

WHAT IS A POLICY?

Definition

A policy is 'a course or principle of action, adopted or proposed by a government, party, business or individual'. (Australian Concise Oxford Dictionary)

It is focused on action, stating what is to be done and by whom. It is an authoritative statement, made by a person or body with the power to do so. (University of Sydney: Office of General Council)

It will be based on certain principles and will have been arrived at after consideration of those principles, of broad strategies about intended direction, information about context and the general intent of the decision-making body to achieve certain outcomes.

Discretion in Relation to Policy Implementation

A policy is not a general guideline, to be set aside at will. Once a policy has been adopted there is no discretion as to whether it will be implemented.

In some circumstances, a policy may explicitly provide for a level of discretion to be applied in the implementation or application of the policy. But this discretion will be specified in the policy with any decision-making criteria either included in the policy itself, or via reference to documented formally adopted guidelines. These guidelines are in effect, subservient to the policy itself.

Policy Relevance Over Time

There may be times when an adopted policy is no longer relevant due to changing statutory requirements, or changing direction for the Shire. To deal with this, regular review processes are either required by external statute, via scheduled internal/Shire reviews or as a consequence of an elected member decision that a policy will be reviewed.

F1.1 Revenue Collection Policy

Policy Objective

To provide guidance in the collection of all outstanding revenues owed to the Shire to ensure timely cashflow and to minimise bad debts.

Policy Scope

This Policy covers the recovery of all revenues owed to the Shire, including outstanding rates, service charges and all other general debts. It also covers a rates incentive scheme to encourage the early payment of rates in full.

Policy Statement

Introduction

The Shire requires reliable revenue streams in order to meet the service provisions of the organisation. A significant proportion of revenue generated by the Shire is from property rates/charges and general fees and charges. To enable the Shire to meet its service obligations, it must ensure that revenues are received in a timely manner. It must also ensure that where revenue is not received in a timely manner, that appropriate measures are undertaken to recover outstanding amounts. As a means to encourage the early payment of rates in full, the Shire can administer a 'Rates Incentive Scheme'. This scheme provides eligible ratepayers with the opportunity to win prizes for prompt and full payment.

Principles

- (a) the Shire's cashflow is optimised and bad debts minimised by ensuring timely collection of all revenue owing to the Shire.
- (b) the recovery of the Shire's revenue is fair, consistent and transparent.
- (c) that account is taken of the circumstances of people with debt owing to the Shire and every attempt is made to structure payments in a way that ensures repayment but minimises distress before instituting external debt collection or recovery of debt, provided that the debtor is judged to be acting in good faith
- (d) all reasonable action be undertaken to recover revenue before the debt is written off.
- (e) debt collection activities are in accordance with relevant legislation and standards.
- (f) credit controls are monitored to minimise potential financial loss.

Provisions

Recovery of Rates and Service Charges

1.0 Unpaid for less than two (2) years

- 1.1 The Chief Executive Officer be authorised to recover rates and service charges in a court of competent jurisdiction.
- 1.2 The Chief Executive Officer be authorised to recover rates and service charges by engaging the services of a debt collection agency firm, provided that prior to instituting such an action every attempt has been made directly by the Shire to enter into a structured debt repayment programme with the debtor, in a way that minimises where possible the imposition of financial sanctions.

2.0 Unpaid for two (2) years

- 2.1 The Chief Executive Officer be authorised to lodge caveats on land where rates and Service charges are in arrears and it is considered appropriate that the interest of the Council should be protected.
- 2.2 The Chief Executive Officer be authorised to withdraw caveats lodge on land where the owner has met his/her obligation to full in relation to the rates and service charges outstanding.

3.0 Unpaid for at least three (3) years

- 1.1 A report be presented to Council on an annual basis, detailing the amount of rates and services charges outstanding, by Assessment Number, and recommended action to be authorised by the Council. The Privacy Act prevents the property and owner's details from being published in a report to Council.

In addition to the above, the Shire will outline annually, in the Annual Budget, the interest charges for the late payment of rates charges and the number and general nature of debt repayment programmes entered into with debtors.

Recovery of Non-Rates Charges

1.0 Debt Management

If the invoice is not paid by the due date then the following procedure will take place:

- 1.1 A letter or reminder notice will be issued advising the debtor that if there exists a dispute or query to contact administration otherwise payment is expected within two weeks of the issue date of letter;
- 1.2 If no response is received from the debtor then following a review of the circumstances with the relevant staff members involved, a demand notice may be

sent to the debtor advising that if payment is not made within two weeks of the date of the notice, then further action may be taken to recover the debt which could involve legal action. The debtor will be advised that any fees incurred in recovering the debt will be passed on to the debtor.

- 1.3 Before any third party is engaged to recover an outstanding debt, the Deputy Chief Executive Officer involved will be consulted to ensure that this action is appropriate given due consideration to all issues which have led to the debt being overdue and not paid. This will include consideration of the Shire entering into a structured debt repayment programme with the debtor, in a way that minimises where possible the imposition of financial sanctions.
- 1.4 Once all reasonable attempts to either locate the Debtor or to obtain payment have failed, the staff member responsible for raising the debt will be asked to submit a written request for the invoice to be considered for write off.
- 1.5 Approval will be sought from the Chief Executive Officer and subsequently Council for approval for the debt to be written off. Once approval has been received, the appropriate entries will be made in the Accounts Receivable Ledger.

2.0 Debt Raised in Error or Debt Adjustment

If a debt has been raised in error or requires an adjustment then an explanation will be sought from the relevant staff members. Once this has been received a credit note request will be raised which is to be authorised by both the staff member who raised the initial invoice and the Deputy Chief Executive Officer.

3.0 Interest on Overdue Accounts

Interest can be calculated on the total outstanding debt once it has exceeded the due date of the invoice. The decision to impose interest is up to the discretion of the Deputy Chief Executive Officer. The rate of interest imposed is that as determined by Council as contained in the Annual Budget and in accordance with Section 6.13 of the Local Government Act.

Rates Incentive Scheme

A rate incentive scheme, in the form of prizes donated by sponsors, will be operated in each rating year on the basis that:

- A. Only those who have paid their rates in full, within thirty-five days of the date of assessment, be eligible for the draw.
- B. The winners to be selected electronically at random via the Shire Rating System in the presence of the major sponsor (other than the Shire).

Key Terms/Definitions

Not Applicable

Policy Administration

Responsible Directorate/Division: Finance Department

Author/Contact Officer Position: Manager Finance

Relevant Delegation: DE10 – Write Off of Debts
DE11 – Write Off of Interest and Penalty Payments

Relevant Legislation: Local Government Act 1995 – Section 6.13
Local Government Act 1995 – Section 6 (Subdivision 5)

Relevant Documents:

Date Adopted: 28 January 2016

Reviews/Amendments:

Replaces: Recovery of Rates and Service Charges
15 February 2010 – Council Resolution 200210

Recovery of Non-Rate Charges
15 February 2010 – Council Resolution 200210

Rates Collection and Incentive Scheme
18 June 1989
18 March 1996
15 September 1997
21 August 2006 – Council Resolution 19086

F1.2 Procurement Policy

Policy Objective

To provide a clear approach for the procurement of all goods and services to ensure practices are efficient, transparent, ethical, provide value for money and meet all legislative requirements.

Policy Scope

This Policy applies to all purchasing activities undertaken by the Shire's officers and makes provision for regional price preference.

Policy Statement

Introduction

The Shire procures a considerable number of products and services and it is essential that it is done in a way that achieves value for money, is transparent, accountable, without bias or preference and effective. Compliance with the specification is more important than obtaining the lowest price, particularly taking into account user requirements, quality standards, sustainability, life cycle costing and service benchmarks.

This policy was created to ensure appropriate procurement of all goods and services and therefore good governance. A full review of relevant legislation and industry best practice was undertaken in the process of preparing this policy.

Principles

- (a) Procurement undertaken by the Shire is carried out in a consistent, efficient, effective and transparent manner.
- (b) Retaining the integrity of the procurement process by maintaining fair and ethical practices and adherence to statutory obligations is a fundamental requirement.
- (c) Value for money will be sought in a way that achieves the most advantageous outcomes for the Shire.
- (d) There should be no conflicts of interest which might compromise equity in the procurement process.
- (e) Where appropriate local suppliers and/ or suppliers using significant local resources to be given preferential consideration in order to support the local economy.

Provisions

1. Ethics and Integrity

- 1.1 All Officers and employees of the Shire shall observe the highest standards of ethics and integrity in undertaking purchasing activity, and act in an honest and professional manner that supports the standing of the Council.
- 1.2 The following principles, standards and behaviour, must be observed and enforced through all stages of the purchasing process, to ensure the fair and equitable treatment of all parties.
 - (i) Full accountability shall be taken for all purchasing decisions, and the efficient, effective and proper expenditure of public monies based on achieving value for money.
 - (ii) All purchasing practices shall comply with relevant legislation, regulations and requirements consistent with the Shire's Policies and Code of Conduct.
 - (iii) Purchasing is to be undertaken on a competitive basis, in which all potential suppliers are treated impartially, honestly and consistently.
 - (iv) All processes, evaluations and decisions shall be transparent, free from bias and fully documented in accordance with applicable procedures and audit requirements.
 - (v) Any actual or perceived conflicts of interest are to be identified, disclosed and appropriately managed.

2. Value for Money

- 2.1 Value for money is an important principle governing purchasing, that allows the best possible outcome to be achieved for the Shire. It is important to note that compliance with the specification is more important than obtaining the lowest price, particularly taking into account user requirements, quality standards, sustainability, life cycle costing and service benchmarks.
- 2.2 An assessment of the best value for money outcome for any purchasing should consider:
 - (i) All relevant whole of life costs, benefits of whole of life cycle costs (for goods), and whole of contract life costs (for services), including transaction costs associated with acquisition, delivery, distribution, as well as other costs such as, but not limited to, holding costs, consumables, deployment, maintenance and disposal.
 - (ii) The technical merits of the goods or services offered in terms of compliance with specifications, contractual terms and conditions, and any relevant methods of assuring quality.

- (iii) Financial viability and capacity to supply without risk of default (competency of the prospective suppliers in terms of managerial and technical capabilities and compliance history).
- (iv) A strong element of competition in the allocation of orders or the awarding of contracts. This is achieved by obtaining a sufficient number of competitive quotations wherever practicable.

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

3. Monetary thresholds for obtaining of quotations and tendering:

Amount of Purchase	Process to be followed
Up to \$1,500	Direct purchase from suppliers. No quotation required. Market testing is strongly encouraged.
\$1,501 to \$10,000	Obtain at least two verbal or written quotations (may include print outs from reputable suppliers' catalogues or websites), recommendation to purchase, include on quotation form reason for choosing selected supplier, and that the official order for the goods and services be countersigned by the Officers designated in this Policy.
\$10,001 to \$50,000	Obtain at least three verbal or written quotations, recommendation to purchase, include on quotation form reason for choosing selected supplier, and that the official order for the goods and services be countersigned by the Officers designated in this Policy.
\$50,001 to \$150,000	Obtain at least three written quotations containing price and specification of goods and services, recommendations to purchase be accompanied by a written evaluation against a pre-determined criteria, and approved by the Chief Executive Officer.
\$150,001 and above	Conduct a public tender process, as prescribed under the Local Government (Functions and General) Regulations.

See also Clause 7.1.

3.1 Western Australian Local Government Association (WALGA)/State Government Common Use Arrangement (CUA)

Where the intended purchase is within the \$150,000 threshold, the above quotation process still applies with respect to obtaining quotations from either WALGA preferred suppliers or non-WALGA suppliers.

Where the intended purchase is over \$150,000 and the Shire wishes to use the Council Purchasing Service of WALGA without going through the tender process, the Shire must still follow the process of obtaining quotations from the WALGA panel.

This will ensure that the local government is procuring goods and services at best value for money.

4. **Anti-Avoidance**

4.1 Council Officers are not to enter into two (2) or more contracts for the purchase of goods and services in order to avoid the requirements of the above monetary thresholds.

5. **Recording and Retention of Written Information**

5.1 Verbal quotations are required to be recorded on the Shire's Purchase Order. Written quotations are required to be issued by the supplier on their stationery.

5.2 All quotations are required to be retained and filed with a copy of the purchase order and cheque/EFT voucher issued to the supplier.

6. **Creation of New Suppliers**

6.1 A background check of all new suppliers should be undertaken prior to the supplier being created in the system.

6.2 Checks serve as an anti-fraud control measure and should be stored against the completed new creditor documents.

7. **Authorisation for the Signing of Official Orders and Certification of Invoices**

7.1 At all times an order must be raised, with full supporting quotation documentation, prior to the official engagement of a supplier. The signing of official orders and certification of invoices for the supply of goods and services

can only be exercised by those Officers indicated in the following schedule, and only to the extent indicated.

OFFICER	THRESHOLD
Chief Executive Officer	Unlimited
Deputy Chief Executive Officer	Within the approved Budget Allocations
Engineer - Works Management	Within the approved Budget Allocations
Planner, Manager Environmental Health and Building Services	Up to \$10,000 (but within Budget Allocations)

8. Officers in acting capacity

- 8.1 Officers in acting capacity may sign official orders and authorise an invoice for payment of goods and services, as detailed within this Policy.
- 8.2 Acting capacity is defined when the Chief Executive Officer and/or the Deputy Chief Executive Officer is absent, on annual leave, long service leave, sick leave conferences, meetings or absent from office during the course of business.

9. All official orders for goods and services must be countersigned as follows:

- 9.1 All Purchases up to the designated value for public tenders to be called (being \$150,000 shall be countersigned by the officers designated in table 6.1.
- 9.2 Purchases above \$150,001 (excluding GST), conduct a public tender with a report to Council to award the contract.

10. Procedure for purchasing and certification of invoiced supplies:

- 9.1 Ensure compliance with Item 3.0 – Monetary Thresholds for Obtaining of Quotations and Tendering.

- 9.2 Evaluation of quotations received in accordance with this Policy.
 - 9.3 Issue an official order to the supplier that has been authorised by the appropriate authorising Council Officer, as outlined within this Policy.
 - 9.4 Authorise the supplier's invoice on the certification and cost allocation form for payment once goods have been received and confirmed to match the order issued.
 - 9.5 All documentation, being the quotation form, purchase order and certification and cost allocation form, must be completed and filed with the cheque voucher/EFT.
- 11. Where the Shire invites public tenders or requires three quotations for goods and services above \$50,000.**
- 11.1 The Shire shall determine in writing the criteria for determining which tender or quotation should be accepted before tenders and quotations are publicly invited.
 - 11.2 An evaluation panel shall be established prior to the advertising of a tender or calling for quotations and include a minimum of two (2) people with a mix of skills and experience relevant to the nature of the purchase.
 - 11.3 Tenders are to be opened in the presence of two Council Officers.
 - 11.4 The tenderer's offer form and price schedule from each tender shall be date stamped and initialled by the Council Officers present at the opening of tenders.
- 12. Tender Documentation – Recording and Retention of Written Information**
- 12.1 Tender Documentation is to comprise of the following and be held in the Shire's Records.
 - (a) Copy of advertisement in the West Australian Newspaper inviting tenders for services.
 - (b) Extract from current Budget, disclosing provision being made to finance the cost of services being tendered under the proposed contract.
 - (c) Extract from Tender Register, entry made for all submissions received by the Shire for the tendered services, including the names of the officers responsible to open the tenders.
 - (d) Copy of tender specifications containing conditions of tender and general conditions of proposed contract.
 - (e) The originals of all the tender documents and submissions received from the respective tenderers.

- (f) Copy of the written evaluation, showing the extent to which each tender satisfies the criteria for deciding the tender considered to be most advantageous for the Shire to accept and signed by the Officers appointed to the Evaluation Panel.
- (g) Copy of the Council Minutes appointing the successful tender.
- (h) Copy of correspondence to successful tenderer advising Council acceptance.
- (i) Copy of correspondence forwarded to all unsuccessful tenderers.
- (j) Send all collated documents, as listed above, to Records for registration.

13. Regional Price Preference

- 13.1 A preference will be applicable to all locally based contractors and suppliers with a permanent office and staff located within the Shire of York. This also applies to contractors based outside the Shire of York who use goods, materials or services which are sourced from within the shire.

Goods and Services

- 13.2 A 10% price preference, to a maximum of \$5,000, applies to goods and services, sourced and used in the Shire of York.
- 13.3 A 5% price preference to a maximum of \$2,500 applies to goods and services within the Avon Valley.

Construction

- 13.4 A 5% price preference, to a maximum of \$5,000, applies to all construction conducted within the Shire of York.
- 13.5 A 2.5% price preference, to a maximum of \$2,500, applies to all construction conducted within the Avon Valley.

Key Terms/Definitions

Not Applicable

Policy Administration

Responsible Directorate/Division: Deputy Chief Executive

Author/Contact Officer Position:

Relevant Delegation: Not Applicable

Relevant Legislation: Local Government Act 1995 – Section 3.57
Local Government Act 1995 – Section 6.10
Local Government (Financial Management) Regulations 1996 - 11
Local Government (Function and General) Regulations 1996 Part 4
Local Government (Function and General) Regulations 1996 Part 4A
Local Government (Audit) Regulations 1996

Relevant Documents: Staff Code of Conduct
F1.6 Corporate Credit Card Policy

Date Adopted: 28 January 2016

Reviews/Amendments

Replaces Payment of Accounts
15 February 2010 – Council Resolution 200210
Local Purchasing
15 February 2010 – Council Resolution 200210

F1.3 Significant Accounting Policies

Policy Objective

To provide a financial framework, in addition to Accounting Standards and other statutory requirements, to ensure the Shire's accounting data is accurate, reliable and compliant.

Policy Scope

This Policy covers the Shire's accounting data and financial reporting (including the Annual Budget, Budget Reviews and Annual/Monthly Financial Statements).

Policy Statement

Introduction

The Local Government Act (the Act) 'Division 4 – General Financial Provisions' outlines that the Chief Executive Officer (CEO) has a duty to ensure that there are proper accounts and records of the transactions and affairs of the local government. The Local Government (Financial Management) Regulations (the Regulations) state that the CEO must ensure that efficient financial systems and procedures are established for the local authority. This Policy is designed to ensure the Shire operates under appropriate financial governance and meets all regulatory obligations.

Principles

- (a) Practices are conducive to good financial management.
- (b) There is full compliance with all relevant financial standards and statutory requirements.
- (c) Financial practices and reports are accurate, reliable, easy to understand and consistent.

Provisions

A. Financial Reporting

Financial Reporting is required to meet statutory requirements along with the organisational needs of the Shire to effectively monitor financial performance.

Monthly Reporting

Monthly reports will be prepared in accordance with section 6.4(2) of the Act and regulation 34 of the Regulations. Reports will be prepared on a calendar basis, in a timely manner and presented at the next available Council meeting

Annual Financial Reporting

The Annual Financial Report will be prepared in accordance with section 6.4 of the Act and regulations 36 to 50 of the Regulations. The Annual Financial Report must be submitted to the Shire's auditors by 30 September in the subsequent financial year. The audited Annual Financial Report will then be presented to Council.

B. Annual Budget

The Annual Budget for the Shire is to be prepared in accordance with section 6.2 of the Act and regulations 22 to 33 of the Regulations. The Shire's Chief Executive Officer must ensure that the Annual Budget for the financial year is presented to Council after 1 June but no later than 31 August in the year to which the Annual Budget relates.

C. Budget Review

Budget reviews will be conducted throughout the financial year as good financial practice. Any proposed budget amendments will be presented to Council, for determination, as part of the Monthly Financial Statements.

The Shire must undertake a formal Budget Review as per regulation 33A of the Regulations. The review must be undertaken between 1 January and 31 March each financial year. The review must consider the Shire's financial performance, position and outcomes. Council must be presented with the review within 30 days and determine whether to adopt.

Financial reports should be prepared in accordance with the following significant accounting policies:

1. Basis of Preparation

1.1 Prepared in accordance with applicable Australian Accounting Standards (as they apply to local government and not-for-profit entities), Australian Accounting Interpretation, other authoritative pronouncements of the Australian Accounting Standards Board, the Local Government Act 1995 and accompanying regulations. Material accounting policies which have been adopted in the preparation of the financial report are presented below and have been consistently applied unless otherwise stated.

1.2 Except for cash flow and rate setting information, the financial report has been prepared on the accrual basis and is based on historical costs, modified, where applicable, by the measurement at fair value of selected non-current assets, financial assets and liabilities.

2. The Local Government Reporting Entity

2.1 All Funds through which the Council controls resources to carry on its functions have been included in the financial statements

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

All monies held in the Trust Fund are excluded from the financial statements. A separate statement of those monies appears as a note.

3. Rounding Off Figures

3.1 All figures shown in financial reports, other than a rate in the dollar, are rounded to the nearest dollar.

4. Rates, Grants, Donations and Other Contributions

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

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

5. Goods and Services Tax (GST)

5.1 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).

5.2 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.

5.3 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.

6. Superannuation

6.1 The Council contributes to a number of Superannuation Funds on behalf of employees.

6.2 All funds to which the Council contributes are defined contribution plans.

7. Cash and Cash Equivalents

7.1 Cash and cash equivalents include cash on hand, cash at bank, deposits available on demand with banks, 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.

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

8. Trade and Other Receivables

8.1 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.

8.2 Receivables expected to be collected within 12 months of the end of the reporting period are classified as current assets.

8.3 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 uncollectible are written off when identified. An allowance for doubtful debts is raised when there is objective evidence that they will not be collectible.

9. Inventories

General

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

9.2 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.

Land Held for Resale

9.3 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. Finance costs and holding charges incurred after development is completed are expensed.

9.4 Gains and losses are recognised in profit or loss at the time of signing an unconditional contract of sale if significant risks and rewards, and effective control over the land, are passed on to the buyer at this point.

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

10. Fixed Assets

10.1 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.

Mandatory Requirement to Revalue Non-Current Assets

- 10.2 Effective from 1 July 2012, the Local Government (Financial Management) Regulations were amended and the measurement of non-current assets at Fair Value became mandatory.
- 10.3 The amendments allow for a phasing in of fair value in relation to fixed assets over three years as follows:
- (a) for the financial year ending on 30 June 2013, the fair value of all of the assets of the local government that are plant and equipment; and
 - (b) for the financial year ending on 30 June 2014, the fair value of all of the assets of the local government –
 - that are plant and equipment; and
 - that are –
 - land and buildings; or
 - infrastructure;
- and
- (c) for a financial year ending on or after 30 June 2015, the fair value of all of the assets of the local government.
- 10.4 Thereafter, in accordance with the regulations, each asset class must be revalued at least every 3 years.
- 10.5 In 2013, Council commenced the process of adopting Fair Value in accordance with the Regulations.
- 10.6 Relevant disclosures, in accordance with the requirements of Australian Accounting Standards, have been made in the financial report as necessary.

Land Under Control

- 10.7 In accordance with Local Government (Financial Management) Regulation 16(a), the Council was required to include as an asset (by 30 June 2013), Crown Land operated by the local government as a golf course, showground, racecourse or other sporting or recreational facility of state or regional significance.
- 10.8 Upon initial recognition, these assets were recorded at cost in accordance with AASB 116. They were then classified as Land and revalued along with other land in accordance with the other policies detailed in this Note.
- 10.9 Whilst they were initially recorded at cost (being fair value at the date of acquisition (deemed cost) as per AASB 116) they were revalued along with other items of Land and Buildings at 30 June 2015.

Initial Recognition and Measurement between Mandatory Revaluation Dates

- 10.10 All assets are initially recognised at cost and subsequently revalued in accordance with the mandatory measurement framework detailed above.
- 10.11 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. The cost of non-current assets constructed by the Council includes the cost of all materials used in construction, direct labour on the project and an appropriate proportion of variable and fixed overheads.
- 10.12 Individual assets acquired between initial recognition and the next revaluation of the asset class in accordance with the mandatory measurement framework detailed above, are carried at cost less accumulated depreciation as management believes this approximates fair value. They will be subject to subsequent revaluation of the next anniversary date in accordance with the mandatory measurement framework detailed above.

Revaluation

- 10.13 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 asset are recognised against revaluation surplus directly in equity. All other decreases are recognised in profit or loss.

Transitional Arrangement

- 10.14 During the time it takes to transition the carrying value of non-current assets from the cost approach to the fair value approach, the Council may still be utilising both methods across differing asset classes.
- 10.15 Those assets carried at cost will be carried in accordance with the policy detailed in the Initial Recognition section as detailed above.
Those assets carried at fair value will be carried in accordance with the Revaluation Methodology section as detailed above.

Land Under Roads

- 10.16 In Western Australia, all land under roads is Crown land, the responsibility for managing which, is vested in the local government.
- 10.17 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 AASB 1051 Land Under Roads and the fact Local Government (Financial Management) Regulation 16(a)(i) prohibits local governments from recognising such land as an asset.

- 10.18 In respect of land under roads acquired on or after 1 July 2008, as detailed above, Local Government (Financial Management) Regulation 16(a)(i) prohibits local governments from recognising such land as an asset.
- 10.19 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 Council.

Depreciation

- 10.20 The depreciable amount of all fixed assets including buildings but excluding freehold 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.
- 10.21 Major depreciation periods used for each class of depreciable asset are:

Buildings	40 years
Furniture and Equipment	8 years
Plant and Equipment	8 years
Infrastructure	
Sealed Roads, Streets and Carparks	Condition Rated Annually
Unsealed Roads	Condition Rated Annually
Bridges, Drainage	1.30%
Concrete Footpaths, Cycleways, Walkways and Skate Park	50 Years
Brick Footpaths	25 Years
Effluent Systems	20 Years
Sewerage Parks	75 – 80 Years
Water Pipes and Hydrants	20 Years
Bush Shelters	20 Years
Parks Furniture and Equipment	5 – 20 Years

- 10.22 The assets residual values and useful lives are reviewed, and adjusted if appropriate, at the end of each reporting period.
- 10.23 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.

10.24 Gains and losses on disposals are determined by comparing proceeds with the carrying amount. These gains and losses are included in profit or loss in the period which they arise.

10.25 When revalued assets are sold, amounts included in the revaluation surplus relating to that asset are transferred to retained surplus.

Capitalisation Threshold

10.26 Expenditure on items of equipment under \$1,000 is not capitalised. Rather, it is recorded on an asset inventory listing.

11. Fair Value of Assets and Liabilities

11.1 When performing a revaluation, the Council uses a mix of both independent and management valuations using the following as a guide:

- (a) Fair Value is the price that Council 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
- (b) 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. The fair values of assets that are not traded in an active market are determined using one or more valuation techniques. These valuation techniques maximise, to the extent possible, the use of observable market data.
- (c) To the extent possible, market information is extracted from either the principal market for the asset (i.e. the market with the greatest volume and level of activity for the asset or, in the absence of such a market, the most advantageous market available to the entity at the end of the reporting period (ie the market that maximises the receipts from the sale of the asset after taking into account transaction costs and transport costs).
- (d) For non-financial assets, the fair value measurement also takes into account a market participant's ability to use the asset in its highest and best use or to sell it to another market participant that would use the asset in its highest and best use.

12 Fair Value Hierarchy

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

(a) *Level 1*

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

(b) *Level 2*

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

(c) *Level 3*

Measurements based on unobservable inputs for the asset or liability.

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

Valuation techniques

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

Market approach

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

Income approach

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

Cost approach

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

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

using the best information available about such assumptions are considered unobservable.

As detailed above, the mandatory measurement framework imposed by the Local Government (Financial Management) Regulations requires, as a minimum, all assets carried at a revalued amount to be revalued at least every 3 years.

13. Financial Instruments

Initial Recognition and Measurement

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

13.2 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.

Classification and Subsequent Measurement

13.3 Financial instruments are subsequently measured at fair value, amortised cost using the effective interest rate method, or 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 amortisation of the difference, if any, between the amount initially recognised and the maturity amount calculated using the effective interest rate method.

13.4 The effective interest 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.

- i. 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. Assets in this category are classified as current assets. Such assets are subsequently measured at fair value with changes in carrying amount being included in profit or loss.

ii. Loans and receivables

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.

iii. Held-to-maturity investments

Held-to-maturity investments are non-derivative financial assets with fixed maturities and fixed or determinable payments that the Council's management has the positive intention and ability to hold to maturity. They are subsequently measured at amortised cost. Gains or losses are recognised in profit or loss.

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

iv. 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.

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.

v. Financial liabilities

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

Impairment

13.5 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 has an impact on the estimated future cash flows of the financial asset(s).

- 13.6 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.
- 13.7 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 reorganisation; and changes in arrears or economic conditions that correlate with defaults.
- 13.8 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.

Derecognition

- 13.9 Financial assets are derecognised where the contractual rights for receipt of cash flows expire or the asset is transferred to another party, whereby the Council no longer has any significant continual involvement in the risks and benefits associated with the asset. Financial liabilities are derecognised where the related obligations are discharged, cancelled or expired. The difference between the carrying amount of the financial liability extinguished or transferred to another party and the fair value of the consideration paid, including the transfer of non-cash assets or liabilities assumed, is recognised in profit or loss.

14. Impairment of Assets

- 14.1 In accordance with Australian Accounting Standards the Council's assets, other than inventories, are assessed at each reporting date to determine whether there is any indication they may be impaired.
- 14.2 Where such an indication exists, an impairment test is carried out on the asset by comparing the recoverable amount of the asset, being the higher of the asset's fair value less costs to sell and value in use, to the asset's carrying amount.
- 14.3 Any excess of the asset's carrying amount over its recoverable amount is recognised immediately in profit or loss, unless the asset is carried at a revalued amount in accordance with another standard (e.g. AASB 116) whereby any impairment loss of a revaluation decrease in accordance with that other standard.
- 14.4 For non-cash generating assets such as roads, drains, public buildings and the like, value in use is represented by the depreciated replacement cost of the asset.

15. Trade and Other Payables

- 15.1 Trade and other payables represent liabilities for goods and services provided to the Council prior to the end of the financial year that are unpaid and arise when the Council 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.

16. Employee Benefits

Short-Term Employee Benefits

- 16.1 Provision is made for the Council'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.
- 16.2 The Council'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. The Council's obligations for employees' annual leave and long service leave entitlements are recognised as provisions in the statement of financial position.

Other Long-Term Employee Benefits

- 16.3 Provision is made for employees' long service leave and annual leave entitlements not expected to be settled wholly within 12 months after the end of the annual reporting period in which the employees render the related service. Other long-term employee benefits are measured at the present value of the expected future payments to be made to employees. Expected future payments incorporate anticipated future wage and salary levels, durations 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 remeasurements for changes in assumptions of obligations for other long-term employee benefits are recognised in profit or loss in the periods in which the changes occur.
- 16.4 The Council's obligations for long-term employee benefits are presented as non-current provisions in its statement of financial position, except where the Council 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.

17. Borrowing Costs

- 17.1 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.

18. Provisions

- 18.1 Provisions are recognised when the Council has a 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.
- 18.2 Provisions are measured using the best estimate of the amounts required to settle the obligation at the end of the reporting period.

19. Current and Non-Current Classification

- 19.1 In the determination of whether an asset or liability is current or non-current, consideration is given to the time when each asset or liability is expected to be settled. The asset or liability is classified as current if it is expected to be settled within the next 12 months, being the Council's operational cycle. In the case of liabilities where the Council does not have the unconditional right to defer settlement beyond 12 months, such as vested long service leave, the liability is classified as current even if not expected to be settled within the next 12 months. Inventories held for trading are classified as current even if not expected to be realised in the next 12 months except for land held for sale where it is held as non-current based on the Council's intentions to release for sale.

20. Comparative Figures

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

21. Budget Comparative Figures

- 21.1 Unless otherwise stated, the budget comparative figures shown in the financial statements relate to the original budget estimate for the relevant item of disclosure.

Key Terms/Definitions

Not Applicable

Policy Administration

Responsible Directorate/Division: Finance

Contact Officer Position: Financial Controller

Relevant Delegation: Not Applicable

Relevant Legislation: Local Government Act 1995 – Division 4
Local Government (Financial Management) Regulations 1996
Australian Accounting Standards
Taxation Legislation
Local Government (Audit) Regulations 1996

Relevant Documents:

Date Adopted: 28 January 2016

Reviews/Amendments

15 February 2010 – Council Resolution 200210 (original)
15 February 2010 – Council Resolution 200210 (endorsed)

F1.4 Investment Policy

Policy Objective

To provide guidance for the investment of Council funds that may not be required for immediate use, taking into account legislative requirements and risk while ensuring the Council's liquidity requirements are being met, along with a favourable rate of return.

Policy Scope

This Policy applies to all funds (including general funds, reserve funds and other restricted funds) invested by the Council.

Policy Statement

Introduction

The investment of funds is a crucial aspect to good financial management. The Shire needs to ensure the preservation of capital and appropriate liquidity whilst ensuring a good rate of return is achieved within Policy guidelines. Revenue from investments is a funding source for the Shire and also assists in maintaining the value of financial reserves.

Principles

- (a) Investments must be place in portfolios which protect the Shire's capital.
- (b) There must always be adequate liquidity to meet anticipated cash flow requirements.
- (c) Proper records of investments are kept and reported to Council.

Provisions

1. General

- 1.1 The must be full compliance with Local Government (Financial Management) Regulation 19C which prohibits a local government from:
 - a. depositing funds with an unauthorised institution (An authorised institution is defined in 3 below).
 - b. depositing funds for a fixed term of more than 12 months.
 - c. investing in bonds that are not guaranteed by the Commonwealth, Government or a State or Territory Government.
 - d. investing in bonds with a term to maturity of more than 3 years.
 - e. investing in a foreign currency.

1.2 Council funds may be invested in one or more of the following:

- a. Fixed Term Deposits (For a fixed term of 12 months or less)
- b. Commercial Bank Bills (For a fixed term of 12 months or less)
- c. Government Bonds (For a term to maturity of 3 years or less)
- d. Cash Management Funds (For a fixed term of 12 months or less)

1.3 Council funds are to be invested with the following financial institutions:

- a. Banking institutions holding a banking licence under Commonwealth Banking Legislation with a BBB rating or better, as set by Standard and Poor's. The Institution must be an Authorised Deposit-Taking Institution (ADI's) as defined under the Banking Act 1959.
- b. Bonds issued and guaranteed by government.

1.4 Investments whenever possible are to be placed with Local Banks.

1.5 The Chief Executive Officer has the delegated authority to invest surplus funds in accordance with this Policy.

2. Probity

2.1 To ensure there is not a conflict of interest, officers shall refrain from personal activities that would conflict with the proper execution and management of the Shire's investment portfolio.

2.2 To satisfy audit obligations, Letters of Confirmation will be obtained from the financial institutions confirming details of investments held on Council's behalf at 30th June each year.

3. Credit Risk Management

Global Credit Framework

3.1 To control the credit quality on the entire portfolio, a global credit framework will apply to limit the percentage of the portfolio exposed to any particular rating category. The maximum available limits in each Standard & Poor's credit rating category are as follows:

Standard and Poors - Credit Ratings:

Long term	Short Term	%	Description
AAA	A-1+	100	Prime
AA+		100	High Grade
AA		100	
AA-		100	
A+	A-1	100	Upper Medium Grade
A		100	
A-	A-2	70	
BBB+		50	

3.2 Term to Maturity Management

The Shire of York portfolio will have the following structural constraints:

Category Description	Minimum	Maximum
Portfolio % < 1 Year (Fixed Term Deposit)	0%	100%
Portfolio % > 1 Year < 3 Years (Govt Bonds)	0%	70%

To provide adequate liquidity all tradeable securities purchased will have, subject to market conditions, the ability to be liquidated within five working days.

4. Investment Reporting

4.1 Investments must be appropriately recorded in the Shire's financial records and reconciled on a monthly basis.

4.2 A monthly investment report must be provided to Council after the end of that month. The report shall give results for the calendar month in question and year to date. The report shall be segregated into three segments for the following:

- General Municipal Funds;
- Reserve Funds;
- Trust Funds.

The following detail is to be provided for each segment:

- Total funds invested by institution and investment type;
- Maturity date;
- Credit ratings of the investments;
- Current interest rates of individual investments;
- Total investments earnings year to date against budget.

4.3 Investments whenever possible are to be placed with Local Banks.

4.4 To ensure there is not a conflict of interest, officers shall refrain from personal activities that would conflict with the proper execution and management of the Shire's investment portfolio.

4.5 To satisfy audit obligations, Letters of Confirmation will be obtained from the financial institutions confirming details of investments held on Council's behalf at 30th June each year.

4.6 The Chief Executive Officer has the delegated authority to invest surplus funds in accordance with this Policy.

Key Terms/Definitions

Standard & Poor's – a financial services company providing index data and a source of independent credit ratings.

Policy Administration

Responsible Directorate/Division: Finance

Contact Officer Position: Financial Controller

Relevant Delegation: DE 16 - Delegated Authority – Invest Money held in Municipal or Trust Funds

Relevant Legislation: Local Government Act 1995 – Sections 6.14, 6.15
Local Government (Financial Management) Regulations 19 & 19C
The Trustee Act 1962 – Part III Investments
Banking Act 1959
Western Australian Treasury Corporation Act 1986

Relevant Documents: Staff Code of Conduct

Date Adopted: 28 January 2016 –

Reviews/Amendments 15 February 2010 – Council Resolution 200210 (original)
15 February 2010 – Council Resolution 200210 (endorsed)
17 September 2012 – Council Resolution 210912 (amended)

F1.5 Authority to Make Payments from Trust and Municipal Funds

Policy Objective

To ensure there are appropriate systems to authorise payments from Trust and Municipal Funds in order to safeguard financial resources.

Policy Scope

This Policy applies to the authorisation of all payments made from the Trust or Municipal Funds.

Policy Statement

Introduction

It is imperative that the ability to make payments from the Shire's bank accounts is restricted to key staff. Shire funds need to be kept secure and payments need to be supported by appropriate records and approval processes. A lack of good governance around funds could expose the Shire to significant financial loss.

Principles

- (a) the ability to make payments from the Shire's bank accounts is restricted.
- (b) all payments processed by the Shire, both cheque and EFT, are supported by proper verification, record keeping and authorisation.

Provisions

- 1.1 In accordance with the Local Government (Financial Management) Regulations 1996 12 and 13, the Chief Executive Officer and the Deputy Chief Executive Officer be delegated to authorise payments on behalf of the Council.
- 1.2 All cheques, from both the Municipal and Trust Funds, must be countersigned by the Chief Executive Officer or the Deputy Chief Executive Officer and one other authorised officer. Authorised officers are listed in council delegation DE1).
- 1.3 Sufficient supporting documentation must be recorded against cheque details and stored in the financial system.
- 1.4 Electronic Fund Transfers (EFT) from the Trust and Municipal Fund be subject to the following conditions:

- (a) The EFT payments relating to payroll must be authorised by at least two officers.
- (b) In relation to 3.1 above, one authorising officer must be either the Chief Executive Officer or the Deputy Chief Executive Officer.
- (c) The EFT payments other than payroll be authorised by two officers, with at least one being a signatory to Council cheques as per 1.0 above.
- (d) Authorisation of appropriate officers will be as per Delegation No. DE1.

Key Terms/Definitions

EFT means Electronic Funds Transfer

Policy Administration

Responsible Directorate/Division: Finance Department

Author/Contact Officer Position: Manager Finance

Relevant Delegation: DE 1 - Delegated Authority – Authority to Make Payments

Relevant Legislation: Local Government Act 1995 – Section 6.10
Local Government (Financial Management) Regulations 1996 12
and 13(2)

Relevant Documents:

Date Adopted: 28 January 2016

Reviews/Amendments: 15 February 2010 – Council Resolution 200210

F1.6 Corporate Credit Card Policy

Policy Objective

To provide guidance in the use of Corporate Credit Cards in order to ensure good governance and to minimise the Shire's financial and reputational risk.

Policy Scope

This policy applies to all Shire employees assigned the responsibility of a Corporate Credit Card. This policy does not extend to Elected Members, as the Local Government Act does not make any provision for Elected Members to be issued with a Corporate Credit Card.

Policy Statement

Introduction

Credit cards can serve as an effective way for the Shire to make payment for goods and services. The risks associated with credit card use can be minimised through the implementation of effective controls and administration processes. This policy must be understood by the employee/card holder prior to the issuing of a Corporate Credit Card.

This policy was created to ensure controlled use of Corporate Credit Cards and therefore good governance. Consultation of relevant legislation and industry best practice was undertaken.

Principles

- (a) There are always adequate controls in place surrounding the issuing and use of Corporate Credit Cards.
- (b) There are effective acquittal practices are in place surrounding the use of Corporate Credit Cards.
- (c) purchases made on Corporate Credit Cards adhere to the Procurement Policy.
- (d) purchases made on a Corporate Credit Card are as transparent as those processed through the Accounts Payable process.

Provisions

1. Advantages of Corporate Credit Card Use

The use of Corporate Credit Cards shall only be approved if there is a demonstrated need and advantage to the Shire. These include:

- a. eliminating or reducing time spent on paper based ordering and payments;

- b. reduction of administrative costs;
- c. reducing the number of payments per month;
- d. provision of a useful resource in an emergency situation; and
- e. reducing the need to carry cash on the premises.

2. Applications for Corporate Credit Cards and Approval

2.1 All applications for a Corporate Credit Card shall be approved by the Chief Executive Officer.

2.2 In the case of the Chief Executive Officer, the Council shall approve the application and determine the conditions for use and maximum credit limit and credit limit for each individual transaction. Clause 6.4 of this policy provides a guide for financial limits.

3. Register

3.1 A register shall be maintained by the Deputy Chief Executive Officer of all Corporate Credit Cards issued and kept in a secure location. The register shall include:

- (i) Date of approval by Chief Executive Officer;
- (ii) Name of card holder;
- (iii) Card number and expiry date;
- (iv) Conditions of use of the card; and
- (v) A review date for continuing use of the card, not exceeding 24 months.

4. Issuing of Corporate Credit Cards to Elected Members

- a. The Local Government Act 1995 does not make provision for the issuing of credit cards to Councillors . (A Local Government can only pay allowances or reimburse expenses to a Councillor).
- b. Councillors shall not be issued with a Corporate Credit Card as there are no provisions within the Act which allow an Councillor to incur a debt.

5. Policies and Procedures Governing the Use of Corporate Credit Cards

5.1 The following shall be complied with for controlling the use of Corporate Credit Cards:

- (a) An agreement shall be signed by the cardholder which sets out the cardholder's responsibilities and legal obligations when using the Credit Card;
- (b) A secure register managed by the Deputy Chief Executive Officer of all current cardholders should be kept which includes card number, expiry date of the Credit Card, credit limit and details of goods and services the cardholder has authority to purchase (as outlined in item 3 of this policy);
- (c) All new and existing cardholders shall be provided with a copy of the policies relating to the use of Corporate Credit Cards and shall formally sign the register to acknowledge that they have read and understood the requirements of the policy;
- (d) When an employee misplaces their Corporate Credit Card, they shall promptly report the matter to the Deputy Chief Executive Officer who shall immediately cancel the card.
- (e) Credit Cards shall not be transferred to other users;
- (f) Use of the reward schemes, such as Fly Buys, will not be permitted for personal gain;
- (g) All surrendered Credit Cards shall be destroyed by the Deputy Chief Executive Officer in the presence of another employee;
- (h) In the event that a cardholder fails to comply with the policies requirements, the Chief Executive Officer shall withdraw the use of the Corporate Credit Card and take appropriate disciplinary action. All criminal/illegal acts of alleged misuse shall be reported to the Police and other relevant authorities; and

5.2 The use of Corporate Credit Cards for personal use is strictly prohibited.

6. Purchasing

6.1 Credit Cards shall only be used for purchasing goods and services on behalf of the Shire and in circumstances when the issue of a Purchase Order Number from the Shire is not accepted, appropriate or convenient;

6.2 Personal expenditure is strictly prohibited;

6.3 A Credit Card shall not be used for cash withdrawals;

6.4 Maximum credit limit shall be based on the cardholder's need and approved by the Chief Executive Officer and the following will be used as a guide:

SHIRE OF YORK: POLICY MANUAL

Maximum credit limit and transaction limit per card will be as follows:

Name	Credit Limit \$	Maximum Credit Limit per Transaction \$
Chief Executive Officer	5,000	5,000
Deputy Chief Executive Officer	5,000	5,000

6.5 Purchases by facsimile, telephone or over the internet shall be authorised by the person and all paperwork shall be kept and verified;

6.6 The nominated fuel card should be used in preference to a credit card when purchasing fuel unless it is not accepted by the retailer and then the vehicle odometer reading and fuel receipt are to be recorded at the time of purchase;

6.7 Credit card purchases are to comply with the Procurement Policy for acquiring of goods and services.

6.8 The use of the Corporate Credit Card for purchase of library books can only be exercised by the person responsible for the library collection acquisitions function.

6.9 The purchase of meals in York with the Corporate Credit Card is limited to hosting visiting dignitaries and others authorised in advance by the Shire President.

6.10 Meals purchased while away from York are to comply with the limit value approved from year to year by Council during the budget process.

7. Payments and Acquittals

7.1 The cardholder shall provide appropriate and sufficient documentary evidence of all charges, as required, on a monthly basis. Information should include a copy of the GST invoice, account number for costing purposes and an explanation as to why the expense was incurred. Full information requirements are outlined in the Corporate Credit Card Acquittal form.

7.2 Time frames for all payment of accounts shall be monitored by the Deputy Chief Executive Officer to ensure that credit charges are minimised and accounts are paid so as not incur a penalty or interest;

7.3 Cardholders cannot approve expenditure incurred on their own cards – these will be referred to the Chief Executive Officer for approval – the Chief Executive Officer shall refer any such instances to the Deputy Chief Executive Officer.

7.4 All transactions on Corporate Credit Cards are to be listed and form part of the monthly financial reports to Council.

Key Terms/Definitions

Not Applicable

Policy Administration

Responsible Directorate/Division: Finance Department

Author/Contact Officer Position: Manager Finance

Relevant Delegation: Not Applicable

Relevant Legislation: Local Government Act 1995 – Section 2.7 (2)(a) and (b)
Local Government Act 1995 – Section 6.5(a)
Local Government (Financial Management) Regulations 1996 - 11

In addition to the above legislation, the Department of Local Government and Communities (Government of Western Australia) issued 'Operational Guideline Number 11' for the 'Use of Corporate Credit Cards'.

Relevant Documents: Staff Code of Conduct
Procurement Policy

Date Adopted: 28 January 2016

Reviews/Amendments

15 February 2010 – Council Resolution 200210 (original)
15 February 2010 – Council Resolution 200210 (endorsed)
16 February 2015 – Council Resolution 080215 (amended)

G 1.1 COUNCILLORS: CODE OF CONDUCT

Policy Objective:

To set out the standards for Councillors' behaviour in the discharge of their roles and responsibilities.

Policy Scope:

This policy applies to Council members of the Shire of York. It is complementary to the Local Government (Rules of Conduct) Regulations 2007 which apply to all Councillors in Western Australia.

Policy Statement:

Introduction

The Local Government Act 1995 requires that every local government is to adopt a Code of Conduct to be observed by Councillors (S.5.103 Local Government Act). The Code of Conduct must be reviewed within 12 months of each ordinary election.

The Code is intended to give effect to the objectives adopted in the Local Government Act 1995 (and regulations) which are to achieve:

- better decisions by local governments;
- greater community participation in the decisions and affairs of local governments;
- greater accountability of local governments to their communities; and
- more efficient and effective local government.

This Code of Conduct is a formally adopted policy of the Shire of York. It sets out requirements and standards for the conduct of Councillors as they carry out their roles and responsibilities. A central focus is on probity and accountability and the nature and quality of interactions with other elected members, Shire employees and the community.

It encourages a commitment to ethical and professional behaviour on the part of Councillors.

Principles

- (a) Councillors are committed to giving effect to the requirements of the Local Government (Rules of Conduct) Regulations - general principles of behaviour (Regulation 3) in all aspects their roles.

- (a) acting with reasonable care and diligence
- (b) acting with honesty and integrity
- (c) acting lawfully
- (d) avoiding damage to the reputation of local government
- (e) being open and accountable to the public
- (f) basing decisions on relevant and factually correct information
- (g) treating others with respect and fairness
- (h) not being impaired by mind affecting substances

Regulation 3. Local Government (Rules of Conduct) Regulations 2007.

- (b) Councillors do not place themselves under any financial or other obligation to any individual or organisation that might reasonably be thought to influence them in the performance of their duties;
- (c) Decisions made by Councillors are made solely on the basis of public interest, merit and in accordance with statutory obligations. This includes the making of appointments, awarding of contracts or recommending individuals for awards or benefits.
- (d) Councillors are as open as possible about their decisions and actions, and the reason for them.
- (e) Councillors always act honestly. They will declare private interests which may be relevant to their public duties and take steps to resolve any conflicts in such a way that protects the public interest.
- (f) Councillors treat each-other, Shire employees and members of the community with respect at all times. People are treated fairly and without discrimination or bias.
- (g) Councillors are leaders in promoting the involvement of people in local government processes and in developing trust between the Shire and the community.

Provisions

1. Statutory Framework

- 1.1 This Code of Conduct complies with and is developed within the provisions of the Local Government Act 1995 (Section 5.103 – Codes of Conduct) and the Local Government (Administration) Regulations 1996 (Regulations 34B). It complements these statutory requirements but should any conflict arise between this Code of Conduct and the Local Government Act (LG Act) and Regulations, the latter prevail.
- 1.2 Councillors acknowledge their behaviour is subject to the rules of conduct set out in the Local Government (Rules of Conduct) Regulations 2007.

2. Role of a Councillor

2.1 The pre-eminent role of a Councillor is to:

- represent and advocate on behalf of the community;
- resolve a preferred strategic direction taking into account the widest possible understanding of community needs and aspirations;
- make robust and effective decisions in relation to services and initiatives intended to deliver on community expectations and strategic direction;
- act as a careful steward of the community's assets owned, held and managed on behalf of the community.

2.2 The role of Councillors as set out in s2.10 of the LG Act follows:

A Councillor:

- (a) Represents the interest of electors, ratepayers and residents of the district;
- (b) Provides leadership and guidance to the community in the district;
- (c) Facilitates communication between the community and council;
- (d) Participates in the Shire's decision-making processes at council and committee meetings; and
- (e) Performs such other functions as are given to a councillor by this Act or any other Act.

3. General Conduct Obligations

- 3.1 Councillors acknowledge that they are subject to the provisions of the Local Government Act 1995 and in addition they will act in accordance with their obligation of fidelity to the Shire: to act honestly, in good faith and to the best of their abilities in the interest of the Shire.
- 3.2 Councillors will comply with the requirements of the Local Government Act 1995, the Local Government (Rules of Conduct) Regulations 2007 and the Local Government Administration Regulations 1996 (Regulations 34B and 34C).
- 3.3 Councillors will perform their role impartially and in the public interest and act in good faith.
- 3.4 Councillors will make clear in any forum whether they are representing the Shire or whether they are acting on an individual basis. If they are acting as an individual they cannot speak on behalf of the Shire.
- 3.5 Councillors will be as informed as possible about the functions of the Council and be familiar with all Council Agenda reports and associated documents prior to a meeting where the items are to be considered.
- 3.6 Councillors will make every endeavour to attend all Council meetings and Forums and working and advisory groups to which they are appointed unless they have previously been granted leave of absence by resolution of Council, are ill and/or have provided an apology to the Chair for being unavailable for other reasons.

- 3.7 Councillors will make every endeavour to remain until the completion of business at Council meetings and forums, working and advisory groups unless there is an overriding reason for leaving early.
- 3.8 Councillors must not harass, discriminate, or support others who support or discriminate against any person, colleague, Council employee or member of the public.¹
- 3.9 Councillors will respect Standing Orders of Council at all times and the role of the Presiding Member in managing the conduct of a meeting, forum, working or advisory group.

4. Interaction with Employees

- 4.1 An effective Councillor will work as part of the Council team with the Chief Executive Officer and other Councillors and Employees. That team approach will occur if Councillors and Employees have a mutual respect and work with each other to achieve the Council's goals and implement the Council's policies and strategies.
- 4.2 Councillors are responsible for setting the future direction of the Shire and making decisions in the best interest of the community. They acknowledge they:
- have no role in the day-to-day administration, management of and delivery of services
 - have no capacity to individually direct employees to carry out particular functions;
 - must refrain from publicly criticising employees (including whether in a Council meeting or via the media) in a way that casts aspersions on their professional reputation, character, ability, integrity, competence or credibility; and
 - ensure that no restrictions or undue influence is placed on the ability of employees to give professional advice to the Council.

[Note: the Employee Code of Conduct contains reciprocal provisions]

- 4.3 Councillors have the right to raise issues and requests with the Chief Executive Officer.
- 4.4 Councillors must not contact employees on Shire related business other than in accordance with any procedures authorised by the CEO. Councillors shall not approach employees on the following matters:
- other than Chief Executive Officer, for information on sensitive or controversial matters;
 - discussion of Council business outside the Council building or outside hours of work

¹ This includes but is not confined to harassment and discrimination on the grounds of gender, pregnancy, age, race or ethnicity, religious belief or allegiance, nationality, political affiliation, marital status, disability or sexual orientation.

4.5 Councillors must not attend on-site inspection meetings with lawyers and/or consultants engaged by the Shire associated with current or proposed legal proceedings (other than those where approval has been granted to participate).

4.6 *Access to Council Buildings*

Councillors are entitled to have access to all areas of Council buildings but must not enter employee-only areas of Shire buildings without the approval of the Chief Executive Officer, or as provided for in any Protocol.

5 **Conflicts of Interest: Avoidance and Disclosure**

Conflicts of Interest are dealt with in the Local Government Act 1995, the Local Government (Rules of Conduct) Regulations 2007 and the Local Government (Administration) Regulations.

5.1 *Avoiding Conflicts of Interest*

Councillors will ensure that there is no real or perceived conflict of interest between their personal interests and the impartial fulfilment of their public duties. The onus for identifying and disclosing a conflict of interest is on the Council member.

5.2 Councillors will lodge a written notice with the Chief Executive Officer describing an intention to undertake a dealing in land within the Shire (other than their principal place of residence).

5.3 *Dealing with Lobbying*

When a Council is dealing with a town planning matter that is the subject of a formal application, it does so under the powers conferred by the State planning legislation. Council assumes the role of a planning authority and a Councillor the role of a planning commissioner. It is essential that in that role, the objectivity and the perceived objectivity of the participating Councillors is maintained and protected, so as not to put any decision process at risk

"Lobbying" is a term used to cover those types of communication between Councillors and the community that include representations to Councillors by special interest groups, by individuals with a direct interest in a council decision and by advocates acting on behalf of others. Lobbying is common in local government. The most common form occurs when a group or individual makes direct contact with a Councillor in an attempt to influence a council decision.

In many cases lobbying is part of the democratic process and is an acceptable feature of the relationship between citizens and their elected representatives. It is in the public interest that lobbying is fair and does not undermine public confidence in impartial decision-making.

It is not possible to define every type of activity that could constitute inappropriate or unlawful lobbying. Generally, however, inappropriate or unlawful conduct on the part of someone lobbying a Councillor usually involves an attempt to obtain preferential consideration or treatment based on factors other than the merits of the matter.

Examples include:

- accepting undisclosed payments or benefits while making a decision that affects the gift giver's interests;
- accepting a political donation in return for the favourable exercise of discretion during decision-making;
- granting access to a particular individual or group while unreasonably denying similar access requested by another party;
- fettering discretion by giving undertakings to an interested party prior to considering all the information relevant to a decision;
- acting in a manner that exceeds the role of a Council Member as defined in section 2.8, 2.9 or 2.10 of the Local Government Act 1995;
- disclosing confidential information while being lobbied; and
- being unduly influenced by factors that are irrelevant to the merits of the matter under consideration.

Suspicious of inappropriate lobbying can occur when lobbying is not open to public scrutiny. Regardless of whether such suspicions are justified, they still have the potential to undermine public confidence in council decision-making and adversely affect a Councillor's reputation.

- 5.4 Councillors should exercise judgement when deciding whether to be involved in private meetings with people seeking to influence a council decision.
- 5.5 In making a decision as to whether be involved in private meetings, Councillors will:
- a) have regard for protecting the integrity of Council's decision-making and perceptions of Council objectivity
 - b) have particular regard for implications for town planning application processes. In this circumstance the following general approach shall be pursued:
 - documenting meetings with proponents;
 - generally conducting meetings in official locations, such as Council premises;
 - having other people present during meetings;
 - inviting applicants who have approached them for a meeting to discuss significant developments, to write to the Shire seeking a meeting with all the full Council and relevant employees
 - providing copies of information presented during lobbying meetings to Shire employees for consideration and assessment (if required), distribution to other Councillors and filing as part of Council's records;
 - asking people who have requested a meeting to put their arguments in writing;
 - making a declaration at a Council meeting about lobbying activities involved in that are not part of Council's formal processes.
- 5.6 Lobbying of Councillors in relation to tenders is not permissible. If a Councillor is approached by anyone in relation to a tender process that is either proposed or underway, they must immediately inform the Chief Executive Officer.

5.7 *Disclosure of Financial Interests*

Councillors must comply with the laws governing financial interests, including the disclosure of financial interests, set out in the Local Government Act 1995 (Division 6 Sections 5.59-5.90). Any Councillor who has disclosed a financial interest may not participate in the meeting while the matter is under discussion and may not vote on that matter.

5.8 *Disclosure of Impartiality Interests*

Councillors must disclose any impartiality interest as set out under Regulation 11 of the Local Government (Rules of Conduct) Regulations 2007 an extract from which follows.

- (1) In this regulation –
“**Interest**” means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest and includes an interest arising from kinship, friendship or membership of an association.
- (2) A person who is a council member and who has an interest in any matter to be discussed at a council or committee meeting attended by the member must disclose the nature of the interest –
 - (a) In a written notice given to the CEO before the meeting; or
 - (b) at the meeting immediately before the matter is discussed.

5.9 Where an impartiality or proximity interest has been disclosed, the Councillor who has made the disclosure shall leave the room where the Council meeting is being held while the Council considers whether the matter disclosed is of a scale or significance such that the Councillor should not participate in the debate or cast a vote. Should the Council resolve that participation in the matter is not appropriate, the Councillor will remain outside the meeting until the matter has been discussed and dealt with. Once completed the Councillor will return to the meeting. If the Council decides that the interest disclosed is not significant to the matter being dealt with, the Councillor may return to the meeting and participate in both debate and voting on the matter.

6. Personal Benefit:

6.1 *Gifts and Hospitality*

The Chief Executive Officer will maintain a Gift Register in which details of notices of gifts received are to be recorded.

6.2 Councillors must disclose all gifts and hospitality according to the requirements set out under the Local Government Act 1995 and the Local Government (Rules of Conduct) Regulations – Regulation 12. The definitions of notifiable gift and prohibited gift under this provision are provided below.

'notifiable gift', in relation to a person who is a council member means

- (a) a gift worth between \$50 and \$300; or
- (b) a gift is one of 2 or more gifts given to the council member by the same person within a period of 6 months that are in total worth between \$50 and \$300;

'prohibited gift' in relation to a person who is a council member means –

- (a) a gift worth \$300 or more;
- (b) a gift that is one of 2 or more gifts given to the Council member by the same person within a six month period of 6 months that in total are worth \$300 or more.

In addition to the statutory requirements the following policies apply.

- 6.3 Gifts of token value may be accepted by an Elected Member provided that the gift does not create a real or perceived sense of obligation that may lead to a perception of preferential service as a result of the gift. The following should be used as a guide for an Elected Member and/or Employee in determining whether to accept token gifts. Such gifts may be accepted only when the following have been considered:
- such a gift is offered in an open or public forum and refusal would be obviously discourteous;
 - acceptance would not cause any potential perceived or actual compromise or conflict of interest;
 - the gift does not have a significant monetary value (as a guide, less than \$10); and
 - the gift is not offered on a regular basis.
- 6.4 Any gift over \$10 in value must be registered.
- 6.5 Councillors must not solicit, demand or request gifts or any personal benefit for themselves or another person by virtue of their position and must not seek or accept any payment, gift or benefit intended or likely to influence, or that could be reasonably perceived by an impartial observer as intended or likely to influence them to act in particular way (including making a particular decision).
- 6.6 A person or organisation wishing to demonstrate their appreciation for services received from Council should not present a gift or provide a benefit. Acceptable alternatives may include a letter of thanks or a thank-you card, as these are considered less likely to result in a situation that may compromise, or be perceived to compromise either party.
- 6.7 Councillors in an official capacity will from time to time receive invitations of hospitality to attend various functions and events. Where hospitality is only modest in nature and provides an opportunity to network or undertake business of a common purpose, it may be appropriate to accept such invitations. Such incidental refreshments at meetings, working lunches, community events or similar are not considered to be a gift and need not be recorded unless they occur at a frequency that may give rise to the perception of a conflict of interest under the Act. In these circumstances there needs to be a reasonable calculation or assessment of the value of attendance as a member of the "paying public".

6.8 In the case of invitations to events, the thresholds for registration of such a gift set out in Clause 6.1 and 6.2 apply.

6.9 If acceptance of the hospitality is likely to create the impression that an attempt is being made to compromise the impartiality of the Councillor, or could be perceived as a conflict of interest, the offer of hospitality should be politely declined and recorded. Where possible any offer of hospitality made to an Elected Member should be declared and approved prior to the event.

6.10 *Use of Shire Resources*

Councillors will:

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

6.11 *Travel and Sustenance*

Councillors will only claim or accept travelling and sustenance expenses arising out of travel related matters which have a direct bearing on the services, policies or business of the local government in accordance with local government policy and the provisions of the Local Government Act 1995. (See also: G1.3 Governance: Travel and Accommodation)

6.12 Councillors shall be diligent in ensuring that the expenses claimed in accordance with Council policy relate to their function as a Councillor and are appropriately acquitted.

6.13 *Use of Confidential Information*

Councillors will not use confidential information to gain improper advantage for themselves or for or any other person or body.

7. Access to and Disclosure of Information

7.1 In accordance with the Local Government Act 1995, Councillors are entitled to have access to all information necessary to properly perform their functions and comply with their responsibilities as Councillors.

7.2 Councillors will ensure that information provided will be used properly and to assist in the process of making reasonable and informed decisions on matters before the Council.

7.3 Councillors who have a personal (as distinct from civic) interest in a document of the Shire have the same rights of access as any member of the public.

7.4 Councillors have an obligation to properly examine all the information provided to them relating to matters that they are dealing with to enable them to make a decision on the matter.

7.5 *Use and Security of Information*

Councillors must comply with the Local Government (Rules of Conduct) Regulations 2007 in relation to the use and disclosure of information. The following extract is from Regulation 6 of the Rules of Conduct.

Use of Information

- (1) ... **confidential document** means a document marked by the CEO to clearly show that the information in the document is not to be disclosed.
- (2) ... A person who is a Council member must not disclose –
 - (a) Information that the council member derived from a confidential document; or
 - (b) Information that the council member acquired at a closed meeting, other than information derived from a non-confidential document
- (3) Subregulation (2) does not prevent a person who is a council member from disclosing information –
 - (a) at a close meeting
 - (b) to the extent specified by the council and subject to such other conditions as the council determines; or
 - (c) that is already in the public domain; or
 - (d) to an officer of the Department; or
 - (e) to the Minister; or
 - (f) to a legal practitioner for the purpose of obtaining legal advice; or
 - (g) if the disclosure is required or permitted by law.

7.6 Councillors should:

- only release confidential information if they have authority to do so;
- only use confidential information for the purpose it is intended to be used.
- abide by the Shire of York's Record Keeping Policy

7.7 A Councillor making an enquiry on a matter being considered by the Shire's administration or the Council, in which that Councillor has a personal/financial interest shall seek the information only from the Chief Executive Officer and if required by the Chief Executive Officer, the request shall be in writing.

7.8 *Anonymous Communication*

A Councillor shall under no circumstances distribute anonymous documents or correspondence which contains offensive, derogatory, defamatory or false information and/or which may cause any reasonable person unwarranted offense. When received by them they shall cause such correspondence (which includes any printed or electronic communication) to be given immediately to the Chief Executive Officer or other appropriate authority or affected person, who will deal with such correspondence in an appropriate manner.

8. Communications and Public Relations

8.1 Unless on approved leave of absence or unavailable for other reasons, Councillors shall respond to all written, electronic and verbal enquiries as soon as practicable, or within any agreed response protocols. An adequate response includes delegation to the Shire's employees for comment, response and action directly to the enquirer.

8.2 *Shire President to Speak on Behalf of the Council*

In accordance with the Local Government Act 1995, the spokespersons for the Council are the Shire President and with the President's authorisation, the Chief Executive Officer, either of whom may make a statement on behalf of the Council.

8.3 The Shire President will only express the view or position of the Council, where the Council has formally determined a view or position. Where the Council has not determined the matter or has no clear view/position, the Shire President may express a view, providing he or she clearly prefaces such remarks as being their own personal views and not those of the Council.

8.4 *General Obligations*

Councillors need to adequately communicate the attitudes and decisions of the Council. In doing so Councillors should acknowledge that:

- as a Councillor there is respect for the decision making processes of the Council which are based on a decision of the majority of the Council;
- information relating to decisions of the Council on approvals, permits licensing etc. ought be communicated in an official capacity by a designated employee of the Shire ;
- information concerning adopted policies, procedures and decisions of the Council is conveyed accurately; and
- information of a confidential nature shall not be communicated until it is no longer treated as confidential

8.5 Councillors shall ensure that they make themselves accessible to the Shire of York community through publication of at least one of the following. Selection of the following will be at the discretion of the Councillor:

- private and/or Shire address or PO Box and Shire provided telephone/facsimile number;
- business telephone number;
- mobile telephone number;
- facsimile number; or
- email address.

(Note: Any telephone/facsimile or mobile phone number provided by the Shire will automatically be made available to the public and will be widely published.) Councillor contact details will be published in a range of Council communications (e.g.: Council publications)

8.6 *Expression of Personal Views*

Councillors will not adversely reflect on a Council decision. This shall not prejudice a Councillor's right to express a personal opinion on issues of public interest.

8.7 Councillors are free to make their own personal position known about any matter, which is pertinent to the business of the Shire of York, including Council decisions provided that it cannot be construed to be a statement on behalf of the Council.

8.8 Councillors will refrain from making personal statements to the media without clearly prefacing such remarks that they are personal views and not those of the Council.

8.9 *Comment During a Formal Public Consultation Period*

Councillors will:

- refrain from making public comment expressing a personal opinion which is biased, or may be perceived as biased or prejudging a matter whilst the matter is being advertised for public comment and/or is yet to be considered and determined by the Council
- clearly preface any of their remarks as being their own personal views and not those of the Council or in a way that could possibly be construed to be on behalf of the Council; and
- encourage members of the public to participate in community engagement and consultation processes make a written submission to the Shire.

8.10 The Shire President and/or the Chief Executive Officer may take appropriate action (including issuing a statement to the media) to correct any misinformation or erroneous information on a matter which is in the public area.

8.11 *Defamation*

Councillors should note that:

- comments by them at meetings of the Council and/or Committees, Forums, Working or Advisory Groups of the Council are covered only by qualified privilege against defamation.
- a Councillor can only rely on the defence of qualified privilege whilst exercising the proper discharge of their duties, and doing so in the public interest.
- in order to maintain qualified privilege, a Councillor should ensure that comments made are pertinent to the business of local government and they are not made maliciously or without due regard to whether they represent the truth.

9. Standard of Dress

9.1 Councillors are expected to dress in a manner appropriate to their position, in particular, when attending meetings or representing the Shire in an official capacity.

10. Implementation, Review, Compliance and Annual Reporting

10.1 The Council will review the Councillors' Code of Conduct after each Ordinary Council Election (i.e. every 2 years) and any amendments to the Code will be subsequently communicated to Councillors, employees and the community.

11. Enforcement of the Code

11.1 Councillors are required to make a declaration to comply with the Council's Code of Conduct upon being sworn in.

11.2 Any Councillor having concerns with regard to an actual, perceived, potential, intended or unintended breach of either the specific provisions or the spirit of the Code of Conduct, or any provisions of the Local Government Act, Regulations or Local Laws, should discuss those concerns with the Chief Executive Officer.

11.3 A decision to deal with a breach of the Code, other than any alleged misconduct under any relevant legislation, will be a decision of Council. Under Standing Orders where the circumstances warrant a 'Motion of Censure' may be moved against the Councillor with the reasons for such an action recorded in the minutes of the meeting.

Key Terms/Definitions

Not applicable

Policy Administration

Responsible Directorate/Division:	Chief Executive Officer
Author/Contact Officer Position:	Chief Executive Officer
Relevant Delegation:	Not Applicable
Relevant Legislation:	Local Government Act 1995 (Section 5.103 – Codes of Conduct) Local Government Act 1995 (Section 5.59-5.90) Local Government (Administration) Regulations 1996 (Section 34B) Local Government (Rules of Conduct) Regulations 2007
Date Adopted:	Adopted 16 July 2001 Adopted 19 May 2003
Reviews/Amendments:	Reviewed and Adopted 19 November 2007 Reviewed and Adopted 18 October 2010 Reviewed and Adopted 17 September 2012 Reviewed and Adopted 28 January 2016

G 1.2 COUNCILLORS: PROFESSIONAL DEVELOPMENT

Policy Objective

To establish guidelines and parameters for Councillors wishing to undertake professional development and training intended to enhance their ability to provide good governance to the Shire.

Policy Scope:

This policy applies to all Councillors. This policy applies only to professional development which will support and enhance skills and knowledge relevant to the performance by Councillors of their governance role.

Policy Statement:

Introduction

Councillors have been elected to provide leadership for the Shire on a range of matters with the expectation that this will occur in a way that shows good governance practice. They work within a sector which is fast changing and requires engagement with local communities, regional and state systems and structures, and engagement with issues that range across economic, social, environmental, legal and cultural concerns with local, national and, in some cases, global implications.

Professional development and training is essential to providing Councillors with the capacity to maintain and enhance their skills in this complex environment.

Principles

- (a) There is commitment via budgeting processes to support professional development.
- (b) First priority is given to training and professional development opportunities to maintain/develop governance skills.
- (c) Training and development opportunities targeted around key issues of relevance to the Council and Shire will also be available to Councillors
- (d) Councillors will have equitable access to a range of relevant training and professional development opportunities.
- (e) A Councillor funded by Council to attend a conference, forum, seminar or similar event participates as a representative of Council and not as an individual.

Provisions

1. Base level governance training program

- 1.1 A governance training package will be developed and maintained for Councillors on an annual basis. This package will be reviewed and approved by resolution of Council as part of the annual budget process.
- 1.2 The program will provide governance upskilling opportunities but will also include opportunities to engage with emerging issues at the regional and state levels, or with emerging or proposed legislative changes affecting the sector and the governance role.

2. Targeted Professional Development Opportunities

- 2.1 Provision will be made for Councillors to attend conferences, seminars, training sessions, study courses etc. dealing with issues/ matters of direct relevance to the Shire.
- 2.2 Development opportunities will be identified as part of the annual Councillors professional development program. Where opportunities arise to attend other professional development events during the year that are not identified in the program, Councillors will be required to apply for approval to the Council to attend the relevant event.

3. Approval Considerations

- 3.1 In deciding whether approval is to be granted for additional targeted professional development opportunities, consideration should be taken of whether the travel relates to an event within three months of any election process for the seat held by the Councillor making the application. Preference should be given to not approving an application (see also G1.3 Councillors: Travel and Accommodation) within this period, provided that if the Western Australia Local Government Conference does fall within this period, approval for attendance can be given.

4. Coverage of Costs

- 4.1 Funding for any training or development opportunity will cover the following:
 - entry fees
 - where relevant, travel and accommodation costs within the parameters set out by Policy G 1.3.Councillors: Travel and Accommodation

5. Advice and Development of Programs

- 5.1 The Chief Executive Officer will have responsibility for the development of the Governance Training Package, in consultation with councillors and the Shire President.
- 5.2 The Chief Executive will provide assistance to councillors, where sought, to identify potential targeted professional development opportunities.

6. Report Back

- 6.1 Within 30 days of attending a Professional Development event of more than one day duration, the Councillor must submit an individual or combined report for inclusion on the Council agenda. It must identify major points of interest for the Shire and where relevant comment on any future relevance for the training program.

Key Terms/Definitions

'Base Level Governance Training' means: training which includes skills development in local government councillor accountabilities and statutory responsibilities, procedures, legal matters, regulatory responsibilities, community engagement and consultation, financial management, integrated planning systems.

'Targeted Professional Development' means: training and development opportunities built around specific matters or issues which have been identified by individual a Councillor as providing benefit from attendance to them and the Shire in relation to Shire business.

Policy Administration	
Responsible Directorate/Division:	Chief Executive Officer
Author/Contact Officer Position:	Chief Executive Officer
Relevant Delegation:	Not Applicable
Relevant Legislation	
Date Adopted:	28 January 2016
Reviews/Amendments	

G 1.3 COUNCILLORS: TRAVEL AND ACCOMMODATION

Policy Objective:

To provide guidelines for travel and accommodation arrangements for Councillors required to travel for Shire of York business, conferences or professional development.

Policy Scope:

This policy applies to all Councillors.

Policy Statement:

Introduction

Councillors will from time to time need to attend conferences, meetings etc. which require them to travel outside the Shire of York. In some cases this will involve staying overnight. It is important that Councillors are clear about what of any costs incurred, can be reimbursed. This policy sets out the parameters for reimbursement of costs. It should be read in conjunction with Policy G 1.2 Elected Members Professional Development.

Principles

- (a) Councillors should be reimbursed for reasonable costs incurred for travel and accommodation when on Council related business.
- (b) Councillors will not be reimbursed for private costs incurred when travelling out of the Shire on Council related business.

Provisions

1. Travel within Western Australia

- 1.1 Councillors may claim for travel and/or accommodation within Western Australia for the following purposes:
 - (a) professional development;
 - (b) attendance at meetings etc. where they have been appointed as delegates;
 - (c) attendance at one-off meetings associated with state and regional issues and processes

provided that

- (a) it is provided for in the annual Councillors Professional Development Plan or prior approval has been granted by the Council.

In deciding whether approval is to be granted, consideration should be taken of whether the travel relates to an event within three months of any election process for the seat held by the Councillor making the application. Preference should be given to not approving the travel (see also G1.2 Councillors: Professional Development) within this period, provided that if Western Australia Local Government Conference falls within this period, approval for travel can be given.

2. Travel Outside Western Australia

- 2.1 Councillors may attend events held outside Western Australia and overseas during their term of office upon the following conditions:
- (a) the travel falls within the definitions for conference, professional development or delegation;
 - (b) a report has been presented to the Council specifying:
 - the benefit to the Shire of the attendance at the event;
 - whether, if applicable, there is a necessity to send more than one councillor; and
 - whether the information to be discussed at the conference or professional development can be sourced from within Western Australia.
 - (c) approval has been granted by Council resolution.
 - (d) there is sufficient budget allocation for the proposed travel.

3. General Conditions of Travel

- 3.1 Approved travel and accommodation will be booked by the Office of the Chief Executive Officer upon the completion of a form titled "Request for travel booking". Travel requests should where possible be provided at least one month before travel to allow adequate time for the most economic bookings to be made.
- 3.2 The cost of air travel to and from destinations is to be by the shortest most practical route unless additional travel is contemplated before or after a conference.
- 3.3 Councillors who include additional travel other than as part of the entire journey and the additional travel is unrelated to the approved travel, must pay the costs of this additional travel from personal funds.
- 3.4 Air travel will be booked as economy class on the most economical flight. The cost of any upgrade to business class shall be paid from the Councillor's personal funds.
- 3.5 The Chief Executive shall have the authority to:
- assess special, medical or extenuating circumstances and approve alternative travel. Such requests must be in writing and supported by appropriate evidence;
 - approve a cash advance for accommodation and travel costs in special circumstances.
- 3.6 Hire cars may be booked only if required to meet the reasonable travel requirements of the conference or professional development.

- 3.7 Taxi fares for reasonable travel requirements relevant to the conference, professional development and/or Council business:
- will be reimbursed upon return on the production of receipts to verify the expense; or
 - if available, travel vouchers issued to the Councillor prior to departure.
- 3.8 Councillors who use their private vehicle for travel will be reimbursed for vehicle costs in accordance with the Public Service Award Motor Vehicle Allowance, to a maximum amount equivalent to what it would have cost to travel by air.
- 3.9 Accommodation will be booked, where practicable, at the associated venue or, if unavailable, at premises in close proximity to the venue. Bookings will include accommodation the night before and/or after the event where necessary because of travel, airline flights and/or event timetables.
- 3.10 The Shire will pay for reasonable costs of meal and incidentals. Such expenses which will be paid or reimbursed by the Shire include:
- taxi, train, bus and tram fares to/from the airport and the venue;
 - vehicle hire, petrol and parking fees;
 - breakfasts, lunches, dinners not included in the registration fee;
 - reasonable telephone, facsimile and internet charges;
 - optional activities related to the conference/training; and
 - laundry and dry cleaning if the stay is for more than three days.
- 3.11 The Shire will not pay for or reimburse:
- mini bar expenses
 - entertainment costs not associated with those scheduled as part of the event.
 - any expenses associated with matters other than those attended as part of the event.
- 3.12 A partner or spouse may accompany a Councillor to an official event. As a general principle, all expenses incurred by the accompanying person are to be paid by the accompanying person or Councillor, except the following which will be paid or reimbursed by the Shire:
- meals, refreshments and accommodation costs associated with the official programme of an event;
 - accommodation, provided there is not an increase in accommodation costs that would be incurred by the Councillor attending the event on their own.

For the avoidance of doubt, where there is a parallel program of organised events for accompanying persons any costs associated with these will be paid for by the accompanying person or the Councillor.

- 3.13 Where the Shire meets an account containing any expenditure of cost incurred on behalf of an accompanying person attending, such expenditure must be repaid to the Shire by the Elected Member /accompanying person within 30 days of being invoiced for such expenditure.

Key Terms/Definitions

For the purpose of this policy:

Event means meetings, conferences, seminars, congresses, forums, workshops, study tours, delegations relevant to the role of a councillor.

Professional Development means personal development such as undergraduate and post graduate studies, short courses, study tours, conferences, seminars, forums, or similar events that will assist a councillor in their broad civic leadership role.

Policy Administration

Responsible Directorate/Division:	Chief Executive Officer
Contact Officer Position:	Deputy Chief Executive Officer
Relevant Delegation:	Not Applicable
Relevant Legislation:	
Date Adopted:	28 January 2016
Reviews/Amendments	

G 1.4 COUNCIL DELEGATES: ROLES AND RESPONSIBILITIES

Policy Objective:

To provide guidance to Council on the selection of delegates to external organisations and guidance to Councillors acting as delegates on their required roles and responsibilities

Policy Scope:

This policy applies to all delegates appointed by Council resolution to external bodies, agencies or forums

Policy Statement:

Introduction

The Shire of York community will be affected over time by decisions made by state and regional agencies, many of which will have a range of advisory or consultative forums, boards, and sometimes decision-making arms which allow for a local government presence at the table. From time to time, collaborative regional structures will be established to allow for cross-boundary and cross-function discussion.

There will be a number of local organisations where the Council has either provided one-off or on-going financial assistance, or the Council has a strong interest in the outcome where a direct Shire of York Council presence is desirable.

The customary approach to each of these situations is for the Council to appoint a Councillor delegate, or occasionally a Council employee as a delegate, to attend on Council's behalf. Being a Council Delegate representing the Shire of York is an important role and carries with it a high level of responsibility. It is important to ensure that the most appropriate person is appointed for a delegate position and that clear guidance is given as to the obligations of the role.

This Policy prescribes the manner by which nominated as delegates to external committees or organisations may fulfil their representative role. It provides guidance to Councillors and the CEO on the process to be used in selecting and making appointments to external bodies and forums.

Principles

- (a) Appointees to external bodies and forums are delegates of the Council and as such will take a position on any matter consistent with any formally established Council position, or with the Council's known strategic vision or direction.

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- (b) Where a matter arises requiring a decision which may be inconsistent with established policies, strategies or vision, these matters will always be referred to the Council for discussion and direction and any pressures for early decision on such matters will be withstood.
- (c) Sign-off of any joint document involving the Shire of York must be achieved via formal Council decision unless formally delegated by the Council.
- (d) Where possible but within these parameters, delegates will have the ability to explore new ideas and possible solutions freely, and to achieve consensus with other members.
- (e) Delegates to any body or forum will always advocate for their community but will also seek where possible wider outcomes which benefit other communities, provided the interests of the Shire of York community are not adversely affected.
- (f) Councillors who are private members of an organisation or forum receiving financial assistance from the Council, or with a financial interest in the outcomes of any its deliberations, will not be appointed as a delegate to that organisation.

Provisions

1. Appointment of Delegates

- 1.1 Council will only consider the appointment of a delegate/s to another body or forum in the following circumstances:
 - (a) where the body/group/organisation or forum represents state or regional interests that are likely to have an impact on the Shire of York;
 - (b) where the body/ group/ organisation or forum is considering or working on a matter or issue of significant strategic interest to the Council. Note: this may be confined to local interests, involve state or regional matters, or be issue based at any level.
 - (c) where the body/group/organisation or forum represents local interests and the Council has a direct financial or strategic interest in the affairs of that group
 - (d) where the body/group/organisation represents local interests and the group occupies Council property
- 1.2 The Council will review its appointment to external bodies and forums in conjunction with the regular election cycle.
- 1.3 The Chief Executive Officer (CEO) will call for the nomination of delegates to all relevant bodies, groups, organisations and forums as soon as possible after the local government elections and appointment of Councillors to their positions. Where a position arises outside this process, the CEO will call for nominations within five days of notification of the position coming available.

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- 1.4 At the next available meeting of the Council:
 - (a) where the nominations equal available vacancies, the delegates will be appointed by resolution of Council;
 - (b) where there are more nominations than vacancies, the Shire President will conduct a secret ballot using the first past the post system to establish the preferred delegate or delegates to fill the position. In the event of a tied vote for a position, lots will be drawn by the Shire President to determine the preferred delegate.
- 1.5 The Shire President will then call for a resolution of Council for the preferred delegate or delegates to be appointed to the vacant positions and for the next preferred delegate to be appointed the deputy for the position to carry out the duties of the appointed Councillor in his or her absence when required.
- 1.6 Where the external time for acceptance of nominations closes prior to the next available Council meeting, the Chief Executive Officer is to forward any relevant nomination and subsequently advise Council of the nomination, so that it can be considered and ratified through the normal process. Where the number of nominations from Councillors exceed the number of vacant positions, the Chief Executive Officer will consult with the President to determine an order of preference, based on experience in the position of Councillor and interest and merit in the vacant position.

1. Delegate Roles and Responsibilities

- 2.1 Where a Councillor has been approved as Council's delegate for an external committee, body organisation or forum the delegate shall:
 - (a) understand that their appointment / membership is as a representative of the Council and is by right of their position with Council;
 - (b) ensure their availability to attend scheduled meetings, and where they are unable to do so, provide prior apology to the respective Presiding Member.
 - (c) provide timely notice of anticipated absences to any deputy delegate where one is appointed;
 - (d) ensure that in participating and contributing to decision making of the external organisation the delegate communicates and is cognisant of Council's determined position on matters before the external organisation;
 - (e) perform the functions and duties of a delegate in accordance with the principles set out in this policy and the standards set out in the Shire's Code of Conduct;
 - (f) keep Council informed of the activities and achievements of the external organisation in a timely manner.
 - (g) bring any significant matters to Council for discussion and direction where any matter may fall outside current Council policy positions or known strategic direction.
- 2.2 Where a delegate has failed to attend three successive external organisation meetings, with or without apology, during a period where leave of absence has not been granted,

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the Council shall consider appointing a replacement delegate to ensure that the purpose and integrity of Council's participation in the external organisation is maintained.

- 2.3 If a delegate is unable to fulfil his or her commitment to an external organisation then the delegate must advise the Chief Executive Officer so that Council's consideration of appointing a replacement delegate can be facilitated, and subsequent formal advice to the external organisation provided in a timely way.

Key Terms/Definitions

Not Applicable

Policy Administration

Responsible Directorate/Division:	Chief Executive Officer
Author/Contact Officer Position:	Chief Executive Officer
Relevant Delegation:	Not Applicable
Relevant Legislation:	Local Government (Code of Conduct) Regulations 2007
Date Adopted:	28 January 2016
Reviews/Amendments	

G 1.7 COUNCILLORS: RECOGNITION OF SERVICE

Policy Objective:

To provide guidelines for recognition of service by Councillors to the community.

Policy Scope:

This policy applies to retiring Councillors.

Policy Statement:

Introduction

Shire of York Councillors contribute significantly to their community and generally expend time and effort well in excess of the financial recompense provided through sitting fees. The Council believes this contribution should be recognised and acknowledged when a councillor retires.

Principles

- (a) The Council will be guided at all times by the provisions of the Local Government (Administration) Regulation 1996 Regulation 34AC (Section 5.100A).
- (b) Recognition will not take the form of a cash pay-out.

Provisions:

- 1.1 On retirement a Councillor can be presented with a framed certificate identifying the name of the Council Member and the years of service, signed by the Shire of York President and the Chief Executive Officer.
- 1.2 On retirement a Councillor who has served at least one full four year term of office, can be presented with a gift on the basis of \$100* per annum of continuous service. Irrespective of the total years of service, the maximum amount cannot exceed \$1,000. (Note: * indexed by CPI on 1 July each year with 2015 as the base year)
- 1.3 The certificate (and gift where appropriate) shall be presented at a Council meeting or a function to be determined by the Shire President and the Chief Executive Officer.

Key Terms/Definitions

Not applicable.

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Policy Administration

Responsible Directorate/Division: Chief Executive Officer

Contact Officer Position: Deputy Chief Executive

Relevant Delegation: Not Applicable

Relevant Legislation

Date Adopted: 15 July 1991

Reviews/Amendments

10 April 1995

20 May 1996

15 September 1997

21 August 2006 – Council Resolution 190806

28 January 2016

G 1.8 COUNCILLORS: RECORD KEEPING

Policy Objective:

To provide Councillors with clear guidelines on how they will comply with their responsibilities under the State Records Act 2000.

Policy Scope:

This policy applies to all Councillors and relates to discharge of responsibilities as set out by the State Records Act 2002 and the State Records Commission. The policy applies regardless of the format (e.g. written or electronic) and where it was received.

Policy Statement:

Introduction

The State Records Act 2000 identifies certain records held Councillors as State records and requires that these be protected and preserved. The State Records Commission sets out guidelines to assist local government and Councillors to identify which records must be retained. This can include electronic as well as written records. The Commission's policy regarding the records of local government elected members requires the retention of records of the:

"...communications and transactions of elected members which constitute evidence affecting the accountability of the Council and the discharge of its business."

Councillors may hold records which must be made available in relation to Freedom of Information requests. Just as direct Council held records must be searched for information relevant to a Freedom of Information request, Councillor records, including computer records, must also be available for searching.

It is important that Councillors are aware of what must be retained and made available in order to comply with the intent and provisions of the State Records Act 2000 and the policies of the State Records Commission.

This policy should also be read in conjunction with the Policy G 2.2 Community Access to Information and G 1.1. Councillors: Code of Conduct.

Principles

- (a) Retention of records is key to ensuring the transparency and accountability of local government decision-making
- (b) Retention of records is an important tool in protecting and retaining the heritage and memory of local communities
- (c) Ensuring the availability of information in a timely way is an important part of the democratic process.

- (d) A conservative approach should be taken to retention of records: i.e. if in doubt retain the records.

Provisions

- 1.1 Councillors must keep records of communications or transactions, which convey information relating to local government business or functions. These records should be forwarded regularly to the Shire of York administration for capture into the official recordkeeping system.
- 1.2 The following records must be created and retained and forwarded to the Shire of York administration on a regular basis and at the retirement of a sitting member:
- (a) Communications from residents and ratepayers such as:
 - complaints and compliments
 - correspondence concerning corporate matters
 - submissions, petitions and lobbying
 - information on Council's interests relating to local government business activity and functions
 - (b) Telephone, meetings and other verbal communications between an elected member and another party, regarding local government projects or business activities
 - (c) Work diaries – containing information that may be significant to the conduct of the elected member on behalf of local government,
 - (d) Presentations and speeches delivered as part of an elected member's official duties.
- 1.3 Councillors must sign an annual declaration that they have forwarded required records to the Shire of York's Records Officer for retention or storage. (Note: this declaration is not a mandatory requirement under the State Records Act but exists to remind Councillors of their compliance responsibilities and to assist the Chief Executive Officer (CEO) discharging requirements under Section 17 Local Government (Audit) Regulations.
- 1.4 Councillors must make available records held relevant to a Freedom of Information request in a timely way that ensures Council compliance with the statutory response times.
- 1.5 Councillors should consult the CEO if they need assistance in deciding whether a record should be retained.
- 1.6 Destruction of the above records or failure to make them available for storage or Freedom of Information requests will place an Elected Member in contravention of statutory requirements.
- 1.7 The following records do not need to be forwarded to the Shire of York for retention:
- duplicate (unmarked) copies – of Council meeting agenda, minutes & papers.
Note: any such document with notations or marked in any way is a record under the State Records Act 2000.
 - draft documents or working papers which are already captured in Shire of York records

- publications – such as newsletters, reports, circulars and journals.
- invitations – to community events where an elected member is not representing Council or the local government.
- telephone, meetings & other verbal conversations which:
 - convey routine information only; or
 - do not relate to local government business or functions.
- electioneering – or party political information.
- personal records – not related to an elected member's official duties.

Note: if any of these documents have been marked or contain notations they are considered to be records required for retention.

Key Terms/Definitions

Not Applicable

Policy Administration

Responsible Directorate/Division: Deputy Chief Executive

Author/Contact Officer Position: Deputy Chief Executive

Relevant Delegation: Not Applicable

Relevant Legislation: State Records Act 2000
Local Government (Rule of Conduct) Regulations 2007

Date Adopted: 28 January 2016

Reviews/Amendments

G 1.9 PAYMENT OF LEGAL COSTS FOR COUNCILLORS

Policy Objective:

To provide guidelines for the Council when making decisions about payment of legal costs for present and past Councillors in relation to legal matters arising from their current or past official functions as Councillors of the Shire of York.

Policy Scope:

This policy applies to past and present Councillors of the Shire of York.

Policy Statement:

Introduction

Circumstances may arise from time to time where Councillors (past or present) find themselves the subject of legal action arising from formal decisions made in their role, or required to participate in a legal matter (such as giving of evidence) on a Council matter.

Under the Local Government Act 1995, the Shire of York is empowered to protect the interests of individuals where they become involved in civil legal proceedings because of their official functions. In these situations, the Shire may assist the individual in meeting reasonable expenses and any liabilities incurred in relation to those proceedings.

This policy sets out the parameters for providing assistance either in the form of legal advice and representation, or reimbursement of legal costs incurred.

Principles

- (a) Legal representation and support should be potentially available to Councillors on a matter arising from the discharge of their role and function provided that the Councillor has acted in good faith and according to the Councillor Code of Conduct, the Local Government Act, the Local Government (Rules of Conduct) Regulations or any other written law;
- (b) Financing of legal costs will not be:
 - paid out retrospectively by the Shire in support of a Councillor
 - provided for defamation proceedings initiated by a Councillor
 - provided to a Councillor on any matter to do with Council business or activity initiated by that Councillor independently of any formal Council decision. (See also Councillors Code of Conduct)

Provisions

1 Financial Assistance Criteria

- 1.1 The Shire may provide financial assistance for legal costs of a Councillor based on the following criteria:
- the legal costs must relate to a matter that arises from the performance, by the Councillor of his or her role as a Councillor;
 - the legal cost must be in respect of legal proceedings that have been, or may be, commenced
 - in performing his or her function, the Councillor has acted in good faith, and according to provisions under the Elected Members Code of Conduct, Local Government (Rules of Conduct) Regulations 2007 or other written law; and
 - the legal representation costs do not relate to a matter or dispute in respect of a Local Government Election process.
- 1.2 If the criteria in clause 1.1 are satisfied, the Council may approve the payment of legal costs:
- where proceedings are brought against a member or employee in connection with his or her functions – for example, an action for defamation or negligence arising out of a decision made or action taken by the member;
 - where proceedings are commenced by a Councillor to enable them to carry out their local government functions - for example, where a Councillor seeks a restraining order against a person using threatening behaviour to the Councillor; or
 - for involvement in a statutory or other inquiry that requires information to be given by, or to which information is given, by a member in connection with his or her functions.
- 1.3 The Shire will not make payment for legal representation costs to a member for a defamation or negligence action instituted by a member or for legal advice or activity initiated independent of a formal Council decision.

2. Application for payment

- 2.1 A Councillor who seeks payment under this policy is to:
- (a) make an application(s) in writing, to the CEO, with the following details:
- the matter for which legal representation is sought;
 - how that matter relates to the functions of the Member making the application;
 - the solicitor (or firm) who is to be asked to provide legal representation;
 - the nature of legal representation to be sought (such as advice, representation in court, preparation of a document etc.);
 - the estimated cost (if known) of the legal representation; and
 - why it is in the interests of the Shire for payment to be made;

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(b) and so far as possible, make the application in paragraph (a) before seeking the legal representation to which the application relates.

- 2.2 The application is to be accompanied by a signed declaration by the relevant member or employee that he or she:
- has read, and understands, the terms of this Policy;
 - has acted in good faith, and has not acted unlawfully or in a way that constitutes improper conduct in relation to the matter to which the application relates;
 - acknowledges that any approval of legal representation costs is conditional on the repayment provisions of clause 5 and any other conditions to which the approval is subject; and
 - undertakes to repay to the Shire any legal costs in accordance with the provisions of clause 5, as may be required by the Shire and the terms of this Policy.
- 2.3 Once an application is received in accordance with this Policy a report is to be prepared by the CEO containing details of the application, an assessment of the request, an estimation of costs and a recommendation for consideration by the Council.

3. Legal Costs

- 3.1 Unless otherwise determined by the Council, payment of legal representation costs in respect of a single application is not to exceed \$15,000.
- 3.2 A Councillor may make an additional application(s) to the Council in respect of the same matter.

4. Council's Powers

- 4.1 The Council, in respect of an application for payment of legal representation costs, may:
- refuse the application;
 - grant payment; or
 - grant payment subject to conditions.
- 4.2 Conditions may include, but are not limited to:
- a financial limit; and
 - a requirement to enter into a formal agreement, including a security agreement, relating to the payment, and repayment, of legal representation costs.
- 4.3 In assessing an application, the Council may have regard to any insurance benefits that may be available to the applicant under the Shire's member insurance policy (or its equivalent).

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- 4.4 The Council may by resolution, cancel or vary an approval, or any conditions of approval, for the payment of legal representation costs.
- 4.5 The Council may resolve that a Councillor whose application for legal representation costs has been approved has, in respect of the matter for which legal costs were approved:
- not acted reasonably or in good faith; or
 - given false or misleading information in respect of the application.
- 4.6 Where the Council makes such a determination under Clause 4.5 or where a Court or Commission find that a Councillor has acted unlawfully or in a way that constitutes misconduct:
- assistance from the Shire will be immediately withdrawn; and
 - the legal costs paid by the Shire are to be repaid by the member
- 5. Repayment of Legal Representation Costs**
- 5.1 A Councillor whose legal representation costs have been paid by the Shire is to repay the Shire:
- (a) all or part of those costs – in accordance with a determination under Clause 4.5
 - (b) as much of those costs as are available to be paid by way of setoff – where the member receives monies paid for costs, damages, or settlement, in respect of the matter for which the Shire paid the legal representation costs.
- 5.2 The Shire may take action in a court of competent jurisdiction to recover any monies due to it under this Policy.

Key Terms/Definitions

Under this policy:

Solicitor is to be

- (a) a “certified practitioner” under the Legal Practice Act 2003; and
- (b) approved in writing by the Chief Executive Officer;

Councillor means a current or former Elected Member, commissioner, a member of a Committee of Council

“Legal proceedings” may be civil, criminal or investigative (including an inquiry under any written law);

“Legal representation” is the provision of legal services, to or on behalf of a member or employee, by an approved solicitor that are in respect of

- (a) a matter or matters arising from the performance of the functions of the member or employee; and
- (b) legal proceedings involving the member or employee that have been, or may be, commenced;

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“Legal costs” are the costs, including fees and disbursements, properly incurred in providing legal representation;

“Legal services” includes advice, representation or documentation that is provided by an approved solicitor;

“Payment” by the Shire of legal costs either by:

- (a) a direct payment to the approved solicitor (or the relevant firm); or
- (b) a reimbursement to the Councillor.

Policy Administration

Responsible Directorate/Division: Chief Executive Officer

Contact Officer Position: Chief Executive Officer

Relevant Delegation: Not Applicable

Relevant Legislation:

Date Adopted: 28 January 2016

Reviews/Amendments

G 1.10 WORKFORCE AND HUMAN RESOURCES

Policy Objective:

To provide the Chief Executive Officer with guidance on the Council's objective for the Shire of York organisation to be regarded as a good employer and its expectations in relation to Shire of York workforce management and human resources practice.

Policy Scope:

This policy applies to Chief Executive Officer of the Shire of York.

Policy Statement:

Introduction

The Chief Executive Officer is the sole employee of the Shire of York Council and in turn employs all other Shire of York employees. This rightly excludes Elected Members from involvement in the day to day operational management of the Shire and reduces risks of undue influence over Shire employees.

However, it is appropriate for Councillors to clearly signal their collective expectation of the Chief Executive in terms of general principles of workforce and employee management, and those areas where it is expected the Chief Executive should provide explicit human resources policy to protect and manage staff wellbeing.

This policy sets out principles, standards and expectations.

Principles

- (a) The Shire of York Council should always aspire to be considered a good employer and to exhibit best practice in terms of workforce and employee management
- (b) Harassment in any form of employees in the workforce is unacceptable and any instance of harassment should be addressed quickly and effectively
- (c) Robust recruitment procedures are in place to ensure the employment of suitably qualified employees
- (d) Flexible practices in relation to job design should, where possible, be used to provide employment opportunities for people with disabilities and/or to address emerging problems around an ageing workforce and an ageing community

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- (e) The Shire of York Council, as one of the largest places of employment in the Shire should try, where possible and practicable, to provide career paths for young people of the Shire and/or provide work experience.
- (f) Volunteers, while not employees of the Shire of York, should be treated with respect and consideration and the value of the voluntary sector to the Shire explicitly acknowledged.

Provisions:

- 1.1 The Chief Executive Officer will as a minimum expectation, develop and maintain the following policies to a standard consistent with best practice:
 - Equal Employment Opportunity
 - Health and Wellbeing
 - Employee Protection from Harassment and Bullying
 - Employee Training and Development
 - Recruitment Procedures
- 1.2 In developing the Council's Workforce Plan, the following matters will be explicitly addressed:
 - current workforce structure in relation to Equal Employment Opportunity considerations and future plans to advance EEO objectives
 - job design and work procedures to accommodate encourage employment of people with disabilities
 - job design and work procedures as they relate to ageing workforce issues
 - mechanisms to provide work experience and/ or employment paths for Shire school leavers, or young people from within the Shire recently awarded a tertiary qualification.

Key Terms/Definitions

Suitably qualified means:

- appropriate formal education qualifications; and/or
- appropriate levels of experience; and
- appropriate levels of training and development relevant to role.

Policy Administration

Responsible Directorate/Division: Chief Executive Officer

Author/Contact Officer Position: Chief Executive Officer

Relevant Delegation: Not Applicable

Relevant Legislation:

Date Adopted: 28 January 2016

Reviews/Amendments:

G 2.1 COMPREHENSIVE COMPLAINTS RESPONSE POLICY

Policy Objective:

To provide residents and ratepayers with consistent and clear principles, procedures and guidelines for the lodging, investigation, resolution, reporting back and implementation of decisions relating to complaints made to the Shire of York Council.

To establish a clear process for the internal recording and reporting on complaints management to Councillors.

To establish a mechanism where complaints about levels of service can be used as inputs into future strategic, annual and financial planning analysis and decision-making by Councillors.

Policy Scope:

This policy applies to all aspects of Shire of York activity and business.

Policy Statement:

Introduction

The Shire of York aspires to provide a high level of service to its residents and ratepayers, to provide them with accessible and inclusive democracy services and to do so in a manner that is positive and respectful of members of the community.

The Shire recognises that from time to time members of the community may not be satisfied with Council services, processes and decisions. It also recognises that there needs to be a clear, simple and accountable process available to people to lodge any complaint they may wish to make which provides assurance that responses will be considered objectively and a positive outcome actively sought.

The Shire also takes the view that complaints can provide useful information and insights into community aspirations about future levels of service and into how existing processes, delivery and communication to the community about services can be improved.

Principles

- (a) A complaint is **not** a request for a service or a new level of service but is an expression of dissatisfaction about a Council service or action, accompanied by a request for redress. This redress might take the form of a seeking particular outcome for the individual making the complaint, or a more general desire to see a change to Council services and procedures.
- (b) Complaints will be regarded as a positive source of information for continuous improvement of Shire services and procedures.
- (c) Complaints will be taken seriously and anyone making a complaint will be treated with respect.

- (d) Members of the Shire of York community will have access to a simple, accountable and transparent complaints response service.
- (e) Any response to a complaint received from a member of the Shire of York community will seek positive outcomes which accommodate as much as possible the concerns of the complainant, provided that response can be delivered in a way that is consistent with Shire budget decisions and approved annual programmes, and regulatory accountabilities.
- (f) Complaints will be dealt with in a timely manner that provides the complainant with a clear decision as quickly as possible. Complainants will be given regular updates on progress about their complaints until a decision is made.
- (g) Complainants will always be informed of further mechanisms available to them for redress if they do not agree with decisions made.
- (h) Responses to external statutory bodies investigating complaints will be undertaken in a positive, open and timely manner.
- (i) The confidentiality of complainants will be protected according to statutory standards and requirements.

Provisions

This section sets out the procedures that will be used.

1. Lodging of Complaints

1.1 Complaints can be made:

- a) in writing via fax and emails and are to be directed to the generic shire address shire@york.wa.gov.au.
- b) via the shire website
- c) in person by completing a customer feedback form at the Shire office
- d) by telephone. Complainants are encouraged to lodge their complaint in writing but if made by telephone, the complainant will need to provide their name and contact details and information about their particular concerns.

1.2 The complaint will be recorded in the Complaints Register by the Council officer receiving the complaint at first point of contact, along with information about the date at which it is referred for investigation, where referred and initial response.

2. Initial Resolution: Minor Matters

2.1 'Front of house' customer service staff and external works staff will be the first point of contact for many complaints received by Council. As a first principle they should attempt to resolve minor complaints as speedily as possible. Where there is no consequent budget cost or liability, or no implications for the Council's established policy position on a matter, then they have the authority to resolve the problem on the spot. Complaints must be recorded in the Complaints Register.

2.2 If the minor matter is resolved at this stage to the satisfaction of the complainant, this should be recorded by the person dealing with the issue in the Complaints Register. If

the matter cannot be resolved satisfactorily, it should be referred to the relevant senior manager/ Chief Executive with this referral also recorded in the Complaints Register. The complainant should be informed that the matter will be referred for further investigation and that they should expect a follow-up written communication within 5 working days confirming the process which will be followed.

- 2.3 Where there are potential implications for budgets, wider levels of service decisions, liability or the Shire's established policy position, the complaint should be immediately referred to the relevant senior manager/ Chief Executive for investigation as per the Stage 2 Complaints Procedures. The complainant should be informed that the matter will be referred for further investigation and that they should expect a follow-up written communication within 5 working days confirming the process which will be followed.

3. Stage 2 Complaints Processes.

Where a complaint has been received and it is more than minor, or if a minor complaint that could not be satisfactorily resolved is referred on, they will be dealt with under the following processes:

Complaints in Relation to Council Services.

- 3.1 If the complaint alleges illegal or corrupt action, the CEO will automatically refer the matter to a relevant outside agency.
- 3.2 In all other cases, the following process will be followed.
- a) The complainant will receive an initial phone-call from the relevant person with the authority to deal with the matter with the intent of trying to resolve the concern raised, within the specified time set out in Appendix 1. If the matter is resolved this will be logged in the Complaints Register
 - b) If the matter cannot be resolved in this way, the complainant will receive a letter acknowledging receipt of information within the specified time set out in Appendix 1.
 - c) The complaint will be referred by the CEO to the relevant senior officer responsible for the service that is the subject of the complaint. The senior officer will investigate the complaint, including interviewing the relevant staff. If the matter can be resolved at this point in a way that in the view of the officer does not have budget implications, does not significantly affect programme, or project priorities and is consistent with Council's policy direction then the matter should be resolved. This resolution will be recorded in the Register. If it cannot be resolved at this point the matter will be reported to the CEO.
 - d) The CEO will consider the report and make a determination on the complaint, including if the complaint is upheld whether any changes to current practices and procedures is required.

- e) The complainant shall be advised in writing of the outcome of the decision. The complainant will receive a letter with the decision on the complaint or an update on progress within the specified time set out in Appendix 1. They will also be informed of the avenues available to them for further appeal if they are dissatisfied with the decision and outcomes. This will include the ability to write further on the matter to the Shire President, or to make a complaint to the Ombudsman's office.
- f) The decision at any point in the process will be recorded against the Complaints Register number along with the file reference number for any associated written documents.

Note: in some cases complaints may be concerned with seeking a level of service change or a programmed action that is not provided for in existing budgets or programme capital works. These matters will be automatically forwarded to strategic, annual and capital works planning processes for future reference and consideration.

Complaints Against Employees (other than the CEO)

3.3 Section 5.14 of the Local Government Act states:

'The CEO's functions are to:

(g) be responsible for the employment, management, supervision, direction and dismissal of other employees (subject to section 5.37 (2) in relation to senior employees.'

Accordingly all complaints or allegations against an employee (other than the CEO) shall be dealt with by the CEO.

3.4 If the complaint alleges illegal or corrupt action, the CEO will automatically refer the matter to a relevant outside agency.

3.5 In all other cases, the following process will be followed:

- (a) Investigation of complaints/ allegations will be treated as confidential and will be discharged according to the principles of natural justice and procedural fairness.
- (b) The CEO will advise the employee verbally and in writing of the complaint, setting out:
 - details of the complaint/ allegation (other than the complainants name/ details)
 - details of the legislation/ Staff Code of Conduct that has allegedly been breached
 - seek comments or a response to the allegation
 - specify a closing date for receiving a response
- (c) Having received all responses, the CEO will prepare a confidential report. The report will contain details of the complaint/ allegation, legislation or Code of Conduct alleged to be breached, a determination on whether a breach has occurred and if so, the action which will be taken in relation to the employees future performance.

- (d) The employee will be advised as soon as practicable of the outcomes of the decision in relation to the complaint.
- (e) The complainant will be advised as soon as practicable of the outcomes of the decision in relation to the complaint and of the avenues available to them for further appeal if they are dissatisfied with the decision and outcomes. This will include the ability to write further on the matter to the Shire President, or to make a complaint to the Ombudsman's office.

Complaints Against the CEO

- 3.6 Any complaint in relation to the Chief Executive Officer will be forwarded to the Shire of York President for consideration and action.
- 3.7 If the complaint alleges illegal or corrupt action, the President will automatically refer the matter to a relevant outside agency.
- 3.8 In all other cases, the following process will be followed:
 - (a) Investigation of complaints/allegations will be treated as confidential and will be discharged according to the principles of natural justice and procedural fairness.
 - (b) The President will advise the CEO within seven days of receiving a complaint, verbally and in writing, of the existence of the complaint and setting out:
 - details of the complaint/ allegation (other than the complainant's name/details)
 - details of the legislation/ Staff Code of Conduct that has allegedly been breached
 - seek comments or a response to the allegation
 - specify a closing date for receiving a response
 - (c) The Shire President will prepare a confidential report to Council which will:
 - summarise the complaint made
 - summarise information in relation to the issue raised
 - present a resolution which either declines to review the matter further, addresses the issues raised, or triggers further formal review.
 - (d) if it is resolved that the complaint should receive further consideration by Council, the President will convene a special Performance Review meeting within 21 days of receipt of the complaint and present a report outlining the issues raised, a view as to whether any breach of the Code of Conduct or Performance Agreement has occurred and if so, potential performance management provisions.
 - (e) If the Council considers that further information is required on a specific matter or aspect of the issue under discussion, including legal advice, this will be commissioned via formal resolution by Council. No other information will be sought independent of that process by Councillors and if tabled will not be considered further in any deliberations.

- (f) The President will prepare a further report, including any new information previously sought by Council with relevant recommendations for consideration by the Council.
- (g) The Council will make a final decision and the employee will be advised as soon as practicable of the outcomes of the decision in relation to the complaint. They will also be informed of any further process for appeal or redress.
- (h) The complainant will be advised as soon as practicable of the general outcomes of the decision, consistent with the Shire's duties to act in good faith as an employer and to retain relevant confidentiality, and of the avenues available to them for further appeal if they are dissatisfied with the decision and outcomes.

Complaints against an Elected Member or the Shire President

- 3.9 Any complaint in relation to an Elected Member or the Shire President will be forwarded to the Shire of York Complaints Officer as provided for under Division 9, Local Government Act 1995 for consideration and action.
- 3.10 If the complaint alleges illegal or corrupt action, the Complaints Officer will automatically refer the matter to a relevant outside agency.
- 3.11 All subsequent processes will be followed as provided for under Division 9, Local Government Act 1995.

Anonymous Complaints

- 3.12 As a general principle no action will be taken when a complainant declines to provide their name and/or contact details. The exception will be where the matter could be considered to be life threatening, is an existing health hazard, or will create a health hazard.
- 3.13 All anonymous complaints should be recorded in the Complaints Register whether action is taken or not. Where an action is taken this must be recorded in the Complaints Register.

4. Persistent Complainants

As stated in the introduction to this policy, the Shire is committed to addressing complaints raised by members of the community in a positive way, seeking wherever possible, outcomes which address the concerns of complainants.

There will be very limited situations where the decisions/actions of the Shire may be unpalatable to complainants, despite all efforts to achieve a positive outcome. In addition a very small number of complainants may choose to express their complaints in an unacceptable or aggressive manner.

The Ombudsman Western Australia 2009 Guidelines identify that an organisation may experience what it terms 'Unreasonable Complainant Conduct' falling across three bands of behaviour:

- habitual or obsessive complainants, This includes people who:
 - cannot 'let go' of their complaint
 - cannot be satisfied despite the best efforts of the agency
 - make unreasonable demands on the agency where resources are substantially and unreasonably diverted away from its other functions or unfairly allocated (compared to other customers)
- rude, angry and harassing complaints
- aggressive complaints.

The Guidelines set out a framework for dealing with these behaviours.

- 4.1 Registering and discussing complaints with staff, whether verbal or written, in an abusive or aggressive manner is unacceptable. Having made clear the intention of the Council staff, interaction will be suspended until such time as the behaviour is guaranteed to be at an acceptable level.
- 4.2 Abusive, inflammatory written material or material designed to be intimidating associated with a complaint will be returned to the sender and not acted upon.
- 4.3 The Shire may in exceptional circumstances make the decision to identify a complainant as unreasonable in their behaviour and to limit, withhold or withdraw services associated with the complaint matter. This can only be considered when the following threshold tests have been met:
 - it can be clearly shown that the Shire's complaint procedure has been correctly implemented in all its facets and no material element of the complaint overlooked or inadequately addressed; and
 - the behaviour of the complainant has become so habitual, obsessive or intimidating that it constitutes an unreasonable demand on the Shire's resources; and
 - all internal review or appeal processes have been exhausted; and
 - the complainant has been advised of external review processes available to them and has chosen not to pursue those processes; or
 - external review processes have been undertaken and have found against the complainant
- 4.4 Any decision made under Clause 4.3 will be made by the Shire of York Council on receiving a formal report from the CEO. The report will set out the reasons for taking the proposed action and must explicitly address the threshold tests set out above. The confidentiality of any person involved will be protected.
- 4.5 In considering any of these actions, account will be taken of whether the complainant has suffered a recent bereavement or is under known stress which may be a contributing factor to the behaviour.

5. Internal Management and Reporting

5.1 The Shire will:

- maintain a Complaints Register which records complainant details and issues raised, assigns a complaint number, place of referral within the organisation, final decision, resolution if classified as minor, and final response letter reference.
- monitor response performance against agreed and published KPIs (attached at Appendix 1) which will be reviewed on a four yearly cycle.
- report complaints statistics and performance on a quarterly basis to the Council.

6. Information Inputs into Strategic Planning or Organisation Improvement

6.1 As part of any future integrated planning process or organisation improvement process, the Complaints Register will be reviewed to identify any emerging themes in relation to levels of service aspirations or procedures and standards, as inputs into those processes. Information will only be used in an aggregated form and the confidentiality of complainant information will be fully protected.

Key Terms/Definitions

Minor Complaint means:

A complaint where there is no consequent budget cost or liability, or no implications for the Council’s established policy position on a matter.

Stage 2 Complaint means:

A complaint where there is a consequent budget cost or liability, implications for the Council’s established policy position on a matter, or it is a matter where resolution cannot be achieved at the initial point of contact with Council.

Policy Administration

Responsible Directorate/Division: Deputy Chief Executive Officer

Contact Officer Position: Deputy Chief Executive Officer

Relevant Delegation: Not Applicable

Relevant Legislation:

Date Adopted: 28 January 2016

Reviews/Amendments

Replaces: Complaints Policy
 Adopted 21 August 2006 – Council Resolution 190806
 Dealing With Unreasonable Conduct
 Adopted 6 July 2015 – Council Resolution 080715

Appendix 1: Key Performance Indicators

Initial follow-up phone call: within 2 working days of receipt of complaint

Initial Letter of Acknowledgement: within 5 working days of receipt of complaint

Final Decision Letter (or first update letter): within 20 working days of receipt of complaint

Subsequent follow-up letters/ contact if needed: maximum intervals of 20 working days

G 2.2 COMMUNITY ACCESS TO INFORMATION

Policy Objective:

To ensure that the community has timely access to information in relation to Council activities and decision-making in a way that is easy to use.

To provide a clear framework for the discharge of Shire of York accountabilities under the Freedom of Information Act.

Policy Scope:

This policy applies to all aspects of Council activities.

Policy Statement:

Introduction

An informed community is at the heart of any well-functioning local democracy. Essential to this is having access to information about Council activities and decisions being made on behalf of the community. While the Freedom of Information Act 1992 (FOI Act) provides a statutory protection in terms of access to information, it is important as a general principle this be seen as a mechanism of last resort, in effect that every effort is made to publish reports and documents that provide background to decision-making. Ensuring residents and ratepayers have access to information held by the Shire in a way that is consistent with and embraces the overall intent of the FOI Act for an informed community and accountable democratic processes, is an essential aspect of Shire business.

This policy sets out the internal responsibilities and processes to be followed in supporting an informed local community.

Principles

The Shire of York:

- (a) believes access to information is essential to having an informed community which has trust in the local democratic process and decision-making.
- (b) will promote access to all Council information with a positive customer service philosophy.
- (c) will be proactive in ensuring access to reports documents and papers of interest to the community and will ensure that these are easily accessible.
- (d) act as an advocate to external agencies for community access to information on issues and decisions affecting the Shire of York.
- (e) manage corporate reporting mechanisms to elected members in a way that maximises where possible community understanding of projects of interest to the community.

- (f) actively work to achieve access to documents promptly and at lowest reasonable cost for requests under the FOI Act.
- (g) monitor and report on Council performance in relation to community access to information.

Provisions

1. Maximising Community Access to Information

All Council held information, with some limited exceptions set out in the FOI Act, is public information available for public reference and scrutiny. Much of this information comprises internal and external communication as well as reports, agendas and more substantial documents. A local authority has the capacity to assist people with access to much of this information by providing access to, in a sense 'publishing', hard or electronic copies. By doing so, this reduces the need for people to make formal requests for much of the information held by Council, with the Freedom of Information Act available for people to request more detailed information on a particular matter.

- 1.1 The Council will publish access to the following documents as a matter of course on its website:
 - agendas, agenda reports and minutes of Council meetings
 - publicly available agendas, reports and minutes of meetings associated with projects and cross-agency initiatives where the Council is a formal participant
 - reports by Councillors on conferences etc. made under the Councillor Professional Development Policy
 - other documents required to be published under statute.
 - asset management plans
 - finalised reports associated with significant projects including:
 - background information reports
 - progress update reports
 - decision reports
 - land-use information via the Council's GIS system, where this can be achieved technically and at reasonable cost
 - externally generated and published reports associated with audit and scrutiny by statutory agencies which have been formally made available to Council
 - monitoring reports on complaints and community engagement and consultation register (See also the G 2.1 Comprehensive Complaints Response Policy and the G 2.9 Community Engagement and Consultation Policy) and an annual summary of Freedom of Information requests as part of the corporate reporting framework
 - final project briefs for significant works and commissioned work from external providers
 - links to published documents developed by external agencies associated with issues of interest to the Shire and/or links to external agency websites
 - media statements
 - consultation and engagement feedback used in consultation and engagement processes (see also the Consultation and Engagement Policy)

- 1.2 The Council will work to a performance measure of achieving upload of Council documents or links to the Council website within 10 working days of the material being in its final form. .
- 1.3 The Council will provide for access to electronic Council documents on the Council web-site, at the Shire of York library and in partnership with the Community Resource Centre.
- 1.4 The Council will wherever possible, provided information requests are not excessive in terms of resource time and cost, work with the local school to provide information that will contribute to teaching programs.
- 1.5 The Council will work with the York Community Resource Centre to provide access to Council information through that mechanism in a timely and effective way.
- 1.6 Where an issue is of significance to the community and external public agencies are either seeking community input or proposing a project to be undertaken within the District, the Council will advocate for the maximum publication of information and documents.
- 1.7 Where Council is formally involved in external processes or cross-agency initiatives Council representatives will:
 - advocate that the lead agency publish relevant documents in an accessible way and that access to information is maximised at all times.
 - provide links to externally published documents associated with that process.

2. Requests for Information under the Freedom of Information Act.

The Council recognises that from time-to-time members of the community will seek access to more detailed information which is not available under the Council's active information publication policy.

- 2.1 The process to be followed when dealing with a request is set out under the Freedom of Information Act 1992. Where a request has been made the Council will:
 - assist with timely access to information outside the FOI process where this can lead to a better outcome
 - engage wherever possible in direct face-to-face, early and meaningful discussion with the applicant to clarify the scope of any application.
 - assist the public to ensure that personal information contained in documents is accurate, complete, up-to-date and does not mislead
- 2.2 Management and sign-off of all FOI Act responses will be carried out by the Deputy Chief Executive Officer.

3. Appeals under the Freedom of Information Act 1992

- 3.1 Division 5 of the Freedom of Information Act 1992 provides for people who have made requests for information to have a right of internal appeal on any FOI Act decision made by the Shire. All appeals will be received, reviewed and responded to by the Chief Executive Officer.
- 3.2 In addition, a person has a further right of appeal to the Freedom of Information Commission. If an appeal is made externally to the Freedom of Information Commission, the Shire will respond in a timely and positive matter to any requests by the Commission for information on the matter raised.

4. Monitoring and Reporting on Community Access to Council Information

- 4.1 In addition to any statutory compliance requirements, an annual report will be provided to the Council as part of the wider corporate reporting framework which will identify:
- the number of information requests made to Council, both formal (under the FOI Act) or informal (e.g. web-site searches)
 - the number of people requesting information under the FOI Act
 - the number of FOI Act requests
 - requests satisfied outside the FOI Act process, requests satisfied via Council processes, external appeals and appeals upheld
 - percentage of published documents uploaded within the agreed performance times
 - any external audit or scrutiny of Council's provision of information services, or bench-marking against any best-practice standards
 - potential process improvements, if any.

Key Terms/Definitions

To publish, publishing means: the uploading of information in an electronic form to the Council website.

Policy Administration

Responsible Directorate/Division: Chief Executive Officer

Author/Contact Officer Position: Deputy Chief Executive Officer

Relevant Delegation:

Relevant Legislation: Freedom of Information Act 1992

Relevant Documents:

Date Adopted: 28 January 2016

Reviews/Amendments

G 2.3 DISRUPTIVE BEHAVIOUR AT COUNCIL MEETINGS

Policy Objective

To establish clear steps for management of disruptive behaviour by a member, or members, of the public at Council meetings and forums.

Policy Scope:

This policy applies to all formal Council meetings and Council forums which are open to members of the public.

Policy Statement:

Introduction

The Council is committed to providing residents and ratepayers with as many opportunities as possible to attend meetings held by the Shire and to participate in specified processes. The Public Question Time policy and the Conduct of Council Forums policy set out the parameters for attendance and participation at meetings and Forums.

It recognises that at times people will feel strongly about issues that have been raised or questions that they wish to ask of the Shire.

The general conduct of a council meeting depends upon mutual respect and good faith between elected members and the public. There can be instances at a council meeting where a member of the public fails to show respect or consideration for the presiding member, elected members, council staff and other members of the public. Such disruptive behaviour makes the conduct of council business more difficult and stressful, reducing the efficiency and effectiveness of council meetings. Disruptive behaviour also denies other members of the public the opportunity to participate in and observe council proceedings.

The Council is committed to conducting its business in an effective way. Disruptive behaviour and behaviour which shows disrespect for those involved in the conduct of Council business or other members of the public in attendance at meetings of the Council is not acceptable. This policy sets out how the Council will deal with disruptive behaviour should it occur at meetings and forums.

Principles

- (a) protection of the democracy, democratic processes and the ability of members of the community to participate, at the local level is a pre-eminent concern of Council
- (b) Council will take a range of actions designed to reduce the impacts of disruptive behaviour as a first principle but may invoke statutory sanctions if all other avenues have failed.

- (c) wherever possible, anyone who in the view of the presiding member at a meeting is exhibiting disruptive behaviour, that person will be asked to treat the meeting with respect and will be given the opportunity to continue, provided that respect is shown and the behaviour does not occur again.
- (d) when a decision is being made about whether disruptive behaviour is being exhibited, consideration will be given to whether a person is under known stress or has experienced a recent bereavement.

Provisions

- 1.1 Decisions about whether disruptive behaviour is being exhibited and whether action should be taken will be made by the Presiding Member of the Council meeting or forum.
- 1.2 If, in the view of the Presiding Member, behaviour is considered to be disruptive the person will be asked to cease. If the person is speaking in Public Question Time, the person may then be given the opportunity to continue to speak provided that the disruptive behaviour does not re-occur, or the presiding member may choose to move on to another speaker.
- 1.3 Should the behaviour continue and in the view of the presiding member is disrupting Council business, then the meeting may be adjourned for a stated period of time. During that time the Chief Executive Officer will discuss the situation with the offending party or parties and ask them to behave appropriately in a place of government. The President or Councillors will not engage with the person or people involved during this time.
- 1.4 If, after resuming the meeting the disruptive behaviour continues, the Presiding Member may again adjourn the meeting. This may occur a number of times but the presiding Member has the authority at any time to instruct the CEO to ask the offending person or persons to leave the premises. This duty will be undertaken by the CEO who, under section 5.41(d) of the Local Government Act, has control or management of the local government's buildings, including the council chamber and meeting rooms and is the "person in authority" in relation to Section 70A of the Criminal Code.
- 1.5 Once the meeting has been adjourned and if the presiding Member has instructed that a person be asked to leave the premises, the CEO will advise the person or persons that they are requested to leave and that if they remain they will be committing the offence of trespass under Section 70A of the Criminal Code and could be prosecuted.
- 1.6 Depending on the nature and intensity of the disruptive behaviour the Presiding Member may decide that more warnings will be issued before asking the CEO to request the person or persons to leave or the Police being called. Section 70A of the WA Criminal Code authorises the CEO to request a person to leave not only the building where the meeting is taking place, but also the local government property.

- 1.7 Should the person or persons refuse to leave and at the instruction of the Presiding Member, the CEO will advise them that the Police will be called to apprehend them and the Council will instigate legal proceedings.
- 1.8 If the Police are not immediately available, the meeting will remain adjourned until they can attend.

Note: Under Section 49 of the Police Act 1892 the CEO, or a person authorised by him or her, may apprehend and detain any person found committing an offence punishable in a summary manner until the person can be delivered into the custody of the Police. In the case of Council meetings and forums the direct assistance of the Police is the preferred action.

- 1.9 The CEO may commence a prosecution for a breach of section 70A of the Criminal Code. A prosecution is initiated by a prosecution notice under section 24 of the Criminal Procedure Act 2004. Such an action must only be taken after consultation with the Shire President and Councillors.

Key Terms/Definitions

'Disruptive Behaviour' means: behaviour exhibited by a member of the public which in the view of the Presiding Member of the meeting or forum is preventing the discharge of intended business. Examples of such behaviour include but are not confined to:

- constant interjection, particularly when the presiding member or elected members present at the meeting are speaking;
- members of the public calling for points of order;
- refusal to give up the floor to allow other members of the public to ask questions
- demanding to ask questions before others in contradiction of an order by the presiding person;
- refusal to accede to a presiding member's instructions, particularly when asked to desist from disruptive behaviour;
- use of abusive and/or inflammatory language when addressing council with a question or making a statement;
- unnecessarily repetitive questioning;
- aggressive/threatening behaviour towards either elected members, council staff or members of the public.

'Council Meeting' means: a meeting convened and conducted under the provisions of the Local Government Act 1995.

'Council Forum' means: an informal briefing, information session or workshop for elected members which may or may not be held on a regular basis.

Policy Administration

Responsible Directorate/Division: Chief Executive Officer

Author/Contact Officer Position: Chief Executive Officer

Relevant Delegation: Not Applicable

Relevant Legislation: Local Government Act 1995 (Section 5.41d)
WA Criminal Code (Section 70A)
Police Act 1892 (Section 49)
Criminal Procedure Act 2004 (Section 74)

Relevant Documents:

Date Adopted: 28 January 2016

Reviews/Amendments

G 2.4 PETITIONS

Policy Objective

To set out the standards for submission of petitions to the Shire of York, their receipt and response to matters raised.

Policy Scope:

This policy applies to all petitions to the Shire of York, other than requests for the calling of special meetings under the Local Government (Administration) Regulations – Regulation 16.

Policy Statement:

Introduction:

Petitions inform the Council, in a public way, of the views of a section of the community and serve as one means of placing community concerns before Council.

Electors of the Shire of York may petition the Council to take some form of action over a particular issue. For example, petitions may ask the Council to change an existing policy, local law or recent decision, or for the Council to take action for a certain purpose or for the benefit of particular persons. The subject of a petition must be a matter on which the Council has the power to act.

Shire of York Standing Order 3.4.provides for the Council to receive petitions. This policy sets out the standards and requirements for petitions and the process for responding to matters raised.

Principles

- (a) Petitions to the Shire will be received in a positive manner.
- (b) A response to a petition will be made in a timely manner.
- (c) Any response to a petition will actively seek positive outcomes which accommodate as much as possible the concerns of the petitioners, provided that response can be delivered in a way that is consistent with Shire budget decisions and approved annual programs and regulatory accountabilities.
- (d) If a petition relates to a matter currently under consideration by the Council for decision, or to a matter currently being consulted upon, the petition information will be included as an input into any report to Council on that process

Provisions

1. Preparing and Presenting a Petition

1.1 Petitions must contain the information set out in Clause 3.4 of the Shire of York Standing Orders Local Law 1999.

Clause 3.4 Standing Orders

To be presented to Council, a petition is to:

- be addressed to the President of the Shire
- be made by electors of the district;
- state the request on each page of the petition;
- contain the name, address and signature of each elector making the request, and the date each elector signed;
- contain a summary of the reasons for the request; and
- state the name of the person to whom, and an address at which, notice to the petitioners can be given.

be in the form prescribed by the Act and Local Government (Constitution) Regulations 1996 if it is –

- (i) a proposal to change the method of filling the office of President;
- (ii) a proposal to create a new district or the boundaries of the Local Government;
- (iii) a request for a poll on a recommended amalgamation;
- (iv) a submission about changes to wards, the name of a district or ward or the number of councillors for a district or ward.
- (v) A petition for a Citizens' Initiated Referendum

1.2 The petition should:

- as far as practicable be prepared in the prescribed form;
- be respectful and temperate in its language and not contain language disrespectful to Council
- be legible;
- not contain any alterations; and
- not have any letters or other documents attached to it; however a covering letter is permissible.

2. Petition Signature Requirements

2.1 A petition is more representative of public feeling if it is signed by as many electors as possible. Although anyone can sign a petition, only those Shire of York electors will be recorded in the official signature count.

An elector is a person who owns or occupies rateable property within the Shire of York and is eligible to vote in Local Government and State Government Elections.

2.2 All the signatures on a petition must meet the following requirements:

- every signature must be written on a page bearing the terms of the petition, or the action requested by the petition;
- signatures must not be copied, pasted or transferred on to the petition nor should they be placed on a blank page on the reverse of a sheet containing the terms of the petition; and
- each signature must be made by the person signing in his or her own handwriting.

3. Petition Presentation

- 3.1 A petition can only be presented to Council at an Ordinary Council Meeting by the Shire President, a Councillor or the Chief Executive Officer.
- 3.2 The person initiating the petition is to forward the petition to the Chief Executive Officer, Shire President or a Councillor prior to the commencement of the Ordinary Council Meeting at which they would like the petition presented.

4. Receipt Of and Response to Petitions

- 4.1 One of the first items of business at a Council Meeting is for the Council to receive any petitions that have been presented. The Chief Executive Officer or Councillor presenting the petition will read out a summary of the reasons for the petition being submitted and the number of signatures within it (if possible)
- 4.2 When the petition is received, no discussion on the matter will take place and the petition will be referred to the Chief Executive Officer for appropriate action.
- 4.3 Every petition presented will be referred to a representative of the Chief Executive Officer responsible for the matter. The Chief Executive Officer will inform the petition initiator of the action proposed in dealing with the petition. An update report will be presented to the next Ordinary meeting of Council identifying the action undertaken in response, or proposed to be taken, for consideration by the Council.
- 4.4 Formal feedback via a letter from the Shire President/ CEO will be made to the initiator of the petition.

Key Terms/Definitions

Policy Administration	
Responsible Directorate/Division:	Chief Executive Officer
Contact Officer Position:	Chief Executive Officer
Relevant Delegation:	Not Applicable
Relevant Legislation:	Shire of York Standing Orders Local Law 1999 (Clause 3.4)
Relevant Documents:	
Date Adopted:	28 January 2016
Reviews/Amendments	

G 2.7 CONDUCT OF COUNCIL FORUMS

Policy Objective

To ensure Council Forums are held in a way that is consistent with principles of transparency and accountability.

Policy Scope:

This policy applies to all Council Forums involving Councillors.

Policy Statement:

Introduction

The Local Government Act 1995 (Part 5) sets out the framework whereby Councillors meet as the governing body for the purpose of decision-making on behalf of the Shire.

It is the intention of the Act that Councils conduct business in a way that:

- is open and transparent
- has a high level of accountability to their community
- is efficient and effective
- occurs with due probity and integrity
- acknowledges relevant community input
- has all available information and professional advice
- occurs with the fullest possible participation of Elected Members.

Formal Council meetings are the mechanism by which elected representatives make decisions on behalf of the community. Agendas are primarily focused on reports requiring decision and there is little room, or sufficient flexibility under Standing Orders, to allow more general discussion and exploration of ideas. Traditionally there have been on going opportunities for general exchange of information between Councillors and Council staff under headings like workshops, information sessions or briefings. More recently and under the guidance of the Department of Local Government and Communities, these informal sessions have been collectively described as Council forums.

The absolute defining difference between a Council formal meeting and a Council forum is that Council can only make decisions in formal meetings held under the auspices of the Local Government Act and under Standing orders.

Councillors must also always be open to receiving information and to new ideas prior to making decisions. This means they must also avoid formal debate in a Council forum because of their obligation to retain an open mind on a matter in a formal meeting. Any perception that there is a pre-determined position puts this basic democratic principle at risk. Council forums must be seen as essentially information exchange opportunities.

Even though these forums will not involve debate or decision, it is important that they are conducted in a way that is consistent with the intention of the Local Government Act in relation to the conduct of business.

This policy sets out the framework for the conduct of these Forums.

Principles

- (a) debate does not occur at a Council forum
- (b) decisions will not be made at a Council Forum.
- (c) Councillors will be required to adhere to the same probity standards that apply to formal meetings held under the Local Government Act 1995.
- (d) forums will be managed under the authority of the Chair in accordance with Standing Orders.

Provisions

1. Types of Council Forums

The Council will operate Forum sessions which will cover the following broad areas:

Concept Considerations

- 1.1 These will involve Councillors and Council staff meeting to discuss and explore philosophies, ideas, strategies and concepts relating to the development of the Shire. Examples of the type of matters concept forums might canvass are:
 - current matters of a local or regional significance
 - matters relating to the future development of the Shire
 - emerging changes to the local government sector and implications for the Shire
 - cross-agency relationships
- 1.2 Members of the public will not be present at these forums.

Agenda Considerations

- 1.3 These are opportunities for the Chief Executive Officer and Council staff to brief Councillors on upcoming agenda items for formal meetings.
- 1.4 Members of the public will not be present at these forums.

Public Interest Forums

- 1.5 The Council may from time to time hold separate Public Interest Forums whereby members of the public can attend to hear the information being provided about a particular matter.

2. General Conduct of Council Forums

- 2.1 The following shall apply to all forums:
- there will be no debate on any matter
 - no decisions will be made
 - Standing Orders will be followed e.g. all matters will be directed through the Presiding Member
 - no member of the public will be present unless it is at a Public Interest Forum. Members of the public will have no right to speak unless invited to do so by the Chair.

3. Town Planning Matters

When a Council is dealing with a town planning matter that is the subject of a formal application, it does so under the powers conferred by the State planning legislation. Council assumes the role of a planning authority and a Councillor the role of a planning commissioner. It is essential that in that role the objectivity of the participating Councillors is maintained and protected, so as not to put any decision process at risk.

- 3.1 A precautionary approach will be taken to inclusion of information briefings on a town planning matter which is under application at a Forum. Information exchange and the ability to question on town planning matters will be included only on issues considered significant to a general locality or the Shire as a whole. This will occur under the Public Forum process only.

4. Development of Key Statutory Documents Under the Local Government Act

Many local authorities have their initial discussions and undertake the early shaping of their key statutory documents such as the Strategic Community Plan and the Corporate Business Plan through a workshop process. This is highly desirable as it allows Councillors to absorb general information and gradually develop ideas and thinking. While there are no decisions made, it is important that the information provided and the developing ideas are documented.

- 4.1 A summary of key themes arising at a Council Forum involving discussion of integrated planning and reporting requirements or key planning documents will be made, for the purpose of input into any further sessions. This information will also be included as background material in any formal report to Council.

Key Terms and Definitions

Not applicable

Policy Administration

Responsible Directorate/Division: Chief Executive Officer

Contact Officer Position: Deputy Chief Executive Officer

Relevant Delegation: Not Applicable

Relevant Legislation:

Relevant Documents: Department of Local Government and Community:
Local Government Operational Guidelines, Number 05,
2004

Date Adopted: 28 January 2016

Reviews/Amendments

G 2.9 COMMUNITY ENGAGEMENT AND CONSULTATION

Policy Objective

To ensure that community consultation and engagement processes are inclusive, consistent and accessible for residents and ratepayers and that the information derived from any process is used effectively to better inform Councillor decision-making.

Policy Scope:

This policy applies to all aspects of Council activity other than formal notification, consultation and decision processes under the Planning and Development Planning Act 2005.

Policy Statement:

Introduction

Good local governance involves communication and trust between decision-makers and the community which they have been elected to represent. Councillors need to be well-informed before making a decision and a key source of information is understanding the feelings, views and attitudes of members of their community as input into their decision-making. This information can be sourced in a number of ways.

Community consultation and engagement is a conscious deliberate process of seeking input from the community about general direction, about an issue or proposal, a proposed work, or about a concept that might underpin a proposed policy.

There are five general levels of engagement – informing, consulting, involving, collaborating and empowering. The latter involves effective delegation of decision-making power. With local government this can only be delegated to a committee of Council and is used most commonly for management committees for facilities and is less appropriate for making decisions about significant issues, broad direction and policy. These five categories are set out in Table 1 with the 'empowering' category noted for information.¹

¹ This summary of categories is derived from the Shire of Broome Community Engagement Framework. This was in turn summarised from the Public Participation Spectrum - International Association for Public Participation.

Table 1: Broad Categories of Community Participation

Engagement Level	Public Participation Goal	Promise to the Public	Example Tools
<i>INFORM</i>	To provide the public with balanced and objective information to assist them to understand problems, alternatives and/ or solutions	'We will keep you informed'	Fact sheets, web sites, open house, media releases, project bulletins
<i>CONSULT</i>	To obtain public feedback on analysis, alternatives and or potential decisions	'We will keep you informed, listen to and acknowledge concerns and provide feedback on how public input influenced decisions'	Public comment Focus groups Surveys Targeted feedback (e.g. specific stakeholders)
<i>INVOLVE</i> <i>(Actively Engage)</i>	To work directly with the public throughout the process to ensure public concerns and aspirations are consistently understood and considered.	'We will work with you to ensure that your concerns and aspirations are directly reflected in alternatives developed and will provide feedback on how public input influenced decisions '	Workshops Project/ strategy planning and design opportunities Steering committees Note: key provision is feedback loops during a process
<i>COLLABORATE</i> <i>(Actively Engage)</i>	To partner with the public in each aspect of the decision, including the development of alternatives and the identification of a preferred solution	We will look to you for direct advice and innovation in, where relevant, defining the problem to be addressed, designing the process, undertaking analysis design and input into formulating recommendations	Advisory groups Consensus building Participatory decision-making Appointees to Council Committees
<i>(EMPOWER)</i>	To delegate decision-making		Council committee with delegated decision-making

This policy sets out:

- a process for determining which level of consultation and engagement is appropriate to the matter at hand and subsequent design of the process;
- the requirements for receiving, analysing and reporting community views to Councillors.
- the requirements for providing feedback to participants and the wider community
- monitoring of consultation and engagement processes

Principles

- (a) The Council is committed to:
- providing reliable and easily understood information to stakeholders and where relevant the wider community as a key step in any community engagement process. This includes access to all submissions into a consultation process.
 - Inclusive consultation and active participation opportunities, where relevant, for Council policy-making and key Council driven projects
 - advocating for inclusive and responsive community engagement processes and projects driven by external agencies and interests which affect the Shire.
- (b) Objectives for and limits to information, consultation and active participation will be identified for all policy making and key projects at the outset. Council will ensure that there is clarity in relation to who will make final decisions, and how and when.
- (c) Consultation will be undertaken as early as possible in any policy process or key project to allow a greater range of policy solutions to emerge and raise the chances of successful implementation. Adequate time will be made available for consultation to be effective.
- (d) Council will ensure adequate financial, human and technical resources are available to ensure effective consultation and participation. The allocation of resources will be considered in relation to broader budgetary restraints and the implications for existing priorities.
- (e) The time and effort expended by members of the community on Council initiated engagement processes will be respected and valued including:
- always ensuring past consultation inputs into similar matters are used to inform a process;
 - designing a process to make involvement as easy as possible for all people
 - providing feedback to active participants on the outcomes of a process
 - co-ordinating processes to avoid, as far as possible, 'consultation fatigue'. Note: this will always be a balance between the need to consult, the desire to be consulted, and the impacts on people's time and energy.
- (f) Council will be accountable for the use made of input from an engagement process. It will ensure that processes are open, transparent and amenable to external scrutiny.
- (g) Any survey undertaken by Council will be designed, carried out, analysed and reported via an independent process.
- (h) All submissions and outputs from a consultation and engagement process will have the status of public information and will be available for public scrutiny.

Provisions

1. Requirement for an Engagement and Consultation Plan

- 1.1 All significant activities undertaken by the Council must have an associated community consultation and engagement plan established at the beginning of the relevant process.

These activities are:

- setting of cross-activity priorities and allocation of high level budgets
- This includes the community strategic plan and the two and four year budgets under the Integrated Planning and Reporting (IPR) process.
- development of issue specific strategies and policies
- advancing major capital projects
- any significant new projects arising between formal review cycles
- property purchase and disposal

Note: the Council has a statutory requirement to consult on property disposal.

- 1.2 The plan will identify:

- the type of engagement approach to be used
- a commentary on usefulness and relevance of previous consultation and engagement to the design of the process (methodology) for the matter at hand
- the broad methodology to be used
- how the plan fits with any DLGC guidelines or standards for consultation and engagement.

2. Determining the Type of Engagement

- 2.1 Table 2 below identifies the broad categories for engagement which must be used for each type of activity. The engagement plan must select a broad engagement category or document reasons for an alternative approach. The basic requirement for informing the community applies to all consultation and engagement processes.
- 2.2 Generally, decisions about adopting major capital projects will be taken as part of the Integrated Planning and Reporting framework. From time to time, a decision to advance a project will arise outside the formal IPR cycle, sometimes linked to an external funding opportunity. When this occurs, if it involves internal budget reallocation, it will affect existing established strategic and budget priorities and consultation will be needed. Table 2 below identifies the broad engagement processes category.

Table 2: Consultation and Engagement Categories

	Engagement (Involvement/ collaboration)	Consultation
Integrated planning and reporting	Visioning, aspirations, priority identification	On draft documents
Strategies/Policies	user/ special interest issues and vision targeted stakeholders	With general community on draft documents
Major Capital Projects		
• high level approval		Via IPR process
• out-of-cycle approval		With general community
• design stage	user design matters targeted stakeholder process	With general community

3. Determining the Appropriate Methodology

- 3.1 Each Engagement and Consultation Plan will set out the broad methodology to be used. This will include:
- timelines
 - stakeholders and groups to be targeted for involvement
 - broad methods/ tools to be used to inform individuals, groups and the wider community
 - broad methods/ tools to be used for engagement and consultation stages where relevant (e.g. media, social media, focus groups, surveys etc.)
 - how Councillors will be involved in the process to support the process.
 - feedback processes
 - the mechanism to be used for summarising and reporting outputs to decision-makers
- 3.2 From time to time, guidelines will be published by the Department of Local Government and Communities for implementing the IPR framework. This may include 'basic', 'intermediate' and 'advanced' standards for associated consultation and engagement. An Engagement and Consultation Plan for any activity must specify the standard being applied.
- 3.3 The Engagement and Consultation Plan will be reported to the Council for final approval, prior to work on any project commencing. The final determination of the consultation and engagement process at a macro-level will be by Councillors. Significant alterations to consultation and engagement methodologies will require formal report back to Council as part of wider project planning and approval processes.

4. Requirements for Receiving and Reporting Community Views to Councillors

- 4.1 Consultation and engagement outputs will be formally reported to the Council at agreed decision points in a process. They will be accompanied by a report which will set out:
- a summary of issues raised by submission, if this process is used
 - the key themes emerging from consultation and engagement
 - implications for any decision required at that point
 - any implications for project design and timing
- 4.2 Councillors will be provided with:
- on-going access to the raw data. Consultation and engagement outputs which are not in submission form will be summarised. Original material will be retained.
 - on-going summaries of issues raised as they emerge, the timing as agreed in the Consultation and Engagement Plan

5. Requirements for Providing Feedback to Participants and the Wider Community

- 5.1 All projects will provide final feedback of decisions in relation to a project where consultation has taken place. This will include:
- a final response letter to active participants thanking them for their participation and providing access to any final reports to Council, the final decisions made and any published documents or publications.
 - provision of access to reports, formal decisions and published documents on the Council website and at the Shire library.

6. Reporting on Consultation/ Engagement Activity and Achieving Best Practice

The Council aspires to best practice in its consultation and engagement activities in the context of the overall organisation capacity.

- 6.1 An annual report will be provided to Council on consultation and engagement activity in the previous year which will summarise:
- the number of Council initiated processes, levels of participation and feedback on the effectiveness and usability of processes from the community perspective;
 - benchmarking against any Department of Local Government and Communities guidelines and standards
 - lessons learnt for the future
 - summarise any externally driven significant consultation and engagement processes and note process issues arising, if any, which may require advocacy by the Shire in the future.

Key Terms and Definitions

Not Applicable.

Policy Administration

Responsible Directorate/Division:	Chief Executive Officer
Contact Officer Position:	Chief Executive Officer
Relevant Delegation:	Not Applicable
Relevant Legislation:	Local Government Act 1995
Relevant Documents:	DLGC Integrated Planning and Reporting Advisory Standard
Date Adopted:	28 January 2016
Reviews/Amendments	

G 3.1 PUBLIC INTEREST DISCLOSURE

Policy Objective:

To provide a clear framework for managing public interest disclosures under the Public Interest Disclosure Act 2003.

Policy Scope:

This policy applies to all Shire of York Councillors and employees.

Policy Statement:

Introduction

It is essential to good governance that there are procedures which support the elimination of corruption, fraud and misconduct in public agencies. The Shire of York has a number of policies which are intended to address risks of fraud corruption and misconduct and to provide mechanisms for people to report matters of concern. The Council's Comprehensive Complaints Policy provides a mechanism for members of the public to identify issues and concerns, including issues of misconduct etc. It sets out a procedure for dealing with any such complaint brought.

It is also important that members of the public, employees of the Shire and Councillors have the ability to disclose matters of concern while being protected from sanctions and impacts on their jobs or livelihood. The Public Disclosure Act 2003 provides that mechanism and sets out the following requirements under Section 23:

- designating a specified person with the authority for receiving disclosures of public interest information
- ensuring the protection from detrimental action of the threat of such action for any employee
- prepare and publish internal procedures relating to these obligations
- comply with the Public Sector Commissioner's minimum code
- report annually to the Public Sector Commissioner

The Shire of York does not tolerate corrupt or other improper conduct, including mismanagement of public resources, in the exercise of the public functions of the Shire. The Shire is committed to the aims and objectives of the Public Interest Disclosure Act 2003.

This Policy sets out the internal procedures to be followed in relation to Public Interest Disclosure.

Principles

- (a) Any employee or Councillor making a public interest disclosure under the Public Interest Disclosure Act or a complaint under the Shire's Comprehensive Complaint Policy which may require investigation by an external body will be actively protected from sanction and reprisal and have access to support during any subsequent process.

- (b) Public interest disclosures relate to the functions of the public authority, public officer or public sector contractor and generally deals with:
- improper conduct
 - an offence against State law
 - a substantial unauthorised or irregular use of public resources
 - a substantial mismanagement of public resources
 - conduct involving a substantial and specific risk of injury to public health, prejudice to public safety or harm to the environment; or
 - conduct relating to matters of administration affecting someone in their personal capacity falling within the jurisdiction of the Ombudsman.
- (c) Public interest disclosures do not include employee grievances or matters relating to the actions of an individual unconnected with the business of the Shire of York

Provisions

1. Public Interest Disclosure (PID) Officer

- 1.1 The person from time to time holding or acting in the position Chief Executive Officer is designated as the Public Interest Disclosure Officer, or PID Officer, of the Shire of York. The PID Officer is responsible for receiving disclosures of public interest information relating to matters falling within the sphere of responsibility of the Shire or York.

2. Maintaining a Public Interest Disclosure Register

- 2.1 The Shire of York will maintain a Public Interest Disclosure Register recording a unique register number and key information for each disclosure. The register will include a summary of information relating to:
- the informant
 - public authorities about which a disclosure is made
 - people named in the disclosure
 - the nature of the disclosure
 - the investigation process and the action, if any, taken
 - communication with the informant
 - disclosure of the informant's identity, if applicable
 - disclosure of the identity of persons named in the disclosure
 - claims of unlawful disclosure of informant's identity or identity of persons named in the disclosure
 - claims of victimisation
 - key dates

3. Investigating a Public Interest Disclosure

- 3.1 The Public Interest Disclosure Officer must investigate a Public Interest Disclosure according to the process and provisions set out by the Public Sector Standards Commissioner.

4. Protection of Informants

Protection Against Reprisal

- 4.1 The Shire of York recognises the value and importance of contributions of employees to enhance administrative and management practices and strongly supports disclosures being made by employees as to corrupt or other improper conduct. The Shire of York will take all reasonable steps to provide protection to staff who make such disclosures from any detrimental action in reprisal for the making of a public interest disclosure. The Shire of York does not tolerate any of its officers, employees or contractors engaging in acts of victimisation or reprisal against those who make public interest disclosures.
- 4.2 The Shire of York will not tolerate any acts of victimisation or reprisal as a result of a person making, or proposing to make, a public interest disclosure. Any victimisation or reprisals must be reported immediately to the Chief Executive Officer or the PID Officer, who must take immediate action to prevent the continuance of this unlawful conduct.
- 4.3 Where victimisation or reprisals are reported, a record of the report and the action taken must be placed on the file relating to the public interest disclosure. Steps taken to prevent acts of victimisation or reprisal should be recorded in a manner that they will be accessible for reference, should legal action be taken against the Shire of York.
- 4.4 Failure to adhere to Employee Code of Conduct requirements to protect informant confidentiality or the taking of any action which could be construed as a reprisal or victimisation of an informant will be treated as a performance management issue.

Confidentiality

- 4.5 The confidentiality requirements in respect a public interest disclosure must be complied with at all times. The disclosure of this identifying information, except in accordance with the Act, is an offence.
- 4.6 All files relating to a public interest disclosure, whether paper or electronic, must be secure and accessible only by authorised persons. Files should carry clear warnings that there are penalties for unauthorised divulgence of information concerning a disclosure. Sensitive information should not be emailed or faxed to machines with general or shared access.

Informant Support

- 4.7 The Council recognises that it can be extremely stressful for an employee to make a public interest disclosure under the Act. Employee support services under the Health and Wellbeing Policy will be offered to an employee during such a process.

5. Continuous Improvement

5.1 Where any matter raised in a formal public interest disclosure involves a failure of internal systems, the system or process will be reviewed as part of the Council's risk management procedures and where appropriate changes will be made to systems and procedures.

Key Terms and Definitions

Not Applicable

Policy Administration

Responsible Directorate/Division:	Chief Executive Officer
Author/Contact Officer Position:	Chief Executive Officer
Relevant Delegation:	Not Applicable
Relevant Legislation:	Public Interest Disclosure Act 2003
Relevant Documents:	
Date Adopted:	28 January 2016
Reviews/Amendments	

G 3.2 FRAUD, CORRUPTION AND MISCONDUCT PREVENTION

Policy Objective:

To develop and maintain a corporate culture and corporate systems which discourage and eliminate the risk of fraud, corruption and misconduct in the undertaking of Shire of York business.

Policy Scope:

This policy applies to all Shire of York Councillors, employees and contractors and to all aspects of Shire of York business.

Policy Statement:

Introduction

It is essential to good governance that there are procedures which support the elimination of corruption, fraud and misconduct in public agencies. The Shire of York has a number of policies which are intended to address risks of fraud corruption and misconduct and to provide mechanisms for people to report matters of concern.

The Shire of York does not tolerate corrupt or other improper conduct, including mismanagement of public resources, in the exercise of the public functions of the Shire. The Shire is committed to the prevention of fraud, corruption and misconduct.

This Policy sets out the requirements to produce and maintain a Fraud, Corruption and Misconduct Prevention Framework and Plan and requirements for reporting to Council and external agencies.

Principles

- (a) A corporate culture which encourages awareness, vigilance and confidence in identifying instances of fraud, corruption and misconduct within a wider culture of encouraging continuous improvement, corporate and individual responsibility, and innovation, is essential to good governance.
- (b) Continuing and regular scrutiny and improvement to corporate systems and accountabilities within a wider risk assessment framework is essential to prevention.
- (c) Breaches of process, standards and codes of conduct while pursued in each instance according to statutory requirements, must also trigger a formal review of risk and improvement opportunities.

Provisions

1. Fraud, Corruption and Misconduct Prevention Framework and Plan

- 1.1 The Shire will develop and maintain a Fraud, Corruption and Misconduct Prevention Framework and Plan [FCMP Plan] which will show how the Shire sets standards, procedures and requirements and how the program for improvement, monitoring and reporting. This Framework will be reviewed:
- by each incoming Council (two yearly),
- or earlier if:
- triggered by the results of an investigation of a breach, or
 - where in the discharge of responsibilities under Regulation 17, Local Government (Audit) Regulations 1996 the Chief Executive considers a review is necessary, or
 - in the course of regular risk assessment practice a new risk is identified and it is judged a review is necessary.
- 1.2 The FCMP Plan will be developed taking into account guidelines or requirements set out by the Office of the Auditor General, the Corruption and Crime Commission, the Public Sector Commissioner and the WA Department of Local Government and Communities. AS 8001-2008 Fraud and Corruption Control will be used as a reference document.
- 1.3 The FCMP Plan will address the following matters:
- risk assessment
 - internal audit
 - planning and resourcing
 - fraud, corruption and misconduct prevention
 - fraud, corruption and misconduct detection
 - responding to detected fraud, corruption and misconduct breaches
 - employee and Councillor communication and education
- 1.4 An annual report on progress on implementation of the Framework will be made to the Council's Audit and Risk Committee.

2. Risk Assessment

- 2.1 An annual probity risk assessment process will be undertaken. Any changes in risk status, or emergence of newly identified risks, will be entered on the risk register with the agreed follow-up requirements. If an area is identified as a medium status or higher risk and not previously addressed in the Framework, a review of the Framework will be undertaken for inclusion.

3. Links to Long Term and Annual Budgeting Processes.

- 3.1 Initiatives identified in the FCMP Plan as having a medium or higher risk assessment and requiring new funding to address the risk identified will be explicitly reported on and considered in the statutory budgeting processes.

3.2 Outcomes of the statutory budgeting processes will be cross-referenced back into the risk assessment process where relevant and into the FCMP Plan.

4. Communication

4.1 A brief report on the implementation of the FCMP Plan and associated data on relevant complaints (See Comprehensive Complaints Policy), public interest disclosures (See Public Interest Disclosures Policy) and breaches, if any, of standards and requirements, will be published annually as part of the Annual Report on the Council website along with the upcoming improvement program for the following year.

Key Terms/Definitions

Fraud means:

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 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 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. (Source AS 8001-2008)

Corruption means:

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 for him or herself, or for another person or entity.

The concept of corruption can also involve corrupt conduct by the entity, or a person purporting to act on behalf of and in the interests of the entity, in order to secure some form of improper advantage for the entity either directly or indirectly. (Source AS 8001-2008)

Misconduct:

Occurs when a public officer abuses their authority for personal gain, causes detriment to another person or acts contrary to the public interest. (Source Corruption and Crime Commission).

Policy Administration

Responsible Directorate/Division:	Deputy Chief Executive
Contact Officer Position:	Deputy Chief Executive
Relevant Delegation:	Not Applicable
Relevant Legislation:	Local Government (Audit) Regulations 1996 (Section 17)
Relevant Documents:	AS 8001-2008 Fraud and Corruption Control
Date Adopted:	28 January 2016
Reviews/Amendments	

G 4.5 ASSET MANAGEMENT

Policy Objective:

To achieve best practice in the management of the Shire of York's infrastructure and physical community assets including:

- ensuring assets are capable of providing the community's desired level of service at an accepted level of risk;
- optimising asset life and replacement;
- making asset investment decisions which support the broader community vision;
- optimising wider cost impacts on the Council's overall financial position
- maintaining a level of flexibility around technical design which allows the community to respond to significant change over time.

Policy Scope:

This policy applies to all physical assets owned by the Shire of York.

Policy Statement:

Introduction

The primary physical assets of the Shire of York are: roads, footpaths, street lighting, buildings, plant, vehicles and recreational facilities, along with information and communications technology. It is through these assets that significant services are delivered to the community.

Maintenance and renewal of existing assets makes up a very large part of the Shire of York expenditure. Failure to undertake planned maintenance or maintenance generally can lead to asset decline and bring forward the time when assets need to be replaced. Optimising asset life through understanding asset condition can avoid significant and unnecessary early replacement costs. Judging the fine line between anticipated asset life, actual asset condition, maintenance regimes and replacement lies at the heart of asset management practice.

Community decisions about desired levels of service relative to cost impacts, will also determine the level of investment in either new assets or the capacity upgrade of existing assets.

Making decisions about this kind of investment also a whole of life approach. It is essential that the Council's long term financial planning and budgeting processes take account of the whole of life cost of assets and this requires a good quality asset management base.

This policy sets out the requirements for asset management planning.

Principles

- (a) Confidence in the management of the Shire's assets, the quality of asset information, the links between technical asset standards and levels of service delivery, and the financial information identified as needed to maintain the asset base, is essential to Councillors being able to make informed and robust decisions.

(b) Decisions about asset investment must be informed by a whole of life/ life cycle methodology.

(c) All asset management plans must be structured to provide clear links between levels of service decisions, management regimes and asset funding requirements

(d) Decisions about asset management which have a consequence for the level of service delivered to the community must be explicit, must be made by Councilors and formally consulted on with the community

(e) Decisions about the funding of the maintenance and replacement of assets must be transparent and any decision to defer maintenance or replacement must be formally consulted on.

(f) In consulting the community about asset driven levels of service and new asset investment, the community must be provided with information about whole of life costs.

(g) Asset management will aspire to local government sector best practice for similar sized and resourced Councils.

(h) Risk assessment and management is a fundamental aspect of asset management.

(i) Future asset management investment decisions will explicitly canvass emerging technologies, will address resource efficiency especially energy impacts and opportunities to reduce operating costs, and maintain where appropriate, a level of flexibility which enables Council to respond to changing contexts.

Provisions

1. Asset Management Framework

The Shire will develop and maintain an Asset Management Framework which will be reviewed by each incoming Council (four yearly) in conjunction with the Integrated Planning and Reporting process.

The Framework will address the high level organisational capacity for asset management and identify what standard of asset management planning will be sought in the immediate and medium term.

The Framework will be received by the Audit Committee for their information and approval.

2. Asset Management Improvement Strategy

The Shire will develop and maintain an Asset Management Improvement Strategy (AMIS) which will address the following matters:

- a base line scan of asset management capability and capacity.
- a program addressing improvements needed to achieve Basic, Intermediate or Advanced performance including timeliness and resource needs.

The Plan will be received by the Audit Committee for their information.

The resource needs arising from this Plan will be reported to Council as part of the Integrated Planning and Reporting processes and the development of long term and annual budgets. Final approval of relevant budgets will be cross-referenced back into the Plan once finalised.

3. Links to the Long Term Financial Strategy, the Corporate Business Plan and Annual Budgeting Processes.

As part of the four year review under the integrated planning and reporting process (IPR) all Asset Management Plans will be reviewed along with the Asset Management Improvement Strategy to provide a base line input unto that process.

Where it is known that funding has not kept abreast of required funding set out in the asset management plan, a **levels of service impact statement** will be prepared as input into the IPR process. This will include:

- a statement of the required funding (and timing) needed for asset maintenance and renewals in order to maintain levels of service
- a description of the level of service that would be provided if funding is maintained at the current levels.

Where the IPR preparation process identifies potential new levels of service involving physical assets that may be adopted by Council, an **asset management impact statement** will be prepared which sets out the asset management implications and anticipated funding needs. This information will be used as information to inform Councillors in the process of preparation of a draft long term financial plan and the corporate business plan.

4. Monitoring and Reporting

The Audit Committee shall be provided with a report on the implementation of the Asset Management Improvement Strategy on an annual basis.

5. Communication

A brief report on the implementation of the Asset Management Improvement Strategy will be published annually on the Council website along with the upcoming improvement program for the following year.

Key Terms/Definitions

Not applicable.

Policy Administration	Responsible Directorate/Division:	Works
	Author/Contact Officer Position:	Works Manager
	Relevant Delegation:	Not Applicable
	Relevant Legislation:	Local Government Act 1995 Section 56.1 Local Government (Administration) Regulations
	Relevant Documents:	Department of Local Government and Communities, Integrated Planning and Reporting, Advisory Standard.
	Date Adopted:	28 January 2016
	Reviews/Amendments	

G 4.6 RISK ASSESSMENT AND MANAGEMENT

Policy Objective:

To develop and maintain an organisational culture which shows confidence in the use of risk assessment and management tools in:

- the effective and efficient delivery of agreed levels of service;
- maintaining financial sustainability;
- ensuring a high level of probity in the conduct of Shire of York business;
- developing and maintaining an effective and positive relationship between Council and the community;
- exploring future pressures and long term trends which may affect or shape future strategic direction.

To undertake risk management in a way that enables the Council in partnership with the community, to make bold decisions for the community's future with a high level of confidence that key risks have been taken into account and where relevant, are being, or have been, mitigated.

To ensure that appropriate risk assessment and management provisions are in place in order to satisfy statutory requirements.

Policy Scope:

This policy applies to all aspects of Shire of York business.

Policy Statement:

Introduction:

The Shire of York is committed to organisation-wide risk management principles, systems and processes that ensure consistent, efficient and effective management of risk in all planning, decision-making and operational processes.

Inherent in every decision made by the Councillors, or by the Shire organisation is achieving a balance between delivering on strategic direction and vision and desired levels of service and recognising, managing and offsetting risks (if any) that might accompany the desired action. In many cases the actions and processes are simple and straightforward and provided processes are robust and those that administer them are aware of potential complexities and issues, risks are minimal and easy to manage. Other issues are more complex, or the environment in which services operate are subject to rapid change and emerging trends.

A structured approach to risk management assessment, the use of the risk assessments in decision-making and consequent risk mitigation is in common usage in a range of areas, with

a growing and expected use in local government activity. The challenge is to make use of risk management methodologies at a level that engenders confidence as decisions are made but does not stifle new ideas and the setting of a community's vision. Provided the level of risk is known, the Council and community can be clear about the level of risk they are prepared to work with, effectively the 'risk appetite'.

This policy sets out the requirements to develop and maintain a risk assessment framework and process, to apply this framework to key aspects of Council business and to monitor and report on identified risks in a timely manner.

Principles

- (a) a corporate culture which encourages, is aware, vigilant and confident in identifying risk within a wider culture of encouraging continuous improvement, corporate and individual responsibility, and innovation, is essential to good governance.
- (b) risk assessment methodologies must be used as a tool to assist rather than supplant decision-making. Ultimate decisions about 'risk-appetite' are made at all times by Councillors.
- (c) Risk assessment methodologies must be 'fit for purpose' and at a scale that the Shire of York can manage at a reasonable time and resource cost.
- (d) Risk assessment should help drive levels of reporting to Councillors on key projects and programmes.
- (e) A positive relationship with the community with clear communication of vision and risk, alongside consultation where relevant, is central to assisting the Council to identify its risk appetite and make decisions balancing the two considerations.

Provisions

1. Risk Assessment Framework

1.1 The Shire will develop and maintain a Risk Assessment Framework. The Framework will be reviewed by each incoming Council (four yearly) in conjunction with the Integrated Planning and Reporting process.

1.2 The Framework will address the following matters:

- the high level organisational capacity for risk assessment and whether the Council is aiming to achieve Basic or Advanced Standard risk assessment performance in the immediate and medium term.
- the structure for analysing risk to current Council delivery and systems (i.e. the breakdown of Council activity into categories which will undergo risk assessment).

- the structure for analysing and reporting on risks which may affect vision, capacity to deliver, or overall of key strategic decisions (strategic risk) (Key input into the Corporate Business Plan process)
- the high level risk assessment methodology to be used, taking into account whether the Risk Assessment Improvement Plan is seeking to achieve Basic, Intermediate or Advanced risk assessment performance
- the organisational responsibilities for oversight of risk assessment and reporting and the Risk Assessment Improvement Plan.
- the risk trigger for reporting capital and operational project activity to Council and the frequency of reporting.
- a clear statement of the Council's 'risk appetite'

1.3 The Framework will be received and approved by the Audit and Risk Committee.

2. Risk Assessment Improvement Plan

2.1 The Shire will develop and maintain a Risk Management Improvement Plan (RMIP) which will address the following matters:

- a base line scan of risk assessment capability and capacity. This should include consideration of employee capability and support system capability
- a programme addressing improvements needed to achieve required performance including timelines and resource needs
- targeted and practical training programmes to raise staff understanding of risk assessment thinking and systems. This will include provision for awareness training around probity issues.

2.2 The Plan will be received and approved by the Audit Committee. Note: approval of the Plan will not imply approval of required resource and funding in any strategic planning and budgeting processes.

2.3 This Plan will be reported to Council as part of the Integrated Planning and Reporting processes and the development of long term and annual budgets, identifying resource needs. Final approval of relevant budgets will be cross-referenced back into the Plan once finalised.

3. General Risk Assessment

3.1 A programme for undertaking a risk assessment of the agreed categories set out in the Framework will be approved by the Audit Committee annually. At a minimum, a full risk assessment of all activities and processes will be undertaken every four years and will provide input into the IPR process.

3.2 The outcomes of any risk assessment along with the proposed programme for improvement will be reported to the Audit Committee.

3.3 A Risk Register will be maintained for all activities and projects identified as having a medium risk or higher. Any changes in risk status, or emergence of newly identified risks, will be entered on the risk register with the agreed follow-up requirements.

3.4 Any issues relating to risk management identified through audit processes or the Local Government (Audit) Regulations 1996 S17 review process will be entered on the risk register and updated in the Risk Assessment Improvement Strategy.

4. Risk Assessment: Significant Projects and Programmes

4.1 All projects and programmes which are of strategic significance to the Council and community and/ or involve significant capital and operating expenditure are required to undertake a risk assessment.

4.2 The identification of strategically significant projects and programmes and expenditure thresholds will be made by the Council.

5. Links to Corporate Business Plan, the Long Term Financial Strategy and Annual Budgeting Processes.

5.1 Identified risks which may have an impact on the capacity to deliver on the community strategic vision or Council's implementation intentions will be reported as an input into the corporate business planning process.

5.2 Categories identified in the Framework as having a medium or higher risk assessment and requiring new funding to address the risk identified will be explicitly reported on and considered in corporate business planning process and statutory budgeting processes.

5.3 Projects and programmes assessed under Section 4 must include explicit reference to risk mitigation strategies and associated costs as input into corporate business planning process and statutory budgeting processes. This may be expressed as a contingency component, provided that there are explicit links to risk.

6. Monitoring and Reporting

6.1 A review of the Council's risk assessment and management systems will be undertaken as part of the Section 17 requirements under the Local Government Act (Audit) Regulations.

6.2 The Audit Committee shall be provided with the following reports on an annual basis:

- Implementation of the Risk Assessment Improvement Plan
- Implementation of required system and other improvements arising out of any risk assessment process for the Framework categories

7. Communication

7.1 A brief report on the implementation of the Risk Management Improvement Plan will be published annually on the Council website along with the upcoming improvement programme for the following year.

Key Terms/Definitions

Risk means “the effect of uncertainty on objectives.” AS/NZS ISO 31000:2009. 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.

Risk Assessment means the process of applying risk management methodologies to assess the level of risk in a particular or general circumstance, activity or operation, or decision.

Risk Management means: the application of coordinated activities to direct and control an organisation with regard to risk.

	Policy Administration
Responsible Directorate/Division:	Chief Executive
Author/Contact Officer Position:	Deputy Chief Executive Officer
Relevant Delegation:	Not Applicable
Relevant Legislation	Local Government Act 1995 Local Government (Audit) Regulations 1996
Date Adopted:	28 January 2016
Reviews/Amendments	
Replaces:	Risk Management Policy Adopted 21 August 2006 – Council Resolution 190806

