



**Shire of Derby /
West Kimberley**

MINUTES

Ordinary Council Meeting Thursday, 24 June 2021

Date: Thursday, 24 June 2021

Time: 1:04pm

Location: Jarlmadangah Community



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**MINUTES OF SHIRE OF DERBY / WEST KIMBERLEY
ORDINARY COUNCIL MEETING
HELD AT THE JARLMADANGAH COMMUNITY
ON THURSDAY, 24 JUNE 2021 AT 1:04PM**

- PRESENT:** Cr Paul White (Deputy Shire President), (phone) Cr Geoff Davis, Cr Andrew Twaddle , Cr Rowena Mouda, Cr Pat Riley, Cr Keith Bedford
- IN ATTENDANCE:** Amanda O'Halloran (Chief Executive Officer), Neil Hartley (Director of Strategic Business), Sarah Smith (Executive Services Coordinator)
- VISITORS:** Nil.
- GALLERY:** Michael Ward, Tina Watson, Kimberley Watson
- APOLOGIES:** Geoff Haerewa (Shire President), Cr Chris Kloss
- APPROVED LEAVE OF ABSENCE:** Cr Steve Ross
- ABSENT:** Nil

1 DECLARATION OF OPENING, ANNOUNCEMENTS OF VISITORS

The meeting was opened at 1:04pm by Amanda O'Halloran.

2 ATTENDANCE VIA TELEPHONE/INSTANTANEOUS COMMUNICATIONS

In accordance with regulation 14A of the Local Government (Administration) Regulations 1996 Council must approve (by Absolute Majority) the attendance of a person, not physically present at a meeting of Council, by audio contact. The person must be in a 'suitable place' as approved (by absolute majority) by Council. A 'suitable place' means a place that is located in a townsite or other residential area and 150km or further from the place at which the meeting is to be held.

- Cr White

3 DISCLOSURE OF INTERESTS

Section 5.65 and 5.70 of the *Local Government Act 1995* requires an Elected Member or officer who has an interest in any matter to be discussed at a Committee/Council Meeting that will be attended by the Elected Member or officer must disclose the nature of the interest in a written notice given to the Chief Executive Officer before the meeting; or at the meeting before the matter is discussed.

An Elected Member who makes a disclosure under section 5.65 or 5.70 must not preside at the part of the meeting relating to the matter; or participate in; or be present during, any discussion or decision making procedure relating to the matter, unless allowed by the Committee/Council. If Committee/Council allow an Elected Member to speak, the extent of the interest must also be stated.

3.1 Declaration of Financial Interests

Nil

3.2 Declaration of Proximity Interests

Nil.

3.3 Declaration of Impartiality Interests

Nil.

4 APPLICATIONS FOR LEAVE OF ABSENCE**LEAVE OF ABSENCE****RESOLUTION 68/21****Moved: Cr Geoff Davis****Seconded: Cr Keith Bedford**

That the Leave of Absence received from Cr Steve Ross for the period of 3 months (June, July and August) be accepted and leave of absence granted.

In Favour: Crs Paul White, Geoff Davis, Andrew Twaddle, Rowena Mouda, Pat Riley and Keith Bedford

Against: Nil

CARRIED 6/0**LEAVE OF ABSENCE****RESOLUTION 69/21****Moved: Cr Keith Bedford****Seconded: Cr Geoff Davis**

That the Leave of Absence received from Cr Mouda for the Ordinary Council Meeting on 29 July 2021 be accepted and leave of absence granted.

In Favour: Crs Paul White, Geoff Davis, Andrew Twaddle, Rowena Mouda, Pat Riley and Keith Bedford

Against: Nil

CARRIED 6/0**5 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil.

6 PUBLIC TIME

6.1 Public Question Time

Nil.

6.2 Public Statements

Nil.

7 PETITIONS, DEPUTATIONS, PRESENTATIONS AND SUBMISSIONS

Nil.

8 ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION

Nil.

9 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

RESOLUTION 70/21

Moved: Cr Rowena Mouda

Seconded: Cr Pat Riley

That the Minutes of the Ordinary Meeting of the Shire of Derby/West Kimberley held at the Council Chambers, Clarendon Street, Derby, on 27 May 2021 be CONFIRMED.

In Favour: Crs Paul White, Geoff Davis, Andrew Twaddle, Rowena Mouda, Pat Riley and Keith Bedford

Against: Nil

CARRIED 6/0

10 RECOMMENDATIONS AND REPORTS OF COMMITTEES

10.1 MINUTES OF THE AUDIT COMMITTEE MEETING HELD ON 10 JUNE 2021

File Number: 4110

Author: Sarah Smith, Executive Services Coordinator

Responsible Officer: Amanda O'Halloran, Chief Executive Officer

Authority/Discretion: Executive

SUMMARY

For Council to receive the Audit Committee Minutes.

ATTACHMENTS

RESOLUTION 71/21

Moved: Cr Geoff Davis

Seconded: Cr Paul White

THAT COUNCIL:

- 1. Receive the Minutes of the Audit Committee Meeting held on 10 June 2021 and the recommendations therein be adopted.**

COMMITTEE RESOLUTION AC72/21

That the Audit Committee recommends Council RECEIVES the Monthly Financial Management Report incorporating the Statement of Financial Activity for the period ending 31 May 2021.

COMMITTEE RESOLUTION AC73/21

That the Audit Committee recommends that Council notes the list of accounts for May 2021 paid under Delegated Authority in accordance with regulation 13(1) of the Local Government (Financial Management) Regulations 1996 attached to this report, totalling \$1,303,603.95.

COMMITTEE RESOLUTION AC54/21

That the Audit Committee:

- 1. Recommends that Council receives the information contained in the report detailing Sundry Debtors as at 31 May 2021.**

COMMITTEE RESOLUTION AC55/21

That the Audit Committee recommends that Council:

- 1. Receives the report on outstanding rate and service charge debt by financial year to the end of May 2021.**

In Favour: Crs Paul White, Geoff Davis, Andrew Twaddle, Rowena Mouda, Pat Riley and Keith Bedford

Against: Nil

CARRIED 6/0

REPORTS

11 EXECUTIVE SERVICES

11.1 PROPOSED LEASE (LOT 656 ON PLAN 210827 "OLD FIRE STATION", CLARENDON STREET, DERBY)

File Number: 0150

Author: Neil Hartley, Strategic Business Manager

Responsible Officer: Amanda O'Halloran, Chief Executive Officer

Authority/Discretion: Administrative

SUMMARY

The Scout Association of WA (on behalf of the Derby Scout Group) previously leased this site but relinquished the lease in April 2021. The property was subsequently advertised for lease to either a community or a commercial lessee.

One registration of interest was received for a community use, from Red Shed: Derby Women's Collective.

This report recommends that the property be leased to Red Shed: Derby Women's Collective.

DISCLOSURE OF ANY INTEREST

Nil.

BACKGROUND

The Scout Association of WA (on behalf of the Derby Scout Group) previously leased this site but relinquished the lease in April 2021. The property was subsequently advertised for lease to either a community or a commercial lessee. Advertising included the Broome Advertiser (22 April 2021), the Shire's Web Page; and Babbling Boab, with submissions closing on 31 May 2021 after an (almost) six weeks submission period.

No commercial interest was expressed as a result of the public advertising undertaken and only one community group lodged a submission. The submission from Red Shed: Derby Women's Collective is attached and it provides an outline of the recent history of this new local group, and details of its objectives and how it intends to contribute to the fabric of the district's society. The group intends to become incorporated within the next 12 or so months.

STATUTORY ENVIRONMENT

Section 3.58 (Disposing of property) of the Local Government Act deals with how a local government can lease property. This generally requires a public auction or a public tender, or a local public notice inviting public submissions if a private bid is being considered.

Regulation 30 (Dispositions of property excluded from Act s. 3.58) of the Local Government (Functions and General) Regulations provides for exemptions (if the local government wishes to take that option) and one of those exemption is where the land is disposed of to a body, whether incorporated or not —

- (i) the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and

- (ii) the members of which are not entitled or permitted to receive any pecuniary profit from the body’s transactions.

As the proposal is to offer the property to Red Shed: Derby Women's Collective, then the exemption of regulation 30 can be applied, conditional on confirmation that the members are not entitled or permitted to receive any pecuniary profit from the body’s transactions.

POLICY IMPLICATIONS

Policy (C3) Community Leases and Licence Agreements of Shire Assets (Facilities, Buildings, and Land).

FINANCIAL IMPLICATIONS

A lease to a community group could essentially take on the building “as is where is” with most costs being met by the lessee as per Council Policy C3. The Schedule of Lessee Costs Responsibilities would be represented generally as outlined below:

Cost Area and Details	Percentage of Community Group Responsibility	Estimated Annual Cost
Maintain the building and surrounds	100%	\$1 - 2,000 (at lessee’s cost)
Lease Fee	100%	\$100pa (note: to be confirmed by Council)
State Government Land Tax	100%	Nil expected
State Government DFES Levy	100%	Nil expected
Water Corporation – Annual Water/Sewerage Rates Charge and Water Consumption Charges (or appropriate similar charge if Shire supplied service)	100%	If separately charged by Water Corporation, say \$1,000pa
Gas Charges (Annual Charge and Consumption)	100%	Nil expected
Electricity (Annual/Fixed Charges and Consumption)	100%	As per consumption
Telephones (Annual/Fixed Charges and Consumption)	100%	Nil expected
Cost of installation of any meter, wiring or other device necessitated by the use of a utility and service	100%	Nil expected
Cost of annual pest control inspections, servicing of fire extinguishers, exit lights, security lights, fire hydrants, air conditioners (not owned by the Lessee) and recertification of any fall arrest systems in place	0%	Nil
Shire of Derby/West Kimberley’s Annual Local Government Rates	0%	Nil

Shire of Derby/West Kimberley’s Annual 210lt bin Charge (if service requested by Lessee)	100%	Fee as set in budget (currently \$580).
Cost of annual licences (e.g. food surveillance fee)	100%	Nil expected
Building Insurance	0%	Nil

STRATEGIC IMPLICATIONS

GOAL	OUTCOME	STRATEGY
2 - A diverse, caring and safe community, providing opportunities for all of its people.	2.4.2 – Actively promote and assist community groups and clubs.	2.4.2.2 – Support community participation in local clubs
4. Good governance and an effective organisation.	4.4 – Financial sustainability and accountability for performance	

RISK MANAGEMENT CONSIDERATIONS

RISK	LIKELIHOOD	CONSEQUENCE	RISK ANALYSIS	MITIGATION
Property: Potential for the building to deteriorate if not maintained.	Possible	Moderate	Medium	Re-lease the building as a Community Lease.
Financial: Lessee might not meet costs as per lease.	Possible	Insignificant	Low	Manage the lease to maintain understanding of group and its viability.

CONSULTATION

Advertising was included in the Broome Advertiser on 22 April 2021. The same advertising was also published for several weeks until 31 May 2021 on the Shire’s Website and in the Babbling Boab.

COMMENT

Whilst only one proposal was received, it is a very well prepared submission and albeit a new group, looks to have a high degree of potential to have a positive impact within the district, and Derby in particular. There has been no other user or use of the building brought forward by the public advertisements and it is far better to have the building maintained and activated by a community group, than vacant and requiring the Shire’s regular attention to look after it. Due to the nature of the Red Shed: Derby Women's Collective, the undertaking of many of the minor

items of maintenance could well form a convenient part of the “purpose” of the group’s existence, resulting in a “win-win” situation.

VOTING REQUIREMENT

Absolute majority

ATTACHMENTS

1. Red Shed: Derby Women's Collective - Expression of Interest

RESOLUTION 56/21

Moved: Cr Geoff Davis

Seconded: Cr Paul White

That Council (subject to Red Shed: Derby Women's Collective confirming that its members are not entitled or permitted to receive any pecuniary profit from the body’s transactions) Leases Lot 656 (#35) Clarendon Street, Derby (“Old Fire Station” Building and land) to Red Shed: Derby Women's Collective as a Community Lease in accordance with Policy (C3) Community Leases and Licence Agreements of Shire Assets (Facilities, Buildings, and Land) on the following basis:

- a. for a lease period of 2 + 2 + 2 years, with renewals at the Shire’s sole discretion;**
- b. \$100pa lease fee (subject to annual review as part of the budget/fees and charges);**
- c. that the group secures incorporation by 30 June 2022; and**
- d. all other conditions to be otherwise consistent with the Schedule of Lessee Costs Responsibilities as outlined in the Financial Implications section of this report and the “standard” Community Lease outlined in Policy C3.**

In Favour: Crs Paul White, Geoff Davis, Andrew Twaddle, Rowena Mouda, Pat Riley and Keith Bedford

Against: Nil

CARRIED BY ABSOLUTE MAJORITY 6/0



27th May 2021

Att: Neil Hartley
Director, Strategic Business
Shire of Derby / West Kimberley

RE: Expression of Interest – Old Fire Station Building

Dear Mr Hartley,

We are writing on behalf of the “Red Shed- Derby Women’s Collective” (herein referred to as the ‘Red Shed’) to submit an expression of interest to secure the Old Fire Station building via a community group lease.

Formed in October 2020, the Red Shed is an emerging volunteer-led community group inspired by the Women’s Shed and Repair Café movements. Over the past 8 months the Red Shed has shaped the overall purpose of the group through in-person and online contributions of over 230 girls and women across the West Kimberley:

Vision: Women building-up women.

Mission: A safe, inclusive, and respectful space that brings women of all ages and backgrounds together to build social connections and learn new skills.

Strategic Objectives:

- To enhance social capital and cross-cultural connections by providing girls and women regular opportunities to work together in informal and non-formal learning environments.
- To support girls and women overcome gender norms and increase courage, confidence, and practical self-reliance through teaching and learning skills that have historically been assigned to men.
- To develop activities and programs that are led by Red Shed members for the benefit and well-being of members and/or the broader community.
- To provide a safe, accessible venue for on-going learning and social interaction among members.
- To purchase equipment, tools and materials for Red Shed programs and activities.
- To secure ongoing funding and ensure financial viability of the Red Shed.
- To increase organisational capacity and management to ensure the long-term sustainability of the Red Shed.
- To become an incorporated association.

History, Membership, and Community Support:

The idea of the Red Shed came about, as it often happens with community-led projects, in someone's backyard. In this case it started with two women borrowing power tools from their male friends to challenge themselves while attempting building projects. With a vision to create a safe space for women to support each other, make connections, and learn to do new things, the idea of creating a Women Shed in Derby was first put out to the public for feedback in October 2020. The community's response was overwhelming. In a matter of hours over a hundred women showed interest and expressed that they would want to support and/or participate of the idea.

A first meeting took place on the 18th of October. A group of over 20 women from all ages and walks of life gathered together to discuss what sort of things they wanted to learn or contribute. The original idea of a Women's Shed as a place to work on building projects and learn how to use power tools was relevant but what women in Derby wanted was bigger and wider. It wasn't just about woodworking, power tools and building stuff. Women in Derby desired a place to get together to gain and share a diversity of skills, from photography to welding, permaculture, sewing, arts and crafts, small engine repairs and maintenance, and many more.

Although this concept was a bit different from the initial idea, the essence of the project was still the same: Women building up women. Creating a safe; inclusive and respectful space that brings women of all ages and backgrounds together to build social connections and learn new skills. While all of this was taking shape, more and more women continued to express their interest and support to having a project like this in our town. A project that is female-led, and community owned and supported.

Having developed a clear vision and with strong community support, discussions with the Shire started with the aim of gaining their endorsement and designing an agreement that would allow us to operate as a community group under their auspice. An agreement between the Shire of Derby West Kimberly (SDWK) and the Red Shed- Derby Women's Collective (RSDWC) was signed on the 2nd February 2021, allowing us to start applying for funding and a space to do activities.

Throughout this time, regular face to face meetings to discuss how to move forward our community group continued to take place, with an average of 12 women participating in the shaping of ideas and decision making at all times.

Over the last two months, while in need of a space, the Red Shed has been organising a number of pop-up workshops and discussions in public spaces and private residences to start creating opportunities for women to connect, learn, and be active in their community. Local individuals and small enterprises from the wider Kimberley region have volunteered their time (sometimes travelling from neighbouring towns including Broome and Fitzroy Crossing), to share their knowledge and skills by running these pop-up activities. These include Mayi Harvests, Walibirri Medijin Arts, Artigianna (Sourdough) and the Organic Tea Room. All of these workshops have had great participation (booked out) and have been hosted by different community members in their private residence, which shows a high level of interest, involvement and support to our community group.

After the workshops, participants have actively provided very positive feedback expressing a number of benefits that came from those sessions including making new connections with women with similar interests, increasing their knowledge about specific topics, feeling inspired by others, being active in their community, etc..

Not only individual people have showed support by volunteering their time, spaces and donating tools and resources, but also local businesses have provided strong community support to the Red Shed over the last 8 months, including Mitre 10 and Derby Home and Hardware who offered their

premises as collection spots for donations. Other local Derby businesses like Opti-Tax have contributed to the development of the Red Shed by providing advice around the development of a business model and the financial sustainability of our group. The Chamber of Commerce has also contributed to promoting our group by publishing an article in their most recent edition to the Babbling Boab.

Some other community supports have come from Broome Bunnings, business that contributed with a generous donation of power tools. ABC Kimberley, also based in Broome, has actively supported our group by broadcasting an interview with two of the women who initiated the group (on air on the 23rd October 2020) and offering to do it again in the future to share more updates and help us reach a wider audience in the community.

The Red Shed's Facebook page, created in October 2020 has since then continued to attract new members almost on a daily basis, reaching 237 women who have now joined the group. We consider this as a very positive sign and a good indicator of community interest and support to our project.

While membership has been informal up until this point in time, the Red Shed will look to formalize membership at a very reasonable cost (e.g. \$5). This will allow members access to the space and resources and will also contribute to insurance which will be under the Australian Men's Shed Association peak body.

Management / Governance:

The Red Shed is currently a community project and group, operating under the auspices of the Shire of Derby / West Kimberley.

The overall governance and management of the Red Shed is currently overseen by a volunteer leadership team comprising of both First Nations and non-First Nations women. The two co-conveners are:

Diana Cifrian Bueno: Diana has been living in Derby since January 2018. With a background in Non-formal Education, Community Development and Anthropology, Diana has over 8 years of experience developing and implementing programs that target different population sectors (youth at risk, people experiencing homelessness, unemployed people, women, aboriginal communities...). Passionate about working with people and bringing them together, Diana enjoys the great diversity in a small town like Derby and the opportunities to learn from each other.

Kate Williams: Kate is a cross-sector community and international development professional with over 10 years of experience in program leadership—from design to implementation and management across R&D, capacity building, proposal and partnerships development functions with grass-roots and international organisations. Kate has been a resident in Derby since 2019, and thoroughly enjoys working, living, and learning in the West Kimberley.

We expect the leadership team to grow and the governance structure to adapt with the group as it evolves and formalizes – to guide the group in this process, the Red Shed has organised monthly coaching sessions and mentorship from Robin Clayfield. Robin is an international teacher, facilitator and author who specialises in healthy groups, organisations, and communities, their structures and governance and most importantly, their facilitation and group dynamics.

Old Fire Station Community Group Lease: Purpose and Impact:

As part of the process to assess if the Old Fire Station is the appropriate location for our community group, The Red Shed organised an open day for community members to access the space, and

facilitated a community consultation workshop to identify community interests and level of support, as well as potential uses and ways to manage the space. This process helped us learn more about the interests and needs of our participants and also helped us identify The Old Fire Station as the most appropriate building for our community group to be based, with a variety of multi-functional spaces where different projects and activities could take place. The Red Shed aims to cater for a wide range of different interests and activities that will bring people together.

Purpose:

Should the Red Shed be awarded the Old Fire Station building, the proposed restorations, functions and activities include:

- Community garden and seed library: Design and development of a didactic learning space to gain knowledge and skills in horticulture, agro ecology, permaculture design, composting/soil building, native and sub-tropical plants and their different uses.
- Outdoor social space: General upgrade and maintenance of the outdoor area, including self-made outdoor furniture, fencing, fire pit for cooking and yarnning sessions, and outdoor cinema area for movie nights open to the community.
- Shed: Tool library, space for personal/community projects for members, monthly repair café open to public and workshops for members learn and develop skills that could include woodworking, welding, small engine maintenance and/or bicycle mechanics.
- Main building: A multi-functional space to be used for many different purposes that could include focused workshops or members meeting to explore different interests at different times (arts and crafts, music, sewing, cooking, theatre, health and wellbeing, parenting, yarnning circles, dance and movement, book library and book club, poetry, etc...)

Impact (Community wellbeing benefits):

Given its central location in town, in walking distance for most residents, the Old Fire Station is accessible to all different segments of the population. It's location, next to the Youth Centre, contributes to making the space accessible to all girls and young women, ensuring that the wide community will be able to benefit of the activities that will take place in this space and helping us achieve our vision of creating an inclusive space for all women in the town of Derby.

Being able to base our group at the Old Fire Station will increase our capacity to provide regular gatherings, activities and learning opportunities for our members and for the wider community. They will benefit from this in multiple ways, including:

- Women will have more opportunities to socialise and find social supports in a safe environment which will have a positive impact on their sense of connection and wellbeing.
- Women, especially those newly arrived in town will have a place where they can start meeting other women and building networks outside of their workplace and/or household, which will contribute to reducing their feeling of isolation.
- First nations and non-first nations women will have access to a shared, co-created space, which will contribute to developing and strengthening connections and relationships between them and ultimately help reduce negative stereotypical ideas about each other.
- Young girls and women will have access to learning new skills and exploring personal interests in a supportive and positive environment which will contribute to better self-confidence and self-reliance.
- Women will have access to power tools and learning skills that have being traditionally male dominated, helping them overcome gender norms and contributing to their sense of independence, capability and self-confidence.

Financial Viability:

The Red Shed is in the process of developing a business model that ensures the long-term (12 + months) viability of the group. This is being developed with the in-kind support of OptiTax and the Derby Chamber of Commerce.

Short-term (0-12 months), the Red Shed can commit to meeting all the insurance, outgoings and the restoration of the Old Fire Station building through diverse funding portfolio, including:

- Fundraising (including one of our members currently planning several events that will take place over the next few months)
- Individual donations
- Corporate sponsorship
- Membership fees
- Grants – WaterCorp, Lotteries West, Foundation for Rural and Regional Renewal, Healthway

Thank you for your time considering this application. If you wish to discuss it further don't hesitate to contact Kate Williams (0468 953 597) or Diana Cifrian Bueno (0413 407 437)

Kind regards,

The Red Shed management team

11.2 POLICY REVIEW

File Number: 4160 - Policy (Council)

Author: Neil Hartley, Strategic Business Manager

Responsible Officer: Amanda O'Halloran, Chief Executive Officer

Authority/Discretion: Legislative

SUMMARY

The last significant review of policies was undertaken in early 2019, although a number of policies have been individually reviewed between then and now, including the development of new policies required by legislation changes.

This report recommends policy updates and that modifications be adopted.

DISCLOSURE OF ANY INTEREST

Nil

BACKGROUND

The standard documentation for each policy now includes a suggested review period, ranging from one to several years depending on the individual policy.

An overall review has now been undertaken and attached are copies of the proposed policy modifications, with changes highlighted.

Draft policy documents were distributed to Councillors in mid May 2021 to enable opportunity for discussion at the Councillors' Workshop of 20 May 2021 and 10 June 2021.

STATUTORY ENVIRONMENT

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

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

POLICY IMPLICATIONS

As detailed in each policy.

FINANCIAL IMPLICATIONS

As detailed in each policy.

STRATEGIC IMPLICATIONS

GOAL	OUTCOME	STRATEGY
4: Good governance and effective organisation	4.1: Effective governance and leadership	4.1.3: Strengthen the governance role of Councillors by informing, resourcing, skilling and supporting their role. 4.1.8: Develop and maintain risk management policies and procedures.

RISK MANAGEMENT CONSIDERATIONS

RISK	LIKELIHOOD	CONSEQUENCE	RISK ANALYSIS	MITIGATION
Organisation's Operations: Inefficiency and inconsistency can occur if policy positions are not set, or not consistently followed.	Possible	Moderate	Medium	Regular review of policies, and ongoing induction and training of staff to ensure policies are consistently applied..

CONSULTATION

Internal consultation has been undertaken with relevant areas to collate information.

COMMENT

It is generally not thought to be an effective use of Councillor or staff time to undertake an annual review of every policy and staff resourcing/organisational priorities have not allowed for all of the policies to be reviewed between early 2019 (the last time when a significant review of policies was undertaken) and now. A schedule outlining a suggested review timeline was therefore added to the base of every policy.

In the main, suggested changes are minor. The table below outlines the changes that are considered particularly worthy of separate note:

POLICY	CHANGE	REASONING
C7 - PRESENTATIONS ON COMPLETION OF SERVICE	Reformatted.	Modified to include Local Government Act limitations and requirements. Synergy between elected member and staff gifts proposed.
(AF18) SUNDRY DEBTORS COLLECTION (AF19) OUTSTANDING RATES COLLECTION (AF20) RATING ADMINISTRATION	Links the Financial Hardship Policy and clarifies that debt recovery is always subject to the priority positions as outlined in the Financial Hardship Policy.	Provides the necessary link between these four related policies.

COVID-19 FINANCIAL HARDSHIP	Reformats the policy so that it continues irrespective of COVID-19 as the Shire’s financial hardship policy.	Continues a policy position that will be of benefit to both residents/ratepayers, and to officers dealing with debtors, into the future.
(AF21) FIRE CONTROL OFFICERS AUTHORITIES	Reformatted to provide a table that clearly identifies responsible people and their expenditure limits.	Notwithstanding that fires need to be extinguished, there should be reasonable levels of control put in place before expenditure is authorised.
(AF23) PROVISION OF STAFF HOUSING	Deleted the occupant details of each residence.	
(AF35) ESTABLISHMENT OF COMMERCIAL LEASES AND USER AGREEMENTS	Removed the discount on Shire rates payment. Community Leases/Licences split off into a new policy (Council 28 April 2021).	The policy is inconsistent with the Shire’s Commercial lessees. Commercial Lessees almost always pay local government rates on leased property. New Community Lease Policy provided the opportunity to initiate a standardised lease which could be provided to community groups without legal establishment costs being incurred.
(FM2) BUDGET ISSUES	Introduced a “goal position” to link to the rates increases.	By linking the policy to Financial Health Indicator Comparison Score (as provided by the Department of Local Government) it clarifies why the rate increase is needed and when it will be next reviewed.
(FM4) RESERVE ACCOUNTS	Reformatted to align with the actual Reserve Accounts in place.	The changes provide a necessary consistency with current actual Reserve Accounts as have been established and modified over the past several years through the annual budget adoption process.

For the purpose of seeking to provide an “easy to read” presentation style for the public’s use, all policies will be listed separately on the Shire’s Web Page (as is currently the case) but will as time permits, be reformatted to a consistent style (including endeavouring to include for every policy, consistent titles like (1) Policy Objective; (2) Policy Statement; and (3) Definitions (if applicable).

VOTING REQUIREMENT

Simple majority

ATTACHMENTS**1. Policy Manual (Reviewed)**  **RESOLUTION 57/21****Moved: Cr Rowena Mouda****Seconded: Cr Keith Bedford****That Council:**

- 1. Adopts the attached *Policy Manual* document, inclusive of the policy revisions outlined therein;**
- 2. Repeals any previously existing policies not included within the attached Policy Manual document; and**
- 3. Notes that all policies will be reformatted into a consistent style by the administration over time, and updated on the Shire's Web Page.**

In Favour: Crs Paul White, Geoff Davis, Andrew Twaddle, Rowena Mouda, Pat Riley and Keith Bedford

Against: Nil

CARRIED 6/0

Policy Manual

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1. (C1) ELECTED MEMBER AND CHIEF EXECUTIVE OFFICER ATTENDANCE AT EVENTS AND FUNCTIONS

OBJECTIVE

The purpose of this Policy is to meet the requirements of Section 5.90A of the Local Government Act, 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 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 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".

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.

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.

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 a Councillor 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 Councillors or the CEO.

A ticket or invitation provided by a donor to an individual in their capacity as an Elected 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 Act.

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;
3. the role of the Elected 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 Member or the CEO or another officer to attend on behalf of Council.

If Council determines that an Elected 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.	Review Frequency (Annual/Bi-ennial):	Bi-ennial.
Policy Implementing Officer or Team:	Executive Services Coordinator.	Policy Reviewer:	Director – Corporate & Community 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):	C2 – Elected Member and Employee Training and Professional Development.		
Version Control Council Meeting Review Details:			
Review #:	Council Meeting Date:	Item/Resolution#:	
1.	Date		
2.			
3.			

2. (C2) ELECTED MEMBER AND EMPLOYEE TRAINING AND PROFESSIONAL DEVELOPMENT

OBJECTIVE

This Policy describes the Shire of Derby/West Kimberley's approach to enabling Elected Members to meet their Local Government Act obligations in relation to Elected 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 Elected Members and Employees 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 Elected Members and Employees 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 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.

Where possible, training should be conducted through a Registered Training Organisation. Examples of organisations that provide training relating to the professional development of Elected Members and Employees, 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.

Legislated Training for Elected Members

S5.126 of the Local Government Act (Training for Council Members) requires that each Elected Member must complete training in accordance with the Regulations. The Local Government (Administration) Regulations 1996 requires Elected Members to complete a 'Council Member Essentials' course consisting of five modules.

Training is required to be completed (and passed) by all Elected Members within 12 months of taking office and is valid for five years. Non-compliance with the requirements to complete training is an offence under the Act.

A report must be prepared for the training completed by Elected Members in that financial year. The CEO must publish this report on the Shire's website by the end of July of every year.

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

Unless otherwise resolved by Council, training that an Elected Member is required to complete under section 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 Elected Members.

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

Subject to sufficient funds being available in the Shire's Budget for this purpose, Elected 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 Elected Member to the CEO, 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) Councillors shall provide a written report to Council on the benefits of attendance to them and the Council.

Councillor 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, Councillor applications to attend conferences/seminars/training events.

Where an Elected 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 an Elected Member's request for training is declined by the CEO under this Policy, the member can require that the matter be referred to Council for determination.

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

Elected 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 the Elected 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 Elected 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).

Where travel by road is appropriate, Elected Members should 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 and payment will be made on rates per kilometre in accordance with Australian Taxation Office provisions. A contribution to fuel costs where an Elected Member travels with a third party will be considered on submission of a

reimbursement claim with supporting receipts (noting that where travel is with a third party, a per kilometre claim for travel is not permitted).

A meal allowance in accordance with the Australian Taxation Office can be claimed (in lieu of actual meal costs expense claim). When meals are included 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.

A \$50.00 per night allowance can be claimed if in lieu of taking up the option of Shire funded accommodation, an Elected Member instead arranges to stay with family or friends.

Employees

Employee attendance at conferences/seminars/courses is considered to be an important component of their ongoing education and training, and the securing of operational benefits to the Shire and its community.

During the budget preparation process, the CEO shall propose an allocation of funds sought for conferences/seminars/courses for the ensuing financial year. Council's strategic consideration will be given to the budget request in the normal manner.

The Chief Executive Officer is thereafter responsible for managing the budgeted allocation in a responsible manner, and having in place an organisational training plan and an approvals process for staff wishing to undertake training and attending conferences, etc (including where an employee negotiates attendance at a conference, seminar or training courses as part of their salary package, that such arrangements may differ from this Policy).

If the CEO wishes to attend an event that is uniquely different from the budgeted proposal for the CEO's position, a prior application must be submitted to Council for its determination.

Policy Details			
Original Adoption date:	29 October 2020	Review Frequency (Annual/Bi-ennial):	S5.128 - As soon as reasonably practical after the next bi-ennial local government elections.
Policy Implementing Officer or Team:	Executive Services Coordinator.	Policy Reviewer:	Director – Corporate & Community Services.
Legislative Head of Power (Act, Regulation, or Local Law):	<p>S5.126 of the Local Government Act (Training for Council Members) requires that each council member must complete training in accordance with regulations.</p> <p>S5.127 of the Local Government Act (Report on training) requires that each financial year, a report must be prepared for the training completed by council members in that financial year. The CEO must publish the report on the website by 31 July each year.</p> <p>S5.128 of the Local Government Act (Policy for continuing professional development) requires that every WA local government must prepare and adopt (* Absolute majority required) a policy in relation to the continuing professional development of council members. The Policy must comply with any prescribed requirements relating to the form or content of a policy under this section. The CEO must publish an up-to-date version of the policy on the Shire's official website.</p>		

	<p>The Council must at least review the policy after each ordinary election.</p> <p>Cl.35 of the Local Government (Administration) Regulations (Training for council members) requires that a council member completes and passes (within 12 months of being elected) the Council Member Essentials course (and which consists of the following modules) -</p> <ul style="list-style-type: none"> (i) Understanding Local Government; (ii) Serving on Council; (iii) Meeting Procedures; (iv) Conflicts of Interest; and (v) Understanding Financial Reports and Budgets. 		
Related Documents (other Policies, Operational Procedures, Delegations, etc):	<p>C1 - Elected Member and Chief Executive Officer Attendance at Events And Functions.</p> <p>Note: This Policy replaced AF24 – Attendance at Conferences, Seminars and Training.</p>		
Version Control Council Meeting Review Details:			
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2.			
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3. (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:

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

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

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

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

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

'Events and Functions' including gatherings for the purpose of discussion, review, acknowledgement, communication, consultation, celebration or promotion, of any matter relevant to the Shire and/or its stakeholders and may take the form of conferences, workshops,

forums, launches, promotional activities, social occasions such as dinners and receptions, including; gatherings coordinated or facilitated by the Shire or an external entity.

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

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

‘Significant Local Government Decision’ includes any decision:

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

1. Council Reports

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

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

2. Council Forums, Workshops or Briefings

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

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

2.3 Managing CEO Employment

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

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

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

2.4 Delegated Authority Decision Making in Extenuating Circumstances

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

3 Caretaker Period Protocols - Candidates

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

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

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

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

3.1 Candidate Requests on behalf of Electors, Residents or Ratepayers

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

3.2 Candidate Campaign Electoral Materials

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

3.3 Local Government Candidate attendance at Local Government Meetings

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

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

4 Council Member Caretaker Period Protocols

4.1 Access to Information and Advice

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

During a Caretaker Period, Candidates and all Council Member requests for information and advice from the Shire will be reviewed by the CEO and where the subject of the information or advice is considered as relating to an election campaign issue, the CEO will either make a determination, or refer the request for Council's determination, as to if the information or advice is 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*.

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 organisation's 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.

*Updated as per Audit Committee Recommendation.

5 Shire Publicity, Promotional and Civic Activities

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

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

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

5.1 Civic Events and Functions

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

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

5.2 Shire Publications and Communications

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

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

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

5.3 Shire Website and Social Media Content

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

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

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

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

3. New website or social media content which relates to Significant Local Government Decisions or election campaign issues will not be published during a Caretaker Period, unless Exceptional Circumstances apply.

4. Content posted by the public, candidates or Council Members on the Shire’s social media channels, which is perceived as Candidate election campaign material or promotes a Candidate or candidates will be removed.

5.4 Community Consultation

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

Remember - Policy implementation is given effect through induction, ongoing training and operational procedures that ensure Council Members and Employees are sufficiently informed of their obligations, responsibilities and accountabilities.

Policy Details			
Original Adoption date:	30 September 2020.	Review Frequency (Annual/Bi-ennial):	Bi-ennial.
Policy Implementing Officer or Team:	Executive Services Coordinator.	Policy Reviewer:	Director – Corporate & Community Services.
Legislative Head of Power (Act, Regulation, or Local Law):	Sections 4.87, 5.93 and 5.103 of the Local Government Act 1996; Regulation 8 of the Local Government (Rules of Conduct) Regulations 1996.		
Related Documents (other Policies, Operational Procedures, Delegations, etc):	Code of Conduct.		
Version Control Council Meeting Review Details:			
Review #:	Council Meeting Date:	Item/Resolution#:	
1.	Date		
2.			
3.			

4. (C4) VIOLENCE AND AGGRESSION

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 *Occupational Safety and Health Act 1984* (as amended) and will actively promote the principles of providing a safe working environment for all staff and customers.

Policy Details			
Original Adoption date:	29 October 2015	Review Frequency (Annual/Bi-ennial):	Bi-ennial
Policy Implementing Officer or Team:	People & Culture	Policy Reviewer:	Human Resources Advisor
Legislative Head of Power (Act, Regulation, or Local Law):	Occupational Health and Safety Act 1984. Occupational Health and Safety Regulations 1996		
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.	Date		
2.			
3.			

C7 – PRESENTATIONS ON COMPLETION OF SERVICE**COUNCILLORS****OBJECTIVE**

To recognise the contribution made at the end of their term(s) of office.

POLICY

Councillors retiring after serving one full term of Council (four years) shall be presented with a Council plaque. Councillors retiring after serving two or more terms of office (each term of four years) shall be presented with a plaque and gift to the value of \$100.

STAFF**OBJECTIVE**

To set down the maximum amount payable to employees whose employment with the Shire of Derby/West Kimberley is finishing and where the payment is in addition to the employee's entitlement under a contract of employment or award relating to the employee.

POLICY

The Shire shall purchase a gift for those officers or employees who have completed service with the Shire as follows:

Five years – a gift to the value of \$75.00.

Ten years – a gift to the value of \$100.00.

Twenty years or more – a gift to the value of \$150.00.

As a token of appreciation the provision of a gratuity to officers and employees who are finishing employment will be paid as follows:

Prior to completion of ten years' service – Nil.

Upon resignation/retirement prior to completion of ten years' service, on account of illness – at Council's discretion.

On completion of ten years' service – one day's salary.

Eleven years' service and above – one day's salary plus 50% of a day's salary for each completed year of service over ten years.

Nothing in this policy prevents Council from determining that in special circumstances officers or employees whose employment with the Shire of Derby/West Kimberley is finishing may be paid additional monies or provided with additional benefits where justified. Details of such payment and benefits shall be published in accordance with Section 5.50(2) of the Act.

(C5) COUNCIL MEETINGS – DATE, TIME AND VENUE

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 (with the exception of **December January**) and venues, months and commencement times for the ordinary meetings of Council will be as follows (unless otherwise 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	Review Frequency (Annual/Bi-ennial):	Bi-ennial
Policy Implementing Officer or Team:	Executive Services Coordinator.	Policy Reviewer:	Director – Corporate & Community Services.
Legislative Head of Power (Act, Regulation, or Local Law):	Local Government Act 1995 S.5.5		
Related Documents (other Policies, Operational Procedures, Delegations, etc):	Nil		
Version Control Council Meeting Review Details:			
Review #:	Council Meeting Date:	Item/Resolution#:	
1.	Date		
2.			
3.			

(C6) USE OF COUNCIL CHAMBERS

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 shall only be permitted when a Councillor or staff member is in attendance whilst performing their role as a Councillor or staff member.

Policy Details			
Original Adoption date:	27 August 1997.	Review Frequency (Annual/Bi-ennial):	Bi-ennial
Policy Implementing Officer or Team:	Executive Services Coordinator.	Policy Reviewer:	Director – Corporate & Community Services.
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		
2.			
3.			

(C7) PRESENTATIONS ON COMPLETION OF SERVICE OBJECTIVE

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, and associated Regulations 19A and 34AC of the Local Government (Administration) Regulations 1996, by establishing a policy position for payments to Councillors and employees when finishing with the Council/Shire.

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

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

POLICY STATEMENT

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

1. Councillor Recognition of Service

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

2. Employee Recognition of Service

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

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

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

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

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

Policy Details			
Original Adoption date:	28 February 2019 and 29 April 2021.	Review Frequency (Annual/Bi-ennial):	Bi-ennial
Policy Implementing Officer or Team:	Executive Services Coordinator (for Councillors); People & Culture (for staff).	Policy Reviewer:	Director – Corporate & Community Services.
Legislative Head of Power (Act, Regulation, or Local Law):	Section 5.50 of the Local Government Act requires a local government to prepare and adopt a payments to employees in addition to contract or award policy. Section 5.100A of the Local Government Act outlines provisions for gifts to council members. Regulation 19A – Local Government (Administration) Regulations1996 – Payments in addition to contract or award, limits of (\$5,000). Government (Administration) Regulations1996, Regulation 34AC – Sets the maximum Councillor gift at \$100/year up to a limit of \$1,000.		
Related Documents (other Policies, Operational Procedures, Delegations, etc):	Nil applicable.		
Version Control Council Meeting Review Details:			
Review #:	Council Meeting Date:	Item/Resolution#:	
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(C8) PUBLIC STATEMENTS BY COUNCILLORS AND CHIEF EXECUTIVE OFFICER

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 when speaking publically/issuing public statements.

Introduction

Members of the public have the right to speak in public within the limits of the law.

Councillors, outside their official capacity as members of the Council, share that right.

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 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 LG 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 Chief Executive Officer 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 LG 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.

ADOPTION OF THIS POLICY

Policy Details			
Original Adoption date:	Date	Review Frequency (Annual/Bi-ennial):	Bi-ennial.
Policy Implementing Officer or Team:	Executive Services Coordinator	Policy Reviewer:	Chief Executive Officer
Legislative Head of Power (Act, Regulation, or Local Law):	Local Government Act 1995 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. 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. 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		

	<p>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> <p>(a) the office of President is vacant; or</p> <p>(b) the President is not available, or is unable or unwilling to perform the functions of President.</p>		
<p>Related Documents (other Policies, Operational Procedures, Delegations, etc):</p>	<p>Insert title(s)</p>		
<p>Version Control Council Meeting Review Details:</p>			
<p>Review #:</p>	<p>Council Meeting Date:</p>	<p>Item/Resolution#:</p>	
<p>1.</p>	<p>Date</p>		
<p>2.</p>			
<p>3.</p>			

(AF1) PROCUREMENT OF GOODS AND SERVICES

1. PURCHASING

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

This policy complies with the Local Government (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 and the Shire's Record Keeping Plan;
- 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 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.

1.3.1 Assessing Value for Money

Assessment of value for money will consider:

- 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;

The technical merits of the goods or services being offered in terms of compliance with specifications, contractual terms and conditions and any relevant methods of assuring quality. This includes but is not limited to an assessment of compliances, tenderers resources available, capacity and capability, value-adds offered, warranties, guarantees, repair and replacement policies, ease of inspection, ease of after sales service, ease of communications etc.

Financial viability and capacity to supply without the risk of default (competency of the prospective suppliers in terms of managerial and technical capabilities and compliance history);

A strong element of competition by obtaining a sufficient number of competitive quotations wherever practicable and consistent with this Policy;

The safety requirements and standards associated with both the product design and the specification offered by suppliers and the evaluation of risk arising from the supply, operation and maintenance;

The environmental, economic and social benefits 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

Providing opportunities for businesses within the Shire's boundaries to quote wherever possible.

1.4 PURCHASING THRESHOLDS AND PRACTICES

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

1.4.1. Policy Purchasing Value Definition

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

Exclusive of Goods and Services Tax (GST); and

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

Where there is no existing contract arrangement, the Purchasing Value will be the estimated total expenditure for a category of goods, services or works over a minimum three year period. This period may be extended to a maximum of 3 years only where the supply category has a high risk of change i.e. to technology, specification, availability or the Shire's requirements (Regulation 12).

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

1.4.2. Purchasing from Existing Contracts

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

1.4.3. Table of Purchasing Thresholds and Practices

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

Purchase Value Threshold (exc 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. 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 VendorPanel 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>

<p>\$2,501 to \$10,000</p>	<p>Request 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:</p> <ul style="list-style-type: none"> • a Local Supplier (direct or via VendorPanel 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 suppliers 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>
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<p>\$10,001 to \$50,000</p>	<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 VendorPanel 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 suppliers 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>
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<p>\$50,001 to \$250,000</p>	<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> <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 VendorPanel 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 The purchasing decision is to be based upon assessment of the suppliers 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>
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<p>Over \$250,000</p>	<p>Request 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 • 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 suppliers 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 assesses 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>
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Purchase Value Threshold (exc GST)	Purchasing Practice Required
<p>Emergency Purchases <i>(Not Included in Budget)</i></p>	<p>Only applicable where, authorised in advance by the Mayor / President in accordance with s.6.8 of the <i>Local Government Act 1995</i> and reported to the next available Council Meeting.</p> <p>Where the Shire has an established Panel of Pre-Qualified Suppliers relevant to the required purchasing category, the emergency supply must be obtained from the Panel suppliers.</p> <p>If however, no member of the Panel of Pre-qualified Suppliers or a suitable supplier from WALGA Preferred Supplier Arrangement is available, then the supply may be obtained from any supplier capable of providing the emergency purchasing requirement, and to the extent that it is reasonable in context of the emergency requirements, with due consideration of best and sustainable consideration.</p> <p>The rationale for the procurement decision should be documented and recorded in accordance with the Shire Operational Procedure – Procurement of Goods and Services.</p>

1.4.4. Exemptions

An exemption from the requirement to publically 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 (exc GST) and represents value for money;
- 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 (ex.GST) over three years):

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

1.4.6. Inviting Tenders Under the Tender Threshold

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

This decision will be made after considering:

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

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

1.4.7. Other Procurement Processes

Expressions of Interest

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

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

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

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 re-assessed before expiry to evidence that a Sole Source of Supply still genuinely exists.

1.4.10. Anti-Avoidance

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

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

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

1.4.11. Contract Variations

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

2. SUSTAINABLE PROCUREMENT

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

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

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

2.1. LOCAL ECONOMIC BENEFIT

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

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

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

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

2.2. PURCHASING FROM DISABILITY ENTERPRISES

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

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

2.3. PURCHASING FROM ABORIGINAL BUSINESSES

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

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

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

2.4. PURCHASING FROM ENVIRONMENTALLY SUSTAINABLE BUSINESSES

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 in the value for money assessment – subject to that supplier agreeing. The Shire will disclose this approach in the detailed information when establishing the Panel.

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

3.3. DISTRIBUTING WORK AMONGST PANEL MEMBERS

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

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

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

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

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

3.4. PURCHASING FROM THE PANEL

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

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

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

4. PURCHASING POLICY NON-COMPLIANCE

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

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

Where a breach is substantiated it may be treated as:

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

5. AUTHORISED OFFICERS

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

LIMIT	OFFICER
\$250,000	Chief Executive Officer
\$125,000	Director Technical and Development Services
\$125,000	Director Corporate and Community
\$125,000	Director Strategic Business
\$60,000	Manager Infrastructure
\$60,000	Manager Engineering
\$60,000	Manager Finance
\$60,000	Manager Operations
\$30,000	Manager Development Services
\$30,000	Manager Administration
\$30,000	Manager Community Development
\$30,000	Works Assistant Supervisor (FX) and (Derby)

6. RECORD KEEPING

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

7. ADOPTION OF THIS POLICY

8.

Document Responsibilities:						
Owner:	Chief Executive Officer	Owner Business Unit:	Manager Finance			
Reviewer:	Manager Administration & Governance	Decision Maker:	Council			
Compliance Requirements:						
Legislation:	s.3.57 of the Local Government Act 1995 Part 4 of the Local Government (Functions and General) Regulations 1996					
Industry:	Department of Local Government, Sporting and Cultural Industries Guideline No.11 – Use of Corporate Credit Cards					
Organisational:	Delegation AF1 – Payments from Municipal Funds – Incurring Liabilities and Making Payments Council Policy No. AF33 Regional Price Preference Council Policy No. AF 45 Transaction Cards Code of Conduct Operational Procedure – Procurement of Goods and Services					
Document Management:						
Risk Rating:	Low	Review Frequency:	Annual	Next Due:	2020	Records Ref:
Version #	Decision Reference:	Synopsis:				
1.	28/02/2019	Ordinary Council Meeting				
2.	12/12/2019	Ordinary Council Meeting (159/19)				
3.	30/09/2020	Ordinary Council Meeting				

10. (AF3) ASSET MANAGEMENT

OBJECTIVE

To ensure adequate provision is made for the long-term replacement of 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
3. asset management strategies and appropriate financial resources for those assets.
4. 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.
5. Meeting legislative requirements for asset management.
6. Ensuring resources and operational capabilities are identified and responsibility for asset management is allocated.
7. 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.

The Shire owns and uses over \$300 million of depreciable assets to support delivery of service to the community.

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.

Adopting asset management principles will assist the Shire in achieving its Strategic Community Plan and Long Term Financial objectives.

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.

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.

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 ~~Asset Management Coordinator~~ **Director – Technical and Regulatory Services**, with direction from ~~Council~~ **the Asset Management Committee**.

Training in asset and financial management will be provided for Councillors and relevant staff.

Policy Details			
Original Adoption date:	28 February 2019	Review Frequency (Annual/Bi-ennial):	Bi-ennial.
Policy Implementing Officer or Team:	Senior Management Team	Policy Reviewer:	Director – Corporate & Community Services
Legislative Head of Power (Act, Regulation, or Local Law):	Insert title(s)		
Related Documents (other Policies, Operational Procedures, Delegations, etc):	Insert title(s)		
Version Control Council Meeting Review Details:			
Review #:	Council Meeting Date:	Item/Resolution#:	
1.	Date		
2.			
3.			

11. (AF6) 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 31000:2009 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 31000:2009.

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;
- 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:	Date	Review Frequency (Annual/Bi-ennial):	Bi-ennial.
Policy Implementing Officer or Team:	Senior Management Team	Policy Reviewer:	Director – Corporate & Community Services
Legislative Head of Power (Act, Regulation, or Local Law):	Local Government (Audit) Regulations 1996 s.17		
Related Documents (other Policies, Operational Procedures, Delegations, etc):	Australia/New Zealand Standard ISO 31000:2009 Procedure: Risk and Opportunity Management Framework		
Version Control Council Meeting Review Details:			
Review #:	Council Meeting Date:	Item/Resolution#:	
1.	Date		
2.			
3.			

12. (AF7) GPS FLEET TRACKING

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.

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.

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:	28 February 2019	Review Frequency (Annual/Bi-ennial):	Bi-ennial.
Policy Implementing Officer or Team:	Manager Operations	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):	Management Procedure – GPS Fleet Tracking Code of Conduct AF3 – Asset Management		
Version Control Council Meeting Review Details:			
Review #:	Council Meeting Date:	Item/Resolution#:	
1.	Date		
2.			
3.			

13. (AF14) SIGNIFICANT ACCOUNTING POLICIES

POLICY STATEMENT

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

1. Basis of Preparation

The financial report comprises 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 associates 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 this financial report.

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.

4. Australian Accounting Standards – Inconsistency

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 16(a)(i) prohibits local governments from recognising such land as an asset.

Whilst 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 prevail.

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

5. Significant Accounting Policies

Grants, Donations and Other Contributions

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

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

6. Cash and cash equivalents

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

7. Classification and subsequent measurement

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

7(a) Held-to-maturity investments

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

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

7(b) 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.

7(c) 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(d) Initial recognition and measurement

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

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

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

Amortised cost is calculated as:

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

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

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(a) 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

General

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.

9(a) Land Held for Resale

Land held for development and sale 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.

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

10. Fixed Assets

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.

10(a) Revaluation

The fair value of fixed assets is determined at least every three years in accordance with the regulatory framework. At the end of each period the valuation is reviewed and where appropriate the fair value is updated to reflect current market conditions. This process is considered to be in accordance with *Local Government (Financial Management) Regulation 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.

11. Depreciation of Non-Current Assets

Depreciation

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 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.

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

- a) The gross carrying amount is adjusted in a manner that is consistent with the revaluation of the carrying amount of the asset. For example, the gross carrying amount may be restated by reference to observable market data or it may be restated proportionately to the change in the carrying amount. The accumulated depreciation at the date of the revaluation is adjusted

- to equal the difference between the gross carrying amount and the carrying amount of the asset after taking into account accumulated impairment losses; or
- b) Eliminated against the gross carrying amount of the asset and the net amount restated to the revalued amount of the asset.

Depreciation rates

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

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

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.

12. 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.

13. 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 or non-cash assets or liabilities assumed, is recognised in profit or loss.

14. Borrowing Costs

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

Provisions

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

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

15. Employee benefits

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

The Shire's obligations for employees' annual leave and 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.

16. 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.

17. Interests in joint arrangements

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

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

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

18. Investment in associates

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

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

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

19. 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.

20. 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.

21. 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.

22. 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.

23. 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.

24. 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.

25. 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.

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:	November 2018	Review Frequency (Annual/Bi-ennial):	Annual
Policy Implementing Officer or Team:	Accountant	Policy Reviewer:	Director – Corporate & Community 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):	Insert any relevant title(s)		
Version Control Council Meeting Review Details:			
Review #:	Council Meeting Date:	Item/Resolution#:	
1.	28 February 2019		
2.	Date		
3.			

14. (AF16) 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.
- 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*, 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.

To assist in the timely and effective injury management of employees, the employer has appointed an employee to the role of workplace injury management coordinator as part of their duties, to implement and monitor the injury management and rehabilitation procedures. This appointment is in the knowledge the Municipal WorkCare Scheme employs a dedicated injury management professional to assist and guide this individual. Further to this, the Scheme's claims team leader, appointed to the employer, is available to discuss any issues related to the management of the worker's claim.

Policy Details			
Original Adoption date:	28 August 2003	Review Frequency (Annual/Bi-ennial):	Annual
Policy Implementing Officer or Team:	People & Culture	Policy Reviewer:	Human Resources Consultant
Legislative Head of Power (Act, Regulation, or Local Law):	Insert title(s)		
Related Documents (other Policies, Operational Procedures, Delegations, etc):	Insert title(s)		
Version Control Council Meeting Review Details:			
Review #:	Council Meeting Date:	Item/Resolution#:	
1.	25 March 1998		
2.			
3.			

15. (AF 17) - OCCUPATIONAL SAFETY AND HEALTH POLICY

PURPOSE

The purpose of the policy is to demonstrate the commitment of ensuring a safe and healthy work environment for employees, Councillors, contractors, volunteers and visitors of the Shire of Derby/West Kimberley.

POLICY STATEMENT

The Shire of Derby/West Kimberley 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 will aid the Shire in achieving these standards.

OBJECTIVES

1. Comply with Local Government Act 1995;
2. Comply with or exceed legislative requirements under the
 - a. Occupational Safety and Health Act WA 1984 and other relevant legislation;
 - b. Occupational and Health Regulations WA 1996;
3. Develop an organisational culture with a high level of safety and health awareness through a continuous improvement process of consultation, communication, information provision, training and accountability.

4. RESPONSIBILITIES

4.1. COUNCIL

Ensure sufficient resources are available to achieve the objectives of this policy.

4.2. CHIEF EXECUTIVE OFFICER

- a) Ensure that this policy is signed and implemented;
- b) Ensure accountability for compliance with this policy is maintained;
- c) Meet the Shire's duty of care as employer under the *Occupational Health and Safety Act WA 1984*;
- d) Promote and champion the importance and benefit of occupational safety and health throughout the organisation; and
- e) Comply with all applicable laws, regulations, statutory obligations and other relevant requirements.

4.3. MANAGERS AND SUPERVISORS

- a) Plan, implement and budget for strategies to ensure hazards are controlled, as far as practicable;
- b) Accountable for compliance with safe work practices and safety related operational practices and procedures;
- c) Enforce safety and health requirements within areas of responsibility;
- d) Meet the Shire's duty of care as employer under the *Occupational Safety and Health Act WA 1984*;
- e) Ensure that all employees 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 employees are not exposed to hazards; including the provision of PPE where required;
- g) Consult with employees on all safety related matters and activities;

- h) Encourage our employees and contractors to identify, report, assess and control safety and health risks and continuously improve Occupational Safety and Health (OSH) in the workplace;
- 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 Management Team;

4.4. EMPLOYEES, CONTRACTORS AND VOLUNTEERS

- a) Work with care, for their own safety and health of others;
- b) Meet the duty of care as employee under the *Occupational Safety and Health Act WA 1984*;
- c) Report and identify workplace hazards, incidents and near misses;
- d) Be proactive in identifying workplace hazards, reviewing incidents, identifying incident trends and managing workplace health and safety risks; and
- e) Comply with the Shire of Derby/West Kimberley safety and health requirements and instructions.

Policy Details			
Original Adoption date:	28 February 2019	Review Frequency (Annual/Bi-ennial):	Annual
Policy Implementing Officer or Team:	People & Culture	Policy Reviewer:	Human Resources Consultant
Legislative Head of Power (Act, Regulation, or Local Law):	Occupational Safety and Health (OSH) Act 1984 Occupational Safety and Health (OSH) Regulations 1996 Health and Safety Codes of Practice, Guidance Notes and Australian Standards Part 4 of the Local Government (Functions and General) Regulations 1996		
Related Documents (other Policies, Operational Procedures, Delegations, etc):	Council Policy No. AF 6 Risk Management and Opportunity Management Council Policy No. AF 16 Injury Management Shire of Derby/West Kimberley Health and Safety Procedures (To be developed) Shire of Derby/West Kimberley Health and Safety Plan (To be developed)		
Version Control Council Meeting Review Details:			
Review #:	Council Meeting Date:	Item/Resolution#:	
1.	Date		
2.			
3.			

16. (AF18) SUNDRY DEBTORS COLLECTION POLICY

OBJECTIVE

The objective of this policy is to clearly set out guidelines for the collection of outstanding fees and charges, and the undertaking legal action in relation to sundry debtors for debt collection within the Shire of Derby/West Kimberley.

POLICY STATEMENT

Credit Management

- a) *Invoice* – Each invoice shall be dated and request payment within 14 days.
- b) *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.
- c) *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 Financial Hardship Policy.

Debt Management

1. Should the invoice/statement remain unpaid after close of business on the 30th day after the original invoice was issued the following steps shall be taken;
 - a) A statement with a final sticker/stamp will be posted to the debtor advising of the invoices still to be paid.
 - b) 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.
 - c) 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.
 - d) ~~The Debtor Officer to prepare~~ A list of all outstanding debts of more than 90 days is to be sent to the Council's debt collection agency. ~~The Manager Finance will approve the final list to be sent to the debt collection agency.~~
2. 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.
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 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.

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-ennial):	Annual
Policy Implementing Officer or Team:	Finance Team	Policy Reviewer:	Director Corporate & Community 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):	Insert title(s)		
Version Control Council Meeting Review Details:			
Review #:	Council Meeting Date:	Item/Resolution#:	
1.	28 February 2019		
2.	date		
3.			

17. (AF19) OUTSTANDING RATES COLLECTION 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

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".

Recovery of Outstanding Rates and Charges

1. The debt recovery process is always subject to the priority positions as outlined in the 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 of Finance will approve the final list to be sent to the debt collection agency. Being that 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 lodgement 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 lodgement 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.
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.

Policy Details			
Original Adoption date:	27 August 2009	Review Frequency (Annual/Bi-ennial):	Annual
Policy Implementing Officer or Team:	Finance Team	Policy Reviewer:	Director – Corporate & Community 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):	insert title(s)		
Version Control Council Meeting Review Details:			
Review #:	Council Meeting Date:	Item/Resolution#:	
1.	28 February 2019		
2.	Date		
3.			

18. COVID-19 FINANCIAL HARDSHIP POLICY

OBJECTIVE

To give effect to our commitment to support the whole community to meet the unprecedented challenges arising from the COVID19 pandemic, the Shire of Derby/West Kimberley recognises that these challenges will result in financial hardship for our ratepayers.

This Policy is intended to ensure that we offer fair, equitable, consistent and dignified support to ratepayers debtors suffering hardship, while treating all members of the community with respect and understanding at this difficult time.

POLICY SCOPE

This policy applies to currently outstanding, as well as future Shire rates, fees, and charges.:

1. Outstanding rates and service charges as at the date of adoption of this policy; and
2. Rates and service charges levied for the 2020/21 financial year.

It is a reasonable community expectation, as we deal with the effects of the pandemic 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 ratepayers debtors who are not able to evidence financial hardship and 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 vulnerability¹

Payment difficulties, or short term financial hardship, occur where a change in a person's circumstances result in an inability to pay a rates or service charge debt.

Financial hardship occurs where a person is unable to pay a rates or service charge debt without affecting their ability to meet their basic living needs, or the basic living needs of their dependants. The Shire of Derby/West Kimberley recognises the likelihood that on occasion, there will be COVID19 will increase the occurrence of payment difficulties, financial hardship and vulnerability in our community. This policy is intended to apply to all ratepayers debtors experiencing financial hardship regardless of their status, be they a property owner, tenant, business owner, etc.

. Anticipated Financial Hardship due to COVID19

The Shire recognises that many ratepayers debtors are already experiencing financial hardship due to COVID-19. We respect and anticipate the probability that additional financial difficulties will arise when their rates are received.

We will write to ratepayers debtors at the time their account falls into arrears, to advise them of the terms of this policy and encourage eligible ratepayers to apply for hardship consideration. Where possible and appropriate, we will also provide contact information for a recognised financial counsellor and/or other relevant support services.

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/>

3. Financial Hardship Criteria

While evidence of hardship will be required, we recognise that not all circumstances are alike. We 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; and
- Unanticipated circumstances such as caring for and supporting extended family.

Ratepayers Debtors are encouraged to provide any information 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.

4 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 ratepayer 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 ratepayer to finalise payment **as soon as is reasonably practical** within the **2020/21 current** financial year;
- The ratepayer 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, we reserve the right to consider waiving additional charges or interest (excluding the late payment interest applicable to the emergency Services Levy).

5. Interest Charges

A ratepayer that meets the Financial Hardship Criteria and enters into a payment arrangement may request a suspension or waiver of interest charges. Applications will be assessed on a case by case basis.

6. Deferment of Rates

Deferment of rates may apply for ratepayers 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 charges.

7. 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 us and makes an alternative plan, then we will continue to suspend debt recovery processes.

Rates and service charge debts that remain outstanding at the end of the **2021/22** financial year, will then be subject to the rates debt recovery procedures prescribed in the Local Government Act 1995.

8. Review

The Shire will establish a mechanism for review of decisions made under this policy, and advise the applicant of their right to seek review and the procedure to be followed.

9. Communication and Confidentiality

The Shire will maintain confidential communications at all times and we undertake to communicate with a nominated support person or other third party at your request.

Ratepayers Debtors will be advised of this policy and its application, when communicating in any format (i.e. verbal or written) with a **ratepayer debtor** that has an outstanding **rates or service charge** debt.

The Shire recognise that applicants for hardship consideration are experiencing additional stressors, and may have complex needs. We will provide additional time to respond to communication and will communicate in alternative formats where appropriate. We will ensure all communication with applicants is clear and respectful.

Policy Details			
Original Adoption date:	21 April 2020	Review Frequency (Annual/Bi-ennial):	Annual
Policy Implementing Officer or Team:	Finance Team	Policy Reviewer:	Director – Corporate & Community 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):	Insert title(s)		
Version Control Council Meeting Review Details:			
Review #:	Council Meeting Date:	Item/Resolution#:	
1.	Date		
2.			
3.			

19. (AF20) RATING ADMINISTRATION 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

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.

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 is to determine the validity of claims for non-rateable land.

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

When the Chief Executive Officer 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.

Instalment Options for Payment of Rates and Charges

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

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

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

Instalment Option 3 – 4 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.

Alternative Payment Arrangements

~~In order to be considered for an alternative arrangement, the following is required:~~

~~Ratepayer must prove financial hardship.~~

~~An arrangement must be entered into on the appropriate form.~~

~~All rates and charges are to be cleared by the 30th June of the applicable financial year.~~

Alternative payment arrangements can be made in accordance with the Council's Financial Hardship Policy.

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 Council and the ratepayer, Council proceed with recovery action on the balance of the rate account inclusive of any overdue alternative instalment.

Raising of Minor Penalties

~~Penalty charges are calculated on a daily basis and minor delays can occur where a ratepayer enquires on an outstanding account and then makes payment, resulting in a few days penalty accrued prior to arrival of payment.~~

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

Where, in the opinion of the Chief Executive Officer, 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 (Annual/Bi-ennial):	Annual
Policy Implementing Officer or Team:	Finance Team	Policy Reviewer:	Director – Corporate & Community 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):	insert title(s)		
Version Control Council Meeting Review Details:			
Review #:	Council Meeting Date:	Item/Resolution#:	
1.	27 August 2009		
2.	Date		
3.			

20. (AF21) FIRE CONTROL OFFICERS AUTHORITIES

OBJECTIVE

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

POLICY STATEMENT

To provide authorisation Chief Executive Officer, Chief Bushfire Control Officer and Deputy Chief Bushfire Control Officer are authorised 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.

Fire Control Officers, other than the Chief Bushfire Control Officer or Deputy Chief Bushfire Control Officer, are limited to authorising the use of equipment or machinery to a value not exceeding \$500 per fire incident. All expenditure over this amount must be approved by either the Chief Executive Officer, Chief Bushfire Control Officer or Deputy Chief Bushfire Control Officer.

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	Conditions
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:	28 March 2019	Review Frequency (Annual/Bi-ennial):	Bi-ennial.
Policy Implementing Officer or Team:	Insert title	Policy Reviewer:	Director – Technical & Regulatory 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):	Insert title(s)		
Version Control Council Meeting Review Details:			
Review #:	Council Meeting Date:	Item/Resolution#:	
1.	Date		
2.			
3.			

21. (AF23) PROVISION OF STAFF HOUSING

OBJECTIVE

To provide adequate subsidised housing to assist in the recruitment and retention of necessary and professional staff.

POLICY STATEMENT

1. Introduction

It is essential for the Shire of Derby/West Kimberley to have an effective staff housing policy that adequately addresses its accommodation needs. The policy must be consistent with corporate objectives and must be a means of attracting and retaining the services of quality staff. It must also recognise that geographic and isolation factors are significant determinants of accommodation needs.

The spirit of this policy is to ensure that *genuine* housing needs are met. In most instances, "qualifying staff" will be recruited from outside the Shire's boundaries and the policy will be easy to administer. However, exceptions do occur and guidelines need to be established to ensure that a consistent approach is adopted by the Shire.

2. Eligibility and entitlements

Qualifying staff

Self-contained accommodation (house or unit) will where available, be provided.

General

In all instances the level of accommodation provided will be dependent upon the availability of housing at the time of appointment and the family requirements of staff members.

Housing is allocated to designated positions within the workforce and shall be determined predominately on a hierarchical basis, or for positions that have traditionally been difficult to attract to the district. In exceptional circumstances the CEO may take into account personal requirements of the employee and/or significance of the position for the ongoing operations of the organisation.

In exceptional circumstances where an employee does not qualify for staff housing under the policy, the CEO may offer a rental allowance as per Schedule 2, taking into consideration the difficulty in recruiting in the position and the personal circumstances of the employee.

Where an employee is entitled to staff housing but has alternate accommodation arrangements, an annual Housing Allowance as outlined in Schedule 2 below will be paid.

Where an employee is entitled to staff housing but has purchased and is living in their own home, Council will recognise such initiative by paying an annual Housing Subsidy as outlined in Schedule 2 below.

Where an employee was originally offered with the advertised position, a staff house, however had alternate housing arrangements, Council will endeavour to provide housing for that employee if their accommodation circumstances change.

An employee is permitted to own properties within the Shire of Derby West Kimberley whilst living within a Shire provided house.

Refer to Appendix 1 for a list of qualifying positions for Staff Housing.

Refer to Appendix 2 for a list of Council owned Housing and the positions (qualifying and non-qualifying) currently occupying housing.

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, in accordance with this policy.

4. Residential Tenancy Agreements

All tenancies shall be subject to the relevant provisions of the Residential Tenancies Act 1987.

5. Residential Premises

5.1 Use of Shire Housing for Business Purposes

Home occupation activities may be approved by the Chief Executive Officer; however, this policy expressly forbids goods or produce to be grown, assembled or manufactured on the premises if they are for commercial purposes.

5.2 Sub Letting

Sub-letting of Shire accommodation is not permitted.

6. Rent

The rentals charged to staff in qualifying positions will be in accordance with Schedule 1. Rentals for staff that may be allocated staff housing though not in a qualifying position will be negotiated by the Chief Executive Officer as part of the contract of employment of that person.

6.1 Rental Reviews

Rentals are to be reviewed on an annual basis each January, in conjunction with the annual budget planning cycle, and any adjustment implemented from 1st July in the same calendar year. Increases will be a minimum of the CPI for Western Australia for the preceding 12 months, rounded to the nearest whole dollar.

6.2 Deduction from Wages

In all cases payment for rent and service charges will be made by properly authorised fortnightly deduction from wages.

7. Sundry Issues

7.1 Water Beds and Swimming Pools

No tenant may install a water-bed or a swimming pool without the express approval in writing of the Building Section. In circumstances where the Building Section has given such permission, the tenant will be held liable for the full cost of repairing any damage caused to fixtures and / or fittings in the residence.

7.2 Pets

Pets are permitted provided they do not adversely affect the property or cause a nuisance for neighbours.

7.3 Insurance

The Shire carries insurance for buildings, outbuildings and contents owned by the Shire of Derby West Kimberley. The Shire's policies do not cover the tenant's possessions. A tenant is responsible for insuring his/her own contents in Shire housing along with any public liability responsibilities.

7.4 Utilities

The employee is responsible for all utility costs except water in recognition of the need to maintain gardens and lawns to a reasonable standard.

7.5 Housing Inspections

Six monthly inspections of Council housing, including yards shall be conducted by a person authorised by the CEO. The second inspection shall coincide with the yearly inspection of all Council dwellings to determine the budget allocation for the housing maintenance program.

APPENDIX 1 - QUALIFYING POSITIONS

- Chief Executive Officer
- Director -Technical and Development Services
- Director -Corporate and Community Services
- ~~Executive Manager Community Development~~
- **Director – Strategic Business**
- Manager of Finance
- **Manager of Administration**
- Manager Technical Services
- Manager Development Services
- **Community Development Manager**
- Aboriginal Environmental Health **Coordinator**
- **Environmental Health Coordinator**
- ~~Building Surveyor~~
- **Derby Works Supervisor**
- ~~Fitzroy Crossing Area Manager~~
- Fitzroy Crossing Works Supervisor
- ~~Fitzroy Crossing Leading Hand~~
- Fitzroy Crossing Customer Service Officer **CS-15 (Level 4 and above)**
- **Senior Finance Officer**
- Senior Ranger
- ~~Aquatic and Recreation Manager~~
- Library Manager
- Asset Management Coordinator
- Youth Services Coordinator (**Derby**)
- **Youth Services Coordinator (Fitzroy Crossing)**
- ~~Shire Planner~~
- Engineering **Technical Project** Officer
- **Community Development Coordinator (Fitzroy Crossing)**
- **Community Development Coordinator (Derby)**
- **Sport and Recreation Coordinator**
- **Senior Governance Officer**
- ~~Ports Manager~~

APPENDIX 2 – COUNCIL HOUSE LISTING

CURRENT HOUSING	CURRENT OCCUPANCY
1143 Holman Street	Sallywags DCC – CSSU
1146 Tower Place	Manager Technical Services
1162 Tower Place	Chief Executive Officer
782 Barnett Way	Rental – Staff Member
1378 Bloodwood Crescent	Executive Manager Community Development
1378 Bloodwood Crescent	Executive Manager Corporate Services
324A Clarendon Street	Consultants/FIFO Planner
324B Clarendon Street	Rental – Staff Member
1294 Woollybutt Corner	Manager of Finance
42A Mcdonald WAY FX	Rental – Staff Member
175 Emanuel Way Fx	Fitzroy Crossing Works Supervisor
Fallon Rd FX (2 Bed Unit)	Rental – Staff Member
Fallon Rd. Fx (2 Bed Unit)	Fitzroy Crossing Customer Service Officer CS15
Fallon Rd. Fx (2 Bed Unit)	Private Rental – Garnduwa
603 Hanson Street	Youth Services Coordinator
653A Rowell Street	Manager Development Services
653B Rowell Street	Aquatic and Recreation Manager
1171A Holman Street	Aboriginal Environmental Health Officer
1171B Holman Street	Engineering Technical Officer
Derby Airport Residence	Rental – Staff Member
Curtin Airport Residence	Ports Manager
1305 Woollybutt Corner	TO BE CONSTRUCTED
Unit 8, King Sound Close	Library Manager
1322 Kurajong Loop	Asset Management Coordinator

SCHEDULE 1 - RENTAL FOR DESIGNATED POSITIONS

Rental of housing will be in accordance with the following:-

1. 3 or 4 Bedroom Residences \$90.00 (or as otherwise set by Council in the annual budget) per week.
2. 1 or 2 Bedroom Residences \$70.00 (or as otherwise set by Council in the annual budget) per week (including Lot 603 Hanson St, Lot 782 Barnett Way due to their age and condition).

SCHEDULE 2 – HOUSING SUBSIDIES

ITEM	TYPE	AMOUNT
1	Rental Allowance	Up to \$7,800 (or as otherwise set by Council in the annual budget) per annum may be paid to an employee who does not qualify for staff housing.
2	Qualifying Position and House Allocated and Accepted	House allocated in accordance with the Staff Housing Policy.
3	Housing Allowance	\$7,800 (or as otherwise as set by Council in the annual budget) per annum paid fortnightly to

		employees qualifying for staff housing that have other accommodation arrangements in place.
4	Housing Subsidy	\$18,200 (or as otherwise as set by Council in the annual budget) per annum paid fortnightly to employees entitled to staff housing who have purchased and live in their own home.

Note: Fees and charges listed in this policy may be modified as part of the annual budget process.

Policy Details			
Original Adoption date:	27 October 1999	Review Frequency (Annual/Bi-ennial):	Bi-ennial.
Policy Implementing Officer or Team:	People & Culture	Policy Reviewer:	Human Resources Consultant
Legislative Head of Power (Act, Regulation, or Local Law):	Insert title(s)		
Related Documents (other Policies, Operational Procedures, Delegations, etc):	Residential Tenancy Agreement Inspection Report		
Version Control Council Meeting Review Details:			
Review #:	Council Meeting Date:	Item/Resolution#:	
1.	26 April 2012		
2.	Date		
3.			

22. (AF30) LEGAL REPRESENTATION COSTS INDEMNIFICATION

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 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

General Principles

(a) The 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) The Council will provide such assistance in the following types of legal proceedings:

- (i) proceedings brought by members and employees to enable them to carry out their local government functions (e.g. where a member or employee seeks a restraining order against a person using threatening behaviour);
- (ii) proceedings brought against members or employees (this could be in relation to a decision of Council or an employee which aggrieves another person, 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
- (iii) statutory or other inquiries where representation of members or employees is justified.

(c) The 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.

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.

(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.

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) neys already provided. The local government may take action 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:	28 March 2019	Review Frequency (Annual/Bi-ennial):	Bi-ennial.
Policy Implementing Officer or Team:	Executive Services Coordinator	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):	Insert title(s)		
Version Control Council Meeting Review Details:			
Review #:	Council Meeting Date:	Item/Resolution#:	
1.	Date		
2.			
3.			

23. (AF33) REGIONAL PRICE PREFERENCE POLICY

OBJECTIVE

To encourage and foster local businesses within the Shire of Derby/West Kimberley.

DEFINITION

A local business is defined as a business that has a physical presence within the Shire boundary (office/depot).

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:	28 March 2019.	Review Frequency (Annual/Bi-ennial):	Bi-ennial.
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.		
Version Control Council Meeting Review Details:			
Review #:	Council Meeting Date:	Item/Resolution#:	
1.	Date		
2.			
3.			

24. (AF34) COMMUNITY FUNDING SCHEME

OBJECTIVE

To provide financial, and non-monetary in-kind assistance, to 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.

POLICY SCOPE

This policy applies to all requests from 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 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.

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 or 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 (*Australian Tax Office definition*).

POLICY STATEMENT

The Shire of Derby/West Kimberley 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 the 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 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 Community Funding 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 of Derby/West Kimberley. Exceptions may be made where it can be demonstrated the project has significant benefit to Shire residents or promotes the Shire on a **regional 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:	28 February 2019	Review Frequency (Annual/Bi-ennial):	Bi-ennial.
Policy Implementing Officer or Team:	Manager –Community Services	Policy Reviewer:	Director – Corporate & Community Services
Legislative Head of Power (Act, Regulation, or Local Law):	Insert title(s)		
Related Documents (other Policies, Operational Procedures, Delegations, etc):	Council Policy No. AF06- Risk and Opportunity Management Strategic Community Plan Code of Conduct Record Keeping Procedure Quick Grants Management Guidelines Community Grants Management Guidelines Development Grants Management Guidelines		
Version Control Council Meeting Review Details:			
Review #:	Council Meeting Date:	Item/Resolution#:	
1.	30 September 2020	#168/20	
2.			
3.			

25. (AF35) ESTABLISHMENT OF **COMMERCIAL LEASES AND USER AGREEMENTS**

OBJECTIVE

To ensure that all commercial business, ~~community groups and sporting clubs~~ occupying shire facilities are operating under a formal agreement with the Shire of Derby/West Kimberley.

To outline the process to be used when establishing Leases or ~~User Agreements~~ for commercial business, ~~community groups and sporting clubs~~ to ensure a standard, equitable and consistent approach is adopted that is appropriate to this region.

POLICY STATEMENT

Commercial Business

A commercial business is defined under the following:

- 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.

Commercial Leases

Commercial Business Leases should be prepared in the manner outlined below for all new Leases. If this arrangement is beneficial to an existing lessee, a new Lease may be established.

For any commercial business which has sole occupancy rights over Shire Property.

The Lessee is required to pay all legal, valuation and surveying cost in relation to signing of a lease agreement.

The Lessee will be charged and invoiced an annual lease fee based on a Market or Land Rental Valuation unless otherwise directed by Council.

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.

Lessee will be responsible for all outgoings including water, drainage, sewerage, electricity.

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.

~~The Lessee is not required to pay rates.~~

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.

All commercial businesses operating under a Lease will need to provide evidence of current public liability insurance to the value of \$2040,000,000.

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 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 of one month.

Policy Details			
Original Adoption date:	26 September 2002	Review Frequency (Annual/Bi-ennial):	Bi-ennial.
Policy Implementing Officer or Team:	Director – Strategic Business	Policy Reviewer:	Director – Strategic Business
Legislative Head of Power (Act, Regulation, or Local Law):	Insert title(s)		
Related Documents (other Policies, Operational Procedures, Delegations, etc):	Insert title(s)		
Version Control Council Meeting Review Details:			
Review #:	Council Meeting Date:	Item/Resolution#:	
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26. (AF37) VOLUNTEER EMERGENCY SERVICE/DEFENCE RESERVIST LEAVE

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

Executive Managers 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-ennial):	Bi-ennial.
Policy Implementing Officer or Team:	People & Culture	Policy Reviewer:	Human Resources Consultant
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:			
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27. (AF41) FRAUD, MISCONDUCT CONTROL AND RESILIENCE

POLICY OBJECTIVE:

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

POLICY STATEMENT:

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

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' (**Code of Conduct**) 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	AS8001-2008 – 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" [within this standard] can also involve corrupt conduct by the entity, or a person purporting to act on behalf of and in the interests of the entity, in order 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 LGA including the CEO, Directors, Managers, officers, casual and contract employees.
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.

	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).
LGA	Local Government Act 1995.
Minor Misconduct	Minor misconduct occurs if a public officer engages in conduct that: 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	<i>The 'Public Interest Disclosure (PID) Officer' 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.</i>
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: (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 – (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: 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 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>).

4. IMPLEMENTATION:

This Policy along with the Code 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.

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.

Public Interest Disclosure

Any person may make an appropriate disclosure of public interest information to the Shire. The legislation which governs such disclosures is the PID Act. A disclosure can be made by anyone and may be made 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 and is protected from any disciplinary action or dismissal.

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

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.

5. DISPUTE RESOLUTION:

All disputes in respect of this Policy must be referred to the Director – Corporate & Community Services in the first instance, and if unresolved, to the CEO.

6. WHO NEEDS TO KNOW ABOUT THIS POLICY?

All Councillors and Employees will need to be aware of this Policy and its implications, together with other stakeholders, including contractors and consultants.

Policy Details			
Original Adoption date:	28 February 2019	Review Frequency (Annual/Bi-ennial):	Annually
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):	Shire of Derby/West Kimberley Code of Conduct Shire of Derby/West Kimberley Statement of Business Ethics Australian Standard for Fraud and Corruption Control (AS8001:2008) 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: Code of Ethics Principles Conduct Guide and Accountable and Ethical Decision Making Modules Corruption & Crime Commission: Agency Misconduct Management Systems and Misconduct Resistance Framework Public Interest Disclosure Act 2003 Reporting Serious and Minor Misconduct Policy and Procedures Risk Management Policy and Framework Gifts, Benefits and Conflict of Interest Policy and Procedures		
Version Control Council Meeting Review Details:			
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28. (AF43) PORTABLE AND ATTRACTIVE ITEMS 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.

POLICY STATEMENT

The Policy relates to all employees of Council (whether full-time, part-time or casual) and temporary staff as well as Elected Members and the Policy does not form part of any contract of employment with Shire of Derby/West Kimberley. Nor does it form part of any contract for service with Shire of Derby/West Kimberley.

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

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

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 CEO/Manager of Finance is the accountable officer.

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.

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. Typical examples of such items include, but are not limited to, plant (e.g.: chainsaws, scissor lifts, whipper snippers, electric drills, power tools etc), computers, tablets, LCD monitors (above standard size only), computer hard drives, printers, cameras, mobile phones, mobile data devices, GPS devices, printers, firearms, televisions, etc.

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. Council will retain ownership of the portable and attractive item at all times.

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

A portable and attractive item is a non-consumable item of a portable and desirable nature 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 Finance will review and may adjust the lower Value limit annually.

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. ~~The CEFI should state the frequency of stock-takes for 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.

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

REACH 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.

COUNCIL CONTACT

Any questions about this Policy should be directed to Chief Executive Officer.

Policy Details			
Original Adoption date:	28 February 2019	Review Frequency (Annual/Bi-ennial):	Annually
Policy Implementing Officer or Team:	Manager Operations	Policy Reviewer:	Director – Corporate & Community Services
Legislative Head of Power (Act, Regulation, or Local Law):	Insert title(s)		
Related Documents (other Policies, Operational Procedures, Delegations, etc):	Register of Delegations Credit Card Policy Procurement Policy Fraud, Misconduct Control and Resilience Policy		
Version Control Council Meeting Review Details:			
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29. (AF 44) LOCAL PUBLICATIONS

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.

Policy Details			
Original Adoption date:	28 February 2019	Review Frequency (Annual/Bi-ennial):	Bi-ennial
Policy Implementing Officer or Team:	Executive Services Coordinator	Policy Reviewer:	Director – Corporate & Community Services
Legislative Head of Power (Act, Regulation, or Local Law):	Local Government Act 1995 S1.7		
Related Documents (other Policies, Operational Procedures, Delegations, etc):	Insert title(s)		
Version Control Council Meeting Review Details:			
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30. (AF 45) Transaction cards

OBJECTIVE

To provide the Chief Executive Officer 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 Chief Executive Officer when fulfilling their statutory duties for establishing and implementing appropriate systems and procedures for incurring expenditure and making payments specific to Transaction Cards.

3. 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 business activities and in accordance with relevant Shire Policies.

4. MANAGEMENT OVERSIGHT AND REPORTING

Legislation

Section 6.5(a) of the *Local Government Act 1995* prescribes the Chief Executive Officer's duty is 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 Chief Executive Officer'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) of the requires 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.

Determining When Transaction Card Facilities are Appropriate

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

- a) goods and services can be obtained in a timely and efficient manner to meet the business needs of the Shire of Derby/West Kimberley;
- b) financial management and accounting standards are met; and
- c) purchasing and payment functions are secure, efficient and effective.

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

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

Management Oversight

The Chief Executive Officer 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 of Derby/West Kimberley;
- 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.

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.

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*.

Principles for Transaction Card Usage

Allowable Transactions

Transaction Card facilities may only be used where:

- a) The expenditure is directly arising from a Shire of Derby/West Kimberley operational business activity for which there is an Annual Budget provision;
- b) The expenditure is in accordance with legislation, the Shire of Derby/West Kimberley Procurement;
- c) Policy, Code of Conduct and any conditions or limitations applicable to the individual Cardholder;
- d) The procurement of the required goods or services is impractical or inefficient if undertaken via a
- e) Purchase Order or is not able to be obtained other than by a Transaction Card;
- f) 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.
- g) 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 of Derby/West Kimberley policies and procedures;
- h) Accounts payable payments are made under the direction of the Manager Finance;
- i) 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 or facsimile purchasing;
- c) Mail order purchasing and subscriptions;
- d) Internet purchasing.

Prohibited Transactions

The Shire of Derby/West Kimberley 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 Local Government 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 Shire of Derby/West Kimberley Procurement Policy, the Annual Budget and/or the conditions or limitations relevant to the individual Cardholder;
- g) Expenses for which another Transaction Card is the approved facility (i.e. the Corporate Credit Card is not to be used for purchasing fuel or oil, as the Fuel Card is the approved facility for that purpose);
- h) Splitting expenditure to avoid compliance with the Purchasing Policy 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).

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 of Derby/West Kimberley before termination of employment, inclusive of reconciliation records; and
- f) Reimburse the Shire of Derby/West Kimberley the full value of any unauthorised, prohibited or insufficiently reconciled expenditure.

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

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, in accordance with the Oaths, Affidavits and Statutory Declarations Act 2005, 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	Review Frequency (Annual/Bi-ennial):	Annual
Policy Implementing Officer or Team:	Director – Corporate & Community Services	Policy Reviewer:	Chief Executive Officer
Legislative Head of Power (Act, Regulation, or Local Law):	Section 6.5(a) of the Local Government Act 1995 Regs 5 & 11(1)(a) & (2) of the Local Government (Financial Management) Regulations 1996 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 Guideline No.11 – Use of Corporate Credit Cards		
Related Documents (other Policies, Operational Procedures, Delegations, etc):	Shire of Derby/West Kimberley Policy - AF1 - Procurement of Goods & Services Shire of Derby/West Kimberley Code of Conduct Shire of Derby/West Kimberley Operational Procedure – Transaction Card Administration Shire of Derby/West Kimberley Operational Procedure – Transaction Card User		
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31. (FM1) FORWARD PLANNING

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-ennial):	Bi-ennial
Policy Implementing Officer or Team:	Director – Corporate & Community Services	Policy Reviewer:	Chief Executive Officer
Legislative Head of Power (Act, Regulation, or Local Law):	Insert title(s)		
Related Documents (other Policies, Operational Procedures, Delegations, etc):	Insert title(s)		
Version Control Council Meeting Review Details:			
Review #:	Council Meeting Date:	Item/Resolution#:	
1.	Date		
2.			
3.			

32. (FM2) 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% ~~for the next five years commencing 2002/03~~ 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 allowed for when preparing budget proposals].

Policy Details			
Original Adoption date:	31 May 2001	Review Frequency (Annual/Bi-ennial):	Bi-ennial
Policy Implementing Officer or Team:	Director – Corporate & Community Services	Policy Reviewer:	Director – Corporate & Community Services
Legislative Head of Power (Act, Regulation, or Local Law):	Insert title(s)		
Related Documents (other Policies, Operational Procedures, Delegations, etc):	Insert title(s)		
Version Control Council Meeting Review Details:			
Review #:	Council Meeting Date:	Item/Resolution#:	
1.	Date		
2.			
3.			

33. (FM3) RATES

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 \$5 \$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.

[NOTE: This is to avoid staff time and resources being consumed on trivial items].

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-ennial):	Bi-ennial
Policy Implementing Officer or Team:	Finance Team	Policy Reviewer:	Director – Corporate & Community Services
Legislative Head of Power (Act, Regulation, or Local Law):	Insert title(s)		
Related Documents (other Policies, Operational Procedures, Delegations, etc):	Insert title(s)		
Version Control Council Meeting Review Details:			
Review #:	Council Meeting Date:	Item/Resolution#:	
1.	Date		
2.			
3.			

34. (FM4) RESERVE ACCOUNTS

POLICY STATEMENT

Cash Backing of Discretionary Reserves

All of Council's discretionary Reserves, which include all Reserves except any asset revaluation reserves, shall be cash backed. **The goal, subject to annual budget capacity, is to have the following reserves in place, so as to best position the Shire and it's ongoing sustainability.**

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

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

Objective: 1. To ensure that sufficient funds have been set aside to meet any unforeseen circumstances (e.g. where payment requirements significantly exceed that provided for in the budget);

2. To be used in conjunction with Annual Budget allocations, to "even out" payments (i.e. so as to avoid any one particular year being charged with a large payment burden);

3. To establish a method as to how to provide for payments of Employee Leave Liabilities over the years;

4. To provide direction to staff, and future Councils, as to how the movements to and from the Reserve are to operate.

Notes:

(a) At each budget, the projected liabilities shall be calculated and adequate provision made in the next budget for the anticipated costs over the next year. If there are any anticipated retirements, these are to be taken into account in the next year's payments, with an appropriate transfer from the Reserve where calculated as being needed.

(b) This Reserve shall have sufficient money held in it to provide for any large payments that may occur, over and above that previously allowed for. Transfers to and from the Reserve will need to be adjusted at the close of each financial year, following the identification and calculation of the 'actual' figures for the year just past. The most appropriate time for these adjustments to be considered and adopted by Council is at its Budget meeting for the next year.

~~(c) It is recommended that the Reserve be re-named as the "Employees' Leave Benefits Reserve", as this would easily allow the Account to be used for the payment of any other significant Employee costs, which are not covered by normal budget provisions. Such a payment could be that of accumulated annual leave and/or sick leave upon death (i.e. where on-the-job accidents occur), retrenchments, unforeseen retirements, etc. This proposal to rename the Reserve account is to be included with the budget proposals.~~

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

(i) **For the Current Liability of Annual Leave and Long Service Leave:** 100% of the next year's anticipated costs or accruals should be included within the budget proposals;

(ii) **For the Non-Current Liability of Annual Leave and Long Service Leave** [i.e.: That beyond one year]: at least 25% of such costs to be held in the Reserve.

~~(iii) That Council commence to build up its ELE Reserve over a 4 year period, commencing in the 2001/2002 year, so as to meet the target stated in sub-item (ii); and~~

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

Rubbish Services Reserve

Objective: To

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

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

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

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

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

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

This Reserve has been established to ~~carry out short and long term wharf maintenance help even out the impact of the method and timing of the payments by Western Metals Ltd [and its other two companies] in relation to the Loans taken up by Council for expenditures on the Derby Wharf facility.~~

~~Transfers shall be made into the Reserve of the excess of income received each year above the level of the loan repayments, which will occur up until the 2002/2003 year, unless re-negotiated otherwise.~~

~~Transfers shall be made from the Reserve of the deficiency of income received each year below the level of the loan repayments, which will commence in the 2002/2003 year, unless re-negotiated otherwise.~~

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

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

~~Council has obtained a commitment from the State Department of Transport of a contribution towards this work of \$500,000.~~

Historical Reserve

This Reserve has been established to help fund the publication of a history of the Shire.

Plant Reserve

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

Office Building Reserve

To fund the new Derby Administration Building.

Economic development reserve

To promote economic development within the Shire.

Fitzroy Resource Centre

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

Energy development reserve

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

Capital works reserve

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

Policy Details			
Original Adoption date:	31 May 2001	Review Frequency (Annual/Bi-ennial):	Annual
Policy Implementing Officer or Team:	Director – Corporate & Community Services	Policy Reviewer:	Chief Executive Officer
Legislative Head of Power (Act, Regulation, or Local Law):	Insert title(s)		
Related Documents (other Policies, Operational Procedures, Delegations, etc):	Insert title(s)		
Version Control Council Meeting Review Details:			
Review #:	Council Meeting Date:	Item/Resolution#:	
1.	28 August 2003		
2.	Date		
3.			

35. (FM5) 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.

~~This is included to take into consideration payments that need to be made on the Recreation Centre of which interest only loans have been raised.~~

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-ennial):	Bi-ennial
Policy Implementing Officer or Team:	Director – Corporate & Community Services	Policy Reviewer:	Chief Executive Officer
Legislative Head of Power (Act, Regulation, or Local Law):	Insert title(s)		
Related Documents (other Policies, Operational Procedures, Delegations, etc):	Insert title(s)		
Version Control Council Meeting Review Details:			
Review #:	Council Meeting Date:	Item/Resolution#:	
1.	28 August 2003		
2.	Date		
3.			

36. (FM6) 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-ennial):	Bi-ennial
Policy Implementing Officer or Team:	Director – Corporate & Community Services	Policy Reviewer:	Director – Corporate & Community Services
Legislative Head of Power (Act, Regulation, or Local Law):	Insert title(s)		
Related Documents (other Policies, Operational Procedures, Delegations, etc):	Insert title(s)		
Version Control Council Meeting Review Details:			
Review #:	Council Meeting Date:	Item/Resolution#:	
1.	Date		
2.			
3.			

37. (FM7) 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-ennial):	Bi-ennial
Policy Implementing Officer or Team:	Finance Team	Policy Reviewer:	Director – Corporate & Community Services
Legislative Head of Power (Act, Regulation, or Local Law):	Insert title(s)		
Related Documents (other Policies, Operational Procedures, Delegations, etc):	Insert title(s)		
Version Control Council Meeting Review Details:			
Review #:	Council Meeting Date:	Item/Resolution#:	
1.	Date		
2.			
3.			

38. (FM8) INVESTMENTS

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.

Authority for Investment

All investments are to be made in accordance with:

- a) Local Government Act 1995 – Section 6.14;
- b) The Trustees Amendment Act 1997 – Point 6, Part III – Investments;
- c) Local Government (Financial Management) Regulations 1996 – Regulations 19, 19C, 28 and 49; and
- d) Australian Accounting Standards.

Delegation of Authority

Authority is delegated to the Chief Executive Officer to implement this policy. The Chief Executive Officer 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.

Prudent Person Standard

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

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.

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 **12 months 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.

Risk Management Guidelines

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

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

(i) Portfolio Credit Framework

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

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

(ii) Counterparty Credit Framework

Exposure to an individual counterparty/institution will be restricted by its credit rating so that any single entity exposure is limited.

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

(iii) Term to Maturity

The investment portfolio is to be invested within the following maturity constraints.

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

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

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

(iv) Market Risk

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

(v) Fraud

Two authorised signatories are required to authorise any investment transaction.

b) 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.

c) 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.

d) 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.

e) Variation to Policy

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

Policy Details			
Original Adoption date:	31 May 2001	Review Frequency (Annual/Bi-ennial):	Annual
Policy Implementing Officer or Team:	Manager of Finance	Policy Reviewer:	Director – Corporate & Community Services
Legislative Head of Power (Act, Regulation, or Local Law):	Local Government Act 1995 S.6.14 The Trustees Amendment Act 1997 – Point 6 Local Government (Financial Management) Regulations 1996		
Related Documents (other Policies, Operational Procedures, Delegations, etc):	Insert title(s)		
Version Control Council Meeting Review Details:			
Review #:	Council Meeting Date:	Item/Resolution#:	
1.	15 December 2016	145/2016	
2.	Date		
3.			

39. (H2) TRADERS AND STALL HOLDERS PERMITS

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 STATEMENT

All Applications:

This section applies to all forms of trading as defined in 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.

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.

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.

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;
- 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 be to the satisfaction of the Shire.

LOCATION OF MOBILE VENDORS:**General**

21. Itinerant vendors are to move on when all customers at a particular location have been satisfied.

22. Public liability insurance cover of \$20 million is required where an activity occurs on local government managed land.

23. The local government may seek contribution towards the upgrading and/or construction of a site used by a mobile vendor.

24. 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.

25. Activities may require additional approvals/permits under the applicable health standards.

26. 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.

27. 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.

Application Requirements

28. 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.

29. 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 Lands or vesting Authority or Management Authority is required prior to processing the application.

30. Where the land is privately owned, the written consent of the land owner is required prior to processing the application.

Schedule of Declared Trading Locations

31. 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.

Site Requirements

32. 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;
- 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).

33. 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).

34. Itinerant vendors are generally not appropriate on roads with speed limits greater than 70km/hr.

35. 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.

36. 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.

Approval Periods

37. 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.

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.

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).

Enforcement Procedures:

The following procedure will be followed in dealing with breaches of the Local Law on Trading in Public Places, 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.
- 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)

Need to insert photos etc from 29 April Council Meeting item (four separate pages)

Policy Details			
Original Adoption date:	28 February 2019	Review Frequency (Annual/Bi-ennial):	Bi-ennial
Policy Implementing Officer or Team:	Manager – Planning Services	Policy Reviewer:	Director – Technical & Development Services
Legislative Head of Power (Act, Regulation, or Local Law):	Activities on Thoroughfares and Trading in Thoroughfares and Public Places		
Related Documents (other Policies, Operational Procedures, Delegations, etc):	Insert title(s)		
Version Control Council Meeting Review Details:			
Review #:	Council Meeting Date:	Item/Resolution#:	
1.	29 April 2021	Insert details	
2.			
3.			

40. (TP1) LIGHT INDUSTRIAL AREA – CARETAKERS RESIDENCE

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-ennial):	Bi-ennial
Policy Implementing Officer or Team:	Manager – Planning Services	Policy Reviewer:	Director – Technical & Development Services
Legislative Head of Power (Act, Regulation, or Local Law):	Town Planning Scheme No.5		
Related Documents (other Policies, Operational Procedures, Delegations, etc):	Insert title(s)		
Version Control Council Meeting Review Details:			
Review #:	Council Meeting Date:	Item/Resolution#:	
1.	Date		
2.			
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41. (TP5) 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-ennial):	Bi-ennial
Policy Implementing Officer or Team:	Manager – Planning Services	Policy Reviewer:	Director – Technical & Development Services
Legislative Head of Power (Act, Regulation, or Local Law):	Building Regulations 1989, Building Code of Australia		
Related Documents (other Policies, Operational Procedures, Delegations, etc):	Insert title(s)		
Version Control Council Meeting Review Details:			
Review #:	Council Meeting Date:	Item/Resolution#:	
1.	Date		
2.			
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42. (TP7) MINIMUM FINISHED FLOOR LEVEL FOR NEW BUILDINGS (OTHER THAN OUTBUILDINGS) FITZROY CROSSING AND CAMBALLIN

OBJECTIVE

To minimise the potential for flood damage to new buildings (other than outbuildings) within Fitzroy Crossing and Camballin.

POLICY STATEMENT

This policy applies to all new buildings other than outbuildings within Fitzroy Crossing and Camballin.

Minimum finished floor level for all new buildings (other than outbuildings)	
Fitzroy Crossing	112metres AHD
Camballin.	45.40metres AHD

Plans submitted for Planning Consent and Building Licence shall demonstrate compliance with this policy by identifying existing and proposed ground levels, finished ground levels and finished floor levels.

Policy Details			
Original Adoption date:	29 July 1998	Review Frequency (Annual/Bi-ennial):	Bi-ennial
Policy Implementing Officer or Team:	Manager – Planning Services	Policy Reviewer:	Director – Technical & Development Services
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):	Insert title(s)		
Version Control Council Meeting Review Details:			
Review #:	Council Meeting Date:	Item/Resolution#:	
1.	Date		
2.			
3.			

43. (TP8) TOWN CENTRE DEVELOPMENT 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 (see map attached to policy).

This policy may be cited at the Town Centre Development Policy and shall come into operation at the time of endorsement by the Council of the Shire of Derby/West Kimberley.

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, at any time, amend this policy and provisions relating thereto or 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.

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.

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.

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.

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.

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.

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;
- f) Any adverse effects on adjoining residential areas.

Building Height

Building height shall not exceed two stories in accordance with the provisions of Town Planning Scheme No. 5.

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 posts are set back a minimum of 600mm from the kerb.

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.

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.

SIGNS

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.

DEVELOPMENT STANDARDS AND PROVISIONS – ALL PRECINCTS

Setbacks

Setbacks shall in accordance with those laid down in Town Planning Scheme No. 5.

Car Parking Provisions

Car Parking shall be provided in accordance with the provisions of Town Planning Scheme No. 5

Caretaker's Dwellings

Caretaker's Dwellings shall be as is defined in Appendix 1 of Town Planning Scheme No. 5.

Signs

The erection or display of advertising signs and signboards is prohibited unless in accordance with the provisions of Town Planning Scheme No. 5.

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.

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-ennial):	Bi-ennial
Policy Implementing Officer or Team:	Manager – Planning Services	Policy Reviewer:	Director – Technical & Development Services
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.	Date		
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44. (TP10) TRANSPORTABLE/RELOCATED DWELLINGS

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.

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 structurally 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.

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 TP 10:

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.

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.

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.

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;
- 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 of \$10,000 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-ennial):	Bi-ennial
Policy Implementing Officer or Team:	Manager – Planning Services	Policy Reviewer:	Director – Technical & Development Services
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):	Insert title(s)		
Version Control Council Meeting Review Details:			
Review #:	Council Meeting Date:	Item/Resolution#:	
1.	24 February 2003		
2.	Date		
3.			

45. (W1) CROSSOVERS

OBJECTIVE

To provide landowners with adequate access to their property.

POLICY STATEMENT

The following standards set by Council are to be used for future Council work and for developers wishing to subdivide and develop land.

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 will be calculated at 50% of concrete standard to a maximum of \$1,800. ~~Reimbursement of the subsidy will be made via a purchase order issued to the approved contractor appointed to carry out the construction of the crossover (prior to commencement of work on site). A purchase order for a maximum subsidy of \$1,800 shall be issued to the appointed contractor for construction of any standard other than concrete (i.e. brick paving / bitumen / asphalt).~~ The subsidy for construction of crossovers is an attempt to encourage an improvement in access to residential properties.

Policy Details			
Original Adoption date:	28 February 2019	Review Frequency (Annual/Bi-ennial):	Bi-ennial
Policy Implementing Officer or Team:	Manager Operations	Policy Reviewer:	Director – Technical & Development Services
Legislative Head of Power (Act, Regulation, or Local Law):	Local Government Act 1995 S5.52(3)		
Related Documents (other Policies, Operational Procedures, Delegations, etc):	Insert title(s)		
Version Control Council Meeting Review Details:			
Review #:	Council Meeting Date:	Item/Resolution#:	
1.	Date		
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46. (W2) DERBY TOWNSITE STREETScape

OBJECTIVE

The overall objective and aim of a streetscape policy is to maintain and improve both the visual aspect and public amenity of the Derby townsite.

Improvements and expansions to the existing streetscape and public lands of Derby must take into consideration future ongoing operational maintenance needs and therefore be contained within the amount of available funding allocated within a specific financial year's budget.

POLICY STATEMENT

That having regard for available budgetary allocations has an immediate focus on maintaining the existing streetscape ensuring the following:

- a) That Loch street is maintained as the premier gateway thoroughfare for the townsite of Derby with specific regards to –
 - Ensuring the median island is maintained as a green grassed precinct and maintained accordingly.
 - That Lytton park and surrounding green space is maintained accordingly.
 - That Nicholson Square sporting precinct is maintained at an appropriate standard for the specified sporting fixtures.
 - That Bougainvillea Park is maintained accordingly.
 - That the heritage precinct at the end of Loch Street is maintained accordingly.
 - The undertaking of continual playground maintenance at the Derby oval to ensure the playground equipment is kept to the required industry and safety standard.
- b) That the Clarendon street precinct from Loch Street to Elder Street is maintained by Council to reflect that this thoroughfare is a major retail precinct for the townsite of Derby with specific regard to the median island, verges, and Coach Bay Park and park areas around the current Visitor Centre building.
- c) That Rowan Street / Marmion Street be maintained with regard to pedestrian usage in relation to the caravan park, retirement village and the tourist precinct surrounding the Boab Dinner Tree.
- d) That the public areas surrounding the Ashley street recreation reserve are maintained in accordance with sporting requirements and public usage of this facility.
- e) That all other street verges within the Derby townsite are mowed twice a year, typically being at the conclusion of the wet season (to reduce growth and therefore future potential fire hazards) and around October to promote a general cleanup before cyclone season commences.
- f) That Council does not undertake general verge mowing or cleanups within rural residential or rural precincts excepting the verge area at the approach to Derby townsite fronting Derby Highway (Maxted Street to Wodehouse Street.)

That Council, having regard for future budgetary allocations, considers expansion of the Derby streetscape to include the following:

Loch Street Precinct (in priority order)

- a) The replacement of unkempt verges along Loch Street with paving of a suitable material, i.e. brick paving, crushed coloured rock or patterned concrete or for future budgetary allocation to ensure a specific and regular maintenance mowing programming.

- b) The gradual removal of old and degraded imported species of trees along the Loch street median island and for these to be replaced with Boab tree species to create one defined iconic avenue.
- c) The installation of under tree up lighting to enhance the perspective of the planted boab trees and in consideration for the budget requirements.
- d) The installation of welcoming and special event banners along the entrance portion of Loch
- e) Street.
- f) The planning for the landscaping of the proposed new Visitor Centre/ Administration Office to include iconic tree species, minimal maintenance vegetation and planting areas with specific regard to ensure areas of planted vegetation are of the type and density to inhibit anti-social behavioural activities.

Clarendon Street Precinct Area

- a) The replacement of degraded lawn area at the round- about located at the intersection of Hardman Street and Clarendon Street with the peripheral area of the roundabout and the adjacent verges and intermediate portion of the roundabout to contain a paved surface of suitable material i.e. patterned surface of paving brick, concrete or coloured crushed rock. The centre island tree to remain.
- b) Improvement and implementation of verge planting along Clarendon Street between Neville Street and Elder Street.
- c) Selective improvement of the landscape within the Coach bay on Clarendon Street which should be more suitable to vehicle parking users and should be designed to inhibit anti- social behaviour.
- d) Progressive replacement of existing tree vegetation in median islands along Clarendon street so as to be more suitable to width of the median island and also to prevent damage to the carriageway.

General Derby Townsite

- a) The continual mowing of all unkempt verges within the Derby townsite boundaries only. The ability to undertake a minimum of two mowing cycles per year.
- b) Planting of native tree species on road verges approaching the Derby wharf and along portions of Rowan Street, Villiers Street and Marmion Street. The species and planting pattern to be undertaken with specific industry specialists in regard to undertaking a planting program.
- c) The installation of one or two major playground equipment sites; this equipment will be placed in an area that is suitable to have after-hours access control so as to inhibit vandalism and anti-social behaviour i.e. swimming pool area and the Sportsmen's Club precinct.
- d) The enhancement of parklands at the entrance to the Derby townsite and the improvement of visitor signage and information.
- e) The installation of pram ramps / disabled access at all pedestrian crossings within the Derby townsite.
- f) The installation of a uniform style of pedestrian/dual use pathway system within the Derby townsite.
- g) The installation of a uniform style of street signage within the Derby townsite inclusive of the Shire of Derby West Kimberley logo.
- h) The installation of underground reticulated electricity supply along the main thoroughfares of the Derby townsite inclusive of Loch Street/ Clarendon Street and Ashley Street.
- i) The planning for the replacement of unused existing allocated lands for parks and recreation within the Derby townsite to be processed within the

current State Government policy of housing land utilisation so that funds that become available to the Shire from the sale of this unused land can be allocated to specific parks and recreation improvement projects. The two portions of current land that may be considered for this purpose would be the land opposite the existing Derby sports oval and the portion of land on the south western corner of the intersection of Marmion and Rowan Streets.

- j) The continual upgrade/ maintenance of tourist information facilities at the entrance to the Derby townsite.
- k) The continual upgrading and maintenance of the passive recreation facilities at the Derby Wharf Park.
- l) The continual maintenance/upgrade of the heritage precinct at the entrance to Jetty Road.

RESPONSIBILITY

The Director Technical and Development Services is required to ensure that the employees in charge of such works shall undertake the budgeting, planning, monitoring, and supervision of the implementation of this policy.

Policy Details			
Original Adoption date:	26 June 2008	Review Frequency (Annual/Bi-ennial):	Bi-ennial
Policy Implementing Officer or Team:	Manager - Operations	Policy Reviewer:	Director – Technical & Development Services
Legislative Head of Power (Act, Regulation, or Local Law):	Insert title(s)		
Related Documents (other Policies, Operational Procedures, Delegations, etc):	Insert title(s)		
Version Control Council Meeting Review Details:			
Review #:	Council Meeting Date:	Item/Resolution#:	
1.	Date		
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47. (W3) UNDERGROUND PUBLIC UTILITIES SERVICES THAT CROSS COUNCIL CONTROLLED THOROUGHFARES

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 services as technology dictates shall be placed by under road boring technique.

When an existing town street does have previous scarring, the integrity of the pavement has suffered failure or as technology dictates, then installation of 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-Technical & Development Services (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-Technical & Development Services (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	Review Frequency (Annual/Bi-ennial):	Bi-ennial
Policy Implementing Officer or Team:	Manager – Operations	Policy Reviewer:	Director – Technical & Development Services
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):	Insert title(s)		
Version Control Council Meeting Review Details:			
Review #:	Council Meeting Date:	Item/Resolution#:	
1.	Date		
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48. MEMORIALS IN PUBLIC PARKS AND RESERVES

OBJECTIVES

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 persons are generally 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.

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

(i) 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:

- (a) made a significant contribution to the development of the Shire or its community, largely in a voluntary capacity;
- (b) made a significant contribution to the long term betterment or improvement of the Shire;
- (c) provided extensive or distinguished service to the Shire or its community;
- (ii) wherever appropriate, the views of adjacent residents or specific community groups be sought prior to Council approval;
- (iii) the tree shall be planted and maintained by the Shire;
- (iv) 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.
- (v) the location of the tree or park furniture shall be at the discretion of the Shire.
- (vi) 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.

(vii) The applicant shall be required to meet the cost of the purchasing and/or erection/installation of the donated tree or furniture/item.

(viii) The Shire shall reserve the right to remove the furniture/item at any time should it be considered necessary.

(ix) 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.

3. 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.

3.3 The deceased's family/friends are responsible for the ongoing maintenance of their Memorial including, but not limited to, graffiti and weed removal.

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.

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.

Policy Details			
Original Adoption date:	Date	Review Frequency (Annual/Bi-ennial):	Bi-ennial
Policy Implementing Officer or Team:	Manager - Operations	Policy Reviewer:	Director – Technical & Development Services
Legislative Head of Power (Act, Regulation, or Local Law):	Insert title(s)		
Related Documents (other Policies, Operational Procedures, Delegations, etc):	Insert title(s)		
Version Control Council Meeting Review Details:			
Review #:	Council Meeting Date:	Item/Resolution#:	
1.	Date		
2.			
3.			

49. PUBLIC ART

1. Purpose

To provide general guidelines in respect to the development of public art within the Shire of Derby/West Kimberley.

2. Objectives

To establish guidelines that will:

- Enhance the opportunities for cultural and heritage tourism through the presence of high quality works;
- Encourage the expression of identity and belonging by the community, highlighting cultural uniformity and diversity;
- Form meaningful places of cultural heritage that facilitate an understanding of identity, history and aspirations for future generations.

3. Application

This Policy applies to the proposed construction of a works of public art within the Shire of Derby/West Kimberley that can be viewed in the public domain, including public open space, reserves vested in the Shire of Derby/West Kimberley 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.

4. Approval Process

4.1 All proposals will require the submission of an application to the Shire which shall be referred to Council for approval;

4.2 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.
 - 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, 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 structural integrity, safety issues and perceived impact on environmental or cultural significance of the proposed site.
- e) In determining any application, the Council may consult with any other party it considers appropriate and/or require that a proposal be advertised for public comment.

5. 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.

6. Development Guidelines

6.1 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 location; and
- be consistent with any plans adopted by Council for the proposed site (i.e. Clarendon Street Enhancement Project Plan)

6.2 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.

7. Agreement

The applicant shall enter into an Agreement with the Shire of Derby/West Kimberley as provided by the Shire prior to commencement of works.

8. 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.

9. Review of Policy

A review of this Policy shall be undertaken within the first 12 months of adoption, and every two years thereafter.

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.

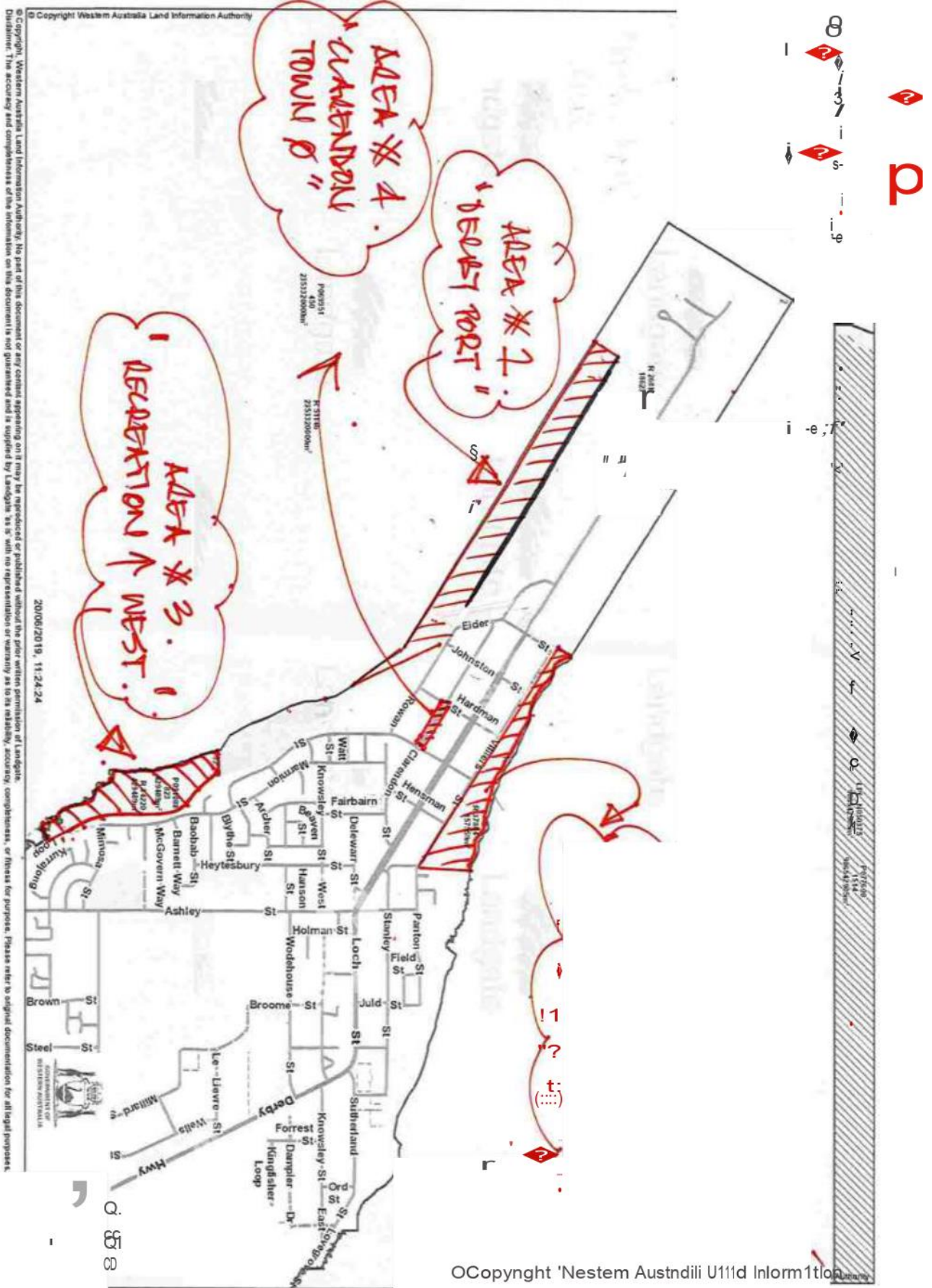
Memorial

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.

Annexure 1:

Map Set: Shire controlled reserves.

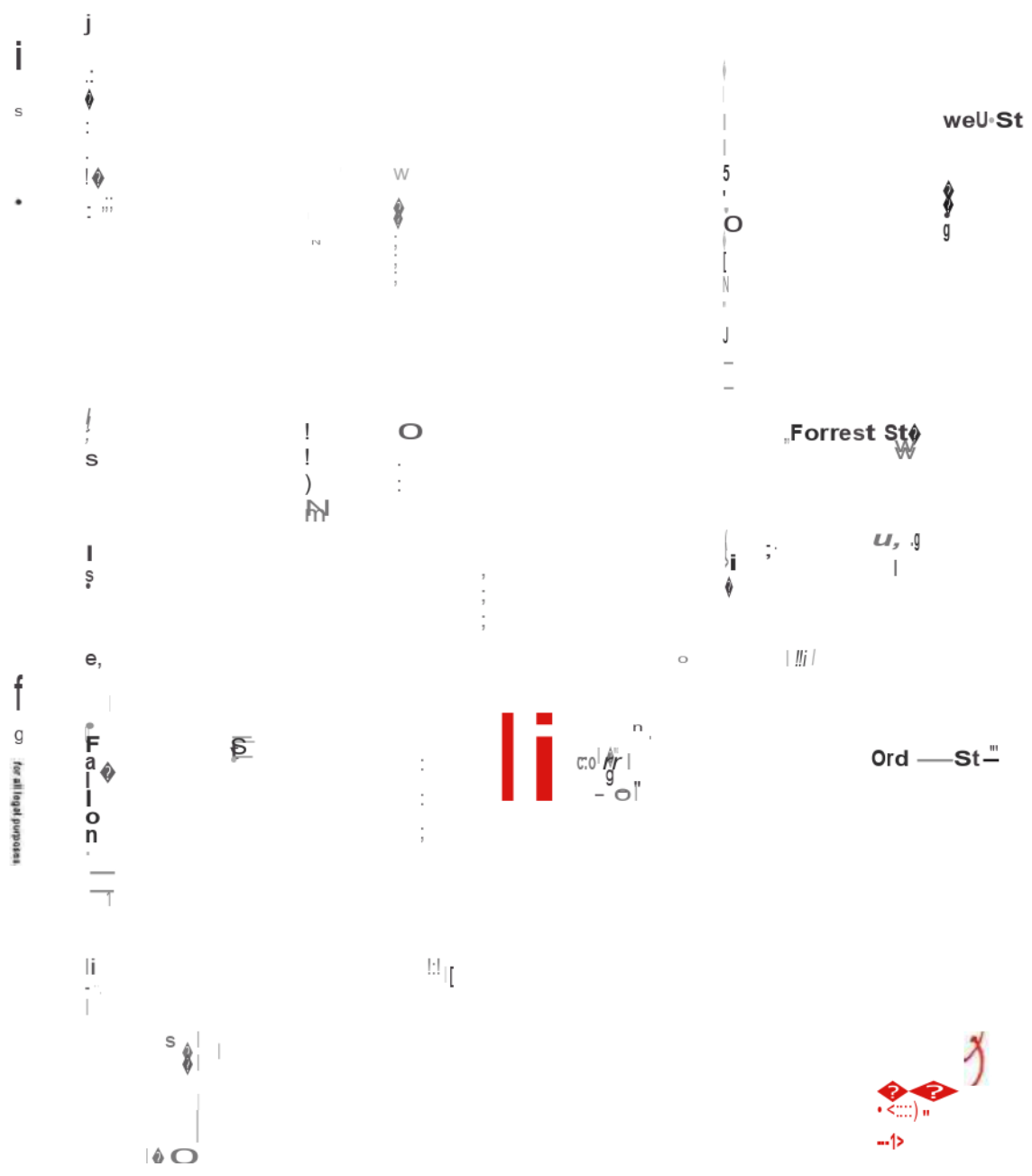
Policy Details			
Original Adoption date:	25 September 2019	Review Frequency (Annual/Bi-ennial):	Bi-ennial
Policy Implementing Officer or Team:	Manager - Operations	Policy Reviewer:	Director – Technical & Development Services
Legislative Head of Power (Act, Regulation, or Local Law):	Local Government 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.	Date		
2.			
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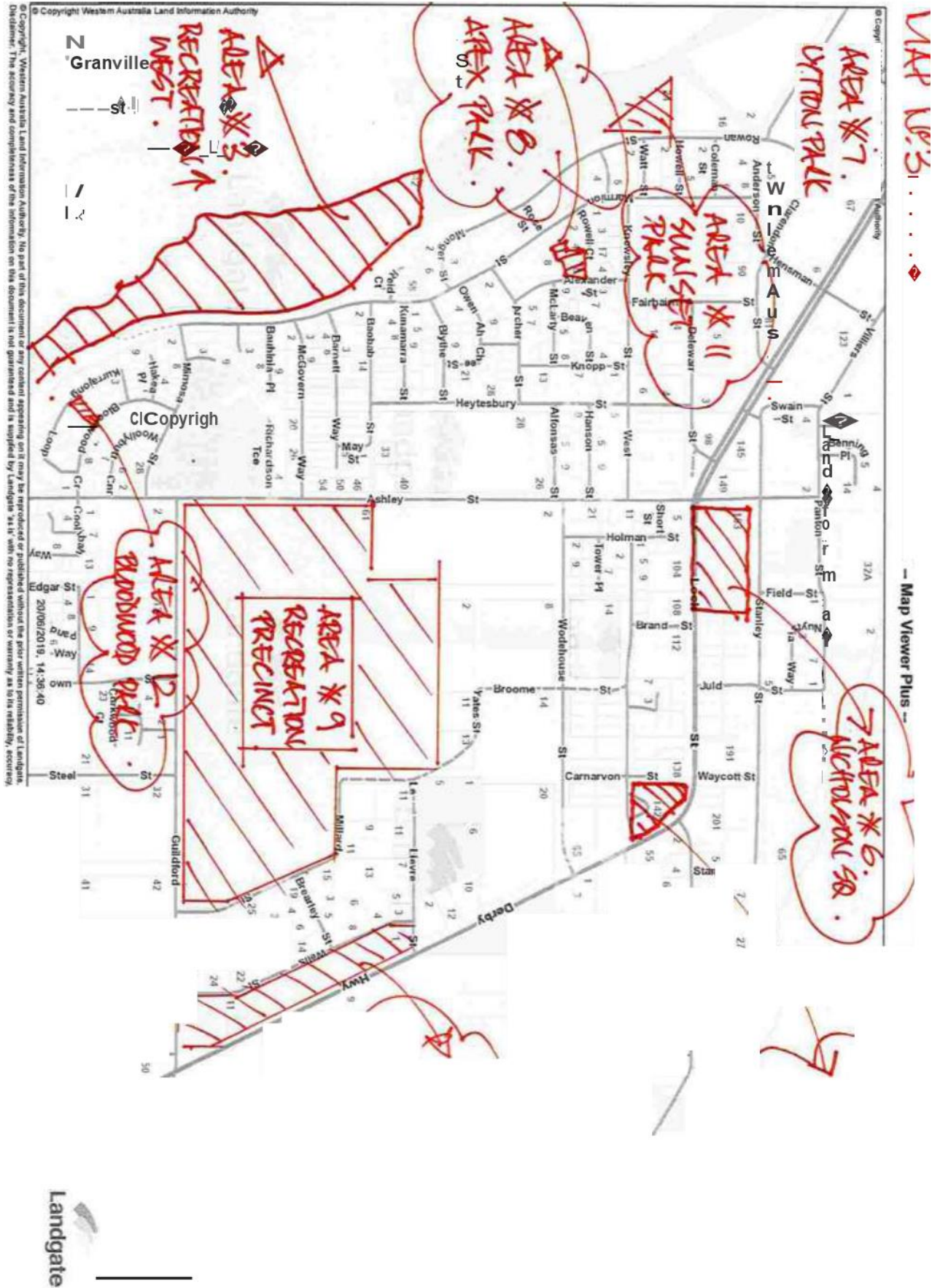


© Copyright Western Australia Land Information Authority

MAP 11.2







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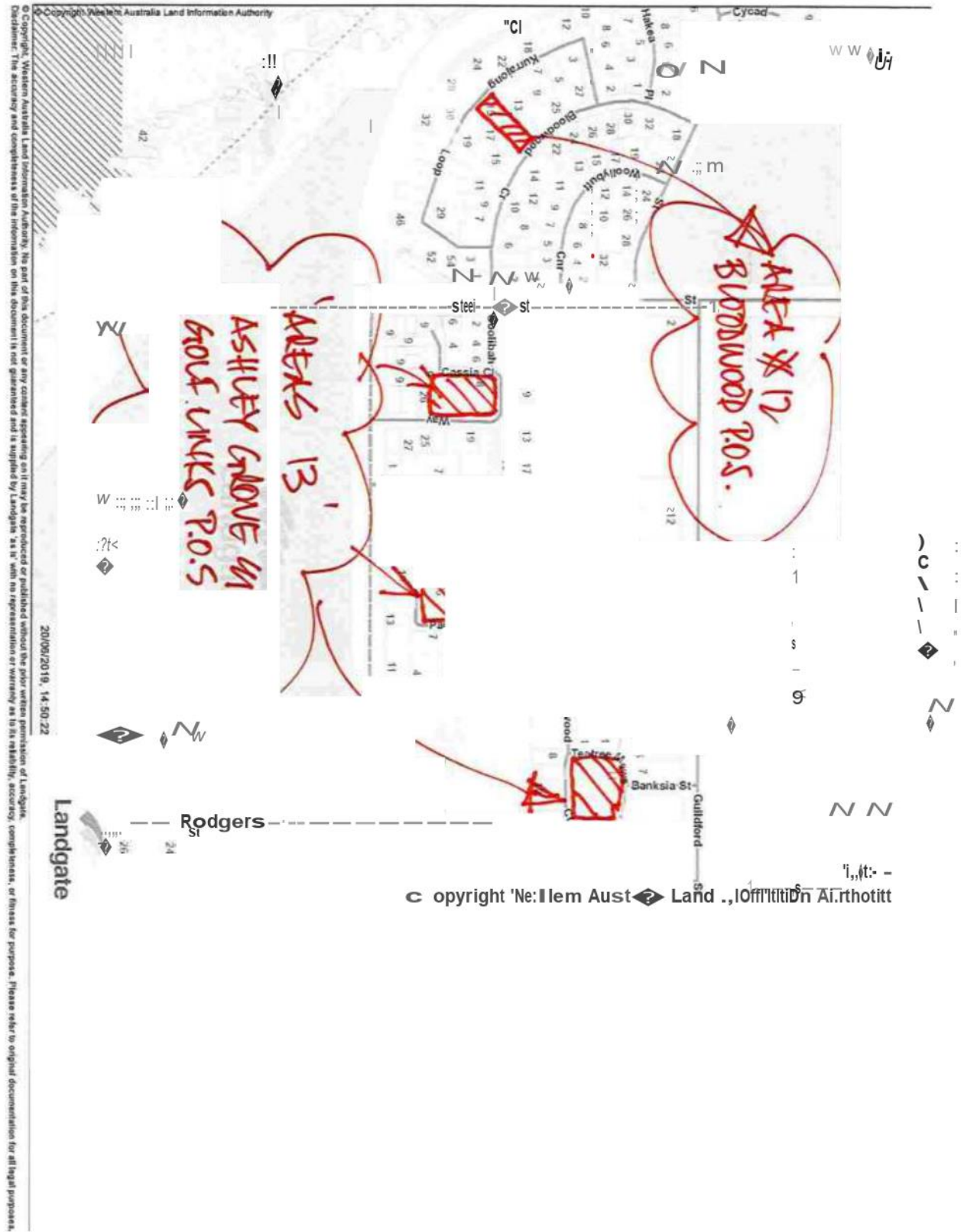
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Policy Details			
Original Adoption date:	Date	Review Frequency (Annual/Bi-ennial):	Bi-ennial
Policy Implementing Officer or Team:	Manager - Operations	Policy Reviewer:	Chief Executive Officer
Legislative Head of Power (Act, Regulation, or Local Law):	Local Government Act 1995 Local Government Amendment (Property) Local Law 2014		
Related Documents (other Policies, Operational Procedures, Delegations, etc):	Insert title(s)		
Version Control Council Meeting Review Details:			
Review #:	Council Meeting Date:	Item/Resolution#:	
1.	Date		
2.			
3.			

11.3 BUDGET REVIEW - EARLY RECEIPT OF FAGS GRANTS**File Number: 5122****Author: Mark Willis, Accountant****Responsible Officer: Amanda O'Halloran, Chief Executive Officer****Authority/Discretion: Legislative****SUMMARY**

For Council to consider and approve a budget amendment to recognise the early receipt of Federal Assistance Grant (FAGS) funding for 2021/22 but paid, by the WA Grants Commission, in 2020/21.

DISCLOSURE OF ANY INTEREST

Nil

BACKGROUND

Local governments receive funding from a number of sources one being the Federal Government. Each year the Federal Government provides the State Government with a grant funding for it to distribute to Local Governments. The State Government distributes the funds through the Grants Commission.

As in past years, a portion of the 2021/22 FAGS money was distributed before the end of 2020/21 and has been received by the Shire.

STATUTORY ENVIRONMENT***Local Government Act 1995*****6.8. Expenditure from municipal fund not included in annual budget**

(1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —

(a) is incurred in a financial year before the adoption of the annual budget by the local government; or

(b) is authorised in advance by resolution; or*

(c) is authorised in advance by the mayor or president in an emergency.

** Absolute majority required.*

Local Government (Financial Management) Regulations 1996***33A. Review of budget***

1. Between 1 January and 31 March in each financial year a local government is to carry out a review of its annual budget for that year.

2A. The review of an annual budget for a financial year must —

(a) consider the local government's financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and

(b) consider the local government's financial position as at the date of the review; and

(c) review the outcomes for the end of that financial year that are forecast in the budget.

2. Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the council.

3. A council is to consider a review submitted to it and is to determine* whether or not to adopt the review, any parts of the review or any recommendations made in the review.

*Absolute majority required.

4. Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.

POLICY IMPLICATIONS

There are no policy implications related to this report.

FINANCIAL IMPLICATIONS

On 8 June 2021 an amount of \$3,048,935 was received from the WA Grants Commission. This payment represented a portion of the FAGS grant for 2021/22. The funds are general purpose use (\$1,235,852) and local roads (\$813,083).

Early receipt of 2021/22 grant funding will negate the need to borrow funds, as provided for in the 2020/21 budget, for liquidity purposes prior to rates and grants being received in 2021/22.

STRATEGIC IMPLICATIONS

GOAL	OUTCOME	STRATEGY
4: Good governance and an effective organisation Leadership that provides strategic direction for the community, supported by efficient and effective service delivery	4.4: Financial sustainability and accountability for Performance	4.4.4: Provide resources to support the Shire’s operations and to meet planning, reporting and accountability requirements

RISK MANAGEMENT CONSIDERATIONS

RISK	LIKELIHOOD	CONSEQUENCE	RISK ANALYSIS	MITIGATION
Financial: Non approval of the budget review would result in a large variance between actual income and budgeted income.	Almost Certain	Moderate	Medium	Accept Officer recommendation and submit to DLGSC.

CONSULTATION

Moore Stephens.

Shire Staff and Management.

Finance Manager.

COMMENT

Early receipt of a portion of next year's grant funding will resolve any cash flow issues the Shire may have had at the end of 2020/21 and the first few months of 2021/22 (until rate income is received).

It is important that the budget is adjusted, during the year, for known and significant occurrences in order to avoid significant variances (actuals to budget) in financial reports.

VOTING REQUIREMENT

Absolute majority

ATTACHMENTS

Nil

RESOLUTION 58/21

Moved: Cr Rowena Mouda

Seconded: Cr Geoff Davis

That Council:

- 1. Amend the 2020/21 Shire Budget to recognise the early receipt of \$3,048,935 in Federal Government Assistance Grants for 2021/22.**

In Favour: Crs Paul White, Geoff Davis, Andrew Twaddle, Rowena Mouda, Pat Riley and Keith Bedford

Against: Nil

CARRIED BY ABSOLUTE MAJORITY 6/0

11.4 AUTHORISATION TO AFFIX THE SHIRE OF DERBY/WEST KIMBERLEY COMMON SEAL TO THE COMMONWEALTH DEPARTMENT OF HEALTH SPORTS FUSION 2020 GRANT AGREEMENT

File Number: 0140

Author: Amanda O'Halloran, Chief Executive Officer

Responsible Officer: Amanda O'Halloran, Chief Executive Officer

Authority/Discretion: Executive

SUMMARY

For Council to approve the affixing of the Shire of Derby/West Kimberley common seal to the Commonwealth Department of Health Sports Fusion 2020 Grant Agreement.

DISCLOSURE OF ANY INTEREST

Nil

BACKGROUND

The Shire has been working to grow grant funding in the area of Youth Development and Programs across the Shire. There are many avenues to explore and the Shire administration have been applying for a number of grants. The team has been successful receiving the Commonwealth Department of Health – Sports Fusion Grant 2020.

The Grant has been delayed due to COVID-19 and will now apply to operations across the 2021/22 financial year and the first half of the 2022/23 year.

STATUTORY ENVIRONMENT

Local Government Act 1995

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The funding expands the programs across both Derby and Fitzroy Crossing. The Shire administration has been working to leverage funding off the current funding levels to improve and strengthen the existing services and grow to increase our reach to Youth in the Shire.

Unfortunately, funding is still only being provided on a short term basis and is not representative of the true costs of undertaking this service in the Kimberley. The Shire is still sponsoring the service to a degree, however grants like this do increase the impost of the rate payer.

Negotiations ongoing will need to seek to provide an ongoing agreement that allows for full cost recovery into the future and one that gives certainty to the community ongoing, supporting employment and service programing sustainability.

STRATEGIC IMPLICATIONS

GOAL	OUTCOME	STRATEGY
Priority 1: Leadership and Governance	1.1 Collaboration and Partnerships 1.2 Capable, inclusive and effective organisation 1.3 Effective Communication	1.1.1 Maximise local opportunities 1.2.4 Attract and effectively use resources to meet community needs 1.3.3 Listen to and respond to the needs of our communities
Priority 2: Community	2.1 Safe Communities 2.2 Healthy Communities	2.1.3 Provide activities, programs, places and spaces that engage young people. 2.2.2 Facilitate a range of accessible sporting and recreational activities

RISK MANAGEMENT CONSIDERATIONS

RISK	LIKELIHOOD	CONSEQUENCE	RISK ANALYSIS	MITIGATION
Legal & Compliance	Unlikely	Minor	Low	Attention to process and procedure, awareness of legislation and vigilance.

CONSULTATION

Youth Services, Local Service Providers, Youth Network across the Shire

COMMENT

The purpose of the Grant is to:

Use sport and physical activity to contribute to the building of resilient, cohesive and harmonious communities and ensure that individuals, families and communities have the opportunity to thrive and have the capacity to respond to emerging needs and challenges.

The program objectives are consistent with the Sport 2030 National Sport Plan commitment that “Every Australian, at all stages of their life regardless of gender, ability or ethnicity, and no matter where they live, are able to undertake the exercise they need and want in a safe, fun and inclusive way, whether it is through sport or other types of activity”.

The objectives of the program are to contribute on a local level to:

- support vulnerable and disadvantaged individuals from targeted community groups to participate in flexible, community based sport and physical activity projects; and

- increase acceptance of diversity, build inclusive communities, and assist vulnerable and disadvantaged individuals and families to develop social links through sport and physical activity.

The intended outcomes of the program are to:

- increase the participation of vulnerable, disadvantaged individuals and families from targeted community groups in sport and physical activity;
- increase community pride and connection within targeted community groups; and
- increase the range of flexible, community based, participation opportunities available.

The performance indicators are:

1. Engage targeted community groups through sport and physical activities.

Measured by: Number of activities undertaken and number of participants from targeted community groups as measured through the evaluation questionnaire and progress reports I

2. Increase acceptance of diversity and deliver social inclusion outcomes.

Measured by: Increased acceptance of diversity, community pride and connection within targeted community groups as measured through the evaluation questionnaire.

The total amount of the grant is: \$360,000.00

All activities will be shared across both Derby and Fitzroy Crossing Services.

VOTING REQUIREMENT

Simple majority

ATTACHMENTS

1. Deed of Variation  
2. Standard Grant Agreement  

RESOLUTION 59/21

Moved: Cr Geoff Davis

Seconded: Cr Keith Bedford

That Council pursuant to section 9.49A of the Local Government Act 1995, resolves to authorise:

1. **The application of the Shire of Derby/West Kimberley Common Seal; and**
2. **The execution of the required documents by the Shire President and Chief Executive Officer.**

In Favour: Crs Paul White, Geoff Davis, Andrew Twaddle, Rowena Mouda, Pat Riley and Keith Bedford

Against: Nil

CARRIED 6/0



Australian Government

Department of Health

Organisation ID:	4-45JMZNZ
Agreement ID:	4-ENFEOVN
Program Schedule ID:	4-ENFEOWF

Deed of Variation in relation to Strengthen Social Inclusion Sport Rec

1. Date

This Deed is made on

2. Parties

This Deed is made between:

1. The Commonwealth, as represented by Department of Health, ABN 83 605 426 759 (the 'Commonwealth'); and
2. Shire of Derby/ West Kimberley, ABN 99 934 203 062 (the 'Grantee').

3. Context

- A. The Parties entered in an agreement on 8 July 2020 under which the Commonwealth gave a Grant to the Grantee for Strengthen Social Inclusion Sport Rec (the 'Agreement').
- B. The Parties have agreed to amend the Agreement on the terms and conditions contained in this Deed.

4. Amendments

With effect from the date of execution of this Deed, the Agreement is amended:

Funding for existing Activities under this Agreement is adjusted as per the table below. This table shows only those existing Activities with funding varied under this Deed:

Activity Name	Activity Id	Financial Year	Current Grant Amount (excl. GST)	Variation Amount (excl. GST)	New Total Grant Amount (excl. GST)
SDWK (Shire of Derby West Kimberley) SPORTS FUSION 2020	4-ENFEOXQ	2019-2020	\$180,400.00	\$0.00	\$180,400.00
SDWK (Shire of Derby West Kimberley) SPORTS FUSION 2020	4-ENFEOXQ	2020-2021	\$180,400.00	-\$90,200.00	\$90,200.00
SDWK (Shire of Derby West Kimberley) SPORTS FUSION 2020	4-ENFEOXQ	2021-2022	\$90,200.00	\$0.00	\$90,200.00
Total			\$451,000.00	-\$90,200.00	\$360,800.00

Revised payment amounts, reporting milestones and other detailed amendments resulting from this Deed are described in the Program Schedule, including any attachments, enclosed.

5. Entire agreement and interpretation

- 5.1 The parties confirm all the other provisions of the Agreement and, subject only to the amendments contained in this Deed, the Agreement remains in full force and effect.
- 5.2 This Deed and the Agreement, when read together, contain the entire agreement of the parties with respect to the parties' rights and obligations under the Agreement.
- 5.3 Unless otherwise specified or the context otherwise requires, terms that are defined in the Agreement have the same meaning in this Deed.

Signatures

Organisation ID:	4-45JMZNZ
Agreement ID:	4-ENFEOVN
Program Schedule ID:	4-ENFEOWF

Executed as a deed

Signed, sealed and delivered for and on behalf of the Commonwealth of Australia by the relevant Delegate, represented by and acting through Department of Health, ABN 83 605 426 759 in the presence of:

 (Name of Departmental Representative) (Signature of Departmental Representative)
/.....

 (Position of Departmental Representative)

 (Name of Witness in full) (Signature of Witness)
/.....

Signed, sealed and delivered by Shire of Derby/ West Kimberley, ABN 99 934 203 062 in accordance with its rules, and who warrants that he/she is authorised to sign this Deed:

 (Name and position held by Signatory) (Signature)
/.....

 (Name and position held by second Signatory/Name of Witness) (Signature of second Signatory/Witness)
/.....

Explanatory notes on the signature block

- If you are an **incorporated association**, you must refer to the legislation incorporating the association as it will specify how documents must be executed. This process may differ between each State and Territory. If an authorised person is executing a document on behalf of the incorporated association, you should be prepared to provide evidence of this authorisation upon request.
- If you are a **company**, generally two signatories are required – the signatories can be two Directors or a Director and the Company Secretary. Affix your **Company Seal**, if required by your Constitution.
- If you are a **company with a sole Director/Secretary**, the Director/Secretary is required to be the signatory in the presence of a witness (the witness date must be the same as the signatory date). Affix your **Company Seal**, if required by your Constitution.
- If you are a **partnership**, the signatory must be a partner with the authority to sign on behalf of all partners receiving the grant. A witness to the signature is required (the witness date must be the same as the signatory date).
- If you are an **individual**, you must sign in the presence of a witness (the witness date must be the same as the signatory date).
- If you are a **university**, the signatory can be an officer authorised by the legislation creating the university to enter into legally binding documents. A witness to the signature is required (the witness date must be the same as the signatory date).
- If you are a **trustee of a Trust**, the signatory must be a trustee (NOT the Trust) – as the trustee is the legal entity entering into the Agreement. If requested by you, the words 'as trustee of the XXX Trust' could be included at the end of the name.

Schedule – Amendments to the Agreement

- *The Program Schedule 4-ENFEOWF is deleted and replaced with the updated Program Schedule 4-ENFEOWF enclosed.*



Australian Government

Department of Health

**Commonwealth
Standard Grant Agreement**
between
the Commonwealth represented by
Department of Health
and
Shire of Derby/ West Kimberley

Grant Agreement 4-ENFEOVN

Once completed, this document, together with each set of Grant Details and the Commonwealth Standard Grant Conditions (Schedule 1), forms an Agreement between the Commonwealth and the Grantee.

Parties to this Agreement

The Grantee

Full legal name of Grantee	Shire of Derby/ West Kimberley
Legal entity type (e.g. individual, incorporated association, company, partnership etc)	Local Government
Trading or business name	Shire of Derby/ West Kimberley
Any relevant licence, registration or provider number	
Australian Company Number (ACN) or other entity identifiers	
Australian Business Number (ABN)	99 934 203 062
Registered for Goods and Services Tax (GST)	Y
Date from which GST registration was effective	
Registered office (physical)	30 Loch Street, DERBY WA 6728
Relevant business place (if different)	
Telephone	08 9191 0999
Fax	
Email	emcd@sdwk.wa.gov.au

The Commonwealth

The Commonwealth of Australia represented by Department of Health
 23 Furzer Street PHILLIP ACT 2606
 ABN 83 605 426 759

Background

The Commonwealth has agreed to enter into this Agreement under which the Commonwealth will provide the Grantee with one or more Grants for the purpose of assisting the Grantee to undertake the associated Activity.

The Grantee agrees to use each Grant and undertake each Activity in accordance with this Agreement and the relevant Grant Details.

Scope of this Agreement

This Agreement comprises:

- (a) this document;
- (b) the Supplementary Terms from the Clause Bank (if any);
- (c) the Standard Grant Conditions (Schedule 1);
- (d) the Grant Details;
- (e) any other document referenced or incorporated in the Grant Details.

Each set of Grant Details, including Supplementary Terms (if any), only applies to the particular Grant and Activity covered by that set of Grant Details and a reference to the 'Agreement' in the Grant Details or the Supplementary Terms is a reference to the Agreement in relation to that particular Grant and Activity. If there is any ambiguity or inconsistency between the documents comprising this Agreement in relation to a Grant, the document appearing higher in the list will have precedence to the extent of the ambiguity or inconsistency.

This Agreement represents the Parties' entire Agreement in relation to each Grant provided under it and the relevant Activity and supersedes all prior representations, communications, Agreements, statements and understandings, whether oral or in writing.

Certain information contained in or provided under this Agreement may be used for public reporting purposes.

Grant Details

Organisation ID:	4-45JMZNZ
Agreement ID:	4-ENFEOVN
Schedule ID:	4-ENFEOWF

A. Purpose of the Grant

The purpose of the Grant is to:

Use sport and physical activity to contribute to the building of resilient, cohesive and harmonious communities and ensure that individuals, families and communities have the opportunity to thrive and have the capacity to respond to emerging needs and challenges.

The program targets the following community groups to engage in sport and physical activity projects:

- newly arrived migrants and refugees;
- women;
- people with a physical or mental disability; and
- Aboriginal and Torres Strait Islander people.

The program objectives are consistent with the Sport 2030 National Sport Plan commitment that “Every Australian, at all stages of their life regardless of gender, ability or ethnicity, and no matter where they live, are able to undertake the exercise they need and want in a safe, fun and inclusive way, whether it is through sport or other types of activity”.

The objectives of the program are to contribute on a local level to:

- support vulnerable and disadvantaged individuals from targeted community groups to participate in flexible, community based sport and physical activity projects; and
- increase acceptance of diversity, build inclusive communities, and assist vulnerable and disadvantaged individuals and families to develop social links through sport and physical activity.

The intended outcomes of the program are to:

- increase the participation of vulnerable, disadvantaged individuals and families from targeted community groups in sport and physical activity;
- increase community pride and connection within targeted community groups; and
- increase the range of flexible, community based, participation opportunities available.

This Grant is provided by the Department of Health under the Driving Social Inclusion through Sport and Physical Activity Grant Opportunity Guidelines GO2645, which form part of the Agreement between the Commonwealth and the Grantee.

This Grant is being provided under, and these Grant Details form part of, the Agreement between the Commonwealth and the Grantee.

The Grant is being provided as part of the Strengthen Social Inclusion Sport Rec program.

SDWK (Shire of Derby West Kimberley) SPORTS FUSION 2020 - 4-ENFEOXQ

B. Grant Activity

The Grantee will deliver the following project, consistent with the successful grant application:

Project Description:

The project will deliver a sport and physical activity program which embeds a mental health by stealth approach targeted at young Indigenous people and their families in the Kimberly Shire. Activities will include boxing, fitness, basketball, soccer, aquatics and netball. The project will engage community partners to deliver a mixed program to bring people together to leverage community spirit and build strong bonds and sustainable relationships from within.

Activities will be undertaken in accordance with the Grant Opportunity Guidelines GO2645.

Activities will relate directly to sport and physical activity aimed at driving social inclusion for one or more of the following targeted community groups:

- newly arrived migrants and refugees;
- women;
- people with a physical or mental disability; and
- Aboriginal and Torres Strait Islander people.

Activities may include, but not be limited to:

- engaging with community organisations to deliver sport and physical activity projects;
- coaching clinics to teach sports skills and techniques;
- participation in local sports competitions;
- instruction in exercise and physical activity classes delivered by qualified instructors;
- research and data collection; and
- recruitment and engagement of translators required to deliver the activities.

The Grantee must not charge participants involved in their activities.

Given the impact of the coronavirus pandemic (COVID-19), the Grantee must consider and follow Australian Government, State and Territory Government and Local Public Health Authority advice on the conduct of sport and recreation activities in Australia. A suite of resources are available from Sport Australia including a 'Return to Sport Toolkit', to help sporting and community organisations get ready to recommence programs in a safe, responsible and low risk manner. These resources are available at: www.sportaus.gov.au/return-to-sport.

The Grantee will be required to report against the following performance indicators in performance reports as outlined in Item E of the agreement.

Performance Indicators

The Activity will be measured against the following Performance Indicator/s:

Performance Indicator Description	Measure
Engage targeted community groups through sport and physical activities.	Number of activities undertaken and number of participants from targeted community groups as measured through the evaluation questionnaire and progress reports
Increase acceptance of diversity and deliver social inclusion outcomes.	Increased acceptance of diversity, community pride and connection within targeted community groups as measured through the evaluation questionnaire.

Location Information

The Activity will be delivered from the following site location/s:

	Location Type	Name	Address
1	Direct Funded	Shire of Derby-West Kimberley	30 Loch Street DERBY WA 6728

Service Area Information

The Activity will service the following service area/s:

	Type	Service Area
1	State/Territory (2016)	Western Australia

C. Duration of the Grant

The Activity starts on 15 June 2020.

The Activity (other than the provision of any final reports) ends on 31 December 2022, which is the Activity's Completion Date.

The Agreement ends on 30 June 2023 or when the Grantee has provided all of the reports and repaid any Grant amount as required under this Agreement.

D. Payment of the Grant

The total amount of the Grant is \$541,200.00* (GST exclusive).

A break down by Financial Year is below:

Financial Year	Amount * (excl. GST)
2019-2020	\$180,400.00
2020-2021	\$270,600.00
2021-2022	\$90,200.00

*This amount may include Social, Community, Home Care and Disability Services Industry Award 2010 Supplementation (SACS).

The Grantee must ensure that the Grant is held in an account in the Grantee's name and which the Grantee controls, with an authorised deposit-taking institution authorised under the Banking Act 1959 (Cth) to carry on banking business in Australia.

The Grantee's nominated bank account into which the Grant is to be paid is:

BSB Number	016-620
Financial Institution	Derby Loch Street ANZ
Account Number	421105556
Account Name	SHIRE DERBY WEST KIMBERLEY

The Grant will be paid in instalments by the Commonwealth in accordance with the agreed Milestones, and compliance by the Grantee with its obligations under this Agreement.

Milestone	Anticipated date	Amount (excl. GST)	GST	Total (incl. GST)
Upon execution of the agreement	22 June 2020	\$180,400.00	\$0.00	\$180,400.00
Payment 1	30 June 2021	\$90,200.00	\$0.00	\$90,200.00
Payment 2	31 March 2022	\$90,200.00	\$0.00	\$90,200.00
Total Amount		\$360,800.00	\$0.00	\$360,800.00

Invoicing

The Grantee will receive a Remittance Advice as confirmation of any funding paid under the Grant Agreement

Taxes, duties and government charges

GST is payable on the Grant.

Interest can be earned on the Grant. Any interest earned must be used for the purpose of the Grant.

Refer to Clause 9. Taxes, duties and government charges.

E. Reporting

The Grantee agrees to create the following reports in the form specified and to provide the reports to the Commonwealth representative in accordance with the following.

Milestone	Information to be included	Due Date
Performance Report	Performance Report #1 as per Item E.1 covering the period from agreement execution to 31 December 2020	28 February 2021
Activity	Activity Work Plan as per Item E.2 covering the Activity period from agreement execution to 31 December 2022.	31 May 2021
Financial Acquittal Report	Annual income and expenditure statement for the Funds as per Item E.4 covering the period from agreement execution to 30 June 2021.	31 August 2021
Performance Report	Performance Report #2 as per Item E.1 covering the period 1 January 2021 to 30 June 2021.	31 August 2021
Performance Report	Performance Report #3 as per Item E.1 covering the period 1 July 2021 to 31 December 2021.	28 February 2022
Financial Acquittal Report	Annual income and expenditure statement for the Funds as per Item E.4 covering the period 1 July 2021 to 30 June 2022.	31 August 2022
Performance Report	Performance Report #4 as per Item E.1 covering the period 1 January 2022 to 30 June 2022.	31 August 2022
Final Report	Final Report as per Item E.5 covering the Activity period from agreement execution to 31 December 2022.	28 February 2023
Financial Acquittal Report	Financial Acquittal Report as per Item E.4 covering the period from 1 July 2022 to the Activity Completion Date.	28 February 2023

E.1 Performance Reports

The Grantee must provide Performance Reports to the Department at the time specified in the Milestone Table. Performance Reports are to contain information on the performance of the Activity during the reporting period. They must include:

- Evidence of your progress towards completion of planned activities, milestones, targets and outcomes (as outlined in the Activity Work Plan);
- Performance against the Performance Indicators in Item B;
- An explanation as to how your organisation is addressing, or proposes to address, any issues, problems or delays with the Activity; and
- Be submitted by the report due date (you can submit reports ahead of time if you have completed relevant activities).

Performance Reports must be considered satisfactory by the Department before the milestone is met.

E.2 Activity Work Plan

An Activity Work Plan and Budget must be submitted within the timeframe specified in Item E and must include:

- Planned activities, milestones, targets and outcomes for each financial year, as described in Item B;
- Expected project outcomes and quantifiable performance measures; and
- Include a Budget detailing planned expenditure of grant funds (in accordance with the Grant Opportunity Guidelines G02645 and in particular section 5.2 *Eligible grant expenditure* and section 5.3 *What the grant funding cannot be used for*).

The Activity Work Plan must be considered satisfactory by the Department before the milestone is met.

E.3 Annual Report

None specified

E.4 Accounting for the Grant

The Grantee must submit:

- An unaudited Annual Income and Expenditure statement for the Funds, by the dates specified at Item E, signed by the Grantee verifying the Grant was spent in accordance with this Agreement; and
- A Final Financial Acquittal Report after the Activity Completion Date consisting an unaudited Income and Expenditure statement for the Funds signed by the Grantee verifying the Grant was spent in accordance with this Agreement.

E.5 Other Reports

A Final Report for the Activity must be provided to the Department within the timeframe specified in Item E. The Report must contain information on the performance of the Activity and must include:

- An evaluation of the performance, benefits and outcomes of the entire Activity including an evaluation of the Activity against the outcomes and Performance Indicators in Item B;
- An explanation as to how your organisation addressed any issues, problems or delays with the Activity; and
- A summary of key learnings for the Activity.

The Final Report must meet the Department's satisfaction before the Milestone will be considered finalised.

F. Party representatives and address for notices

Grantee's representative and address

Grantee's representative name	Ms Amanda O'Halloran
Position	Chief Executive Officer
Postal/physical address(es)	30 Loch Street, DERBY, WA, 6728
Business hours telephone	08 9191 0999
Mobile	
Fax	

E-mail	ceo@sdwk.wa.gov.au
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Commonwealth representative and address

Name of representative	Jennifer Lemm
Position	CGH Funding Arrangement Manager
Postal/physical address(es)	GPO Box 9820 ADELAIDE SA 5001
Business hours telephone	08 8318 2256
Mobile	Not specified
Fax	Not specified
E-mail	jenny.lemm@dss.gov.au

The Parties' representatives will be responsible for liaison and the day-to-day management of the Grant, as well as accepting and issuing any written notices in relation to the Grant.

G. Activity Material

Activity Material means any material, other than Reporting Material, created or developed by the Grantee as a result of the Activity and includes any Existing Material that is incorporated in or supplied with the Activity Material.

None specified

12 CORPORATE SERVICES**12.1 MATTERS IDENTIFIED AS SIGNIFICANT BY THE AUDITOR IN THE AUDIT REPORT****File Number: 5151****Author: Alan Lamb, Director of Corporate and Community Services****Responsible Officer: Alan Lamb, Director of Corporate and Community Services****Authority/Discretion: Legislative****SUMMARY**

To approve a report on significant matters, raised in the 2019/20 audit report, being forwarded to the Department of Local Government Sports and Cultural Industries (DLGSC).

DISCLOSURE OF ANY INTEREST

Nil

BACKGROUND

Legislation (7.12A(4)) of the Local Government Act 1995, requires that a Local Government prepare a report addressing any matters identified as significant by the auditor in the audit report, and stating what action has been taken, or intends to be taken, with respect to these matters. Then, send the report to the Minister within 3 months of the audit report being received by the Local Government.

As in past years, the 2019/20 audit report noted that the Operating Surplus Ratio has been below the DLGSC' standard for the past three years. The auditor's opinion was that this represented a significant adverse trend. The ratio for 2019/20 was minus 0.48 which was similar to the prior two years (minus 0.54 and minus 1.58). The DLGSC's basic standard is 0.01 and 0.15 (between 1% and 15%).

STATUTORY ENVIRONMENT**Local Government Act 1995****7.12A. Duties of local government with respect to audits**

1. (1) A local government is to do everything in its power to —
 - (a) assist the auditor of the local government to conduct an audit and carry out the auditor's other duties under this Act in respect of the local government; and
 - (b) ensure that audits are conducted successfully and expeditiously.
2. (2) Without limiting the generality of subsection (1), a local government is to meet with the auditor of the local government at least once in every year.
3. (3) A local government must —
 - (aa) examine an audit report received by the local government; and
 - (a) determine if any matters raised by the audit report, require action to be taken by the local government; and
 - (b) ensure that appropriate action is taken in respect of those matters.
4. (4) A local government must —

- (a) prepare a report addressing any matters identified as significant by the auditor in the audit report, and stating what action the local government has taken or intends to take with respect to each of those matters; and
- (b) give a copy of that report to the Minister within 3 months after the audit report is received by the local government.

5. (5) Within 14 days after a local government gives a report to the Minister under subsection (4)(b), the CEO must publish a copy of the report on the local government’s official website.

[Section 7.12A inserted: No. 49 of 2004 s. 8; amended: No. 5 of 2017 s. 19.]

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

In order for Council to have achieved the minimum benchmark of 0.01 (1%), for the Operating Surplus Ratio, for 2019/20 it would have to increase own resources operating revenue and/or decrease operating expenditure by \$5,5M (46%). This is considered to be unachievable given then relatively low population/rate base together with the large area to service.

STRATEGIC IMPLICATIONS

GOAL	OUTCOME	STRATEGY
Compliance	Compliance	Meet compliance requirements

RISK MANAGEMENT CONSIDERATIONS

RISK	LIKELIHOOD	CONSEQUENCE	RISK ANALYSIS	MITIGATION
Legal & Compliance: Not meeting a legislative requirement.	Possible	Minor	Medium	Adherence to legislative requirements.

CONSULTATION

DLGSC

COMMENT

Financial ratios are a tool to monitor an entities’ performance against standards (or benchmarks).

The following is taken from the DLGSC web site:

Financial Performance Ratio

A key indicator of a local government’s financial performance is measured by the ‘Operating Surplus Ratio’. If a local government consistently achieves a positive operating surplus ratio and has soundly based long term financial plans showing that it can continue to do so in future, having regard to asset management and the community’s service level needs, then it is considered financially sustainable.

A positive ratio indicates the percentage of total own source revenue available to help fund proposed capital expenditure, transfer to cash reserves or to reduce debt. A negative ratio indicates the percentage increase in total own source revenue (principally rates) that would have been required to achieve a break-even operating result.

Operating Surplus Ratio

*(Operating Revenue MINUS Operating Expense)
divided by
Own Source Operating Revenue*

Purpose

This ratio is a measure of a local government’s ability to cover its operational costs and have revenues available for capital funding or other purposes.

Standards

Basic Standard between 1% and 15% (0.01 and 0.15) Advanced Standard > 15% (>0.15).

Definitions	Description
'Operating Revenue'	<i>Means the revenue that is operating revenue for the purposes of the AAS, excluding grants and contributions for the development or acquisition of assets.</i>
'Operating Expense'	<i>Means the expense that is operating expense for the purposes of the AAS.</i>
'Own Source Operating Revenue'	<i>Means revenue from rates and service charges, fees and user charges, reimbursements and recoveries *, interest income and profit on disposal of assets.</i>

**Note: Typically local governments disclose in their annual financial statements, a nature or type classification described as 'Reimbursements and Recoveries, Contributions and Donations' (or similar). In order to calculate the value of own source revenue, it is essential that reimbursements and recoveries are disclosed separately from contributions and donations. This can be by way of note.*

Many rural Local Governments rely on grant funding to function and the operating surplus ratio is calculated net of all grant funding. There has long been a call for some of the standard grants (especially the Federal Government Assistance Grant) to be included and it is understood that the Department is looking at this.

Just taking the matter as it is however, the ratio improved in 2019/20 compared to the previous two years. The only way the Shire could further improve the ratio, to meet the standard, it would need to increase rates, charges, fees and the like and reduce costs. Council has done this over time but there is a limit to what can be charged for rates, fees and charges and what can be trimmed without over taxing the community placing stress on Staff and reducing much needed services.

The proposed response to the Minister is:

Whilst it is recognised that the Shire’s Operating Surplus Ratio is below the standard set, it did improve in 2019/20. In order to meet the lowest acceptable ratio, as set by the Department, Council would have had to increase its own resources revenue in 2019/20 by \$5,5M (46%) which is not possible given the size of the Shire, community demands for services, ever-increasing

compliance requirements, the relatively small rate base, and regular calls to reduce/not increase rates and the like. Never the less Council is monitoring opportunities to increase the Shire's own resources income and reduce costs but it is likely that the adverse ratio trend will continue.

VOTING REQUIREMENT

Simple majority

ATTACHMENTS

Nil

RESOLUTION 60/21

Moved: Cr Geoff Davis

Seconded: Cr Paul White

That Council:

Authorise the CEO to write to the Minister for Local Government, Sport and Cultural Industries to report on the Auditors concerns regarding the Shire's 2019/20 Current Surplus Ratio with the following comment:

Whilst it is recognised that the Shire's Operating Surplus Ratio is below the standard set, it did improve in 2019/20. In order to meet the lowest acceptable ratio, as set by the Department, Council would have had to increase its own resources revenue in 2019/20 by \$5,5M (46%) which is not possible given the size of the Shire, community demands for services, ever-increasing compliance requirements, the relatively small rate base, and regular calls to reduce/not increase rates and the like, Never the less Council is monitoring opportunities to increase the Shire's own resources income and reduce costs but it is likely that the adverse ratio trend will continue.

In Favour: Crs Paul White, Geoff Davis, Andrew Twaddle, Rowena Mouda, Pat Riley and Keith Bedford

Against: Nil

CARRIED 6/0

13 TECHNICAL SERVICES**13.1 ROADWORKS ON BULKA ROAD AND GEE GULLY ROAD - BUDGET APPROVAL****File Number: 8155****Author: Wayne Neate, Director Technical and Development Services****Responsible Officer: Amanda O'Halloran, Chief Executive Officer****Authority/Discretion: Executive****SUMMARY**

Urgent safety and rectification roadworks were required to occur on Bulka Road and Gee Gully Road, to enable safe use of the thoroughfares.

This report seeks Council endorsement for the allocation of Roads to Recovery grant funding to enable the works undertaken to be funded.

DISCLOSURE OF ANY INTEREST

Nil Applicable.

BACKGROUND

The Shire was notified by local Pastoralist of the unsafe and unsuitable state of Bulka Road and Gee Gully Road for use by pastoralists and their contractors. Urgent safety and rectification roadworks were required to occur on, to enable safe use of the thoroughfare.

Works were occurring in close proximity to the abovementioned location and so those contractors were tasked with the required works.

The previously unsuitable section of roadways are now safe and fit for purpose.

STATUTORY ENVIRONMENT

Local Government Act S 6.8 (Expenditure from municipal fund not included in annual budget) outlines that a local government is not to incur expenditure for an additional purpose except where the expenditure is authorised in advance by resolution (by absolute majority).

The Shire's budget does include numerous individual and general allocations for roadworks, but other than general maintenance, there was no specific allocation for the substantial works required on Bulka Road and Gee Gully Road. The works on this occasion will be funded from bringing forward funding that would have otherwise been spent in 2021/22, to undertake these works this financial year. Notwithstanding, it is appropriate that a confirmatory resolution of Council be sought for the works.

POLICY IMPLICATIONS

Policy AF3 – Asset Management which states that *“Council is responsible for adopting the policy and ensuring that sufficient resources are applied to manage the assets.”*

FINANCIAL IMPLICATIONS

The cost of the roadworks is for the Bulka Road is \$174,900 and an estimated \$160,000 for the Gee Gully Road with both roads being funded from the Roads to Recovery funds that otherwise

would have been allocated in 2021/22. There is no nett cost to the Shire outside of administration allocations to coordinate the works.

STRATEGIC IMPLICATIONS

PRIORITY	GOAL
4.2 Liveable Communities	4.2.3 Encourage and facilitate the maintenance and development of infrastructure that connects our communities.

RISK MANAGEMENT CONSIDERATIONS

RISK	LIKELIHOOD	CONSEQUENCE	RISK ANALYSIS	MITIGATION
Property: Not undertaking the work will result in further road infrastructure damage.	Almost Certain	Moderate	High	Allocate funds to undertake the necessary works.
Reputation: Not undertaking the work will likely result in criticism from Pastoralists about the Shire’s capacity or willingness to service them.	Likely	Minor	Medium	Allocate funds to undertake the necessary works.

CONSULTATION

There were numerous calls from local road users about the lack of suitability of the road to service Pastoralists. No broader community consultation is warranted on this occasion.

COMMENT

Nil applicable.

VOTING REQUIREMENT

Absolute majority

ATTACHMENTS

Nil

<p>RESOLUTION 61/21</p> <p>Moved: Cr Rowena Mouda</p> <p>Seconded: Cr Pat Riley</p> <p>That Council endorse by Absolute Majority, the allocation of <i>Roads to Recovery</i> grant funding</p>
--

(\$334,900 - otherwise to have been allocated in 2021/22) to enable the urgent safety and rectification roadworks to occur on Bulka Road and Gee Gully Road.

In Favour: Crs Paul White, Geoff Davis, Andrew Twaddle, Rowena Mouda, Pat Riley and Keith Bedford

Against: Nil

CARRIED BY ABSOLUTE MAJORITY 6/0

14 DEVELOPMENT SERVICES**14.1 PROPOSAL FOR LEASE AGREEMENT - HORIZON POWER COMMUNITY BATTERY****File Number: 2212****Author: Philip Gehrmann, Project Manager****Responsible Officer: Wayne Neate, Director Technical and Development Services****Authority/Discretion: Executive****SUMMARY**

In order to allow more renewable systems to be connected to the Derby grid, Horizon Power is seeking to install “community batteries” at a number of sites, some of which are owned by the Shire.

This report is for Council to consider entering into long-term lease(s) with Horizon Power of small land areas at selected Shire sites.

DISCLOSURE OF ANY INTEREST

Nil

BACKGROUND

Horizon Power is the State-owned electricity service and infrastructure provider throughout regional Western Australia. Horizon Power is funding the roll-out of several programs to increase the amount of electricity generated by renewable systems such as roof-top solar panels.

Due to the intermittent power output of renewable systems such as solar panels, there is a limit to the total capacity of renewable systems which can be connected to the Derby electrical grid. This limit is commonly referred to as the “hosting capacity”.

The hosting capacity of the Derby grid is currently 830kW, or approximately 166 residential rooftop solar systems. Horizon Power anticipate this limit will be reached in 2022, at which point no more renewable systems could be connected to the Derby grid.

For Council’s information, the Fitzroy Crossing hosting capacity is currently 165kW, or approximately 33 residential rooftop solar systems. Horizon Power does not anticipate this limit will be reached in the near term (>5 years).

In order to increase the number of renewable electricity systems, which can be connected to the Derby electrical grid, Horizon Power would like to install community batteries at a number of Shire owned sites.

STATUTORY ENVIRONMENT

Local Government Act S 3.58 (Disposing of Property) provides details on how local governments might “dispose” of land (vis. by sale or lease).

Unless there is an exception applicable, a local government can only lease the property to the highest bidder at public auction; or through a public tender, or alternatively, the lease can be progressed if, before agreeing to dispose of the property, the Shire gives local public notice of the proposed disposition inviting submissions.

A valuation must be secured and public advertising must occur, with Council then considering any submissions made.

Local Government (Functions and General) Regulations 1996 R 30(2)(c)(ii) (Dispositions of Property) does on this occasion provide for the following exclusion, namely, where the land is disposed of to a department, agency, or instrumentality of the Crown in right of the State or the Commonwealth.

POLICY IMPLICATIONS

AF35 - Establishment of Leases and User Agreements (*Note: currently under review to be retitled as # 25 (AF35) Establishment of Commercial Leases*).

FINANCIAL IMPLICATIONS

Normally, commercial lessees meet the cost of officer time, valuation and legal expenses. On this occasion, Horizon Power will supply the lease documents and as the equipment is being provided at no cost to the Shire, it is suggested that there is no charge for any of the above costs.

STRATEGIC IMPLICATIONS

OUR PRIORITIES	WE WILL
1.1. Collaboration and Partnerships	1.1.2 Maximise our opportunities.
4.3. Sustainability	4.3.1 Commit the sustainable environmental practices.

RISK MANAGEMENT CONSIDERATIONS

RISK	LIKELIHOOD	CONSEQUENCE	RISK ANALYSIS	MITIGATION
Financial: Risk of the initiative not occurring.	Possible	Moderate	Medium	Agreement to allow the battery to be installed.

CONSULTATION

No community consultation is required on this occasion as the lease is exempt under Local Government (Functions and General) Regulations 1996 R 30(2)(c)(ii).

Shire Officers have worked with Horizon Power in preparing this item.

COMMENT

The potential benefits of the community batteries are outlined in Attachment A.

There are several site options available to Horizon Power, however, the Shire owned sites provide unique benefits including:

- Proven, successful partnership with the Shire as demonstrated by the rooftop solar and smart LED street light project.

- Access to highly visible locations within the community offering brand and reputational value to both Horizon Power and the Shire.
- Several land availability options providing flexibility with respect to connecting to the local electricity network.



The following table contains key terms which will be incorporated into a lease similar to Attachment C, to be prepared by Horizon Power.

Annual rent amount	\$500 per Site p.a.
Costs	All costs will be borne by Horizon Power, including but not limited to: <ul style="list-style-type: none"> • Preparation and execution of lease agreements. • Site works including preparation, installation, connection, commissioning and disposal. • Ongoing costs including Operation & Maintenance, insurance.
Land area required	Single parcel of land per battery Site, no larger than 50m ²
Sites	In order of preference: <ol style="list-style-type: none"> 1. Nicholson Square Oval, Derby . 2. Recreation Centre, Derby. 3. 30 Loch St, Derby (on Clarendon St side, adjacent to pool fence). <p>See Attachment B for approximate locations.</p>
Appearance	One single enclosure with dimensions 2.2m W x 3.3m L x 2.4m H, painted on all sides with locally inspired artwork and featuring the logos of Horizon Power, and the Shire. Up to two smaller transformer/ring-main enclosures similar to existing around town, painted in dark green colour. Note these would not be covered under the lease agreement as they are network connection infrastructure.
Duration of lease	15 years with an additional 15 year option

VOTING REQUIREMENT

Simple majority

ATTACHMENTS

1. Attachment A - Community Battery Program Overview - Confidential
2. Attachment B - Site Options  
3. Attachment C - Sample Lease Agreement - Confidential

<p>SUSPENSION OF STANDING ORDERS (1:50pm)</p>
<p>RESOLUTION 78/21</p> <p>Moved: Cr Geoff Davis Seconded: Cr Rowena Mouda</p> <p>A motion was moved that Council suspend standing orders.</p> <p><u>In Favour:</u> Crs Paul White, Geoff Davis, Andrew Twaddle, Rowena Mouda, Pat Riley and Keith Bedford</p> <p><u>Against:</u> Nil</p> <p style="text-align: right;">CARRIED 6/0</p>
<p>At 1:53 pm, Cr Keith Bedford left the meeting.</p> <p>At 1:55 pm, Cr Keith Bedford returned to the meeting.</p>
<p>RESUMPTION OF STANDING ORDERS (1:58pm)</p>
<p>RESOLUTION 79/21</p> <p>Moved: Cr Geoff Davis Seconded: Cr Rowena Mouda</p> <p>A motion was moved that Council resume standing orders.</p> <p><u>In Favour:</u> Crs Paul White, Geoff Davis, Andrew Twaddle, Rowena Mouda, Pat Riley and Keith Bedford</p> <p><u>Against:</u> Nil</p> <p style="text-align: right;">CARRIED 6/0</p>
<p>RESOLUTION 80/21</p> <p>Moved: Cr Rowena Mouda Seconded: Cr Geoff Davis</p> <p>That Council:</p> <ol style="list-style-type: none"> 1. Authorise the CEO to decide on the most appropriate location of the Horizon Power Community Battery at Nicholson Square Oval, or an alternative location if that is deemed more appropriate. 2. Agrees to lease the required land to Horizon Power for \$500 p.a., utilising the attached lease document (under confidential section Attachment "C"), noting that the CEO is authorised to make any necessary modifications to ensure the Shire's interest are suitably protected; and 3. Notes that Horizon Power is an exempt body as that relates to the Shire being otherwise required to progress through the Local Government Act's S 3.58 (Disposing of Property) provisions. <p><u>In Favour:</u> Crs Paul White, Geoff Davis, Andrew Twaddle, Rowena Mouda, Pat Riley and Keith</p>

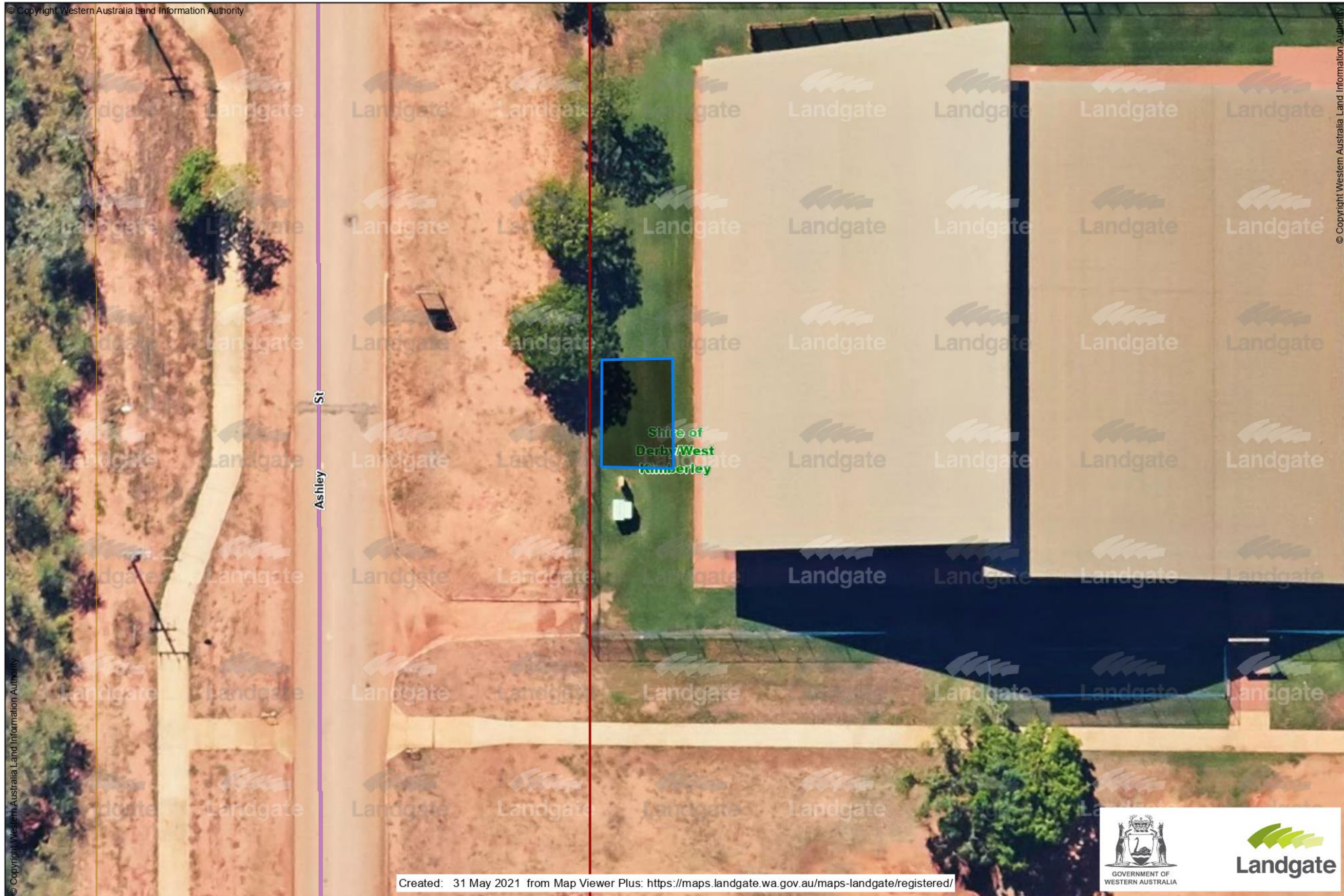
<p><u>Against:</u></p>	<p>Bedford Nil</p>	<p>CARRIED 6/0</p>
<p>REASON FOR AMENDMENT: To ensure the most appropriate location is selected for the Community Battery.</p>		

1. Nicholson Square



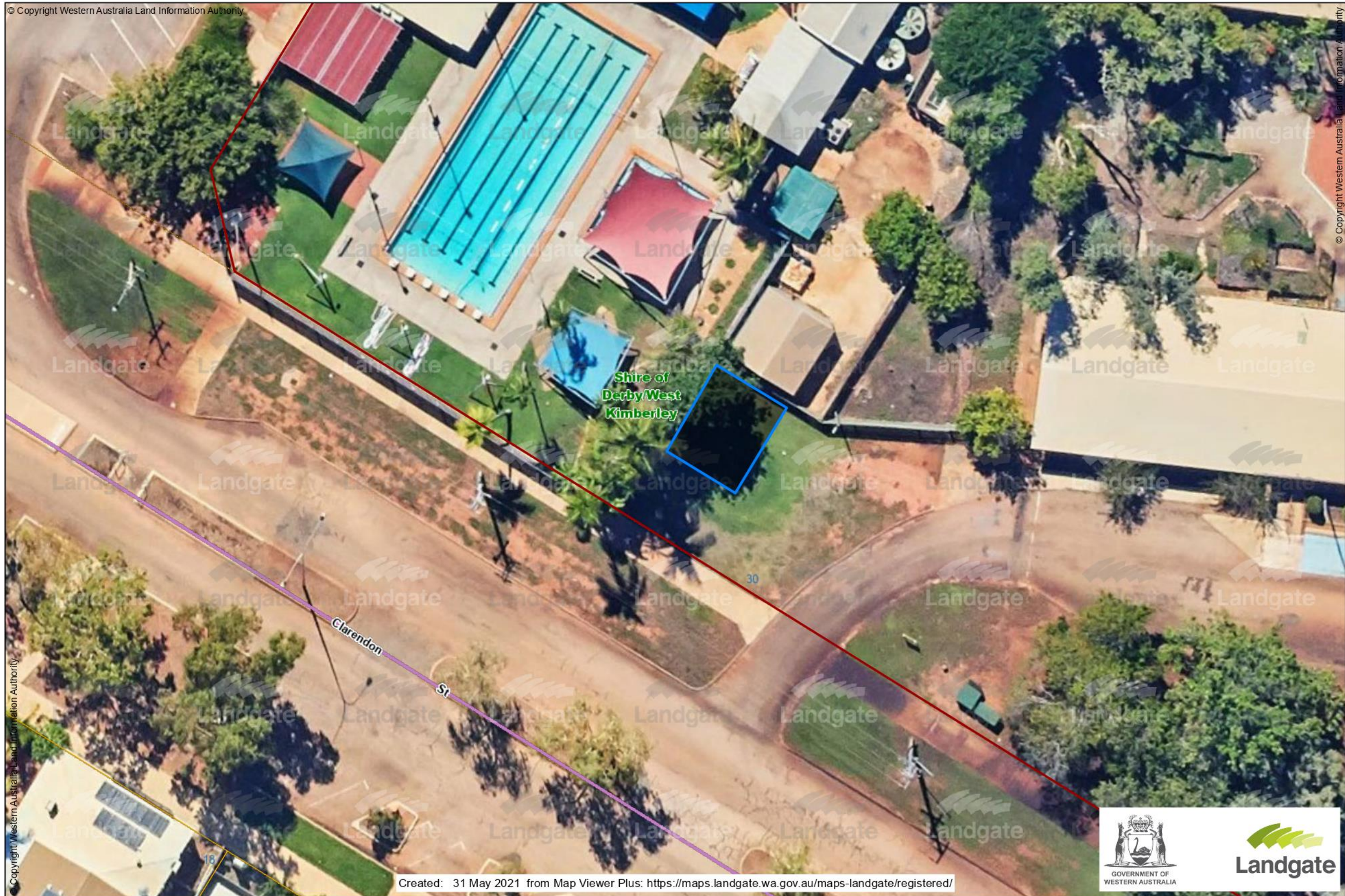
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2. Recreation Centre



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3. 30 Loch St



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14.2 PROPOSAL FOR LEASE AGREEMENT - HORIZON POWER SOLAR FARM

File Number: 2212

Author: Philip Gehrmann, Project Manager

Responsible Officer: Wayne Neate, Director Technical and Development Services

Authority/Discretion: Executive

SUMMARY

Horizon Power is seeking to install a solar farm at the Derby Airport, which will provide electricity credits to the Shire.

This report is for Council to consider entering into a long-term lease with Horizon Power of land at Derby Airport.

DISCLOSURE OF ANY INTEREST

Nil

BACKGROUND

Horizon Power is the State-owned electricity service and infrastructure provider throughout regional Western Australia. Horizon Power is funding the roll-out of several programs to increase the amount of electricity generated by renewable systems, such as roof-top solar panels.

Horizon Power has approached the Shire with a proposal to supply and install a ground-mount solar farm at a Shire site. Energy generated by the solar farm will be credited against the Shire's electricity bill, likely at rates outlined by Energy Policy WA's "Distributed Energy Buyback Scheme". The preferred sites are located at Derby Airport, and Horizon Power is seeking to enter into a long term lease agreement with the Shire.

STATUTORY ENVIRONMENT

Local Government Act S 3.58 (Disposing of Property) provides details on how local governments might "dispose" of land (vis. by sale or lease).

Unless there is an exception applicable, a local government can only lease the property to the highest bidder at public auction; or through a public tender, or alternatively, the lease can be progressed if, before agreeing to dispose of the property, the Shire gives local public notice of the proposed disposition inviting submissions.

A valuation must be secured and public advertising must occur, with Council then considering any submissions made.

Local Government (Functions and General) Regulations 1996 R 30(2)(c)(ii) (Dispositions of Property) does on this occasion provide for the following exclusion, namely, where the land is disposed of to a department, agency, or instrumentality of the Crown in right of the State or the Commonwealth.

POLICY IMPLICATIONS

AF35 - Establishment of Leases and User Agreements (*Note: currently under review to be retitled as # 25 (AF35) Establishment of Commercial Leases*).

FINANCIAL IMPLICATIONS

Normally, commercial lessees meet the cost of officer time, valuation and legal expenses. On this occasion, Horizon Power will supply the lease documents and all of the equipment which is being installed at no cost to the Shire, no charge for any of the above costs is suggested.

It is expected that the Shire’s annual electricity expenditure will decrease by the order of \$20,000 to \$40,000 p.a. as a result of the energy generated by the solar farm.

STRATEGIC IMPLICATIONS

OUR PRIORITIES	WE WILL
1.1. Collaboration and Partnerships	1.1.2 Maximise our opportunities.
4.3. Sustainability	4.3.1 Commit the sustainable environmental practices.

RISK MANAGEMENT CONSIDERATIONS

RISK	LIKELIHOOD	CONSEQUENCE	RISK ANALYSIS	MITIGATION
Financial: Risk of the initiative not occurring.	Possible	Moderate	Medium	Agreement to allow the battery to be installed.

CONSULTATION

No community consultation is required on this occasion as the lease is exempt under Local Government (Functions and General) Regulations 1996 R 30(2)(c)(ii).

Shire Officers have worked with Horizon Power in preparing this item.

COMMENT

The potential benefits of the solar farm include:

- Decrease in annual electricity expenditure in the order of \$20,000 to \$40,000 p.a. (in addition to savings from the rooftop solar and smart LED streetlight programs).
- Increase in the proportion of the Shire’s energy usage being met by renewable generation.

There are several site options available to Horizon Power, however, Derby Airport provides unique benefits including:

- Available land in a relatively secure area with a low vandalism rate.
- Proven, successful partnership with the Shire as demonstrated by the rooftop solar and smart LED streetlight programs.

The following table contains key terms which will be incorporated into a lease similar to Attachment B, to be prepared by Horizon Power.

Annual rent amount	\$500 p.a.
Costs	All costs will be borne by Horizon Power, including but not limited to: <ul style="list-style-type: none"> • Preparation and execution of lease agreements. • Site works including preparation, installation, connection, commissioning and disposal. • Ongoing costs including Operating & Maintenance, insurance etc.
Land area required	One single area, no larger than 1500m ²
Sites	Two leading options have been identified, and will be subject to technical analysis by Horizon Power prior to lease execution. See Attachment A for approximate location options.
Duration of lease	20 years

VOTING REQUIREMENT

Simple majority

ATTACHMENTS

1. Attachment A - Site Options  
2. Attachment B - Sample Lease Agreement - Confidential

RESOLUTION 62/21	
Moved: Cr Paul White	
Seconded: Cr Geoff Davis	
That Council:	
<ol style="list-style-type: none"> 1. Supports the location of a Horizon Power Solar Farm at Derby Airport; 2. Agrees to lease the required land to Horizon Power for \$500 p.a., utilising the attached lease document (under confidential cover at Attachment “B”), noting that the CEO is authorised to make any necessary modifications to ensure the Shire’s interest are suitably protected; and 3. Notes that Horizon Power is an exempt body as that relates to the Shire being otherwise required to progress through the Local Government Act’s S 3.58 (Disposing of Property) provisions. 	
<u>In Favour:</u>	Crs Paul White, Geoff Davis, Andrew Twaddle, Rowena Mouda, Pat Riley and Keith Bedford
<u>Against:</u>	Nil
CARRIED 6/0	

Airport Option 1



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Airport Option 2



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14.3 REQUEST TO REMOVE BOAB TREE FROM 7 KUNAMARRA ST, DERBY**File Number: A104990****Author: Kristy Chattaway, Development and Technical Services Project Officer****Responsible Officer: Amanda O'Halloran, Chief Executive Officer****Authority/Discretion: Administrative****SUMMARY**

The applicant is seeking approval to remove a Boab Tree that is located at the front boundary of 7 Kunamarra Street, Derby.

This report seeks Council's approval for the landowner to remove a Boab Tree from the front of the property near the boundary fence.

DISCLOSURE OF ANY INTEREST

Nil

BACKGROUND

The applicant is seeking approval to remove a Boab Tree that is located at the front of the property near the boundary fence.

The subject property is Lot 662 (No.7) Kunamarra Street, Derby and the applicant is the owner of the property.

The property is zoned Residential R15 and has an area of 858m². It is developed with a single residential dwelling with additional veranda, carport and shed. The Water Corporation sewer runs across the rear boundary of the property and there is a sewer inspection pit located in the right hand rear corner of the lot.

STATUTORY ENVIRONMENT

Local Planning Scheme No.5 – Land use and development issues and specifically Part 4 – Clause 4.9 – Landscaping and preservation of existing vegetation.

TPS No.5 includes the following provisions regarding landscaping and preservation of existing vegetation:

Clause 4.9.3 *To maintain and enhance the character of the Town of Derby, no person shall remove a Boab Tree from any land within the scheme area without the prior written consent of the Council. For the purpose of this Clause:*

(a) the consent of Council shall not be unreasonably withheld and shall be issued where the tree is dead, dying or dangerous;

(b) it shall be sufficient defence to show that a tree that has been removed was dead, dying or dangerous prior to its removal.

Clause 4.9.4 *When considering an application for Planning Consent the Council shall determine whether any Boab Tree or other vegetation on the subject site has landscape or environmental significance and should be retained and in granting consent to an application may:*

- (a) impose a condition on the planning consent requiring the retention or relocation of the tree or trees;
- (b) request a modification of the proposal; and/or
- (c) permit a variation of the site development requirements to provide for retention of the tree or trees.

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

GOAL	OUTCOME	STRATEGY
<p>2: A balance between the natural and built environment</p> <p>- sustainable environments that meets the needs of the community and supports growth</p>	<p>2.1:</p> <p>Appropriate development that enhances the unique character and heritage of the Shire’s township</p>	<p>2.1.4:</p> <p>Ensure quality, consistent and responsive development and building assessment approval processes and enforcement</p>

RISK MANAGEMENT CONSIDERATIONS

RISK	LIKELIHOOD	CONSEQUENCE	RISK ANALYSIS	MITIGATION
<p>Property:</p> <p>Damage to applicants property from Boab Tree.</p>	Likely	Moderate	High	That Council approve removal of the Boab Tree.
<p>Reputation:</p> <p>That some in the community might believe that the Boab Tree should be retained, irrespective of the potential damage to private property.</p>	Likely	Minor	Medium	Provide feedback to the media if required.

CONSULTATION

Community consultation is not considered to be required, but Council might wish to see neighbouring property owners consulted prior to it making a final decision.

COMMENT

The subject tree has an overall height of approximately 10 metres and is located within close proximity to the fence. It generally appears in good health however its current location makes relocation difficult and it is likely that the tree will, in time, cause damage to the boundary fence as the trunk grows, and will encroach on Power Lines, creating a hazard.

In this particular instance, the tree does not appear to have any disease or structural faults that are causing any immediate risks. Rather, the issue is that the location of the tree is likely to cause damage to the boundary fencing in the near future as the tree continues to grow. The structure of the tree would also make its relocation problematical as is advocated under the scheme provisions.

OPTIONS:

Council has the following options in this matter:

1. Require the owner to retain the tree

- (a) This option would mean the tree will in all likelihood cause damage to the boundary fencing sometime in the near future which will impose additional cost to the owner and could still ultimately require removal of the tree.

2. Impose a condition requiring

- (a) Single trunk tree could be considered for relocation, however as the tree is almost touching the fence, damages may occur during the relocation, causing additional costs.









3. Council may deem that the tree does not have any significant landscape or environmental issues that demands its retention over and beyond the owners' right to develop

- (a) The size of the tree suggests that it is not a particularly aged specimen.

VOTING REQUIREMENT

Simple majority

ATTACHMENTS

1. Letter from Douglas Livingstone requesting removal of Boab Tree  
2. Photograph of Boab Tree at 7 Kunamarra Street, Derby taken by D Livingstone  
3. Photograph of Boab Tree at 7 Kunamarra Street, Derby taken by D Livingstone  
4. Photograph of Boab Tree at 7 Kunamarra Street, Derby taken by Kristy Chattaway  

RESOLUTION 63/21

Moved: Cr Rowena Mouda

Seconded: Cr Pat Riley

That Council approves the request to remove the Boab Tree at 7 Kunamarra Street, Derby to prevent further damage to the property's structures.

In Favour: Crs Paul White, Geoff Davis, Andrew Twaddle, Rowena Mouda, Pat Riley and Keith Bedford

Against: Nil

CARRIED 6/0



Incident/Complaint Form

Full Name: Douglas Livingstone
Address: 7 Kunamarra St, Derby WA 6728
Telephone: 0400 921 147 Email: douglaslivingstone2@gmail.com

LOCATION OF INCIDENT / COMPLAINT

7 Kunamarra St 7 Kunamarra St

DETAILS OF INCIDENT / COMPLAINT

Boab tree too close to front fence and requires cutting down. Boab tree was already in yard before purchasing the property and is growing quickly causing the gap between it and the front fence to lessen. Western Power cut it back every year to attempt to prevent damages, but very soon it will be too big. Permission requested to cut down boab tree. Photos supplied.

Signature: [Handwritten Signature] Date: 21.5.21

SHIRE OFFICE USE ONLY

Receiving Officer: _____ Date: _____
File No: _____

Derby (08) 9191 0999 30 Loch Street PO Box 94, Derby WA 6728
sdwk@sdwk.wa.gov.au

Fitzroy Crossing (08) 9191 5355 Flynn Drive PO Box 101, Fitzroy Crossing
sdwk@sdwk.wa.gov.au

ABN: 99 934 203 062 www.sdwk.wa.gov.au







15 COMMUNITY AND RECREATION SERVICES

Nil

16 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

17 NEW BUSINESS OF AN URGENT NATURE

17.1

File Number:

Author: ,

Responsible Officer: Amanda O'Halloran, Chief Executive Officer

Authority/Discretion: Executive

SUMMARY

This item informs Council of a request by the Derby Infrastructure Joint Venture participants (WGPL Property No 3 PTY LTD and ACE Infrastructure SPV PTY LTD) for a one year extension to its existing Memorandum of Understanding with the Shire, over the Derby Airport, and that consideration of that request will be formally presented to Council at its 29 July 2021 Council Meeting.

DISCLOSURE OF ANY INTEREST

Nil

BACKGROUND

The Shire has an MOU with Warburton (WGPL Property No 3 PTY LTD and Australian Capital Equity (ACE Infrastructure PTY LTD) – Derby Infrastructure Joint Venture (DIJV) which recognised it as the preferred proponent for unallocated land at the Derby Port and Airport. This MOU has undergone three extensions of time with the current extension about to expire on the 29th June 2021.

The interest in the Derby Port was formalised in a development lease with the consent for the Minister of Transport received on the 24th of December 2018. This replaces the port specific conditions in the current MOU as the lease document supersedes the MOU.

A recent request has been received from WGPL & ACE seeking a further 12 months extension of the Airport MOU.

STATUTORY ENVIRONMENT

Nil applicable.

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

STRATEGY	GOAL
3.1 – Industry and business development and growth.	3.1.1 - Encourage and support appropriate and sustainable investment benefits.

RISK MANAGEMENT CONSIDERATIONS

RISK	LIKELIHOOD	CONSEQUENCE	RISK ANALYSIS	MITIGATION
Legal & Compliance: MOU extension considerations relative to the originally advertised proposal will need to be considered.	Possible	Minor	Low	Legal issues will need to be accommodated as part of the July report.

CONSULTATION

The original MOU and Sub Lease was advertised in accordance with Section 3.58(3) of the Local Government Act 1995 on the 18 December 2017. No submissions were received and the MOU was executed on the 22 January 2018.

The Port Development Sub Lease was executed by consent from the delegate of the Minister for Transport on the 24 December 2018.

The question of any requirement for further consultation will be addressed in the July Council report.

COMMENT

This item is for Council to “note” the request and to acknowledge that consideration will be given to it at the July Council Meeting. If an extension is supported by Council, that extension will apply retrospectively from 29 June 2021.

VOTING REQUIREMENT

Simple majority

ATTACHMENTS

Nil

RESOLUTION 64/21

Moved: Cr Keith Bedford

Seconded: Cr Pat Riley

That Council,

- 1. Notes that its 25 June 2020 Council Meeting (item 18.1, resolution 114/20) agreed to a 12 month extension of the Memorandum of Understanding for investigations to occur at the Derby Airport and Derby Wharf with the Derby Infrastructure Joint Venture participants WGPL Property No 3 PTY LTD and ACE Infrastructure SPV PTY LTD;**
- 2. Notes that the twelve months extension referred to in (1) above is due to expire on 29 June 2021;**
- 3. Notes that the Derby Infrastructure Joint Venture participants WGPL Property No 3 PTY LTD and ACE Infrastructure SPV PTY LTD now seek a further 12 months extension of the agreement (to 29 June 2022);**

- 4. Notes that an officer report will be presented to Council at its July 2021 Council meeting to consider that extension request; and**
- 5. Notes that if an extension is supported by Council in July 2021, that extension will apply retrospectively from 29 June 2021.**

In Favour: Crs Paul White, Geoff Davis, Andrew Twaddle, Rowena Mouda, Pat Riley and Keith Bedford

Against: Nil

CARRIED 6/0

18 MATTERS FOR WHICH THE MEETING MAY BE CLOSED (CONFIDENTIAL MATTERS)

Nil

19 CLOSURE

19.1 Date of Next Meeting

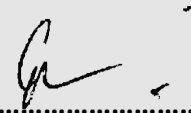
The next ordinary meeting of Council will be held Thursday, 29 July 2021 in the Council Chambers, Clarendon Street, Derby.

19.2 Closure of Meeting

The Presiding Member closed the meeting at 2:15pm.

These minutes were confirmed at a meeting on

29 July 2021
.....

Signed: 

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

29 July 2021
Date: