Framework		
Version Control Council Meeting Review Details:			
Review #:	Council Meeting Date:	Item/Resolution#:	
1.	24 June 2021	Item 11.2 Res. 57/21	
2.	29 June 2023	Item 12.3 Res. 70/23	



(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 Council 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 an Officer of the PCBU 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 an Officer of the 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;



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- 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

While at work, you must:

- take reasonable care for your own health and safety and that of others who may be affected by your actions or omissions;
- follow any reasonable instructions from the PCBU to help them comply with WHS laws
- follow any reasonable health or safety policies or procedures that the PCBU has informed you about.

- 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:	2 years
		Next Review Due:	July 2027
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' Compensation 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.	29 February 2024	Item 12.3 Res. 09/24

Tamara Clarkson
Chief Executive Officer

Date:



(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			
Original Adoption date:	25 March 1998	Review Frequency:	2 years
		Next Review Due:	July 2027
Policy Implementing Officer or Team:	Work Health and Safety Advisor	Policy Reviewer:	Chief Executive Officer
Legislative Head of Power (Act, Regulation, or Local Law):	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		
Related Documents (other Policies, Operational Procedures, Delegations, etc.):	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 AUTH033 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.	29 February 2024	Item 12.3 Res. 09/24	



(PC4) PROVISION OF STAFF HOUSING

POLICY OBJECTIVE

To provide adequate housing and housing allowances to assist in the recruitment and retention of staff.

POLICY STATEMENT

1. Introduction

It is essential for the Shire of Derby/West Kimberley (the Shire) to have an effective staff housing policy that adequately addresses its accommodation needs and ensures equity and fairness across the organisation.

2. Eligibility and entitlements

2.1 General

Housing Provision: In all instances the level of accommodation provided will be dependent upon the availability of housing at the time of appointment and the needs of staff. As a general rule, the CEO will manage housing allocations to be determined on a hierarchical basis, or positions that have traditionally been difficult to attract applications.

Housing Rental Allowance: Where an employee has alternate rental accommodation arrangements, an annual Housing Rental Allowance may be considered – outlined in CEO Directive D-PC21 Provision of Staff Housing and Housing Allowances.

Housing Ownership Allowance: Where an employee has purchased and is living in their own home, the Shire will-may recognise their commitment to the district by providing the payment of an annual Housing Ownership Allowance – outlined in CEO Directive D-PC21 Provision of Staff Housing and Housing Allowances.

Rental and Housing Allowance Eligibility: Employees are not eligible for a rental or housing allowance if their partner receives housing or a housing and rental payment through their employment, and the employee does not receive housing as part of their role with the Shire.

3. Administration

The day-to-day management of staff accommodation, including allocation, tenancy agreements, tenant occupancy issues, occupancy changes, maintenance, tenant liability and the like, shall be the responsibility of the Chief Executive Officer (CEO).

4. Residential Tenancy Agreements

All tenancies shall be subject to the relevant provisions of the *Residential Tenancies Act 1987*, including bond requirements.

APPENDIX 1 - QUALIFYING POSITIONS

- Chief Executive Officer
- ~~Deputy Chief Executive Officer~~
- ~~Director Corporate Services~~
- Director of Infrastructure
- Director - Community Planning
- ~~Director Strategic Business~~
- ~~Executive Services Project Director~~
- Manager ~~of Corporate Services~~
- Manager ~~of Administration|ICT and Customer Service~~
- Manager Infrastructure Services
- Manager Assets ~~and Works~~
- Manager ~~of Community Environments|Community Development~~
- Manager ~~of Community Development (O'Derby)~~
- Manager ~~of Community Development (Fitzroy Crossing)~~
- ~~Manager of Wellbeing|Safety and Compliance~~
- ~~Manager of Ports~~

The criteria outlined in the provided appendix are not exhaustive. Other eligibility considerations, not explicitly mentioned, may be evaluated on a case-by-case basis. Approval for housing beyond the scope of this document requires pre-authorisation from the CEO. This disclaimer emphasises that the CEO retains discretion to approve eligibility based on unique circumstances not covered in the provided criteria.



(PC6) VOLUNTEER EMERGENCY SERVICE / DEFENCE RESERVIST LEAVE

POLICY OBJECTIVE

To acknowledge that employees of the Shire of Derby/West Kimberley who are members of recognised volunteer service organisations and/or the Defence Force are able to access a reasonable amount of additional leave for that purpose.

POLICY STATEMENT

It is recognised that the participation of employees in volunteer emergency organisations and/or the Australian Defence Reserve, is a positive and often vital role, particularly in smaller remote communities such as those in the Shire of Derby/West Kimberley. Employees seeking under this policy must provide certification that they have become members of a recognised volunteer service organisation or the Australian Defence Force.

PROCEDURE

Paid leave of up to 76 hours per calendar year will be granted to employees who are members of a bona fide volunteer emergency service organisation (such as SES or Bush Fire Brigade or Australian Defence Force) for the purpose of participating in training or service at the discretion of the Chief Executive Officer. This leave will be in addition to annual leave entitlements.

Service or training in excess of 76 hours per calendar year is subject to the approval of the Chief Executive Officer and is conditional upon the availability of back-up staff and the ability of the Shire to continue to provide an adequate level of customer service during the staff member's absence.

Paid or unpaid leave granted under this policy will be treated as continuous service for the purposes of calculating annual leave, long service leave, sick leave or any other entitlements. Unpaid leave will be treated as leave without pay.

Employees wishing to take leave are to provide reasonable notification to the Shire of Derby/West Kimberley and have the leave approved by their Executive Manager.

Employees granted paid leave under this policy shall be paid for time absent from duty up to the total of ordinary time usually worked in that day or period during the emergency but not including time in excess of ordinary working hours, weekends or public holidays.

RESPONSIBILITY

Directors are required to approve Volunteer Emergency Services Leave and ensure that appropriate documentation is supplied by the employee.



Policy Details			
Original Adoption date:	30 April 2003	Review Frequency (Annual/Bi-annual):	2 years
		Next Review Due:	July 2027
Policy Implementing Officer or Team:	Manager People & Culture	Policy Reviewer:	CEO
Legislative Head of Power (Act, Regulation, or Local Law):	Local Government Act 1995		
Related Documents (other Policies, Operational Procedures, Delegations, etc.):	Indoor Enterprise Agreement Outdoor Enterprise Agreement		
Version Control Council Meeting Review Details:			
Review #:	Council Meeting Date:	Item/Resolution#:	
1.	24 June 2021	Item 11.2 Res. 57/21	
2.	29 June 2023	Item 12.3 Res. 70/23	



(TP1) LIGHT INDUSTRIAL AREA – CARETAKERS RESIDENCE

POLICY OBJECTIVE

To provide security to landholders and avail the owner the option of living on the property whilst establishing their business.

POLICY STATEMENT

That Council will allow the erection of a caretakers residence in the light industrial area provided the building is of a secondary nature and meets the necessary Shire Policy, and legislative requirements (e.g. Health Act and Building Code of Australia).

The building is not to consist of more than two bedrooms and a small office.

Policy Details			
Original Adoption date:	27 August 1997	Review Frequency (Annual/Bi-annual):	2 years
		Next Review Due:	July 2027
Policy Implementing Officer or Team:	Manager Development Services	Policy Reviewer:	Director Community Planning
Legislative Head of Power (Act, Regulation, or Local Law):	Town Planning Scheme No.5		
Related Documents (other Policies, Operational Procedures, Delegations, etc.):	Delegation 2.1.1 Grant a Building Permit Delegation 2.1.3 Occupancy Permits or Building Approval Certificates Delegation 9.2.1 Town Planning Scheme No's 5, 7 and Local Planning Scheme No. 9 following final approval and gazettal: Determination of Applications Delegation 9.2.2 Interim Development Order No. 9: Determination of Applications		
Version Control Council Meeting Review Details:			
Review #:	Council Meeting Date:	Item/Resolution#:	
1.	24 June 2021	Item 11.2 Res. 57/21	
2.	29 June 2023	Item 12.3 Res. 70/23	



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(TP2) RADIO MASTS

OBJECTIVE

To minimise visual impact of radio masts.

POLICY STATEMENT

Prior to the issue of a building licence for the erection of a radio mast, written consent must be obtained from the owners of adjoining properties.

The main structure of the radio mast is to be contained behind the building line.

Policy Details			
Original Adoption date:	27 August 1997	Review Frequency (Annual/Bi-annual):	Tri-annual
		Next Review Due:	June 2026
Policy Implementing Officer or Team:	Manager Development Services	Policy Reviewer:	Director – Technical & Development Services
Legislative Head of Power (Act, Regulation, or Local Law):			
Related Documents (other Policies, Operational Procedures, Delegations, etc.):	Delegation 2.1.1 Grant a Building Permit Delegation 2.1.3 Occupancy Permits or Building Approval Certificates Delegation 9.2.1 Town Planning Scheme No's 5, 7 and Local Planning Scheme No. 9 following final approval and gazettal: Determination of Applications Delegation 9.2.2 Interim Development Order No. 9: Determination of Applications		
Version Control Council Meeting Review Details:			
Review #:	Council Meeting Date:	Item/Resolution#:	
1.	24 June 2021	Item 11.2 Res. 57/21	
2.	29 June 2023	Item 12.3 Res. 70/23	



(TP4) TOWN CENTRE DEVELOPMENT POLICY

POLICY OBJECTIVE

To facilitate development of mixed uses within the Town Centre zone taking into account the need for economic viability and protection of amenity for the various land uses.

POLICY STATEMENT

This policy applies to all land zoned Town Centre in Town Planning Scheme No. 5 Derby Townsite.



Where definitions have not been included in this policy the definitions outlined in Appendix 1 of Town Planning Scheme No. 5 shall prevail.

The Council may, upon consideration of an application waive any conditions or impose special conditions it thinks fit to enable the proposal before it to meet with the objectives of the policy.



1. Landuses

The landuses permitted in the Town Centre zone shall be as is set down in Table 1 "Zoning/Landuse" of Town Planning Scheme No. 5 (as amended) and as per the provisions of this policy in regard to each landuse precinct.

2. Residential Precincts

The Council's objectives for residential development within the Town Centre are:

- a) To retain the residential buildings and occupation of them where practicable.
- b) To encourage social interaction and activity between the residential component and that of the shopping, entertainment, service and employment functions.
- c) To promote and aesthetic and harmonious mixture of buildings and facades.

Residential development shall conform to the provisions of the Residential Planning Codes. The maximum residential density for residential only proposals is R35.

Only residential development shall be permitted in the Residential precincts.

3. Residential Development in Non-Residential Precincts

In areas not specified as a Residential precinct, residential development may still be permitted as outlined below and in accordance with the Residential Planning Codes:

1. **Commercial Precinct** – Mixed Use development (combined residential and commercial proposals) may be permitted. The maximum residential density permitted shall be R50. Caretaker's dwelling may be permitted at a rate of one per lot.
2. **Community Purposes precinct** – Residential development may be permitted to a density of R35. Caretaker's dwellings may be permitted at a rate of one per lot.
3. **Industrial Precincts** – Only Caretaker's Dwellings may be permitted at a rate of one per lot.

4. Service and Light Industry Precincts

The objectives for the industrial precincts are to:

- a) Enable the development of land for active employment and service to the general population in a convenient and accessible location;
- b) To encourage a development of a high and uniform standard for a wide range of activities; and
- c) To maintain a standard of building frontage to enhance the overall streetscape and general amenity of the town centre.

5. Standards for Development

Landscaping – not less than 10 percent of a lot shall be set aside for landscaping of which half shall be between the building liner and the front boundary of the lot. This landscaping shall be designed, developed and maintained in accordance with the provisions of Town Planning Scheme No. 5.

Storage and Display – No dumping, storage of waste, stockpiling of materials or construction servicing or maintenance shall be permitted between the front building line and the street frontage. This shall not prohibit the display of finished products between the front building line and the street frontage as an open air display.



Loading and Unloading – Areas for loading and unloading of vehicles carrying goods or commodities to or from the premises shall be provided as part of the overall development of the lot and maintained in accordance with the approved plan relating thereto.

6. Commercial Precinct

The objective is to encourage the development of a wide range of retail shopping facilities, services and offices in an environment which is safe and accessible, and harmonious in style, materials and general presentation to the street.

In considering applications for development Council shall have particular regard to:

- a) The gross leasable area of retail floor space to the population;
- b) The safe and convenient movement of pedestrians and vehicles around the site;
- c) The spacing and location of vehicular access points;
- d) The visual scale of the building in relation to neighbouring buildings;
- e) The external appearance of the building and associated signs, including the landscaping of the site; and
- f) Any adverse effects on adjoining residential areas.

7. Building Height

Building height shall not exceed two stories in accordance with the provisions of Town Planning Scheme No. 5.

8. Awnings/Verandahs

Awnings and verandahs may be constructed over a footpath provided that:

- a) It does not exceed six metres from the property line;
- b) It is of similar height and harmonises with the design of neighbouring awnings and verandahs; and
- c) In the case of verandahs, the post are set back a minimum of 600mm from the kerb.

9. Landscaping

- a) **Shops** – Landscaping shall be required at the discretion of Council;
- b) **Offices** – a minimum of 10% of the site area shall be landscaped;
- c) **Restaurants** – a minimum of 10% of the site area shall be landscaped.

10. Loading and Unloading

In considering each application for development the Council shall ensure that adequate provisions are made for the loading and unloading of goods and commodities to and from the building and shall ensure the provisions will not cause disruption or disadvantage free movement of pedestrians and/or other vehicles in the general movement of parking thereof in a public street.

11. Community Purposes Precinct

The Council's objectives for the Community Purposes precinct are to provide the necessary facilities for the benefit of the community in general and to present a standard of development of a high environmental quality.

The standards of development shall be at the discretion of Council unless otherwise stated in the policy or in Town Planning Scheme No. 5.



12. Development Standards and Provisions – All Precincts Setbacks

Setbacks shall in accordance with those laid down in Town Planning Scheme No. 5.

13. Car Parking Provisions

Car Parking shall be provided in accordance with the provisions of Town Planning Scheme No. 5

14. Caretaker's Dwellings

Caretaker's Dwellings shall be as is defined in Appendix 1 of Town Planning Scheme No. 5.

15. Signs

The erection or display of advertising signs and signboards is prohibited unless in accordance with the provisions of Town Planning Scheme No. 5.

16. Untidy Sites

Where in the Council's view a property is not being maintained in a clean and tidy condition and that the unkempt appearance of the property has a deleterious effect on the amenity of the area in which it is located, the Council may, by written notice require the owner, occupier or lessee of that land to undertake such works as may be necessary to restore or upgrade the condition of that property to a standard commensurate with those generally prevailing in the vicinity.

17. Non-Conforming Use of Land

Non-conforming uses shall be in accordance with the provisions of Town Planning Scheme No. 5.

Policy Details			
Original Adoption date:	31 March 1999	Review Frequency (Annual/Bi-annual):	2 years
		Next Review Due:	July 2027
Policy Implementing Officer or Team:	Manager Development Services	Policy Reviewer:	Director Community Planning
Legislative Head of Power (Act, Regulation, or Local Law):	Town Planning and Development Act 1928 Local Government Act 1995		
Related Documents (other Policies, Operational Procedures, Delegations, etc.):	Town Planning Scheme No.5 – Table 1 "Zoning/Landuse"		
Version Control Council Meeting Review Details:			
Review #:	Council Meeting Date:	Item/Resolution#:	
1.	24 June 2021	Item 11.2 Res. 57/21	
2.	29 June 2023	Item 12.3 Res. 70/23	



(TP5) TRANSPORTABLE / RELOCATED DWELLINGS

POLICY APPLICATION

This policy applies to applications for Planning Consent for residential development within the town site areas covered by Town Planning Schemes No. 5 and 7 (TPS No. 5 / 7) and Interim Development Order No. 7 (IDO No. 7). The policy should be read, and operates in conjunction with the Schemes and IDO No. 7, which also set out the application requirements for such development.

POLICY INTRODUCTION

Council recognises that transportable buildings for residential purposes are a valid low cost alternative to on-site built dwellings. The planning implications with respect to the use of 'second-hand' dwellings as opposed to 'new', is addressed in the policy and the Planning Consent required to be issued.

As distinct from the above, but of a similar nature, relocated houses also provide another residential development option. The implications for relocated houses are even greater than that for 'second-hand' transportable dwellings. Whatever the housing option, transportable or relocated, the issue is fundamentally one of structural integrity, suitability and compatibility with the housing stock established in the locality.

POLICY STATEMENT

To provide the opportunity for transportable and relocated dwellings to be utilised as a reduced housing cost option in appropriate locations.

To identify those situations and localities where Council will not support applications for second-hand transportable and relocated dwellings.

To ensure that the structural integrity of the transportable or relocated dwelling is of a satisfactory standard and that the architectural design and external appearance is compatible with the building standards, design and character of existing housing in the immediate locality of the proposal and that it will not detrimentally affect the character or amenity of the area.

To provide guidance for applicants who wish to develop transportable or relocated dwellings in the area of policy application and for Council in determining such applications.

To provide the opportunity for residents and owners of land within the locality of the proposed development to make a submission to Council on any application for second-hand transportable or relocated dwellings.

POLICY DEFINITIONS

Extract - TPS No.5:

"Transportable Building" means any structure that is prefabricated at any place other than on the site upon which it is to be erected, but does not include a 'Kit Home'.

"Second-hand Building" means any building or structure which does not consist of substantially all new material and may be transported or moved to a site for the purpose of re-erection.

For the purpose of policy:

A **"new transportable dwelling"** refers to a prefabricated residential dwelling being delivered direct from the manufacture's premises to the site on which it is to be established.



A “**second-hand transportable dwelling**” refers to a prefabricated residential dwelling previously established on a site, other than the site for which approval is sought to locate the dwelling.

A “**relocated dwelling**” refers to a residential dwelling previously established on a site, other than the site for which approval is sought to locate the dwelling.

1. DEVELOPMENT APPLICATIONS – PLANNING CONSENT

All development of land within the defined area of a Scheme or IDO requires Planning Consent and is subject to the requirements and provisions of the Scheme or IDO. In addition to a Planning Consent, a Building Licence is also required to be obtained prior to the location of the dwelling on the property.

The proposed use of transportable and relocated dwellings for residential purposes requires a development application to be submitted and is subject to the following policy requirements and development criteria.

2. NEW TRANSPORTABLE DWELLINGS

The utilisation of ‘new’ transportable dwellings for residential development is of far less concern than those that are second-hand, particularly with respect to the age and condition of the structure. As the development implications of structural integrity, suitability and compatibility of a new dwelling is far less, the policy requirements are minimal in terms of dealing with applications to achieve similar outcomes as that applicable to traditional single housing.

Planning Consent for the development of a new transportable dwelling will be granted subject to:

- a) The building being of a satisfactory standard and the architectural design and external appearance is compatible with the building standards, design and character of existing housing in the immediate locality of the proposed development and will not detrimentally affect the character or amenity of the area.
- b) Full length verandahs being provided at the front and rear of the dwelling.
- c) Carport or garage being provided on site or attached to the dwelling.
- d) A bond of \$5,000 per dwelling to be paid prior to the issue of a Building Licence. The bond will be held until the satisfactory completion of the Schedule of Works.

3. SECOND-HAND TRANSPORTABLE AND RELOCATED DWELLINGS

Applications for Planning Consent will be subject to advertising pursuant to TPS No. 5 in accordance with Clauses 7.3.3 (a) & (b) and thereafter referred to Council for determination.

In support of an application for Planning Consent, the following additional information and documentation is required:

- a) Photographs of each elevation of the dwelling;
- b) A Schedule of Works for the proposed changes and upgrading of the dwelling;
- c) List of external finishes; and
- d) Structural Certification in respect to the compliance of the dwelling with the BCA and the capacity of the dwelling to be moved.

Although Council recognises that second-hand transportable and relocated dwellings may be a suitable housing option, these developments will not be approved in the following locations:

- a) Town Centre zoned area of TPS No.5;



- b) New DOLA subdivision area bounded by Mimosa St, Ashley St and Rowan St; and
- c) Residential land fronting Loch St, Clarendon St and the Derby Hwy within the TPS No.5 area.

In respect to assessing the architectural design and external appearance of the dwelling the following criteria shall be used:

- a) Similarity or compatibility of quality and condition of the external appearance of the dwelling relative to those established in the locality.
- b) Age of the dwelling relative to that generally prevailing in the locality.
- c) Size of the lot on which it is proposed to locate the dwelling, relative proximity to other dwellings and visibility from public spaces.

Proposed landscaping to be undertaken in conjunction with the location of the dwelling on the site. Council may grant a Planning Consent to permit the erection or placement of a second-hand transportable or relocated dwelling on a residential lot, subject to:

- a) The structural integrity of the dwelling being satisfactory.
- b) The dwelling being of a satisfactory standard and that the architectural design and external appearance is compatible with the building standards, design and character of existing housing in the immediate locality of the proposed development and that in Council's opinion, will not detrimentally affect the character or amenity of the area.
- c) A proposed Schedule of Works is to be provided for the upgrade of the dwelling in terms of its structural integrity and appearance prior to the issue of a Building Licence.
- d) The Schedule of Works for the upgrade of the dwelling is required to be completed within three months of the location of the dwelling on-site and shall require the lodgment of a Bond as security against compliance with the Schedule of Works.
- e) A bond per dwelling (as provided for in the annually adopted Fees & Charges Schedule) is to be paid prior to the issue of a Building Licence. The bond will be held until the satisfactory completion of the Schedule of Works.
- f) Where a dwelling contains asbestos, the applicant is required to provide advice on the appropriate measures and work to be undertaken for the transportation and establishment of the relocated dwelling in accordance with the requirements of the Health Act. This information is required to be submitted with the documentation for a Building Licence.

A Landscape Plan is required to be submitted prior to the issue of a Building Licence to ensure the development of the site does not have an adverse impact on the streetscape.

The dwelling is to be secured to the footings immediately on its relocation to the site.

No relocation of a dwelling is to be undertaken during the cyclone period in the wet season being specifically, 1 November to 30 April of the year.

Policy Details			
Original Adoption date:	30 November 2000	Review Frequency (Annual/Bi-annual):	2 years
		Next Review Due:	June 2027
Policy Implementing Officer or Team:	Manager Development Services	Policy Reviewer:	Director Community Planning
Legislative Head of Power (Act, Regulation, or Local Law):	Town Planning Scheme No.5 (Derby) Town Planning Scheme No.7 (Birdwood Rise) Interim Development Order No.7 (Fitzroy Crossing/Camballin)		
Related Documents (other Policies, Operational Procedures, Delegations, etc.):	Delegation 2.1.1 Grant a Building Permit Delegation 2.1.3 Occupancy Permits or Building Approval Certificates Delegation 9.2.1 Town Planning Scheme No's 5, 7 and Local Planning Scheme No. 9 following final approval and gazettal: Determination of Applications Delegation 9.2.2 Interim Development Order No. 9: Determination of Applications		
Version Control Council Meeting Review Details:			
Review #:	Council Meeting Date:	Item/Resolution#:	
1.	28 March 2019	Item 10.1 Res. 12/19	
2.	24 June 2021	Item 11.2 Res. 57/21	
3.	29 June 2023	Item 12.3 Res. 70/23	



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(TPG1) TOWN PLANNING GUIDELINE MINIMUM FLOOR LEVEL FOR NEW BUILDINGS FITZROY CROSSING AND CAMBALLIN

1. GUIDELINE OBJECTIVE

To minimise the potential for flood damage to new buildings within Fitzroy Crossing and Camballin.

2. GUIDELINE STATEMENT

This guideline applies to all new buildings within Fitzroy Crossing and Camballin.

3. GUIDELINE DEFINITIONS

AHD – The Australian Height Datum (AHD) is the official national vertical datum for Australia and refers to Australian Height Datum 1971 (AHD71; Australian mainland) and Australian Height Datum (Tasmania) 1983 (AHD-TAS83).

AEP – Annual Exceedance Probability (measured as a percentage) is a term used to describe how likely a flood is to occur in a given year.

Habitable Building means any structure or portion thereof used or designed for human habitation/occupancy.

Non-Habitable Building means any structure or portion thereof not used or designed for human habitation/occupancy.

4. FINISHED FLOOR LEVEL (FFL) FOR NEW HABITABLE BUILDINGS ABOVE JANUARY 2023 FLOOD LEVELS. (noting Camballin as an exception)

4.1 The finished floor level for all habitable buildings shall be a minimum of 1 metre above the 1 in 100 AEP for Fitzroy Crossing and Camballin - Flood levels shown in the following table for January 2023 event:

Location	Jan 23 flood level (m) AHD	Height (m) of Jan 23 flood above 1 in 100 AEP	1 in 100 AEP	Draft FFL
Loambun / Parukupan	110.6	0.5	110.2	111.2
Fitzroy Lodge	111.0	0.65	110.35	111.35
Fitzroy Crossing town	111.7	0.95	110.75	111.75
Yurabi Road	111.7	0.6	111.1	112.1
Emmanuel Way	111.3	0.9	110.4	111.4
Skuthorpe Road (Crossing Inn)	111.8	0.9	110.9	111.9
Junjuwa	112.0	1.05	110.95	111.95
Burawa	112.1	1.0	111.1	112.1
Darlyngunaya	112.3	1.05	111.25	112.3
West of Crossing	112.0	0.9	111.1	112.1
Bungardi	112.5	1.1	111.4	112.5
Camballin	46.6	1.9	44.7	45.7



5. FINISHED FLOOR LEVEL FOR NEW NON-HABITABLE BUILDINGS AND EXISTING APPROVED HABITABLE AND NON-HABITABLE BUILDINGS

5.1 The local government has discretion to consider a minimum finished floor level less than 1 metre above the 1 in 100 AEP as per attached mapping from Department of Water Environment and Regulation under the following circumstances:

- a) The proposed development is a minor extension to an existing building or structure already approved and constructed; or
- b) The non habitable building or structure is ancillary development to a dwelling on the same lot inclusive of a carport, garage, patio, pergola, gazebo, and outbuilding; or
- c) The local government considers fill is impractical and/or will have a negative impact on an established streetscape.

6. REFERALS TO THE DEPARTMENT OF WATER AND ENVIRONMENTAL REGULATION

6.1 It is strongly recommended all landowners/applicants undertake pre-consultation with the Department of Water and Environmental Regulation to determine and confirm the final finished floor levels required to mitigate any future potential flood risk and prepare and submit plans in support of their development applications that reflect the advice and recommendations received from the Department. A copy of advice received from the Department should accompany the development application submitted to the local government as this may save considerable time processing the application.

6.2 Where a landowner/applicant does not undertake pre-consultation with the Department of Water and Environmental Regulation or provide evidence of pre-consultation, the local government will refer the application to the Department for review and comment.

6.3 The local government will have due regard to the advice and recommendations received from the Department when determining development applications.

Guideline Details			
Original Adoption Date:	25 May 2023, (Item 14.1, Res. 60/23)	Review Frequency (Annual/Bi-annual):	2 years
		Next Review Due:	July 2027
Guideline Implementing Officer or Team:	Manager Development Services	Guideline Reviewer:	Director Community Planning
Legislative Head of Power (Act, Regulation, or Local Law):	Local Government Act 1995		
Related Documents (other Policies, Operational Procedures, Delegations, etc.):	Department of Water and Environmental Regulation – Fitzroy Crossing Flood Management Strategy – Flood Level Maps January 2023		
Version Control Council Meeting Review Details:			
Review #:	Council Meeting Date:	Item/Resolution#:	
1.	29 June 2023	Item 14.1 Res. 73/23	
2.	13 October 2023	Director Strategic Business used AUTH033 (Acting Through) and Delegation 1.1.34 Minor Amendments to Policies and Delegations to change reference of "policy" to "guideline". Synergy Record No. N20591	



(W1) CROSSOVERS

POLICY OBJECTIVE

To provide landowners with adequate access to their property.

POLICY STATEMENT

Please refer to the following Guideline Residential Crossover Guideline 2017-(ID-361996).pdf which sets a standard for The following standards set by Council are to be used for future Council work and for developers wishing to subdivide and develop land or private property owners wishing to install a crossover.

Crossovers - Standards			
	Maximum Number	Council Contribution	Drainage
Residential			
Minimum 3m and maximum 6m wide concrete	2 crossovers or maximum 40% of frontage.	Maximum 50% (up to *\$1,800) of the first standard crossover per residential lot.	Site specific
Rural			
Minimum 8m wide Class 4 concrete pipe with headwalls and delineators (or wider if required)	Site Specific	Nil (cost to owner/developer).	Site specific – to be assessed on an individual basis.
Non-Residential			
	Site Specific	Nil (cost to owner)	Site Specific
Existing old and/or sub-standard crossovers	1	Will be assessed on an individual basis with resolution of any contribution towards reconstruction to be made by Council.	N / A

A standard crossover is 3m x 5m of concrete construction. The subsidy for new residential crossovers will be calculated at 50% of cost of installation for the first installed crossover and not subsequent crossovers to a maximum of \$1,800. concrete standard to a maximum established annually in the Shire's Schedule of Fees and Charges of *\$1,800. The subsidy for construction of crossovers is an attempt to encourage an improvement in access to residential properties.

**Note: this figure may be adjusted by Council via the annual Fees & Charges review undertaken as part of the budget adoption process.*



Policy Details			
Original Adoption date:	27 August 1997	Review Frequency:	2 years
		Next Review Due:	July 2027
Policy Implementing Officer or Team:	Manager Assets and Works	Policy Reviewer:	Director Infrastructure
Legislative Head of Power (Act, Regulation, or Local Law):	Schedule 9.1, Clause 7 of the Local Government Act 1995 and Regulation 12, 13 and 15 of the Local Government (Uniform Local Provisions) Regulations 1996		
Related Documents (other Policies, Operational Procedures, Delegations, etc.):	SDWK – Standards of Construction for Concrete Crossover Driveway Access		
Version Control Council Meeting Review Details:			
Review #:	Council Meeting Date:	Item/Resolution#:	
1.	28 February 2019	Item 9.2.1, Res. 006/2019	
2.	24 June 2021	Item 11.2, Res. 57/21	
3.	24 February 2022	Item 11.5, Res. 07/22	
4.	29 August 2024	Item 12.1, Res. 100/24	



(W4) MEMORIALS IN PUBLIC PARKS AND RESERVES

POLICY OBJECTIVE

To provide guidance on the installation of memorials in public parks and reserves (including Roadside Memorials) within the Shire of Derby/West Kimberley and the criteria to be taken into account in relation to requests received for planting of commemorative trees, erection of memorial plaques and distribution of ashes in public parks and reserves.

POLICY STATEMENT

The Shire acknowledges the use of memorials as a means of assisting people to grieve for loved ones and to honour the past contributions of deceased persons within their local community.

Notwithstanding the above, it is also recognised that the installation of memorials within public open spaces must be managed in a way so as to maintain local amenity, ensure the safety of residents and minimise maintenance requirements.

It is the Shire's position that applicants be encouraged to install memorials within designated memorial facilities (e.g. cemeteries). However, applications for the installation of suitable memorials, plaques, trees and furniture in public parks and reserves within the Shire may be considered in accordance with the conditions of this policy.

POLICY DEFINITIONS

Memorial / Monument: Memorials and monuments are objects that are built, placed or preserved in-situ for the purpose of commemorating a person, community, place or event of public significance. Memorials and monuments may incorporate architectural elements, statuary and monolithic objects, such as stones. While these objects may sometimes employ the services of artists in their design and construction, the intent and purpose of memorials and monuments is quite distinct from public art.

Plaque: A plaque is a memorial tablet of stone, metal or other material inscribed with text and/or images commemorating a person, community, place or event of public significance, and/or presenting information that aids in the interpretation of a site or other object. Plaques may be affixed to an object, or placed in the ground adjacent to a tree.

1. Memorials

The installation or erection of stand-alone, monolithic type memorials in parks and reserves is not supported. Persons wishing to commemorate an individual or an organisation are encouraged to donate a suitable piece of park furniture (eg park seat, drinking fountain) which may contain a suitable inscription plaque on it or arrange for the planting of a suitable tree.

2. Commemorative Trees or Park Furniture / Items

(a) Applications for the planting of memorial or commemorative trees, park furniture/items in public parks and reserves will be considered on their individual merits. A report will be submitted to the Council and will consider the following criteria:

Whether the person or event has:

- (i) made a significant contribution to the development of the Shire or its community, largely in a voluntary capacity;



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(ii) made a significant contribution to the long term betterment or improvement of the Shire; or
(iii) provided extensive or distinguished service to the Shire or its community;

(b) Wherever appropriate, the views of adjacent residents or specific community groups be sought prior to Council approval;

(c) The tree shall be planted and maintained by the Shire;

(d) The selection of tree species and planting location will be carefully considered in view of the type of reserve, existing species, history of requests or associated activities in that reserve.

(e) The location of the tree or park furniture shall be at the discretion of the Shire.

(f) The inscription plaque on the furniture/item shall be no larger than 100mm x 100mm and made of brass bronze or other approved material and of such design approved by the Shire from time to time.

(g) The applicant shall be required to meet the cost of the purchasing and/or erection/installation of the donated tree or furniture/item.

(h) The Shire shall reserve the right to remove the furniture/item at any time should it be considered necessary.

(i) Substantive installations such statues and similar commemorating individuals, events or organisations should not be approved within 10 years of the death, completion or dissolution of the subject in order to ensure that there is ample opportunity to relatively objectively establish cultural significance.

2. Roadside Memorials

~~A roadside memorial is a marker that commemorates a site where a person has died, usually as a result of a motor vehicle accident.~~

~~The Shire of Derby/West Kimberley respects the need and benefits for people to erect roadside memorials however, the Shire must also ensure that the road/verge/reserve environment is safe for all other users.~~

3.1 A Roadside Memorial may include:

~~(a) a white wooden cross (with the deceased's name, details etc.);
(b) a grey, concrete paver, painted with a white cross; and
(c) a decal (adhesive label) with a white cross on a black background.~~

~~The above may also include flowers (real or artificial), toys and accompanying notes/messages.~~

3.2 Roadside Memorials may:

~~(a) only be installed in Crown Land that is under the care control and management of the Shire and is reserved for the purposes of recreation, public open space or road reserve; and
(b) only be installed where there is minimal impact on the local amenity and/or surrounding residents and must not present a risk or hazard to the public.~~

~~The deceased's family/friends are responsible for the ongoing maintenance of their roadside memorial including, but not limited to, graffiti and weed removal.~~



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4. Memorial Removal

- (a) Should for any reason an installed memorial becomes disturbed or damaged through works, either by the Shire or its contractors or by external contractors working for another Government Department or Agency, the memorial shall be removed at the expense of the party undertaking the works and returned to the family of the deceased (if known). Subject to the Chief Executive Officer's approval, the memorial may be reinstalled, if appropriate, in the same location or installed in another location nearby at the expense of the applicant.
- (b) Should the ongoing maintenance of an installed memorial become neglected, the Shire reserves the right to remove the memorial and return it to the family of the deceased (if known).
- (c) The Shire will contact the deceased's family prior to the completion of the agreed period of installation to arrange for the memorial's removal or transfer.

5. Distribution of Ashes

- (a) Persons wishing to distribute the ashes of a deceased person on a public park or reserve may make application to the Chief Executive Officer for approval.
- (b) The Chief Executive Officer shall consider each application on its merits (taking into consideration the above criteria).
- (c) Where approval is granted, the ashes are to be distributed at a time and in a manner which causes minimal attention or disruption.

Policy Details			
Original Adoption date:	24 June 2021 (Item 11.2, Res. 57/21)	Review Frequency (Annual/Bi-annual):	Tri-annual ^{2 years}
		Next Review Due:	June 2026
Policy Implementing Officer or Team:	Manager of Infrastructure ^{Assets and Works}	Policy Reviewer:	Director – Technical & Development Services ^{Infrastructure}
Legislative Head of Power (Act, Regulation, or Local Law):	Not applicable.		
Related Documents (other Policies, Operational Procedures, Delegations, etc.):	Not applicable.		
Version Control Council Meeting Review Details:			
Review #:	Council Meeting Date:	Item/Resolution#:	
1.	29 June 2023	Item 12.3 Res. 70/23	



(W5) PUBLIC ART

POLICY PURPOSE

To provide general guidelines in respect to the development of public art within the Shire of Derby/West Kimberley (the Shire).

POLICY OBJECTIVE

To establish guidelines that will:

- Enhance the opportunities for cultural and heritage tourism through the presence of ~~high quality~~high-quality works;
- Encourage the expression of identity and belonging by the community, highlighting cultural uniformity and diversity; and
- Form meaningful places of cultural heritage that facilitate an understanding of identity, history, and aspirations for future generations.

POLICY APPLICATION

This policy applies to the proposed construction of a work(s) of public art within the Shire that can be viewed in the public domain, including public open space, reserves vested in the Shire and on privately owned land visible from public areas.

The application process set out below applies to those projects that are proposed on reserves managed by the Shire. Projects on private land will require an application to be submitted in accordance with the requirements as set out under the *Planning and Development Act 2005*, but Council will have regard to the objectives of this policy when considering any approval.

This policy does not apply to proposals for the erection of permanent or temporary memorials.

POLICY DEFINITIONS

Public Art: Public art can be defined as artwork located in public spaces other than supervised outdoor gallery spaces. The term public art may cover a wide range of art forms including but not limited to, permanent three dimensional and two dimensional works such as sculptures, murals, mosaics, entry statements and unique street furniture elements, temporary and ethereal works such as projection works, lighting, multi-media and performance based works.

Public realm: The public realm can be defined as including but not limited to streets, squares, parks and spaces within buildings that are accessible to the general public and in the ownership of, or under the control of Council, State Government or Commonwealth Government agencies. Spaces accessible to the general public but in private ownership are also perceived to be part of the public realm.

Memorial: Memorials are objects that are built, placed or preserved in situ for the purpose of commemorating a person, community, place or event of public significance. Memorials may incorporate architectural elements, statuary and monolithic objects such as stones. Whilst these objects may sometimes employ the services of artists in their design and construction, the intent and purpose of memorials is quite distinct from public art.



1. Approval Process

- 1.1 All proposals will require the submission of an application to the Shire which shall be referred to Council for approval;
- 1.2 Applications shall include the submission of an application for approval form together with the following information:
 - a) A site plan or plans at a suitable scale (1:100 or 1:200 preferred) of the proposed location showing:
 - The boundaries of the site, with dimensions and direction of grid north indicated accurately;
 - The outline of proposed structures on the proposed site; and
 - Details of existing structures, landscaping and usage of the site.
 - b) A detailed budget report including, inter alia: the most likely cost of design, construction, installation, and ongoing maintenance.
 - c) A detailed design (i.e. elevation, scale model) of the proposal, indicating proposed size, materials and plaque text.
 - d) Full details of how cultural significance implications of the proposed site have been investigated and considered.
 - e) A construction plan, indicating for example, timelines, the methodology for installation and safety controls, how access will be gained, access restrictions during construction, controls for dust and noise, and clean-up procedures. Also, how public access to the location will be provided for and how ongoing site access will be safely managed.
 - f) An environmental assessment (flora, fauna, land and water) if the proposed art works are to be positioned in a sensitive environmental area (e.g. Derby tidal marsh areas).
 - g) Details of community consultation undertaken, or a list of stakeholders considered appropriate for the Shire to engage with as part of its approvals process.
 - h) In determining any application (and irrespective of information provided in (g) above) Council may consult with any other party it considers appropriate and/or require that a proposal be advertised for public comment.

2. Advertising Requirements

Where Council determines that an application should be advertised prior to a determination, a notice of the proposed artwork will be published in local media and on the Shire's website for a period of 21 days from the publication of the notice.



3. Development Guidelines

3.1 Location

Applicants must:

- identify a specific site and fully justify the reasoning for the artwork beyond the proposed location;
- ensure the existing use of the site is not jeopardised by the proposed artwork; and
- be consistent with any plans adopted by Council for the proposed site (e.g. Clarendon Street Enhancement Project Plan).

3.2 Type

- proposals shall represent broad community interest and be mindful of future generations;
- proposals must be of significance and appropriate to past, present and future generations;
- the scale and character of a proposal should be complementary to the surrounding area; and
- the proposal shall contribute to the public domain in respect to construction and design.

4. Agreement

The applicant shall enter into an agreement with the Shire as provided by the Shire prior to commencement of works.

5. Funding

Whilst the Council may consider a contribution towards a proposal on a case by case basis, the cost of *inter alia*: community consultation, design, production, installation, site preparation, infrastructure works shall be financed by the applicant.

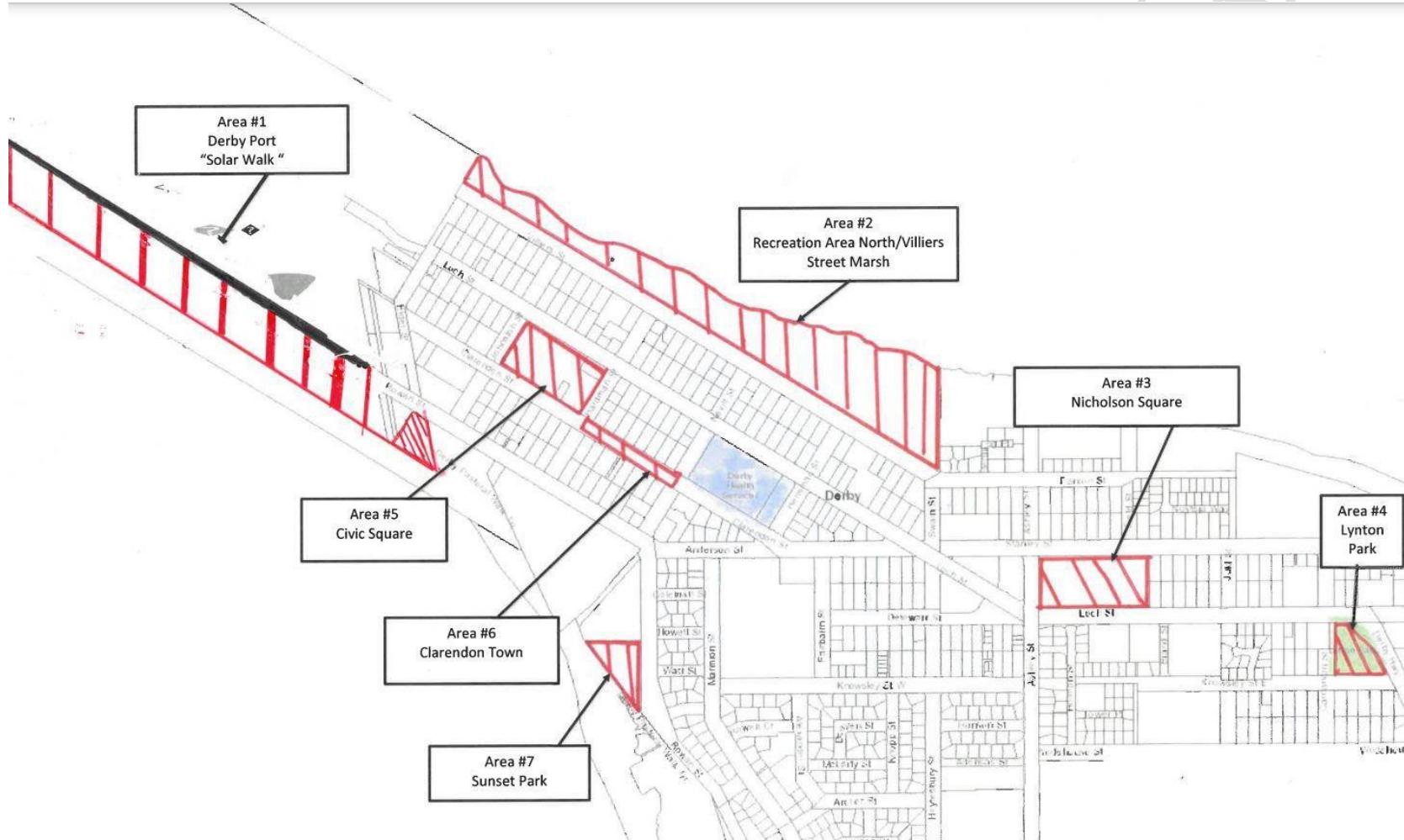
Appendix 1:

Map Set: Shire controlled reserves.

Policy Details			
Original Adoption date:	25 September 2019 (Item 15.1, Res. 113/19)	Review Frequency:	2 years
		Next Review Due:	July 2027
Policy Implementing Officer or Team:	Manager Infrastructure	Policy Reviewer:	Director of Infrastructure
Legislative Head of Power (Act, Regulation, or Local Law):	Local Government Amendment (Property) Local Law 2014		
Related Documents (other Policies, Operational Procedures, Delegations, etc.):	Map Set: Shire controlled reserves (attached to policy).		
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 August 2024	Item 12.1, Res. 100/24	



Appendix 1 Shire of Derby / West Kimberley





Appendix 1
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Shire of Derby / West Kimberley

(W7) CLOSED CIRCUIT TELEVISION (CCTV)

1. POLICY OBJECTIVE

The purpose of this policy is to prevent crimes within the Shire of Derby/West Kimberley (Shire) through the strategic use of Closed-Circuit Television (CCTV) systems installed on Shire owned land/infrastructure. The purpose of the CCTV surveillance systems is to:

1. Reduce crime levels by deterring potential offenders;
2. Promote a safer and more liveable environment;
3. Help ensure a fast, effective response in emergency situations;
4. Assist in the detection and prosecution of offenders, this may include using the CCTV cameras to record illegal parking and issue infringement notices;
5. Help secure a safer environment for the people who live in, work in and visit the Shire;
6. Monitor Shire assets and local government property; and
7. Ensure that the privacy of the community and visitors is maintained and respected.

2. POLICY DEFINITIONS

CCTV or Closed-Circuit Television is defined as a television system that transmits images on a 'closed loop' basis, where images are only available to those directly connected to the transmission system. The transmission of closed-circuit television images may involve the use of coaxial cable, fibre-optic cable, telephone lines, infra-red and radio transmission systems.

CCTV Operations means all aspects of public space CCTV surveillance management, use, recording, maintenance and access to recorded material.

Public Place refers to public reserves, public roads or streets, public bridges, with the addition of public transport and car parks, public wharfs, public baths or swimming pools.

Private Premises refers any area not openly accessible to the general public, including semi-public spaces and includes private residences and private or commercial businesses.

Stakeholder means any organisation or group who has a reasonable and justified interest in aspects of public space CCTV surveillance management, use, recording, maintenance and access to recorded material.

Managers refers to the department heads in the Shire tasked with managing various different departments.

3. POLICY STATEMENT

Council supports the provision of Closed-Circuit Television (CCTV) systems within the district that are Shire owned/leased and operated and which are linked to the Western Australia Police Force (WA Police) under the WA Police Cam-Map WA Portal. This policy has no application regarding CCTV or any other forms of cameras/recording which are not fixed installations on Shire controlled land/infrastructure.

This policy does not relate to the use of Shire operated mobile cameras or temporary CCTV installations; or CCTV installed by tenants or licensees operating within Shire controlled areas.

Privacy: Protecting privacy will be a core value. CCTV usage in the Shire will be guided by confidentiality and the privacy provisions included within the *Surveillance Devices Act 1998*. The location of the



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cameras will be clearly apparent to the public. This will be achieved with street signage and information being made available on the Shire's website. These signs will:

- inform the public that cameras are in operation;
- identify the Shire of Derby/West Kimberley as the owner of the system; and
- highlight that enquiries in relation to the Shire's CCTV Surveillance System and its operation can be made in writing to:

The Chief Executive Officer
PO Box 94
DERBY WA 6728
Or
sdwk@sdwk.wa.gov.au

It is acknowledged that CCTV cameras installed in public place locations will capture images of the general public and staff performing work tasks. The provision of CCTV within the Shire is not designed to intentionally provide workplace surveillance unless specifically stated.

4. ALLIANCES AND OPERATIONAL PROCEDURES

The Council requires the Chief Executive Officer (CEO) to implement this policy through the maintenance of a strategic alliance with the State Government and WA Police, and to develop/maintain compatible multi-agency and Shire operational procedures that ensures there is a compliant, consistent, and appropriate approach to:

1. The installation of CCTV at Shire owned/operated locations;
2. The direction and recording of CCTV where that includes a capacity or need to view adjacent or nearby premises or buildings that are not Shire controlled spaces;
3. The monitoring of CCTV feed through WA Police and Shire operated Surveillance Centre;
4. Access to recordings for Shire, WA Police, or other legal proceedings;
5. The planning for maintenance of existing and the acquisition of future CCTV equipment;
6. Employing, training, and supervising employees that will deal with CCTV equipment and recordings;
7. The controls around CCTV equipment and recordings access;
8. The records keeping of CCTV recordings;
9. The management of stakeholder complaints; and
10. The management of breaches to this policy and appropriate disciplinary actions.

5. STANDARDS

The CEO will ensure the Shire's CCTV operations are consistent with the following Standards:

1. Australian Standard AS/NZS 62676.1.1:2020 Video surveillance systems for use in security applications
2. Western Australia CCTV guidelines
3. Western Australia Police Preferred Minimum CCTV System standards as defined in the WA State CCTV Strategy

Policy Details			
Original Adoption Date:	29 August 2024 (Item 12.1, Res. 100/24)	Review Frequency:	2 years
		Next Review Due:	July 2027
Policy Implementing Officer or Team:	Manager Assets and Works	Policy Reviewer:	Director Infrastructure
Legislative Head of Power (Act, Regulation, or Local Law):	Freedom of Information Act 1992 Surveillance Devices Act 1998 Telecommunications (Interception) Western Australia Act 1996		
Related Documents (other Policies, Operational Procedures, Delegations, etc.):	CEO Directive D-TD3 Closed Circuit Television (CCTV) – under development Western Australian State CCTV Strategy Australian Standard AS/NZS 62676.1.1:2020 Western Australia CCTV Guidelines		
Version Control Council Meeting Review Details:			
Review #:	Council Meeting Date:	Item/Resolution#:	
1.			



(W3) UNDERGROUND PUBLIC UTILITIES SERVICES THAT CROSS COUNCIL CONTROLLED THOROUGHFARES

POLICY OBJECTIVE

To define the procedure as to how underground public utilities services cross Council controlled thoroughfares.

POLICY STATEMENT

When an existing town street does not have any scarring or the integrity of the pavement is intact, then installation of required services shall be placed by *under-road* boring technique.

When an existing town street does have previous scarring, or the integrity of the pavement has suffered failure, then installation of required services may be placed by the open excavation method with a cement stabilised sand or compacted road-base backfill, and sealed with bitumen/aggregate or asphalt premix surface (as per WA Water Corporation backfilling of trenches standards).

The Director of Infrastructure (or their delegate) shall be advised a minimum of 28 days in advance of any proposed installation of under road services so that assessment of the carriageway may be undertaken to ascertain the most appropriate method of installation and issue authorisation.

The authorising Corporation will be responsible for public consultation.

A Main Roads WA compliant traffic management plan (TMP) shall be presented to the Director of Infrastructure (or their delegate) for approval, a minimum of 14 days prior to commencement of any scheduled works. Appropriate warning signage for these works shall be displayed in accordance with the approved TMP and Australian or Main Roads WA standards.

Policy Details			
Original Adoption date:	31 May 2001 (Item 6.2.1 Res. 113/2001)	Review Frequency:	3 years
		Next Review Due:	August 2027
Policy Implementing Officer or Team:	Manager Infrastructure	Policy Reviewer:	Director of Infrastructure
Legislative Head of Power (Act, Regulation, or Local Law):	Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law		
Related Documents (other Policies, Operational Procedures, Delegations, etc.):			
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 August 2024	Item 12.1, Res. 100/24	