



SHIRE OF YORK

NOTICE OF MEETING

Dear Councillors

I respectfully advise that the ORDINARY COUNCIL MEETING will be held in Talbot Hall, Talbot on Tuesday, 27 April 2021, commencing at 5.00pm.

MEETING AGENDA ATTACHED

Chris Linnell

CHRIS LINNELL
CHIEF EXECUTIVE OFFICER
Date: 16 April 2021

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<h3>MISSION STATEMENT</h3>
<p><i>"Building on our history to create our future"</i></p>

Local Government Act 1995 (as amended)**Part 1 Introductory Matters**

1.3. Content and intent

- (1) This Act provides for a system of local government by —
 - (a) providing for the constitution of elected local governments in the State;
 - (b) describing the functions of local governments;
 - (c) providing for the conduct of elections and other polls; and
 - (d) providing a framework for the administration and financial management of local governments and for the scrutiny of their affairs.
- (2) This Act is intended to result in —
 - (a) better decision making by local governments;
 - (b) greater community participation in the decisions and affairs of local governments;
 - (c) greater accountability of local governments to their communities; and
 - (d) more efficient and effective local government.
- (3) In carrying out its functions a local government is to use its best endeavours to meet the needs of the current and future generations through an integration of environmental protection, social advancement and economic prosperity.

Part 2 Constitution of Local Government**Division 2 Local Governments and Councils of Local Governments**

2.7 The Role of Council

- (1) The Council —
 - (a) directs and controls the Local Government's affairs; and
 - (b) is responsible for the performance of the Local Government's functions.
- (2) Without limiting subsection (1), the Council is to —
 - (a) oversee the allocation of the Local Government's finances and resources; and
 - (b) determine the Local Government's policies.

Meetings generally open to the public

5.1. (1) Subject to subsection (2), the following are to be open to members of the public —

- (a) all council meetings; and
- (b) all meetings of any committee to which a local government power or duty has been delegated.

- (2) If a meeting is being held by a council or by a committee referred to in subsection (1) (b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —
 - (a) a matter affecting an employee or employees;
 - (b) the personal affairs of any person;
 - (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;
 - (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;
 - (e) a matter that if disclosed, would reveal —
 - (i) a trade secret;
 - (ii) information that has a commercial value to a person; or
 - (iii) information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government;
 - (f) a matter that if disclosed, could be reasonably expected to —

- (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;
- (ii) endanger the security of the local government's property; or
- (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety;
- (g) information which is the subject of a direction given under section 23 (1a) of the Parliamentary Commissioner Act 1971; and
- (h) such other matters as may be prescribed.

(3) A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.



Shire of York

G 2.6 PUBLIC QUESTION TIME

Policy Statement

- 1.0 "Public Question Time" will be limited to 15 minutes*. The Council may exercise a discretion to extend the time by resolution if required. If there are questions remaining unasked at the expiration of the time allotted members of the public will be asked to submit their questions in writing to the Chief Executive Officer who will provide a written reply with the response placed in the Agenda of the next Ordinary Meeting of the Council.
** A minimum of 15 minutes is provided by Regulation 6(1) of the Local Government (Administration) Regulations 1996 (S.5.24 of the Local Government Act 1995)*
- 2.0 Questions may be asked at the Ordinary Council Meeting and any Committee meeting on any matter affecting the Council and the Shire's operations. Questions submitted to Special Meetings of the Council will be restricted to the subject matter of the meeting.
- 3.0 Each questioner will be limited to two (2) questions. Statements or long preamble are not permitted.
- 4.0 People wishing to ask questions will be encouraged to put their questions in writing or in a prescribed form and submit them to the Chief Executive Officer prior to 10 am on the day of the meeting. This allows for an informed response to be given at the meeting. Oral questions are permitted.
- 5.0 Priority will be given to questions about matters on the agenda for the meeting and which are submitted in accordance with 4.0 above.
- 6.0 Every person who wishes to ask a question must identify themselves and register with a Council Officer immediately prior to the meeting. Subject to 5.0 above questions will be taken in the order in which people register.
- 7.0 Questions containing offensive remarks, reference to the personal affairs or actions of Elected Members or staff, or which relate to confidential matters or legal action will not be accepted. Questions that the Presiding Member considers have been answered by earlier questions at the meeting or earlier meetings may not be accepted.
- 8.0 On receipt of a question the Presiding Member may answer the question or direct it to the Chief Executive Officer to answer. If the question is of a technical nature the Chief Executive Officer may direct the question to a senior technical officer present. If the question requires research it will be taken on notice.
- 9.0 There will be no debate on the answers to questions.
- 10.0 A summary of the question and the answer will be recorded in the minutes of the Council meeting at which the question was asked.
- 11.0 Public Question Time guidelines incorporating this policy are being prepared and will include information on the other methods of enquiry that are available to members of the public to obtain information from the Shire.

Adopted 21 October 2013

Amended 17 September 2015

Amended 23 November 2015

Reviewed 24 October 2016

PUBLIC QUESTION TIME PROFORMA

CONTINUED

Question(s)

Please ensure that your question complies with the Public Question Time Policy Statement as published in the Council Agenda and stated as per the attached

Name: _____

Residential Address: _____
(Required if written response requested)

Organization Name: _____
(If presenting on behalf of)

Council _____ **Item No. Referred To:** _____
Meeting Date: _____ **(If Applicable)** _____

Write your question(s) as clearly and concisely as possible – lengthy questions may be paraphrased.

Note: *To provide equal opportunity for all in attendance to ask questions, a limit of two (2) questions at a time from any one person is imposed.*

Signature: _____ Date: _____

Date: _____

OFFICE USE ONLY

Presented Meeting Date: _____ Item No: _____

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The York Shire Council acknowledges the traditional owners of the land on which this meeting will be held.

This meeting is being recorded on a digital audio devise to assist with minute taking purposes. The public is reminded that in accordance with Section 6.16 of the Shire of York Local Government (Council Meetings) Local Law 2016 that nobody shall use any visual or vocal recording device or instrument to record the proceedings of Council without the written permission of the presiding member.

1 OPENING

- 1.1 Declaration of Opening
- 1.2 Disclaimer

The Shire President advises the following:

"I wish to draw attention to the Disclaimer Notice contained within the agenda document and advise members of the public that any decisions made at the meeting today, can be revoked, pursuant to the Local Government Act 1995.

Therefore members of the public should not rely on any decisions until formal notification in writing by Council has been received. Any plans or documents in agendas and minutes may be subject to copyright. The express permission of the copyright owner must be obtained before copying any copyright material."

- 1.3 Standing Orders
- 1.4 Announcement of Visitors
- 1.5 Declarations of Interest that Might Cause a Conflict

Councillors/Staff are reminded of the requirements of s5.65 of the Local Government Act 1995, to disclose any interest during the meeting when the matter is discussed and also of the requirement to disclose an interest affecting impartiality under the Shire of York's Code of Conduct.

Name	Item No & Title	Nature of Interest (and extent, where appropriate)

1.6 Declaration of Financial Interests

A declaration under this section requires that the nature of the interest must be disclosed. Consequently a member who has made a declaration must not preside, participate in, or be present during any discussion or decision making procedure relating to the matter the subject of the declaration.

Other members may allow participation of the declarant if the member further discloses the extent of the interest and the other members decide that the interest is trivial or insignificant or is common to a significant number of electors or ratepayers.

Name	Item No & Title	Nature of Interest (and extent, where appropriate)

1.7 Disclosure of Interests that May Affect Impartiality

Councillors and staff are required (Code of Conduct), in addition to declaring any financial interest, to declare any interest that might cause a conflict. The member/employee is also encouraged to disclose the nature of the interest. The member/employee must consider the nature and extent of the interest and whether it will affect their impartiality. If the member/employee declares that their impartiality will not be affected then they may participate in the decision making process.

Name	Item No & Title	Nature of Interest (and extent, where appropriate)

2 ATTENDANCE

- 2.1 Members
- 2.2 Staff
- 2.3 Apologies
- 2.4 Leave of Absence Previously Approved
- 2.5 Number of People in the Gallery at Commencement of Meeting

3 QUESTIONS FROM PREVIOUS MEETINGS

- 3.1 Response to Previous Public Questions Taken on Notice

**Mr Mike Gill
On behalf of Avon Civil Engineering**

Question 6

Via FOI it has been identified that the Shire Specification did not call for Foundation Preparation and Testing, yet Main Roads Specification 302.51 clearly states that embankment construction must not take place without Foundation Preparation and Testing, with testing results being submitted to the Superintendent for approval.

Can you explain why the Shire has utilised a sub standard specification that allowed a contractor to construct road widening on an uncompacted foundation?

Response provided by the Chief Executive Officer:

No - I cannot explain why this has occurred. Currently the Shire is preparing guidelines that will include checks (quality) to ensure that this issue does not happen again. This will include conforming to Main Roads WA Standards, specifically Specification 201 where feasible. Where not feasible the Shire will engage a qualified engineer to provide the modified specification, have independent inspection and testing and require as constructed drawings.

Question 7

In your response you have stated that the Shire does not need to conform to Main Roads Specifications and that the Wheatbelt North Regional Road Group, Policy and Procedure Manual states “4.3 Road Standards: Local Governments should endeavour to meet Austroads Design Guidelines.”

Can you confirm that the Austroads Guidelines define constructing a road on an uncompact foundation as being an acceptable practice?

Response provided by the Chief Executive Officer:

The Shire of York does not agree that constructing a road on an uncompact foundation as being an acceptable practice. As mentioned in the response to question 6, the Shire is currently preparing guidelines that will include checks (quality) to ensure that this issue does not happen again. This will include working towards the use of Main Roads WA Standards, specifically Specification 201 where feasible.

Mr Simon Saint

Question 3

On 17 March and 23 March 2021, I wrote to the SOY administration asking the following question:

“Could you give me a breakdown of what the annual rates increases were for the financial years 2010-2011 to 2018-2019?”

On both occasions, I received neither an acknowledgement nor a response. Can Council provide a response to the question?

Response provided by the Executive Manager, Corporate and Community Services:

A written response was provided to Mr Saint on 25 March 2021, as follows:

I have attached a spreadsheet showing the rates increases from 2010/11 to the last financial year. The general rates column shows the split between the UV and GRV rates. The Increase total yield column is the total of the UV and GRV rates received at the Shire, and the percentage change from the previous year. The increase to RiD (Rate in the Dollar) is the change levied by Council. This does not always equate to the increase in yield due to changes in UV and GRV.

RATES INCREASES 2010/11 TO 2020/21								
Year	General Rates		Increase to total Yield		Increase to RiD**			
	UV	GRV	Annual Yield	%	UV	%	GRV	%
2010/11	1,455,038	1,800,549	3,255,587	8.12%	0.004863	3.49%	0.107943	2.82%
2011/12*	1,583,709	1,889,956	3,473,665	6.70%	0.005300	8.99%	0.075177	-30.35%
2012/13	1,692,521	2,032,419	3,724,940	7.23%	0.005700	7.55%	0.081500	8.41%
2013/14	1,751,966	2,222,466	3,974,432	6.70%	0.006944	21.82%	0.088821	8.98%
2014/15	2,035,810	2,579,460	4,615,270	16.12%	0.007777	12.00%	0.099948	12.53%
2015/16	2,226,043	2,827,685	5,053,728	9.50%	0.008657	11.32%	0.113892	13.95%
2016/17*	2,271,161	3,159,962	5,431,123	7.47%	0.008900	2.81%	0.116700	2.47%
2017/18	2,320,461	3,222,782	5,543,243	2.06%	0.009000	1.12%	0.118500	1.54%
2018/19	2,439,493	3,282,867	5,722,360	3.23%	0.009186	2.07%	0.120860	1.99%
2019/20	2,518,598	3,358,770	5,877,368	2.71%	0.009416	2.50%	0.123882	2.50%
2020/21	2,616,266	3,366,761	5,983,027	1.80%	0.009416	0.00%	0.123882	0.00%

* GRV revaluation year - each year, Landgate revalues UV rated properties. Revaluations for GRV rated properties are undertaken every 3 to five years. UV = Unimproved Value GRV = Gross Rental Value
** the reported percentages apply to the changes to the rate in the dollar only i.e. not the changes to minimum rates.

3.2 Response to Unasked Questions from the Previous Meeting

Nil

4 PUBLIC QUESTION TIME

Public Question Time is conducted in accordance with the Act and Regulations. In addition to this the Shire's Council Meetings Local Law 2016 states –

6.7 Other procedures for question time for the public

- (1) A member of the public who wishes to ask a question during question time must identify themselves and register with a Council Officer immediately prior to the meeting.
- (2) A question may be taken on notice by the Council for later response.
- (3) When a question is taken on notice the CEO is to ensure that—
 - (a) a response is given to the member of the public in writing; and
 - (b) a summary of the response is included in the agenda of the next meeting of the Council.
- (4) Where a question relating to a matter in which a relevant person has an interest is directed to the relevant person, the relevant person is to—
 - (a) declare that he or she has an interest in the matter; and
 - (b) allow another person to respond to the question.
- (5) Each member of the public with a question is entitled to ask up to 2 questions before other members of the public will be invited to ask their questions.
- (6) Where a member of the public provides written questions then the Presiding Member may elect for the questions to be responded to as normal business correspondence.
- (7) The Presiding Member may decide that a public question shall not be responded to where—
 - (a) the same or similar question was asked at a previous meeting, a response was provided and the member of the public is directed to the minutes of the meeting at which the response was provided;
 - (b) the member of the public uses public question time to make a statement, provided that the Presiding Member has taken all reasonable steps to assist the member of the public to phrase the statement as a question; or
 - (c) the member of the public asks a question that is offensive or defamatory in nature, provided that the Presiding Member has taken all reasonable steps to assist the member of the public to phrase the question in a manner that is not offensive or defamatory.
- (8) A member of the public shall have 2 minutes to submit a question.
- (9) The Council, by resolution, may agree to extend public question time.
- (10) Where any questions remain unasked at the end of public question time they may be submitted to the CEO who will reply in writing and include the questions and answers in the agenda for the next ordinary Council meeting.
- (11) Where an answer to a question is given at a meeting, a summary of the question and the answer is to be included in the minutes.

4.1 Written Questions – Current Agenda

4.2 Public Question Time

5 APPLICATIONS FOR LEAVE OF ABSENCE

6 PRESENTATIONS

- 6.1 Petitions
- 6.2 Presentations
- 6.3 Deputations
- 6.4 Delegates' reports

7 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Ordinary Council Meeting - 23 March 2021

Confirmation

That the minutes of the Ordinary Council Meeting held on 23 March 2021 be confirmed as a correct record of proceedings.

8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Nil

9 OFFICER'S REPORTS

SY031-04/21 PROPOSED SUBDIVISION: LOT 120 (145) AVON TERRACE, YORK

File Number: AV1.6040

Author: Carly Shaddick, Senior Planner

Authoriser: Alina Behan, Executive Manager Corporate & Community Services

Previously before Council: N/A

Appendices:

1. Site Plan
2. Subdivision Plan

NATURE OF COUNCIL'S ROLE IN THE MATTER

Quasi-judicial.

PURPOSE OF REPORT

For Council to provide a response to the Western Australian Planning Commission regarding the proposed subdivision of Lot 120 (145) Avon Terrace, York into two lots.

BACKGROUND

The Western Australian Planning Commission (WAPC) forwarded the proposed subdivision of Lot 120 (145) Avon Terrace, York (Lot 120) into two lots to the Shire requesting comments be provided by 30 April 2021.

Lot 120 contains the York Palace Hotel and Motel Units developed at the rear.

The application has been presented to Council for consideration as the issues relating to carparking are beyond the Officer's delegation.

COMMENTS AND DETAILS

Lot 120 is 2,883m² in area. The subdivision proposes to divide the property into two lots:

- Lot 1 (1,908m²) which will contain the 15 Motel Units facing Macartney Street, approximately 26 constructed car parking bays accessed from Howick Street, laundry building and bin store area.
- Lot 2 (975m²) which will contain the existing Hotel facing Avon Terrace and eight car parking bays at the rear accessed via Macartney Street.

The Shire is required to provide comment on the proposed subdivision to the WAPC by 30 April 2021.

Relevant considerations for the subdivision proposal are summarised below.

Land Use, Lot Layout, Car Parking & Access

The land is zoned 'Regional Town Centre' by the Shire of York Local Planning Scheme No. 3.

Schedule 6 of the Scheme provides that the minimum frontage and lot size in this zone is at the discretion of the local government and is to be generally consistent with existing lots and development in the vicinity. A nil building setback to lot boundaries is permitted.

The lot size and layout are generally consistent with existing lots and development in the vicinity.

Existing uses onsite consist of a 'Hotel' facing Avon Terrace and the 'Motel' facing Macartney Street.

Planning approval was issued on 16 October 2008 for the Motel Units subject to conditions, which included the provision of 45 car parking bays onsite for use by patrons, or construction of parking bays within vicinity of the hotel or the provision of a cash in lieu payment. The development plans show 37 bays being provided onsite, with the short fall intended to be provided in Neville Street.

There is no record of the bays being provided on Neville Street, or payment of cash in lieu to the Shire. The car parking requirements were calculated based on the requirements of Shire of York Town Planning Scheme No. 2 in force at that time, which was based on the following being provided:

- Motel – 1 space per bedroom (15 bays).
- Visitor's Parking – 1 space per 4 dwellings (3 bays).
- Current Hotel Rooms – 1 space per bedroom (7 bays).
- Hotel Café – 1 bay per 4 persons (10 bays).
- Hotel Courtyard Area – 22 spaces for every 100m² (10 bays).

The proposed subdivision will result in only eight car parking bays being located on proposed Lot 2 for use of the Hotel, which is inconsistent with the distribution of parking bays per land use anticipated by the planning approval.

While it is Planning Scheme 2 that applies in this instance, it is noted that the recently adopted Shire of York Local Planning Scheme No. 3 has reduced the parking required, however a shortfall of parking for the Hotel on proposed Lot 2 would still occur as a result of the subdivision.

On this basis, it is recommended that the proposed subdivision in its current format not be supported as it is inconsistent with the existing planning approval issued on 16 October 2008 and will not comply with parking requirements of Local Planning Scheme No. 3. However, should arrangements be proposed (such as common property or an easement) which would allow for shared use of the existing car parking bays this would resolve the matter and approval would be recommended.

Should the subdivision be approved, in accordance with WAPC Development Control Policy 1.7 General Road Planning, truncations on the corner of Macartney and Howick Street, and any footpath area external to the building on the Avon Terrace and Macartney Street intersection should be ceded as a Road Reserve as a condition of approval.

Heritage Considerations

The property is located within the York Town Centre Heritage Protection Area, where the property, known as the Palace Hotel (fmr), is identified as making 'some' contribution.

The Palace is listed as having significance to the area because, although most of the aesthetic of the hotel building is a reconstruction and lacks authenticity, its form and presence makes a contribution to the York Town Centre. The proposed subdivision will result in the Hotel being located wholly on Lot 2, and the Motel Units constructed in 2009 on Lot 1.

The proposed subdivision will preserve the identified heritage values of the area and the property.

Servicing and Utilities

The proposed lots will maintain or be provided with adequate connections for water, sewer and stormwater management.

Schedule 4, Clause 10(c) of the Scheme requires an enclosed bin storage area be provided in a location accessible to rubbish collection vehicles and in a position where vehicular access and carparking would not be adversely affected. The subdivision will result in the existing bin store being located within proposed Lot 1. An enclosed bin store will then be required for proposed Lot 2, which would require prior development approval to ensure it can be adequately located before a subdivision would be supported. Alternatively, arrangements for shared use of the existing bin store such as easement or common property would resolve the matter and would be supported.

OPTIONS

The following options are available to Council:

Option 1: Council could direct the Chief Executive Officer to advise the WAPC that it does not support the subdivision for the listed reasons and advise that it would support the subdivision subject to arrangements being made for shared use of car parking bays and bin store.

Option 2: Council could direct the Chief Executive Officer to advise the WAPC that it does supports the proposed subdivision as proposed. Noting that this option (without modifications being made) does not comply with existing planning approval(s) and the Scheme.

Option 3: Council could support or not support the subdivision with amended reasons or conditions.

Option 1 is the recommended option.

IMPLICATIONS TO CONSIDER

Consultative

The Shire is required to provide a response to the WAPC on the proposed subdivision. No other consultation is required.

Strategic

The Shire of York Strategic Community Plan 2020 – 2030 has the following goals:

Goal 2: *Driving the York Economy Forward*

To have a vibrant, diverse and prosperous local economy which creates local jobs, business opportunities and a positive image for the Shire.

Goal 4: *Built for Lifestyle and Resilience*

To have a built environment which supports community, economy and the environment, respects the past and creates a resilient future.

Policy Related

There are no policy implications associated with the Officer's recommendation.

Financial

There are no financial implications associated with the Officer's recommendation

Legal and Statutory

There are no legal and statutory implications associated with the Officer's recommendation.

Risk Related

There are no medium to high risks identified with the Officers recommendation that warrant further discussion.

Workforce

There are no workforce implications associated with the Officer's recommendation.

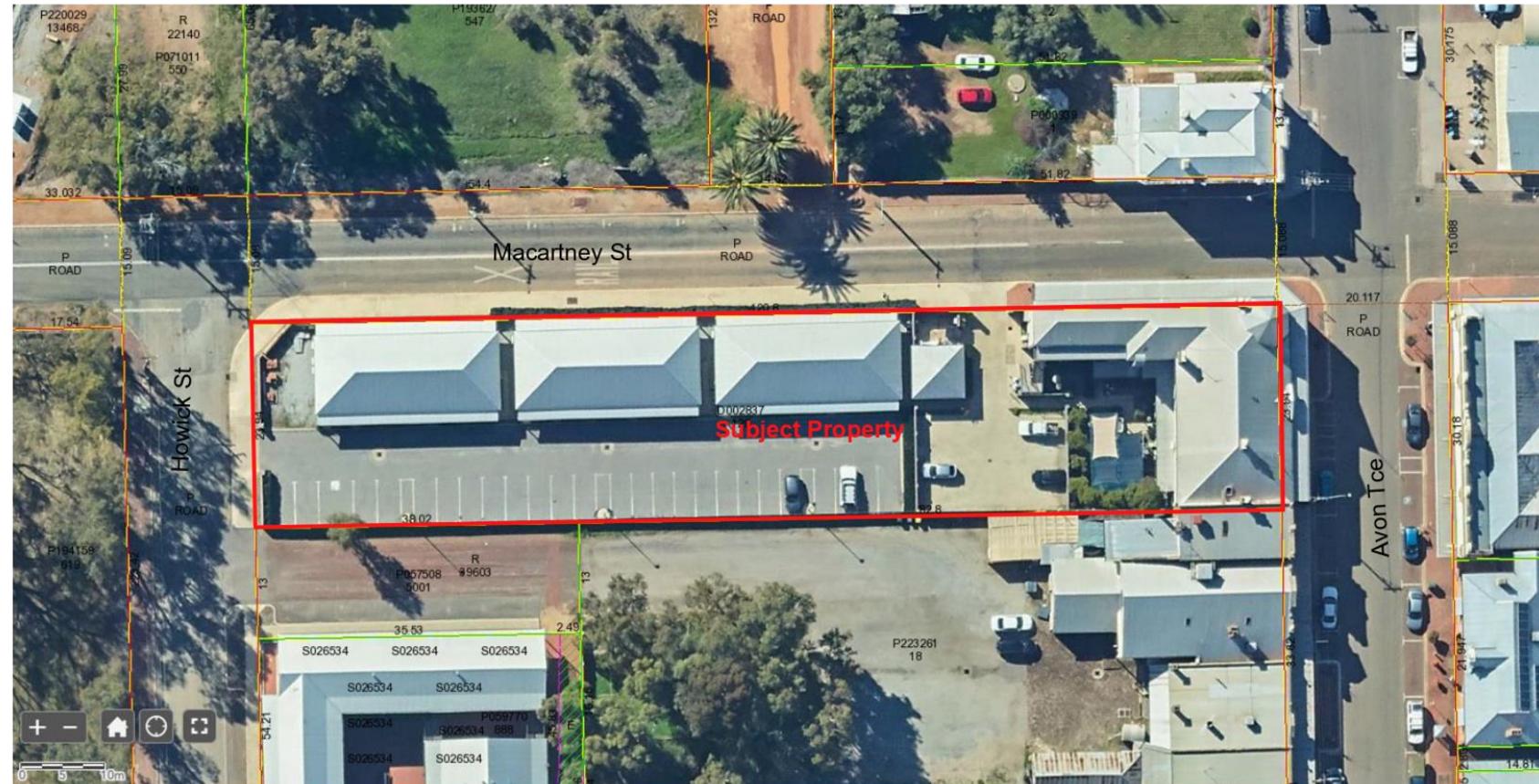
VOTING REQUIREMENTS

Absolute Majority: No

RECOMMENDATION

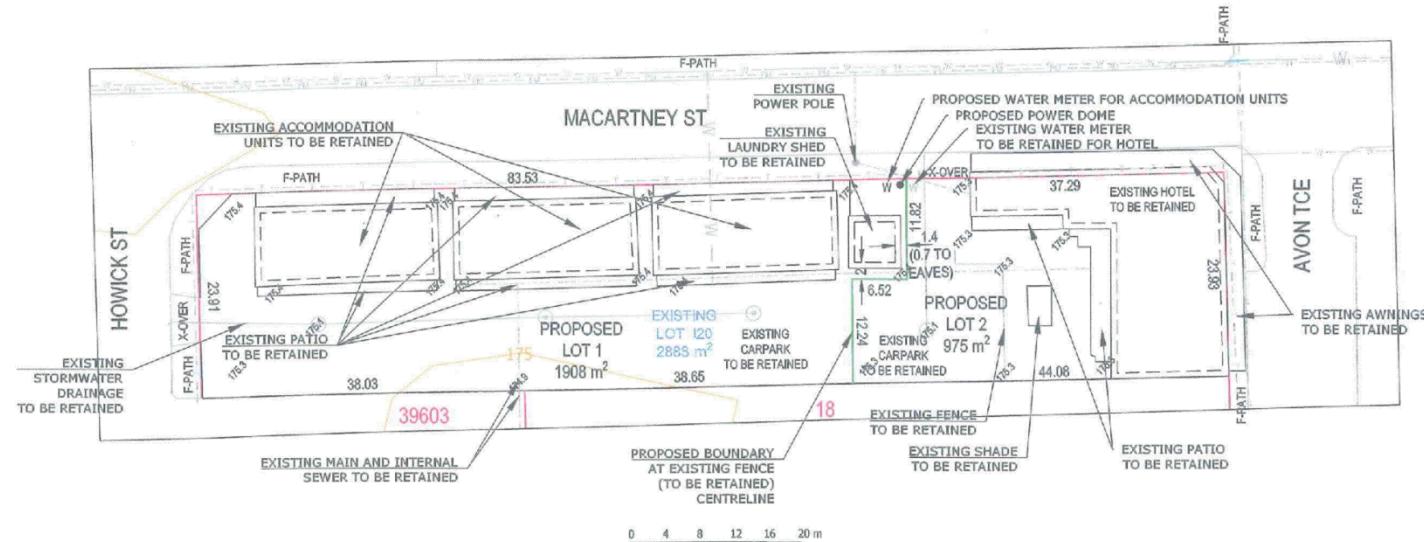
That, with regard to the proposed subdivision of Lot 1 (145) Avon Terrace, York (application no. 304-21), Council:

1. Directs the Chief Executive Officer to advise the Western Australian Planning Commission that the Shire:
 - (a) Does not support the proposed subdivision in its current format because:
 - (i) It results in insufficient parking being available for the use of proposed Lot 2; and
 - (ii) An enclosed bin store is required to be provided for proposed Lot 2, which requires prior development approval.
 - (b) Would support the proposed subdivision if arrangements were made which enabled shared use of carparking bays and the bin store to resolve the issues identified in a) above to the satisfaction of the Chief Executive Officer and subject to the following condition:
 - (i) T11 - All local streets within the subdivision being truncated in accordance with the Western Australian Planning Commission's DC 1.7 General Road Planning. The truncation on the Macartney Street and Avon Terrace intersection shall be reduced to the area which is external to the building wall (excluding existing features such steps) (Local Government).

Site Plan

NOTES:

1. ALL DIMENSIONS AND AREAS ARE SUBJECT TO SURVEY.
2. ALL EXISTING STRUCTURES TO BE RETAINED.
3. LAND IS NOT LOCATED IN A BUSHFIRE PRONE AREA.
4. EXISTING SERVICES:
 - 4.1. OVERHEAD POWER TO HOTEL DISTRIBUTION BOX
 - 4.2. SEWER CONNECTION TO HOTEL AND ACCOMMODATION UNITS
 - 4.3. STORMWATER CONNECTED TO STREETS
 - 4.4. WATER METER
5. PROPOSED SERVICES:
 - 5.1. POWER DOME
 - 5.2. WATER METER FOR ACCOMMODATION UNITS
6. NO CHANGES TO SERVICES ARE PROPOSED.



PROJECT:	
PROPOSED SURVEY STRATA SUBDIVISION OF LOT 120 ON D2837 TO CREATE TWO LOTS, 145 AVON TCE YORK, SHIRE OF YORK	
CONTACT:	ALAN MARSH P.O. Box 355 Gosnells Ph 9398 1994 Mob. 043 659 2441 aj.marsh@westnet.com.au
CLIENTS:	NOLA AND RICHARD BLISS
REF: 5-186-0	DATE: 31/1/2021 SCALE: 1:500 @ A3 DATUM: AHD COORD: ASSUMED CONT INT: 1m

DEPARTMENT OF PLANNING, LANDS AND HERITAGE	
DATE	FILE
17-Mar-2021	304-21

LEGEND	
PROPOSED LOT BOUNDARY	
EXISTING LOT BOUNDARY	
CONTOURS	
OVERHEAD POWER LINES	
TELECOMMUNICATIONS	
SEWER PIPE (WATER CORPORATION)	
WATER PIPE (WATER CORPORATION)	

EXISTING LOT DETAILS:
LOT 120 ON D2837
C/T 2034/398
AREA 2883 m²

SY032-04/21 TENDER T02-2021 PURCHASE OF NEW WATER TRUCK**File Number:** AS.TEN.77**Author:** Alina Behan, Executive Manager Corporate & Community Services**Authoriser:** Chris Linnell, Chief Executive Officer**Previously before Council:** Not applicable**Appendices:** 1. **Tender T02-2021 Purchase of New Water Truck - Combined Evaluation - Confidential****NATURE OF COUNCIL'S ROLE IN THE MATTER**

Executive

PURPOSE OF REPORT

Council is requested to consider the tenders received in response to Request for Tender T02-2021 Purchase of New Water Truck.

BACKGROUND

To enable the Shire to undertake its annual works and maintenance program a large-scale water carrier is required. Currently this equipment is being resourced from plant hire companies, but with an 8-10 year plant replacement cycle it proves more economical to purchase a permanent fleet item.

COMMENTS AND DETAILS

In accordance with Policy F1.2 Procurement, the request for tender was advertised on 27 February 2021 via WALGA eQuotes under the category of Trucks & Associated Equipment 1: Heavy Rigid, inviting suitably qualified respondents for the supply, delivery, registration and payment of all applicable levies, duties, taxes and licences of one six wheel water truck with a 14000 litre capacity. Tenders closed on Thursday 18 March 2021. Offers were received from six (6) respondents:

CONTRACTOR	PRICE (Exc GST)
Tenderer A	\$232,340.00
Tenderer B	\$229,381.47
Tenderer C	\$236,500.00
Tenderer D	\$262,000.00
Tenderer E	\$256,095.00
Tenderer F	\$385,000.00

All tenderers met the compliance criteria as set out in the RFT.

The tenders have been evaluated by a three (3) person panel (three Officers) using the following criteria:

- Tendered Price: 70%
- Relevant Experience: 15%

- After Sales Service and Back Up: 15%

A copy of the Panel's combined evaluation is attached as confidential Appendix A.

All tenders were assessed as substantially meeting the Tender Requirements. All tenders were assessed as having the Relevant Experience and After Sales Service and Back Up to successfully complete the work.

Based upon the average weighted score obtained from the evaluation panel, Tenderer B is considered the preferred tenderer.

The current budget for this item is \$230,000. Only Tenderer B fell within this budget allowance.

OPTIONS

Council has the following options:

- Option 1:** Accept Tenderer B as the preferred tenderer for RFT T02-2021 and authorise the Chief Executive Officer (CEO) to execute the contract documents.
- Option 2:** Nominate another Tenderer as the preferred tenderer for RFT T02-2021 and authorise the CEO to execute the contract documents.
- Option 3:** Decline to enter into an arrangement with any tenderer and direct the CEO to reject all tenders.

Option 1 is the recommended option.

IMPLICATIONS TO CONSIDER

Consultative

No consultation has been undertaken in respect to awarding this tender.

Strategic

Goal 4: Built for Lifestyle and resilience or N/A

Policy Related

Policy F 1.2 PROCUREMENT has been adhered to. Although the *Local Government (Functions and General) Regulations 1996* requires Tenders for services/works over \$250,000 as a risk reduction measure, Councils Procurement Policy requires Tenders for services/works over \$150,000

Financial

The purchase of the water truck is within current budget parameters.

Legal and Statutory

Section 3.57 of the *Local Government Act 1995* requires a Local Government to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods and services.

Part 4 (Tenders) of the *Local Government (Functions and General) Regulations 1996* require that tenders are to be publicly invited for such contracts where the estimated costs of providing the total service exceeds \$250,000.

Risk Related

Having a large capacity water truck as part of the Shire fleet will assist in our mitigation of risks due to fire events.

Workforce

There are no workforce implications resulting from this Tender.

VOTING REQUIREMENTS

Absolute Majority: No

RECOMMENDATION

That, with regard to TENDER T02-2021 Purchase of New Water Truck, Council:

1. Resolves to nominate Daimler Trucks Perth - Tenderer B as the preferred tenderer for RFT T02-2021 for the sum of \$229,381.47.
2. Authorises the Chief Executive Officer to execute the contract documents.

SY033-04/21 POLICY MANUAL - MINOR AMENDMENTS

File Number: OR.CMA.4

Author: Natasha Brennan, Administration and Governance Coordinator

Authoriser: Alina Behan, Executive Manager Corporate & Community Services

Previously before Council: 25 November 2019

Appendices:

1. C1.3 Community Funding & Grants and Sponsorship Policy
2. C1.4 Sponsorship of Tourism Events
3. C1.5 Public Events in York
4. F1.1 Revenue Collection
5. F1.2 Procurement
6. Miscellaneous - Temporary Accommodation Policy
7. Policies to be moved into the new Operational Section of the Policy Manual
8. Policies to be Rescinded

NATURE OF COUNCIL'S ROLE IN THE MATTER

Review.

Legislative.

PURPOSE OF REPORT

A role of Council is to determine Local Government policies. The development and management of Council policy is an ongoing process. It is important that Council policies are kept up to date and are reviewed on a regular basis under the direction of the Chief Executive Officer. If any changes or amendments are required these are brought to Council for endorsement.

Staff have conducted a minor review of the Shires Policy Manual and propose improvements for Council's consideration.

This report presents the changes within the policy manual.

BACKGROUND

In accordance with Section 2.7(2) of the *Local Government Act 1995*, Council is to determine the Shire's policies. The Council undertook major policy development work in 2016 and adopted the current Policy Manual on 24 October 2016. This policy manual has since had new policies added and existing policies amended, following endorsement by Council. The last time the whole policy manual was presented to Council in its entirety was on 25 November 2019.

This report presents to Council the policy review that has been undertaken by Shire staff to update the following:

- Minor amendments to be made to existing policies.
- Separating the existing Policy Manual into two (2) separate sections. One section being Strategic Policies (Council related) and one new section, Operational policies being those policies that specifically fall under the functions of the CEO as defined in the *Local Government Act 1995*, Section 5.41 Function of the CEO.
- New policy numbering to remove redundant numbering.
- Rebranding changes to reflect the new logo.

COMMENTS AND DETAILS

Staff have conducted a review of the Shire's Policy Manual and propose a number of amendments for Council's consideration. The comments below summarise changes that are proposed to better reflect the intent of the policy.

All the policies are attached to this report, with tracked changes to enable Councillors to consider the proposed amendments.

Community Policies

Policy	Title	Proposed Amendments / Comments
C1.3 Appendix 1	Community Funding & Grants and Sponsorship Policy	<ul style="list-style-type: none"> Applied more consistent and current terminology. Removed information that has been superseded. Defined funding types and assigned values for applicant clarity. Referenced associated documents and policies. Included definitions. Updated review period.
C1.4 Appendix 2	Sponsorship of Tourism Events	<ul style="list-style-type: none"> Updated to be consistent with Community Funding Policy amendments Defined funding type and assigned monetary value for applicant clarity to align with Community Funding Policy amendments. Increase detail of acquittal requirements. Referenced associated documents and policies. Included definitions. Updated review period.
C1.5 Appendix 3	Public Events in York	<ul style="list-style-type: none"> Referenced COVID-19 requirements. Detailed event approval issue responsibilities. Applied more consistent and current terminology to align with the two above policies and associated guidelines. Referenced associated documents and legislations. Updated review period.

Finance Policies

Policy	Title	Proposed Amendments / Comments
F1.1 Appendix 4	Revenue Collection	<ul style="list-style-type: none"> Removed repetition of steps within descriptions of recovery processes. Applied more consistent and current terminology. Clearer presentation of the recovery processes and steps involved, following experience and advice received from service providers. Removal of rigid specified steps to allow more flexibility to choose optimal recovery pathway, based on legal advice obtained. Removal of rates incentive prize information to allow more flexibility for Council to determine what the incentives and parameters are to be each financial year, as part of budget adoption process.
F1.2 Appendix 5	Procurement	<ul style="list-style-type: none"> Changes to the Functions and General Regs in April 2020 saw the requirement to call tenders increase from \$150,000 to \$250,000. For probity and accountability,

		<p>the Shire of York will continue to call for tenders for purchases above \$150,000.</p> <ul style="list-style-type: none"> • A section has been added for Panels of Pre-qualified Suppliers, rather than creating a separate policy.
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Miscellaneous Policies

Policy	Title	Proposed Amendments / Comments
Miscellaneous Appendix 6	Temporary Accommodation Policy	<p>Change the third paragraph in section 4 – Policy Provisions to read: “<i>Applications for temporary accommodation shall only be considered for land in the Rural Residential; Rural Smallholding and Rural zones as identified in the Shire of York Local Planning Scheme No. 3.</i>”</p> <p>The changes are to align the zone names with the newly adopted Local Planning Scheme.</p>

Policies to be transferred to the New Operational Section of the Policy Manual:

In the policy review it was noted that there are numerous policies that address matters relating to management supervision and direction of employees. Officers sought further clarification from WALGA and the Department of Local Government Sports and Cultural Industries regarding operational policies ‘versus’ strategic policies.

Operational policies do not need the approval of Council as this delegation already exists in the *Local Government Act 1995 – Part 5 Administration:*

5.41 Functions of the CEO

- (d) *Manage the day-to-day operations of the local government*
- (g) *be responsible for the employment, management supervision, direction and dismissal of other employees*

Policies, particularly those with budget implications or demonstrating sound management, can be brought to Council for noting or receiving.

It is recommended that the below policies that specifically fall under the Functions of the CEO as defined in the Act, remain in the Policy Manual but are transferred into the new Operational section of the Manual. These policies are attached and labelled Appendix 7.

Policy	Title	Proposed Amendments / Comments
G1.10	Workforce and Human Resources	Move to new Operational section of the Policy Manual.
G1.13	Alcohol and Other Drugs	Move to new Operational section of the Policy Manual.
G4.5	Asset Management	Move to new Operational section of the Policy Manual.
G4.7	Internal Controls	<p>Amendments made are to support the reporting timeframes for FM Reg 5 and Audit Reg 17 Reviews amended in line with legislation.</p> <p>Move to new Operational section of the Policy Manual.</p>
H1.2	Heat Management	Move to new Operational section of the Policy Manual.
Miscellaneous	Staff Superannuation – WA Local Government	Move to new Operational section of the Policy Manual.

	Superannuation Plan - Contribution	
Miscellaneous	Volunteer Management	Move to new Operational section of the Policy Manual.

Policies to be Rescinded

It is recommended that the below policies be removed from the Policy Manual in their entirety. These policies are attached and labelled Appendix 8.

Town Planning	Town Planning – Restriction on Building Materials (PPI)	Remove from Policy Manual. Previously revoked by Council Resolution: 090512, but not removed from Policy Manual.
Town Planning	Retrospective Planning Applications	<p>The policy is outdated and no longer required. There are adequate measures within the Shire of York Local Planning Scheme No.3 and <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> to guide assessment and processing of retrospective planning applications.</p> <p>The <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> require that to revoke a planning policy, a notice of revocation is to be published by the local government in accordance with the Regulations. This requires the Shire to publish a notice on our website, make a hard copy of the notice available at the office and publish in a local newspaper.</p>

Town Planning

It is intended that these policies will be reviewed to account for changes and updates under the Local Planning Strategy and the new Town Planning Scheme once approved by the Department of Planning.

The Local Planning Policy – Heritage Conservation and Development has been adopted by Council at the March OCM in a draft format for public advertising and is required to be presented back to Council at the June OCM for consideration of any submissions and adoption.

OPTIONS

Option 1: The Council could choose not to adopt the proposed amendments.

Option 2: The Council could select which policies to accept and which to leave in the Strategic section of the policy manual, however Council do not have legislative authority over those policies as a result of Section 5.41 of the *Local Government Act 1995*.

Option 3: The Council could choose to accept the officer's recommendation of adopting the proposed policy changes. The recommended amendments are to ensure the effectiveness and efficiency of the Shire's operations whilst still remaining accountable to Council and acknowledging that policy review is on-going.

The recommended amendments are to assist the Shire's operations by aligning with best practice and providing the necessary audit trail and transparency.

Option 3 is the preferred option.

IMPLICATIONS TO CONSIDER**Consultative**

Executive Managers.

All staff have the opportunity to review the Policy Manual and update where necessary.

WALGA – clarification sought regarding operational ‘versus’ strategic policies.

Department of Local Government Sports and Cultural Industries

Strategic

Goal 5: Strong Leadership and Governance

5.3 Continuous improvement of Governance

Policy Related

CP1.5 Compliance

G4.6 Risk Assessment and Management

Financial

Nil.

Legal and Statutory

Local Government Act 1995, Part 2, Division 2 ‘Role of Council’

2.7. Role of council

- (1) *The council –*
 - (a) *governs the local government’s affairs; and*
 - (b) *is responsible for the performance of the local government’s functions.*
- (2) *Without limiting subsection (1), the council is to –*
 - (a) *oversee the allocation of the local government’s finances and resources; and*
 - (b) *determine the local government’s policies.*

Section 5.41(d) and (g) of the Local Government Act 1995 is applicable and states:

5.41. Functions of CEO

The CEO’s functions are to —

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

Risk Related

Compliance.

There is a moderate risk to the Council if it does not regularly review its Policy Manual.

Workforce

The Policy Manual will be updated accordingly, should Council resolve to adopt the Officer's Recommendation.

There is a considerable amount of work involved with updating the policy manual. Policies will be updated with the rebranding and numbering on an individual basis and then uploaded on the website.

VOTING REQUIREMENTS

Absolute Majority: Yes

RECOMMENDATION

That Council, with regards to Shire of York Policy Manual:

1. Adopts the following policies, as amended and included in this report, attached in Appendices 1 to 6:
 - (a) C1.3 Community Funding & Grants and Sponsorship Policy
 - (b) C1.4 Sponsorship of Tourism Events
 - (c) C1.5 Public Events in York
 - (d) F1.1 Revenue Collection
 - (e) F1.2 Procurement
 - (f) Temporary Accommodation Policy
2. In accordance with Section 5.41(d) and (g) of the *Local Government Act 1995*, transfers the following policies that fall under the function of the CEO into the new Operational section of the Council Policy Manual, as attached in Appendix 7:
 - (a) G1.10 Workforce and Human Resources
 - (b) G1.13 Alcohol and Other Drugs
 - (c) G4.5 Asset Management
 - (d) G4.7 Internal Controls
 - (e) H1.2 Heat Management
 - (f) Miscellaneous - Staff Superannuation – WA Local Government Superannuation Plan – Contribution
 - (g) Miscellaneous - Volunteer Management
4. Revokes Local Planning Policy Retrospective Planning Applications, attached as Appendix 8 and in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* publishes a notice of the revocation on the Shire website and in a local newspaper and makes a hard copy of the notice available at the Shire Office.
5. Removes the following policy, attached in Appendix 8 as it was previously revoked, but never removed from the Policy Manual:
 - (a) Town Planning – Restriction on Building Materials (PPI)
6. Notes that policy development work is ongoing, and the Chief Executive Officer will continue to discuss policy priorities with the Council.
7. Authorises the Chief Executive Officer to make any necessary minor typographical and formatting changes, new policy numbering to remove redundant numbering and improve the layout and rebranding prior to publication.



C1.3 COMMUNITY FUNDING: GRANTS AND SPONSORSHIP POLICY

Policy Objective:

The purpose of this policy is to outline the framework under which the Shire will enter into Community Funding arrangements for the purposes of facilitating the provision of a service, program, event, activity or endeavour that may contribute to the social, cultural, environmental and economic benefit of the Shire.

Policy Scope

This policy applies to all applications for sponsorship from the Shire of York, grants, sponsorships and value in kind provisions to enhance social, cultural, economic and environmental outcomes including individuals applying for funding to participate in external activities (e.g. sport, culture and art events).

Council may approve grants and sponsorship outside this policy as it sees fit. The policy does not prevent Council providing support for civic functions or one-off events in accordance with the relevant legislation.

It does not apply to:

- large scale events and amounts considered under the Sponsorship of Tourism Events Policy;
- support for civic functions;
- community managed halls funded as part of the public halls budget.

Policy Statement:**Introduction**

The Shire has a strategic objective to work with key partners in the provision of a range of services and programs that support people of all ages and backgrounds. One of the ways in which the Shire does this is in the provision of sponsorship.

Grants and sponsorship can play an important role in community development and support active participation in civic life. They empower the community to address issues that matter to them and take the lead on projects to enhance community life.

Grants and sponsorship provides a mechanism for the Shire to support business and economic activity whether through incentives to catalyse or stimulate new or experimental activity, partnering with organisations to deliver business development or assisting groups of businesses to work together for their collective benefit.

Applications for Sponsorship should demonstrate an alignment to the social, economic, environmental and/or civic objectives of the Shire as outlined in the Shire's Strategic Community Plan.

The Community Funding: Grants and Sponsorship program sets criteria consistent with relevant Shire strategies governing the Shire's cultural, community, economic and social objectives.

In all cases, there is a need for accountability for use of funds by the community. This acquittal process needs to be transparent but also needs to be commensurate with the scale of the funding provided.

Sponsorship arrangements will only be entered into where a budget allocation exists or, when there is no budget allocation, where it has been approved by Council.

Specific criteria outlined in the relevant guideline will be applied against each sponsorship application.

The community, business or individual develops a project idea, assesses its alignment to the Shire's strategic objectives and grant conditions and submits an application for support. If Council approves financial support for the project, a funding agreement sets the expected project outcomes and key performance indicators. This enables the grantee and the Shire to monitor and evaluate the project's success.

The Council will often want to make one-off allocations of support for specific projects individuals and community groups might want to advance. The reality is that on an annual basis, appeals for support generally outweigh the available funding. The Council needs a clear mechanism for allocating funding across competing demands.

In all cases, there is a need for accountability for use of funds by the community. This acquittal process needs to be transparent but also needs to be commensurate with the scale of the funding provided.

Grants and Sponsorship are different from the purchases of services, where the Shire determines the type of project or service it requires and develops a contract to control how this is delivered. This process is covered by the Shire's procurement policy.

This policy sets out the parameters for Council assistance, processes and accountability requirements.

Principles

(a) Applications for Sponsorship should demonstrate an alignment to the social, economic, environmental and/or civic objectives of the Shire as outlined in the Shire's Strategic Community Plan.

(a)(b) Projects developed by individuals and community groups which contribute to the life, vitality and activity of York, in particular activities which encourage people's involvement, are a valued part of community life.

(b)(c) Being accountable to the community for the use of public monies is essential but acquittal requirements should be commensurate with the scale of the assistance provided.

(c)(d) Access to funding should be equitable over time.

(d)(e) Assistance which involves in-kind support and/or waiver of fees has a value and is a cost to the Shire, such as: a time resource (labour), wear and tear on assets, or a loss of revenue. As such, the financial benefit to community groups and projects of this in-kind support needs to be understood and factored into decisions over time.

Provisions

1. The Community Fund

1.1 The Council will maintain a Community Funding; Grants & Sponsorship budget in the Long Term Financial Plan and Annual Budget which will comprise the available funding pool under this Policy on an annual basis.

1.2 The Community Funding budget will be used for:

- allocation of direct financial support;
- funding of fees waiver against the revenue requirements for community facilities;
- re-imbursement of Council labour costs and payment of any 'use fee' for any Council equipment where in-kind value is provided by the Council.

1.3 If the fund is exhausted before the end of the financial year, this will be notified to the community and applications will be closed for the remaining period.

1.4 Should there be a remaining amount at the end of the financial year, the Council may resolve to either:

- (a) carry over that funding to the following financial year;
- (b) allocate that funding to an agreed community project or initiative.

(b)

2. Applications Process

2.1 The Community Funding Grant & Sponsorship program will be advertised for a minimum four-week period for each round.

2.2 Applications received within this timeframe, will be considered at the next available Ordinary Council meeting, provided that the application is received fourteen working days before the Agenda is published.

2.3 Applicants will be required to fill in a simple application form. This will include providing information on;

- who they are;
- the nature, goals and mission of their organisation;

- how the project aligns to Council's strategic objectives
- the nature of the planned project including advertising, community collaboration and the planned budget;
- information, where relevant, about experience in managing budgets;
- how they propose to report back to acquit the project;
- external funding received for the project, if any, and whether the applicant has previously received assistance from the Community Funding; Grants & Sponsorship program.

- 2.4 **Applicants-Recipients** will be encouraged to attend the relevant Council meeting where their application is being considered.
- 2.5 Should an application be received and it is clear that the application is more relevant to another Council budgeted funding pool, the **applicant_recipient** will be contacted to discuss the reassignment to that funding pool application process.

3. Categories for Support and Criteria for Decision-making.

- 3.1 The Council will consider applications made under the following general headings:
 - projects which:
 - encourage general involvement in local activities including sport
 - improve collaboration and coordination of community support and services
 - assist a community group to expand their ability to provide support for community and individual health and wellbeing
 - Facilitate inclusion and equitable access to facilities, services, open spaces and activities
 - increases community knowledge and understanding of their local built and natural environment
 - are focused on protection and restoration of the Shire's natural environment including the Avon River and the protection and restoration of the built environment
 - events which increase a sense of belonging, and of being socially connected to the community. Note: these are events not developed to leverage tourism or economic development benefit but having more of a purely community enjoyment focus.
 - support for individuals, particularly for youth, who have been selected to be involved in regional, state or national cultural and sporting activities;
 - requests by community groups to procure assistance to develop applications for external grants (**seed funding**).
- 3.2 The Council will not consider the following types of application under this Community Fund:
 - Applications for activities outside the Shire of York – involving commercial activities;
 - applications for events intended to leverage tourism and economic development benefits. These will be considered under other funding provisions;
 - requests for on-going operating costs;
 - consumables

- administration costs to deliver the project
- individual requests for purchase of sports uniforms (team requests will be considered);
- individual applications for support that do not show parallel efforts to fundraise;
- retrospective applications;
- more than one application from the same source in the same funding round any one year.

3.3 The following general criteria will be used to assess applications:

- the individual or community group is Shire of York based;
- any benefits arising from the activity accrue to the Shire of York community and/or environment in some form;
- proposed events facilitate inclusion and equitable access to facilities, services, open spaces and activities
- a proposal, particularly for events, has been well thought through and the application for support is well ahead of any final decision to proceed;

4. Types of Assistance

4.1 Grant & Sponsorship arrangements may be provided through the following funding types:

Minor (including in-kind waiver requests) under \$2,000: provision of financial assistance to eligible groups and individuals that provide services or activities to the community

Major: \$2,001 - \$10,000: provision of financial assistance to organisations that provide services or activities of a value greater than that provided under minor funding

Tourism: \$10,001+: assistance to fund and attract year-round events to the region. Applications of this nature will be referred to Council's C1.4 Sponsorship of Tourism Events Policy and its associated guidelines for consideration and not this policy.

4.1 Three types of financial assistance will potentially be available to community groups and community projects for initiatives:

- (a) direct monies paid over;
- (b) waiver of fees;
- (c) value in-kind labour assistance.

4.2 Where value in-kind labour assistance and waiver of fees is provided, a dollar value will be placed on the assistance and costed to the project amount total.

The setting of values for in-kind assistance will be set through the Annual Budget fees and charges review process.

Financial assistance includes:

- direct provision of money
- waiver of fees (e.g. access to Council owned tables and chairs, Council facility hire)
- provision of in-kind support (support provided by the Shire for an activity where a scheduled fee or charge exists) e.g. assistance with lighting, access to Council owned tables and chairs, assistance with transportation)

5.5 Duration of Assistance

5.15.2 The preference will be for provision of project support for the time period indicated in the advertised Grant & Sponsorship round only. In exceptional circumstances the Council may consider support for a project for a maximum period of three years where it considers the project presents major benefits to the community and it is consistent with strategic direction. Consideration must include the cost/benefit of effectively reducing the available funding pool for other applicants-recipients over this period.

5.25.3 Should the situation arise where the Council sees significant benefit to the community of maintaining support for a project or activity on an on-going basis, it may resolve to consider, via the Integrated Planning and Reporting Framework review cycle or the Annual Budget process, inclusion as a Multi - Year Funding Agreement. Consideration does not imply approval.

6.6 Level of Funding for Each Application

6.2 Funding types detailed indicate the value amounts available for application.

6.16.3 The Council may, in order to maximise the availability of funding to a range of applicants, decide via a Council resolution to impose a maximum financial support limit per application. If it does so, this will be advertised in advance of the application period opening and will be made clear on the associated application forms.

7.7 Rejected Applications to the Community Funding Pool

7.17.2 If an application is rejected the Council will:

- provide the applicant with the reasons why;
- redirect the application, if the applicant-recipient agrees, to another Council funding pool if it is deemed more appropriate for the application.

7.27.3 If the application relates to a matter that might be better considered for budgeted resourcing and the Council directs that it be considered as part of review and budgeting processes, this will be followed up with the recipientapplicant. Consideration as part of the budgeting process does not imply approval.

8.8 Acquittal

8.18.2 All successful applicants-recipients will be required to report to the Council on their project, event or individual activity on its completion. This acquittal process can occur in the following ways:

- speaking briefly at a Council meeting and providing visual record where appropriate;
- if attendance at the meeting is not possible, submitting an acquittal report to the Shire sending in a brief report by letter to the Shire President for circulation to all Councillors.

Note: attendance to speak at a Council meeting is encouraged for all recipientsapplicants, especially young people, as a way of learning about Council and Council processes.

8.28.3 The Council may require more extensive acquittal information for major, tourism and multiyear funding types if the amount provided is significant. Such requirements will be identified in the associated acquittal reports as a condition at the time of granting the approval.

8.38.4 Where in exceptional circumstances support up to a three year maximum is provided, the successful applicant-recipient must:

- speak annually at the Council meeting to provide an update;
- provide an annual accompanying written summary of how the financial support was used, budget breakdown, stakeholder engagement (community & external), engagement numbers progress and final outcomes.
- A projected budget for the following years activities

Key Terms/Definitions

Term	Meaning
<u>Policy</u>	<u>This Shire of York Council policy titled 'Community Funding: Grants & Sponsorship'</u>
<u>Recipients</u>	<u>An individual or organisation that receives a contribution in cash and/or in kind from Council</u>
<u>Sponsorship Arrangement</u>	<u>An arrangement under which Council provides a contribution in cash and/or in kind to a recipient for the provision of a service, program, event, activity or endeavour that may contribute to the economic, social, environmental or cultural development of the Shire</u>

Financial assistance includes:

- direct provision of money
- waiver of fees
- provision of in-kind support (e.g. assistance with lighting, access to Council owned tables and chairs, assistance with transportation)

Policy Administration

Responsible Directorate/Division:	Executive Manager Corporate and Community Services
Contact Officer Position:	<u>Executive Manager Corporate and Community Services</u> <u>Governance</u>
Relevant Legislation:	<u>Local Government Act 1995</u>
Relevant Delegation:	
Date Adopted:	Adopted 21 March 2016
Reviews/Amendments:	Reviewed December 2016 Amendments adopted 28 February 2017

25 November 2019

Reviewed April 2021

Amendments adopted April 2021

Associated Documents:

Community Funding Guidelines 2020/21 2017/18

Community Funding Application Form 2020/21 2017/18

Community Funding Acquittal Report 2020/21

Community Funding Arrangement Acceptance Form

Council Policy C1.4 Sponsorship of Tourism Events

Council Policy C1.5 Public Events in York



C 1.4 SPONSORSHIP OF TOURISM EVENTS

Policy Objective:

To set out the framework and criteria for determining which tourism events proposals/applications the Council may sponsor.

Policy Scope:

This policy applies to all proposals/applications for sponsorship for tourism events and/or sponsorship requests of \$10,001 or more.

Policy Statement:**Introduction**

The Shire of York Council has identified that events designed to attract visitors to the Shire, and Shire and provide consequent economic benefit to the Shire of York community, are an important part of its economic development strategy. These 'tourism events' are events which have been designed with the intent to attract visitors to the Shire and bring an economic benefit beyond revenue generation for the event organisers.

The Council recognises that showing support through sponsorship is an important mechanism for encouraging community based not-for-profit organisations or commercial entities to invest their time and resources. In doing so, the Council would expect that its sponsorship would be properly acknowledged in any promotional material.

Applications for Sponsorship should demonstrate an alignment to the social, economic, environmental and/or civic objectives of the Shire as outlined in the Shire's Strategic Community Plan.

Council may approve grants and sponsorship outside this policy as it sees fit. The policy does not prevent Council providing support for civic functions or one-off events in accordance with the relevant legislation.

It does not apply to:

- Community events and activities designed for local community enjoyment.
Applications of this nature will be considered under the C1.3 Community Funding: Grants & Sponsorship Policy and not this policy
- support for civic functions:

The Council recognises that showing support through sponsorship is an important mechanism for encouraging community based not for profit organisations or commercial entities to invest their time and resources. In doing so, the Council would expect that its sponsorship would be properly acknowledged in any promotional material.

The Council wishes to grow the scale, number and effectiveness of tourism events (in terms of overall economic benefit) over time. It has limited resources available, including for events. To that end, it may use sponsorship as a mechanism to support initial establishment and marketing

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(seed sponsorship) and may focus on supporting capability to become self-funding over time where that is possible. This will be on a case by case basis.

The Council is also interested in the development of tourism events which are linked to key themes of Shire, such as heritage, arts and the natural environment, and themes and sectors that may from time to time be identified in its economic development strategy.

Community events and activities designed for local community enjoyment will be considered for funding under the Community Funding: Grants & Sponsorship Donations, Grants, Sponsorship and Waiver of Fees Policy (C 1.3) and not this policy.

This policy should be read in conjunction with Shire of York [C1.5 Public Events in York Policy and its associated guidelines](#) requirements for holding of events.

Principles

- (a) Applications for Sponsorship should clearly demonstrate an alignment to the social, economic, environmental and/or civic objectives of the Shire as outlined in the Shire's Strategic Community Plan.
- (b) (a) Requests for significant funding amounts of \$10,000 can be considered under the Sponsorship of Tourism policy
- (c) Sponsorship will be on a case by case basis with levels determined by the overall level of funding available in any one year for dispersal

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(a) (b) A level of economic benefit (as defined in this policy) must be identified and delivered in order to receive sponsorship.

(d) (b) (c) Early scan of feasibility, clear business and project planning and an explicit analysis and documentation of expected or proven revenue and/or economic benefits is essential to any tourism event success.

(e) (c) (d) On-going funding will be determined, in part, by analysis and feedback of identified economic benefits derived from the event, as part of the acquittal process.

(f) (d) (e) Self-funding capability in the medium and longer term and growth of tourism event activity overall is desirable but levels and extent of funding over time will be determined on a case by case basis.

(g) (e) (f) Events must be held in the Shire of York.

(h) (i) (g) Events should add to visitor attraction rather than compete for existing visitors.

Provisions**1. Application for Tourism Events Funding**

1.1 Applications for sponsorship funding may be made to the Shire at any time but the preference is that applications are made where possible before March in any calendar year so that the Council can consider the application in the context of its annual budget setting processes.

1.2 Applicants should provide the following information as part of their application:

- (a) a description of the proposed event and a project plan with timeline
- (b) an outline of status as a not-for-profit or commercial/business organisation
- (c) a budget showing an expenditure breakdown, funding, cashflow and expected revenue
- (d) expected visitor numbers, including an assessment of visitors from beyond the Shire, and an estimate of visitor growth with an explanation or rationale for numbers
- (e) probity mechanisms for management of funds
- (f) a marketing plan
- (g) past experience in running events, if any
- (h) how it is proposed to acknowledge Council sponsorship
- (i) any other information that the applicant considers relevant

2. Application assessment criteria

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2.1 The following criteria will be used to assess the applications:

- (a) quality and depth of information provided in relation to the requirements under Clause 1.2
- (b) amount of funding available to consider the application request
- (b) potential to attract visitors to the Shire and to the town of York and to encourage overnight stay
- (c) proven record of experience running similar events
- (d) links to wider heritage and natural environment opportunities where relevant
- (e) opportunities to work with/ include the wider Shire of York community
- (f) the extent to which the event adds/ complements the overall event calendar

3. Events Proposals Excluded from Tourism Events Sponsorship

3.1 The Council will not consider sponsorship for the following from the Tourism Events funding pool:

- (a) Events focused solely on fund raising or revenue raising for a community group or private business which provides no additional economic benefit (as defined in this policy).
- (b) Events which are to be held outside the Shire
- (c) Events which compete with existing community or tourism events. Note: this does not preclude similar kinds of events being held but they must not be held at a time or in a way that undermines the viability of existing events.

3.2 Where an application is made which is more suitable to consideration under the Community Funding Policy, the applicant will be directed to that funding process.

4. Acquittal

4.1 The recipient of sponsorship will be required to provide a written report to Council within three months of the holding of the event, including for each event if the program is for more than one year. Acquittals will be presented to Council as soon as possible after submission. The report must show the following:

- (a) a description of the event and an outline of any modifications to the final product that may have occurred during the course of the event
- (b) estimated visitor numbers and place of origin, along with any information derived from visitors about their views on the event and any information on overnight stays as a result of the event
- (c) any issues that arose in the course of the event and lessons learnt
- (d) implications, if any, for future planned events (if applicable)

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- (e) a final financial report and, where a subsequent event is planned, how funding will be carried forward for the next event.

4.2 The Council reserves the right to withdraw sponsorship where there has been any failure to comply with requirements for holding events.

5. Acknowledgement of Council Sponsorship

5.1 Formal acknowledgement of sponsorship will be required of any recipient. The final form of acknowledgement will be negotiated and agreed prior to release of funding.

Key Terms/Definitions

Term	Meaning
<u>Tourism events</u>	<u>events which have been designed with the intent of attracting visitors to the Shire or town of York and can show an economic benefit beyond revenue generation for the event organisers</u>
<u>Economic benefit</u>	<p>(a) <u>direct financial spend in the Shire or York by visitors attending a tourism event which exceeds the level of spend that would normally be expected to occur if that event did not take place;</u></p> <p>(b) <u>local jobs created by the event in the short, medium or long term;</u></p> <p>(c) <u>any multiplier effect derived from the spend occurring under (a) or (b)</u></p> <p>(d) <u>improved profile or marketing of the Shire or the town which can be shown to increase the likelihood of visitors beyond the event itself;</u></p> <p>(e) <u>a financial contribution from the event revenue to the advancement of community projects within the Shire (exceeds by at least two-fold any sponsorship provided by the Shire for the event).</u></p>
<u>Sponsorship</u>	<u>An arrangement under which Council provides a contribution in cash and/or in kind to a recipient for the provision of a service, program, event, activity or endeavour that may contribute to the economic, social, environmental or cultural development of the Shire</u>

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Tourism events means: those events which have been designed with the intent of attracting visitors to the Shire or town of York and can show an economic benefit beyond revenue generation for the event organisers.

Economic benefit means one or more of the following:

- (a) direct financial spend in the Shire or York by visitors attending a tourism event which exceeds the level of spend that would normally be expected to occur if that event did not take place;
- (b) local jobs created by the event in the short, medium or long term;
- (c) any multiplier effect derived from the spend occurring under (a) or (b)
- (d) improved profile or marketing of the Shire or the town which can be shown to increase the likelihood of visitors beyond the event itself;
- (e) a financial contribution from the event revenue to the advancement of community projects within the Shire (exceeds by at least two-fold any sponsorship provided by the Shire for the event).

"Sponsorship" is a cash or in-kind contribution to an individual or organisation for a specific purpose or event where the Shire receives public recognition for its contribution in a manner negotiated by both parties and where the recipient will be required to present a financial acquittal to the Shire.

Policy Administration

Responsible Directorate/Division: Chief Executive Officer

Contact Officer Position: Chief Executive Officer

Relevant Delegation: Nil

Relevant Legislation: Not applicableLocal Government Act 1995

Date Adopted: 18 April 2016

Reviews/Amendments
24 October 2016
Replaces Events Support Policy (Feb 2013)
25 November 2019
16 December 2019

Reviewed April 2021
Amendments adopted April 2021

Associated Documents: Council Policy C1.5 Community Funding: Grants & Sponsorship
Council Policy C1.5 Public Events in York
Community Funding Guidelines 2020/21
Community Funding Application Form 2020/21
Community Funding Acquittal Report 2020/21

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Community Funding Arrangement Acceptance Form



C1.5 PUBLIC EVENTS IN YORK

Policy Objective:

The purpose of this Policy is to provide event organisers with information on the event application and approval process for events to be held in the Shire of York.

The specific objectives of this policy are to;

- a. Promote and encourage events that enhance a wide variety of opportunities to residents and visitors to the Shire of York;
- b. Ensure that the health and safety of persons attending events in the Shire of York is considered in all planning;
- c. Provide an efficient and timely approval process and response in accordance with the Shire of York's Customer Service Charter;
- d. Ensure compliance with regulatory requirements and standards;
- e. Incorporate controls to minimise any adverse impacts of events and protect the amenity of residents in adjoining and nearby properties;
- f. Ensure that the environmental, heritage and cultural impacts of events are assessed, and appropriate measures are put in place to minimise any adverse impacts; and

The Shire of York will assess event applications for the conduct of events in accordance with legislative requirements under this policy.

Policy Scope

This policy applies to all event applications for Public Events in York.

Definitions

For the purpose of this policy the following definitions apply:

Event: An occurrence proposed to be held within the Shire of York on private or public land, either indoor or outdoor by a person(s)/group/organisation, where people assemble at a given time for entertainment, recreation, cultural or community purposes. This includes but is not limited to;

- a. Concerts and music festivals
- b. Motorsport events, motor vehicle rallies, displays and exhibitions
- c. Sporting events
- d. Cultural and community events
- e. Shows, fairs and exhibitions
- f. Art, sculpture and food festivals

Small Event means an event that is low in risk and/or likely to attract less than 1000 patrons

Medium Event means an event that is medium in risk and/or likely to attract between 1000 – 5000 patrons

Large Event means an event that is medium to high in risk and/or likely to attract over 5,000 patrons

For the purpose of this policy, risk is determined in accordance with AS/NZS 4360 – Risk Management and the *Health (Public Buildings) Regulations 1992*

Event Application Forms are required for any proposed event. Event Application Forms request details of size, nature, date, time, purpose, activities and facilities in relation to the event.

Event Organiser means the person, company or organisation, excluding the Shire of York managed events, who is responsible for organising an event and who makes application to the Shire of York for approval to stage an event.

Public Place means any street, way or place including but not limited to parks, reserves, facilities, halls or public open space/s.

Shire of York Facility or Reserve means any property owned or managed by the Shire of York and includes buildings, recreation centres, community centres, swimming pools, halls, parks and reserves

Policy Statement

Introduction

This policy applies to any proposed public gathering for the purposes of entertainment if there is no existing approval for that purpose and/or venue. This policy will ensure that staff and the community are provided clear guidance in the requirements, standards and safety measures essential to host a public event in the Shire of York.

Provisions

If a public gathering requires one (1) or more approvals from the following list of criteria, then it is deemed to be an event and the event organiser is required to submit an Event Application and to obtain the relevant approvals from the Shire:

- Preparation or sale of food to the public.
- Erection of tents and marquees larger than 25m², stages and other structures for public use.
- Potential noise, including music, use of amplified equipment, extraordinary vehicle noise.
- Use of or installation of electrical equipment including generators, cabling, extension cords, switches, fuses.
- Trading in a public place - selling, hiring of goods, wares or merchandise in a public place.
- Risk management plan; for events identified as having possible associated risks.
- Changes or interruptions to traffic flow (ie traffic management plans);
- Proposed signage for the event to be erected.
- Sale or consumption of alcohol.
- Additional parking requirements.
- Additional toilet facilities.
- Crowd control or security measures.
- First aid requirements.
- Amusement structures.
- Fire management plans; and
- Appropriate level of public liability insurance coverage.

Where formal event approval is not required

If the application is a request for the private hire of a reserve area or building located within the Shire of York formal event approval is not required. However, completion of a Facility Hire Form is required for each occasion.

Formal event approval is also not required for events that are designed to pass through York with minimal or no disruptions to the usual functions of the town (i.e. car rallies or cycle events that are passing through as part of a larger event in another location). An acknowledgement of the event will be issued in lieu of an event approval being required.

Application Process

1. All events, new and annual, must submit an event application at least eight (8) weeks prior to the proposed date of the event and twelve (12) weeks for large **tourism sponsored events, multiyear funded** and high-risk events
2. Applicants are required to submit a completed Event Application Package to the Shire of York, consisting of the following:
 - a. Event Application Form;
 - b. Public Events Guide (to be read in conjunction with Event Application);
 - c. Event Site Plan; and
 - d. Complete all relevant forms included in the Event Application Package and obtain any other approvals as required.
3. All sections of the Event Application Form must be completed in order for the application to be eligible for assessment;
4. The applicant must submit a Risk Management Plan that complies with the requirements of AS4360 if the event is deemed to require a Risk Management Plan, as directed by the Shire of York;
5. The applicant must provide a Certificate of Currency indicating a minimum of \$10 million Public Liability Insurance coverage that is valid for the period covering the event date;
6. The applicant must be familiar with the relevant reserves and locations the event is proposed to take place in and provide reasonable measures to reduce the events environmental impact on all areas used in relation to the event.
7. The Shire of York may request any additional information to be supplied by applicants in order to ensure comprehensive assessment of the application.

Assessment

The following information will be considered by the Shire of York in the assessment and approval process of event applications:

1. The nature, size, availability and suitability of the event in relation to the venue requested and the likely impact of the event on the facility;
2. The amenity of the event (including the presence of alcohol);
3. The ability of the facility to accommodate the event at the proposed time of year (taking into consideration weather and the condition of the land, if on a community reserve or public open space);
4. The likely impact on residents as a result of the location of the event (including noise, dust, excessive light, traffic congestion or other adverse effects perceptible outside the venue);
5. The period of time for which the event will operate and the proposed times of operation;
6. Conflict or potential conflict with other events or community use in that location or a surrounding location;
7. The benefits to the Shire of York community;

8. Reputation of the operator;
9. Risk to natural, heritage and cultural values of the event area or surrounding area;
10. Any other factors that may be considered necessary in relation to a particular event and conditions of event approvals, either state or federal in place at the time of assessment (i.e COVID-19 restrictions or event requirements)

Fees

1. All events will attract an application fee in accordance with the Shire of York Adopted Schedule of Fees and Charges;
2. The applicant will be advised of any additional fees and charges through the event approvals process. These must be paid at least seven (7) days prior to the event;
3. Refund of fees will only be considered in the event of a cancellation notice being received at least seven (7) days prior to the event date or the event is cancelled by regulatory bodies (state or federal direction). An administration fee may still be charged.

Event Issue

1. All approved events will be issued with an event approval letter stating:
 - Specific conditions of approval for the event
 - A list of approved food and non-food stallholders approved in association with the event
 - Capacity numbers where applicable to the event and/or its venues
 - COVID-19 restrictions and/or implications required to be maintained as applicable to the event and time of the event approval being issued
 - Conditions of alcohol consumption and associated permits
 - Traffic Management Plan approvals as applicable to the event
 - Environmental and Public Health requirements as detailed under assessment in this policy
2. Events rejected through the assessment process will be:
 - provided with a reason why the application was rejected
 - given opportunity to resubmit the application if deemed appropriate
3. A copy of the event approval letter and its associated documents assessed and approved under the event application process must be kept on the event organiser throughout the event duration.

Bonds for Events

1. Bonds will be requested for events using Shire of York facilities. The amount requested will vary depending on the facility used, in accordance with the Shire of York's Adopted Schedule of Fees and Charges;
2. The Bond money will be refunded in full following the successful completion of the conditions of approval outlined in the Shire's event approval letter;
3. Failure to comply with any of the conditions specified in Shire's acknowledgement letter resulting in damages may result in all or part of the bond money not being refunded to the applicant;
4. Failure to pay the bond money less than seven (7) days prior to the event may result in the event approval being withdrawn.

THIS POLICY DOES NOT COVER:

1. Events to be held at:
 - a. Educational premises including primary and secondary centres; and
 - b. Religious centres including churches and worship centres.

2. An event approval is not required providing there is no variation from the following existing approvals:
 - a. Conditions associated with a Planning Consent under the Shire of York Town Planning Scheme.
 - b. Approvals as required in accordance with the Health Act 1911 and associated Regulations.

However, if the event proposed exceeds any established accommodation numbers or differs in nature to any approvals already in place then an event approval is required, and the requirements of this Policy apply.

Governance

This policy should be read in conjunction with any related legislation, codes of practice, relevant internal policies, and the Shire of York *Public Events Guide*.

Related Legislation and Policies

Internal Policies

C1.3 Community Funding; Grants & Sponsorship

C1.4 Sponsorship of Tourism Events

G4.6 Risk Assessment and Management

Temporary Accommodation Policy

Related Legislation

Public Building Health Regulations 1992

Local Government Act 1993

Risk Management AS/NZS 4360

Liquor Control Act

Food Act 2008

Roads Act 1993

Road Transport (Safety and Traffic Management) Act 1999

Caravan Parks and Camping Grounds Regulations 1997

Review

This policy may be reviewed and updated as necessary should legislation require it; or when Council's functions, structure or activities change; or when technological advances or new systems change the way that Council manages events.

Policy Administration

Responsible Directorate/Division:	Executive Manager Corporate and Community Services
Contact Officer Position:	Governance
Relevant Delegation:	Nil
Relevant Legislation:	Not applicable
Date Adopted:	16 May 2011
Reviews/Amendments	25 March 2019 25 November 2019

Reviewed April 2021
Amendments adopted April 2021

F1.1 REVENUE COLLECTION

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 relates to~~ 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 and 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 clear, equitable, consistent and transparent.
- (c) that account is taken of the circumstances of people with debt owing to the Shire.
- (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 and credit controls are monitored to minimise potential financial loss.

Provisions

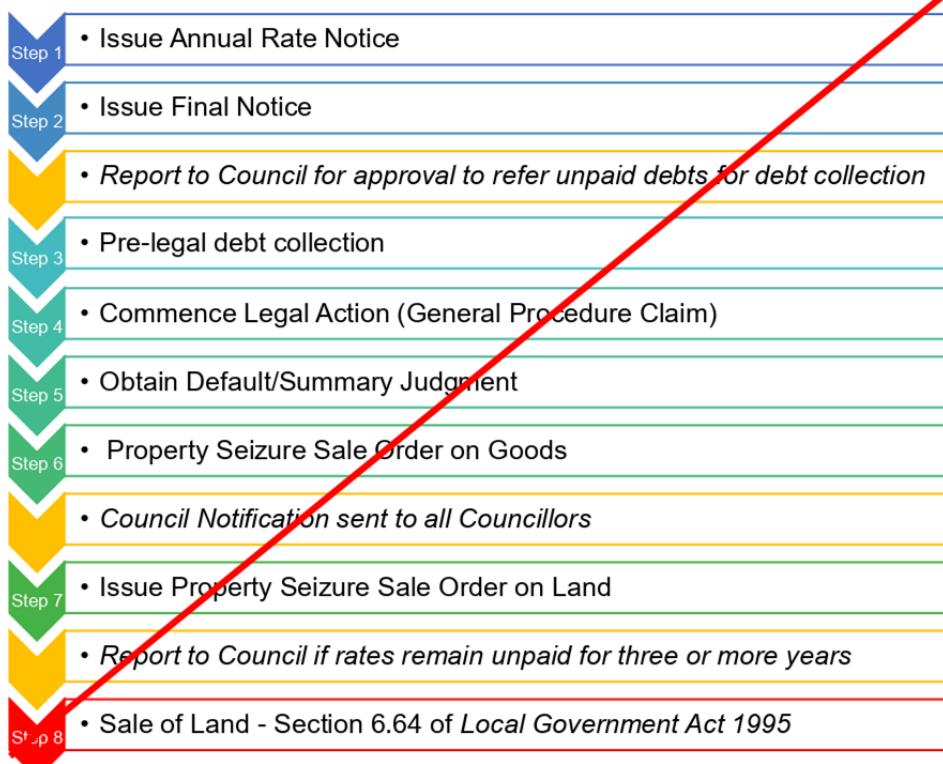
Recovery of Rates and Service Charges

Rates and other charges are due and payable within 35 days of the issue of a notice. Payment may be made either in full by the due date or in four instalments, the first of which is payable by the initial due date.

Amounts that remain outstanding after the due date will be followed up within 30 days with a final notice requiring the ratepayer to pay their balance in full within fourteen days or contact the Shire to make an arrangement to pay.

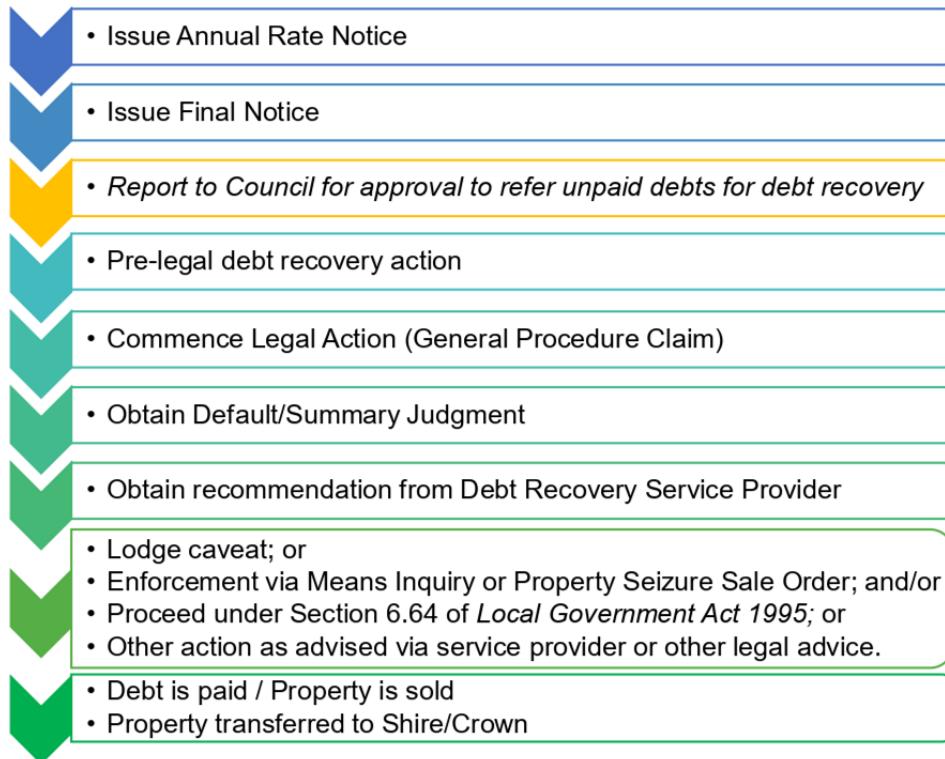
SHIRE OF YORK: POLICY MANUAL

The following Recovery Process outlines the steps the Shire is to take when attempting to recover outstanding rates and charges.



- Step 1 • Issue Annual Rate Notice
- Step 2 • Issue Final Notice
- Step 3 • Report to Council for approval to refer unpaid debts for debt collection
- Step 4 • Pre-legal debt collection
- Step 5 • Commence Legal Action (General Procedure Claim)
- Step 6 • Obtain Default/Summary Judgment
- Step 7 • Property Seizure Sale Order on Goods
- Step 8 • Council Notification sent to all Councillors
- Step 7 • Issue Property Seizure Sale Order on Land
- Step 8 • Report to Council if rates remain unpaid for three or more years
- Step 8 • Sale of Land - Section 6.64 of Local Government Act 1995

SHIRE OF YORK: POLICY MANUAL
Recovery of Outstanding Rates and Charges



1.11. Payment Agreements

1.1 Under DE3-3, a ratepayer is eligible to make application for a payment agreement for outstanding rates and charges, the current year's rates only, provided all arrears are paid in full prior to the arrangement taking effect.

1.2 The Chief Executive Officer has Delegated Authority to accept payment agreements for outstanding rates and service charges (DE3-3) provided the debt is cleared prior to 30 June of the relevant financial year.

1.3 Applications for agreements that do not come under the scope of DE3-3 are to be presented to Council for acceptance or rejection.

1.22. Unpaid Rates and Charges in Excess of \$500

2.1 The Chief Executive Officer ~~be is~~ authorised to recover rates and charges by engaging the services of a debt ~~collection agency~~ recovery service provider.

~~2.2 The pre-legal stage of If no response or payment is received, a letter of demand will be issued on behalf of the Shire of York by its appointed debt collection agent.~~

~~2.32.2 As part of the debt ~~collection~~ recovery process, once referred, involves letters of demand, issued on behalf of the Shire of York by its appointed service provider, along~~

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with telephone calls and/or emails will be made in order to contact the ratepayer to seek payment or enter into a payment arrangement.

2.42.1 If a property is leased, under the provisions of Section 6.60 of the *Local Government Act 1995* the Shire may recover outstanding rates and charges by collecting rent payments from the lessee. Notices must be given to the lessee and lessor. Under delegation DE3-9, the Chief Executive Officer is authorised to give notice to a lessee in accordance with Section 6.60(2) of the *Local Government Act 1995*, requiring the lessee to pay any rent when due to the Shire to satisfy the outstanding rates and charges.

2.52.3 If all pre-legal action is unsuccessful, and in accordance with Section 6.56 of the *Local Government Act 1995*, the Chief Executive Officer is authorised to recover rates and service charges in a court of competent jurisdiction.

2.4 The sequence of legal action is outlined in the debt recovery process. If a Property Seizure and Sale Order (PSSO) on goods is unsuccessful, the next step is to proceed with a PSSO against land. Prior to proceeding against land all Councillors are to be notified via a Council Notification. Councillors must consider the information and action taken to determine if a report to Council is required.

2.6 Other Options:

2.5 If a property is leased, under the provisions of Section 6.60 of the *Local Government Act 1995* the Shire may recover outstanding rates and charges by collecting rent payments from the lessee. Notices must be given to the lessee and lessor. Under delegation DE3-9, the Chief Executive Officer is authorised to give notice to a lessee in accordance with Section 6.60(2) of the *Local Government Act 1995*, requiring the lessee to pay any rent when due to the Shire to satisfy the outstanding rates and charges.

2.72.6 Under the provisions of Section 6.64-(3) of the *Local Government Act 1995*, the Chief Executive Officer is authorised to lodge caveats on land where rates and Service service charges are in arrears and it is considered appropriate that the interest of the Council should be protected.

2.82.7 The Chief Executive Officer be is authorised to withdraw caveats lodged on land where the owner has met his/her obligation in full in relation to the rates and charges outstanding.

1.33. Rates and Charges that Remain Unpaid for three years or more

3.1.3.1 If all reasonable attempts outlined in Section 2 result in no successful recovery and the rates and charges remain unpaid for three years or more the GEO Chief Executive Officer is authorised to take possession of the land in accordance with Section 6.64(1) of the *Local Government Act 1995*.

3.2.3.2 A report is to be presented to Council detailing the amount of rates and charges outstanding, the attempts to recover the debt and the recommended action.

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3.3.3.3 The Chief Executive Officer ~~be is~~ authorised to engage a debt ~~collection agency~~recovery service provider to assist in administering the process and the Council approved action.

Recovery of Firebreak Contractor Costs

Under the *Bush Fires Act 1954*, the Shire of York requires the owner or occupier of land to install a firebreak. If they fail to comply, Section 33(4) of the *Bush Fires Act 1954*, provides for the Shire of York to enter the property and employ a contractor to install a firebreak. The costs of which are payable by the owner or occupier of the land (Section 33(5)).

Section 33(8) of the *Bush Fires Act 1954* specifies that any charge made under Section 33 is a charge against the land with the same consequence as if it were a charge under the *Local Government Act 1995* for unpaid rates, and is a debt due from the owner or occupier of the land.

On this basis, the costs incurred by the Shire of York to install a firebreak on a noncompliant property are to be levied against the property and if unpaid, are recoverable through the rates debt recovery process.

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Recovery of Non-Rates Charges

Sundry debtor charges include all other services not specifically identified elsewhere in this policy.

The following Recovery Process outlines the steps the Shire is to take when attempting to recover outstanding sundry debts.

Recovery of Outstanding Sundry Debts

~~Invoices are payable within 30 days of the issue date of the invoice.~~

- Issue Invoice
- Issue Reminder Notice
- Issue Final Notice
- Issue Demand Letter where appropriate
- *Report to Council for approval to refer unpaid debts for debt recovery*
- Pre-legal debt recovery action
- Obtain recommendation from Debt Recovery Service Provider to determine whether to proceed with legal action or write off
- Proceed with legal action; and/or
 - Debt is paid; or
 - Debt is written off under DE3-4 or by Council Resolution

1. Debt Management

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

- 1.1. Invoices are payable within 30 days of the issue date of the invoice
- 1.1. ~~If an invoice remains unpaid after a Final Notice is issued, reminder notice will be issued in the first instance.~~
- 1.2. ~~If no payment has been received within 14 days of the issue of the reminder notice, a final notice will be issued advising the debtor that payment is expected within seven (7) days of the issue date of the notice or legal action may be taken.~~
- 1.3.1.2. ~~If no response is received from the debtor then following a review of the circumstances with the relevant staff members involved, a demand letter may be sent to the debtor advising them of what action is to be taken if payment is not made or an agreement to pay is not entered into. The debtor will be advised that any fees incurred in recovering the debt will be passed on to the debtor.~~
- 1.4.1.3. ~~Before any third party is engaged to recover an outstanding debt, a report is to be presented to Council seeking approval to refer the matter to the Shire of York's appointed debt collection agent/recovery service provider.~~

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1.5.1.4. The Chief Executive Officer ~~be is~~ authorised to recover fees and charges by engaging the services of a debt ~~collection agency firm~~recovery service provider.

1.6.1.5. The debt ~~collection agent~~recovery service provider ~~will is to~~ advise the Shire regarding the best course of action to ensure efficient and realistic collection of the amount owing. If legal action is required a report will be presented to Council seeking approval to proceed.

1.7.1.6. Once all reasonable attempts to either locate the debtor or to obtain payment have failed, the ~~relevant department staff member~~ responsible for raising the debt will be asked to submit a written request for the invoice to be considered for write off.

1.8.1.7. Depending on the value of the debt, approval will be sought from the Chief Executive Officer, under Delegated Authority DE3-4 or presented to Council for the debt to be written off. Once approval has been received, the appropriate entries will be made in the Accounts Receivable Ledger.

2. 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 ~~or department~~. ~~Once this has been received a~~A credit note request ~~will is to be prepared by the responsible officer raised which is to be~~and authorised by ~~the appropriate Executive, both the staff member who raised the initial invoice and the Executive Manager Corporate and Community Services~~.

3. Interest on Overdue Accounts

Council may elect to impose interest on outstanding debts. The rate of interest imposed is to be determined by Council in accordance with Section 6.13 of the *Local Government Act 1995*.

Recovery of Fines and Infringements

Infringements are issued by authorised officers of the Shire of York. ~~There is no provision for part payments or payment arrangements with infringements due to making them unenforceable with the Fines Enforcement Registry (FER).~~

1. Debt Management

- 1.1 Where payment is not received within twenty eight (28) days from the date of the infringement, a Final Demand Notice will be issued, with an applicable fee. The ~~E~~final ~~D~~emand Notice gives the customer a further twenty eight (28) days to pay the infringement.
- 1.2 Where the customer fails to pay the infringement by the expiry of the period defined above, the infringement is ~~to be~~ referred to the Fines Enforcement Registry where further charges will be incurred.
- 1.3 The Shire has no control over the collection process undertaken by the Fines Enforcement Registry and cannot take any action on its own.
- 1.4 From time to time, write off of debts will be required when the Fines Enforcement Registry deem the fines and/or costs uncollectable. Approval will be sought from the

SHIRE OF YORK: POLICY MANUAL

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.

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

SHIRE OF YORK: POLICY MANUAL

Policy Administration

Responsible Directorate/Division: Finance Department

Author/Contact Officer Position: Finance Manager

Relevant Delegation: DE3-3 - Agreement as to Payment of Rates and Service Charges

DE3-4 - Write Off of Monies Owing (Not Rates and Services Charges)

DE3-8 - Rates or Service Charges Recoverable in Court

Relevant Legislation: *Local Government Act 1995* – Section 6.13

Local Government Act 1995 – Section 6 (Subdivision 5)

Relevant Documents: [DLGSC Local Government Operational Guidelines – Number 22](#)

Date Adopted: 27 June 2016

Reviews/Amendments: 24 October 2016

27 November 2017

25 February 2019

25 November 2019

[29 March 2021](#)

F1.2 PROCUREMENT

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 and the following is in accordance with the Shire of York's Statement of Business Ethics.

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) Where appropriate local suppliers and/or suppliers using significant local resources to be given preferential consideration in order to support the local economy.
- e) Wherever possible, other sustainable benefits such as environmental and social factors will be considered in the overall value for money assessment.
- f) There should be no conflicts of interest which might compromise equity, probity and integrity and the avoidance of bias in the procurement process.

- g) Procurement records will be maintained in accordance with the *State Records Act* and the Shire's Recordkeeping Plan.
- h) Confidentiality protocols that protect commercial-in-confidence information are applied with information released only where appropriately approved.
- i) Risks related to the procurement process are identified and managed within the Shire's Risk Management Framework.

Provisions

4. Ethics and Integrity

1.11. All ~~Officers and~~ employees of the Shire shall observe the highest standards of ethics and integrity in undertaking purchasing activity~~ties~~, and act in an honest and professional manner that supports the standing of the Council.

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4.21.1. 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 the *Local Government Act 1995*, *Local Government (Functions and General) Regulations 1996* and requirements consistent with the Shire's Policies, Procedures 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. ~~2.1~~ Value for money is an important principle governing purchasing, that allows the best~~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.

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2.12.2. An assessment of the best value for money outcome for any purchasing should consider:

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- (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.
- (v) The safety requirements and standards associated with both the product design and the specification offered by suppliers and the evaluation of risk arising from its supply, operation and maintenance.

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

2.2

3. Purchasing Thresholds and Practices:

3.1 3.1 The Shire of York must comply with all requirements, including purchasing thresholds and processes, as prescribed within legislation, this Policy and associated procedures in effect at the Shire of York.

3.13.2 The following table outlines the purchasing value thresholds and applicable practices relating to purchasing activities.

3.1.13.2.1 Purchasing value for the purposes of this policy is exclusive of GST.

3.1.23.2.2 Where no contract exists, the purchasing value will be the estimated total expenditure for a minimum three-year period.

Amount of Purchase	Process to be followed
Up to \$2,000	Direct purchase from suppliers. No quotation required. Market testing is strongly encouraged.
\$2,000 to \$5,000	Seek at least two verbal or written quotations from suitable suppliers (may include print outs from reputable suppliers' catalogues or websites), recommendation to purchase, include on quotation form reason for choosing selected supplier, official order for the goods and services to be countersigned by the Officers designated in this Policy. At least one quotation must be obtained
\$5,001 to \$20,000	Seek at least three verbal or written quotations from suitable suppliers, recommendation to purchase, include on quotation form reason for choosing selected supplier, official order for the goods and services to be countersigned by the Officers designated in this Policy. At least one quotation must be obtained
\$20,001 to \$50,000	Seek at least three written quotations from suitable suppliers after outlining in writing the requirements of the supply, 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. At least two quotations must be obtained.

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\$50,001 to \$150,000	Obtain at least three written quotations (using the Shire of York's Request for Quotation template) containing price and specification of goods and services, recommendations to purchase to be accompanied by a written evaluation against pre-determined criteria, and approved by the Chief Executive Officer.
\$150,001 and above	Conduct a public tender process, as prescribed under the <i>Local Government (Functions and General) Regulations 1996</i> .
WALGA Services (excluding Preferred Supplier Program)	For the purchasing of WALGA services, a minimum of one written quotation is to be sought and recorded.
Local Government Insurance Services (LGIS) and affiliated companies.	For the purchasing of LGIS services, a minimum of one written quotation is to be sought and recorded. The suite of LGIS insurances is established in accordance with s.9.58(6)(b) of the Local Government Act 1995 and is provided to WALGA Member Local Governments as the owners of LGIS. Therefore, obtaining LGIS insurance services is available as a member-based service and is not defined as a purchasing activity subject to this Policy.

See also Clause 11.

3.23.3 The Local Government (Functions and General) Regulations 1996 were amended in April 2020 and the tender threshold raised from \$150,000 to \$250,000. The Shire of York will continue to call for tenders for purchases over \$150,000 where it is considered beneficial, tenders may be called in lieu of seeking quotations for purchases with a value under the \$150,000 threshold. In this case, a Request for Tender Process must be followed.

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

3.4

3.5.1 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.

3.4.1

3.4.2 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.

3.5.2 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.

3.5 Emergency purchases not included in the adopted budget must be authorised in advance by the Shire President in accordance with s6.8 of the Local Government Act 1995.

3.6 3.6 Purchasing Procedure^{ss}

3.6.1

The Shire has developed a comprehensive Procurement Manual and procedures relating to all aspects of procurement which must be adhered to at all times.

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4. Insufficient Suppliers

4.1 It is recognised that in some cases, it may not be possible to obtain three quotations in accordance with the above. In this case, officers must attach a file note to the purchase order outlining the details of the companies contacted (date, method, contact details) and their response. This option is not permitted for purchase values above \$50,000.

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5. Sole Source of Supply

5.1 5.1 The procurement of goods and/or services available from only one private sector source of supply is permitted without the need to call for competitive quotation provided that there is genuinely only one source of supply. Written information regarding endeavours to find other sources must be included on the purchased order.

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6. Panels of Pre-Qualified Suppliers**6.**

6.1 6.1 The Shire may establish Panels of Pre-qualified Suppliers consider creating a Panel of Pre-qualified Suppliers ("Panel") when a range of similar goods and services are required to be purchased on a continuing and regular basis.

6.1

6.2 6.2 Panels will be established in accordance with the provisions of Part 4, Division 3 of the Local Government (Functions and General) Regulations 1996. If the Shire chooses to do so, a separate written policy with respect to panels of pre-qualified suppliers will be developed and adopted in accordance with Division 3 Part 4 of the Local Government (Functions and General) Regulations 1996.

6.3

6.3 Panels may be established for one supply requirement, or a number of similar supply requirements under defined categories within the Panel. A panel shall be established with not less than two members. Panels shall not be established for a term exceeding three years.

6.4

6.4 The invitation to join the Panel advertised through state-wide notice will contain the following:

- A brief description of the goods or services that the members of the Panel of prequalified suppliers will be expected to supply
- The term of the Panel
- The evaluation criteria by which applications will be assessed
- The expected number of Panel members
- How work will be distributed amongst Panel members

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6.5 All submissions will be evaluated and ranked in accordance with the terms and conditions of the invitation and based on the information provided in each Offer

6.6 The suppliers that best demonstrate their ability to deliver the Goods and/or Services to the expected standard at a competitive price will be invited to join the Panel

6.7 At the commencement of each Panel of pre-qualified suppliers, a communications plan will be developed. This will set out how all communication between the City and Panel of prequalified suppliers will take place during the term of the Panel

6.8 Quotations will be obtained from Panel members by either:

- Issuing a request for quotation for each purchase to all pre-qualified suppliers in the Panel. The selection decision will be based on pre-determined evaluation criteria forming part of the invitation to quote to assess the suitability of the supplier for particular items of work.

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- Contracts under the pre-qualified panel will be awarded on the basis of value for money in every instance

6.9 All Pre-qualified supply panels will be established as local panels in the Shire's electronic records system. Each quotation process, including the invitation to quote, clarifications with Panel members, quotations received and notification of award will be recorded the Shire's records management system

7. Anti-Avoidance

7.1 Shire 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.

8. Exemptions

8.1 Notwithstanding that the principles of ethics and integrity as outlined in Section 1 apply at all times, in addition to the regulatory Tender exemptions for purchasing as set out in Regulation 11(2) of the Regulations, certain circumstances may arise where it is not reasonably practicable to adhere to the purchasing thresholds outlined in Section 3.

8.2 The following purchases are exempt from the requirement to undertake a competitive purchasing process as outlined in Section 3, where the total value of the purchase is within the Shire's approved annual budget, does not exceed \$50,000 in value, and where the overall business risk has been assessed as low to medium:

- Emergency reactive building maintenance purchases under \$5,000
- Advance/Prior Payment of Services (accommodation, travel services, seminars, training courses)
- Annual memberships/subscriptions
- Annual license/software maintenance/support fees
- Conferences
- Purchases of consumables, defined as items which are able to be consumed and liable likely to be used up or depleted over a short period of time
- Purchases of goods or services supplied by or obtained through the Western Australian State government or the Commonwealth or any of its agencies, or by a local government or a regional local government
- Purchase of legal services where that service is obtained from a pre-qualified supplier under the WALGA Preferred Supplier Arrangement
- Reimbursements (TAFE, training course fees, accommodation/meal costs, telephone and internet)
- Reimbursements for Shop Local Programs made in accordance with approved budget allocations.
- Procurement of performing arts, defined as forms of creative activity that are performed in front of an audience, such as drama, music or dance
- Provision of utility services (where only sole provider)
- Where the contract is for petrol, oil or other liquid or gas used for internal combustion engines

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- Purchases from Original Equipment Manufacturer (OEM's), or a sole agent thereof, where warranty provisions may otherwise be void
- Purchases of goods, services or works where there is genuinely only one private sector source of supply (manufacturer, supplier or agency) in line with Section 5 of this Policy
- Purchases of goods or services with demonstrated unique technical requirements that integrate explicitly with existing Shire systems, deviation from which would be inefficient and would otherwise not be considered value for money
- Emergency purchases in line with Section 3.5 of this Policy

Sponsorships and donations made in accordance with Policy C1.3 *Community Funding: Grants and Sponsorship* or Policy C1.4 *Sponsorship of Tourism Events*.

•

9. **Record Keeping**

All purchasing activity, communications and transactions must be evidenced and retained as local government records in accordance with the *State Records Act 2000* and the Shire's Record Keeping Plan.

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10. **Creation of New Suppliers**

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

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

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

11.1 At all times, an order must be raised, with full supporting quotation documentation, prior to the official engagement of a suppliercreditor. 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.

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Chief Executive Officer	Tender related purchasing – to a maximum value in accordance with the approved tender as determined by Council
	Non-tender related purchases - to a maximum of \$150,000 in any one transaction within the approved Budget Allocations
Executive Manager Corporate and Community Services	To a maximum of \$50,000 in any one transaction within the approved Budget Allocations
Executive Manager Infrastructure and Development Services	To a maximum of \$50,000 in any one transaction within the approved Budget Allocations
Works Supervisor	To a maximum of \$2,000 in any one transaction within the approved Budget Allocations

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12. **Officers in acting capacity**

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12.1 Officers in acting capacity may sign official orders and authorise an invoice for payment of goods and services, as detailed within this Policy.

12.2 Acting capacity is defined when the Chief Executive Officer and/or the Officer for the time being appointed as Acting Chief Executive Officer is absent, on annual leave, long service leave, sick leave, conferences, meetings or absent from office during the course of business.

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

13.1 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 11.1.

13.2 Purchases above \$150,000~~04~~ (excluding GST), conduct a public tender with a report to Council to award the contract.

14. Sustainable Procurement

14.1 Local Economic Benefit

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

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

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

14.2 Local Price Preference

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.

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(a) Goods and Services

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

(b) Construction

- (i) A 5% price preference, to a maximum of \$5,000, applies to all construction conducted by businesses/contractors based within the Shire of York.

(ii) A 2.5% price preference, to a maximum of \$2,500, applies to all construction conducted by business/contractors based within the Avon Valley.

14.3 *Purchasing from Australian Disability Enterprises*

Where possible and appropriate, Australian Disability Enterprises (ADEs) are to be invited to quote to supply goods, services or works under the tender threshold.

For purchases above the tender threshold, an ADE may be contracted without the need to undertake a public Tender process. The ADE will still need to be issued a request for quotation document, and a value for money assessment of the ADE's offer must be made to demonstrate benefits for the Shire's achievement of its strategic and operational objectives.

14.4 *Purchasing from Aboriginal Businesses*

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

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

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

15. **Non-Compliance**

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

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

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

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

Policy Administration

Responsible Directorate/Division:	Corporate and Community Services
Contact Officer Position:	Executive Manager, Corporate & Community Services
Relevant Legislation:	<i>Local Government Act 1995 – Section 3.57</i> <i>Local Government Act 1995 – Section 6.10</i> <i>Local Government (Financial Management) Regulations 1996 – Regulation 11</i> <i>Local Government (Functions and General) Regulations 1996 – Parts 4 and 4A</i> <i>Local Government (Audit) Regulations 1996</i>
Relevant Delegation:	DE3-1 Authority to make payments from Trust and Municipal accounts DE5-2 Tender Evaluation Criteria DE5-3 Minor Variation for Goods and Services DE5-4 Expressions of Interest DE5-5 Tenders to be invited for Certain Contracts
Other Relevant Documents:	G1.1 Code of Conduct F1.5 Authority to Make Payments from Trust and Municipal Funds Shire of York Procurement Manual F1.6 Corporate Credit Card Policy <i>Department of Local Government Guideline No 11 – Use of Corporate Credit Cards</i>
Date Adopted:	28 January 2016
Reviews/Amendments	24 October 2016 18 September 2017 29 July 2019 25 November 2019 27 April 2021

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Amended PolicyTEMPORARY ACCOMMODATION
POLICY

Policy Owner:	Health & Building
Person Responsible:	Manager Health & Building
Date of Origin:	17 December 2012 – Council Resolution 081212
Endorsed:	17 December 2012 – Council Resolution 081212
Amended:	27 April 2021
Version:	1

1. INTRODUCTION

Living in a caravan or camping for a period of time greater than (3) days in any 28 day period on land that you own or are legally entitled to occupy is not permitted without written approval from the Council.

Council may grant permission for a period not exceeding 3 months however, upon request for an extension of time, up to 12 months may be conditionally granted.

Council may consider allowing temporary accommodation while building a house with the condition that the applicant must be in possession of a building permit for a residence.

Monetary penalties of up to \$1000.00 may be applied to offences involving camping and or occupying a caravan without permission.

2. OBJECTIVES

To give approval for temporary residence in a caravan provided it can be demonstrated basic health and safety requirements can be achieved and a defined time limit is in place (2 years).

3. STATUTORY POWERS

- Caravan Parks & Camping Ground Regulations 1997
- Building Regulations 2011

4. POLICY PROVISIONS

The only form of temporary accommodation to be approved shall be within a caravan in accordance with the Caravan Parks and Camping Grounds Regulations 1997 for a period up to 12 months.

Applicants and occupiers must own or have a legal right to occupy the land.

~~Applications for temporary accommodation shall only be considered for land in the Special Residential; Rural Small Holdings and Agricultural Local zones as identified in the Shire of York Town Planning Scheme.~~

Applications for temporary accommodation shall only be considered for land in the Rural Residential; Rural Smallholding and Rural zones as identified in the Shire of York Local Planning Scheme No. 3.

**Policies to be transferred into the new
Operational Section of the Shire of York
Policy Manual**



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 Officer in terms of general principles of workforce and employee management, and those areas where it is expected the Chief Executive Officer 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 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
- (e) The Shire of York, 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: 24 October 2016
25 November 2019



G 1.13 ALCOHOL AND OTHER DRUGS

1.0 Policy Objective:

To ensure a safe workplace free from the effects of alcohol and other drugs.

2.0 Policy Scope:

This policy applies to all employees, contractors and visitors (herein referred to as workers), irrespective of their position within the Shire, carrying out work for or on behalf of the Shire.

3.0 Policy Statement:

The Shire of York is committed to maintaining a safe and healthy work environment. A worker's ability to work safely and productively may be impaired by the use or abuse of alcohol and other drugs in the workplace. The Shire has a zero tolerance for impairment of performance through the use of alcohol or other drugs.

4.0 Responsibilities:

4.1 The Shire

The Shire has a legislative responsibility to provide and maintain a work environment that does not expose workers and others to hazards, as far as reasonably practicable.

4.2 Workers

It is the responsibility of all workers to present themselves for work in a fit state so that in the course of carrying out their normal work activities, they do not expose themselves or others to unnecessary risks to safety and health.

It is the responsibility of all workers to ascertain what effects all prescribed or non-prescribed medication may have on work performance ie the ability to drive, operate equipment be alert, concentrate etc. The worker has a legislative responsibility to advise their Supervisor if they are taking any prescribed or non-prescribed drug(s) which may affect their fitness for work or work performance.

The worker also has a legislative duty to advise their Supervisor if they are affected by alcohol which may affect their fitness for work or work performance.

4.3 Supervisors

Supervisors must monitor the performance of workers they supervise and identify those who *may* not be fit to perform their work duties safely. Once identified the Supervisor should;

- take appropriate action to remove the risk to the worker and others
- review the situation ensuring that the worker is treated with fairness and respectfully
- maintain confidentiality wherever possible
- arrange for the worker to undergo 'for-cause' testing with a medical practitioner selected and provided by the Shire

4.4 The Chief Executive Officer

The CEO is responsible for compliance with this policy and for developing and implementing documented procedures to support the application of the policy.

5.0 Policy Application:**5.1 Alcohol and Other Drugs in the Workplace**

The use of alcohol or other drugs in the workplace – including Council premises, parks, reserves, vehicles, plant or any other Local Government building or physical asset, is prohibited.

The Chief Executive Officer may waive this requirement regarding the use of alcohol, where circumstances warrant - for example, when Council sponsors a social event, such as an official farewell, staff social club meetings or a Christmas Party.

5.2 Alcohol and Drug Testing

The Shire reserves the right to conduct pre-employment, random, blanket and suspicion alcohol and drug testing throughout the whole organisation.

A qualified Testing Service Provider will perform those tests. The outcome may or may not affect the perception of an employee's fitness for duty on that day and may entail disciplinary action.

Suspicion testing shall only be carried out if a supervisor/manager suspects or determines that a substantial risk exists for the employee, co-workers or the public. A Testing Service Provider will conduct this form of testing by breathalysing/oral testing the employee first. A urine test may be ordered as a result of the first tests to determine the presence of a serious misconduct, such as a criminal offence or a serious breach of Council's policy providing reasonable grounds for terminating employment (in accordance with the Local Government Act and/or relevant Awards).

All testing results will be kept private and confidential wherever possible.

5.3 The Shire's Rights when Alcohol or Other Drug Use is Suspected

If a Manager or Supervisor has justifiable cause to doubt an employee's fitness for duty, they may have the employee removed from the workplace and may initiate any reasonable action considered necessary. If it is believed that the use of drugs or alcohol renders risk to the safety or health of the employee, co-workers or the public, the Shire reserves the right to remove the employee from duty pending an urgent medical examination to determine fitness for duty.

The subject employee will be entitled to full payment of entitlements until such time as the medical examination determines that the employee is unfit for work.

If the employee is deemed fit for work, the employee will be returned to work immediately.

If the employee is deemed unfit for work, the employee will be placed on leave without entitlements until such time as a medical examination determines fitness for duty.

5.4 Detection

Where an employee is declared impaired by alcohol or other drugs following medical testing, the following procedure will apply;

First breach – the Executive Manager will arrange a performance management meeting no more than a week after the employee has returned to work. The employee may request a

support person to be present. The employee's performance will be discussed with regards to the impairment evidenced, non-compliance with this policy and the employee will be encouraged to seek professional help if required. The Executive Manager will clearly state the expected standards of performance required. A file note will be placed on the employees Personnel file.

Second Breach – the CEO reserves the right to take immediate disciplinary action which may include suspension where the employee will be required to take personal leave or leave without pay, or in the event of serious misconduct, dismissal in accordance with the *Local Government Act 1995* and the Shire's Enterprise Bargaining Agreements.

6.0 Key Terms/Definitions

Approved Medication – a medication that has been declared by the worker prior to testing, which is not deemed to breach this policy. Toxicology advice may be sought to assist in this determination.

Blanket Test – a test carried out that involves at least 50% of the workforce

BAC – (Breath Alcohol Content) – the concentration of alcohol in the breath

Contractor – an individual or company and its personnel carrying out work for the Shire (referred to as a 'worker' of the Shire for the purposes of this policy)

Drug – any substance which when taken into the body, alters the body's function physically and/or psychologically. This includes legal or illegal substances, non-prescribed or prescribed by a medical practitioner

Employee – any person employed to work for or on behalf of the Shire and includes volunteers (referred to as a 'worker' of the Shire for the purposes of this policy)

Executive or Executive Management – the CEO and Executive Managers of the Shire of York

Fit for Work – an individual who is able to perform their duties without risk of harm or injury to themselves, their co-workers or the public, and damage to Shire or other property

Medication – a prescribed or over the counter medication that is approved for sale and/or possession within Australia

Prohibited Substance – a substance such as a drug etc that is banned or forbidden by law or other authority

Random Testing – a test carried out involving less than 50% of the workforce or an individual, work area/crew or department and includes Shire workers

Supervisor – any person appointed to supervise/manage a group of workers on behalf of the Shire

Suspicion Testing – a test carried out on an individual where there is reasonable grounds to suspect impairment by alcohol or other drugs.

Testing Service Provider – a qualified supplier/persons authorised by the Chief Executive Officer to conduct drug and alcohol testing in compliance with the relevant Australian Standards

Worker - any employee, contractor, volunteer engaged to undertake work for the Shire

Workplace – A place, vehicle, building, or other structure, where workers work or are likely to be in the course of their work for the Shire.

Policy Administration

Responsible Directorate/Division:	Chief Executive Officer
Contact Officer Position:	Chief Executive Officer
Relevant Delegation:	N/A
Relevant Legislation	<i>Occupational Health and Safety Act 2004</i> <i>Equal Opportunity Act 1985</i> <i>Privacy Act 1998</i> <i>Local Government Act 1995</i>
Date Adopted:	18 September 2017
Reviews/Amendments	25 November 2019



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 Councillors 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 timelines 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:	Infrastructure & Development Services
Author/Contact Officer Position	Executive Manager Infrastructure and Development Services
Relevant Delegation:	Not Applicable
Relevant Legislation:	<i>Local Government Act 1995 Section 56.1</i> <i>Local Government (Administration) Regulations</i>
Relevant Documents:	Department of Local Government and Communities, Integrated Planning and Reporting, Advisory Standard.
Date Adopted:	28 January 2016
Reviews/Amendments	24 October 2016 25 November 2019

Amended

G 4.7 INTERNAL CONTROL

Policy Objective:

The purpose of this policy is to assist the Shire to carry out its activities in an efficient and effective manner in order to achieve its strategic objectives, to ensure adherence to policies, to safeguard the Shire's assets, and to secure (as far as possible) the accuracy and reliability of Shire financial records.

Policy Scope:

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

Policy Statement:**Introduction**

This policy documents Council's commitment to appropriate and effective internal controls and their importance to the organisation.

This policy provides a framework for the establishment of documented internal controls that are implemented based on risk management policies and principles.

The policy will assist the organisation in addressing the risk of; material misstatement of financial information, fraud and corruption, misappropriation of funds and loss of physical assets and ensure that Council meets its obligation under the *Local Government Act 1995*, associated Regulations and other legislation.

Key Terms/Definitions**Internal Control**

Systems of policies and procedures that safeguard assets, ensure accurate and reliable financial reporting, promote compliance with laws and regulations and achieve effective and efficient operations. These systems not only relate to accounting and reporting but also include communication and organisational processes both internally and externally, staff management and error handling.¹

Principles

- a) A risk based approach to address and reduce the risk of loss caused by fraud, error or misstatement.
- b) Protection of the Shire of York's assets – people, property, reputation, financial sustainability and information.
- c) On-going audit and identification of system gaps and improvement of internal controls at the Shire of York.

Provisions

An appropriate and effective internal control framework is the responsibility of all employees. All employees are accountable for implementing systems, controls, processes and procedures in their own area of responsibility and will play a part in the internal control framework in differing degrees.

The Audit Committee and Council are responsible for mandating that a strong internal control framework is implemented to ensure the good governance of the organisation. The Chief Executive Officer will report regularly to the Audit Committee and Council on the review and improvement to Council's internal control framework.

Monitoring, Reviewing and Reporting

~~The Shire of York will periodically A monitoring and reporting process/system will be implemented which will provide six monthly reports to management~~, the Audit Committee and Council on the status of Risk Management, Internal Controls and Legislative Compliance within the Shire of York and which will identify the need for specific areas for review.

In accordance with Regulation 17 of the *Local Government (Audit) Regulations 1996*, the Chief Executive Officer is required to report on a review of the above three areas every ~~two~~^{three} years. This is in addition to the ~~four~~^{three}-yearly review required by Regulation 5(2)(c) of the *Local Government (Financial Management) Regulations 1996* which also includes a review of the Shire's financial internal controls.

Policy Administration

Responsible Directorate/Division:	Chief Executive Officer
Contact Officer Position:	Executive Manager, Corporate & Community Services
Relevant Delegation:	N/A
Relevant Legislation:	<i>Local Government (Financial Management) Regulations 1996</i> – Regulation 5 <i>Local Government (Audit) Regulations 1996</i> – Regulation 17
Other Relevant Documents:	<i>Policy G4.6 Risk Assessment and Management</i>
Date Adopted:	18 September 2017
Reviews/Amendments:	25 November 2019

27 April 2021

¹CPA Australia, 2011, 'Internal Controls For Not-For-Profit Organisations', p. 3



H 1.2 HEAT MANAGEMENT

Policy Objective

We at the Shire of York believe that the safety, health and well-being of people employed by us, or people affected by our work, is a priority and must be considered during all work performed by us or on our behalf.

Policy Scope

This Policy applies to all elected members, employees, volunteers and contractors of the Shire of York.

Policy Statement

Introduction

Working in heat can be hazardous and cause harm to workers. Heat may come from: hot climatic conditions; heavy work in moderately hot conditions; hot work processes; radiant heat from surroundings; work where heavy protective clothing must be worn and / or a combination of these factors.

Principles

The Shire aims to eliminate or minimise the risks of heat-related illness, as far as reasonably practicable, by:

- Identifying the risk factors contributing to heat-related illness including the work processes, work environment and the worker
- Assessing the risk of these factors to workers
- Eliminating and / or minimising the risk to workers

The Shire will develop an Action Plan to manage heat-related illness including:

- Planning temperature control for *new* indoor work areas
- Providing engineering controls e.g. air conditioning, fans, insulation, vents / windows, ducting to reduce temperature and / or promote air movement
- Plan and organise work to minimise heat exposure
- Provide training, information and instruction to workers regarding heat management
- Providing appropriate personal protective equipment (PPE) to minimise exposure to solar ultraviolet radiation and heat

We are committed to fulfilling the objectives of this policy and expect the same of all workers and contractors working on our behalf.

Policy Breach

Any breach of this policy may be dealt with in accordance with Council Policy G1.1 *Code of Conduct: Councillors, Committee Members and Employees* and/or the Shire's internal disciplinary procedures.

Key Terms/Definitions

Employee, for the purposes of this policy, refers to elected members, employees, volunteers, and/or contractors of the Shire of York.

Policy Administration

Responsible Directorate/Division:	Corporate and Community Services
Author/Contact Officer Position:	Executive Manager Corporate and Community Services
Relevant Delegation:	N/A
Relevant Legislation:	<i>Occupational Safety and Health Act 1984</i> <i>Occupational Safety and Health Regulations 1996</i>
Relevant Documents:	<i>G1.1 Code of Conduct: Councillors, Committee Members and Employees</i> <i>HR Procedure: Counselling, Disciplining and Dismissing Employees</i> <i>Employee Safety Handbook</i> <i>OSH Induction Checklist</i>
Date Adopted:	29 September 2020
Reviews/Amendments:	Nil



STAFF SUPERANNUATION – WA LOCAL GOVERNMENT SUPERANNUATION PLAN - CONTRIBUTION

Policy Owner:	Governance
Person Responsible:	Executive Manager Corporate and Community Services
Date of Origin:	20 September 1993
Endorsed:	19 September 1994 29 February 1996 15 September 1997 20 June 2005 – Council Resolution 150605 21 August 2006 – Council Resolution 190806
Amended:	20 June 2005 – Council Resolution 150605
Version:	1

OBJECTIVE

To ensure that the Shire of York meets industry standards for employment conditions.

POLICY STATEMENT

That the Council approve participation in the WA Local Government Superannuation Plan Contributory Scheme effective 1 July 2005, on the basis of providing superannuation contributions in keeping with industry accepted standards and as a tool to attract and retain experienced local government members of staff, with council's matching contribution to commence at 3% of the employee's eligible salary and increasing by one percent each financial year thereafter to a maximum of 5%.



VOLUNTEER MANAGEMENT

Policy Owner:	Governance
Person Responsible:	All Executive Managers
Date of Origin:	12 June 2006 – Council Resolution 050606
Endorsed:	21 August 2006 – Council Resolution 190806
	17 August 2009 – Council Resolution 140809
	21 February 2011 (Version: No: 3) – Council Resolution 100211
Amended:	
Version:	1

1. INTRODUCTION

Shire of York recognises the responsibility to ensure that the following points apply to the management of volunteers in the organisation. The Shire of York will maintain a register of volunteers to ensure they are covered by the organisation's insurance policy.

The Council will comply with the national standards for volunteer involvement which represent and explain the tenets of best practice in the management of volunteers.

The following points identify policy considerations for volunteering involving organisations and can be addressed as part of the process to implement the national standards.

- interview and employ volunteer staff in accordance with anti-discrimination and equal opportunity legislation;
- provide volunteer staff with orientation and training;
- provide volunteer staff with a healthy and safe workplace;
- provide appropriate and adequate insurance coverage for volunteer staff;
- not place volunteer staff in roles that were previously held by paid staff or have been identified as paid jobs;
- differentiate between paid and unpaid roles;
- define volunteer roles and develop clear job descriptions;
- provide appropriate levels of support and management for volunteer staff;
- provide volunteers with a copy of policies pertaining to volunteer staff;
- ensure volunteers are not required to take up additional work during Industrial disputes or paid staff shortage;
- provide all volunteers with information on grievance and disciplinary policies and procedures;
- acknowledge the rights of volunteer staff;
- ensure that the work of volunteer staff complements but does not undermine the work of paid staff;
- offer volunteer staff the opportunity for professional development;

SHIRE OF YORK: POLICY MANUAL

- reimburse volunteer staff for out of pocket expenses incurred on behalf of the organisation;
- treat volunteer staff as valuable team members, and advise them of the opportunities to participate in agency decisions;
- acknowledge the contributions of volunteer staff.

2. SCOPE

This policy applies to all management, employees, councillors and volunteers working on Shire activities or official Shire committees.

3. VOLUNTEER REGISTER

A register will be kept. Volunteers between the ages of 16 and 80 are covered for personal accident insurance. If volunteers are outside this age group, contact will be made with Local Government Insurance Services to seek approval for insurance cover.

Policies to be Rescinded



RETROSPECTIVE PLANNING APPLICATIONS

1. STATEMENT OF INTENT

This Policy is intended to be used to provide guidance to Shire Officers and landowners within the Shire of York when considering applications for retrospective planning approval.

2. RELATIONSHIP OF A POLICY TO THE SCHEME

Clause 7.14 of the York Town Planning Scheme No. 2 states that Council may grant planning consent to a use or development already commenced or carried out regardless of when it was commenced or carried out, if the development conforms to the provisions of the Scheme.

If a provision of the Local Planning Policy is inconsistent with the Scheme, the Scheme prevails.

The Local Planning Policy is not part of the Scheme and does not bind the Local Government in respect of any application for planning approval but the Local Government is to have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

3. GENERAL GUIDELINES

3.1 Extent of Application

This policy applies to the Shire of York.

3.2 General Policy Objectives

- (a) To set out a procedure for the retrospective approval of planning applications.
- (b) To ensure that where a retrospective approval is required it can be assessed in a timely manner.

3.3 Definitions

applicant means the person applying for the planning approval. The applicant is not necessarily the landowner, but has the landowner's consent.

landowner means the person or entity that holds the title to the land.

Council means the elected members of the Shire of York.

development means the development or use of any land, including —

- (a) any demolition, erection, construction, alteration of or addition to any building or structure on the land;
- (b) the carrying out on the land of any excavation or other works;

- (c) in the case of a place to which a Conservation Order made under section 59 of the *Heritage of Western Australia Act 1990* applies, any act or thing that —
 - (i) is likely to change the character of that place or the external appearance of any building; or
 - (ii) would constitute an irreversible alteration of the fabric of any building;

development application means an application under a planning scheme, or under an interim development order, for approval of development;

land includes —

- (a) land, tenements and hereditaments; and
- (b) any interest in land, tenements and hereditaments; and
- (c) houses, buildings, and other works and structures;

local planning scheme means a planning scheme of effect or continued under Part 5 of the *Planning and Development Act 2005*;

responsible authority, except as provided in regulations made under section 171A(2)(a) of the *Planning and Development Act 2005*, means —

- (a) in relation to a local planning scheme or local interim development order, the local government responsible for the enforcement of the observance of the scheme or order, or the execution of any works which under the scheme or order, or this Act, are to be executed by a local government; and
- (b) in relation to a region planning scheme, regional interim development order or planning control area, the Commission or a local government exercising the powers of the Commission; and
- (c) in relation to an improvement scheme, the Commission;

Retrospective planning application means applications are applied for developments within the Shire that have been commenced or completed without first obtaining approval for a variety of reasons.

Shire means the Shire of York.

TPS 2 means the Shire of York Town Planning Scheme No 2.

4. POLICY GUIDELINES

4.1 Process for Obtaining Planning Consent

4.1.1 Form of Application

An application for retrospective planning approval must be made on the approved planning application form (refer to Schedule 9 of the TPS2) and accompanied by the applicable fees and accompanying information.

In addition to the standard application requirements, all applications for retrospective approval need to be accompanied by a written justification as to why Council should accept the application and not instigate compliance action.

4.1.2 Application Fees

All application fees for retrospective planning fees will be charged in accordance with Schedule 2 of the *Planning and Development Regulations 2009* and Council's adopted Annual Budget.

The Regulations stipulate that a planning application for development where the development has commenced or been carried out is the adopted planning application fee, plus by way of penalty, twice that fee.

The applicable application fees will be charged at the time of making the application. Where the applicant believes that there are extenuating circumstances, a waiver of fees may be considered by Council following receipt of a written request.

4.1.3 Assessment and Determination of Applications

- (a) Applications will be assessed as if they are new proposals for planning approval.
- (b) All applications for retrospective planning approval will be publicly advertised as a 'retrospective planning application' and in accordance with the requirements of Clause 7.3 of TPS2.
- (c) If an application relates to a heritage listed property or a property located in a flood affected area, the application will be referred to the appropriate state agencies for comment.
- (d) If a submission is received regarding the proposal then the application will be determined by Council.
- (e) If no submissions are received, then the application will be determined by Council Officers under delegated authority.

4.2 Post-Determination Requirements

An application for retrospective planning approval may be determined by Council or under delegated authority by approving or refusing the application. Following determination of an application, an applicant must:

4.2.1 Approval

- (a) If the application relates to a structure, it is the applicant and/or landowner's responsibility to obtain a building licence or building certificate prior to re-commencement or finalisation of work.
- (b) If the application relates to a use, it is the applicant and/or landowner's responsibility to comply with the conditions of consent within the specified time period.
- (c) It is also the applicant's responsibility to comply with any State agency requirements, such as the Water Corporation.

4.2.2 Refusal

- (a) If the planning application is refused then it is the landowner's responsibility to rectify the situation, either by ceasing the land use or removing the unapproved structure.
- (b) Council may also instigate legal proceedings to rectify the situation.

Policy Owner:	Planning Department
Person Responsible:	Manager Planning
Date of Origin:	18 July 2011 – Council Resolution 040711
Endorsed:	18 July 2011 – Council Resolution 040711
Amended:	
Version:	1



RESTRICTION ON BUILDING MATERIALS (PPI)

Policy Owner:	Planning Department
Person Responsible:	Manager Planning
Date of Origin:	21 August 2006 – Council Resolution 190806
Endorsed:	
Amended:	
Version:	1

Local Planning Policy No. 1

Restricted Building Materials Area

Objective:

The objective of this policy is to provide guidelines addressing special conditions of planning, design and development in certain areas of the York townsit.

Policy:

1. All class of buildings, except class 10 buildings, which may be erected in that portion of the district of the Shire of York bounded in the first instance by Ulster Road, Macartney Street, Grey Street, Tenth Road and Henry Road and in the second instance by Panmure Road, Steere Street, Pioneer Road, Chandos Road, Mount Street, Cemetery Road and Herbert Road as indicated by the area bordered black on the plan being the schedule hereto shall comply with the following requirements:
 - (a) All dwellings, extensions or renovations shall have external walls constructed of brick, stone or other like substance, whether finished in facework or render.
 - (b) External walls of dwellings, additions or renovations are not to be constructed wholly or partly of wood, iron, straw, or fibro cement sheets.
 - (c) Any building being erected as a habitable dwelling shall have a minimum floor area of 110m². Such specified area to exclude carports or garages associated with the building.
2. The Council may consider an exemption from this policy where the applicant establishes that special or extraordinary circumstances exist or where the building material proposed has the same outwards appearance and texture of face or rendered brick work. An exemption shall be made by a resolution of the Council and will be for a particular application for a permit to build.
3. Where the Council receives an application for an exemption the Council shall give notice in the following manner:

- a) Notice of the proposed development to be served on all owners and occupiers of land within an area determined by the Council as likely to be affected by the proposal stating that submissions may be made to the Council within twenty-one days of the serving of such notice; and
- b) Notice of the proposal to be published in a newspaper circulating in the district stating that submissions may be made to the Council within twenty-one days from the publication thereof.

The Council resolved that the following delegations be approved on 10th August 2006:

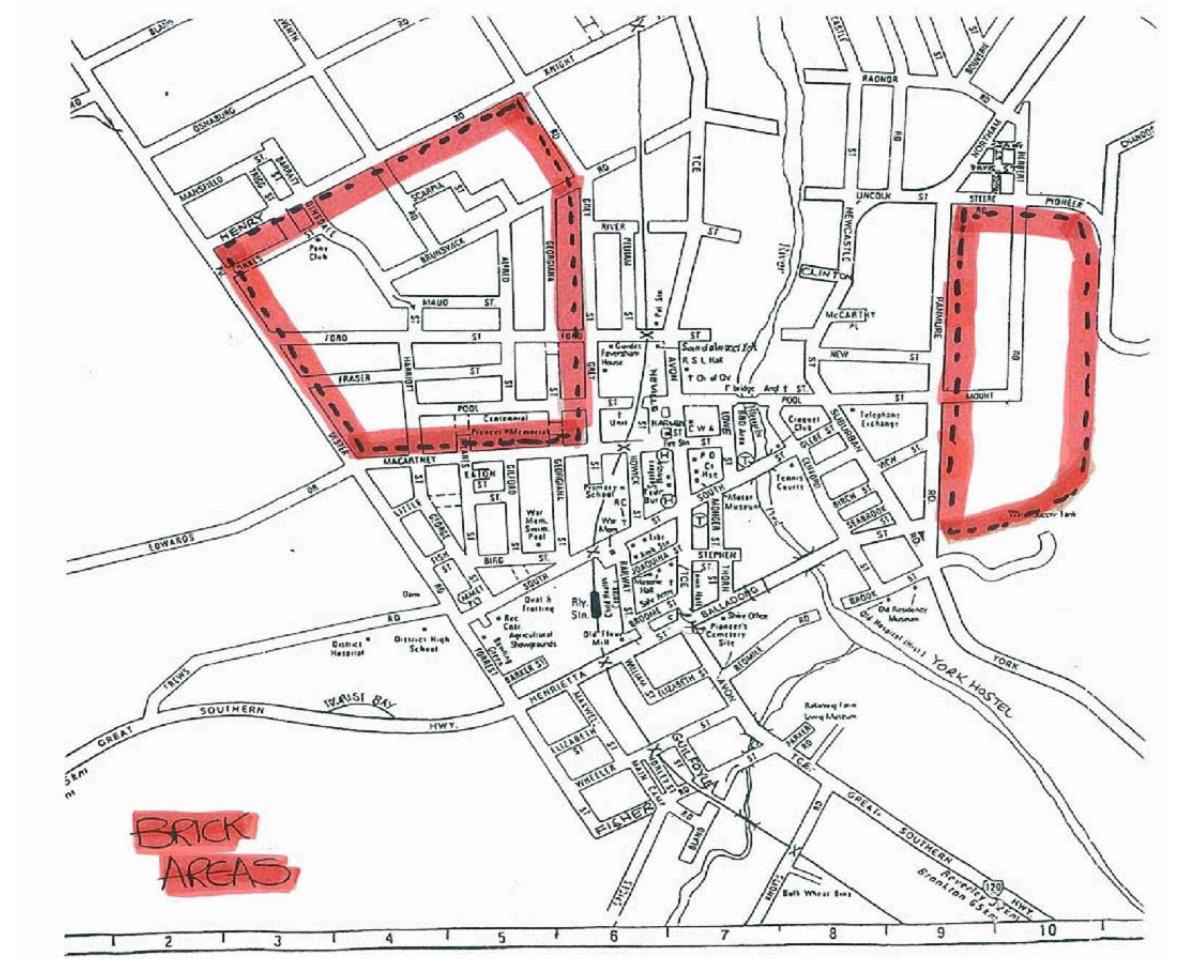
TO: The Chief Executive Officer

DELEGATIONS: Delegated authority be given to the Chief Executive Officer for products that are listed below and exempt persons from the planning policy relating to a restriction on building materials.

GUIDELINES OR CONDITIONS:

Subject to the following conditions:

The dwelling is to be finished externally with a high profile textured coating, such as Dulux Acratex and Solvatex Coarse or an equally approved product that provides the same outward appearance and texture of face or rendered brick work. The finish must be applied prior to occupancy.



SY034-04/21 POLICY MANUAL - AMENDED POLICY - CODE OF CONDUCT: COUNCIL MEMBERS, COMMITTEE MEMBERS AND CANDIDATES AND NEW POLICY - STANDARDS FOR CEO RECRUITMENT, PERFORMANCE AND TERMINATION

File Number: OR.CMA.4

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Previously before Council: 25 November 2019

Appendices:

1. Guidelines on the Model Code of Conduct for Council Members, Committee Members and Candidates
2. Guidelines for Local Government CEO Recruitment and Selection, Performance Review and Termination
3. G1.1 - Amended Policy - Code of Conduct: Council Members, Committee Members and Candidates
4. New Policy - Standards for CEO Recruitment, Performance and Termination

NATURE OF COUNCIL'S ROLE IN THE MATTER

Review.

Legislative.

PURPOSE OF REPORT

This report presents to Council new Policy as required by Regulations that have come into effect 3 February 2021.

The Regulations require Council to adopt a separate policy for the Code of Conduct for Elected Members, committee members and candidates as well as adopt a policy for CEO Recruitment, Performance and Termination.

BACKGROUND

New Legislation – Code of Conduct: Council Members, Committee Members and Candidates

The conduct of Elected Members, committee members and employees were previously governed by the Council's Code of Conduct G1.1.

The effect of the new Regulations is to require separate codes of conduct for employees, contractors, and the CEO on one hand and Elected Members, committee members and candidates on the other.

The new Employee Code of Conduct is currently being developed by the Administration and in accordance with the Local Government Regulations Amendment (Employee Code of Conduct) Regulations 2021 will be approved and implemented by the CEO.

The recently gazetted *Local Government (Model Code of Conduct) Regulations 2021*, effective 3 February 2021, introduced a mandatory code of conduct for council members, committee members and candidates.

Local governments are now required to prepare and adopt the Model Code within three months of these regulations coming into effect (by 3 May 2021). In adopting the Model Code, local governments may include additional behaviours under Division 3 provided these are consistent with the Model Code. Until such time as a local government adopts the Code, the Model Code applies. A copy of the guidelines, provided by the Department of Local Government, Sport and Cultural Industries (DLGSCI) is attached and labelled Appendix 1.

New Legislation – Model Standards for CEO Recruitment, Performance and Termination

The new Regulations also require the Model Standards to be adopted by 3 May 2021.

Both the Model Code and Model Standards apply from 3 February 2021, regardless of whether or not a local government adopts them. However, it is a statutory requirement to adopt them within three months of the Regulations coming into effect. A copy of the guidelines provided by the DLGSCI is attached and labelled Appendix 2.

COMMENTS AND DETAILS

The comments below summarise changes that are proposed to better reflect the intent of the policy.

Governance Policies

Policy	Title	Proposed Amendments / Comments
Amended Policy G1.1 Appendix 3	Code of Conduct: Councillors, Committee Members and Employees	<p>Model Code recommended. Legislation effective 3 May 2021.</p> <p>Rename Policy G1.1 to: Code of Conduct: Council Members, Committee Members and Candidates, thereby separating Elected Members Code of Conduct from Employees Code of Conduct.</p> <p>Note: This Code of Conduct replaces the existing Code. G1.1 in its entirety.</p> <p>In accordance with Section 5.104 of the <i>Local Government Act 1995</i>.</p>

New Policy

Policy	Title	Proposed Amendments / Comments
New Policy Appendix 4	Standards for CEO Recruitment, Performance and Termination	<p>Model Code recommended. Legislation effective 3 May 2021</p> <p>In accordance with Section 5.39B of the <i>Local Government Act 1995</i>, adopt new policy.</p>

OPTIONS

Option 1: The Council could choose not to adopt the proposed amendments, however the legislated period for when these policies need to be implemented and adopted is 3 May 2021.

Option 2: The Council could choose to accept the officer's recommendation of adopting the proposed policy changes. The recommended amendments are to ensure the effectiveness and efficiency of the Shire's operations whilst still remaining accountable to Council and acknowledging that policy review is on-going.

Option 2 is the preferred option.

Consultative

Executive Managers.

Strategic

Goal 5: Strong Leadership and Governance
5.3 Continuous improvement of Governance.

Policy Related

CP1.5 Compliance
G4.6 Risk Assessment and Management

Financial

Nil.

Legal and Statutory

Local Government Act 1995, Part 2, Division 2 'Role of Council'

2.7. Role of council

- (1) *The council –*
 - (a) *governs the local government's affairs; and*
 - (b) *is responsible for the performance of the local government's functions.*
- (2) *Without limiting subsection (1), the council is to –*
 - (a) *oversee the allocation of the local government's finances and resources; and*
 - (b) *determine the local government's policies.*

Division 9—Conduct**5.104. Adoption of model code of conduct**

- 1 *Within 3 months after the day on which regulations prescribing the model code come into operation, a local government must prepare and adopt* a code of conduct to be observed by council members, committee members and candidates that incorporates the model code.*
** Absolute majority required.*
- 2 *Within 3 months after the day on which regulations amending the model code come into operation, the local government must amend* the adopted code of conduct to incorporate the amendments made to the model code.*
** Absolute majority required.*
- 3 *A local government may include in the adopted code of conduct requirements in addition to the requirements referred to in section 5.103(2)(b), but any additional requirements –*
 - (a) *can only be expressed to apply to council members or committee members; and*
 - (b) *are of no effect to the extent that they are inconsistent with the model code.*
- 4 *A local government cannot include in the adopted code of conduct provisions in addition to the principles referred to in section 5.103(2)(a) or the rules of conduct.*
- 5 *The model code is taken to be a local government's adopted code of conduct until the local government adopts a code of conduct.*
- 6 *An alleged breach of a local government's adopted code of conduct by a candidate cannot be dealt with under this Division or the adopted code of conduct unless the candidate has been elected as a council member.*
- 7 *The CEO must publish an up-to-date version of a local government's adopted code of conduct on the local government's official website.*

Division 4 — Local government employees**5.39B. Adoption of model standards**

(1) *In this section —*

model standards means the model standards prescribed under section 5.39A(1).

(2) *Within 3 months after the day on which regulations prescribing the model standards come into operation, a local government must prepare and adopt* standards to be observed by the local government that incorporate the model standards.*

* Absolute majority required.

(3) *Within 3 months after the day on which regulations amending the model standards come into operation, the local government must amend* the adopted standards to incorporate the amendments made to the model standards.*

* Absolute majority required.

(4) *A local government may include in the adopted standards provisions that are in addition to the model standards, but any additional provisions are of no effect to the extent that they are inconsistent with the model standards.*

(5) *The model standards are taken to be a local government's adopted standards until the local government adopts standards under this section.*

(6) *The CEO must publish an up-to-date version of the adopted standards on the local government's official website.*

(7) *Regulations may provide for —*

(a) *the monitoring of compliance with adopted standards; and*

(b) *the way in which contraventions of adopted standards are to be dealt with.*

Risk Related

Compliance.

There is a moderate risk to the Council if it does not regularly review its Policy Manual and does not implement new legislative rules in a timely manner.

With regards to the new legislation, Council must adopt both Models by 3 May 2021 to comply with its statutory obligations.

If Council does not adopt the Model Code and Model Standards before the statutory deadline of 3 May 2021, this may show as a non-compliance in the Annual Compliance Audit Return.

Workforce

The Policy Manual will be updated accordingly, should Council resolve to adopt the Officer's Recommendation.

VOTING REQUIREMENTS

Absolute Majority: Yes

RECOMMENDATION

That Council, with regards to Shire of York Policy Manual:

1. Adopts policy G1.1 Code of Conduct: Councillors, Committee Members and Candidates as amended and included in this report as Appendix 3.
2. Adopts new policy, Standards for CEO Recruitment, Performance and Termination included in this report as Appendix 4.
3. Authorises the Chief Executive Officer to make any necessary minor typographical and formatting changes, including new policy numbering to improve the layout and rebranding prior to publication.



Guidelines on the Model Code of Conduct for Council Members, Committee Members and Candidates

March 2021

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Model Code of Conduct

Introduction

Local government is vital for the delivery of key services and infrastructure in the community. Individuals who are, or seek to be, members of local councils and council committees are entrusted by their community to represent local views, make sound decisions, and utilise public funds effectively to deliver services and amenities for their community. As such, a high standard of professional and ethical conduct is expected of council members and committee members in local governments, as well as candidates in local government elections.

A review of the *Local Government Act 1995* (Act), including consultation with community and sector stakeholders, led to the implementation of priority reforms under the *Local Government Amendment Act 2019* (Amendment Act).

The Amendment Act was developed in response to stakeholder feedback that there was a need for governance reforms, including a Code of Conduct for council members, committee members and candidates that clearly reflects community expectations of behaviour and supports consistency between local governments in relation to the overall process for managing alleged breaches of that Code.

As a result, key reforms under the Amendment Act include the introduction of a Model Code of Conduct (Model Code) that must be adopted by local governments and applied to council members, committee members and candidates; as well as a separate Code of Conduct for Employees.

The Model Code replaces the previous statutory requirement for local governments to develop and implement an individual code of conduct for their council members, committee members and employees.

The *Model Code of Conduct Regulations 2021* (Regulations) have been developed to give effect to the Amendment Act, and provide for:

- overarching principles to guide behaviour;
- behaviours and complaints which are managed by local governments; and
- rules of conduct, contraventions of which are considered by the independent Local Government Standards Panel (Standards Panel) where appropriate.

Definitions

The Model Code defines key terms to aid understanding and compliance. Where a term is not defined in either the Regulations or the Act, then the generally accepted meaning of the term applies. Some additional guidance is provided as follows:

Candidate: an individual is considered a candidate when their nomination for election is accepted by a Returning Officer under section 4.49 of the Act. The Model Code applies to the individual from that point. Any alleged breach of the Model Code may only be addressed if and when the individual is elected as a council member.

Council member: references to 'council member' in the Regulations mean an individual who has been elected as a council member under the Act. The requirements of the Regulations also apply to a council member who is a committee member on a council committee.

Committee member: under the Regulations, a 'committee member' includes any council member, local government employee or unelected member of the community who has been engaged by the council to participate in a council committee.

Evidence: references to 'evidence' in the Regulations means the available facts or information indicating whether an allegation is true or valid. Local governments must use evidence provided by the complainant and by the person to whom the complaint relates, as well as other relevant information, to decide whether an alleged breach of the Model Code has occurred.

Local government(s): per the approach in the Act, references to 'local government' in the Regulations mean the body corporate that is the local governing body made up of the council, Chief Executive Officer (CEO) and administrative staff appointed and managed by the CEO.

Where a statutory function entails decision-making on governance matters, the council is responsible for making those decisions unless the matter is delegated. This includes decisions on complaints regarding the conduct of council members, committee members and candidates, as set out in the Regulations.

Further guidance on certain terms in the Model Code is provided in these Guidelines.

Purpose

The purpose of the Model Code is to guide the decisions, actions and behaviours of members, both in council and on council committees, and of candidates running for election as a council member.

Members must comply with the provisions in the Model Code in fulfilling their role and responsibilities in council and on council committees, as set out in the Act.

An individual who has nominated as a candidate for election as a council member is also required to demonstrate professional and ethical behaviour during their election campaign. If elected, the individual must continue to comply with the Model Code in council and on council committees.

It is the individual responsibility of council members, committee members and candidates to become familiar with the Model Code, these Guidelines and any relevant policies of their local government, and to follow the Code at all times.

Where the behaviour of a council member, committee member or candidate does not comply with the Code, it is intended that the local council address the behaviour through education and other remedial actions that the council considers appropriate, rather than formal sanctions.

Where an individual does not comply with any action required by the council, then the council may determine that the matter is to be referred to the Standards Panel as an

alleged contravention of a rule of conduct. The Standards Panel has the authority to make binding decisions regarding allegations of minor misconduct.

Adoption

Section 5.104 of the Act requires that local governments adopt the Model Code as their Code of Conduct within three months of the Regulations coming into operation (by 3 May 2021).

In accordance with section 5.104(4), the Model Code applies until the local government adopts it as their Code. This means that the principles, behaviour requirements and rules of conduct of the Regulations apply to council members, committee members and candidates even if their local government has not yet adopted the Model Code.

While local governments may not amend Division 2 (Principles) or Division 4 (Rules of Conduct), additional behaviour requirements can be included in Division 3 (Behaviours) if deemed appropriate by the local government. Any additions must be consistent with the Model Code of Conduct (section 5.104(3) of the Act).

In preparing the Code for adoption, local governments are encouraged to review their existing Code and consider incorporating any additional behaviour requirements that are not represented in the Model Code. This may include specific dress standards or the appropriate use of technology.

To adopt the Code, a resolution passed by an absolute majority of the council is required. Once the Code is adopted, it must be published on the local government's official website (section 5.104(7)).

Division 2 – General Principles

This section of the Regulations set out the fundamental rules that council members, committee members and candidates are expected to adhere to, promote and support. Adhering to these rules will assist individuals to comply with the behaviours outlined in Division 3 and 4.

The principles outline the overarching approach that members and candidates should demonstrate in their role as public representatives, or potential public representatives. Individuals should consider all behaviours in light of these principles, including any behaviour and conduct that is not covered specifically in Division 3 and 4.

The principles are grouped into three key areas: Personal Integrity; Relationships with others and Accountability. Additional guidance on these areas is provided as follows:

Integrity and conflicts of interest

Members and candidates are generally active in their local area which may lead to a conflict between the public interests of the community and the personal interests of the individual, their family members and associates.

It is the individual responsibility of members and candidates to disclose any such conflicts and ensure that they are managed appropriately to comply with the Model Code and serve their community as expected by the local electors.

Individuals should also consider perceived and potential conflicts of interest. While an individual may be confident of the integrity of their actions, it is important to reflect on how their actions may appear to others, and/or how an action taken now could lead to a conflict of interest in future. If an interest is identified, the individual should disclose and manage this to avoid a conflict with the public interest.

Avoidance of reputational damage

Elected members and candidates may hold strong concerns in relation to actions, or a lack of action, by their local government on certain matters.

It is the individual responsibility of members to ensure that they comply with the Model Code by raising concerns in a respectful and constructive manner and working effectively with their colleagues for their community, as expected by the local electors.

During an election campaign, it is the individual responsibility of candidates to ensure that any concerns they raise regarding the current local government is based on accurate information and expressed in a respectful and constructive manner that demonstrates to local electors their suitability as a potential public representative.

Decision-making and accountability

Council and committee members regularly make decisions that impact on their local area. The community expects that members will make council and committee decisions based on information that is relevant and factually correct. This will vary according to the decision to be made and the information available to the council members and committee members at that time.

In general, individuals are responsible for ensuring their decisions are based on information that is accurate and pertinent to the matter at hand; and can be reasonably considered accurate and relevant by others.

As part of being accountable to their community, council members and committee members should accept responsibility for the decisions they make in the performance of their role.

Division 3 – Behaviour

This section of the Regulations sets the standards of behaviour which reflect the general principles outlined in Division 2.

It is the individual responsibility of members and candidates to demonstrate, promote and support professional and ethical behaviour as provided in the Model Code.

Complaints regarding alleged breaches of the Model Code in Division 3 are managed by the local council as the decision-making body of the local governments, unless this function has been delegated.

The division also provides a principles-based process for responding to alleged breaches. The emphasis is on education and development, rather than punitive sanctions, with the aim of establishing or restoring positive working relationships and avoiding further breaches.

Failure to comply with this Division may give rise to a complaint regarding the conduct of a council member, committee member or candidate, which may lead to the council making a formal finding of a breach and requiring remedial action by the individual.

It is recommended that local governments develop further guidance on dealing with complaints through the introduction of a complementary policy or procedure on complaints management to the extent it is not provided for in the Regulations. There are resources on effective complaints management available on the Ombudsman WA's website at www.ombudsman.wa.gov.au.

Complaints

Process for making a complaint

Clause 11 of the Regulations provides that a person can make a complaint alleging a breach of Division 3 within one month of the alleged breach occurring.

Local governments should ensure that making a complaint is a simple and accessible process so that any member of the local community can raise concerns about the conduct of council members, committee members and candidates.

Local governments should make it clear that it is important a complainant provides details in their complaint, with supporting information where feasible to do so, because the complaint will form part of the evidence considered by the council when deciding whether a breach of the Model Code has occurred.

Action required

Local governments must authorise at least one person to receive complaints regarding members and candidates. While the Regulations do not include specific requirements and a local government may decide that the complaints officer is appropriate, other options could include:

- President or Mayor,
- Deputy President or Mayor (especially for complaints about the President or Mayor),
- Chief Executive Officer, or
- External consultant

The Regulations also provide that complaints are to be made in writing in a form approved by the local government.

Action required

Local governments must determine whether there will be a specific template for complaints and process for how they are to be lodged.

Local governments may choose to:

- establish a specific email address for conduct complaints
- provide a name/position to whom complaints should be addressed
- prepare an online complaint form
- engage an independent person to support the resolution of a complaint.

Local governments may consider sharing the services of an independent person.

The Department has prepared a template form for complaints to assist local governments. The template is available on the department's website at www.dlgsc.wa.gov.au.

The authorised person(s) should acknowledge the receipt of every written complaint in a timely manner. As part of the acknowledgment process, the complainant should be provided information on how the complaint will be progressed and an expected timeframe for the matter to be finalised. This may include providing the complainant with a copy of the complaint policy.

The local government may determine that the person who is authorised to receive complaints takes responsibility for the administrative process. This may include preparing the necessary report to the council or committee tasked with making a decision on the complaint.

The report should contain a summary of the alleged breach, including evidence provided by the complainant. It should also contain information from the person to whom the complaint relates.

Dealing with a complaint

The Regulations do not specify a timeframe by when complaints should be dealt with, however, a timeframe could be included in a local government's policy.

In the interests of procedural fairness, all complaints should be dealt with in a timely manner and allow all parties the opportunity to provide information regarding the alleged conduct.

Clause 12 of the Regulations outlines the process for dealing with complaints regarding the conduct of elected members and candidates. The Model Code leaves it open to local governments to determine the most appropriate and effective process for how this is undertaken. Possible options could include:

Council considered

Under this option, all complaints received are considered by the council. This would require a report to be provided to the council – either with or without a recommendation (this is a matter for the Council to determine).

The council may choose to appoint an independent/external consultant to review complaints and provide a report to the council. If an independent consultant is tasked with reviewing complaints, it may be preferable that they also make a recommendation as to whether a breach has occurred.

If the person authorised to receive complaints prepares the report, it may be more appropriate that no recommendation is made, and council make a finding on the basis of the information they are provided.

Committee considered

Under this option, a committee is established to consider complaints. The makeup of the committee will depend on whether the power to make a finding can be delegated to the committee, or whether they are tasked with making a recommendation for council consideration.

In establishing a committee, local governments may like to consider forming a behaviour review committee that contains a member from some surrounding local governments and an independent person, to review all complaints for those local governments. The committee would prepare a recommendation which is submitted to the relevant council for consideration.

If the committee is tasked with making a recommendation for council consideration, and the council do not accept the recommendation, the reasons why it is not accepted should be noted in the minutes.

CEO considered

As with a number of functions in the Act, this function can be delegated to the CEO. Councils may choose to make it the responsibility of the CEO so as to remove council members from the decision-making process. However, consideration also needs to be given as to whether it is appropriate for the CEO to be responsible for making findings on council members behaviour.

Triaging complaints

Local governments should consider how they are going to respond to complaints, and whether complaints are going to be addressed based on seriousness or impact of the allegation or on the order in which complaints are received. This should be outlined in the complaint policy.

Action required

Local governments must determine who will be considering complaints received and how complaints will be prioritised and managed.

Clause 12(2) of the Regulations require that the person to whom the complaint relates is given a reasonable opportunity to be heard. This should include providing a copy of the complaint to that person in a timely manner and allowing them an opportunity to respond to the allegations in writing. The information provided by that person will assist the local government in forming a view as to whether a breach has occurred.

Mediation

Local governments may choose to introduce mediation following the receipt of a complaint. This could be in the form of informal or formal mediation, conducted either internally or with an external mediator. Mediation may prove to be a valuable tool to resolve matters quickly, before they escalate. If mediation is successful, there is the ability for a complaint to be withdrawn.

Making a finding

Clause 12(1) requires the local government (which could be the council or a committee) to consider whether the alleged matter which is the subject of a complaint, did occur and make a finding on whether the matter constituted a breach of the Code of Conduct.

The same approach should be used as the Standards Panel in their deliberations and decision-making; that is, based on the complaint and other evidence received by the council, the council must be satisfied that, on the balance of probabilities, it is more likely than not that a breach occurred.

At a minimum, the information used to make a finding will include the information provided by the complainant and the person to whom the complaint relates. While not mandatory, there is nothing that prohibits local governments seeking further evidence to assist in making a decision, such as statements from witnesses.

Conflicts of interest

Members will be required to disclose an impartiality interest. This will include the complainant (if applicable) and person to whom the alleged breach applies.

An impartiality interest does not require a member to leave the room for the debate or decision. By having both the complainant and accused in the room, it may also allow further input and clarification around the circumstances of the complaint.

The Presiding Member must keep control of the meeting and ensure everyone is provided with an opportunity to speak. Members should remain respectful and open-minded and make a decision on whether a breach has occurred or not using the information available.

Action Plans

Clause 12(4) provides that if a finding that a breach of the Code of Conduct did occur, the local government may determine that no further action is required; or that an action plan must be prepared and implemented.

An action plan should be designed to provide the member with the opportunity and support to demonstrate the professional and ethical behaviour expected of elected representatives.

The action plan does not need to be complex. The plan should outline:

- the behaviour(s) of concern;
- the actions to be taken to address the behaviour(s);
- who is responsible for the actions; and
- an agreed timeframe for the actions to be completed.

An action plan should not include measures that are intended to be a punishment, and instead should focus on mechanisms to encourage positive behaviour and prevent negative behaviour from occurring again in future.

The Code requires that in preparing the action plan, consultation must be undertaken with the elected member to whom the plan relates. This is designed to provide the member with the opportunity to be involved in matters such as the timing of meetings or training. Note: some members may not be willing to engage with the opportunity to participate in the process.

The council or a delegated person should monitor the actions and timeframes set out in the action plan. This is important because if the member does not comply with the action/s within the agreed timeframe, then under the Regulations it is considered a contravention of a rule of conduct.

Dismissal of complaints

While local governments are required to consider all complaints, they can be dismissed if:

- the behaviour occurred at a council or committee meeting and the behaviour was dealt with at that meeting (clause 13), or
- the complaint is withdrawn (clause 14).

Clause 13 allows a complaint to be dismissed if the behaviour occurred at a council or committee meeting, and that behaviour was addressed at the time. This could have been by the presiding member, or remedial action was taken in accordance with the local government's standing orders or local law.

Where agreement cannot be reached

Circumstances may arise when a local council cannot agree on a finding, whether the complaint can be dismissed under clause 13, or an appropriate course of action following a finding of breach.

While the presiding member has the casting vote, in a divided situation, the local government may decide to engage an independent person/consultant to review the evidence and make a recommendation. If this occurs, the council (or committee) should give due consideration to the advice and recommendation, and if they don't accept the recommendation they should state the reasons why in the minutes.

Withdrawal of a complaint

Clause 14 provides the option for a complaint to be withdrawn before it is considered by the council.

Local governments may elect to include in their complaints policy the option for mediation between the complainant and the member. Mediation may resolve any specific issues before the council is required to make a finding and may lead to the complainant withdrawing the complaint. Clause 14 requires a withdrawal to be made in writing and provided to the person(s) authorised to receive complaints.

Division 4 – Rules of Conduct

Contraventions of rules of conduct are matters that:

- negatively affect the honest or impartial performance of an elected member;
- involve a breach of trust placed in the elected member; or
- involve the misuse of information or material.

Division 4 sets out rules of conduct for elected members and candidates that relate to the principles in Division 2 and the behaviours in Division 3. This Division also introduces a new rule of conduct to address situations where an elected member does not undertake the actions required by the local council following a breach of the Model Code. A contravention of this rule of conduct is considered a minor breach, as defined in the Act.

The process for complaints under Division 4 is outlined in the Act. Complaints in the first instance are directed to the complaints officer at the local government. The Act provides that the complaints officer is the CEO or another officer with delegated responsibility.

A council may decide to refer an alleged contravention of Division 4 to the independent Standards Panel in accordance with the Act. As the Panel does not have investigative powers, decisions are made based on the information received by the Panel from the local government. The Standards Panel must be satisfied that, on the balance of probabilities, it is more likely than not that a breach has occurred for the Standards Panel to make a finding of breach.

Where the Standards Panel makes a finding against an elected member or candidate, sanctions will be imposed in accordance with the Part 5 Division 9 of the Act.

Nothing in this Division removes the obligations placed upon council members and employees (including the CEO) of the local government under the *Corruption, Crime and Misconduct Act 2003*.

Further information on the Standards Panel process is available on the Department's website.

Further information

The aim of the Model Code of Conduct is to foster a high standard of professional and ethical conduct by council members and candidates, and to support consistency across local governments in relation to their response to complaints regarding conduct.

Local governments are encouraged to seek guidance and advice on specific matters whenever necessary. For queries, please contact: actreview@dlgsc.wa.gov.au



Guidelines for Local Government CEO Recruitment and Selection, Performance Review and Termination

***Local Government (Administration) Amendment
Regulations 2021***

February 2021

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Preface

The *Local Government Legislation Amendment Act 2019* includes a requirement for model standards covering the recruitment and selection, performance review and termination of employment of local government Chief Executive Officers (CEOs). These reforms are intended to ensure best practice and greater consistency in these processes between local governments.

The accompanying guidelines outline the recommended practice for local governments in undertaking these processes. These guidelines will assist local governments in meeting the model standards prescribed in the *Local Government (Administration) Amendment Regulations 2021*.

The standards and guidelines have been developed by the Department of Local Government, Sport and Cultural Industries (Department), in consultation with representatives from the Public Sector Commission, the Ombudsman, the Western Australian Local Government Association (WALGA) and Local Government Professionals WA (LGPro). The Department gratefully acknowledges the participation and contribution of these representatives.

The Department notes that the content of these guidelines does not necessarily reflect the views or policies of the organisations or individuals that have been consulted.

Part 1 – Recruitment and Selection

One of the fundamental roles of the council is the employment of the local government's CEO. The CEO is responsible for implementing the council's strategic vision and leading the local government administration.

Principles

A local government must select a CEO in accordance with the principles of merit, equity and transparency. A local government must not exercise nepotism, bias or patronage in exercising its powers. Additionally, a local government must not unlawfully discriminate against applicants. Section 5.40 of the *Local Government Act* 1995 (Act) lists a number of general principles of employment that apply to local governments.

Recruitment and Selection Standard

The minimum standard for recruitment and selection will be met if:

- S1.1** The council has identified and agreed to the qualifications and selection criteria necessary to effectively undertake the role and duties of the CEO within that particular local government context.
- S1.2** The council has approved, by absolute majority, the Job Description Form (JDF) which clearly outlines the qualifications, selection criteria and responsibilities of the position. The JDF is made available to all applicants.
- S1.3** The local government has established a selection panel to conduct the recruitment and selection process. The panel must include at least one independent person who is not a current elected member, human resources consultant, or staff member of the local government.
- S1.4** The local government attracts applicants through a transparent, open and competitive process (this is not necessary for vacancies of less than one year). The local government must advertise a vacancy for the position of CEO in the manner prescribed.
- S1.5** The local government has assessed the knowledge, experience, qualifications and skills of all applicants against the selection criteria.
- S1.6** The local government has verified the recommended applicant's work history, qualifications, referees and claims made in their job application.
- S1.7** The appointment is merit-based, with the successful applicant assessed as clearly demonstrating how their knowledge, skills and experience meet the selection criteria.

Recruitment and Selection Standard cont.

- S1.8** The appointment is made impartially and free from nepotism, bias or unlawful discrimination.
- S1.9** The council has endorsed by absolute majority the final appointment.
- S1.10** The council has approved the employment contract by absolute majority.
- S1.11** The local government re-advertises the CEO position and undertakes a recruitment and selection process after each instance where a person has occupied the position for ten (10) consecutive years.

Guidelines**Recruitment and selection process**

The council of the local government should act collectively throughout the recruitment and selection process. To uphold the integrity of the process, the council must resist any attempt to influence the outcome through canvassing or lobbying.

The local government should carefully consider the role of the CEO. This includes the CEO's legislated powers and functions and their role as the head of the administrative arm of the local government. In determining the selection criteria for the position of CEO, it will be important for a local government to consider the needs of the community and the specific skills and experience that will be required of the CEO in that particular local government. The competencies the council looks for in its CEO should reflect the council's strategic community plan.

Once the essential skills and experience which form the selection criteria for the position have been established, the local government must set out the selection criteria (essential and desirable) and the responsibilities of the position in a Job Description Form (JDF). If emphasis is placed on certain selection criteria, this should be highlighted in the JDF so that applicants are aware of this. For example, some level of project management experience will usually be an important criterion, but if the local government is undertaking a major development such as a new recreation centre, added emphasis may need to be given to this criterion.

The JDF must be approved by an absolute majority of the council.

Advertising

The local government should ensure that applicants are clearly informed about the application process, such as the application requirements, the closing date for applications and how applications are to be submitted. It is essential that this process is transparent and that each step in the process is documented. Associated records must be kept in a manner consistent with the *State Records Act 2000* (WA).

It is a requirement that a local government is to give Statewide public notice if the position of CEO becomes vacant. Statewide public notice must contain:

- details of the remuneration and benefits offered;
- details of the place where applications are to be submitted;
- the date and time applications close;
- the duration of the proposed contract;
- a web address where the JDF can be accessed;
- contact details for a person who can provide further information; and
- any other relevant information.

In order to attract the best possible pool of applicants for the position of CEO, it is recommended that local governments use a diverse range of advertising methods, mediums and platforms (in addition to the advertising requirement under section 5.36(4) of the Act). For example:

- advertising on the local government's website;
- posting on online jobs boards (e.g. SEEK);
- sharing the advertisement via professional networks; and
- undertaking an executive search.

A local government must publicly advertise the CEO position if the same person has remained in the job for 10 consecutive years. This requirement does not prevent the incumbent CEO from being employed for another term, provided they are selected in accordance with the standards for recruitment and selection.

Selection panel and independent person

Local governments are required to establish a selection panel to conduct and facilitate the recruitment and selection process. The selection panel should be made up of elected members (the number of which is determined by the council) and must include at least one independent person. The independent person cannot be a current elected member, human resources consultant, or staff member of the local government. Examples of who the independent person could be include:

- former elected members or staff members of the local government;
- former elected members (such as a Mayor or Shire President) or staff members of *another* local government;
- a prominent or highly regarded member of the community; or
- a person with experience in the recruitment of CEOs and senior executives.

The panel are responsible for assessing applicants and making a recommendation to council regarding the most suitable applicant or applicants. The essence of the role of an independent panel member is to bring an impartial perspective to the process and reduce any perception of bias or nepotism.

It is essential that prior to a person's appointment to a selection panel they are informed of the duties and responsibilities of their role and that of the panel. It is recommended that local governments develop a policy or terms of reference to facilitate this process that incorporate the standards for recruitment at Division 2 of the *Local Government (Administration) Amendment Regulations (No.2) 2020*. A policy should include important information that outlines:

- The primary functions of the panel;
- Roles and responsibilities of panel members;
- Composition of the panel;
- Duration of term;
- Desirable criteria for appointment to the panel;
- A requirement that panel members sign a confidentiality agreement and agree to the duties and responsibilities of their role; and
- Any other information the local government deems necessary for the panel to effectively carry out their role.

Independent human resources consultant

A local government should seek independent advice from a human resources consultant where the council lacks the capacity or expertise to facilitate the recruitment and selection process (or any aspect of it). A member of the human resources team within a local government should not be involved in the recruitment of a new CEO.

The consultant should not be associated with the local government or any of its council members. The consultant can be an independent human resources professional, recruitment consultant, or recruitment agency.

An independent human resources consultant can provide advice to the selection panel on how to conduct the recruitment process, or a local government may engage a consultant to support it in undertaking certain aspects of the recruitment process, such as one or more of the following:

- development or review of the JDF;
- development of selection criteria;
- development of assessment methods in relation to the selection criteria;
- drafting of the advertisement;
- executive search;
- preliminary assessment of the applications;
- shortlisting;
- drafting questions for interview;
- coordinating interviews;
- preparing the selection summary assessment and recommendation;

- arranging for an integrity check and/or police clearance; and
- assisting the council in preparing the employment contract.

The consultant is not to be directly involved in determining which applicant should be recommended for the position, their role is not one of decision-maker.

It is recommended that rigorous checks be conducted on any independent consultants before they are engaged to ensure they have the necessary skills and experience to effectively assist the council. Local government recruitment experience may be beneficial but is not a requirement.

The independent human resources consultant must be able to validate their experience in senior executive recruitment and appointments. It is important to note that if the local government uses a consultant or agency to assist in finding applicants, they will require an employment agent licence under the *Employment Agents Act 1976 (WA)*.

A good independent human resources consultant will bring expertise, an objective perspective and additional human resources to what is a complex and time-consuming process. Given the time and effort involved in finding a competent CEO, and the cost of recruiting an unsuitable CEO, there can be a good business case for spending money on a human resources consultant.

If a decision is made to engage an independent human resources consultant, it is imperative that the council maintains a high level of involvement in the process and enters into a formal agreement (contract) with them. In order to manage the contract efficiently, and ensure an effective outcome, regular contact with the consultant is required during the recruitment process. As with any contractor engagement, the local government must ensure their procurement and tender processes comply with the Act and the procurement policy of the local government.

Council's responsibilities

A human resources consultant cannot undertake the tasks for which the council is solely responsible. An independent consultant cannot and should not be asked to:

- Conduct interviews: This should be done by the selection panel. However, council may decide to interview applicants recommended by the selection panel. A consultant can provide support with interviews, providing advice on the recruitment and selection process and writing up recommendations. The consultant may also arrange referee reports and checks of applicants.
- Make the decision about who to appoint to the position of CEO: Only the council can make this decision, drawing upon advice from the selection panel.
- Negotiate the terms and conditions of employment: Noting that the consultant should be able to provide advice on remuneration constraints and other terms and conditions.

Creating Diversity

In order to ensure all applicants are given an equal opportunity for success, selection methods need to be consistent and objective. In a structured interview, each applicant should have the opportunity to answer the same primary questions with follow-up questions used to illicit further detail or clarification. Behavioural-based interview

questions are objective and gauge the applicants' suitability, reducing biases in assessment (see examples below).

Basing a selection decision on the results of a number of selection methods can help to reduce procedural shortcomings and ensure the best applicant is chosen. Psychometric, ability and aptitude testing are considered to be valid, reliable and objective. While applicants with extensive experience and reputable education may appear to be more qualified, an objective assessment of each person's ability and personal traits can help to provide a clearer picture of the applicant.

Where possible, it is recommended that local governments ensure diversity on the selection panel. This may be achieved by ensuring gender, ethnicity, age and experiential diversity is represented on the panel. Diversity is also a consideration when selecting an independent person for the selection panel, particularly where there is a lack of diversity on the council. A diverse selection panel will assist in making quality decisions regarding suitable applicants.

Individuals are often unaware of biases they may have. For this reason, it is helpful for the selection panel to undertake training about unconscious biases. Awareness of unconscious biases assists individuals in preventing those biases from interfering in their decision making. For example, if there are considerable discrepancies in the assessment scores between two panel members, discussion will be required to ensure bias has not influenced these scores. Allowing team members to acknowledge and recognise prejudices is essential to managing those biases. The following biases should be addressed:

- “Similar-to-me” effect - if interviewers share the same characteristics with the applicants or view those characteristics positively, they are more likely to score them highly;
- “Halo” effect – interviewers may let one quality (such as race, gender, looks, accent, experience, etc.) positively or negatively affect the assessment of the applicant's other characteristics.

Due Diligence

It is essential that the local government ensures that the necessary due diligence is undertaken to verify an applicant's qualifications, experience and demonstrated performance. This includes:

- verifying an applicant's qualifications such as university degrees and training certificates;
- verifying the applicant's claims (in relation to the applicant's character, details of work experience, skills and performance) by contacting the applicant's referees. Referee reports should be in writing in the form of a written report, or recorded and verified by the referee;
- requesting that an applicant obtains a national police clearance as part of the application process; and
- ensuring no conflicts of interests arise by looking to outside interests such as board membership and secondary employment.

A council may wish to contact a person who is not listed as an applicant's referee,

such as a previous employer. This may be useful in obtaining further information regarding an applicant's character and work experience, and verifying related claims. The applicant should be advised of this and be able to provide written comments to the council.

A search of social media and whether an applicant has an online presence may also assist in identifying potential issues. For example, an applicant may have expressed views which are in conflict with the local government's values. This should be made clear in the application information. To ensure the integrity of the recruitment process, a council must act collectively when performing due diligence.

Selection

Once the application period closes, the selection panel, or consultant on behalf of the selection panel, must assess applications and identify a shortlist of applicants to be interviewed.

In shortlisting applicants for the interview phase, the selection panel should consider the transferable skills of applicants and how these would be of value in the role of CEO. The selection panel should not overlook applicants who do not have experience working in the local government sector.

It is important that the assessment process is consistent for all applicants. For example, each applicant is asked the same interview questions which are related to the selection criteria and each are provided with the same information and undertake the same assessments.

Elected members should declare any previous association with an applicant or any potential conflict of interest at the time of shortlisting if they are part of the selection panel. Similarly, if the interviews involve the full council, the elected member should make an appropriate declaration before the interviews commence. If the potential conflict of interest is significant or a member's relationship with an applicant may result in claims of nepotism, patronage or bias, the council may need to consider whether to exclude the elected member from the process. The decision should be documented and recorded for future reference.

Selecting an applicant should be based on merit; that is, choosing an applicant that is best suited to the requirements of the position and the needs of the local government. This involves the consideration and assessment of applicants' skills, knowledge, qualifications and experience against the selection criteria required for the role. As part of the selection process, a council may consider it appropriate for each of the preferred candidates to do a presentation to council.

The appointment decision by the council should be based on the assessment of all measures used, including:

- assessment technique(s) used (e.g. interview performance);
- quality of application;
- referee reports;
- verification and sighting of formal qualifications and other claims provided by the applicant; and
- other vetting assessments used (e.g. police checks, integrity checks, etc.).

Employment contract

In preparing the CEO's employment contract, the council must ensure the contract includes the necessary provisions required under section 5.39 of the Act and associated regulations.

Section 5.39 of the Act provides that a CEO's employment contract must not be for a term exceeding five years. The term of a contract for an acting or temporary position cannot exceed one year.

Further, the employment contract is of no effect unless it contains:

- the expiry date of the contract;
- the performance review criteria; and
- as prescribed under regulation 18B of the Administration Regulations, the maximum amount of money (or a method of calculating such an amount) to which the CEO is to be entitled if the contract is terminated before the expiry date. The amount is not to exceed whichever is the lesser of:
 - the value of one year's remuneration under the contract; or
 - the value of the remuneration that the CEO would have been entitled to, had the contract not been terminated.

It is recommended that the council seeks independent legal advice to ensure that the contract is lawful and able to be enforced. In particular, advice should be sought if there is any doubt as to the meaning of the provisions of the contract.

Councils should be aware that CEO remuneration is determined by the Salaries and Allowances Tribunal and the remuneration package may not fall outside the band applicable to the particular local government.

The CEO's employment contract should clearly outline grounds for termination and the termination process in accordance with the standards in regulations.

The council of the local government must approve, by absolute majority, the employment contract and the person they appoint as CEO.

Appointment

A decision to make an offer of employment to a preferred applicant must be made by an absolute majority of council. If the preferred applicant accepts the offer and the proposed terms of the contract without negotiation, there is no further requirement for council to endorse the applicant and the contract. However, if there is a process of negotiation to finalise the terms and conditions of the contract, council is required to endorse the appointment and approve the CEO's employment contract by absolute majority. In both instances, the employment contract must be signed by all parties.

The council should notify both the successful individual and the remaining unsuccessful applicants as soon as possible before publicly announcing the CEO appointment.

The successful applicant should not commence duties with the local government as CEO until the employment contract has been signed.

The unsuccessful applicants (including those not interviewed) should be notified of the outcome of their application. It is recommended that the local government creates a template letter for unsuccessful applicants that can be easily personalised with the applicants' details and sent out quickly.

The council should keep a record of their assessment of the unsuccessful applicant(s) and provide the unsuccessful applicant(s) with the opportunity to receive feedback on their application, or interview performance if they were granted an interview. Should an unsuccessful applicant request feedback, it is recommended that a member of the selection panel provides this. If a recruitment consultant is used, they may undertake this task.

Confidentiality

The local government should ensure that all information produced or obtained during the recruitment and selection process is kept confidential. This includes applicants' personal details, assessment details, the selection report and outcome of the process. This ensures privacy requirements are met and maintains the integrity of the process. It is recommended that selection panel members and councillors sign a confidentiality agreement to ensure that they are aware of their obligations.

CEO induction

Local governments should ensure that they provide the CEO with all of the necessary information on the local government's processes, policies, procedures and systems at the commencement of the CEO's employment.

New CEOs are eligible to participate in the Local Government CEO Support Program which is a joint initiative of the Department and LG Pro to provide mentoring and general support to those appointed to the position of CEO in a local government for the first time. The program runs for six to nine months from the time a CEO is appointed and involves the CEO being matched with a mentor that best meets their needs.

The program provides the CEO with an opportunity (through meetings and on-going correspondence) to discuss a wide range of issues with their appointed mentor in the strictest confidence. The program is aimed at addressing the individual needs of the CEO. Examples of issues that may be covered include the following:

- Role of the CEO
- Governance
- Strategic and long-term planning
- Legislative framework
- Relationships and dealing with council members
- Risk management
- Resource management
- Managing the business of Council
- Family considerations

Part 2 – Performance Review

Principles

The standards regarding CEO performance review are based on the principles of fairness, integrity and impartiality.

Performance Review Standards

The minimum standard for performance review will be met if:

- S2.1** Performance criteria is specific, relevant, measurable, achievable and time-based.
- S2.2** The performance criteria and the performance process are recorded in a written document, negotiated with and agreed upon by the CEO and council.
- S2.3** The CEO is informed about how their performance will be assessed and managed and the results of their performance assessment.
- S2.4** The collection of evidence regarding performance outcomes is thorough and comprehensive.
- S2.5** Assessment is made free from bias and based on the CEO's achievements against documented performance criteria, and decisions and actions are impartial and transparent.
- S2.6** The council has endorsed the performance review assessment by absolute majority.

Guidelines

Section 5.38 of the Act provides that, for a CEO who is employed for a term of more than one year, the performance of a CEO is to be reviewed formally at least once in every year of their employment.

In addition to this minimum requirement, it is recommended that the council engages in regular discussions with the CEO regarding their performance against the performance criteria, including progress and ways that the CEO can be supported. Any changes to the CEO's performance agreement such as changes to the performance criteria should also be discussed, and agreed to, between the council and the CEO, as the matter arises.

Employment contract and performance agreement

Section 5.39, of the Act requires the employment contract to specify the performance criteria for the purpose of reviewing the CEO's performance. This will include ongoing permanent performance criteria. A local government may wish to have a separate additional document called a "performance agreement" which includes the

performance review criteria in the employment contract, additional criteria (e.g. the performance indicators in relation to specific projects) and how the criteria will be assessed. The performance agreement should be negotiated and agreed upon by the CEO and the council. The performance agreement may also set out the CEO's professional development goals and outline a plan to achieve these goals.

Performance Criteria

Setting the performance criteria is an important step. One of the CEO's key responsibilities is to oversee the implementation of council's strategic direction, and so it is important to align the CEO's performance criteria to the goals contained in the council's Strategic Community Plan and Corporate Business Plan. Accordingly, as these plans are updated, the CEO's performance criteria should be updated to reflect the changes.

In leading the administrative arm of a local government, the CEO is responsible for undertaking core tasks, the achievement of which will contribute to the effectiveness of the council. It is important that the outcomes associated with these tasks are measurable and clearly defined. These could be in relation to:

- service delivery targets from the council's Strategic Community Plan;
- budget compliance;
- organisational capability;
- operational and project management;
- financial performance and asset management;
- timeliness and accuracy of information and advice to councillors;
- implementation of council resolutions;
- management of organisational risks;
- leadership (including conduct and behaviour) and human resource management; and
- stakeholder management and satisfaction.

Performance criteria should focus on the priorities of the council and, if appropriate, can be assigned priority weighting in percentages. The council and CEO should set goals related to target outcomes for future achievement in the performance criteria. Goals should be specific, measurable, achievable, relevant and time-based.

Following the determination of the performance criteria and goals, the council will need to determine how to measure the outcomes of each criteria. It is important to relate performance indicators to the selection criteria used in selecting the CEO. For example, if the CEO has been selected due to their financial experience and ability to improve the local government's finances, indicators regarding improved revenue and reduced expenses are obvious starting points.

Considering the context within which the local government is operating is important. For example, if a significant financial event occurs, such as a downturn in the economy, financial performance indicators will likely need to be adjusted. It is important that such contextual factors are given appropriate weighting and that goals are flexible to allow regular adjustment. Adjustments may be initiated by either the CEO or the council. Councils need to be realistic in terms of their expectations of a CEO's performance and provide appropriate resources and support to facilitate the

achievement of performance criteria.

Performance review panel

It is recommended that the council delegates the CEO performance review to a panel (e.g. comprising certain council members and an independent observer). The panel has a duty to gather as much evidence as possible upon which to base their assessments. The role of the review panel includes developing the performance agreement in the first instance, conducting the performance review and reporting on the findings and recommendations of the review to council. It is also recommended that council develop a policy to guide the performance review process. A policy might include the composition of the panel, primary functions, the role and appointment of an independent consultant, and the responsibilities of review panel members.

Independent consultant

If a council lacks the resources and expertise to meet the expected standard of performance review, the council should engage an external facilitator to assist with the process of performance appraisal and the development of the performance agreement. The local government should ensure that the consultant has experience in performance review and, if possible, experience in local government or dealing with the performance review of senior executives. The consultant should not have any interest in, or relationship with, the council or the CEO.

With guidance from the performance review panel, a consultant can facilitate the following tasks:

- setting performance criteria;
- preparing the performance agreement;
- collecting performance evidence;
- writing the performance appraisal report;
- facilitating meetings between the performance review panel;
- assisting with the provision of feedback to the CEO;
- formulating plans to support improvement (if necessary); and
- providing an objective view regarding any performance management-related matters between the concerned parties.

Assessing performance

It is a requirement of the regulations that the process by which the CEO's performance will be reviewed is documented and agreed to by both parties. Council and the CEO must also agree on any performance criteria that is in addition to what is specified in the CEO's contract of employment. The option to include additional criteria for performance review purposes by agreement provides a degree of flexibility for both parties in response to changing circumstances and priorities.

It is essential that CEO performance is measured in an objective manner against the performance criteria alone. It is important that reviews are impartial and not skewed by personal relationships between the review panel and the CEO. Close personal relationships between the panel members and the CEO can be just as problematic as extremely poor relationships. Evidence of CEO performance may come from an array of sources, many of which the CEO themselves can and should provide to the

council as part of regular reporting. These sources include:

- achievement of key business outcomes;
- interactions with the council and progress that has been made towards implementing the council's strategic vision;
- audit and risk committee reports;
- workforce metrics (e.g. the average time to fill vacancies, retention rate, information about why people leave the organisation and staff absence rate);
- incident reports (e.g. results of occupational health and safety assessments, the number and nature of occupational health and safety incident reports, and the number and nature of staff grievances);
- organisational survey results;
- relationships (e.g. with relevant organisations, stakeholder groups, and professional networks); and
- insights from key stakeholders (this could be done by way of a survey to obtain stakeholder input).

It is important that, in addition to looking at the achievement of key performance indicators (KPIs), the council considers the following:

- How the CEO has achieved the outcomes. In particular, whether or not their methods are acceptable and sustainable.
- The extent to which current performance is contingent upon current circumstances. Has the CEO demonstrated skills and behaviours to address and manage changes in circumstances which have affected his or her performance? (for example, the impact of COVID-19.)
- What the CEO has done to ensure the wellbeing of staff and to maintain trust in the local government.

The council should consider the attention the CEO has given to ensuring equal employment opportunity, occupational health and safety, privacy, managing potential conflicts of interest, and complying with procurement process requirements.

Addressing performance issues

Once the CEO's performance has been assessed, it is essential that any areas requiring attention or improvement are identified, discussed with the CEO and a plan is agreed and put in place to address these. The plan should outline the actions to be taken, who is responsible for the actions and an agreed timeframe.

The performance review panel must decide on an appropriate course of action that will address the performance issue. This may include professional development courses, training, counselling, mediation, mentoring or developing new work routines to ensure specific areas are not neglected. The performance review panel should then arrange for regular discussion and ongoing feedback on the identified performance issues, ensuring improvements are being made.

It is important to keep in mind that a local government falling short of its goals is not always attributable to the CEO. External factors may have resulted in initial performance expectations becoming unrealistic. Failure to meet performance criteria does not necessarily mean the CEO has performed poorly and, for this reason,

performance and outcome should be considered separately. Where ongoing issues have been identified, the council will need to take a constructive approach and seek to develop the CEO's competency in that area.

While there are obligations on the council to manage the CEO in regard to their performance, when it extends into potential wrongdoing (misconduct), the council should be referring the matter to the Public Sector Commission or Corruption and Crime Commission. This provides an independent process to follow and ensures probity, natural justice and oversight of allegations.

Confidentiality

The council must ensure that accurate and comprehensive records of the performance management process are created. Any information produced must be kept confidential.

Part 3 – Termination

Principles

The standards for the termination of a local government CEO's employment (other than for reasons such as voluntary resignation or retirement) are based on the principles of fairness and transparency. Procedural fairness is a principle of common law regarding the proper and fair procedure that should apply when a decision is made that may adversely impact upon a person's rights or interests.

Termination Standards

The minimum standards for the termination of a CEO's contract will be met if:

- S3.1** Decisions are based on assessment of the CEO's performance as measured against the documented performance criteria in the CEO's contract.
- S3.2** Performance issues have been identified as part a performance review (conducted within the preceding 12 months) and the CEO has been informed of the issues. The council has given the CEO a reasonable opportunity to improve and implement a plan to remedy the performance issues, but the CEO has not subsequently remedied these issues to the satisfaction of the local government.
- S3.3** The principle of procedural fairness is applied. The CEO is informed of their rights, entitlements and responsibilities in the termination process. This includes the CEO being provided with notice of any allegations against them, given a reasonable opportunity to respond to those allegations or decisions affecting them, and their response is genuinely considered.
- S3.4** Decisions are impartial and transparent.
- S3.5** The council of the local government has endorsed the termination by absolute majority.
- S3.6** The required notice of termination (which outlines the reasons for termination) is provided in writing.

Guidelines

Reasons for termination

The early termination of a CEO's employment may end due to:

- poor performance;
- misconduct; or
- non-performance or repudiation of contract terms.

There is a difference between poor performance and serious misconduct. Poor performance is defined as an employee not meeting the required performance criteria or demonstrating unacceptable conduct and behaviour at work, it includes:

- not carrying out their work to the required standard or not doing their job at all;
- not following workplace policies, rules or procedures;
- unacceptable conduct and behaviour at work;
- disruptive or negative behaviour at work;
- not meeting the performance criteria set out in the employment contract and/or performance agreement unless these are outside the CEO's control;
- not complying with an agreed plan to address performance issues;
- failing to comply with the provisions of the *Local Government Act 1995* and other relevant legislation;
- failing to follow council endorsed policies.

Serious misconduct can include when an employee:

- causes serious and imminent risk to the health and safety of another person or to the reputation or revenue of the local government; or
- behaves unlawfully or corruptly; or
- deliberately behaves in a way that's inconsistent with continuing their employment.

Examples of serious misconduct can include:

- matters arising under section 4(a), (b) and (c) of the *Corruption, Crime and Misconduct Act 2003*;
- theft;
- fraud;
- assault;
- falsification of records;
- being under the influence of drugs or alcohol at work; or
- refusing to carry out appropriate and lawful resolutions of council.

Misconduct is also defined in section 4 of the *Corruption, Crime and Misconduct Act 2003* (WA). Under this Act, misconduct can be either serious or minor and the obligation to notify the Public Sector Commission (PSC) or the Corruption and Crime Commission (CCC) is paramount.

Termination on the basis of misconduct is covered by employment law. A local government should seek independent legal, employment or industrial relations advice prior to a termination. A council should also seek independent advice during the termination process including advice on the relevant employment legislation affecting CEO employment and the application of that legislation to their specific circumstances. This will ensure that a council complies with employment law during the entire termination process.

A local government is required to endorse the decision to terminate a CEO's employment by way of an absolute majority decision. A local government must certify that the termination was in accordance with the adopted standards in regulations.

Opportunity to improve and mediation

If a CEO is deemed to have been performing poorly, the council must be transparent and inform the CEO of this. It is important that the CEO is given an opportunity to remedy the issues within a reasonable timeframe as agreed between the CEO and the council. The council should clearly outline the areas in need of improvement, and with the CEO's input, determine a plan to address any issues. If a plan for improvement is put in place and the CEO's performance remains poor, then termination may be necessary. If a local government decides to terminate the employment of the CEO it must have conducted a performance review in the previous 12 months in accordance with section 5.38 of the Act.

Where the concerns or issues relate to problematic working relationships or dysfunctional behaviour, it is recommended that a council engages an independent accredited mediator to conduct a mediation between the parties. A mediation session may be useful in assisting parties to understand and address issues before the situation escalates to a breakdown in the working relationship (which affects the ability of the CEO to effectively perform their duties) and the subsequent termination of the CEO's employment.

Termination report

The council should prepare a termination report which outlines the reasons for termination, the opportunities and assistance provided to the CEO to remedy any issues, and an explanation of the CEO's failure to do so. Council must provide prior opportunities and support to the CEO to assist them in remedying the issues which form the basis of the termination. It is a requirement of the regulations that council must provide written notice to the CEO outlining the reasons for their decision to terminate. In addition, council must certify that the termination of the CEO's employment was carried out in accordance with the standards set out in regulations.

Confidentiality

Local governments should ensure that the termination process is kept confidential. The CEO is to be informed of their rights and entitlements. Notice of termination of employment is required to be given in writing. Where possible, the news of termination of employment should also be delivered in person. The CEO should be provided with a letter outlining the reasons for, and date of, the termination of their employment.

Before making any public announcements on the termination of the CEO, a council should ensure that the entire termination process is complete, including that the CEO has been informed in writing of the termination.

Disclaimer

It is outside the scope of these guidelines to provide legal advice, and local governments should seek their own legal advice where necessary. Guidance as to legal requirements and compliance in relation to the termination of employment is provided by the Fair Work Commission at www.fwc.gov.au, the Fair Work Ombudsman at www.fairwork.gov.au and the Western Australian Industrial Relations Commission at www.wairc.wa.gov.au.

Amended G 1.1 CODE OF CONDUCT: COUNCIL MEMBERS, COMMITTEE MEMBERS AND CANDIDATES

Division 1 — Preliminary provisions

1. Citation

This is the **Shire of York** Code of Conduct for Council Members, Committee Members and Candidates.

2. Terms used

(1) In this code —

Act means the *Local Government Act 1995*;

candidate means a candidate for election as a council member;

complaint means a complaint made under clause 11(1);

publish includes to publish on a social media platform.

(2) Other terms used in this code that are also used in the Act have the same meaning as they have in the Act, unless the contrary intention appears.

Division 2 — General principles

3. Overview of Division

This Division sets out general principles to guide the behaviour of council members, committee members and candidates.

4. Personal integrity

(1) A council member, committee member or candidate should —

- (a) act with reasonable care and diligence; and
- (b) act with honesty and integrity; and
- (c) act lawfully; and
- (d) identify and appropriately manage any conflict of interest; and
- (e) avoid damage to the reputation of the local government.

(2) A council member or committee member should —

- (a) act in accordance with the trust placed in council members and committee members; and

- (b) participate in decision-making in an honest, fair, impartial and timely manner; and
- (c) actively seek out and engage in training and development opportunities to improve the performance of their role; and
- (d) attend and participate in briefings, workshops and training sessions provided or arranged by the local government in relation to the performance of their role.

5. Relationship with others

- (1) A council member, committee member or candidate should —
 - (a) treat others with respect, courtesy and fairness; and
 - (b) respect and value diversity in the community.
- (2) A council member or committee member should maintain and contribute to a harmonious, safe and productive work environment.

6. Accountability

A council member or committee member should —

- (a) base decisions on relevant and factually correct information; and
- (b) make decisions on merit, in the public interest and in accordance with statutory obligations and principles of good governance and procedural fairness; and
- (c) read all agenda papers given to them in relation to council or committee meetings; and
- (d) be open and accountable to, and represent, the community in the district.

Division 3 — Behaviour

7. Overview of Division

This Division sets out —

- (a) requirements relating to the behaviour of council members, committee members and candidates; and
- (b) the mechanism for dealing with alleged breaches of those requirements.

8. Personal integrity

- (1) A council member, committee member or candidate —
 - (a) must ensure that their use of social media and other forms of communication complies with this code; and
 - (b) must only publish material that is factually correct.
- (2) A council member or committee member —
 - (a) must not be impaired by alcohol or drugs in the performance of their official duties; and

- (b) must comply with all policies, procedures and resolutions of the local government.

9. Relationship with others

A council member, committee member or candidate —

- (a) must not bully or harass another person in any way; and
- (b) must deal with the media in a positive and appropriate manner and in accordance with any relevant policy of the local government; and
- (c) must not use offensive or derogatory language when referring to another person; and
- (d) must not disparage the character of another council member, committee member or candidate or a local government employee in connection with the performance of their official duties; and
- (e) must not impute dishonest or unethical motives to another council member, committee member or candidate or a local government employee in connection with the performance of their official duties.

10. Council or committee meetings

When attending a council or committee meeting, a council member, committee member or candidate —

- (a) must not act in an abusive or threatening manner towards another person; and
- (b) must not make a statement that the member or candidate knows, or could reasonably be expected to know, is false or misleading; and
- (c) must not repeatedly disrupt the meeting; and
- (d) must comply with any requirements of the **Shire of York Local Government (Council Meetings) Local Law 2016** relating to the procedures and conduct of council or committee meetings; and
- (e) must comply with any direction given by the person presiding at the meeting; and
- (f) must immediately cease to engage in any conduct that has been ruled out of order by the person presiding at the meeting.

11. Complaint about alleged breach

- (1) A person may make a complaint, in accordance with subclause (2), alleging a breach of a requirement set out in this Division.
- (2) A complaint must be made —
 - (a) in writing in the form approved by the local government; and
 - (b) to a person authorised under subclause (3); and
 - (c) within 1 month after the occurrence of the alleged breach.

(3) The local government must, in writing, authorise 1 or more persons to receive complaints and withdrawals of complaints. **Council resolved on 22 February 2021 (130221) that the Chief Executive Officer is the authorised complaints officer.**

12. Dealing with complaint

- (1) After considering a complaint, the local government must, unless it dismisses the complaint under clause 13 or the complaint is withdrawn under clause 14(1), make a finding as to whether the alleged breach the subject of the complaint has occurred.
- (2) Before making a finding in relation to the complaint, the local government must give the person to whom the complaint relates a reasonable opportunity to be heard.
- (3) A finding that the alleged breach has occurred must be based on evidence from which it may be concluded that it is more likely that the breach occurred than that it did not occur.
- (4) If the local government makes a finding that the alleged breach has occurred, the local government may —
 - (a) take no further action; or
 - (b) prepare and implement a plan to address the behaviour of the person to whom the complaint relates.
- (5) When preparing a plan under subclause (4)(b), the local government must consult with the person to whom the complaint relates.
- (6) A plan under subclause (4)(b) may include a requirement for the person to whom the complaint relates to do 1 or more of the following —
 - (a) engage in mediation;
 - (b) undertake counselling;
 - (c) undertake training;
 - (d) take other action the local government considers appropriate.
- (7) If the local government makes a finding in relation to the complaint, the local government must give the complainant, and the person to whom the complaint relates, written notice of —
 - (a) its finding and the reasons for its finding; and
 - (b) if its finding is that the alleged breach has occurred — its decision under subclause (4).

13. Dismissal of complaint

- (1) The local government must dismiss a complaint if it is satisfied that —
 - (a) the behaviour to which the complaint relates occurred at a council or committee meeting; and
 - (b) either —
 - (i) the behaviour was dealt with by the person presiding at the meeting; or

- (ii) the person responsible for the behaviour has taken remedial action in accordance with a local law of the local government that deals with meeting procedures.
- (2) If the local government dismisses a complaint, the local government must give the complainant, and the person to whom the complaint relates, written notice of its decision and the reasons for its decision.

14. Withdrawal of complaint

- (1) A complainant may withdraw their complaint at any time before the local government makes a finding in relation to the complaint.
- (2) The withdrawal of a complaint must be —
 - (a) in writing; and
 - (b) given to a person authorised under clause 11(3).

15. Other provisions about complaints

- (1) A complaint about an alleged breach by a candidate cannot be dealt with by the local government unless the candidate has been elected as a council member.
- (2) The procedure for dealing with complaints may be determined by the local government to the extent that it is not provided for in this Division.

Division 4 — Rules of conduct

Notes for this Division:

1. Under section 5.105(1) of the Act a council member commits a minor breach if the council member contravenes a rule of conduct. This extends to the contravention of a rule of conduct that occurred when the council member was a candidate.
2. A minor breach is dealt with by a standards panel under section 5.110 of the Act.

16. Overview of Division

- (1) This Division sets out rules of conduct for council members and candidates.
- (2) A reference in this Division to a council member includes a council member when acting as a committee member.

17. Misuse of local government resources

- (1) In this clause —
 - electoral purpose** means the purpose of persuading electors to vote in a particular way at an election, referendum or other poll held under the Act, the Electoral Act 1907 or the Commonwealth Electoral Act 1918;
 - resources of a local government** includes —
 - (a) local government property; and
 - (b) services provided, or paid for, by a local government.

(2) A council member must not, directly or indirectly, use the resources of a local government for an electoral purpose or other purpose unless authorised under the Act, or by the local government or the CEO, to use the resources for that purpose.

18. Securing personal advantage or disadvantaging others

(1) A council member must not make improper use of their office —

- (a) to gain, directly or indirectly, an advantage for the council member or any other person; or
- (b) to cause detriment to the local government or any other person.

(2) Subclause (1) does not apply to conduct that contravenes section 5.93 of the Act or The Criminal Code section 83.

19. Prohibition against involvement in administration

(1) A council member must not undertake a task that contributes to the administration of the local government unless authorised by the local government or the CEO to undertake that task.

(2) Subclause (1) does not apply to anything that a council member does as part of the deliberations at a council or committee meeting.

20. Relationship with local government employees

(1) In this clause —

local government employee means a person —

- (a) employed by a local government under section 5.36(1) of the Act; or
- (b) engaged by a local government under a contract for services.

(2) A council member or candidate must not —

- (a) direct or attempt to direct a local government employee to do or not to do anything in their capacity as a local government employee; or
- (b) attempt to influence, by means of a threat or the promise of a reward, the conduct of a local government employee in their capacity as a local government employee; or
- (c) act in an abusive or threatening manner towards a local government employee.

(3) Subclause (2)(a) does not apply to anything that a council member does as part of the deliberations at a council or committee meeting.

(4) If a council member or candidate, in their capacity as a council member or candidate, is attending a council or committee meeting or other organised event (for example, a briefing or workshop), the council member or candidate must not orally, in writing or by any other means —

- (a) make a statement that a local government employee is incompetent or dishonest; or
- (b) use an offensive or objectionable expression when referring to a local government employee.

(5) Subclause (4)(a) does not apply to conduct that is unlawful *under The Criminal Code* Chapter XXXV.

21. Disclosure of information

(1) In this clause —

closed meeting means a council or committee meeting, or a part of a council or committee meeting, that is closed to members of the public under section 5.23(2) of the Act;

confidential document means a document marked by the CEO, or by a person authorised by the CEO, to clearly show that the information in the document is not to be disclosed;

document includes a part of a document;

non-confidential document means a document that is not a confidential document.

(2) A council member must not disclose information that the council member —

- (a) derived from a confidential document; or
- (b) acquired at a closed meeting other than information derived from a non-confidential document.

(3) Subclause (2) does not prevent a council member from disclosing information —

- (a) at a closed meeting; or
- (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.

22. Disclosure of interests

(1) In this clause —

interest —

- (a) means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest; and
- (b) includes an interest arising from kinship, friendship or membership of an association.

- (2) A council member who has an interest in any matter to be discussed at a council or committee meeting attended by the council 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.
- (3) Subclause (2) does not apply to an interest referred to in section 5.60 of the Act.
- (4) Subclause (2) does not apply if a council member fails to disclose an interest because the council member did not know —
 - (a) that they had an interest in the matter; or
 - (b) that the matter in which they had an interest would be discussed at the meeting and the council member disclosed the interest as soon as possible after the discussion began.
- (5) If, under subclause (2)(a), a council member discloses an interest in a written notice given to the CEO before a meeting, then —
 - (a) before the meeting the CEO must cause the notice to be given to the person who is to preside at the meeting; and
 - (b) at the meeting the person presiding must bring the notice and its contents to the attention of the persons present immediately before any matter to which the disclosure relates is discussed.
- (6) Subclause (7) applies in relation to an interest if —
 - (a) under subclause (2)(b) or (4)(b) the interest is disclosed at a meeting; or
 - (b) under subclause (5)(b) notice of the interest is brought to the attention of the persons present at a meeting.
- (7) The nature of the interest must be recorded in the minutes of the meeting.

23. Compliance with plan requirement

If a plan under clause 12(4)(b) in relation to a council member includes a requirement referred to in clause 12(6), the council member must comply with the requirement.

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
Reviewed and Adopted 25 July 2016
Reviewed 24 October 2016
Reviewed 25 November 2019
Reviewed and Amended 16 December 2019
27 April 2021



G 1.1 CODE OF CONDUCT: COUNCILLORS, COMMITTEE MEMBERS AND EMPLOYEES

Policy Objective:

To set out the expected standards for the behaviour of local government officials in the discharge of their roles and responsibilities.

Policy Scope:

This policy applies to Councillors and Employees of the Shire of York and to any person appointed to a committee of the Council. It is complementary to, and should be read in conjunction with, the Local Government (Rules of Conduct) Regulations 2007.

Generally the provisions of this Code apply equally to all people who are Councillors, members of Committees or Employees. In some cases a provision of this Code may apply to one or other of these categories. Where that is the case it is identified in the relevant provision.

Policy Statement:**Introduction**

Every local government is required to adopt a Code of Conduct to be observed by Councillors, Committee Members and Employees¹. The Council must review the Code of Conduct 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.

A central focus of the Code is on probity and accountability and the nature and quality of interactions with other Councillors, Employees and the community.

The Code encourages a commitment to ethical and professional behaviour on the part of Councillors, Committee Members and Employees.

¹ S.5.103 Local Government Act 1995.

Principles

This Code of Conduct is based on a set of principles set out below.

Councillors, Committee Members and Employees:

- (a) are committed to giving effect to the requirements of the Local Government (Rules of Conduct) Regulations (Reg 3) in all aspects their roles. These are: acting with reasonable care and diligence
 - acting with honesty and integrity
 - acting lawfully
 - avoiding damage to the reputation of local government
 - being open and accountable to the public
 - basing decisions on relevant and factually correct information
 - treating others with respect and fairness
 - not being impaired by mind affecting substances
- (b) 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) make decisions 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) are open and transparent about their decisions and actions, and the reason for them.
- (e) always act honestly. They will declare private interests that may be relevant to their public duties and take steps to resolve any conflicts in such a way that protects the public interest.
- (f) treat each-other and members of the community with respect at all times. People are treated fairly and without discrimination or bias.
- (g) lead by 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). The Code 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 activities, behaviour and statutory compliance obligations are subject to the Local Government (Rules of Conduct) Regulations 2007.

2. Role of a Councillor

2.1 The 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 This is underpinned by the provisions of the Local Government Act which provides that:

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. Role of the CEO and Employees

The role of employees is determined by the functions of the Chief Executive Officer as set out in s5.41 of the Local Government Act 1995:

The functions of the CEO are to:

- (a) advise the council in relation to the functions of a local government under this Act and other written laws; and
- (b) ensure that advice and information is available to the council so that informed decisions can be made; and
- (c) cause council decisions to be implemented; and
- (d) manage the day to day operations of the local government; and
- (e) liaise with the president on the local government's affairs and the performance of the local government's functions; and
- (f) speak on behalf of the local government if the president agrees; and
- (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); and

- (h) ensure that records and documents of the local government are properly kept for the purposes of this Act and any other written law; and
- (i) perform any other function specified or delegated by the local government or imposed under this Act or any other written law as a function to be performed by the CEO.

The CEO is responsible for the effective and efficient implementation of Council decisions and in turn all employees of the Shire are subject to the direction of the CEO.

Employees enable the functions of the Shire and the Council to be performed, and they have an obligation to:

- (a) give their attention to the business of the Council while on duty;
- (b) ensure that their work is carried out efficiently, economically and effectively;
- (c) carry out lawful directions given by any person having authority to give such directions; and
- (d) give effect to the lawful directions given by any person having authority to give such directions; and
- (e) give effect to the lawful policies, decisions and practices of the Council, whether or not the employee agrees or approves of them.

4. General Conduct Obligations

Councillors, Committee Members and Employees:

- 4.1 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.
- 4.2 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).
- 4.3 will perform their roles impartially and in the public interest and act in good faith.
- 4.4 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.
- 4.5 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.

Councillors:

- 4.6 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.

- 4.7 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.
- 4.8 must not harass, discriminate, or support others who support or discriminate against any person, colleague, Council employee or member of the public.¹
- 4.9 will respect the local law regulating Council meetings at all times and the role of the Presiding Member in managing the conduct of a meeting, forum, working or advisory group.

5. Interactions with Employees
Councillors

- 5.1 An effective Councillor will work as part of the Council team with the Chief Executive Officer and other Councillors and Employees. The 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.
- 5.2 Councillors are responsible for setting the future direction of the Shire and making decisions in the best interest of the community. Councillors 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 are placed on the ability of employees to give professional advice to the Council.
- 5.3 Councillors have the right to raise issues and requests with the Chief Executive Officer.
- 5.4 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
- 5.5 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 by the Council to participate).

5.6 *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.

Employees

5.7 Employees are responsible for advising the Council, and implementing the decisions made by the Council. In undertaking these functions employees:

- will comply with all relevant Council policies, codes and resolutions of which they have been made aware, relevant to their particular role;
- provide accurate information to the Council and the public at all times;
- will take all reasonable steps to ensure that the information upon which employees make decisions or actions are based is factually correct and that all information has been obtained and is considered;
- will not release or divulge information that the Council or Chief Executive Officer has ordered to be kept confidential, or that the employee should reasonably know is information that is confidential;
- will not make improper use of information, including confidential information, acquired by virtue of their position;
- will ensure that relationships with external parties do not amount to interference by improper influence, affecting judgement, decisions and/or actions;
- will comply with all lawful and reasonable directions given by a person with authority to give such directions;
- will only make public comment in relation to their duties when specifically authorized so to do;
- will not make any public criticism of a personal nature of fellow Council employees or Councillors

6. **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 1996.

6.1 *Avoiding Conflicts of Interest*

Councillors, Committee Members and Employees 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 rests with the individual.

6.2 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).

6.3 *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.

Suspicions 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.

- 6.4 Councillors should exercise judgement when deciding whether to be involved in private meetings with people seeking to influence a council decision.
- 6.5 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.

- 6.6 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.

6.7 *Disclosure of Interests*

Councillors, Committee Members and Employees must comply with the laws governing disclosures of interests, as set out in the Local Government Act 1995 (Division 6 Sections 5.59-5.90). Any Councillor who has disclosed an interest may not participate in or be present during any discussion or decision making procedure relating to the matter unless the remaining councillors decide that the interest disclosed is so trivial or insignificant as to be unlikely to influence the disclosing councillors conduct in relation to the matter (see section 5.68 and 5.69).

- 6.10 Where an employee has an interest in any matter to be discussed at a Council or Committee meeting attended by the employee then that employee is required to 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.

6.11 Where an employee has an interest in any matter to be discussed at a Council or Committee meeting NOT attended by the employee then that employee is required to disclose the nature of any interest:

- a) in a written notice given to the CEO before the meeting; or
- b) at the time the advice is given.

6.12 Employees will not engage in any additional business or employment outside of the Council, whether paid or voluntary, without the prior written approval of the CEO.

6.13 It is recognised that employees lead full lives in a small community and from time to time they will have occasion to submit applications to the Shire for lawful activities. In some instances approvals (or not) may require the exercise of a discretion by another officer. Where such an application is received the CEO is to be advised by the applicant employee and the officer handling the application. The CEO will determine any additional review process that may be required to ensure appropriate levels of probity and transparency.

7. Personal Benefit²:

7.1 Gifts, and Contributions to Travel

Councillors, the Chief Executive Officer, employees with delegated powers and duties under Part 5, Division 4 of the Local Government Act, employees who are members of committees comprising elected members and employees; and any other employees nominated by the Council to be a designated employee must disclose all gifts, hospitality and contributions to travel according to the requirements set out under the Local Government Act 1995 and the Local Government (Rules of Conduct) Regulations.

Under the Local Government Act 1995 s5.57

gift means —

- (a) a conferral of a financial benefit (including a disposition of property) made by 1 person in favour of another person unless adequate consideration in money or money's worth passes from the person in whose favour the conferral is made to the person who makes the conferral; or
- (b) a travel contribution;

travel includes accommodation incidental to a journey;

travel contribution means a financial or other contribution made by 1 person to travel undertaken by another person.

[Section 5.57 inserted: No. 16 of 2019 s. 27.]

² NOTE: the legal requirements for 'Gifts' and 'Contributions to travel' are complex. This section of the Code provides a summary of the requirements. A person described in 7.1 who is offered a gift or contribution to travel is strongly encouraged to seek advice on their obligations.

Receipt of Gifts

In accordance with sections 5.87A and 5.87B of the Act, council members and CEO's are required to disclose gifts that are received in their capacity as a council member (or CEO) and –

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

Excluded Gifts

The following situations are specifically excluded from the interest provisions:

- where the gift (or fits over a 12-month period from the one donor) do not exceed \$300 in value;
- where the gift is a ticket to, or otherwise relates to attendance at an event and the local government approves the person's attendance in accordance with their Attendance at Events policy;
- or where the gift is received from one of the following organisations:
 - WALGA (but not LGIS)
 - Local Government Professionals Australia (WA)
 - Australian Local Government Association
 - A department of the public service
 - A government department of another State, a Territory or the Commonwealth

A local government or regional local government.

7.2 Acceptance of a notifiable gift must be notified to the Chief Executive Officer within 10 days of accepting the gift. The notification must include:

- a) the name of the person who gave the gift
- b) the date on which the gift was accepted
- c) a description, and the estimated value, of the gift; and
- d) the nature of the relationship between the person who is a council member and the person who gave the gift

7.3 Acceptance of contributions to travel must be notified to the Chief Executive Officer within 10 days of accepting the contribution. The notification must include:

- a) description of the contribution to travel
- b) the name and address of the person who made the contribution to travel
- c) the date on which the contribution to travel was received
- d) The estimated value of the contribution to travel at the time it was made
- e) the nature of the relationship between the person receiving the contribution and the person who made the contribution
- f) a description of the travel undertaken; and
- g) date of the travel undertaken

7.4 The Chief Executive Officer will maintain a Register of disclosures in which details of notices of gifts and contributions to travel received are to be recorded.

The register is to be published on the Council's official website as well as made available for public inspection at the Council offices.

In addition to the statutory requirements the following policies apply.

7.5 Gifts of token value may be accepted by a Councillor, Committee Member, and Employee 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.

7.6 Any gift over \$10 in value must be registered (note that this value threshold is lower than the relevant Regulation and was inserted by the Council in the interests of Transparency).

7.7 Councillors, Committee Members and Employees 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).

7.8 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.

7.9 Councillors, Committee Members and Employees 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.

Where there is benefit to the organization issuing the invitation in having a Council representative in attendance at the function or event this may constitute a 'consideration' in that the Council is contributing the cost in time and travel of the attendance of the Council representative thus negating the value of the hospitality. In such situations there is no disclosable gift.

In other cases, the hospitality may constitute a gift and should be disclosed in accordance with the provisions of the Act and Regulations. Such hospitality should

be disclosed on the basis of a reasonable calculation or assessment of value of attendance as a member of the 'paying public'.

- 7.10 In the case of invitations to events, the thresholds for registration of such a gift set out in Clause 7.1 to 7.4 apply.
- 7.11 If acceptance of the hospitality is likely to create the impression that an attempt is being made to compromise the impartiality of the Councillor, Committee Member and Employee, 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 a Councillor, Committee Member or Employee should be declared and approved prior to the event.

7.12 Use of Shire Resources

Councillors, Committee Members and Employees 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).

7.13 Travel and Sustenance

Councillors, Committee Members and Employees 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)

- 7.14 Councillors, Committee Members and Employees shall be diligent in ensuring that the expenses claimed in accordance with Council policy relate to their functions and responsibilities and are appropriately acquitted.

7.15 Use of Confidential Information

Councillors, Committee Members and Employees will not use confidential information to gain improper advantage for themselves or for or any other person or body.

8. Councillors Access to and Disclosure of Information

- 8.1 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.

8.2 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.

8.3 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.

8.4 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.

8.5 *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 closed 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.

8.6 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

8.7 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.

8.8 *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.

9. Councillors Communications and Public Relations

9.1 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.

9.2 *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.

9.3 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.

9.4 *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

9.5 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
- Mail 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)

9.6 *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.

9.7 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.

9.8 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.

9.9 *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 and to make a written submission to the Shire.

9.10 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.

9.11 *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.

10. Councillors Standard of Dress

10.1 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.

11. Implementation, Review, Compliance and Annual Reporting

11.1 The Council will review the 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, Committee Members, employees and the community.

12. Enforcement of the Code

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

12.2 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.

12.3 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 the Local Law regulating Council meeting procedures 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.

12.4 Employees will be required to confirm that they understand and will abide by the Code of Conduct. Any breach of the Code of Conduct will be dealt with by the CEO in accordance with the organisation's human resources disciplinary processes.

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:	<p>Local Government Act 1995 (Section 5.103 – Codes of Conduct)</p> <p>Local Government Act 1995 (Section 5.59-5.90)</p> <p>Local Government (Administration) Regulations 1996 (Section 34B)</p> <p>Local Government (Rules of Conduct) Regulations 2007</p>
Date Adopted:	<p>Adopted 16 July 2001</p> <p>Adopted 19 May 2003</p>
Reviews/Amendments:	<p>Reviewed and Adopted 19 November 2007</p> <p>Reviewed and Adopted 18 October 2010</p> <p>Reviewed and Adopted 17 September 2012</p> <p>Reviewed and Adopted 28 January 2016</p> <p>Reviewed and Adopted 25 July 2016</p> <p>Reviewed 24 October 2016</p> <p>Reviewed 25 November 2019</p> <p>Reviewed and Amended 16 December 2019</p>

New Policy

**MODEL STANDARDS FOR CEO RECRUITMENT,
PERFORMANCE AND TERMINATION**

Division 1 — Preliminary provisions**1. Citation**

These are the *Shire of York Standards for CEO Recruitment, Performance and Termination*.

2. Terms used

(1) In these standards —

Act means the *Local Government Act 1995*;

additional performance criteria means performance criteria agreed by the local government and the CEO under clause 16(1)(b);

applicant means a person who submits an application to the local government for the position of CEO;

contract of employment means the written contract, as referred to in section 5.39 of the Act, that governs the employment of the CEO;

contractual performance criteria means the performance criteria specified in the CEO's contract of employment as referred to in section 5.39(3)(b) of the Act;

job description form means the job description form for the position of CEO approved by the local government under clause 5(2); *local government* means the *Shire of York*;

selection criteria means the selection criteria for the position of CEO determined by the local government under clause 5(1) and set out in the job description form;

selection panel means the selection panel established by the local government under clause 8 for the employment of a person in the position of CEO.

(2) Other terms used in these standards that are also used in the Act have the same meaning as they have in the Act, unless the contrary intention appears.

Division 2 — Standards for recruitment of CEOs**3. Overview of Division**

This Division sets out standards to be observed by the local government in relation to the recruitment of CEOs.

4. Application of Division

(1) Except as provided in subclause (2), this Division applies to any recruitment and selection process carried out by the local government for the employment of a person in the position of CEO.

(2) This Division does not apply —

- (a) if it is proposed that the position of CEO be filled by a person in a class prescribed for the purposes of section 5.36(5A) of the Act; or
- (b) in relation to a renewal of the CEO's contract of employment, except in the circumstances referred to in clause 13(2).

5. Determination of selection criteria and approval of job description form

- (1) The local government must determine the selection criteria for the position of CEO, based on the local government's consideration of the knowledge, experience, qualifications and skills necessary to effectively perform the duties and responsibilities of the position of CEO of the local government.
- (2) The local government must, by resolution of an absolute majority of the council, approve a job description form for the position of CEO which sets out —
 - (a) the duties and responsibilities of the position; and
 - (b) the selection criteria for the position determined in accordance with subclause (1).

6. Advertising requirements

- (1) If the position of CEO is vacant, the local government must ensure it complies with section 5.36(4) of the Act and the *Local Government (Administration) Regulations 1996* regulation 18A.
- (2) If clause 13 applies, the local government must advertise the position of CEO in the manner referred to in the *Local Government (Administration) Regulations 1996* regulation 18A as if the position was vacant.

7. Job description form to be made available by local government

If a person requests the local government to provide to the person a copy of the job description form, the local government must —

- (a) inform the person of the website address referred to in the *Local Government (Administration) Regulations 1996* regulation 18A(2)(da); or
- (b) if the person advises the local government that the person is unable to access that website address —
 - (i) email a copy of the job description form to an email address provided by the person; or
 - (ii) mail a copy of the job description form to a postal address provided by the person.

8. Establishment of selection panel for employment of CEO

- (1) In this clause —

independent person means a person other than any of the following -

- (a) a council member;
- (b) an employee of the local government;
- (c) a human resources consultant engaged by the local government.

- (2) The local government must establish a selection panel to conduct the recruitment and selection process for the employment of a person in the position of CEO.
- (3) The selection panel must comprise —
 - (a) council members (the number of which must be determined by the local government); and
 - (b) at least 1 independent person.

9. Recommendation by selection panel

- (1) Each applicant's knowledge, experience, qualifications and skills must be assessed against the selection criteria by or on behalf of the selection panel.
- (2) Following the assessment referred to in subclause (1), the selection panel must provide to the local government —
 - (a) a summary of the selection panel's assessment of each applicant; and
 - (b) unless subclause (3) applies, the selection panel's recommendation as to which applicant or applicants are suitable to be employed in the position of CEO.
- (3) If the selection panel considers that none of the applicants are suitable to be employed in the position of CEO, the selection panel must recommend to the local government —
 - (a) that a new recruitment and selection process for the position be carried out in accordance with these standards; and
 - (b) the changes (if any) that the selection panel considers should be made to the duties and responsibilities of the position or the selection criteria.
- (4) The selection panel must act under subclauses (1), (2) and (3) —
 - (a) in an impartial and transparent manner; and
 - (b) in accordance with the principles set out in section 5.40 of the Act.
- (5) The selection panel must not recommend an applicant to the local government under subclause (2)(b) unless the selection panel has —
 - (a) assessed the applicant as having demonstrated that the applicant's knowledge, experience, qualifications and skills meet the selection criteria; and
 - (b) verified any academic, or other tertiary level, qualifications the applicant claims to hold; and
 - (c) whether by contacting referees provided by the applicant or making any other inquiries the selection panel considers appropriate, verified the applicant's character, work history, skills, performance and any other claims made by the applicant.
- (6) The local government must have regard to, but is not bound to accept, a recommendation made by the selection panel under this clause.

10. Application of cl. 5 where new process carried out

- (1) This clause applies if the local government accepts a recommendation by the selection panel under clause 9(3)(a) that a new recruitment and selection process for the position of CEO be carried out in accordance with these standards.
- (2) Unless the local government considers that changes should be made to the duties and responsibilities of the position or the selection criteria -
 - (a) clause 5 does not apply to the new recruitment and selection process; and
 - (b) the job description form previously approved by the local government under clause 5(2) is the job description form for the purposes of the new recruitment and selection process.

11. Offer of employment in position of CEO

Before making an applicant an offer of employment in the position of CEO, the local government must, by resolution of an absolute majority of the council, approve —

- (a) the making of the offer of employment to the applicant; and
- (b) the proposed terms of the contract of employment to be entered into by the local government and the applicant.

12. Variations to proposed terms of contract of employment

- (1) This clause applies if an applicant who is made an offer of employment in the position of CEO under clause 11 negotiates with the local government a contract of employment (the ***negotiated contract***) containing terms different to the proposed terms approved by the local government under clause 11(b).
- (2) Before entering into the negotiated contract with the applicant, the local government must, by resolution of an absolute majority of the council, approve the terms of the negotiated contract.

13. Recruitment to be undertaken on expiry of certain CEO contracts

- (1) In this clause —
commencement day means the day on which the *Local Government (Administration) Amendment Regulations 2021* regulation 6 comes into operation.
- (2) This clause applies if —
 - (a) upon the expiry of the contract of employment of the person (the ***incumbent CEO***) who holds the position of CEO —
 - (i) the incumbent CEO will have held the position for a period of 10 or more consecutive years, whether that period commenced before, on or after commencement day; and (ii) a period of 10 or more consecutive years has elapsed since a recruitment and selection process for the position was carried out, whether that process was carried out before, on or after commencement day; and
 - (b) the incumbent CEO has notified the local government that they wish to have their contract of employment renewed upon its expiry.

- (3) Before the expiry of the incumbent CEO's contract of employment, the local government must carry out a recruitment and selection process in accordance with these standards to select a person to be employed in the position of CEO after the expiry of the incumbent CEO's contract of employment.
- (4) This clause does not prevent the incumbent CEO's contract of employment from being renewed upon its expiry if the incumbent CEO is selected in the recruitment and selection process referred to in subclause (3) to be employed in the position of CEO.

14. Confidentiality of information

The local government must ensure that information provided to, or obtained by, the local government in the course of a recruitment and selection process for the position of CEO is not disclosed, or made use of, except for the purpose of, or in connection with, that recruitment and selection process.

Division 3 — Standards for review of performance of CEOs

15. Overview of Division

This Division sets out standards to be observed by the local government in relation to the review of the performance of CEOs.

16. Performance review process to be agreed between local government and CEO

- (1) The local government and the CEO must agree on —
 - (a) the process by which the CEO's performance will be reviewed; and
 - (b) any performance criteria to be met by the CEO that are in addition to the contractual performance criteria.
- (2) Without limiting subclause (1), the process agreed under subclause (1)(a) must be consistent with clauses 17, 18 and 19.
- (3) The matters referred to in subclause (1) must be set out in a written document.

17. Carrying out a performance review

- (1) A review of the performance of the CEO by the local government must be carried out in an impartial and transparent manner.
- (2) The local government must —
 - (a) collect evidence regarding the CEO's performance in respect of the contractual performance criteria and any additional performance criteria in a thorough and comprehensive manner; and
 - (b) review the CEO's performance against the contractual performance criteria and any additional performance criteria, based on that evidence.

18. Endorsement of performance review by local government

Following a review of the performance of the CEO, the local government must, by resolution of an absolute majority of the council, endorse the review.

19. CEO to be notified of results of performance review

After the local government has endorsed a review of the performance of the CEO under clause 18, the local government must inform the CEO in writing of —

- (a) the results of the review; and
- (b) if the review identifies any issues about the performance of the CEO — how the local government proposes to address and manage those issues.

Division 4 — Standards for termination of employment of CEOs**20. Overview of Division**

This Division sets out standards to be observed by the local government in relation to the termination of the employment of CEOs.

21. General principles applying to any termination

- (1) The local government must make decisions relating to the termination of the employment of a CEO in an impartial and transparent manner.
- (2) The local government must accord a CEO procedural fairness in relation to the process for the termination of the CEO's employment, including —
 - (a) informing the CEO of the CEO's rights, entitlements and responsibilities in relation to the termination process; and
 - (b) notifying the CEO of any allegations against the CEO; and
 - (c) giving the CEO a reasonable opportunity to respond to the allegations; and
 - (d) genuinely considering any response given by the CEO in response to the allegations.

22. Additional principles applying to termination for performance-related reasons

- (1) This clause applies if the local government proposes to terminate the employment of a CEO for reasons related to the CEO's performance.
- (2) The local government must not terminate the CEO's employment unless the local government has —
 - (a) in the course of carrying out the review of the CEO's performance referred to in subclause (3) or any other review of the CEO's performance, identified any issues (the *performance issues*) related to the performance of the CEO; and
 - (b) informed the CEO of the performance issues; and
 - (c) given the CEO a reasonable opportunity to address, and implement a plan to remedy, the performance issues; and
 - (d) determined that the CEO has not remedied the performance issues to the satisfaction of the local government.
- (3) The local government must not terminate the CEO's employment unless the local government has, within the preceding 12-month period, reviewed the performance of the CEO under section 5.38(1) of the Act.

23. Decision to terminate

Any decision by the local government to terminate the employment of a CEO must be made by resolution of an absolute majority of the council.

24. Notice of termination of employment

- (1) If the local government terminates the employment of a CEO, the local government must give the CEO notice in writing of the termination.
- (2) The notice must set out the local government's reasons for terminating the employment of the CEO.

Policy Administration

Responsible Directorate/Division:	Chief Executive Officer
Contact Officer Position:	Chief Executive Officer
Relevant Legislation:	Local Government Act 1995 – Division 4 Local Government Employees – 5.39B
Relevant Delegation:	Not applicable
Date Adopted:	27 April 2021
Reviews/Amendments	

SY035-04/21 DRAFT PUBLIC ART POLICY

File Number: OR.CMA.4

Author: Carol Littlefair, Arts and Cultural Heritage Officer

Authoriser: Chris Linnell, Chief Executive Officer

Previously before Council: Not Applicable

Appendices:

1. Draft Public Art Policy
2. National Association for the Visual Arts (NAVA) Guidelines
3. Shire of York Public Art Key Terms and Definitions

NATURE OF COUNCIL'S ROLE IN THE MATTER

Executive

PURPOSE OF REPORT

To bring to Council's attention, and to request approval and adoption of the proposed Public Art Policy for the Shire of York.

BACKGROUND

Increasing community interest in Public Art and requests for placement of artworks in the public realm are the drivers behind the need for a guiding document to ensure fair and equitable assessment of Public Art proposals.

COMMENTS AND DETAILS

At present, the Shire of York has only one permanent (defined as having a lifespan of twenty years or more) 3D public artwork; being the traditional bronze bas-relief of Lieutenant McCarthy VC at WW1 War Memorial Park in Railway Street, installed as part of ANZAC centenary commemorations in 2017. There are several murals, mostly created some years ago as community projects, including at the Police Station, Basketball Court, Candace Bateman Park and the rear of the Motor Museum.

In the last three years, several environmental, ephemeral artworks have been created as part of the York Festival programme, including sand and seed mandala and 3D chalk drawings (floor plane, ephemeral works) and a series of giant straw Wara Art sculptures (freestanding sculptural, ephemeral works).

These artworks have demonstrated both the social and economic value of public art to the Shire of York, increasing tourism visitation and encouraging community interest in public art. Recently, a number of proposals for public art have been received by the Shire of York, but as yet there have been no guiding principles in place. These are essential especially when more long-term or permanent artworks are being considered for placement in the public realm. The proposed Local Planning Policy for Heritage and Conservation Areas will provide some guidance in regard to murals and should be considered as a supporting policy document to be read in conjunction with this proposed Policy.

OPTIONS

Council has the following options:

Option 1: Council could accept the proposed Public Art Policy.

Option 2: Council could request additional information or alterations to the Policy.

Option 3: Council could not accept the proposed Public Art Policy.

Option 1 is the recommended Option.

IMPLICATIONS TO CONSIDER

Consultative

No external consultation has taken place. The Public Art Policy enshrines the consultation process with the community as it defines the assessment procedure.

Strategic

The Policy aligns with the Shire of York Strategic Community Plan 2020-2030

Goal 1: *The Place to Be*

To be a close-knit community, full of life, in a welcoming and accessible place for all.

Goal 2: *Driving the York Economy Forward*

To have a vibrant, diverse, and prosperous local economy which creates local jobs, business opportunities and a positive image for the Shire.

Policy Related

This Policy relates to and should be read in conjunction with:

Local Planning Policy Heritage and Conservation Part 7 Public Murals

Public Events in York Policy C1.5

Procurement Policy F1.2

Asset Management Policy G4.5

Financial

Financial membership of the National Association of Visual Arts (NAVA) \$345 annual fee for use of documents and advice.

Legal and Statutory

N/A

Risk Related

Identified Risk	Risk type	Level of Risk	Mitigation
Community criticism regarding transparency	Reputational	Moderate/ High	In order to increase the opportunity for community input, public distribution of meeting agendas is at least seven days prior to Ordinary Council Meetings. This will give the public opportunity to comment on proposals. Each Public Art proposal will be assessed against a national set of guidelines: Best Practices for Commissioning Art in Public Space NAVA 2019 (or any subsequent updates of these guidelines) and this assessment will inform the Report to Council
Community criticism regarding artwork quality or content	Reputational	Moderate/ High	Each Public Art proposal will be assessed for quality and suitability by a selection panel as defined by the guidelines above and this assessment will inform the Report to Council

Workforce

The Policy can be managed within normal workloads.

VOTING REQUIREMENTS

Absolute Majority: No

RECOMMENDATION

That, with regard to the Draft Public Art Policy, Council:

1. Resolves to adopt the Public Art Policy as presented in Appendix 1.
2. Receives the National Association of the Visual Arts Guidelines and Shire of York Public Art Key Terms and Definitions as presented in Appendices 2 and 3 as supporting documents to the Policy.



X X.X PUBLIC ART POLICY (DRAFT)

Policy Objective: This policy aims to:

- Encourage contemporary, quality and professionally significant artwork in the public realm.
- Create a sense of place through public art, building capacity and economic opportunity for the community.
- Contribute to the amenity of places through a diverse and vibrant public art program, engaging artists' creative ideas to celebrate the identity of the town and Shire.
- Celebrate and reflect the unique character, cultures, heritage, future aspirations and diversity of the town and Shire, enhancing engagement with and understanding of place.
- Integrate qualities of diversity, vibrancy, character, creativity and imagination into the fabric of daily life.
- Contribute to art and cultural development for the region, by integrating public art into planning, development and built infrastructure as well as festivals, events and celebrations.
- Maximise the potential for high quality public art to contribute to intrastate, interstate and international cultural tourism.
- Encourage public and private sector partnerships in the arts.

Policy Scope:

The purpose of this Policy is to provide information on the public art application and approval process for artworks that may be considered for siting in the public realm within the Shire of York.

The Public Art Policy provides guidance to Elected Members, staff, artists, the community, consultants and contractors.

Policy Statement:

Art plays an important role in connecting people to place and providing a reflection and interpretation of the uniqueness of their culture and history. It can be a positive visual reminder of the sense of shared community and may also enhance the attractiveness and cultural significance of a place, encouraging further investment in the local economy. York has an abundance of heritage buildings, including 32 places on the State Heritage register, a unique CBD historic streetscape, the Avon River flowing through the town's heart, numerous parks and public open spaces within the township. It is bordered by Wongborel-Mt Brown and Walwalying-Mt Bakewell, which provide current and possible future access to natural bush landscapes. These natural landscape features have social and spiritual significance to the local Ballardong Noongar people and there are several registered Aboriginal Heritage sites within the Shire.

This Policy defines a set of shared principles and priorities that inform all levels of decision-making related to public art, which in turn helps to guide resources and funding towards relevant public art projects that will encourage a more vibrant and creative cultural landscape; one that is cohesive, cutting-edge and demonstrates contemporary best practice.

This policy enables the Shire of York to take the next step into the facilitation of public art.

Introduction

The Public Art Policy supports the visions identified in the Strategic Community Plan (2020-2030) a ten-year guiding document that determines the Shire's vision and strategies outlined to deliver social, economic, environmental and cultural benefits for the community. Its implementation is set out in the Corporate Business Plan (2020-2024) a four-year rolling plan updated annually.

Other supporting documents include:

- Shire of York Cultural Heritage Interpretation Master Plan 2015
- Shire of York Access & Inclusion plan 2018 – 2023
- Reconciliation Action Plan* (*to be completed by 2021).
- NAVA best practices for commissioning art in public space 2019 guidelines
- Shire of York internal administrative guidelines – Public Art Key Terms and Definitions
- The Graffiti Vandalism Act 2016

Other policies that should be considered in conjunction when implementing this Policy are:

- Local Planning Policy – Heritage Conservation and Development Part 7 Public Murals
- Public Events in York Policy C1.5
- Procurement Policy F1.2
- Asset Management Policy G4.5

Principles

- (a) That there is a clear, equitable and transparent process for assessing Public Art proposals.
- (b) That such proposals are assessed against established national standards of best practice.

Provisions**Assessment Process.**

Public Art Application submissions are required for any proposed public artwork. Submissions should provide details that enable an independent selection committee to assess the quality and suitability of the proposal against the NAVA BEST PRACTICES FOR COMMISSIONING ART IN PUBLIC SPACE 2019 guidelines, or as updated by NAVA during the life of this Policy. A Report to Council is then generated by Shire staff incorporating the selection committee's findings.

1. All proposals for siting of artworks in the public realm shall be put forward as a Report to Council, whether generated as:

- 1.1 Internal - Shire of York project.
- 1.2 External - Request from an external artwork organiser.
- 1.3 Exceptions may be made for small-scale, ephemeral artworks lasting a maximum of four weeks or less, which may be assessed for suitability by Shire of York administration.
- 1.4 Shire officers are responsible for the operational aspects for delivery of Shire of York public art projects and for compliance with this Policy and NAVA guidelines by external parties or organisations.

2. Specific Location Requirements

- 2.1 Any proposal for artwork (permanent or ephemeral) to be sited in high-profile locations must be approved by Council.
- 2.2 Any proposal for artwork to be sited on or impacting upon vistas of State Heritage Registered Places must be referred to the Department of Planning Lands and Heritage.
- 2.3 Any proposal for artwork to be sited on or impacting land identified under the Shire of York Noongar Standard Heritage Agreement must be referred to the South West Aboriginal Land and Sea Council and RAP Working Group

3. Public Performance Artworks

3.1 If a Public Performance Artwork requires one (1) or more approvals from criteria defined in Shire of York Policy C1.5 Public Events in York, then it is deemed to be an event and the artwork organiser is required to submit an Event Application and to obtain the relevant approvals from the Shire.

Policy Administration

Responsible Directorate/Division:	Xxxx
Contact Officer Position:	Xxxx
Relevant Legislation:	Xxxx
Relevant Delegation:	Xxxx
Date Adopted:	Xxxx
Reviews/Amendments	Xxxx

BEST PRACTICES FOR COMMISSIONING ART IN PUBLIC SPACE

In the writing of these Best Practices, we firstly acknowledge the Traditional Ownership, the contested sites and First Peoples histories of the lands on which artists make public artworks. We advocate that when commissioning and realising public artworks, a paramount consideration is attending to Indigenous protocols through consultation, as well as privileging the provision of Aboriginal and Torres Strait Islander peoples' access to, participation in and representation within public processes. The words 'Aboriginal and Torres Strait Islander', 'First Nations' and 'Indigenous' are used interchangeably in this document to refer to the Aboriginal and Torres Strait Islander peoples of Australia and their arts and cultures. We understand that some Aboriginal and Torres Strait Islander people are not comfortable with some of these words. Only respect is meant when these words are used.

It is the intention of [The Code of Practice for the Professional Australian Visual Arts, Craft and Design Sector](#) to offer a framework for negotiations between artist and commissioners, that is clear but not prescriptive. The draft draws heavily on previous versions of The Code, ongoing stakeholder consultation, contributions from Terri Janke and Company and Arts Law, and published guidelines from local, state and international authorities.

This draft is written following four industry consultations regarding *Best Practice: Commissioning Art in Public Space* (Sydney, Melbourne, Adelaide and online) hosting over 100 artists from all stages of career including First Nations artists, arts workers, curators, consultants, lawyers, local government councils, and other public and commercial interest. Thank you to all of the experts who have shared their knowledge including the staff and students of the Masters of Art – Art in Public Space at RMIT University.

Sincerely,

Dr Marnie Badham, Dr Ruth Fazakerly, and Fiona Hillary



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In recent decades, numerous agencies and authorities have worked to identify and articulate best practices in commissioning and managing art in public space. A strong consensus has emerged about what good processes and practices look like, at least for some types of public art projects. However, we also know that these models are not fully visible to those that could implement them. They aren't always well understood by artists, commissioning bodies, and other stakeholders, who don't necessarily share the same terminology, models of art making or context. They can also be complex and rigid, difficult to implement and adapt to real life opportunities. A one-size-fits-all framework is both unrealistic and undesirable.

This Best Practice draft can instead be understood as an educational resource to encourage good practice, with the aim of informing a broader conversation about national standards. It has been authored by NAVA staff and researchers from the School of Art at RMIT University, drawing on experts in art, policy and education with specialist knowledge in public art. NAVA recognises the importance of leading this work in collaboration with the full range of interested parties, to ensure that government and commissioning bodies have the best frameworks to allow for trusting and supporting the vision of the artist. This draft includes content from earlier iterations of The Code as well as feedback from stakeholders nationally, including practitioners, institutions and government bodies. It builds on the review of a wide range of public artwork guidelines from local, state and international authorities as well as private interests.

Art in public space brings artwork into the public realm and into the often contentious, shared realm of ethics, decision-making and public value. Without national standards covering the full scope of public art commissioning – from conception, to contracting, to maintenance and decommission – it can be challenging for an artist to negotiate and realise their professional needs and artistic vision. An unequal power balance often exists between the artists who are engaged to deliver artwork and the institutions who commission them. This disparity, while often unintentional, is played out in the complex negotiations around contract variations or moral rights, in unfair intellectual property clauses, and untimely payments.

This Best Practice draft aims to account for common concerns in the commissioning of art in public space, many of which have been repeatedly reported to NAVA over recent years. These include reports of:

- onerous procurement processes for artists and commissioners;
- exploitative Expressions of Interest (EOI) for public art commissions where artists must share intellectual property or provide labour in creation of designs without pay;
- lengthy and contradictory contracts issued after the work has started or completed;
- requirements for artists to work with designated third-party fabricators, installers or project managers who have little interest or expertise in art;
- changes of project direction or timeline without warning, compensation or opportunity for variance within the contract for the artist; and
- confused approaches to the management and maintenance of commissioned and acquired artworks, ranging from 'short-termism' to lengthy lifetime agreements.

Local laws and legislation regarding public safety and procurement are varied across Australia; therefore, commissioners and artists must always refer to local authority when developing new projects. These draft guidelines present what is currently considered best practice when commissioning public art, focusing on three most common models of commissioning: direct, open-competition, and limited-competition commissioning. While not all the stages described here will be relevant for every commission, the information provides a guiding framework to help negotiations, and provide a rationale for and a context regarding timelines and allocation of responsibilities. The roles of artists, commissioners, selection panels, and project managers are outlined in order to identify, in advance of commissioning, the responsibilities of stakeholders in a project, and the range of required skills and expertise.

What is Art in Public Space/ Public Art?

The terms 'Art in Public Space' and 'Public Art' are often used interchangeably, but their definitions are not without debate. Both terms are used here to refer to art that is made with the specific intention of being situated in the public domain, often outside, and intended to be accessible to a wide audience. This broad framework includes a wide range of art forms including free-standing sculptural artworks, murals, installations, integrated design projects (where artwork is integrated into the fabric of architecture or applied to buildings, for example), ephemeral art, socially engaged and artist-led participatory processes, and temporary performance works at festivals and cultural events.

Public art can be permanent (lasting many years), or temporary (lasting a few hours, days or months). It can be site-specific, with the artistic vision of the project drawn from and adding to the meaning of a particular site or place. Public art can also be non site-specific – located in a public place for display purposes, for example. Artwork can be acquired for the public realm in many ways: by commissioning new work from an artist or team; through public or private grant schemes for artist or community-initiated projects; as well as by direct purchase, lease, loan, donation or bequest of existing works. This document focuses on commissioned public art.

The purpose of commissioning artwork varies, across diverse contexts that include urban renewal and place making, festivals, percent for art schemes or civic art collection. Public art contributes to our understanding and appreciation of local cultural and social heritage, enhances the natural and built environment, and helps to create meaning in public space. For the purposes of this document, however, our description of public art does not include historical monuments such as plaques and memorials, fountains and architectural features like lighting or ornamentation without artistic elements, moveable artworks (or other moveable items of cultural significance) held in collections within buildings and not intended for wide public access. Issues relating to other specific contexts for commissioning art in the public realm (festivals, performances, ephemeral art, and street art) will be discussed elsewhere in the Code.

Models of Authorship and Engagement

Public art may be created by multiple people and agencies, with differing expectations relating to artistic authorship and collaboration. A public art project may have varying degrees of professional collaboration or community participation, for example. The amount and type of participation desired should be determined at the start of the project and articulated clearly in the commissioner's documentation and in communication with artists (such as the artist brief).

An approach to authorship should also be determined before the start of the project to ensure that the expectations of all parties, including the artist(s), commissioning body, and relevant community or stakeholder groups, are articulated as clearly as possible before work begins. Should there be changes to intended engagement and collaboration in the project, the artist is responsible for negotiating a variance to authorship and attribution in the contract.

Consultation with Traditional Owner Groups of the site

Best practice in public art commissioning encourages consultation with Indigenous Traditional Owners who are custodians of the intended site of the artwork. All places in Australia have a connection to First Nations people and their living cultural heritage. Traditional Owners hold valuable insights and expertise on the history and cultural practices associate with project sites and should be compensated for sharing this.

The commissioner is encouraged to proactively recognise and respect these cultural connections to sites and places and consult with regards to both the proposed sites and commissioned artworks.

Traditional Owners (or their delegates) should be invited to sit on the Selection Panel of the public artwork commission in a paid role in recognition of their expert cultural advice. This best practice should be applied to all models of art in public space.

Public art made by Aboriginal and Torres Strait Islander artists

It is best practice to engage a First Nations curator when commissions specifically invite Aboriginal and Torres Strait Islander artists to submit Expressions of Interest. It is also best practice to engage a First Nations curator when proposed artworks engage with subjects related to First Nations themes and histories. The engagement of First Nations curators should of course not be exclusive to artworks made by First Nations artists.

Individual practitioner model

An individual artist can be engaged by the commissioner to develop and realise the artwork. Some artists will work alone to design, create and install public artworks. Typically, the principal artist will subcontract others to help with aspects of the commission, such as the design, project management, fabrication or installation of the work.

Collaborative model

In this model, the project is realised by an artistic team or design group working in collaboration, rather than the creative vision of an individual practitioner alone. The design team may include other artists or artist teams, as well as other professionals such as architects, landscape architects, and graphic designers. In a collaborative project, the artist may be contracted as the lead or may be engaged as a consultant to contribute to an overall collaborative design process. This process may or may not result in a distinct work being produced by the artist.

Collaboration between architects, landscape architects, planners and artists are opportunities to cross disciplines, challenge hierarchies and develop highly innovative and relevant integrated design solutions for public places. All members of the team should be brought together at an early stage of the project in order to ensure that the design is authentically created through a process of collaboration.

Community consultative model

A project where consultation with relevant community members informs and influences the project to some degree can be described as community consultative. Projects can be structured to allow for community input at any or all stages, from the development of the artist brief to design and selection, manufacture and installation. The commissioner will provide the artist with a description of the stakeholders, the consultation process, and the intended role of the artist in any consultation. The artist may independently recommend or undertake consultation as part of the artistic process. Community may refer to the broader public users of a space or a more specific section of the community.

*When the project involves using Indigenous cultural heritage, traditional knowledge or traditional cultural expressions (stories, language, themes), the artist and commissioner need to be mindful that cultural protocol might apply. Some best practice suggestions include clear discussion at the outset regarding project scope and how cultural heritage is proposed to be used. This includes consideration in project contracts of the following:

- Benefit sharing for use and application of culture (fees for community consultation included in the project budget)
- Acknowledgement of traditional owner groups or relevant custodians
- Consent obtained or required to be obtained to use cultural heritage
- Ongoing consultation requirements and processes

Community participatory model

In this model, members of a community actively participate in the design and fabrication of art in public space, led or guided by an artist. These projects generally fall within the field of community art and should be facilitated by an experienced community artist or arts worker. Practitioners undertaking community arts projects need to be aware that copyright and moral rights issues may not be as straightforward as those relating to the creation of art works by one individual. An approach to authorship should be determined before the start of the project.

*See the above Community Consultative Model for best practice advice for projects which involve the use Indigenous cultural heritage, traditional knowledge or cultural expressions.

Types of Art in Public Space

Commissioned art in public space takes multiple forms and involves a diverse array of processes and participants. While the freestanding sculptural object or mural are well recognised types of art in public space, the following provides a brief overview of some other key areas of practice. It is not intended as a comprehensive list of types of art in public space.

Integrated art and design

Integrated projects are those in which art is incorporated within the design of a building or site. Artists can be employed as consultants for creative decisions at the early stage of design. An artist may be commissioned to satisfy a component of the project or employed from the beginning as a professional to contribute as a member of a multidisciplinary design team. There may be no clearly distinct, isolated work of art created (for example, as in artistic contributions to landscaping, paving design, canopy, benches, or lighting).

It is important that artists and curators are involved in spatial design in advance to reduce the potential for compromised commission later. Failure often occurs when the artistic component and its budget are not considered at project conception.

Ephemeral art

Ephemeral art projects are intended to be temporary, lasting for a limited period of time and generally leaving no permanent physical trace. Examples include street art, performance art, sound, projection, installation and time-based practices. Ephemeral art may require infrastructure in some instances, such as rigging, staging, lighting, projectors, screens, amplifiers and speakers. Any required infrastructure must meet with safety standards and requirements for public space. These include state-based occupational health and safety laws, urban design guidelines and or local government planning requirements. In some instances, local authority permits may be required. Where infrastructure is exposed to the environment, weather proofing will also be required.

Legal street art

Legal street art involves art forms often attributed to or aligned with graffiti (unsanctioned practices of writing, drawing, stencilling, painting, pasting up and scratching surfaces), but is sanctioned by a commissioning body. Examples may include murals, stencil works, paste-ups and/or sculptural installations. Commissioned legal street art has the approval of the building/property owner and local government authority, in compliance with local laws. Legal street art may require local authority permits. Installation of legal street art must also comply with appropriate occupational health and safety regulations, for example, safety requirements when working at heights.

Performance art

Performance art is art created through actions performed by the artist or other participants. Participants might include artistic collaborators or members of the general public. Performance art varies in its intent and form and can include live, recorded, spontaneous or scripted practices. Performance art may require infrastructure to achieve the proposed outcomes. Commissioned performance works like all other forms of art must respond to and meet with safety standards and requirements for public space, these include state-based occupational health and safety requirements; urban design guidelines and or local government planning requirements.

Principles of Commissioning

Public art is commissioned by both public and private interests, including governments, community and interest groups, private developers, and individuals. Commissioners should consider the most appropriate model for each project. Each model has advantages and disadvantages and there is no one process suitable for all projects. Some public art projects use a combination of different models.

There are three general models of public art commissioning described in this document: open-competition, and limited-competition and direct commissioning. These terms refer to the process used to invite artists to be considered to undertake the commission, and to select and approve artworks.

Whichever model is chosen by the commissioner, the key principles of best practice commissioning processes are:

- **First Nations first.** Consideration is given to Indigenous protocols through consultation with Traditional Owner groups at all stages of the commissioning process, as well as access to, participation in and representation within public processes.
- **Respect for the expertise and rights of artists.** Appropriate consideration is given to the work involved by artists in submitting a proposal or visual concept. Artists are paid for the work they undertake. Artists' intellectual property and moral rights are protected in all processes. Indigenous peoples' rights to their cultural heritage, traditional knowledge and traditional cultural expressions are respected and protected.
- **Transparency of expectations and decision making.** There is clarity regarding the project brief, processes, budgets, fees and timelines, and the roles and responsibilities of all parties. The selection process, for example, should incorporate a clear timeline for the acceptance or rejection of submissions.
- **Fairness.** For example, a limited budget is not an excuse to transfer the costs of the selection process onto the practitioner by requiring detailed submissions without offering an initial visual concept design fee.

Models of Commissioning

Open Competition

For publicly funded public art projects, an open competition model with EOI request is preferred. The EOI process will take the place of a Tender Procurement Process.

Following the preparation of the artist brief, in the open competition model, the commissioner makes an open invitation for qualified artists to submit an Expression of Interest (EOI). Artists are shortlisted by the selection panel against the criteria outlined in the brief. Artists may be interviewed to further narrow the field. Shortlisted artists are then contracted for a fee to develop a concept design in response to the brief ([Stage 1: Concept Proposal](#)), after which normally only one artist is selected to advance to the commissioning stage ([Stage 2 Agreement: Commissioning Artwork](#)). Note that in some commissioning models, the [*Detailed design development phase](#) is an additional agreement stage in advance of commissioning the artist.

Limited Competition

There is often no EOI process for this commissioning model. The selection panel invites a limited number of qualified artists to present the scope of their art practice to a panel at interview, or to contract for a fee to present their responses to the artist brief ([Stage 1 Agreement: Concept Proposal](#)).

The model of limited invitation may be appropriate for small budget projects or, for larger commissions, where the artist brief requires artists with very specific skills and experience (such as particular technical skills or cultural knowledge) or other characteristics (such as geographic residency).

Direct Commission (Curator)

Direct commission models effectively bypass the expression of interest and competitive shortlisting processes and commence at the [*Detailed design development phase](#)) or commissioning ([Stage 2 Agreement Commissioning Artwork](#)). The commissioner or selection panel may take on the role of identifying and selecting the artist for a direct commission or may employ a curator to do so. Direct commissions are appropriate when a specific artist is sought for their high standing or when the artist brief requires specific expertise or particular ways of working. This is desirable when an area of

specialised expertise is needed to realise the artistic vision of a project and this inform the selection of artists or artwork.

Roles and Responsibilities

There are two key roles in any public art commission:

- the person or team who creates the work (**the artist** or practitioner) which may include an individual or team of creative collaborators, designers and/or subcontractors such as a project manager and fabricators; and
- the client of the artist (**the commissioner**) which may include a range of team members including the Project Manager, a curator site manager/ building owner, maintenance workers, and the collections registrar.

The **selection committee** (sometimes called an advisory panel, project steering committee or a subset of these), serves the commissioner. A selection committee is made up of a number of representatives of community, professionals, cultural experts, and the commissioning agency, and has the role of selecting the artist, the artwork concept design, and/or the artwork.

A **project manager** is a preferable option for complex projects, which can be contracted by either party depending on the circumstances including scale, scope, budget and other consultation requirements regarding site or context.

The Artist/Practitioner

The artist (or artist team) is the creator who is responsible for developing and producing the artwork for the client. The term practitioner is also common, inclusive of the wide range of creators involved in public art projects, including visual artists, arts workers, crafts people, designers, architects and other creative professionals. Commissioners of art in public space are usually advised to engage professional artists. A professional artist is someone who has an established track record as an artist creating and exhibiting original artworks. Professional artists may be categorised as emerging, mid-career, or established in their career. At times it may be appropriate for a commissioner to seek out artists in any one of these specific categories to carry the work, or to seek people outside of the above definition of a professional.

In the case of collaborations, one artist must be nominated as the principal artist, who will take on the professional responsibilities of the contract including artistic leadership and the other risk and practical elements like insurance coverage.

The artist needs to fully understand their responsibilities and rights in relation to the contracts at each step and consult legal advice if required. This includes a responsibility to understand or seek advice relating to financial management, insurance liability, intellectual property, legislative requirements, and negotiation. Should the artist not feel confident to undertake these responsibilities due to the level of complexity of the project in relation to time, skillset, and/or knowledge required, the artist can engage a project manager to assist with coordination of technical details.

Before registering interest through an expression of interest, the artist/practitioner should:

- Ensure they (or someone in their team) have the appropriate level of experience to fulfil criteria stated in the artist brief. Depending on the scale of the project, lead artists with less experience may need to include other professionals in their EOI or demonstrate where how will access relevant experience (e.g. business and planning, technical, artistic, or community consultation skills).
- Examine the artist brief to determine whether or not the aims and themes of the project are aligned to the artist's own artistic interests and philosophical approach.
- Consider the value of their own work and budget adequately for the cost and time needed for the project. The artist brief and conditions of the contract will determine whether the budget and timetable are reasonable.

- Consult their representing gallery, if applicable, including on matters of commission due and the gallery's potential involvement in the stages of fabrication, installation or management of the commission. They should ensure they also have a contract with their representing gallery when the artist is successful in receiving public art commissions.

At all stages of the design and development process, the artist/practitioner should:

- Design to budget and propose what can realistically be delivered within budget.
- Liaise with the commissioner to clarify contracts and have it independently vetted by a lawyer if necessary, then organise personal insurance and tax matters as required. Legal fees can be paid by the commissioner.
- In the case of a collaboration, ensure all collaborators are aware of the contractual requirements and negotiate the financial and intellectual property agreements with the collaborators.
- Communicate regularly with the commissioner to inform them of the progress of the work, through regular site and studio visits and meetings. These communications should be outlined in the contract.

When carrying out the commission, the artist/practitioner should:

- Supply lists of contractors and other artists associated with the project and ensure they have the relevant insurances in place to undertake the commission.
- Ensure that the artwork complies with all relevant Australian Standards and the Building Code of Australia and secure product and/or service warranties from any sub-contractor.
- Deliver the artwork within the agreed timeframe and budget. If variations are required, the project should not proceed until these are negotiated. These agreements should be documented.
- Coordinate site strategies with the Commissioner when installing artwork.
- At the time of handover, provide detailed instructions to the new owner of maintenance, including any ongoing budgetary implications.
- Ensure the Commissioner has the information they need for appropriate attribution on any public materials they may produce in relation to the public work.

The Commissioner

The commissioner is generally understood to be the client of the artist. (Note that the commissioner may sometimes be an agency commissioning the work on behalf of a third party.) The commissioner may be an organisation, such as a state government department or agency, a local government authority, a private developer, community organisation, or an individual architect or other agent.

Commissioners must be realistic in their expectations for a project and aim to match those expectations to the budget and the most appropriate type of project. For example, public art projects may intend to solve design problems, manage the use of public space or positively engage community, and complement urban growth. However, it is important to balance the artistic integrity and interests of the public with any other instrumental goals.

The commissioner should also be mindful that in most cases they are commissioning the development and implementation of a new concept or artistic vision. This can be both exciting and challenging and will require the commissioner to be clear in their briefing, but also flexible and responsive to the process. A commissioner not familiar with this way of working is advised to enlist the assistance of project manager who will assist them to work collaboratively with the artist to ensure the best possible outcome for all parties.

Prior to selecting an artist, the commissioner should:

- Consult with Traditional Owners of the proposed site regarding the themes of the project and the history of the land. Invite representatives to sit on the selection committee in paid roles to provide advice.
- Develop the artist brief to describe the scale and scope including timelines and budget of the project and what is expected of the artist.
- Determine the purpose of the project and use the rationale, location, scale, audience and other relevant factors bearing on the project to broadly determine the theme or style of the art to be commissioned (without becoming overly prescriptive at this stage).

- Determine the budget for the public art project, ensuring that this includes a fair compensation for artist fees (20-30% of total budget regardless of stage of career of artists -(see [draft artist fees for public art](#)) and other fabrication, transportation, or installation costs. A maintenance budget should be considered also at this stage for the Commissioner to care for the management of the lifespan of the artwork. The lifespan of an artwork is not only a concern of material stability and environmental considerations. These issues impinge on moral rights when the environment and context of the artwork changes but also if building sales or renovations affect the work.
- Ensure a management structure outlining roles including who will develop the artist brief and manage the project, how to divide tasks, and the consideration of the appointment of a project manager.
- Develop fair and accessible criteria for selecting the practitioner and decide upon the type of selection process. Development of a rubric at this stage can be helpful in advance of briefing the selection panel.
- Plan how to advertise the brief in an equitable way that reaches a broad range of artists. Consider how the advertisement, selection criteria, and EOI requirements may advantage or disadvantage different artists. Decide whether to involve the community and to what extent. If so, establish the mode of community participation in the project at the outset and ensure that expectations are clearly articulated in the project brief.
- Establish and coordinate the selection panel to assess expressions of interest.
- Arrange a detailed contract, schedule and payments. Ensure the terms and conditions in the contract and the terms of payment respect the professional status of the artist and are fair and equitable.
- Recognise that it may be necessary to support the artist in obtaining legal advice in relation to contracts (e.g. payment of legal fees, simplified contracts, directing them to NAVA and Arts Law)

Throughout the commission, the commissioner should:

- Be available to provide advice for contracted artists regarding their obligations and commitments and offer professional support throughout the commissioning process.
- Pay artists/practitioners their fee either in stages, with the largest proportion in the first payment, or upfront so artists are able to pay the costs of fabrication and expert advice directly from the commission fee. A staged payment ratio of 40-30-25-5% is suggested.
- Ensure standards of practice, safety requirements and legal and insurance obligations are met including insurance for the work once it has been completed.
- Monitor the progress of the artwork through regular meetings and studio and site visits, should as outlined in the contract.
- Arrange attribution signage and digital content, maintain records, and promotion while upholding copyright and moral rights requirements for existing and new public work. This includes recognising the artist's design concepts and works are the property of the artist, preserving the integrity of the artwork over its lifetime and paying for its regular maintenance and repair when necessary in consultation with the artist.

The Project Manager

The project manager acts as an intermediary who negotiates between the commissioner and the artist and is an important role within complex commissioning processes. Public art projects offer new and exciting opportunities for artists; however, the commissioning process can be very complex. For large scale projects, whether stand-alone public artwork, or works fully integrated into large building projects, the administrative, legal and logistical demands can be immense.

A project manager may be appointed by either party in the commissioning process to oversee a particular task or stage of the public art project. In some cases, a specialist consultant may be engaged for the artist selection process or to administer the commission agreement. In other cases, the Commissioner will hire a project manager, art coordinator or art consultant to manage the whole public art project on their behalf.

Artists may include a project manager as part of their own team to oversee some or all components of the project. Artists working independently, without a project manager, may need the support of the commissioner to manage all the necessary requirements of a commission.

Other Roles

Other roles involved in a public art commission may include a curator, subcontractors for project management in the artist's team or fabricators and installers, and members of the selection committee. Once installed, there will be a maintenance team identified to care for the artwork across its lifespan as delegated by the commissioner.

Steps in Commissioning

Step 0. Pre-commission

- Appoint a Project Manager and or curator at the start of the process (commissioner)
- Do research on who the relevant Traditional Owners are to the site (commissioner)
- Consult with Traditional Owners and relevant stakeholders regarding proposed site/project (commissioner)
- Determine Selection Panel (or curator) and selection criteria (commissioner)
- Develop Artist Brief (commissioner)

Step 1. Artist Identification

Direct Commission: Artist selected by commissioner, selection panel and/or curator (commissioner) [Go to Step 2 or Step 3](#)

Limited Competition: Pool of artists identified by commissioner, selection panel or curator (C) Provide artist brief (commissioner). Request EOIs or [Go to Step 2](#)

Open Competition: Publicly advertise request for EOIs and artist brief – up to 3 months to ensure the widest range of talent is involved in the competition. (commissioner)
EOIs submitted (artist)
Selection panel meet to review EOIs and interview artists (optional) (commissioner)

Step 2. * Stage 1 Agreement: Concept Proposal

- Artists contracted for initial design phase (commissioner)
- Site visit for shortlisted artists and First Nations consultation (commissioner and artist)
- Develop initial concept proposal (artist)
- Artists' presentations for panel (artist)
- Payment of fees to artists according to schedule (commissioner)
- Selection panel review of concept proposals (commissioner)
- In some commissioning processes, the selected artists are contracted to deliver a *Detailed design package (commissioner and artist)

Step 3. * Stage 2 Agreement: Commissioning Artwork

- Contract agreement for artist to make and install art (commissioner)
- Determine and obtain relevant approvals based on selected design (commissioner)
- Contract written, revised and signed (commissioner artist)
- Payment 1 to artist 40% (commissioner)
- *Detailed design package (artist)
- Insurance purchased (artist)
- Make the artwork/ fabrication (artist)
- Ongoing communication and studio visit as outlined in contract (commissioner and artist)
- Payment 2 to artist 30% (commissioner)
- Transport and install the artwork (artist)
- Maintenance schedule advised and developed (artist and commissioner)
- Handover and promotion (commissioner and artist)
- Payment 3 to artist 25% (commissioner)

Step 4. Post-handover

- Maintenance and management for contracted lifespan (commissioner)
- Payment 4 to artist 5% defects liability (commissioner)
- Up to 12 month defect materials warranty (artist)
- Decommissioning (commissioner)

Step O. Pre-Commission

The Artist Brief

The artist brief is prepared by the commissioner to outline the scope and objectives of the project, such as project themes, stakeholder engagement, or any material specifications. The artist brief also outlines the selection criteria against which the commissioner or selection panel assesses artists and artist proposals.

The artist brief is the responsibility of the commissioner. It may be developed by a project manager, a curator, or a team, such as an advisory panel comprising both professionals and stakeholders in the project. The artist brief and artist selection criteria should be endorsed by the panel prior to being made available to artists, to ensure that all relevant aspects of the site and commission are addressed.

The brief is developed and circulated after internal review of the site (or potential sites) has been undertaken, relevant policy frameworks identified, and community consultation, and after the selection committee is formed.

The brief provides the artist with all related contextual information and practical elements such as budget, timelines and site, as well as any required skills or characteristics of the artist. The brief should be well considered and feasible - allowing adequate time and funds for proposals, project development and execution. It will clearly state who is the contact person for the commissioning project.

Communicating these elements up front ensures that the client and stakeholder expectations and conditions are transparent. However, to ensure artists can freely express their creativity in response to the site, the artist brief should not be too prescriptive. It should be flexible enough to allow for a creative response and meeting the commissioner's needs including functional or technical requirements.

The artist brief may include:

- details of the commissioner, the selection panel, and the roles of other parties expected to be involved in the project, such as Traditional Ownership groups, project managers, curators, advisory panels, community groups, or related organisations;
- identification of any parties expected to be consulted in the project, including a description of the level of consultation expected from the artist;
- the detailed budget including an indicative summary of expense lines (such as labour, design fees, travel, sub-contractor fees, materials, fabrication, construction, insurance, certification) and all installation costs;
- background to the project, including relevant history and reference to any underlying theme or master plan from local government or developers;
- key ideas informing the commission, including the purpose of the commission, the desired artistic and/or social outcomes of the project, relevant policy frameworks and themes;
- the location and characteristics of the building or place including any relevant plans, maps, or photographs of the site (including any limitations of the site regarding heritage listing or environmental factors);
- the scale and scope of the intended work, including any parameters for the art form, materials to be used, and intended lifespan;
- a description of the limitations and practical considerations that apply, such as planning regulations or building codes, engineering considerations, other scheduled works, site access restrictions or risk management and safety considerations;
- the time schedule for commencement, completion and lifespan of the work and any other key milestones;
- technical requirements that must be met including site analysis and constraints, plans and other drawings;
- sub-contracting options and responsibilities; and/or
- a summary of the commissioning process, including proposed contract arrangements (such as insurance).

- eligibility criteria, selection criteria and the selection process, including reference to the selection committee and detailed information about what to submit.

If the commissioning process includes a competition, a selection panel will be formed and the artists brief will be advertised widely (open competition) in conjunction with a request of EOIs, or to a limited pool of potential applicants (limited competition).

The artist brief may be revised prior to the development of contracts in the concept proposal, design development or commissioning steps, in response to changed circumstances, or in negotiation with artists.

Selection Panel Appointment

The selection panel is responsible for assessing all applications and determining which artist or artists to commission in order to best realise the project outlined in the artist brief.

The composition of the selection panel will vary according to each project but usually includes the commissioner (or a representative of the commissioning organisation), key project personnel and other key stakeholders. It may include representation from relevant communities and professional bodies, in order to include members with appropriate professional knowledge and lived experience to judge the artistic, aesthetic and practical quality of an artist's proposal and its relationship to the social and environmental site of the commission.

The panel is generally facilitated by the project manager as non-voting chair. Specifically, a selection panel should include the following:

- Traditional Owners of the proposed site
- Project manager and/ or curator
- Public art professionals
- Design and architecture professionals
- Community stakeholders (broad or specific)
- Key government agency stakeholders
- Technical experts regarding site and materials if applicable

Responsibilities and scope of work for the selection panel should be clearly defined and include the length and number of anticipated meetings, payment details and a confidentiality agreement.

Determine and Obtain Relevant Approvals

Certain public art proposals may require development or works approval and/or building approvals. It is the responsibility of the commissioner or project manager to consult with relevant authorities in advance of the circulation of the artist brief, artist and design selection and contracting, to determine what site and other approvals are required.

This is not the responsibility of the artist making a proposal; however, the limitations of the site should be a consideration. The artist brief should include a description of the known limitations and practical considerations that apply in the commission, such as any planning regulations or building codes, engineering considerations, other scheduled works, site access restrictions or risk management and safety considerations.

Structural certification from an appropriately qualified engineer is typically the contractual responsibility of the artist before installation commences, in addition to development or works approval, and or, building approval. Other specialist input may be required from electrical engineers and access consultants.

Step 1. Artist Identification

Call for Expressions of Interest (EOI)

A request for Expressions of Interest (EOI) is an invitation from the commissioner for qualified artists to demonstrate their availability, capacity and interest in undertaking the work outlined in the artist brief.

The EOI should be open for three months to ensure a wide pool of talent is included in the competition. Artists may submit an EOI either as an individual or as part of a team.

In some circumstances an EOI is not required, particularly in public art commissions for private developers or where Percent for Art schemes are active. In direct or limited competition commissioning models where an EOI is not required, an artist briefing session may still occur with the commissioner or architect.

The EOI is typically submitted online and includes:

- the CV of the artist or artist team highlighting a track record of artworks and relevant experience (for example in managing large projects);
- relevant images of past artworks, paying careful attention to the technical requirements requested from the commissioner (size of files or length of video);
- a short, written response to the artist brief, highlighting experience and skills relevant to the selection criteria. This may include relating their experience to the artist's intended approach to the project;
- an indication of the artist's availability within the proposed timelines for the project.

The selection panel may convene a briefing session or arrange site visits to supplement the artist brief, prior to the close of EOIs. Any additional resources should be provided to all competing artists.

Resources and communication should be transparent, with responses to individual questions, for example, made available to all artists.

Responses to the artist brief in the form of an EOI should be completed by the principal artist, who is either a solo artist, or in the case of collaborations, the nominated or principal artist for the leadership purpose of contracting and project management.

Concept ideas or researched designs **should not** be prepared or requested at this stage, and never without the payment of a fee. Unlike many of the other professionals contributing to large building projects or public events, an independent practitioner may be operating with limited infrastructural support. Particular attention therefore needs to be paid to setting out purpose-designed processes and contracts for practitioners working on public art commissions that recognise the nature of the work undertaken by an artist to deliver the task or project.

Shortlisting Artists

The artist brief outlines not only the nature of the project but also the criteria for selecting one or more artists to participate in the commissioning process.

In an open or limited-competition commissioning process, the selection panel selects those artists to proceed to the concept design stage against the selection criteria specified in the artist brief. Ideally, a selection rubric has been developed in conjunction with the artist brief to guide the panel through the process.

For commissions involving an EOI process, the submitted EOIs are assessed against the predetermined selection criteria. The selection criteria may include:

- The quality of the EOI in terms of the strength of the artists' intended approach in relation to the priorities of the artist brief
- Calibre and track record of the artist:
 - As demonstrated by the support material showing practitioner's previous work
 - Evidence of experience and appropriate skills in relation to the artist brief (i.e. specified materials, site specificity or community engagement)
- The suitability of the artist/ practitioner's work to the context, history and interests of Traditional Ownership of land. If the artwork relates to First Nations cultures or sites, the proposed work should be assessed by relevant First Nations communities (or their nominated representatives) as to its appropriateness
- The artist/ practitioner's interest, availability and commitment to the project

The panel members may review and rank each application individually against the selection criteria before meeting to undertake a group assessment using the same process. Following this assessment,

usually two to five artists are shortlisted and invited to proceed to the concept proposal stage. If a larger number of artists remain in contention, they may be invited by the panel to an interview at which they can discuss their EOI, prior to the final shortlisting.

The chair of the panel collates the information from the selection panel and prepares a report, following which applicants are notified in writing of the outcome of the EOI process. The shortlisted applicants will be sent a letter of agreement by the commissioner informing them that they have been shortlisted and inviting them, for a fee, to develop a concept proposal for the work. Any applicants who were not shortlisted should be notified of the outcome at this stage.

Step 2. Concept Proposal Stage (shortlisting)

Stage 1 Agreement: Concept Proposal

In this step, the shortlisted or invited artists are contracted for a fee to develop a concept design in response to the artist brief ([*Stage 1 Agreement: Concept Proposal](#)). The resulting concept proposals are presented to the selection panel and assessed against the artist brief, from which normally only one artist is selected to advance to commissioning (the [*Design Development Stage](#) or [*Stage 2 Agreement: Commissioning the Artist](#)).

To provide shortlisted artists with more detailed information about the commission, a briefing is usually held, usually prior to contractual agreement. The briefing may include presentations by the commissioner and any other relevant professionals, as well as a site visit. It is preferred that commissioners engage local Traditional Owners to provide consultation about the site.

The artist brief, which forms part of the concept proposal agreement, may have been revised in response to changed circumstances, or in negotiation with artists following the briefing. It is the responsibility of the commissioner to brief the shortlisted artists with all relevant information to enable them to prepare their concept proposal.

A fee (typically \$2500-3000 - and scaled up according to overall budget, see [draft artist fees for public art](#)) should be paid to each of the shortlisted practitioners for the development and presentation of a visual concept and more fully developed proposal. This shouldn't include detailed engineering drawings, which should be included as a contract milestone. The fee does not include the rights to concepts, drawings, maquettes and models submitted as part of the presentation, which remain the property of the artist.

The contract should clearly specify the timeframe in which the artist must respond, as well as who owns the intellectual property in the proposal or the circumstances in which copyright is granted to the commissioner. Artists should normally retain ownership of any submitted visual concepts they have developed. Artists should be free to make alternative use of visual concepts or submissions once an agreed time has expired, unless appropriate and fair alternative arrangements have been entered into.

Each artist is required to develop their initial concept proposal and costing. The concept proposal needs to consider relevant budget, engineering, planning consent, risk assessment or other issues raised in the brief.

The concept proposal developed by the artist may include:

- a written description of the artwork and response to the theme;
- drawings, sketches and/or digital images indicating the location, scale, colour and materials of the artwork and where appropriate, a 3D model or digital images;
- material samples;
- approach to community engagement in the project, if appropriate;
- details of major fabricators, industry collaborators and other design professionals required to produce the artwork;
- preliminary budget or cost estimates;
- work program and payment schedule;

- proof of relevant insurances; and/or
- preliminary details of installation requirements.

Artist/practitioners should be given an adequate period of time (at least four weeks) to submit their design concept, however, this timeframe depends on the scope and complexity of the commission.

The resulting concept proposals are presented to the selection panel and assessed against the selection criteria stated in the artist brief, from which normally only one artist is selected to advance to the next stage. The selection criteria may include:

- The quality of the concept proposal in terms of the strength of the artists' concept proposal in relation to the priorities of the artist brief
- Calibre and track record of the artist:
 - As demonstrated by the support material showing practitioner's previous work
 - Levels of experience and appropriate skills in relation to the artist brief (ie: specified materials or community engagement)
- The suitability of the practitioner's work to the context, history and interests of Traditional Ownership of land. If the artwork relates to First Nations cultures or sites, the proposed work should be assessed by relevant First Nations communities (or their nominated representatives) as to its appropriateness
- The artist's interest, availability and commitment to the project
- A realistic budget and project schedules.

The chair of the panel collates the information from the selection panel and prepares a report, following which applicants are notified in writing of the outcome. The selected artist will be sent a letter of agreement by the commissioner informing them that they have been shortlisted and inviting them, for a fee, to develop a detailed design for the work ([Stage 2 Agreement: Commissioning the Artist](#)). In some commissioning processes, the [*Detailed design development stage](#) is an additional agreement stage in advance of commissioning the artist.

Any applicants who were not shortlisted should be notified of the outcome at this stage.

***Detailed design development stage (if used)**

Design development may be contracted as a separate stage or incorporated within the final contract for commission.

If managed as a separate contract stage, the selected artist is contracted to develop a detailed design package for the work and have the proposal assessed by the selection panel, prior to the final contract for the commission. ([Step 3](#))

It's use in this way is not uniformly accepted because it has the potential to lengthen the commissioning process and unfairly impact the artist's creative outcome. It may be appropriate, however, where there has been a significant change to the artist brief, or in other circumstances affecting the brief since the concept proposal stage, or where the artist and commissioner wish to test out the feasibility of a particular technique or approach before committing to commission."

The artist brief, which forms part of the design development agreement, may be revised at this stage in response to changed circumstances, or in negotiation with the artists following their selection.

The developed design may include:

- artistic approach - conceptual ideas behind the artwork in relation to the artist brief
- preliminary images or drawings for two dimensional artworks including dimensions, finished dimensions and an estimation of finished weight **or** scaled drawings and/or models for three dimensional artworks
- themes and colours
- materials or fabrication samples having ensured that all materials are available and fit for purpose
- construction drawings for any elements that require engineer certification
- a project timeline update taking into account subcontractor timeframes and variance
- a completed risk management plan and a safe work methods statement
- a realistic budget

The artist presents their detailed design to the selection panel, who will assess the design against extended criteria.

Notification of successful and unsuccessful applicants

Once the selection committee has come to a decision the commissioner (usually via the chair of the selection panel) should notify the successful and unsuccessful applicants in writing. The deliberations of the panel should be kept confidential, however unsuccessful applicants may seek feedback from the commissioner on the outcome of their application.

Step 3. The Commission

Stage 2 Agreement: Commissioning Artwork

In summary, the commissioner creates and negotiates a contract with the artist to fabricate and install the artwork according to the selected design. There will typically be 4 payments (40% upon signing, 30% in process of fabrication/ following detailed design package, 25% at installation and handover, and a small provision for defects liability should be factored in at 5% for up to 12 months after installation). Other considerations throughout the commission include insurance, variations, subcontractors, transportation, installation, and maintenance.

The [Arts Law Centre of Australia](#) provides sample agreements for public art commissions. It is our experience that template contracts from commissioners other than Arts Law will not have appropriate clauses or take into account issues of delivery or intellectual property and it also puts undue burden in the artist to then negotiate favourable terms.

Contractual agreement is especially important in public art commissioning because of the scale of the project, but sometimes it is the complexity of contracts that causes problems. The development of long and detailed contracts, especially in large public art projects, can make it difficult for artists to understand their responsibilities. Further, the contract may not be appropriate for some forms of artistic practice. Conversely, a contract that is too simple can leave too much open to interpretation and not be useful in the case of disagreement or a dispute. Agreement as to the terms of the commission contract should be reached as soon as possible following the final selection process. The selected practitioner should not undertake further work on the project unless and until they have reached agreement with the commissioner about the terms of the contract, and that agreement is in writing and signed by both parties. This should be understood and respected by both parties. Artists should not be pressured by the commissioner to start work on the project before an agreement has been signed due to short timelines. The commissioner should present a contract to the artist in a timely manner, allowing time for any negotiations before work begins.

The contract should clearly state the conditions of the commission including insurance responsibilities, copyright and reproduction arrangements, budget guidelines including a schedule of remuneration, decommissioning and relocation guidelines, ownership of maquettes, and other conditions as required. A risk management plan should also be completed by artist at the contract stage to identify risks associated with the artwork proposal and to document their management. Commissioners may be able to provide a suitable risk assessment form to be adapted. Unlike construction contracts, artists may require payment upfront for materials purchase followed by payments on milestones achieved. It is important that commissioners are mindful that most artists may only occasionally take on complex commissions and may not have access to the business support structures possessed by other design and construction professionals.

The commissioning contract should include:

- Contact details for the artist and their team
- Concept and design approval of artwork with image attachment
- Commencement, progress milestones, payment and completion dates
- Artist fees, payment schedule and other budget items
- Schedule of communication including a midway studio visit and handover

- Variance and changes (number, reasons for, and process to approve)
- Penalties for late artist fee payments by commissioner
- Insurance requirements
- Attribution details and copyright
- Identification of preferred subcontractors (e.g. the artist may develop a design with a particular fabricator in mind. If so, they will need to be identified in the contract.)
- Terms on Indigenous cultural and intellectual property rights and any protocols that need to be followed by the commissioner in relation to respecting these rights
- Maintenance and repair procedures and defects liability period (up to 12 months)
- Terms around what would happen if the commissioner hands over the control of the site to a third party (e.g. agreement necessary for additional agreement with third party in relation to copyright, moral rights, Indigenous cultural and intellectual property, as well as maintenance and deaccessioning. This additional agreement would need to be also provided to the artist.)
- Expected lifespan of the artwork and decommissioning specifications for removal
- Dispute resolution procedures and termination terms and conditions including what happens to the intellectual property should the commission end in termination.

Concept Approval and Variance

The contract should outline the approved concept and include the visual concept material provided by the artist. The approval of this concept and any specifications of variance will need to be referred to throughout the commissioning process.

***The Detailed Design Package**

The design phase of the commission begins after the contract has been negotiated and signed. Artists will now develop a detailed design package for approval by the commissioner, which then becomes what artist must deliver as outlined in the contract. *In some instances, the Detailed Design Package is the second stage of agreement in advance of the commissioning the artist.

Artists should reconsider the aims of the project as originally outlined in the artist brief, particularly in relation to themes, style, site, audience and engagement. Artists also need to consider technical elements including public safety, lifespan of materials and maintenance requirements of the artwork. The Detailed Design Package should include the following:

- artistic approach - conceptual ideas and themes behind the artwork
- preliminary images or drawings for two dimensional artworks including dimensions, finished dimensions and an estimation of weight at completion
- colours, materials or fabrication samples
- construction drawings for any elements that require engineer certification
- a project timeline update taking into account subcontractor timeframes and variance
- A risk management plan and a safe work methods statement

Total Project Budget

The total project budget is firstly included in the artist brief and will be redeveloped/ expanded on at the project design stage once the artist becomes clear on what expenses the creation of the work entails. It must be specified for each line item what is the cost to be managed by the artist or commissioner. The total artwork budget for the commission is advertised in the artist brief and must cover all costs associated with the commission.

- management fee for a project manager (commissioner and/or artist)
- artist fees approximately 20-40% percentage of overall project budget, based on the role of the artist in the project but regardless of the stage of career of the artist (commissioner)
- costs for producing the artwork (artist)
 - meeting time and expenses
 - travel and accommodation expenses (if applicable)
 - administrative expenses
 - materials and construction/fabrication costs
 - transportation, freight and installation costs

- subcontractor and/or collaborator fees (if applicable)
- project management fee for the principal artist if subcontractors are used
- insurance costs
- engineering certification or other compliance costs (if applicable)
- footings and foundation (commissioner)
- interpretive material (such as plaques or website) (commissioner)
- installation costs (commissioner and/or artist) including detail of in-kind costs covered by the commissioner
- ongoing maintenance and conservation of the artwork (commissioner)

Compliance Issues

The integration of artworks in the public arena raises issues of public health and safety and accordingly artworks must comply with the relevant Australian Standards and the Building Code of Australia relating to the design, fabrication and installation of the commission. These costs should be included in the artwork budget.

Delays to Schedule

The artist is contracted to deliver the commission by the agreed date. Any changes to the agreed timeline must be approved by the key stakeholders in writing.

If delays in the building or landscaping of the site mean that the artist cannot install the artwork according to the agreed schedule, then the commissioner may be required to pay for or provide suitable storage for the artwork until installation can be affected.

Artist Fees and Payment Schedule

Commissioning bodies and artists should be realistic about the work involved in carrying out the commission, and artists should be fully remunerated for their work. Often an artist fee is a larger percentage in a smaller project and a smaller fee in a larger project. Artists should be paid a fee; a minimum fee schedule is outlined in [draft artist fees for public art](#).

Specifically, for commissioning art in public space, the budget and artist fees should be planned for two stages of contracts. In some instances, an additional *Detailed design stage is contracted from the shortlisted artists before selection of artist for commissioning.

- **Stage 1 - Concept proposal fee** - approximately \$2500 - \$3000 should be paid to artists who are invited to submit an initial proposal following preliminary shortlisting. This includes an initial project idea and rough budget and timelines. It is typical for approximately 2-5 artists or artist groups to be selected at this stage.
- **Stage 2 - Commissioning fee** - approximately 20 - 40% percentage of overall project budget, regardless of the stage of career of the artist, but dependent on the amount of artistic content/ labour and skill level of work undertaken as the artist's contribution
- **Additional costs** to be negotiated in commissioning contract:
 - Costs of artwork (materials and production) depending on the size and scope of the project as proposed by the artist, selected by the commissioner, and defined by the contract.
 - Costs for travel associated with meetings ATO rates
 - Costs for time associated with meetings and speaking engagements – (see Pay Standards for Artists & Artsworkers in [NAVA's Code of Practice](#))

Once contracted, the artist fee should be paid according to successful milestones as outlined in the contract:

- Payment 1: 40 % of the total artwork budget within 30 days of the receipt of contract
- Payment 2: 30 % of the total artwork budget within 30 days of viewing of project's progress, e.g.: studio visit when fabrication of project is half-way completed.
- Payment 3: 25 % of the total artwork budget within 30 days of the notification that the commission is delivered and the handover completed.

- Payment 4: 5% of the total artwork budget held as small provision for defects liability should be factored in at 5% for up to 12 months after installation

Where the artist is responsible for purchase of materials and fabrication costs, the payment schedule should recognise that artists may not have the economic resources to cover the costs of large projects in advance and that payments need to be made on time and the first payment may need to be a significant portion of the fee payable. A schedule of penalties for late payments should be included in the contract.

Prior agreement should be reached on the key required meetings relating to the project the artist should attend. Attendance at any additional meetings should be paid according to an agreed hourly rate. Further, when the artist is invited to give public artist talks, they should be paid at the suggested fee for artist talk rate (see Pay Standards for Artists & Artsworkers in [NAVA's Code of Practice](#))

The contract should outline what costs are provided in kind by the commissioner, this includes installation costs such as engineers, installation equipment, help with traffic control, attribution through material and digital signage and other things. These items should be negotiated as part of the contract.

Provision should be made for handling unforeseen variations in costs. These may occur due to:

- general project delays
- extra modifications to designs made at the commissioner's request for special circumstances only, when these are over and above the number of revisions specified in the contract as being covered by the original fee. The practitioner should not be expected to bear the additional costs in such circumstances. Appropriate design fees, and other costs for any additional labour, services and materials required due to circumstances beyond the practitioner's control should be paid by the commissioner.

Budget cuts within the commissioning body is not the artist's responsibility. Once the contract is issued, funding has been allocated to procure the artwork. There may be other reasons that the project cannot go ahead in its original form, requiring redesign or remaking of the work; however, these variances from the commissioners need to be negotiated with the contract artist with resources to support the proposed change. Practitioners must be notified of these changes and the option to present a new design/concept within these new parameters with appropriate payment. In this case, the contract would need to be revised.

The artist should invoice the commissioner for all scheduled payments. Invoices must show the artist's ABN. Where the artist is registered for GST, they must provide a valid tax invoice.

Intellectual Property and Copyright

Artist's rights are protected under the Copyright Act 1968 (Commonwealth). The [Australian Copyright Council](#) provides advice on copyright and ownership in relation to public art. More information about artists' copyright and moral rights protected under copyright law is available on the [Arts Law Centre of Australia website](#).

Unless otherwise agreed, copyright of both the preliminary visual material and the work itself should be retained by the artist. The artist is responsible for attributing all authors of any work that comprises part of the artwork, and for procuring the consent of said authors as appropriate.

While intellectual property rights remain with the artist, a license may be negotiated as part of the commissioning contract to enable the commissioning party to reproduce, communicate, publish and broadcast images of the work. Any display of the artwork should clearly identify the artist. Publications, representations or descriptions of the artwork, including audio, video, film, electronic or photographic means, should identify the artist as the creator of the work.

Unless otherwise agreed to by the artist, commercial use (e.g.) merchandising should be subject to further royalty payments. This should be set out in the agreement. The commissioning agreement should clearly outline the scope of the licence granted to the commissioner to use images of the work.

Particular care should be taken in relation to licensing and using copyright in works by First Nations artists or that relates to First Nations cultures or communities. It is important to discuss with First Nations artists and/or Traditional Owner groups how images of the work are to be used, to make sure that the proposed uses do not cause cultural harm or breach cultural protocols.

If copyright is transferred to the commissioner, the following conditions must be met:

- the artist should be adequately remunerated specifically for the copyright in the designs, or the work, or both.
- the artist retains the right to reproduce the designs or the work in two dimensions for nominated purposes (for example, inclusion in a portfolio, submissions for grants, awards or promotional material).

Agreements that the artist and commissioner hold joint copyright in the work or designs is not recommended because this arrangement is likely to be unclear and neither party can control the actions of the other with respect to reproductions of the work.

Intellectual property terms should also specify whether the licence is exclusive or non exclusive, e.g. what restrictions does the artist then have? It is usual for commissioned work to be exclusive rights for the commissioner to use and display the work on the site because it is purpose built.

Moral Rights

Artists and commissioners must be aware of legislation that protects moral rights. Moral rights are protected through an amendment to the Copyright Act 1968 passed in 2000. Moral rights are additional to the economic rights already provided for. Only individuals have moral rights. This means that corporate bodies cannot claim moral rights under Australian copyright law.

This legislation protects the rights of attribution and integrity belonging to authors of artistic works. The following three rights are recognised:

- the right of attribution of authorship – the artist and collaborators are identified by being named on signage or plaques in public space, the collections registrar, and any documentation or publication of the work including websites.
- the right not to have authorship falsely attributed
- the right of integrity of authorship - an author has the right not to have his or her work subjected to derogatory treatment, meaning the work is materially or conceptually damaged. The commissioner must not compromise the integrity of the work or permit others to do so while the work is in their care. The commissioner should be responsible for ensuring that the public artwork is adequately maintained and protected in its lifespan and the decommissioning conditions will also be specified in the agreement.

The artist must be consulted if changes are proposed to the work, or to the location of the work. Relocation is strongly discouraged if the work is site specific. If the parties cannot reach an agreement about the changes proposed, the practitioner has the right to be disassociated from the work, for example, through the removal of their name from the work and the right to document the work in situ prior to its relocation or removal.

For works by First Nations artists or that relates to First Nations cultures or communities, there should be a consultation and approval process for any materials that portray or share First Nations cultures, histories, stories, etc. Need to check proper interpretation (e.g. spellings, how a story is told), for integrity of culture and accuracy, and that it is not offensive.

Indigenous Cultural and Intellectual Property

In addition to copyright and moral rights, Indigenous Cultural and Intellectual Property (ICIP) rights may also subsist in works. These are Indigenous people's rights to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions as conferred by Article 31(1) of the United Nations Declaration on the Rights of Indigenous Peoples.

Free, prior and informed consent for the use of ICIP must be obtained from relevant Traditional Owner groups. ICIP rights should always remain with its traditional owners or custodians. Best practice is to include terms in commissioning agreements to respect ICIP rights.

- Obligations on the commissioner to follow protocols – refer to the [Australia Council for the Arts Indigenous Protocols](#).
- Attributions: see page 34 of the Australia Council document for an example of an ICIP custodian notice, which is like an attribution notice, but is about acknowledging custodial interests. It is important that this is discussed in advance with Traditional Owners or the Indigenous artist on preferred attribution as some might not want to be attributed.
- Free, prior and informed consent for the use of ICIP must be obtained from relevant Traditional Owner groups. ICIP rights should always remain with its traditional owners or custodians. Best practice is to include terms in agreements to respect ICIP rights.

Insurance: Public Liability, Material, Workers Compensation

The responsibility for insurance should be undertaken by the party in the best position to control and manage the risk and be best able to secure the insurance cover at a reasonable premium. Commissioners should recognise the economic constraints under which many artists work and should not shift their responsibilities onto those who may not be able to or afford to obtain adequate insurance. If the practitioner is to be responsible for insurance for the fabrication of the public art project, this cost should be included in the contract budget.

Artists are generally responsible for their own insurance and are encouraged to seek specialist advice on what insurances are required and what protection they provide. Artists and subcontractors must hold public liability insurance and the principal artist should provide proof of such insurance to the commissioner. Generally, the artist is required to hold public liability insurance protecting the commissioner against defects in the work for a specified time period (6-12 months warranty post handover).

Where fabrication of the work is onsite a property owned by the commissioner (e.g. Local Government), they are usually required to provide public liability insurance for that site. The cost for the artist to insure the work off site and during transit to the installation site should be included in the contract budget.

If Workers Compensation insurance is required, this should be the responsibility of the artist/practitioner and included in the contract budget.

Risk Management and Safe Work Methods

In addition to the terms and conditions of the contract, the principal artist is responsible for identifying and effectively managing the risks and hazards for the commission.

A risk management plan enables artists to consider what could go wrong and whether they are making assumptions that could be proven to be incorrect. It helps to identify the risks and determine the best way of mitigating them. A component of a risk management plan is the safe work method statement. This statement shows that artists have considered their work practices, the hazards that may be inherent in the work that they do and shows what they will do to address these. It is different to a risk management plan in that it describes the steps required to create and complete the commission and identifies the hazards as opposed to the risks.

The commissioner should supply the principal artist with a template that they may use to assist in the development of a risk management plan and safe work methods statement. For further information about the local legislation, responsibilities and links to codes of practice visit Worksafe websites for each state.

Sub-contractors

Artists may employ subcontractors to assist with design, fabrication, transportation, and/or installation of the artwork and/or some of its components. The artist should ensure that they have been provided

the risk management plans, safe work methods statements, and insurance coverage. The artist should supply a list of sub-contractors to the commissioner. The commissioner will specify in the contract what level of insurance is required.

It is the artist's responsibility to manage and resolve any issues that arise with their sub-contractors related to delays, costings, faulty workmanship or inability to deliver within the specified timeframe and budget.

Fabrication (Making the Artwork)

Once the contract has been signed by both parties, the commissioner and artist should remain in communication regarding the progress of the project. If there is a project manager, it is their responsibility to arrange progress meetings and assist in resolving any issues which arise; otherwise, this should be the responsibility of the commissioner.

The production of the artwork may involve the artist creating the artwork themselves, supervising its fabrication by someone else, or a combination of both. An artist should not be required to work with particular fabricators chosen by the commissioner unless this has been discussed before the artist has been selected to undertake the commission.

The artist will work to meet the milestones specified in the contract and be responsible for providing regular progress reports as outlined in the communication requirements in the contract (written updates and images on the progress of the artwork). Where appropriate, a studio visit will be undertaken by the commissioner and may also involve other relevant professionals and stakeholders. Visits also ensure that there are no unwanted 'surprises' for the commissioner at the end of the process because the commissioner may not be expert in reading drawings or visualising artwork.

Once the detailed design package has been approved, the artist may start making the artwork. The artist must not make any significant changes to planning and realisation of the artwork as approved at the detailed design package stage unless an approval for variance has been updated for the contract. If the artist makes changes to the artwork without approval, then the commissioner may refuse to accept the artwork. Both of these outcomes have financial and time implications for the artist.

Once the artwork has been completed according to the terms of the contract, the artwork will be installed in accordance with the conditions outlined in the contract between the artist and commissioner. As the final stage of the contracted public artwork commission project, the artist should provide a maintenance report.

Installation of Artwork

The commissioner should also arrange or work with the practitioner to fulfil any regulatory submissions or requirements that are needed for installation of the work. This may include engineering certificates, approval to work onsite or access considerations such as traffic control.

The installation will take place at the exact site identified in the original artist brief and detailed in contract. The commissioner will have sought approvals for this site in advance of the advertisement of the artist brief and clarified these approvals in the contract. The commissioner will manage any consultation about the installation at this site.

Artist contracts should clearly outline the artist's responsibility for transportation of an artwork to the installation site, and for ensuring secure storage if site readiness occurs later than delivery, as well as insurance prior to acceptance of the artwork on site. The artist's responsibility for the cost of artwork installation should also be included in the artist's contract, as appropriate. The lighting of public artwork will be specified in the detailed design package by the artist and approved by notice and budget in the contract.

On completion of the project, an event may be organised involving the artist and stakeholders to celebrate and promote the project. Artists should be invited to give a public talk about the artwork and the development process. Traditional Owners of the site should be invited to contribute, attend or be consulted. Someone from the community should be invited to perform a Welcome to Country (see Pay

Standards for Artists & Artsworkers in [NAVA's Code of Practice](#)). This process can also help encourage community understanding of the artistic vision and process of creation of the public art project. Unless included in the contract, the artist should be provided a fee for the artist talk.

Step 4 Post Handover

Attribution of Artwork

Moral rights legislation requires that the artist is properly acknowledged. There are two ways public art will be acknowledged: physical signage or virtual attribution. If the artwork is commissioned by government, there should be signage or plaque installed detailing the artist's name, the title of the artwork, the year, the materials used and acknowledging the commissioning body of the artwork. Increasingly, commissioners will publish this information on a website or find other digital and interactive ways to identify works such as smartphone apps for public art collection maps or walking tours. Virtual attribution should be done in addition to physical signage.

The commissioner will include a notice of Traditional Custodianship should be included and if created by an Indigenous artist, be guided by them on attribution of community.

Maintenance, Conservation and Repair

A public artwork must be able to be installed and subsequently maintained within available resources for the duration of its lifespan. As each artwork is different, some works will be more fragile than others and subsequently will require more maintenance and conservation work. Handover and delivery of the project the practitioner should provide the commissioner with a maintenance schedule. The commissioner should implement a regular program of cleaning and checking the work to ensure that the work is kept in good condition. The commissioner also needs to be aware that maintenance of the artwork may be required in order to uphold the practitioner's moral right of integrity in the work. This is also relevant if the site was to be redeveloped in the future and the impact that this may have on the relationship of the work of art to its location. A public artwork may need to be removed from public display for a range of reasons, including deterioration in its condition or circumstances impact on the site of the work and compromise its integrity.

The contract or agreement should outline the maintenance and conservation responsibilities, repair processes and process of deaccession and disposal. As these responsibilities occur after the transfer of ownership of the public artwork, this should be the fiscal responsibility of the commissioner; however, the artist should be immediately notified of any damage or proposals for changing/moving the work and be given the opportunity to provide advice or undertake repairs on public work. If undertaking repairs or changes on request by the commissioner, after the final delivery of the work, the artist should be paid appropriately for additional work outside of the initial project scope and outside of the specified warranty.

Maintenance involves basic frequent activities such as cleaning of artwork surfaces and infrequent activities such as surface polishing. Maintenance also includes responding to vandalism and damage such as replacing broken components and removing graffiti and bill posters. Conservation refers to major activities required to refurbish an artwork and may require removing the artwork from site. Conservation works may include the repainting of an artwork or the replacement of mechanical components. Specialised professional services are recommended for conservation work.

The commissioner should budget dedicated funding for the maintenance of artworks each financial year with a more substantial amount being set aside for major activities required until decommissioning. The amount of funding required for maintenance will depend on the tasks set out in the maintenance manual provided by the artist at the installation of the work. Some artworks will be more expensive to maintain than others. For example, those using water or electrical components can be very costly to maintain and

the guaranteed availability of a suitable maintenance budget should be considered when commissioning an artwork.

The ongoing maintenance of the public artwork should be the responsibility of the owner. The maintenance manual is prepared by the artist at the end of the project and outlines:

- a description of the artwork (including digital images and the date of completion);
- artist team contact details
- a maintenance schedule and an agreement on who is responsible
- the expected and agreed lifespan of the work (refer to commissioner's policy)
- dimensions of the artwork and materials used
- fabrication and installation techniques and certificates
- details of any electrical and/or mechanical systems installed
- sub-contractors engaged
- cleaning/maintenance requirements and instructions

The contract should outline the maintenance responsibilities, repair processes and process of deaccession and disposal. This should be the responsibility of the commissioner; however, the artist should be immediately notified of any damage or proposals for changing/ moving the work and be given the opportunity to provide advice or undertake repairs on public work. If undertaking repairs or changes on request by the commissioner, after the final delivery of the work, the artist should be paid appropriately for additional work outside of the initial project scope. Over time the original personnel involved with the commission may move on and the corporate knowledge around the commission could be lost.

During the warranty period, which may be specified up to 12 months, the artist will be required to fix defects in the artwork or else meet the costs the owner incurs in fixing defects in the artwork and installation in accordance with the contract requirements.

Decommissioning, Relocation or Disposal

In the event of destruction, removal, deaccession or relocation of the artwork, a contract requires compliance with section 195AT of the Copyright Act 1968. This section requires the person who wishes to destroy, remove or relocate the artwork to give the author a reasonable opportunity to remove the work from the place where it was situated, or a notice stating the person's intention to carry out the above acts and an opportunity for the author to seek and have access to the artwork for the purpose of making a record of the work, or consulting with the person about the intended acts. See [Arts Law's Public Art – design and commissioning information sheet](#) with regards to Moral Rights (page 5).

The artist/practitioner should be contacted if it is proposed that the work be relocated or decommissioned. If it is not possible to contact the artist, then consideration need to be given as to who should be consulted on their behalf e.g. the estate and current copyright holder. If the public artwork is to be removed from its site for disposal, the artist should be given the first opportunity to have the title in the work transferred to them and to document the work in situ.

Decommissioning is defined as the formal process to remove public artwork from its active status, including (but not limited to) relocation, storage, sale, donation or disposal/destruction. Each public artwork has a finite lifespan, depending on a number of factors, such as what it is made from and where it is located. If an artwork has reached its intended lifespan, has been damaged or destroyed, or is no longer safe, there may be a need to remove or relocate the artwork. This may also happen if the site on which the artwork is located has been sold or is to be redeveloped or if the artwork no longer reflects a sense of place.

Before an artwork is decommissioned, a formal process should be implemented to consider:

- the intended lifespan of the artwork;
- any conditions relating to the deaccessioning of the artwork, as outlined in the contract;

- the opinions and advice of relevant stakeholders including the artist, maintenance contractors, the owners of the building or land on which the artwork is located or any other experts, such as engineers; and
- community or cultural issues associated with the artwork, building, land and/or original commissioning process.

If an artwork cannot be retained in its original location, the artwork may be able to be sensitively relocated, only after discussions between the commissioner and the artist have occurred.

Evaluation

At the completion of the project, it can be useful to evaluate the processes involved in the commission.

Other Issues

Disputes

Arts Law has [Mediation Guidelines](#) and services available for artists and commissioners.

There is a need for appropriate dispute resolution mechanisms to address disputes that may arise over issues such as whether the work has been satisfactorily completed, who should bear the costs of changes to designs or to the work itself, differing expectations about completion, access to the work site, inspection of the work prior to completion, and so on.

Dispute resolution should be conducted by an independent mediator agreed to by both parties. The costs of the dispute resolution process should be met by the commissioner.

Termination

A termination clause should be included that outlines the conditions where the commission might be terminated. The artist should be paid for any work completed thus far in the commission. This clause should also outline what should happen if the artist falls ill or dies during the commissioning process.

Acquisition: Purchase, Donation or Bequest

The acquisition processes of purchase or donation of a pre-existing artwork follow very similar processes to commissioning a new work. This is also true for a bequest: an existing artwork that has been privately or publicly donated via a will.

These elements include:

- proposals for donation,
- selection and contracting,
- transportation and installation,
- attribution, intellectual property and moral rights,
- maintenance, conservation and repair,
- certification of the artwork components by an appropriately qualified Australian certified professional engineer
- and deaccessioning, relocation or disposal.

A proposal to sell or donate a work to a public or private organisation should include:

- a location map showing the proposed site
- drawings of the proposed artwork showing materials, colours and dimensions
- images of the artwork
- a description of the conceptual basis of the artwork
- Artist's name and curriculum vitae
- certification of the artwork components by an Australian certified professional engineer;
- a recent valuation of the artwork
- name of the artwork owner

- information on the preferred approach to the installation of the artwork including materials, layout and lighting; and
- information about ownership, ongoing maintenance and decommissioning requirements.

Other areas for development in the Code

- Public art works commissioned via agencies
- Exhibiting and loaned public art
- Legal street art
- Festivals, performance and ephemeral art
- Community art

Glossary

TERM	DEFINITIONS
Acquired public art / Public art acquisition	An existing artwork that has been purchased 'off the shelf' (e.g. from an artist, gallery, exhibition or catalogue) with the specific intention of being sited or staged in the physical public domain and accessible by the public.
Art in the Public Space	Referring to projects that exist outside of an arts (gallery, festival, event etc.) setting.
Artist Brief	A brief is a document outlining the outcomes and details of a project. This describes the project in a call-out or EOI advertisement.
Approval Processes	Different processes for choosing which practitioner/project will be chosen by the commissioner.
Bequest	An existing artwork that has been privately or publicly donated via a will.
Building Code of Australia	The Building Code of Australia (BCA) provides a nationally accepted and uniform set of technical requirements for all areas of building, from design to construction. Developed by the Australian Building Codes Board (ABCB) on behalf of the Commonwealth, State and Territory Governments, the BCA is referred to as the building regulation in all States and Territories.
Commissioner	The agent commissioning the work, i.e. Council, a company, private patron, etc.
Community Consultative	Projects that must be developed in consultation with the community they exist in.
Community Art	The development of the project depends on community participation and is enhanced by involvement. Public artwork of community significance involving the active participation of community members in its design and/or creation and often facilitated by an artist or a community arts worker.
Commissioned art in public space	A site-specific artwork commissioned by government or private entities from an artist that is inspired by and responds to the environmental, cultural, historical and social context.
Commissioning	The process undertaken to create and install an artwork in the public realm.
Contract Commission Fee	This is the artist fee agreed upon in the concept design agreement.
Deaccessioning	Deaccessioning is the removal of a public artwork. Possibly by request of the practitioner or Commissioner. Usually public artworks are deaccessioned because the integrity of the work is threatened due to outside factors e.g. graffiti, wear and tear etc.
Decommissioning	Decommissioning is the term used for permanent removal of a work of art from a public art installation or collection. Decommissioning is a dynamic element of all public art collections, and each artwork should be reviewed periodically to determine its relevance and context in relation to location and the collection as a whole.
Detailed design package	The documents presented by the artist detailing the developed design elements (including any certification requirements) that give the commissioner a clear idea of the intended artwork to the degree that they are able to sign off on its creation.
Ephemeral art	The term ephemeral can be used to describe physical works created in non-permanent materials such as projection or lighting works where there is no physical object created.

EOI	EOI stands for expression of interest. It is an advertised call-out for relevant artists to express their interest in an upcoming project. Typically, there is context and criteria they would have to respond to as part of the selection process.
Fabrication	This refers to the manufacturing of the physical work, whether it be done externally by a subcontractor or by the artist.
GST	Goods and Services Tax. Please refer to the NAVA guide on GST.
Hazards	Hazards are inherent in the many and varied work practises and processes involved in the actual creation of the commission and need to be considered in order to protect personal and public health and safety. Hazards can include physical, mechanical and/or electrical, chemical, biological, radiation and/or psychosocial.
Indigenous Cultural and Intellectual Property (ICIP)	Indigenous Cultural and Intellectual Property is a term to describe the cultural heritage, traditional knowledge and traditional cultural expressions belonging to Australian Aboriginal and Torres Strait Islander peoples as referred to in Article 31 of the United Nations Declaration on the Rights of Indigenous Peoples.
Installation	This refers to the act of installing or putting the work in place. Artists may subcontract installers or commissioners may have in kind services.
Intellectual Property	Generally, the intellectually property of works remains the Artist's, but make sure to carefully consider and licenses that may be negotiated.
In-kind assistance	"In-kind" refers to the payment of goods and services. The term is used when outlining budgets. For example, if you're using a print-making studio and they allow you to use their ink. The estimated cost of ink would be written as an "in-kind" expense.
Lifespan	The agreed lifespan of the artwork, in consultation with the client, will be stated in the advertised artist brief, the contract and in the artwork manual. This will relate to both the materials used in the commission but also the need to be relevant to sense of place.
Memorial	Memorial is defined as an object that serves as focus for commemorating a person or event. This object may be site specific, have cultural significance and artistic merit; however, a memorial is not usually considered to be public art.
Moral Rights	These are rights that apply to artworks even once it belongs to another party.
Object of cultural significance	Moveable items of cultural significance, often community or diplomatic gifts.
Principal artist	The solo artist or, in the case of a collaboration, the nominated artist for the purpose of contracting and project management
Public Liability Insurance	Public Liability Insurance is a form of insurance that provides protection from claims arising from injuries or damage to other people and property that may arise out of your negligence.
Proposal	A proposal's purpose is to put forward an idea to a certain party for a project. This is a short (unpaid) response to an EOI or call-out that addresses the brief and includes a CV and images of previous work.
Risk	A risk is a potential event or condition that, if it occurs, could have a detrimental or negative effect on the commission. These risks could be environmental, financial, managerial or operational, or related to personnel. A risk assessment and risk management plan help to identify these risks, determine the likelihood

	of them occurring, define the impact they would have on the commission and develop strategies to mitigate or manage the risks.
Risk Assessment and Risk Management	Identification of every risk involved with the development of the project and the possible solutions for mitigating these risks.
Schedule to the Contract	A timeline agreement adhered to by the artist and commissioner.
Selection Criteria	The selection criteria is a list of outcomes that must be adhered to. A proposal's ability to best address a selection criteria directs decision making.
Stakeholders	A stakeholder is an individual, group or organisation who is impacted by the outcome of a project.
Street art	Street art is usually created in public spaces including sanctioned graffiti artwork, sculpture, stencil graffiti art, sticker art, paste ups and street poster art, video projection, art intervention, guerrilla art and street installations. The term is used to distinguish contemporary artwork in a public space from vandalism.
Subcontractor	A subcontractor is an individual or a business that is employed to perform a specific task on behalf of the principal artist, for example, an engineer or metal fabricator.
Temporary art	Artistic works designed and created for a short life span.
Total allowable cost	This is the budget of the project. A detailed outline of all costs involved with the project.

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Resources

Standards Australia Standards Australia is an independent organisation recognised as the peak non-government Standards body in Australia. Standards Australia develops internationally aligned Australian Standards which can be searched and purchased through their website.

www.standards.org.au

Australian Copyright Council The Australian Copyright Council provides user-friendly information, legal advice, education and forums on Australian copyright law for artists and consumers.

www.copyright.org.au

Arts Law Centre of Australia The Arts Law Centre of Australia provides legal advice and information on a wide range of arts related legal and business matters including contracts, copyright, business structures, defamation, insurance, employment and taxation to artists and arts organisations across artforms. www.artslaw.com.au

Public Art – Design and Commissioning, Information Sheet.

[Sample Agreement: Commissioning Agreement: Private or Commercial Visual Artwork](#)

[Sample Agreement: Commissioning Agreement: Public Visual Artwork](#)

[Sample Agreement: Loan of Artwork for Public Exhibition](#)

[Sample Agreement: Sale of Artwork Agreement](#)

National Association for the Visual Arts Ltd The National Association for the Visual Arts is the national peak body for the visual and media arts, craft and design sector. They offer expert advice, referrals, resources, professional representation and development, grant programs and a range of other opportunity brokerage and career development services. Phone: (02) 9368 1900 Website:

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Public Art Key Terms and Definitions

Public Art

Is a work that is created by an artist or artist team and is sited in a visually accessible public location.

Public art can include (but is not limited to):

- The artistic treatment of functional equipment such as bike racks, benches, fountains, playground equipment, light posts or shade structures which are unique.
- Landscape art enhancements such as walkways, bridges or art features within a garden.
- Murals, tiles and mosaics covering walls, floors and walkways.
- Sculptures, free-standing or incorporated as an integral element of a buildings' design.

The distinguishing feature of these works is that an artist or artist team is wholly, or partly, responsible for the creation, design and/or fabrication. Secondary collaborations may take place with other professionals and may include community participation.

Public art does not include:

- Business logos, wording or names related to the development or building owner
- Directional elements such as supergraphics, signage or colour coding;
- "Art objects" which are mass produced or off-the-shelf reproductions such as fountains, statuary or playground equipment; or
- Landscaping or architectural elements which would normally be associated with developments.

Categories by Basic Type of Public Art

Applications should clearly identify the category of Public Art put forward as a proposal.

Stand Alone

Free standing or detached element, including sculptures, seating, shade structures

Integrated

Integrated with the fabric of the built form, including building facades, walls, fences, balustrades, awnings, footpaths or with the natural environment, such as constructed landscaping by an artist.

Ephemeral

Artwork which is intangible, temporary, evolving, changing, dynamic, kinetic, including projection art, light installations, kinetic artworks, water-based artwork, performances and events.

These artworks can also be short lived or transitory in nature.

Legal street art sanctioned by a commissioning body. Examples may include murals, stencil works, paste-ups and/or sculptural installations. Commissioned legal street art has the approval of the building/property owner and local government authority, in compliance with local laws.

Performance art is art created through actions performed by the artist or other participants. Participants might include artistic collaborators or members of the general public. Performance art varies in its intent and form and can include live, recorded, spontaneous or scripted practices such as video projections or flash-mobbing.

Public art can then be further categorised by its **primary purpose**:

Functional Artworks: Where the primary purpose of the element is utilitarian such as seating, lighting, bollards, rubbish bins, bike racks, shelters and paving. These can vary in form, scale or quantity, dependent on the location. Functional works can reinforce a design aesthetic or thematic concern and be playful, delightful or sophisticated.

Ground Plane Artworks: Form part of the ground in a public setting and are designed to be viewed closely by pedestrians in the space. These artworks can create opportunities for an intimate and personal engagement between the work and the viewer. Ground Plane works are useful as a wayfinding tool.

Heritage/Memorial: Artwork designed to recognise the history or cultural heritage of a place, or to commemorate a person or past event.

Exchange artworks: Artwork in a variety of scales and forms that encourage significant interaction, participation or builds education/awareness (some are also interactive artworks)

Interpretive Artworks: Where the primary purpose of the artwork is to tell a story, describe, educate or comment on an issue, event or situation.

Interactive Artworks: Are works that are designed to encourage a tactile response. They can offer more than merely touching the artwork by incorporating sound, digital imagery, projection and lighting or kinetic works that respond to public or environmental interaction.

Intervention Artworks: Provoke an idea or thought or an element of surprise often in an unexpected location.

Landmark Artworks: Could be considered a signature or icon for a city. Large in scale or ambitious in concept, such works tend to be major stand-alone commissions and not part of

a capital works project. These artworks can be free-standing and have approaches that are largely independent of other considerations.

Nodal Artwork: An artwork comprised of a series of component parts and a central focus element.

Transition Artworks: Provide an element that links one space to another such as an internal to external space or a hardscaped space to a landscaped space.

Marker artworks: Medium to large scale artwork located at key focal points. These types of artworks can provide an entrance statement or act as a gateway to a precinct.

Navigational artworks: Artwork in a variety of scales and forms that act as a wayfinder or directional indicator.

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Artwork Organiser means the person, company or organisation, excluding the Shire of York, who is responsible for organising a public artwork and who makes application to the Shire of York for approval to install or stage a public artwork.

Public Realm means any street, way or place including but not limited to parks, reserves, facilities, halls or public open space/s that are freely accessible for everyone to use.

For the purpose of this Policy, the term public realm refers to artworks located in a publicly accessible area; either physically or visibly.

Shire of York Facility or Reserve means any property owned or managed by the Shire of York and includes buildings, road reserves (excluding those managed by Main Roads WA) recreation and community facilities, Parks and Reserves.

High Profile locations means any place within the public realm that has high exposure to visitation or sighting by the public. This includes the Central York and Blandstown Heritage Precincts; Shire and town entry vistas; Avon Park; the summits of Wongborel/Mt Brown and Walwalying/Mt Bakewell.

It is anticipated that only the highest quality, contemporary and professionally significant artworks will be sited at these locations.

Permanent Artworks: Refers to public art with a lifespan of at least twenty years.

Artist

An Artist is defined as a person who meets a minimum of two of the following criteria:

- A person who has a tertiary qualification in the visual arts, or when the brief calls for it, other artforms such as multi-media;
- A person who has a track record of exhibiting and selling artwork at reputable art galleries;
- A person who is represented in major public collections;

and

- A person who earns more than 50% of their income from arts related activities such as undertaking public art commissions.

In some cases this definition may be relaxed where it may be considered appropriate for a particular project. For example, a project involving emerging artists, Indigenous or CALD (Culturally and Linguistically Diverse) artists.

Community Art

Artworks that involve a high degree of participation and creative processes by members of the community. If sited in the public realm, community art projects should be led by an artist as defined above.

SY036-04/21 YRCC MANAGEMENT UPDATE

File Number: CCP.7.1.1

Author: Joanna Bryant, Project Officer

Authoriser: Alina Behan, Executive Manager Corporate & Community Services

Previously before Council: 22 December 2020, 28 April 2020, 25 February 2020

Appendices:

1. Combined Scorecard - 3 Officer panel - Confidential
2. Confidential supporting information - YRCC RFP - Confidential

NATURE OF COUNCIL'S ROLE IN THE MATTER

Executive

PURPOSE OF REPORT

This report provides a recommendation for future management of the York Recreation and Convention Centre (YRCC) following the Request for Proposal process undertaken in February and March 2021.

BACKGROUND

At the Ordinary Council Meeting held on 22 December 2020, it was resolved that, with regard to the management of the YRCC facility, Council:

1. *Resolve to release a Request for Proposal focussed on community and financial outcomes, seeking alternate management models for the YRCC with the view to implement the preferred management model in the 2021/22 financial year.*
2. *Request the CEO to report back to Council by April 2021 on the outcomes of the Request for Proposal.*

COMMENTS AND DETAILS***Request for Proposal***

The Shire advertised for suitably qualified operators to present proposals for the management of the York Recreation and Convention Centre and oversight, booking management and programming of the wider precinct.

The intent of the Request for Proposal process is to establish a partnership between the successful respondent, the Shire and the local sporting and community groups to ensure the recreational and sporting facilities at the Forrest Oval Precinct are well managed and used to provide the best outcomes for the community.

The Request for Proposal (RFP) was advertised from 30 January 2021 on the Shire's website, in the West Australian Saturday newspaper, and using the Government's tender portal Tenderlink. The Tender closed on Tuesday, 2nd March 2021.

Scope of RFP

Tenders were sought for the management of the York Recreation and Convention Centre and oversight, booking management and programming of the wider precinct. Items excluded from the contract include:

- The Hockey Clubrooms

- Voice of the Avon
- York Early Years Hub
- Agricultural Society Building

The Shire will negotiate with the successful Respondent with the intent of entering into a lease agreement for the facility to ensure clarity around management of the site and a separate service agreement to ensure community outcomes are agreed and met. These agreements will be tailored around the Respondent's expertise and the offerings presented in their proposal. Continuation of the lease throughout the contract period will be contingent upon the successful Respondent meeting the KPIs established in the Service Agreement.

Evaluation

The Contract may be awarded to the Respondent who best demonstrates the ability to carry out the required works and services, at a competitive price that will have the most advantageous outcome to the Principal.

The proposals have been evaluated by a three (3) person panel (Officers) using the information provided by the respondent in their offer using the following evaluation methodology:

- (a) Proposals were checked for completeness and compliance. Proposals that did not contain all information requested (e.g. completed Offer form, Attachments, time deadline) would be excluded from evaluation.
- (b) Proposals were assessed against the Selection Criteria:
 - Demonstrate the organisation's experience in supplying similar works and services
 - Demonstrate the skills and experience of key personnel to be used on this project
 - Provide an outline of the methodology to be used in supplying the Requirements
 - Demonstrate the benefit to the community of proposal.
- (c) Contract costs were evaluated, e.g. Quoted prices and other relevant whole-of life costs considered.
- (d) The most suitable Respondents were shortlisted and required to clarify the Offer by making a presentation to the Shire.

Respondents were required to attend a Site Inspection prior to submitting their response. Separate inspections were held individually. Some flexibility was required with the dates of the site visits due to Respondent availability and the 5-day snap lock down in Perth at the beginning of February. The Site Inspection provided Respondents with the opportunity to clarify any uncertainties prior to the closing of the tender.

A copy of the Panel's evaluation is attached as **confidential Appendix 1**.

Submissions received

Two compliant submissions were received. A further submission was received after the closing time and was not accepted.

Summary of each Respondent and offers

Respondent 1:

A highly efficient commercial organisation focusing on the core business of the restaurant/bar to fund additional programs and activities. Respondent 1 has submitted two price offers. Offer 1 is a guaranteed lump sum contract and in the Alternative Offer, Respondent 1 proposes a non-guaranteed lump sum model whereby they collect an annual fee, with any further profit or loss being collected by Council.

Respondent 2:

A community focused organisation sensitive to understanding community needs prior to implementing programs and activities. Respondent 2 is proposing a 'Non-guaranteed' contract for the initial year and a 'Guaranteed Lump Sum Contract' for the remaining years of the contract. Whilst not providing a detailed financial plan for future years, control of spend will be directed by the Shire and can be budgeted according to proven need.

Financial Summary	Shire of York	Respondent 1	Respondent 1 - Alt Offer	Respondent 2
	2019/20	Year 1	Year 1	Year 1
Indicative cost to Council - Year 1	- 319,995	- 321,965	- 257,660	- 214,140

** NB: Activity-based costing (ABC) is a costing method that assigns overhead and indirect costs to related programmes and services. This method of costing recognises the relationship between overhead activities and indirect costs reported in administration, such as management, salaries, stationery etc, and the difficulty of assigning these costs to specific projects. The allocation of overheads is not an exact science and percentages may vary from time to time based on varying cost drivers such as priorities, focus areas, varying annual projects etc.

Officers estimate Shire overheads applicable to the YRCC to be in the vicinity of \$198,650.

The transition of management of the YRCC and surrounds to an outsourced management team would allow some re-distribution of time and resources from the Shire overheads specifically payroll and HR functions whilst retaining elements of management and reporting.

Further information regarding each of the offers is attached as **confidential Appendix 2**.

OPTIONS

- Option 1: Direct the CEO to enter into negotiations with Respondent 1 to progress towards a service agreement and facility lease.
- Option 2: Direct the CEO to enter into negotiations with Respondent 2 to progress towards a service agreement and facility lease.
- Option 3: Direct the CEO to retain management of the facility and to devise a strategy to address cost implications and improve the service offering incorporating Youth and Club Development activities.
- Option 4: Retain existing service model.

Officers recommend Option 2 – this proposal enables the Shire to retain control of costs, focuses the most strongly on community outcomes, offers a selection of activities and programs that can be 'plugged in' and leverages strong connections to other providers and funding sources.

IMPLICATIONS TO CONSIDER**Consultative**

Community Groups

User Groups

Facility Owners

YRCC Staff

Leisure Planning Experts

Shire of Merredin

WALGA

Strategic

A review of the YRCC Management was included as a strategic priority in Year One of the Corporate Business Plan 2016-2020 adopted by Council in May 2016. This action was changed to reflect implementation of the new management model in the Corporate Business Plan 2018 – 2022 adopted in February 2018. This aligns with the goals stated in the current Strategic Community Plan:

Goal 1: To be a close-knit community, full of life, in a welcoming and accessible place for all.

Goal 4: To have a built environment which supports community; economy and the environment, respects the past and creates a resilient future.

Goal 5: To have effective and responsive leadership and governance, where a sense of collective purpose and shared direction combine to work together.

Policy Related

There are no policy implications as a result of the recommendations of this report.

Financial

Expenditure associated with the transition of business activities to an outsourced model will be managed by the 3rd quarter FAQR process for this financial year and through normal budgeting processes for the next financial year.

Legal and Statutory

Local Government Act 1995

3.58. Disposing of property (Parts 1, 2 & 5)

(1) In this section —

dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;

property includes the whole or any part of the interest of a local government in property, but does

not include money.

(2) Except as stated in this section, a local government can only dispose of property to —

(a) the highest bidder at public auction; or

(b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.

(5) This section does not apply to —

(d) any other disposition that is excluded by regulations from the application of this section.

[Section 3.58 amended: No. 49 of 2004 s. 27; No. 17 of 2009 s. 10.]

Local Government (Functions and General) Regulations 1996

30. Dispositions of property excluded from Act s. 3.58 (Parts 1 & 2)

(1) A disposition that is described in this regulation as an exempt disposition is excluded from

the application of section 3.58 of the Act.

(2) A disposition of land is an exempt disposition if —

(b) the land is disposed of to a body, whether incorporated or not —

- (i) the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and
- (ii) the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions

Risk Related

Outlined below are the identified risks related to the Officer recommendations contained in this report.

Identified Risk	Risk type	Level of Risk	Mitigation
Community criticism of new management model	Reputational	Moderate/ High	<p>There is a reputational risk to the Shire should the transition of management to a new association or management organisation not be successful.</p> <p>This will be mitigated through a clear community engagement plan during the transition phase together with sound contract management, clear KPIs and regular contractor reporting.</p>
Financial burden created by new management model	Financial		<p>There is financial risk to the Shire should the transition of management to a new association or management organisation incur unexpected costs.</p> <p>The Shire will mitigate this through seeking a guaranteed fee and with sound contract management, clear KPIs and regular contractor reporting.</p>
Financial, Operational and reputational risk by failure of new management model	Financial/Operational/reputational		<p>There is financial, operational and reputational risk to the Shire should the transition to a management organisation not be successful. The Shire will mitigate this through sound contract management, clear KPIs and regular contractor reporting.</p>

Workforce

There will be implications for the workforce that will be clarified during the negotiation process.

VOTING REQUIREMENTS

Absolute Majority: No

RECOMMENDATION

That, in regard to the management of the York Recreation & Convention Centre, Council;

1. Resolve to direct the CEO to enter into negotiations with Respondent 2 YMCA Western Australia (the Y WA), to progress towards a service agreement and facility lease.
2. Resolves to direct the CEO to present the next stage documentation to Council for endorsement in June.
3. Direct the CEO to undertake appropriate measures to inform the community, user groups and staff of the decision and planned transition phases.

SY037-04/21 OUTSTANDING RATES AND CHARGES - AGED DEBT RECOVERY

File Number: FI.DRS.4, FI.DRS.3, FI.DRS.2

Author: Anneke Birleson, Finance Officer (Rates & Debtors)

Authoriser: Alina Behan, Executive Manager Corporate & Community Services

Previously before Council: 24 November 2020

Appendices: 1. Aged Debt Matters for Referral - Confidential

NATURE OF COUNCIL'S ROLE IN THE MATTER

Executive

PURPOSE OF REPORT

The purpose of this report is to provide Council with background information relating to five (5) aged debt matters that Officers are recommending be referred to the Shire's current debt recovery service provider, CS Legal.

This report seeks Council approval to immediately refer the five (5) matters provided on the attached list (Appendix 1).

BACKGROUND

In December 2020, the Shire appointed CS Legal as the Debt Recovery Service Provider for debts aged more than two years. They were appointed via a Request for Quotation using the WALGA preferred supplier panel.

In accordance with Finance Policy F1.1 Revenue Collection, all matters to be referred for debt recovery action must be approved by Council. At the Ordinary Meeting of Council on 24 November 2020, Officers provided a list of recommended referrals.

Officers continually review existing debt matters and now have a further five (5) matters that are recommended for referral to CS Legal for action. The details of these are provided in Appendix 1.

Three of the matters relate to existing aged debts. The other two relate to matters where the properties were sold by the Shire due to unpaid rates in excess of three years, under Section 6.64 of the *Local Government Act 1995* (the Act). These sales resulted in excess proceeds that must be transferred to the Supreme Court as provided under Schedule 6.3(5)(f)(II) of the Act.

COMMENTS AND DETAILS

The details of each matter are provided in Appendix 1 along with Officer's recommendations moving forward.

The report to Council on 24 November 2020 noted that Officers intended to commence the quotation process for more current debts in early 2021. Officers now recommend these newer debts are considered once the 2021/22 rates and charges have been issued. This will enable the 2021/22 rates and charges to be included in the referrals and allow time for Officers to focus resources on resolving the more complex aged debts.

OPTIONS

Option 1: Council approves the attached list for immediate referral and notes that officers will undertake the process of appointing a debt recovery service provider for current debts once the 2021/22 rates and charges are levied. It is important for law abiding ratepayers to see that efforts are being made to address the long outstanding debts. Delays in acting

will result in the debts growing larger and potential write offs being more significant, at the cost of ratepayers. In addition, although two of the matters are no longer debts the transfer of the funds to the Supreme Court is part of the sale of land process under the Act and therefore, could be considered unresolved aged debt matters.

Option 2: Council could approve the preferred option but modify the list of debtors to be referred for action. They could also request a separate procurement process be undertaken for the two matters where there is to be a transfer of funds to the Supreme Court.

Option 3: Council could resolve not to take any action for the listed matters. However, there is an obligation under the Act to transfer residual funds to the Supreme Court and a commitment to ratepayers to recover unpaid debts.

Option 1 is the recommended option.

It is important for Council to note that should debts be referred, they will be managed and acted upon in accordance with Shire Policy F1.1 Revenue Collection. This may result in the sale of properties via Property Seizure and Sale Orders or under the Act.

IMPLICATIONS TO CONSIDER

Consultative

CLI Lawyers Pty Ltd
Milton Graham (Previously Dun and Bradstreet)
Baycorp
CS Legal

Strategic

Goal 5: Strong Leadership and Governance

Policy Related

F1.1 Revenue Collection

Shire of York Finance Policy F1.1 Revenue Collection, identifies that the Shire is to ensure timely cashflow and minimise bad debts. In addition, the Shire must ensure that appropriate measures are undertaken to recover outstanding amounts. The recovery of these outstanding debts must be fair, consistent, and transparent.

Financial

As at 31 March 2021, the Shire has \$1,393,649.34 in outstanding rates and charges. Officers are proposing an additional total debt of \$95,097.29 be referred to CS Legal for immediate action.

The funds to be transferred to the Supreme Court total \$67,456.45.

Legal and Statutory

Local Government Act 1995

Subdivision 2 – Fees and Charges

6.16. Imposition of fees and charges

(1) A local government may impose and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed.*

** Absolute majority required.*

Subdivision 5 — Recovery of unpaid rates and service charges

6.55. Recovery of rates and service charges

- (1) Subject to subsection (2) and the Rates and Charges (Rebates and Deferments) Act 1992 rates and service charges on land are recoverable by a local government from —
 - (i) the owner at the time of the compilation of the rate record; or
 - (ii) a person who whilst the rates or service charges are unpaid becomes the owner of the land.
- (2) A person who, by virtue of an Act relating to bankruptcy or insolvency or to the winding up of companies, has become the owner of land in the capacity of a trustee or liquidator, is not on that account personally liable to pay, out of the person's own money, rates or service charges which are already due on, or become due on that land while that person is the owner in that capacity.

6.56. Rates or service charges recoverable in court

- (1) If a rate or service charge remains unpaid after it becomes due and payable, the local government may recover it, as well as the costs of proceedings, if any, for that recovery, in a court of competent jurisdiction.
- (2) Rates or service charges due by the same person to the local government may be included in one writ, summons, or other process.

Subdivision 6 — Actions against land where rates or service charges unpaid

6.64. Actions to be taken

- (1) If any rates or service charges which are due to a local government in respect of any rateable land have been unpaid for at least 3 years the local government may, in accordance with the appropriate provisions of this Subdivision take possession of the land and hold the land as against a person having an estate or interest in the land and —
 - (a) from time to time lease the land; or
 - (b) sell the land; or
 - (c) cause the land to be transferred to the Crown; or
 - (d) cause the land to be transferred to itself.
- (2) On taking possession of any land under this section, the local government is to give to the owner of the land such notification as is prescribed and then to affix on a conspicuous part of the land a notice, in the form or substantially in the form prescribed.
- (3) Where payment of rates or service charges imposed in respect of any land is in arrears the local government has an interest in the land in respect of which it may lodge a caveat to preclude dealings in respect of the land, and may withdraw caveats so lodged by it.

Schedule 6.3 — Provisions relating to sale or transfer of land where rates or service charges unpaid

5. Application of purchase money

Where a local government has exercised its power of sale it is required to apply the proceeds of sale in the following manner —

- (a) firstly — in payment of the costs, charges and expenses properly incurred by the local government in or incidental to the sale or attempted sale or the exercise of any other power conferred upon the local government by Part 6, Division 6, Subdivision 6 or this Schedule; and
- (b) secondly — in payment of —
 - (i) unpaid rates or service charges, for the time being due to or imposed by the local government in respect of the land; and

- (ii) costs and other money, if any, due to or imposed in favour of the Crown in right of the State or a department, agency, or instrumentality of the Crown in right of the State; and
- (iii) other amounts due to the local government under this or another written law,

in respect of the land at the time of the sale, but where the payments required by paragraph (a) to be made have been made, and the balance of the money then remaining is not sufficient for the payment in full of the items required by this paragraph to be made, the local government is to distribute the balance of the money so remaining, between the Crown, the department, the agency, the instrumentality, and the local government, pro rata with the amounts of their claims, respectively, unless the Governor, or the Minister controlling the department, agency, instrumentality as the case requires, consents to rank after the local government; and

- (c) *thirdly — in payment of the vendor's costs and expenses of and incidental to conferring upon the purchaser a title to the land; and*
- (d) *fourthly — in or towards the discharge of a charge, if any, on the land under a written law relating to the construction of drains and fittings to connect the land with a sewer; and*
- (e) *fifthly — in or towards the discharge of other mortgages and encumbrances on the land, both registered and unregistered, according to their priorities at law so far as they can be ascertained by the local government; and*
- (f) *sixthly — in payment of the residue of the money within 12 months after the local government has received it to —*
 - (i) *the person who would, but for the proceedings for sale, be entitled to the land; or*
 - (ii) *if there are several persons who would be so entitled, then to those persons in the proportions in which they would be respectively so entitled,*

but if —

 - (I) *a person is entitled to an estate in reversion or remainder in the land, the local government may pay that residue into the Supreme Court under section 99 of the Trustees Act 1962; and*
 - (II) *within that period of 12 months the local government has not paid the residue to the person entitled to it, it is to, on the expiration of that period, pay that residue into the Supreme Court under that section of that Act; and*
 - (III) *at the expiration of 6 years after the money is so paid into the Supreme Court, proceedings have not been commenced or are not pending and the Court has not made an order to the contrary the money is to be paid into the Consolidated Account.*

[Clause 5 amended: No. 77 of 2006 s. 4.]

Risk Related

The Financial Impact is Moderate (3)

The Likelihood of Recurrence is possible (3).

This results in a Moderate (6) Risk to the Shire of York.

This assessment may be significantly reduced depending on the success of the debt recovery process. The risk is mitigated by having a debt recovery policy and procedures in place. Engaging CS Legal will ensure the Shire has relevant legal advice and expertise to resolve the debts in the most effective way.

However, despite the Shire's best efforts to recover debts there are often factors outside of the Shire's control resulting in some debts becoming irrecoverable and Officers expect there may be write offs associated with at least one of the debts proposed for referral.

Workforce

The engagement of CS Legal for the debt recovery process provides significant relief to the existing workforce, which does not currently have the capacity or expertise to undertake the processes inhouse. The additional referrals will have a minor impact on the existing workforce, mainly in relation to providing CS Legal with relevant documentation to assist in preparation of legal documentation for lodgement at the Supreme Court.

VOTING REQUIREMENTS

Absolute Majority: No

RECOMMENDATION

That, with regard to Outstanding Rates and Charges - Aged Debt Recovery, Council:

1. Approves the recommendations contained in Confidential Appendix 1 – Aged Debt Matters for Referral.
2. Notes that the process to appoint a debt recovery service provider for more current debts will commence in the 2021/22 financial year.

SY038-04/21 OUTSTANDING RATES AND CHARGES - PAYMENT AGREEMENTS

File Number: FI.DRS.3.1

Author: Anneke Birleson, Finance Officer (Rates & Debtors)

Authoriser: Alina Behan, Executive Manager Corporate & Community Services

Previously before Council: 23 February 2021

Appendices: 1. Applications for Payment Agreements - April 2021 - Confidential

NATURE OF COUNCIL'S ROLE IN THE MATTER

Executive

PURPOSE OF REPORT

The purpose of this report is to provide Council with details regarding payment arrangement applications the Shire has received, that do not qualify under Delegation DE3-3.

This report seeks Council's approval to accept the Officer recommendations regarding the proposed arrangements, as detailed in Confidential Appendix 1.

BACKGROUND

The current Revenue Collection Policy F1.1 and Delegation 3-3 authorises the Chief Executive Officer to accept payment arrangements for outstanding rates and charges where there are no arrears, and the balance will be paid in full by 30 June of the relevant financial year. Any applications outside this scope must be presented to Council for review and acceptance or rejection. Any application for a payment arrangement relating to sundry debtor charges must be referred to Council as there is no current delegation.

COMMENTS AND DETAILS

Council has considered fifteen (15) applications during the 2020/21 financial year. All but one of these agreements expire on 30 June 2021.

The Shire has received two (2) further applications for the 2020/21 financial year that do not qualify under DE3-3 and therefore require Council consideration.

Both applicants are claiming financial hardship as a result of their circumstances.

Confidential Appendix 1 details the current debts and a brief reason why the debtors cannot meet the standard payment options. The table also provides an Officer recommendation for each application.

Applications are assessed on a case by case basis, taking into consideration people's circumstances, in accordance with Policy F1.1 Principle (c).

Any application that is approved is subject to the condition where any default may result in debt recovery action without further notice.

OPTIONS

Council has the following options:

Option 1: Approve confidential application for payment arrangements as attached at Appendix 1.

Option 2: Approve one of the confidential applications for payment arrangements as attached at Appendix 1.

Option 3: Reject all request for payment arrangements.

Option 1 is the recommended option noting that Officers have worked with the applicants regarding their current financial circumstances and ability to pay. One of the principles of the revenue collection policy is that people's circumstances are taken into account. Default by the applicant on payments made under the arrangement may result in debt recovery action.

IMPLICATIONS TO CONSIDER

Consultative

Not Applicable

Strategic

Goal 5: Strong Leadership and Governance

Policy Related

F1.1 Revenue Collection

DE3-3 Agreement as to Payment of Rates and Service Charges

Financial

The total debt associated with the payment arrangements relating to rates and charges, as at 1 April 2021 is \$9,200.67.

This represents approximately 0.7% of the total outstanding rates and charges as at 31 March 2021.

Legal and Statutory

Local Government Act 1995

6.49. Agreement as to payment of rates and service charges

A local government may accept payment of a rate or service charge due and payable by a person in accordance with an agreement made with the person.

Risk Related

The Financial Impact risk is Minor (2).

The Likelihood of recurrence is Possible (3).

The overall risk rating is Moderate (6).

The risk can be considered acceptable as there is a policy in place to control and manage the risk. Should any debtors default on their arrangement, debt recovery action can be taken to recover the due amounts.

The financial risk reduces as the debts are paid.

Workforce

The scope of this report will have a minor impact on the workforce relating to ongoing monitoring of payments.

VOTING REQUIREMENTS

Absolute Majority: No

RECOMMENDATION

That, with regard to Outstanding Rates and Charges - Payment Agreements, Council:

1. Approves the applications for payment agreements as detailed within Confidential Appendix 1, with the condition that any default may result in debt recovery action.

SY040-04/21 FINANCIAL REPORT - MARCH 2021**File Number:** FI.FRP**Author:** Tabitha Bateman, Finance Manager**Authoriser:** Alina Behan, Executive Manager Corporate & Community Services**Previously before Council:** Not Applicable
Appendices:

1. Monthly Financials - March 2021
2. Creditors Payments Listing - March 2021
3. Credit Card Summary - February 2021

NATURE OF COUNCIL'S ROLE IN THE MATTER

- Legislative
- Review

PURPOSE OF REPORT

The purpose of financial reporting and the preparation of monthly financial statements is to communicate information about the financial position and operating results of the Shire of York to Councillors and the community and monitor the local government's performance against budgets.

BACKGROUND

Local governments are required to prepare general purpose financial reports in accordance with the *Local Government Act 1995*, the *Local Government (Financial Management) Regulations 1996* and the *Australian Accounting Standards*.

A statement of financial activity and any accompanying documents are to be presented to the Council at an ordinary meeting of the Council within two months after the end of the month to which the statement relates. The Statement of Financial Activity summarises the Shire's operating activities and non-operating activities.

COMMENTS AND DETAILS

This report is presented for Council's consideration and provides information for the period ended 31 March 2021 and includes the following:

- Monthly Statements
- List of Creditor Payments
- Business Card Statement and Transaction Summary

The following information provides balances for key financial areas for the Shire of York's financial position as at 31 March 2021.

Outstanding Rates and Services

The total outstanding rates balance at the end of March was \$1,393,649 compared to \$1,902,556 at the end of February. The fourth and final instalment was due during the month and in accordance with Council Resolution 060720, interest has been accruing on outstanding balances since 1 January 2021.

Current Year	Properties	31/03/2021	%	Properties	31/03/2020	%
3 years and over	78	\$ 431,655.43	31%	85	\$ 413,121.10	21%
2 years and over	86	\$ 184,735.07	13%	90	\$ 172,822.15	9%

1 year and over	143	\$ 275,337.30	20%	128	\$ 252,525.56	13%
Total Prior Years outstanding		\$ 891,727.80	64%		\$ 838,468.81	43%
Current Rates	776	\$ 501,921.54	36%	772	\$ 565,581.99	57%
Total Rates Outstanding		\$ 1,393,649.34			\$ 1,404,050.80	

In January 2021, Officers referred a number of properties to CS Legal with rates owing for at least 2 years or longer. Of these referrals, three debts have been paid in full and six arrangements have been approved or applied for. In addition, Officers continue to administer payment arrangements outside of the ordinary payment options in line with the current Revenue Collection policy.

Outstanding Sundry Debtors

The figure for total outstanding sundry debtors as at 31 March 2021 was \$457,029 compared to \$76,340 as at 28 February 2021. The considerable balance relates largely to Avon Park Redevelopment grant funds of \$402,000 (incl gst) and \$31,088 for the third quarter standpipe charges.

Current Year	31/03/2021	%	31/03/2020	%
90 days and over	\$18,735.32	4%	\$18,622.01	6%
60 days and over	\$4,035.84	1%	\$25,816.54	9%
30 days and over	\$17,200.77	4%	\$13,744.50	5%
Current	\$417,056.59	91%	\$242,454.64	81%
Total Debtors Outstanding	\$457,028.52		\$300,637.69	

COVID-19 Response Update – rates payment incentives and local stimulus

Council allocated over \$131,000 within the 2020/21 annual budget to combat the financial impacts of COVID-19 by providing economic stimulus via the rates payment incentive scheme. The final cost to deliver these incentives is estimated at around \$90,527, broken down as follows;

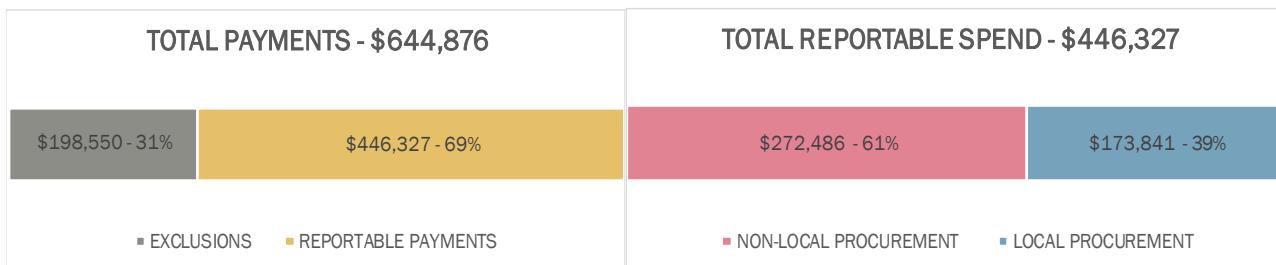
- Rates Discounts – \$45,958 compared to a budget estimate of \$44,873
- York Dollars claimed from participating businesses - \$41,603 - considerably lower than the budget estimate of \$86,658.
- Administration costs such as printing, design and disposal - \$2,966

The cut-off date for York Dollars was 28 February 2021. All claims for York Dollars have been submitted and paid to participating businesses. As such, no further changes to the above are expected prior to the end of the financial year.

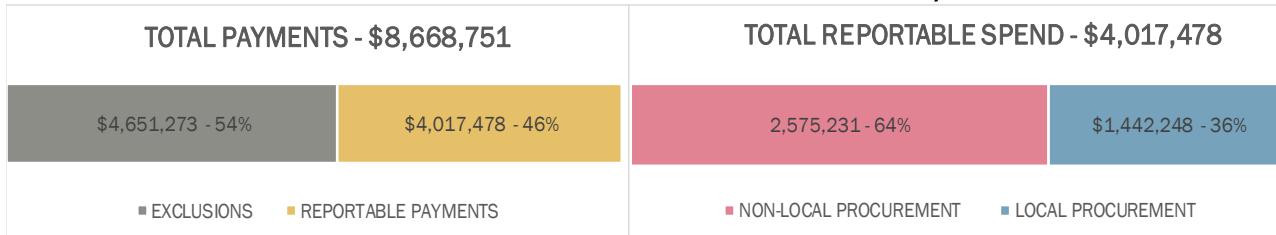
Local procurement

To further support the local economy, Council commits to spending locally where possible and reasonably practicable. For the month of March, Officers report the following in relation to local procurement, noting that 39% of payments were made to local businesses during the month.

TOTAL PROCUREMENT - MARCH 2021



TOTAL PROCUREMENT - YEAR TO DATE 2020/21



The above figures provide an indication of the levels of local procurement as a percentage of reportable payments. It is important to note that in development of the above tables, a number of exclusions apply and are not included in the reportable totals. These include, but are not limited to, payments made for the following:

- Superannuation
- Goods and Services Tax
- Department of Fire and Emergency Services
- Local Government Insurance Services
- WA Local Government Association
- WA Treasury Corporation
- Office of the Auditor-General
- Utilities (Synergy, Telstra, Water Corporation)
- Placement of Shire term deposits

OPTIONS

Not applicable.

IMPLICATIONS TO CONSIDER

Consultative

Not applicable.

Strategic

Goal 5: Strong Leadership and Governance

Policy Related

Policy F1.2 Procurement

Policy F1.6 Credit Cards

Policy F1.5 Authority to make payments from Trust and Municipal Funds

DE 3.1 Authority to make Payments from Trust and Municipal Funds

Financial

This report and its appendices provide a summary of the financial position of the Shire at the end of the reporting period.

Legal and Statutory**Local Government Act 1995**

6.10. *Financial Management Regulations may provide for —*

- (a) *the security and banking of money received by a local government; and*
- (b) *the keeping of financial records by a local government; and*
- (c) *the management by a local government of its assets, liabilities and revenue; and*
- (d) *the general management of, and the authorisation of payments out of —*
 - (i) *the municipal fund; and*
 - (ii) *the trust fund, of a local government.*

Local Government (Financial Management) Regulations 1996

13. *Payments from municipal fund or trust fund by CEO (Act s. 6.10)*

- (1) *If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —*
 - (a) *the payee's name; and*
 - (b) *the amount of the payment; and*
 - (c) *the date of the payment; and*
 - (d) *sufficient information to identify the transaction.*

34. *Financial activity statement required each month (Act s. 6.4)*

(1A) *In this regulation —*

committed assets means revenue unspent but set aside under the annual budget for a specific purpose.

- (1) *A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail —*
 - (a) *annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c); and*
 - (b) *budget estimates to the end of the month to which the statement relates; and*
 - (c) *actual amounts of expenditure, revenue and income to the end of the month to which the statement relates; and*
 - (d) *material variances between the comparable amounts referred to in paragraphs (b) and (c); and*
 - (e) *the net current assets at the end of the month to which the statement relates.*
- (2) *Each statement of financial activity is to be accompanied by documents containing —*
 - (a) *an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets; and*
 - (b) *an explanation of each of the material variances referred to in subregulation (1)(d); and*
 - (c) *such other supporting information as is considered relevant by the local government.*

- (3) *The information in a statement of financial activity may be shown —*
 - (a) *according to nature and type classification; or*
 - (b) *by program; or*
 - (c) *by business unit.*
- (4) *A statement of financial activity, and the accompanying documents referred to in subregulation (2), are to be —*
 - (a) *presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and*
 - (b) *recorded in the minutes of the meeting at which it is presented.*
- (5) *Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.*

Risk Related

It is a requirement of the *Local Government (Financial Management) Regulations 1996* that local governments prepare a Statement of Financial Activity within two months after the end of the reporting period. This report mitigates the risk of non-compliance with the regulations.

Workforce

Not applicable.

VOTING REQUIREMENTS

Absolute Majority: No

RECOMMENDATION

That, with regard to Financial Report - March 2021, Council;

1. Receives the Monthly Financial Report and the list of payments drawn from the Municipal and Trust accounts for the period ending 31 March 2021 as summarised below:

Mar-21

MUNICIPAL FUND	AMOUNT
Cheque Payments	91,327.36
Payroll Debits	241,726.33
Electronic Funds Payments	497,249.99
Payroll Debits - Superannuation	47,055.01
Bank Fees	1,168.99
Corporate Cards	131.00
NBN Fees	792.00
Equipment Rental	311.83
Fire Messaging Service	<u>3,172.18</u>
Sub total - Municipal	882,934.69
TRUST FUND	
Electronic Funds Payments	9,244.10
Cheque Payments	-
Direct Debits Licensing	<u>132,155.00</u>
Sub total - Trust	141,399.10
TOTAL DISBURSEMENTS	1,024,333.79



**SHIRE OF YORK
MONTHLY STATEMENTS
FOR THE PERIOD ENDED 31 MARCH 2021**

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- 1 INCOME AND EXPENDITURE STATEMENT BY NATURE & TYPE
- 2 INCOME AND EXPENDITURE STATEMENT BY PROGRAMME
- 3 STATEMENT OF CURRENT ASSETS AND LIABILITIES
- 4 STATEMENT OF FINANCIAL POSITION
- 5-9 FINANCIAL ACTIVITY STATEMENT WITH VARIANCE REPORT
- 10 OPERATING STATEMENT - YRCC

Report Purpose

This report is prepared to meet the requirements of Local Government (Financial Management) Regulations 1996, Regulation 34.

Statement of Financial Activity by reporting program

is presented at page 5 and shows a balance as at 31 March 2021 \$ 4,266,350

Note: The statements and accompanying notes are prepared on all transactions recorded at the time of preparation and may vary following any subsequent adjustments.

Supplementary information prepared

Reserve Funds

Loan Schedule

Detailed operating and non-operating schedules

Prepared by: Tabitha Bateman
Finance Manager

Reviewed by: Alina Behan
Executive Manager Corporate and Community Services

Date prepared: Tuesday, 13 April 2021



SHIRE OF YORK
INCOME AND EXPENDITURE STATEMENT BY NATURE OR TYPE
FOR THE PERIOD ENDED 31 MARCH 2021

	2020/21 ADOPTED BUDGET	2020/21 YTD ACTUAL
REVENUE		
General Rates	5,993,127	5,999,848
Operating Grants, Subsidies and Contributions	1,090,010	622,710
Fees and Charges	1,394,574	1,298,160
Interest Earnings	67,032	25,678
Other Revenue	91,200	111,500
	8,635,943	8,057,895
EXPENDITURE		
Employee Costs	(4,314,396)	(2,824,901)
Materials and Contracts	(2,644,202)	(1,267,782)
Utility Charges	(399,841)	(283,984)
Depreciation	(2,585,950)	(2,140,060)
Interest Expense	(94,453)	(59,741)
Insurance	(219,481)	(281,196)
Other Expenditure	(449,696)	(457,228)
	(10,708,019)	(7,314,893)
<i>Increase/(Decrease)</i>	(2,072,077)	743,003
Non-operating Grants and Subsidies	1,411,193	456,968
Profit on Asset Disposal	-	-
Loss on Asset Disposal	(88,418)	-
Loss on Revaluation of Fixed Assets	-	-
	1,322,775	456,968
NET RESULT	(749,302)	1,199,970



SHIRE OF YORK
INCOME AND EXPENDITURE STATEMENT BY PROGRAMME
FOR THE PERIOD ENDED 31 MARCH 2021

	2020/21 ANNUAL BUDGET	2020/21 MARCH BUDGET	2020/21 YTD ACTUAL
REVENUE			\$
General Purpose Funding	6,763,120	6,551,098	6,592,719
Governance	2,900	2,043	35,615
Law, Order, Public Safety	79,219	45,437	78,577
Health	2,500	1,575	13,940
Education and Welfare	35,623	28,942	28,725
Community Amenities	733,316	715,816	744,988
Recreation and Culture	788,852	342,685	381,277
Transport	1,353,617	799,420	628,249
Economic Services	246,588	114,201	141,894
Other Property & Services	41,400	24,927	25,692
	10,047,136	8,626,144	8,671,675
EXPENDITURE			
General Purpose Funding	(443,201)	(357,901)	(319,321)
Governance	(784,408)	(519,480)	(521,990)
Law, Order, Public Safety	(464,439)	(337,501)	(305,956)
Health	(241,049)	(166,226)	(165,049)
Education and Welfare	(146,148)	(89,741)	(96,673)
Community Amenities	(1,184,791)	(817,186)	(729,545)
Recreation and Culture	(3,473,468)	(2,364,182)	(2,453,810)
Transport	(2,475,127)	(1,519,278)	(2,208,621)
Economic Services	(1,427,106)	(724,712)	(704,484)
Other Property and Services	(68,283)	37,774	33,743
	(10,708,019)	(6,858,433)	(7,471,705)
<i>Increase/(Decrease)</i>	<i>(660,884)</i>	<i>1,767,711</i>	<i>1,199,970</i>
DISPOSAL OF ASSETS			
Plant and Equipment	(88,418)	(8,750)	-
Land	-	-	-
Furniture and Equipment	-	-	-
<i>Gain/(Loss) on Disposal</i>	<i>(88,418)</i>	<i>(8,750)</i>	<i>-</i>
<i>Change in net assets resulting from operations</i>			
<i>Gain/(Reduction)</i>	<i>(749,302)</i>	<i>1,758,961</i>	<i>1,199,970</i>



SHIRE OF YORK
SUMMARY OF CURRENT ASSETS AND LIABILITIES
FOR THE PERIOD ENDED 31 MARCH 2021

CURRENT ASSETS	LY ACTUAL	YTD ACTUAL	YTD ACTUAL
	31/03/2020	30/06/2020	31/03/2021
Cash at Bank	\$6,756,940	\$5,604,493	\$6,359,718
Sundry Debtors	\$1,570,743	\$1,929,265	\$1,878,849
Stock on Hand	\$63,691	\$24,221	\$62,487
SUB-TOTAL	\$8,391,374	\$7,557,978	\$8,301,053
LESS CURRENT LIABILITIES			
Sundry Creditors	(\$90,175)	(\$1,997,737)	(\$666,786)
Loan Liability	(\$71,019)	(\$244,526)	(\$74,473)
Leave Provisions	(\$771,618)	(\$869,559)	(\$869,559)
	(\$932,812)	(\$3,111,822)	(\$1,610,818)
Cash Backed Reserves	(\$3,144,578)	(\$3,023,350)	(\$3,023,350)
Add Back Loan Liability	\$71,019	\$244,526	\$74,473
Add Back Leave Reserve 6	\$499,432	\$524,991	\$524,991
Adjustments/Rates in advance	(\$71,769)		
SUB-TOTAL	(\$3,578,708)	(\$5,365,655)	(\$4,034,704)
NET CURRENT ASSETS - SURPLUS/(DEFICIT)	\$ 4,812,666	\$ 2,192,323	\$ 4,266,350



SHIRE OF YORK
STATEMENT OF FINANCIAL POSITION
FOR THE PERIOD ENDED 31 MARCH 2021

This statement analyses the movements in assets, liabilities and equity between years.

	Actual 30/06/2020 \$	Actual 31/03/2021 \$
Current assets		
Cash and cash equivalents	5,225,590	5,980,815
Rates Outstanding	1,090,153	1,213,367
Sundry Debtors	935,072	665,482
Cash Held for Distribution (Prev Trust)	378,903	378,903
Inventories/Stock	24,221	62,487
Total current assets	7,653,938	8,301,053
Non-current assets		
Trade and other receivables	124,706	124,706
Investment in LG House Trust	71,221	71,221
Property, plant and equipment	33,226,122	32,982,109
Infrastructure	104,946,409	104,146,312
Total non-current assets	138,368,457	137,324,348
Total assets	146,022,396	145,625,401
Current liabilities		
Trade and other payables	1,714,795	287,883
Cash Held for Distribution (Prev Trust)	378,903	378,903
Provisions	869,559	869,559
Interest-bearing loans and borrowings	244,526	74,473
Total current liabilities	3,207,782	1,610,818
Non-current liabilities		
Interest-bearing loans and borrowings	1,624,815	1,624,815
Provisions	137,024	137,024
Total non-current liabilities	1,761,839	1,761,839
Total liabilities	4,969,621	3,372,657
Net assets	141,052,774	142,252,744
Equity		
Accumulated surplus	32,234,223	33,446,965
Change in net assets resulting from operations	1,212,742	1,199,970
Asset revaluation reserve	104,582,459	104,582,459
Other reserves	3,023,350	3,023,350
Total equity	141,052,774	142,252,744



SHIRE OF YORK
FINANCIAL ACTIVITY STATEMENT
FOR THE PERIOD ENDED 31 MARCH 2021

	2020/21 ANNUAL BUDGET	2020/21 CURRENT BUDGET	2020/21 MARCH BUDGET	2020/21 YTD ACTUAL 31/03/2021	VAR TO BUDGET \$	VAR TO BUDGET %
OPERATING REVENUE						
General Purpose Funding	6,763,120	6,784,851	6,551,098	6,592,719	41,621	1%
Governance	2,900	41,900	2,043	35,615	33,572	1643%
Law, Order Public Safety	79,219	129,177	45,437	78,577	33,140	73%
Health	2,500	2,500	1,575	13,940	12,365	785%
Education and Welfare	35,623	35,623	28,942	28,725	(218)	-1%
Community Amenities	733,316	774,416	715,816	744,988	29,172	4%
Recreation and Culture	788,852	721,853	342,685	381,277	38,593	11%
Transport	1,353,617	1,670,048	799,420	628,249	(171,171)	-21%
Economic Services	246,588	254,588	114,201	141,894	27,694	24%
Other Property and Services	41,400	36,400	24,927	25,692	765	3%
	10,047,135	10,451,357	8,626,144	8,671,675	45,532	1%
LESS OPERATING EXPENDITURE						
General Purpose Funding	(443,201)	(443,858)	(357,901)	(319,321)	38,581	-11%
Governance	(784,408)	(961,864)	(519,480)	(521,990)	(2,510)	0%
Law, Order, Public Safety	(464,439)	(521,388)	(337,501)	(305,956)	31,545	-9%
Health	(241,049)	(251,049)	(166,226)	(165,049)	1,177	-1%
Education and Welfare	(146,148)	(146,148)	(89,741)	(96,673)	(6,932)	8%
Community Amenities	(1,184,791)	(1,214,994)	(817,186)	(729,545)	87,641	-11%
Recreation and Culture	(3,473,468)	(3,395,818)	(2,364,182)	(2,453,810)	(89,628)	4%
Transport	(2,475,127)	(2,501,127)	(1,519,278)	(2,208,621)	(689,343)	45%
Economic Services	(1,427,106)	(1,389,683)	(724,712)	(704,484)	20,228	-3%
Other Property & Services	(68,283)	(68,283)	37,774	33,743	(4,031)	-11%
	(10,708,019)	(10,894,212)	(6,858,433)	(7,471,705)	(613,272)	9%
Increase/(Decrease)	(660,884)	(442,855)	1,767,711	1,199,970	(567,740)	-32%
ADD						
Profit/Loss on sale of assets	252,000	98,000	(8,750)	14,000	22,750	-260%
Depreciation Written Back	2,585,950	2,585,950	1,292,975	2,140,060	847,085	66%
	2,837,950	2,683,950	1,454,434	2,154,060	699,626	48%
Sub Total	2,177,067	2,241,095	3,222,145	3,354,030	131,886	4%



SHIRE OF YORK
FINANCIAL ACTIVITY STATEMENT
FOR THE PERIOD ENDED 31 MARCH 2021

	2020/21 ANNUAL BUDGET	2020/21 CURRENT BUDGET	2020/21 MARCH BUDGET	2020/21 YTD ACTUAL 31/03/2021	VAR TO BUDGET \$	VAR TO BUDGET %
LESS CAPITAL PROGRAMME						
Purchase Land & Buildings	(570,000)	(583,188)	(291,000)	(172,918)	118,082	-41%
Infrastructure Assets - Roads	(2,540,066)	(2,823,164)	(1,175,183)	(650,506)	524,677	-45%
Infrastructure Assets - Recreation	(273,150)	(239,200)	(144,880)	(72,979)	71,901	-50%
Infrastructure Assets - Other	(10,000)	(10,000)	(10,000)	-	10,000	-100%
Purchase Plant and Equipment	(1,107,000)	(832,750)	(665,960)	(176,323)	489,637	-74%
Purchase Furniture and Equipment	(65,000)	(85,300)	(41,000)	(37,224)	3,776	-9%
Repayment of Debt - Loan Principal	(244,526)	(244,526)	(122,263)	(170,053)	(47,790)	39%
Transfer to Reserves	(246,832)	(246,832)	-	-	-	-
	(5,056,574)	(5,064,960)	(2,450,286)	(1,280,004)	1,170,282	-48%
Sub Total	(2,879,507)	(2,823,864)	771,859	2,074,026	1,302,167	169%
LESS FUNDING FROM						
Reserves	663,000	635,008	-	-	-	-
Opening Funds	2,216,507	2,192,324	2,216,507	2,192,324	(24,183)	-1%
	2,879,507	2,827,332	2,216,507	2,192,324	(24,183)	-1%
ESTIMATED SURPLUS/(DEFICIT)	0	3,468	2,988,366	4,266,350	1,277,984	43%

SHIRE OF YORK
VARIANCE REPORT
FOR THE PERIOD ENDED 31 MARCH 2021

Local Government (Financial Management) Regulations 1996 Financial reports — s. 6.4

34. Financial activity statement required each month (Act s. 6.4)

(1) A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail —

- (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c); and
- (b) budget estimates to the end of the month to which the statement relates; and
- (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates; and
- (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and
- (e) the net current assets at the end of the month to which the statement relates.

OPERATING REVENUE	YTD ADOPTED BUDGET	YTD ACTUALS	VAR TO YTD	VAR TO YTD
			BUDGET \$	BUDGET %
General Purpose Funding	\$6,551,098	\$6,592,719	\$41,621	1%
No material variance to report.				
Governance	\$2,043	\$35,615	\$33,572	1643%
Permanent variance - LGIS Contributions Assistance funding received \$13,420. Successful grant application raised for Australia Day 2021 for \$21,000.				
Law, Order Public Safety	\$45,437	\$78,577	\$33,140	73%
Permanent variance - Successful Bushfire Mitigation Activity Fund grant raised - \$20,800, to undertake chemical and mechanical treatments along Fire Access Track - Quairading-York Road. Offset by matching expenditure. Further grant funds received for Animal Welfare in Emergencies \$8,000 - also offset by matching expenditure.				
Health	\$1,575	\$13,940	\$12,365	785%
Permanent variance - Septic tank applications and Health Act charges received to date higher than expected. Health Act charges raised in February relating to upcoming events.				
Education and Welfare	\$28,942	\$28,725	-\$218	-1%
No material variance to report.				
Community Amenities	\$715,816	\$744,988	\$29,172	4%
No material variance to report. Variance relates to introduction of Containers for Change income and expenditure after budget adoption.				
Recreation and Culture	\$342,685	\$381,277	\$38,593	11%
Avon Park Redevelopment funding acquittal finalised and remaining payment of \$20,000 raised.				
Transport	\$799,420	\$628,249	-\$171,171	-21%
Timing variance - Likely to impact 2021/22 budget as funding claims are submitted in line with expenditure. Roads program to be assessed and re-scope this financial year as appropriate with carry forwards of income and expenditure expected for next year. Police Licensing commissions received to date lower than anticipated for this time of year likely due to the impacts of COVID and increased online payments made direct to Department of Transport.				
Economic Services	\$114,201	\$141,894	\$27,694	24%
Timing variance - part payment for the Earthquake Mitigation Project was expected to be received \$25,000. Offset by higher than anticipated building application fees received to date. Standpipe water charges received are also higher than expected for this time - this income is offset by matching expenditure to Water Corporation.				
Other Property and Services	\$24,927	\$25,692	\$765	3%
No material variance to report.				
	\$8,626,144	\$8,671,675	\$45,532	1%

**SHIRE OF YORK
VARIANCE REPORT
FOR THE PERIOD ENDED 31 MARCH 2021**

OPERATING EXPENDITURE	YTD BUDGET	YTD ACTUALS	VAR TO BUDGET	VAR TO BUDGET
General Purpose Funding	\$357,901	\$319,321	-\$38,581	-11%
Permanent variance due to lower than anticipated take up of Rates Payment Incentive scheme. A budget reduction was proposed in the first quarter FACR of \$40,818.				
Governance	\$519,480	\$521,990	\$2,510	0%
No material variance to report.				
Law, Order, Public Safety	\$337,501	\$305,956	-\$31,545	-9%
Permanent variance relating to reduced insurance costs associated with fire control of \$5,000.				
Health	\$166,226	\$165,049	-\$1,177	-1%
No material variance to report.				
Education and Welfare	\$89,741	\$96,673	\$6,932	8%
No material variance to report. Minor timing variance relates to sponsorship for YDHS processed December 2020 - \$2,000				
Community Amenities	\$817,186	\$729,545	-\$87,641	-11%
Timing variance in relation to payment of waste services and tipping fees.				
Recreation and Culture	\$2,364,182	\$2,453,810	\$89,628	4%
Permanent variance (non-cash depreciation) - Higher than budgeted depreciation expense for buildings of \$108,000. Depreciation rates to be reviewed.				
Transport	\$1,519,278	\$2,208,621	\$689,343	45%
Permanent variation - depreciation processed for road assets significantly higher than budget figure (non-cash variation - review of rates to be undertaken).				
Economic Services	\$724,712	\$704,484	-\$20,228	-3%
Minor timing variance relating to expenditure for festivals support not utilised to date. Partial budget reallocation presented to Council as part of quarterly finance and costing reviews.				
Other Property & Services	-\$37,774	-\$33,743	\$4,031	-11%
No material variance to report.				
	\$6,858,433	\$7,471,705	\$613,272	9%

**SHIRE OF YORK
VARIANCE REPORT
FOR THE PERIOD ENDED 31 MARCH 2021**

CAPITAL PROGRAMME	YTD BUDGET	YTD ACTUALS	VAR TO BUDGET	VAR TO BUDGET
Land & Buildings	\$291,000	\$172,918	-\$118,082	-41%
Timing variance - Works carried forward from 2019/20 for Carparking upgrades at the Administration office not completed to date. Construction of Containers for Change shed complete and under budget by \$46,000 - purchase of forklift (\$18k) allocated to plant and equipment. Residency Museum project underway - expenditure lower than YTD budget.				
Infrastructure Assets - Roads				
	\$1,175,183	\$650,506	-\$524,677	-45%
Timing and permanent variances expected for 2020/21 financial year. Construction program underway however, some projects expected to be carried forward to 2021/22.				
Infrastructure Assets - Recreation Facilities	\$144,880	\$72,979	-\$71,901	-50%
Timing variance - Expenditure for Trails lower than anticipated for this time.				
Infrastructure Assets - Other	\$10,000	\$0	-\$10,000	-100%
Timing variance - lights to be installed at RV Parking area.				
Plant and Equipment	\$665,960	\$176,323	-\$489,637	-74%
Permanent variance approved with first quarter FACR to reduce budget by \$256,000. Only 4 small vehicle trades to date. Production delays expected to necessitate carry forwards to 2021/22. Water Truck expected to be purchased prior to 30 June 2020.				
Furniture and Equipment	\$41,000	\$37,224	-\$3,776	-9%
No material variance to report.				
	\$2,328,023	\$1,109,951	-\$1,218,072	-52%



**YORK RECREATION AND CONVENTION CENTRE
OPERATING STATEMENT
FOR THE PERIOD ENDED 31 MARCH 2021**

	2019/20 ADOPTED BUDGET	2019/20 YTD ACTUAL 30/06/2020	2019/20 COMPARISON 31/03/2020	2020/21 ADOPTED BUDGET	2020/21 YTD ACTUAL 31/03/2021	% OF BUDGET	2020/21 YTD ACTUAL 28/02/2021	MOVEMENT FEB-MAR
REVENUES								
FORREST OVAL LIGHTS INCOME	2,020	1,606	1,481	2,020	247	12%	95	152
YRCC INCOME - HIRE	5,050	1,501	1,501	2,500	1,549	62%	1,458	91
YRCC INCOME - GYM	22,220	15,851	15,503	20,000	18,619	93%	17,838	781
YRCC INCOME - CONFERENCES	35,350	19,330	18,748	35,704	25,596	72%	25,451	145
YRCC INCOME - BAR	191,900	141,337	133,612	193,819	123,607	64%	94,761	28,846
YRCC INCOME - CAFE/RESTAURANT	111,100	106,081	98,994	112,211	108,218	96%	83,718	24,500
YRCC INCOME - CANTEEN	30,300	10,762	10,762	30,603	251	1%	153	98
YRCC INCOME - GREEN FEES - BOWLS	0	75	75	0	1,420		1,403	17
YRCC INCOME - GREEN FEES - TENNIS	1,515	794	123	1,515	111	7%	95	16
	399,455	297,337	280,799	398,372	279,620	70%	224,972	54,648
COST OF SALES								
YRCC EXPENDITURE - GYM	11,506	7,221	6,017	11,013	8,195	74%	7,557	638
YRCC EXPENDITURE - CONFERENCES	28,946	15,547	14,992	23,099	23,330	101%	23,129	201
YRCC EXPENDITURE - BAR	142,994	91,918	90,161	147,670	81,971	56%	67,486	14,485
YRCC EXPENDITURE - CAFE/RESTAURANT	151,385	130,678	122,607	160,419	122,698	76%	102,117	20,581
YRCC EXPENDITURE - CANTEEN	21,398	10,587	10,551	21,982	2,162	10%	2,035	127
YRCC EXPENDITURE - BOWLS	10,644	4,263	4,263	11,270	329	3%	329	0
YRCC EXPENDITURE - TENNIS	10,644	702	702	11,087	5,151	46%	2,556	2,595
	377,517	260,917	249,293	386,540	243,836	63%	205,209	38,627
GROSS PROFIT	21,938	36,420	31,506	11,832	35,783	302%	19,763	16,020
CENTRE COSTS								
FORREST OVAL CONVENTION CENTRE	129,653	102,582	79,892	128,909	73,882	57%	58,093	15,789
YRCC MARKETING & PROMOTIONS	3,704	1,436	1,436	1,500	1,540	103%	1,540	0
RECREATION - SALARIES	77,745	55,435	50,087	93,088	41,088	44%	38,060	3,028
RECREATION - SUPERANNUATION	45,049	26,524	22,043	40,000	20,640	52%	18,423	2,217
YRCC OPERATIONAL & MARKETING PLAN	10,000	1,842	1,162	20,000	948	5%	404	544
	266,152	187,819	154,620	283,497	138,098	49%	116,520	21,578
PROFIT/(LOSS)	(244,214)	(151,399)	(123,114)	(271,664)	(102,315)	38%	(96,757)	(5,557)

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EFT25521	03/03/2021 BUILDING AND ENERGY	BSL REIMBURSEMENT FOR FEBRUARY 2021	2		4,569.96
INV T6	02/03/2021 BUILDING AND ENERGY	BSL REIMBURSEMENT FOR FEBRUARY 2021	2		4,569.96
EFT25522	03/03/2021 CONSTRUCTION TRAINING FUND	CTF COLLECTION FOR FEBRUARY 2021	2		3,334.39
INV T9	02/03/2021 CONSTRUCTION TRAINING FUND	CTF COLLECTION FOR FEBRUARY 2021	2		3,334.39
EFT25523	03/03/2021 JASON NIXON	JASON NIXON REFUND TOGGLE BOND #248393	2		50.00
INV T67	11/02/2021 JASON NIXON	JASON NIXON REFUND TOGGLE BOND #248393	2		50.00
EFT25524	03/03/2021 SHIRE OF YORK	BSL & CTF COLLECTION - AGENCY FEE FOR FEBRUARY 2021	2		94.75
INV T9	02/03/2021 SHIRE OF YORK	CTF COLLECTION - AGENCY FEE FOR FEBRUARY 2021	2		24.75
INV T6	02/03/2021 SHIRE OF YORK	BSL COLLECTION - AGENCY FEE FOR FEBRUARY 2021	2		70.00
EFT25525	03/03/2021 AFGRI EQUIPMENT AUSTRALIA PTY LTD	SUPPLY UNIVERSAL JOINT (AT207330) & SPIDER INCLUDING FREIGHT - JOHN DEERE LOADER Y600	1		403.74
INV 2005195	24/02/2021 AFGRI EQUIPMENT AUSTRALIA PTY LTD	SUPPLY UNIVERSAL JOINT (AT207330) & SPIDER INCLUDING FREIGHT - JOHN DEERE LOADER Y600	1		403.74
EFT25526	03/03/2021 ALL-WAYS FOODS (WA DISTRIBUTORS PTY LTD)	YRCC - FOOD PACKAGING SUPPLIES	1		49.00
INV 619598	10/02/2021 ALL-WAYS FOODS (WA DISTRIBUTORS PTY LTD)	YRCC - FOOD PACKAGING SUPPLIES	1		49.00
EFT25527	03/03/2021 ASB MARKETING	20/21 STAFF UNIFORM - PETER GALAGHER	1		96.20
INV 232811	22/02/2021 ASB MARKETING	20/21 STAFF UNIFORM - PETER GALAGHER	1		96.20
EFT25528	03/03/2021 ASHLEY ROBERT GARRATT	COUNCILLOR ALLOWANCES - FEBRUARY 2021	1		1,170.69
INV CRS PMT	28/02/2021 ASHLEY ROBERT GARRATT	COUNCILLOR ALLOWANCES - FEBRUARY 2021	1		1,170.69
EFT25529	03/03/2021 ATF SERVICES	HIRING OF 2 X CCTV TOWERS AT SKATE PARK AS PER (CONTINUE) 8/2/21-8/3/21	1		1,355.20
INV 2409111	08/02/2021 ATF SERVICES	HIRING OF 2 X CCTV TOWERS AT SKATE PARK AS PER (CONTINUE) 8/2/21-8/3/21	1		1,355.20
EFT25530	03/03/2021 AUSTRALIAN INSTITUTE OF MANAGEMENT	ELT PLANNING DAY (VENUE HIRE OF COX HOWLETT & BAILEY MEETING ROOM 28/1/21)	1		440.00
INV 7127161	12/02/2021 AUSTRALIAN INSTITUTE OF MANAGEMENT	ELT PLANNING DAY (VENUE HIRE OF COX HOWLETT & BAILEY MEETING ROOM 28/1/21)	1		440.00

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EFT25531	03/03/2021 AUSTRALIAN SERVICES UNION	UNION FEES	1		155.40
INV	23/02/2021 AUSTRALIAN SERVICES UNION	UNION FEES			155.40
EFT25532	03/03/2021 AVON VALLEY TYRE SERVICE	REPAIR TYRE ON TRUCK Y345 & REPAIR TYRE ON GRADER Y205	1		187.00
INV 1329	15/02/2021 AVON VALLEY TYRE SERVICE	REPAIR TYRE ON TRUCK Y345 & REPAIR TYRE ON GRADER Y205	1		187.00
EFT25533	03/03/2021 AVON WASTE	RUBBISH/ RECYCLING COLLECTION - 12/2/21	1		11,592.30
INV 00042871	12/02/2021 AVON WASTE	RUBBISH/ RECYCLING COLLECTION - 12/2/21	1		11,592.30
EFT25534	03/03/2021 BUNNINGS MIDLAND	SUPPLIES	1		953.29
INV	22/01/2021 BUNNINGS MIDLAND	SUPPLY 10 X BOXES OF PROTECTOR MASKS & 2 X ESKYS - OUTERMARK 110L PREMIUM ICE BOX COOLER - AUSTRALIA DAY EVENTS	1		369.50
INV	27/01/2021 BUNNINGS MIDLAND	SUPPLY 300KG PLATFORM TROLLEY - MUSEUM	1		61.75
INV	27/01/2021 BUNNINGS MIDLAND	SUPPLY BRACING & SHELVING - RESIDENCY MUSEUM	1		522.04
EFT25535	03/03/2021 BUSH CONTRACTING	DRY HIRE COMPACTOR 14/1/21 - YRCC TENNIS COURTS, DRY HIRE EXCAVATOR 19/1/21 INCLUDING FLOATING IN MORNING & AFTERNOON - MUSEUM, FLOAT MULTI ROLLER 21/1/21 - DOODENANNING RD & FLOAT STEEL ROLLER - TALBOT HALL RD	1		1,672.00
INV 6308	30/01/2021 BUSH CONTRACTING	DRY HIRE COMPACTOR 14/1/21 - YRCC TENNIS COURTS, DRY HIRE EXCAVATOR 19/1/21 INCLUDING FLOATING IN MORNING & AFTERNOON - MUSEUM, FLOAT MULTI ROLLER 21/1/21 - DOODENANNING RD & FLOAT STEEL ROLLER - TALBOT HALL RD	1		1,672.00
EFT25536	03/03/2021 CENTRAL DISTRICTS AIRCONDITIONING (CDA)	YRCC - REPLACE FAULTY COMPRESSOR ON WILLIAMS UPRIGHT FREEZER (PARTS, LABOUR, REFRIGERANT ETC)	1		1,561.60
INV 00011651	22/02/2021 CENTRAL DISTRICTS AIRCONDITIONING (CDA)	YRCC - REPLACE FAULTY COMPRESSOR ON WILLIAMS UPRIGHT FREEZER (PARTS, LABOUR, REFRIGERANT ETC)	1		1,561.60
EFT25537	03/03/2021 DARRYS PLUMBING AND GAS	PLUMBING SERVICES	1		2,376.42
INV 7677	17/02/2021 DARRYS PLUMBING AND GAS	EXCAVATE GRAVE 11/12/20 AT YORK CEMETERY	1		440.00
INV 7712	18/02/2021 DARRYS PLUMBING AND GAS	INSTALLATION OF CUSTOMER SUPPLIED ICE MACHINE (DEPOT)	1		284.88
INV 7711	18/02/2021 DARRYS PLUMBING AND GAS	REPAIRS TO IRRIGATION PUMP AT CANDICE BATEMAN PARK	1		118.46
INV 7710	18/02/2021 DARRYS PLUMBING AND GAS	EXCAVATION OF GRAVE (ROCK REMOVAL) 18/12/20 AT YORK CEMETERY	1		1,031.25

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INV 7690	18/02/2021 DARRYS PLUMBING AND GAS	SUPPLY & REPLACE TAP AT WAR MEMORIAL PARK	1	185.58	
INV 7691	18/02/2021 DARRYS PLUMBING AND GAS	EXCAVATE GRAVE 25/1/21 AT THE CEMETERY	1	316.25	
EFT25538	03/03/2021 DENESE EILEEN SMYTHE	COUNCILLOR ALLOWANCES - FEBRUARY 2021	1		3,037.87
INV 0CRS PMT	28/02/2021 DENESE EILEEN SMYTHE	COUNCILLOR ALLOWANCES - FEBRUARY 2021	1		3,037.87
EFT25539	03/03/2021 DENIS CHARLES WARNICK	COUNCILLOR ALLOWANCES - FEBRUARY 2021	1		1,495.10
INV CRS PMT	28/02/2021 DENIS CHARLES WARNICK	COUNCILLOR ALLOWANCES - FEBRUARY 2021	1		1,495.10
EFT25540	03/03/2021 DEPARTMENT OF FIRE & EMERGENCY SERVICES (DFES)	ESL 20/21 QUARTER 3	1		71,658.90
INV 15188	19/02/2021 DEPARTMENT OF FIRE & EMERGENCY SERVICES (DFES)	ESL 20/21 QUARTER 3	1		71,658.90
EFT25541	03/03/2021 DEPARTMENT OF HUMAN SERVICES (CHILD SUPPORT)	SUPPORT PAYMENT	1		495.01
INV	23/02/2021 DEPARTMENT OF HUMAN SERVICES (CHILD SUPPORT)	SUPPORT PAYMENT			495.01
EFT25542	03/03/2021 ESTHER CLAIRE BLISS	RATES REFUND A7270 - 68 MACARTNEY ST YORK 6302	1		502.65
INV A7270	02/03/2021 ESTHER CLAIRE BLISS	RATES REFUND A7270 - 68 MACARTNEY ST YORK 6302			502.65
EFT25543	03/03/2021 FOCUS NETWORKS	COMPUTER SUPPORT	1		3,870.09
INV 8995G	10/02/2021 FOCUS NETWORKS	OFFICE 365 BUSINESS & ENTERPRISE ANNUAL LICENSE SUBSCRIPTION	1		30.98
INV 11502	11/02/2021 FOCUS NETWORKS	COMPUTER SUPPORT (FEBRUARY 2021) - MANAGED PROACTIVE SERVICES 2020/2021	1		3,278.11
INV 8996G	17/02/2021 FOCUS NETWORKS	RELOCATE MUSEUM PC'S & FIREWALL X 2 - MUSEUM TO YORK SOCIETY BUILDING	1		561.00
EFT25544	03/03/2021 FUEL DISTRIBUTORS	SUPPLY 2 X LITHPLEX TAC EP2 GREASE CARTRIDGES 450GM (20 PER CARTON)	1		204.16
INV L10529	10/02/2021 FUEL DISTRIBUTORS	SUPPLY 2 X LITHPLEX TAC EP2 GREASE CARTRIDGES 450GM (20 PER CARTON)	1		204.16
EFT25545	03/03/2021 INVARION RAPIDPLAN PTY LTD	RAPIDPLAN SINGLE USER SOFTWARE LICENCE TO CREATE TRAFFIC MANAGEMENT PLANS	1		412.50
INV 4303	16/02/2021 INVARION RAPIDPLAN PTY LTD	RAPIDPLAN SINGLE USER SOFTWARE LICENCE TO CREATE TRAFFIC MANAGEMENT PLANS	1		412.50

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EFT25546	03/03/2021 IT VISION	MONTHLY PAYROLL SERVICES - JANUARY 2021	1		1,885.40
INV 34721	29/01/2021 IT VISION	MONTHLY PAYROLL SERVICES - JANUARY 2021	1		1,885.40
EFT25547	03/03/2021 ITR PACIFIC PTY LTD	SUPPLY GRADER BLADES - Y205 & Y130	1		1,540.00
INV 417961	11/02/2021 ITR PACIFIC PTY LTD	SUPPLY GRADER BLADES - Y205 & Y130	1		770.00
INV 417962	16/02/2021 ITR PACIFIC PTY LTD	SUPPLY GRADER BLADES - Y205 & Y130	1		770.00
EFT25548	03/03/2021 IXOM OPERATIONS PTY LTD	SUPPLY 3 X 70KG CHLORINE DRUMS - YORK SWIMMING POOL	1		1,511.53
INV 6350069	15/02/2021 IXOM OPERATIONS PTY LTD	SUPPLY 3 X 70KG CHLORINE DRUMS - YORK SWIMMING POOL	1		1,511.53
EFT25549	03/03/2021 JAMES BENNETT PTY LTD	PURCHASE OF NEW LIBRARY ITEMS	1		90.17
INV 4741924	19/02/2021 JAMES BENNETT PTY LTD	PURCHASE OF NEW LIBRARY ITEMS	1		90.17
EFT25550	03/03/2021 JANE ELISE FERRO	COUNCILLOR ALLOWANCES - FEBRUARY 2021	1		1,170.69
INV CRS PMT	28/02/2021 JANE ELISE FERRO	COUNCILLOR ALLOWANCES - FEBRUARY 2021	1		1,170.69
EFT25551	03/03/2021 JOHN SEMAN	PARTIAL REFUND ADULT SEASON POOL PASS	1		30.00
INV REFUND	26/02/2021 JOHN SEMAN	PARTIAL REFUND ADULT SEASON POOL PASS	1		30.00
EFT25552	03/03/2021 JOHN SIMMONDS CONTRACTING	HIRE OF AQUA RUN FOR AUSTRALIA DAY AT THE SWIMING POOL 26/1/21	1		350.00
INV 017	22/02/2021 JOHN SIMMONDS CONTRACTING	HIRE OF AQUA RUN FOR AUSTRALIA DAY AT THE SWIMING POOL 26/1/21	1		350.00
EFT25553	03/03/2021 JR & A HERSEY	SUPPLY MEASURE TAPES, NYLON CABLE, SUNGLASSES, COVERALLS & GLOVES - OUTSIDE STAFF	1		742.63
INV S45405	10/02/2021 JR & A HERSEY	SUPPLY MEASURE TAPES, NYLON CABLE, SUNGLASSES, COVERALLS & GLOVES - OUTSIDE STAFF	1		742.63
EFT25554	03/03/2021 KEVIN RICHARD TRENT	COUNCILLOR ALLOWANCES & TRAVEL REIMBURSEMENT - FEBRUARY 2021	1		1,348.35
INV TRAVEL	23/02/2021 KEVIN RICHARD TRENT	TRAVEL REIMBURSEMENT - TRAVEL TO PERTH 21-22/2/20 FOR WALGA TRAINING 100KM (INFRASTRUCTURE MANAGEMENT) INCLUDING ACCOMMODATION AT METRO HOTEL	1		177.66
INV CRS PMT	28/02/2021 KEVIN RICHARD TRENT	COUNCILLOR ALLOWANCES - FEBRUARY 2021	1		1,170.69
EFT25555	03/03/2021 LANDGATE	ONLINE MAPPING SLIP SUBSCRIPTION SERVICES 20/21	1		2,505.90

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INV 67890050	15/02/2021 LANDGATE	ONLINE MAPPING SLIP SUBSCRIPTION SERVICES 20/21	1	2,505.90	
EFT25556	03/03/2021 LEON PRATT	3 PIECE MUSICAL PERFORMANCE AT 2021 AUSTRALIA DAY	1	300.00	
INV 00481	27/01/2021 LEON PRATT	3 PIECE MUSICAL PERFORMANCE AT 2021 AUSTRALIA DAY	1	300.00	
EFT25557	03/03/2021 LIQUID MIX (WA) PTY LTD	YRCC - BEVERAGE SUPPLIES	1	3,452.25	
INV 000516544	16/02/2021 LIQUID MIX (WA) PTY LTD	YRCC - BEVERAGE SUPPLIES	1	3,452.25	
EFT25558	03/03/2021 LOCAL GOVERNMENT PROFESSIONALS AUSTRALIA WA	IGNITE MANAGEMENT PROGRAM TRAINING 22-24 FEB 2021 - (2) EMPLOYEES	1	4,811.00	
INV 19958	04/01/2021 LOCAL GOVERNMENT PROFESSIONALS AUSTRALIA WA	IGNITE MANAGEMENT PROGRAM TRAINING 22-24 FEB 2021- WILLIAM NUNN	1	2,465.00	
INV 19957	04/01/2021 LOCAL GOVERNMENT PROFESSIONALS AUSTRALIA WA	IGNITE MANAGEMENT PROGRAM TRAINING 22-24 FEB 2021 - TABITHA BATEMAN	1	2,346.00	
EFT25559	03/03/2021 LUCINDAS EVERLASTINGS	SUPPLY EVERLASTING SEED PACKETS FOR RESALE STOCK - YORK VISITOR CENTRE	1	145.00	
INV 4062	11/02/2021 LUCINDAS EVERLASTINGS	SUPPLY EVERLASTING SEED PACKETS FOR RESALE STOCK - YORK VISITOR CENTRE	1	145.00	
EFT25560	03/03/2021 MAL AUTOMOTIVES	VEHICLE SERVICES & REPAIRS	1	1,279.45	
INV 26152	18/02/2021 MAL AUTOMOTIVES	REBUILD BOTH HYDRAULIC RAMS ON TRUCK Y711	1	774.70	
INV 26159	19/02/2021 MAL AUTOMOTIVES	SERVICE ON FORD RANGER 1GTN498	1	504.75	
EFT25561	03/03/2021 MCLEODS BARRISTERS AND SOLICITORS	LEGAL ADVICE FOR AVON WALK TRAILS - MATTER 45684	1	117.66	
INV 117410	28/01/2021 MCLEODS BARRISTERS AND SOLICITORS	LEGAL ADVICE FOR AVON WALK TRAILS - MATTER 45684	1	117.66	
EFT25562	03/03/2021 OFFICEWORKS	OFFICE SUPPLIES	1	973.73	
INV 15179304	25/01/2021 OFFICEWORKS	SUPPLY BUBBLE WRAP INCLUDING BULKY DELIVERY - RESIDENCY MUSEUM	1	207.93	
INV 15569636	10/02/2021 OFFICEWORKS	SUPPLY LOGITECH M171 WIRELESS MOUSE X 3 - DEPOT & DISPLAY PORT TO HDMI CABLE X 3 - ADMIN OFFICE	1	194.95	
INV 15717989	17/02/2021 OFFICEWORKS	SUPPLY MICROSOFT WIRED KEYBOARD & MOUSE X 2 - MUSEUM	1	97.95	
INV 15810895	20/02/2021 OFFICEWORKS	SUPPLY A4 CERTIFICATE FRAMES INCLUDING DELIVERY	1	53.95	
INV 15875739	24/02/2021 OFFICEWORKS	SUPPLY 1 X PROFESSIONAL ELECTRONIC 890MM SIT STAND DESK BLACK IONCLUDING FREIGHT - DEPOT	1	418.95	
EFT25563	03/03/2021 PAMELA HELEN HEATON	COUNCILLOR ALLOWANCES - FEBRUARY 2021	1	1,170.69	

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INV OCRS PMT	28/02/2021 PAMELA HELEN HEATON	COUNCILLOR ALLOWANCES - FEBRUARY 2021	1	1,170.69	
EFT25564	03/03/2021 PETTY CASH	PETTY CASH RECOUP - ADMIN	1		316.95
INV PETTY	25/02/2021 PETTY CASH	PETTY CASH RECOUP - ADMIN	1	316.95	
EFT25565	03/03/2021 PFD FOOD SERVICES PTY LTD	YRCC - FOOD SUPPLIES	1		597.25
INV KX292286	12/02/2021 PFD FOOD SERVICES PTY LTD	YRCC - FOOD SUPPLIES	1	597.25	
EFT25566	03/03/2021 ROUS ELECTRICAL	ELECTRICAL SERVICES	1		1,521.65
INV 00002712	10/02/2021 ROUS ELECTRICAL	REPAIRS TO LIGHTING AND DAYLIGHT SENSOR AROUND AVON PARK TOILETS	1	445.85	
INV 00002718	16/02/2021 ROUS ELECTRICAL	SUPPLY AND REPLACEMENT OF GLOBES FOR HOWICK STREET CARPARK LIGHTS	1	1,075.80	
EFT25567	03/03/2021 SEEK LIMITED	SEEK ADVERT - COUNCIL & EXECUTIVE OFFICER 24/2/21	1		324.50
INV 97323029	24/02/2021 SEEK LIMITED	SEEK ADVERT - COUNCIL & EXECUTIVE OFFICER 24/2/21	1	324.50	
EFT25568	03/03/2021 SEWELLYS SPANNERS	REPAIRS ON SMALL PLANT - P122	1		147.50
INV 968	11/02/2021 SEWELLYS SPANNERS	REPAIRS ON SMALL PLANT - P122	1	147.50	
EFT25569	03/03/2021 SHERRIN RENTALS	DRY HIRE 16000L WATER TRUCK 1/12/20-31/12/20 - BERRYBROW RD & TALBOT HALL RD	1		6,256.25
INV	31/12/2020 SHERRIN RENTALS	DRY HIRE 16000L WATER TRUCK 1/12/20-31/12/20 - BERRYBROW RD & TALBOT HALL RD	1	6,256.25	
EFT25570	03/03/2021 SHIRE OF NORTHAM	TIPPING FEES - JANUARY 2021	1		6,860.85
INV 24661	11/02/2021 SHIRE OF NORTHAM	TIPPING FEES - JANUARY 2021	1	6,860.85	
EFT25571	03/03/2021 ST JOHN AMBULANCE ASSOCIATION - YORK	SUPPLY 2 X FIRST AID KITS FOR VEHICLES AT SHIRE DEPOT	1		129.80
INV 00207435	16/02/2021 ST JOHN AMBULANCE ASSOCIATION - YORK	SUPPLY 2 X FIRST AID KITS FOR VEHICLES AT SHIRE DEPOT	1	129.80	
EFT25572	03/03/2021 ST JOHN AMBULANCE WESTERN AUSTRALIA LTD	FIRST AID REFRESHER TRAINING - VISITORS CENTRE STAFF (MICHELE PAUL)	1		89.00
INV 00746491	18/02/2021 ST JOHN AMBULANCE WESTERN AUSTRALIA LTD	FIRST AID REFRESHER TRAINING - VISITORS CENTRE STAFF (MICHELE PAUL)	1	89.00	
EFT25573	03/03/2021 STEPHEN EDWARD MUHLEISEN	COUNCILLOR ALLOWANCES - FEBRUARY 2021	1		1,170.69
INV CRS PMT	28/02/2021 STEPHEN EDWARD MUHLEISEN	COUNCILLOR ALLOWANCES - FEBRUARY 2021	1	1,170.69	

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EFT25574	03/03/2021 SYNERGY	ELECTRICITY	1		10,346.10
INV 335462750	10/02/2021 SYNERGY	ELECTRICITY 20/1/21-10/2/21 - YRCC	1		2,923.28
INV 335462800	10/02/2021 SYNERGY	ELECTRICITY 20/1/21-10/2/21 - ADMIN, TOWN HALL & YVC	1		1,071.89
INV 696999050	10/02/2021 SYNERGY	ELECTRICITY 24/12/20-10/2/21 - PEACE PARK	1		243.20
INV 254322430	12/02/2021 SYNERGY	ELECTRICITY 10/12/20-12/2/21 - DEPOT	1		1,179.11
INV 102393870	15/02/2021 SYNERGY	ELECTRICITY 11/12/20-15/2/21 - ULSTER RD DAM	1		119.26
INV 640233070	15/02/2021 SYNERGY	ELECTRICITY 11/12/20-15/2/21 - WAR MEMORIAL GARDENS	1		121.11
INV 108761310	16/02/2021 SYNERGY	ELECTRICITY 15/1/21-16/2/21 - SWIMMING POOL	1		2,536.16
INV 749237470	16/02/2021 SYNERGY	ELECTRICITY 14/12/20-16/2/21 - MT BAKEWELL REPEATER STATION	1		139.32
INV 114094980	17/02/2021 SYNERGY	ELECTRICITY 24/12/20-17/2/21 - HOWICK ST TOILETS	1		159.46
INV 214919920	17/02/2021 SYNERGY	ELECTRICITY 4/1/21-17/2/21 - OLD INFANT HEALTH	1		229.08
INV 512901920	17/02/2021 SYNERGY	ELECTRICITY 17/12/20-17/2/21 - FORREST OVAL BORE PUMP	1		120.82
INV 240740670	17/02/2021 SYNERGY	ELECTRICITY 29/12/20-17/2/21 - OLD CONVENT SCHOOL	1		102.66
INV 468663930	19/02/2021 SYNERGY	ELECTRICITY 16/12/20-19/2/21 - AVON PARK TOILETS	1		320.62
INV 584238150	19/02/2021 SYNERGY	ELECTRICITY 16/12/20-19/2/21 - AVON PARK RETIC PUMP	1		119.26
INV 369981610	19/02/2021 SYNERGY	ELECTRICITY 16/12/20-19/2/21 - CANDICE BATEMAN PARK	1		201.65
INV 522515390	19/02/2021 SYNERGY	ELECTRICITY 16/12/20-9/2/21 - AVON PARK	1		249.71
INV 573203950	22/02/2021 SYNERGY	ELECTRICITY 17/12/20-27/2/21 - RESIDENCY MUSEUM	1		389.96
INV 314003710	22/02/2021 SYNERGY	ELECTRICITY 17/12/20-22/2/21 - CEMETERY	1		119.55
EFT25575	03/03/2021 TOLL TRANSPORT GROUP	FREIGHT	1		136.42
INV 0423	07/02/2021 TOLL TRANSPORT GROUP	FREIGHT - 1-3/2/21	1		63.21
INV 0424	15/02/2021 TOLL TRANSPORT GROUP	FREIGHT - 9-10/2/21	1		73.21
EFT25576	03/03/2021 VISIT BRANDS PTY LTD	SUPPLY MISCELLANEOUS STOCK FOR RESALE - YORK VISITOR CENTRE	1		711.43
INV	04/02/2021 VISIT BRANDS PTY LTD	SUPPLY MISCELLANEOUS STOCK FOR RESALE - YORK VISITOR CENTRE	1		711.43
EFT25577	03/03/2021 WA CONTRACT RANGER SERVICES PTY LTD	CONTRACT RANGER SERVICES	1		3,393.50
INV 03176	15/02/2021 WA CONTRACT RANGER SERVICES PTY LTD	CONTRACT RANGER SERVICES - 13/1/21-9/2/21	1		2,200.00
INV 03180	25/02/2021 WA CONTRACT RANGER SERVICES PTY LTD	CONTRACT RANGER SERVICES - 10/2/21-24/2/21	1		1,193.50

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EFT25578	03/03/2021 WESTERN AUSTRALIAN TREASURY CORPORATION	LOAN REPAYMENTS - LOAN 65 - CONTRIBUTION TO YORK SOCIETY	1		3,697.09
INV 65	03/03/2021 WESTERN AUSTRALIAN TREASURY CORPORATION	LOAN REPAYMENTS - LOAN 65 - CONTRIBUTION TO YORK SOCIETY		3,697.09	
EFT25579	03/03/2021 YORK & DISTRICT CO-OPERATIVE LTD	MONTHLY SUPPLIES & REFRESHMENTS (ADMIN, YVC, & DEPOT) - JANUARY 2021	1		595.75
INV 641205928	31/01/2021 YORK & DISTRICT CO-OPERATIVE LTD	MONTHLY SUPPLIES & REFRESHMENTS (ADMIN, YVC, & DEPOT) - JANUARY 2021	1	595.75	
EFT25580	03/03/2021 YORK AUTO ELECTRICS	SUPPLY 1 X 80 CHANNEL GME UHF RADIO FOR GRADER	1		396.00
INV 15831	02/02/2021 YORK AUTO ELECTRICS	SUPPLY 1 X 80 CHANNEL GME UHF RADIO FOR GRADER	1	396.00	
EFT25581	03/03/2021 YORK GENERAL PRACTICE	PRE-EMPLOYMENT MEDICALS – SHIRE EMPLOYEES	1		297.00
INV 182581	15/02/2021 YORK GENERAL PRACTICE	PRE-EMPLOYMENT MEDICAL (YRCC) 15/2/21 - PAULA SCHREUDER	1	148.50	
INV 183190	24/02/2021 YORK GENERAL PRACTICE	PRE-EMPLOYMENT MEDICAL (YRCC) 24/2/21 - FIONA O'BRIEN	1	148.50	
EFT25582	03/03/2021 YORK QUALITY BUTCHERS	SAFETY BONUS 27 OCTOBER 2020 - 27 JANUARY 2021 - R. MACKENZIE, N. THOMAS, R. MEGEE & C. STRICKLAND	1		400.00
INV 1882	19/02/2021 YORK QUALITY BUTCHERS	SAFETY BONUS 27 OCTOBER 2020 - 27 JANUARY 2021 - R. MACKENZIE, N. THOMAS, R. MEGEE & C. STRICKLAND	1	400.00	
EFT25583	03/03/2021 YORK RACING INC	HIRE OF MARQUEES FOR AUSTRALIA DAY 2021	1		550.00
INV 368	13/01/2021 YORK RACING INC	HIRE OF MARQUEES FOR AUSTRALIA DAY 2021	1	550.00	
EFT25584	03/03/2021 YORK SWIMMING CLUB (INC)	SET UP AND TAKE DOWN OF MARQUEES, CHAIRS, ETC FOR AUSTRALIA DAY 2021	1		1,400.00
INV 00000001	12/02/2021 YORK SWIMMING CLUB (INC)	SET UP AND TAKE DOWN OF MARQUEES, CHAIRS, ETC FOR AUSTRALIA DAY 2021	1	1,400.00	
EFT25585	10/03/2021 FUEL DISTRIBUTORS	SUPPLY 7000LTS OF DISTILLATE @ \$1.28709 PER LITRE FOR THE DEPOT	1		8,869.63
INV 38102055	03/03/2021 FUEL DISTRIBUTORS	SUPPLY 7000LTS OF DISTILLATE @ \$1.28709 PER LITRE FOR THE DEPOT	1	8,869.63	
EFT25586	10/03/2021 HEADWORKS CONSULTING	FINAL COACHING SESSION (2 X HRS) INCLUDING TRAVEL COSTS	1		594.00
INV 00001255	06/10/2020 HEADWORKS CONSULTING	FINAL COACHING SESSION (2 X HRS) INCLUDING TRAVEL COSTS	1	594.00	
EFT25587	10/03/2021 RIVER CONSERVATION SOCIETY INC	COMMUNITY FUNDING - SPONSORSHIP PROVISION TO SUPPORT PURCHASE OF DURABLE EQUIPMENT TO SUPPORT THE YORK RIVER & RESERVES RESTORATION PROJECTS	1		10,185.58

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INV 18	04/03/2021 RIVER CONSERVATION SOCIETY INC	COMMUNITY FUNDING - SPONSORSHIP PROVISION TO SUPPORT PURCHASE OF DURABLE EQUIPMENT TO SUPPORT THE YORK RIVER & RESERVES RESTORATION PROJECTS	1	10,185.58	
EFT25588	10/03/2021 THE YORK SOCIETY (INC)	FIRST PAYMENT 80% - 20/21 SPONSORSHIP - RES 060520	1	5,200.00	
INV 20200934	08/03/2021 THE YORK SOCIETY (INC)	FIRST PAYMENT 80% - 20/21 SPONSORSHIP - RES 060520	1	5,200.00	
EFT25589	18/03/2021 CHRISTOPHER PULLIN	CHRIS PULLIN CAT TRAP BOND X 2 #248293	2	178.00	
INV T1	12/03/2021 CHRISTOPHER PULLIN	CHRIS PULLIN CAT TRAP BOND X 2 #248293	2	178.00	
EFT25590	18/03/2021 GILBA DOWNS	INDOOR STADIUM AND KEY BOND #248681	2	200.00	
INV T83	10/03/2021 GILBA DOWNS	INDOOR STADIUM AND KEY BOND #248681	2	200.00	
EFT25591	18/03/2021 NICOLA RUSSO	NICOLA RUSSO CAT TRAP BOND REFUND #248657	2	89.00	
INV T1	10/03/2021 NICOLA RUSSO	NICOLA RUSSO CAT TRAP BOND REFUND #248657	2	89.00	
EFT25592	18/03/2021 RONALD WILLIAM STARK	RON STARK REFUND CAT TRAP BOND #248606	2	89.00	
INV T1	18/03/2021 RONALD WILLIAM STARK	RON STARK REFUND CAT TRAP BOND #248606	2	89.00	
EFT25593	18/03/2021 SHIRE OF YORK	FORFEIT TOGGLE REFUNDS	2	300.00	
INV T67	10/03/2021 SHIRE OF YORK	MORGAN ASHWORTH TOG 423 NOT RETURNED FORFEIT BOND	2	50.00	
INV T67	10/03/2021 SHIRE OF YORK	KEMPIN AND RODGERS TOG 466 &129 NOT RETURNED FORFEIT	2	100.00	
INV T67	10/03/2021 SHIRE OF YORK	LUKE COLLINS TOG429 NOT RETURNED FORFEIT	2	50.00	
INV T67	10/03/2021 SHIRE OF YORK	SHANTI SINNATAMBY TOG 349 NOT RETURNED FORFEIT	2	50.00	
INV T47	10/03/2021 SHIRE OF YORK	LAWRENCE JAMES SWIPECARD POOR COND FORFEIT # 174371	2	50.00	
EFT25594	18/03/2021 AUSCOINSWEST	SUPPLY YORK COMMEMORATIVE COINS & ALBUMS - PURCHASED FOR RESALE AT YORK VISITOR CENTRE	1	698.50	
INV 265	24/02/2021 AUSCOINSWEST	SUPPLY YORK COMMEMORATIVE COINS & ALBUMS - PURCHASED FOR RESALE AT YORK VISITOR CENTRE	1	698.50	
EFT25595	18/03/2021 AUSTRALIAN SERVICES UNION	UNION FEES	1	155.40	
INV	09/03/2021 AUSTRALIAN SERVICES UNION	UNION FEES		155.40	
EFT25596	18/03/2021 AVON ARC TEST & TAG	TEST AND TAG OF SHIRE FIRE EXTINGUISHERS	1	724.50	

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INV 2000	01/03/2021 AVON ARC TEST & TAG	TEST AND TAG OF SHIRE FIRE EXTINGUISHERS	1	724.50	
EFT25597	18/03/2021 AVON EXPRESS	PICK UP 4 EMPTY DRUMS & RETURN TO IXOM & COLLECT 4 FULL CHRLORINE DRUMS AND DELIVER TO YORK SWIMMING POOL 15-16/2/21	1	539.00	
INV AE8449	26/02/2021 AVON EXPRESS	PICK UP 4 EMPTY DRUMS & RETURN TO IXOM & COLLECT 4 FULL CHRLORINE DRUMS AND DELIVER TO YORK SWIMMING POOL 15-16/2/21	1	539.00	
EFT25598	18/03/2021 AVON VALLEY AG	SUPPLY GROSORB GRANULATED FERTILISER 25L X 25 & BRILLIANCE 20KG X 25 - SUNDRY PARKS	1	2,679.88	
INV II11022	05/03/2021 AVON VALLEY AG	SUPPLY GROSORB GRANULATED FERTILISER 25L X 25 & BRILLIANCE 20KG X 25 - SUNDRY PARKS	1	2,679.88	
EFT25599	18/03/2021 AVON VALLEY GLASS	EMERGENCY REPAIRS TO ROLLER SHUTTER (AFTER BREAK-IN) YORK SWIMMING POOL	1	328.80	
INV 00011451	31/12/2020 AVON VALLEY GLASS	EMERGENCY REPAIRS TO ROLLER SHUTTER (AFTER BREAK-IN) YORK SWIMMING POOL	1	328.80	
EFT25600	18/03/2021 AVON VALLEY TYRE SERVICE	REPAIR TYRE - CEO VEHICLE	1	55.00	
INV 1732	10/03/2021 AVON VALLEY TYRE SERVICE	REPAIR TYRE - CEO VEHICLE	1	55.00	
EFT25601	18/03/2021 AVON VALLEY WINDSCREENS	SUPPLY 3 X TUBES OF FILLING SEALANT TO FILL CRACKS IN THE WOOD STRUCTURE OF THE CLIMBING FRAME AND SEE SAW AT AVON PARK	1	72.00	
INV 1557	03/03/2021 AVON VALLEY WINDSCREENS	SUPPLY 3 X TUBES OF FILLING SEALANT TO FILL CRACKS IN THE WOOD STRUCTURE OF THE CLIMBING FRAME AND SEE SAW AT AVON PARK	1	72.00	
EFT25602	18/03/2021 BLING DESIGN	GRAPHIC DESIGN	1	1,840.00	
INV 1832	26/02/2021 BLING DESIGN	GRAPHIC DESIGN AND PRINT READY FILES FOR LARGE FORMAT SIGNAGE - INFORMATION BAY MAP & WELCOME SIGN	1	800.00	
INV 1833	26/02/2021 BLING DESIGN	15 HOURS OF GRAPHIC DESIGN WORK INCLUDING EDITS TO THE YORK VISITOR BROCHURE AND ADDITIONS OF NEW BUSINESSES TO DIRECTORY AND ADVERTISEMENTS	1	1,040.00	
EFT25603	18/03/2021 BLUE FORCE PTY LTD	ALARM MONITORING 1/3/21-31/3/21 - YVC	1	20.00	
INV 122018	02/03/2021 BLUE FORCE PTY LTD	ALARM MONITORING 1/3/21-31/3/21 - YVC	1	20.00	
EFT25604	18/03/2021 BOC GASES	SUPPLY VARIOUS GAS & ANNUAL CONTAINER RENTAL 29/1/21-25/2/21	1	58.99	
INV	26/02/2021 BOC GASES	SUPPLY VARIOUS GAS & ANNUAL CONTAINER RENTAL 29/1/21-25/2/21	1	58.99	

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EFT25605	18/03/2021 BUSH CONTRACTING	PLANT HIRE	1		13,453.00
INV 6312	01/03/2021 BUSH CONTRACTING	LOADER HIRE (2 DAYS) 22-23/2/21 FOR WORK ON TALBOT RD LRCI PROJECT & HIRE RAKE BUCKET 23/2/21 - RV PARK	1	2,365.00	
INV 6309	01/03/2021 BUSH CONTRACTING	WET HIRE OF 2 X SEMI SIDE TIPPERS (4 DAYS) 18,19,22-23/2/21 FOR WORO ON TALBOT ROAD - WIDENING - LRCI PROJECT 20/21	1	10,692.00	
INV 6311	01/03/2021 BUSH CONTRACTING	FLOAT ROLLER FROM BERRYBROW ROAD TO TALBOT HALL ROAD 2/2/21	1	396.00	
EFT25606	18/03/2021 CARLTON UNITED BREWERS	YRCC - BULK BEER SUPPLIES	1		2,879.76
INV	11/03/2021 CARLTON UNITED BREWERS	YRCC - BULK BEER SUPPLIES	1	2,879.76	
EFT25607	18/03/2021 CENTRAL DISTRICTS AIRCONDITIONING (CDA)	AIR CONDITIONER SERVICING	1		414.00
INV 00011884	09/02/2021 CENTRAL DISTRICTS AIRCONDITIONING (CDA)	SUMMER OPEN UP SERVICE - EVAPORATIVE & SPLIT SYSTEM - TOWN HALL	1	175.00	
INV 00011899	11/02/2021 CENTRAL DISTRICTS AIRCONDITIONING (CDA)	ANNUAL A/C SERVICE - UNIT 4 (40) MACARTNEY ST, YORK	1	70.00	
INV 00011978	26/02/2021 CENTRAL DISTRICTS AIRCONDITIONING (CDA)	ANNUAL A/C SERVICE - UNIT 1 (40) MACARTNEY ST, YORK	1	49.00	
INV 00011976	26/02/2021 CENTRAL DISTRICTS AIRCONDITIONING (CDA)	ANNUAL A/C SERVICE - 24 FORD ST	1	120.00	
EFT25608	18/03/2021 CJD EQUIPMENT PTY LTD	PLANT SUPPLIES	1		129.68
INV 2183269	24/02/2021 CJD EQUIPMENT PTY LTD	SUPPLY 1 X V12733885 SLEEVE - GRADER VOLVO G 930 2006 Y205	1	60.21	
INV 2186632	03/03/2021 CJD EQUIPMENT PTY LTD	SUPPLY ACTUATOR & 4 FLANGE LOCK NUTS INCLUDING FREIGHT - GRADER Y205	1	69.47	
EFT25609	18/03/2021 COOL CLEAR WATER GROUP LIMITED	WATER FILTRATION UNIT 1/3/21-31/3/21 - SHIRE ADMINISTRATION BUILDING	1		67.32
INV	01/03/2021 COOL CLEAR WATER GROUP LIMITED	WATER FILTRATION UNIT 1/3/21-31/3/21 - SHIRE ADMINISTRATION BUILDING	1	67.32	
EFT25610	18/03/2021 CREDIT MANAGEMENT AUSTRALIA POST	POSTAGE - FEBRUARY 2021 & ANNUAL PO BOX CHARGES	1		1,390.88
INV	03/03/2021 CREDIT MANAGEMENT AUSTRALIA POST	POSTAGE - FEBRUARY 2021 & ANNUAL PO BOX CHARGES	1	1,390.88	
EFT25611	18/03/2021 CRIMEA GROWERS MARKET	YRCC - FOOD SUPPLIES	1		386.87
INV 00004980	23/02/2021 CRIMEA GROWERS MARKET	YRCC - FOOD SUPPLIES	1	121.81	
INV 00005013	02/03/2021 CRIMEA GROWERS MARKET	YRCC - FOOD SUPPLIES	1	122.06	
INV 00005046	09/03/2021 CRIMEA GROWERS MARKET	YRCC - FOOD SUPPLIES	1	143.00	
EFT25612	18/03/2021 DARRYS PLUMBING AND GAS	PLUMBING SERVICES	1		4,898.45

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INV 7694	18/02/2021 DARRYS PLUMBING AND GAS	REPLACE FLIP TAP FOR BATHROOM BASIN & RECTIFY PROBLEM WITH THE SHOWER TAPS (UNIT 4, 40 MACARTNEY ST)	1	426.95	
INV 7693	18/02/2021 DARRYS PLUMBING AND GAS	REPAIR WATER FOUNTAIN TAP & INSTALL NOZZLE AT THE AVON PARK PLAYGROUND	1	220.00	
INV 7692	18/02/2021 DARRYS PLUMBING AND GAS	UNBLOCK SHOWER DRAIN - 24 FORD ST	1	104.50	
INV 7702	18/02/2021 DARRYS PLUMBING AND GAS	INSTALL OUTSIDE TAP AT WOMEN'S WHEATBELT HEALTH HUB	1	495.00	
INV 7752	26/02/2021 DARRYS PLUMBING AND GAS	REPLACE SOLAR HOT WATER SYSTEM WITH VITREOUS ENAMEL SOLAR SYSTEM WITH ADDITIONAL FROST VALUE AS PER QUOTE 8643 - 75 OSNABURG ROAD	1	3,652.00	
EFT25613	18/03/2021 DEPARTMENT OF HUMAN SERVICES (CHILD SUPPORT)	SUPPORT PAYMENT	1		495.01
INV	09/03/2021 DEPARTMENT OF HUMAN SERVICES (CHILD SUPPORT)	SUPPORT PAYMENT			495.01
EFT25614	18/03/2021 DEPARTMENT OF WATER & ENVIRONMENT REGULATION	WASTE TRANSFER STATION ANNUAL LICENCE RENEWAL FEE 2021 WL7002/1997/8- YORK WASTE TRANSFER STATION	1		1,624.00
INV	03/03/2021 DEPARTMENT OF WATER & ENVIRONMENT REGULATION	WASTE TRANSFER STATION ANNUAL LICENCE RENEWAL FEE 2021 WL7002/1997/8- YORK WASTE TRANSFER STATION	1		1,624.00
EFT25615	18/03/2021 FERN COURT ENTERPRISES PTY LTD	SUPPLY 701.72M ³ OF GRAVEL FROM EMIN PIT @\$3.50 PER CM ROYALTY PAYMENT FOR WORK ON TALBOT HALL ROAD PRICE AS PER COUNCIL RESOLUTION SY165-11/19	1		2,701.62
INV 00000602	24/02/2021 FERN COURT ENTERPRISES PTY LTD	SUPPLY 701.72M ³ OF GRAVEL FROM EMIN PIT @\$3.50 PER CM ROYALTY PAYMENT FOR WORK ON TALBOT HALL ROAD PRICE AS PER COUNCIL RESOLUTION SY165-11/19	1		2,701.62
EFT25616	18/03/2021 FOCUS NETWORKS	COMPUTER SUPPORT & SUPPLIES	1		7,829.25
INV 11517	28/02/2021 FOCUS NETWORKS	COMPUTER SUPPORT - MANAGED HOSTED SERVICES - FEBRUARY 2021	1		572.55
INV 8998GB	03/03/2021 FOCUS NETWORKS	50% BALANCE PAYMENT - SUPPLY 4 X HP PRODESK 600 G6 PC'S INTEL I5 8GB RAM 256GB HDD - ETO\ CULTURAL HERITAGE\ YRCC & RECORDS	1		3,920.40
INV	05/03/2021 FOCUS NETWORKS	MONTHLY COMPUTER SUPPORT - MANAGED PROACTIVE SERVICES - MARCH 2021	1		3,336.30
EFT25617	18/03/2021 GATHER YORK	SELECTION OF MIXED PLATTERS APPROX 50+ PERSONS ATTENDING BUSINESS FORUM 9TH MARCH 2021	1		300.00
INV 0047	09/03/2021 GATHER YORK	SELECTION OF MIXED PLATTERS APPROX 50+ PERSONS ATTENDING BUSINESS FORUM 9TH MARCH 2021	1		300.00

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EFT25618	18/03/2021 H J SCHAUER & J S SCHAUER (CHRIS CLEAN)	CONTRACT ASSISTANT FOR CONTAINERS FOR CHANGE DEPOT & CLEANING - FEBRUARY 2021	1		1,275.00
INV FEBRUARY	02/03/2021 H J SCHAUER & J S SCHAUER (CHRIS CLEAN)	CONTRACT ASSISTANT FOR CONTAINERS FOR CHANGE DEPOT - FEBRUARY 2021	1	960.00	
INV FEBRUARY	02/03/2021 H J SCHAUER & J S SCHAUER (CHRIS CLEAN)	CONTRACT CLEANING - FEBRUARY 2021	1	315.00	
EFT25619	18/03/2021 HILLSEAFOOD WHOLESALE FOOD MERCHANTS	YRCC - FOOD SUPPLIES	1		3,213.72
INV 97611	17/02/2021 HILLSEAFOOD WHOLESALE FOOD MERCHANTS	YRCC - FOOD SUPPLIES	1	670.63	
INV 97836	24/02/2021 HILLSEAFOOD WHOLESALE FOOD MERCHANTS	YRCC - FOOD SUPPLIES	1	640.53	
INV 98968	03/03/2021 HILLSEAFOOD WHOLESALE FOOD MERCHANTS	YRCC - FOOD SUPPLIES	1	626.59	
INV 99221	10/03/2021 HILLSEAFOOD WHOLESALE FOOD MERCHANTS	YRCC - FOOD SUPPLIES	1	502.12	
INV 99457	17/03/2021 HILLSEAFOOD WHOLESALE FOOD MERCHANTS	YRCC - FOOD SUPPLIES	1	773.85	
EFT25620	18/03/2021 ILLION TENDERLINK.COM	ADVERTISE TENDER T04-2021 PLANT HIRE 2021/22 ON TENDERLINK 27/02/2021	1		177.10
INV 393159	25/02/2021 ILLION TENDERLINK.COM	ADVERTISE TENDER T04-2021 PLANT HIRE 2021/22 ON TENDERLINK 27/02/2021	1	177.10	
EFT25621	18/03/2021 IMAGESOURCE DIGITAL SOLUTIONS	PURCHASE OF THREE SIGNS TO REPLACE EXISTING INFORMATION BAY SIGNAGE	1		2,301.75
INV 455970	26/02/2021 IMAGESOURCE DIGITAL SOLUTIONS	PURCHASE OF THREE SIGNS TO REPLACE EXISTING INFORMATION BAY SIGNAGE	1	2,301.75	
EFT25622	18/03/2021 INFORMATION ENTERPRISES AUSTRALIA	OPTION 2 - BUSINESS CLASSIFICATION SCHEME DEVELOPMENT SUPPORT 24-26/2/21	1		792.00
INV 8058	26/02/2021 INFORMATION ENTERPRISES AUSTRALIA	OPTION 2 - BUSINESS CLASSIFICATION SCHEME DEVELOPMENT SUPPORT 24-26/2/21	1	792.00	
EFT25623	18/03/2021 INK STATION	SUPPLY 2 X BROTHER TN-2450 TONER CARTRIDGE 3000 PAGES - ADMIN	1		275.04
INV NS2481504	08/03/2021 INK STATION	SUPPLY 2 X BROTHER TN-2450 TONER CARTRIDGE 3000 PAGES - ADMIN	1	275.04	
EFT25624	18/03/2021 IT VISION	MONTHLY PAYROLL SERVICES - FEBRUARY 2021	1		1,885.40
INV 34805	25/02/2021 IT VISION	MONTHLY PAYROLL SERVICES - FEBRUARY 2021	1	1,885.40	
EFT25625	18/03/2021 IXOM OPERATIONS PTY LTD	CHLORINE SERVICE FEES 1/2/21-28/2/21 - YORK SWIMMING POOL	1		173.23
INV 6355688	28/02/2021 IXOM OPERATIONS PTY LTD	CHLORINE SERVICE FEES 1/2/21-28/2/21 - YORK SWIMMING POOL	1	173.23	
EFT25626	18/03/2021 JOANNA HAZEL BRYANT	REIMBURSEMENT FOR SUPPLIES PURCHASED FOR TOWN PROMOTIONS TO SUPPORT FILMING	1		148.00
INV	10/03/2021 JOANNA HAZEL BRYANT	REIMBURSEMENT FOR SUPPLIES PURCHASED FOR TOWN PROMOTIONS TO SUPPORT FILMING	1	148.00	

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EFT25627	18/03/2021 JOSHUA GAILBRAITH	REIMBURSEMENT FOR POLICE CLEARNACE - YRCC STAFF JOSHUA GAILBRAITH	1		55.80
INV	15/03/2021 JOSHUA GAILBRAITH	REIMBURSEMENT FOR POLICE CLEARNACE - YRCC STAFF JOSHUA GAILBRAITH	1		55.80
EFT25628	18/03/2021 KLEENWEST DISTRIBUTORS	CLEANING & SANITARY PRODUCTS	1		34.65
INV 00055312	03/03/2021 KLEENWEST DISTRIBUTORS	CLEANING & SANITARY PRODUCTS	1		34.65
EFT25629	18/03/2021 LANDGATE	INTERIM VALUATIONS	1		230.56
INV	23/02/2021 LANDGATE	MINING TENEMENTS M2021/2 16/1/20-16/2/21	1		49.20
INV	23/02/2021 LANDGATE	RURAL UV INTERIM VALUATIONS R2021/1 28/11/20-22/1/21	1		85.46
INV	24/02/2021 LANDGATE	GRV INTERIM VALUATIONS G2021/2 9/1/21-22/1/21	1		69.20
INV 1079265	02/03/2021 LANDGATE	CERTIFICATE OF TITLE SEARCH - 6031 QUAIRADING RD, MT HARDEY FOR DEVELOPMENT APPLICATION	1		26.70
EFT25630	18/03/2021 M.G. ASPHALT & BITUMEN SERVICES	ASHPHALT & BITUMEN SERVICES	1		2,200.00
INV 00551	01/03/2021 M.G. ASPHALT & BITUMEN SERVICES	CUT OUT DAMAGED AREA ON PATCH OF FOOTPATH IN FRONT OF GULL SERVICE STATION, LEVELLED BASE AND COMPAKTED. EXCESS REMOVED AND SITE CLEANED	1		935.00
INV 00550	01/03/2021 M.G. ASPHALT & BITUMEN SERVICES	RESURFACED DAMAGED AREA ON TENNIS COURT SURFACE AT 30MM THICKNESS COMPACTED, BASE COMPAKTED PRIOR TO LAYING. EXCESS REMOVED AND SITE CLEANED	1		1,265.00
EFT25631	18/03/2021 MAL AUTOMOTIVES	70,000KM SERVICE ON UTE Y482	1		443.73
INV 26188	26/02/2021 MAL AUTOMOTIVES	70,000KM SERVICE ON UTE Y482	1		443.73
EFT25632	18/03/2021 MARKETFORCE PTY LTD	ADVERT 30/1/21 - SATURDAY WEST - YRCC RFP	1		598.54
INV 37540	23/02/2021 MARKETFORCE PTY LTD	ADVERT 30/1/21 - SATURDAY WEST - YRCC RFP	1		598.54
EFT25633	18/03/2021 MINUTEMAN PRESS MIDLAND	SUPPLY BANNERS & VEHICLE LOGO MAGNETS	1		4,238.30
INV 19238	26/02/2021 MINUTEMAN PRESS MIDLAND	SUPPLY 14 X VINYL BANNERS FOR POLES ON HENRIETTA, AND BALLADONG ST AND AVON TERRACE	1		3,316.50
INV 19237	26/02/2021 MINUTEMAN PRESS MIDLAND	SUPPLY 40 X SHIRE VEHICLE LOGO MAGNETS 450MM X 200MM	1		921.80
EFT25634	18/03/2021 PAULA MICHELLE SCHREUDER	REIMBURSEMENT FOR POLICE CLEARANCE - YRCC STAFF PAULA SCHREUDER	1		49.90
INV	10/03/2021 PAULA MICHELLE SCHREUDER	REIMBURSEMENT FOR POLICE CLEARANCE - YRCC STAFF PAULA SCHREUDER	1		49.90

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EFT25635	18/03/2021 PFD FOOD SERVICES PTY LTD	YRCC - FOOD SUPPLIES	1		1,771.10
INV KX225011	05/02/2021 PFD FOOD SERVICES PTY LTD	YRCC - FOOD SUPPLIES	1		372.90
INV KX359356	19/02/2021 PFD FOOD SERVICES PTY LTD	YRCC - FOOD SUPPLIES	1		477.15
INV KX428494	26/02/2021 PFD FOOD SERVICES PTY LTD	YRCC - FOOD SUPPLIES	1		555.95
INV KX497178	05/03/2021 PFD FOOD SERVICES PTY LTD	YRCC - FOOD SUPPLIES	1		365.10
EFT25636	18/03/2021 PUMA ENERGY AUSTRALIA PTY LTD	FUEL CARD - FEBRUARY 2021	1		1,125.43
INV	23/02/2021 PUMA ENERGY AUSTRALIA PTY LTD	FUEL CARD - FEBRUARY 2021	1		1,125.43
EFT25637	18/03/2021 QUICK CORPORATE AUSTRALIA PTY LTD	STATIONERY SUPPLIES	1		586.81
INV 01295611	09/03/2021 QUICK CORPORATE AUSTRALIA PTY LTD	STATIONERY SUPPLIES	1		586.81
EFT25638	18/03/2021 ROUS ELECTRICAL	REPLACE BROKEN POWER POINT COVER TO POWER POINT UNDER HWS - TEA ROOMS(PAVILION) AT YRCC	1		150.00
INV 00002742	09/03/2021 ROUS ELECTRICAL	REPLACE BROKEN POWER POINT COVER TO POWER POINT UNDER HWS - TEA ROOMS(PAVILION) AT YRCC	1		150.00
EFT25639	18/03/2021 SANOKIL	MONTHLY SUPPLY & SERVICE OF SANITARY WASTE DISPOSAL UNIT - FEBRUARY 2021	1		387.20
INV 20072425	01/03/2021 SANOKIL	MONTHLY SUPPLY & SERVICE OF SANITARY WASTE DISPOSAL UNIT - FEBRUARY 2021	1		387.20
EFT25640	18/03/2021 SCREAIGHS	YRCC - BEVERAGE FREIGHT	1		620.39
INV 00310605	13/12/2020 SCREAIGHS	YRCC - BEVERAGE FREIGHT 10/12/20	1		90.32
INV 00310662	31/01/2021 SCREAIGHS	YRCC - BEVERAGE FREIGHT 28/1/21	1		180.62
INV 00310701	21/02/2021 SCREAIGHS	YRCC - BEVERAGE FREIGHT, PERTH TO YORK 18/2/21	1		241.96
INV 00310748	15/03/2021 SCREAIGHS	YRCC - BULK BEER FREIGHT 11/3/21	1		107.49
EFT25641	18/03/2021 SEEK LIMITED	ADVERTISEMENT IN SEEK 3/3/21 - YRCC COOK	1		302.50
INV 97348405	03/03/2021 SEEK LIMITED	ADVERTISEMENT IN SEEK 3/3/21 - YRCC COOK	1		302.50
EFT25642	18/03/2021 SHIRE OF NORTHAM	TIPPING FEES	1		28,878.56
INV 24029	24/09/2020 SHIRE OF NORTHAM	TIPPING FEES - AUGUST 2020	1		9,694.95
INV 24006	24/09/2020 SHIRE OF NORTHAM	TIPPING FEES - JULY 2020	1		10,234.65
INV 24734	04/03/2021 SHIRE OF NORTHAM	TIPPING FEES - FEBRUARY 2021	1		8,948.96

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EFT25643	18/03/2021 SMITHS SHELL SERVICE	SUPPLY BRAKE CLEANER & THREADLOCK - LOADER Y600	1		26.70
INV 18193015	26/02/2021 SMITHS SHELL SERVICE	SUPPLY BRAKE CLEANER & THREADLOCK - LOADER Y600	1		26.70
EFT25644	18/03/2021 ST JOHN AMBULANCE WESTERN AUSTRALIA LTD	FIRST AID REFRESHER TRAINING 23/2/21 - VISITORS CENTRE STAFF	1		267.00
INV 00753557	23/02/2021 ST JOHN AMBULANCE WESTERN AUSTRALIA LTD	FIRST AID REFRESHER TRAINING 23/2/21 - VISITORS CENTRE STAFF - KATHRIN SCHALL	1		89.00
INV 00753556	23/02/2021 ST JOHN AMBULANCE WESTERN AUSTRALIA LTD	FIRST AID REFRESHER TRAINING 23/2/21 - VISITORS CENTRE STAFF - VICKI ROBINSON	1		89.00
INV 00753555	23/02/2021 ST JOHN AMBULANCE WESTERN AUSTRALIA LTD	FIRST AID REFRESHER TRAINING 23/2/21 - VISITORS CENTRE STAFF - LEANNE LEE	1		89.00
EFT25645	18/03/2021 STATS WA PTY LTD	TESTING OF GRAVEL FROM TALBOT WEST PIT - TALBOT ROAD - WIDENING - LRCI PROJECT 20/21	1		566.50
INV 410L3079	31/01/2021 STATS WA PTY LTD	TESTING OF GRAVEL FROM TALBOT WEST PIT - TALBOT ROAD - WIDENING - LRCI PROJECT 20/21	1		566.50
EFT25646	18/03/2021 SUNNY INDUSTRIAL BRUSHWARE PTY LTD	SUPPLY 1 X TRACTOR BROOM 1 PCE 1.83M LONG 50CM O/D 1 1/4 SQUARE DRIVE POLY WIRE FOR THE SWEEPER TRAILER	1		781.00
INV 0023013	02/03/2021 SUNNY INDUSTRIAL BRUSHWARE PTY LTD	SUPPLY 1 X TRACTOR BROOM 1 PCE 1.83M LONG 50CM O/D 1 1/4 SQUARE DRIVE POLY WIRE FOR THE SWEEPER TRAILER	1		781.00
EFT25647	18/03/2021 SUNNY SIGN COMPANY PTY LTD	SIGNAGE FOR CONTAINERS FOR CHANGE DEPOT	1		240.90
INV 451896	03/03/2021 SUNNY SIGN COMPANY PTY LTD	SIGNAGE FOR CONTAINERS FOR CHANGE DEPOT	1		240.90
EFT25648	18/03/2021 SYNERGY	ELECTRICITY	1		13,163.56
INV 785488350	02/03/2021 SYNERGY	ELECTRICITY 1/2/21-2/3/21 - POWERWATCH LIGHTING	1		929.40
INV 467568350	04/03/2021 SYNERGY	ELECTRICITY 1/2/21-4/3/21 - STREETLIGHTS	1		7,049.24
INV 335462750	10/03/2021 SYNERGY	ELECTRICITY 16/2/21-10/3/21 - YRCC	1		3,343.97
INV 335462800	10/03/2021 SYNERGY	ELECTRICITY 10/2/21-10/3/21 - ADMIN, TOWN HALL & YVC	1		1,840.95
EFT25649	18/03/2021 THE OLIVE PEOPLE (AUST.) PTY LTD	SUPPLY ASSORTED OLIVE OILS FOR RESALE STOCK - YVC	1		119.00
INV 00025061	08/03/2021 THE OLIVE PEOPLE (AUST.) PTY LTD	SUPPLY ASSORTED OLIVE OILS FOR RESALE STOCK - YVC	1		119.00
EFT25650	18/03/2021 TITE SECURITY	SECURITY ALARM MONITORING - 1/4/21-30/6/21	1		257.40

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INV 615425	05/03/2021 TITE SECURITY	SECURITY ALARM MONITORING - 1/4/21-30/6/21	1	257.40	
EFT25651	18/03/2021 TOLL TRANSPORT GROUP	FREIGHT	1		245.58
INV 0425	21/02/2021 TOLL TRANSPORT GROUP	FREIGHT - 18-19/2/21	1	135.08	
INV 0426	28/02/2021 TOLL TRANSPORT GROUP	FREIGHT - 22-24/2/21	1	110.50	
EFT25652	18/03/2021 VOCUS PTY LTD	FIBRE INTERNET SERVICES - ADMINISTRATION CONNECTION - MARCH 2021	1		1,116.50
INV P686174	01/03/2021 VOCUS PTY LTD	FIBRE INTERNET SERVICES - ADMINISTRATION CONNECTION - MARCH 2021	1	1,116.50	
EFT25653	18/03/2021 WINC.	STATIONERY SUPPLIES	1		96.50
INV	05/03/2021 WINC.	STATIONERY SUPPLIES	1	96.50	
EFT25654	18/03/2021 YORK AUTO ELECTRICS	PLANT REPAIRS	1		1,153.35
INV 15922	19/02/2021 YORK AUTO ELECTRICS	REPAIRS TO THE AIRCONDITIONER ON THE SKIDSTEER	1	185.35	
INV 15931	23/02/2021 YORK AUTO ELECTRICS	REPAIRS TO AIR CONDITIONER - ROLLER - STEEL VIBE - VOLVO 2012 SD160DX Y4894	1	803.00	
INV 15944	25/02/2021 YORK AUTO ELECTRICS	RE-GAS AIR CONDITIONING ON UTE Y387	1	165.00	
EFT25655	18/03/2021 YORK GENERAL PRACTICE	PRE-EMPLOYMENT MEDICALS	1		297.00
INV 183376	03/02/2021 YORK GENERAL PRACTICE	PRE-EMPLOYMENT MEDICAL (YRCC) 2/3/21 - JOSH GAILBRAITH	1	148.50	
INV 183276	26/02/2021 YORK GENERAL PRACTICE	PRE-EMPLOYMENT MEDICAL 26/2/21 - GEOFF HEATON	1	148.50	
EFT25656	18/03/2021 YORK HOME HARDWARE	FINANCIAL CHARGE - TEMPORARILY CLOSE ACCOUNT WHILST RESIDENCY MUSEUM CLOSED	1		1.00
INV MUSEUM	28/02/2021 YORK HOME HARDWARE	FINANCIAL CHARGE - TEMPORARILY CLOSE ACCOUNT WHILST RESIDENCY MUSEUM CLOSED	1	1.00	
EFT25657	18/03/2021 YORK LANDSCAPE SUPPLIES	SUPPLY FERTILISER INCLUDING TRANSPORT SERVICES - SECOND HOCKEY FIELD	1		4,498.00
INV 00005641	10/03/2021 YORK LANDSCAPE SUPPLIES	SUPPLY FERTILISER INCLUDING TRANSPORT SERVICES - SECOND HOCKEY FIELD	1	4,498.00	
EFT25658	18/03/2021 YORK NEWSAGENCY	STATIONERY SUPPLIES	1		61.90
INV 40954	02/03/2021 YORK NEWSAGENCY	STATIONERY SUPPLIES	1	61.90	
EFT25659	18/03/2021 YORK QUALITY BUTCHERS	YRCC - MEAT SUPPLIES	1		357.15
INV 1878	19/02/2021 YORK QUALITY BUTCHERS	YRCC - MEAT SUPPLIES	1	141.25	

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INV 1897	07/03/2021 YORK QUALITY BUTCHERS	YRCC - MEAT SUPPLIES	1	47.80	
INV 1904	14/03/2021 YORK QUALITY BUTCHERS	YRCC - MEAT SUPPLIES	1	168.10	
EFT25660	22/03/2021 AUSTRALIAN TAXATION OFFICE	BAS - FEBRUARY 2021	1		45,980.00
INV	19/03/2021 AUSTRALIAN TAXATION OFFICE	BAS - FEBRUARY 2021	1	45,980.00	
EFT25661	22/03/2021 BEN SCHREUDER	REIMBURSEMENT FOR POLICE CLEARANCE - YRCC STAFF BEN SCHREUDER	1		49.90
INV	22/03/2021 BEN SCHREUDER	REIMBURSEMENT FOR POLICE CLEARANCE - YRCC STAFF BEN SCHREUDER	1	49.90	
EFT25662	22/03/2021 LAURA APPLETON	STAFF REIMBURSEMENTS - LAURA APPLETON	1		437.37
INV STAFF	12/03/2021 LAURA APPLETON	STAFF REIMBURSEMENT FOR TRAVEL - DEPARTMENT OF TRANSPORT TRAINING IN PERTH	1	165.36	
INV	18/03/2021 LAURA APPLETON	REIMBURSEMENT FOR POLICE CLEARANCE & MEALS FOR DEPARTMENT OF TRANSPORT TRAINING - LAURA APPLETON	1	272.01	
EFT25663	22/03/2021 SHERRIN RENTALS	DRY HIRE OF 16000L WATER TRUCK 1/2/21-28/2/21 INCLUDING STAND DOWN CREDITS FOR ROAD WORK ON TALBOT ROAD - WIDENING - LRCI PROJECT 20/21 & KNOTTS RD	1		6,545.00
INV 5152569	28/02/2021 SHERRIN RENTALS	DRY HIRE OF 16000L WATER TRUCK 1/2/21-28/2/21 INCLUDING STAND DOWN CREDITS FOR ROAD WORK ON TALBOT ROAD - WIDENING - LRCI PROJECT 20/21 & KNOTTS RD	1	6,545.00	
EFT25664	22/03/2021 YORK & DISTRICT CO-OPERATIVE LTD	MONTHLY SUPPLIES & REFRESHMENTS (YRCC, ADMIN, YVC, & DEPOT) - FEBRUARY 2021	1		1,144.96
INV 641206173	28/02/2021 YORK & DISTRICT CO-OPERATIVE LTD	MONTHLY SUPPLIES, REFRESHMENTS AND SUNDRIES (YRCC) - FEBRUARY 2021	1	398.13	
INV 641205928	28/02/2021 YORK & DISTRICT CO-OPERATIVE LTD	MONTHLY SUPPLIES & REFRESHMENTS (ADMIN, YVC, & DEPOT) - FEBRUARY 2021	1	746.83	
EFT25665	22/03/2021 YORK & DISTRICTS COMMUNITY MATTERS	ADVERTISING & COMMUNITY UPDATE PAGE - MARCH 2021	1		2,474.20
INV 1962	01/03/2021 YORK & DISTRICTS COMMUNITY MATTERS	ADVERTISING & COMMUNITY UPDATE PAGE - MARCH 2021	1	2,474.20	
EFT25666	22/03/2021 YORK HOME HARDWARE	MONTHLY MAINTENANCE SUPPLIES (DEPOT, ADMIN, YVC, YRCC & MUSEUM) - FEBRUARY 2021	1		4,517.81
INV YSHIRE	31/01/2021 YORK HOME HARDWARE	MONTHLY MAINTENANCE SUPPLIES (DEPOT, ADMIN, YVC, YRCC & MUSEUM) - FEBRUARY 2021	1	2,099.40	
INV YSHIRE	28/02/2021 YORK HOME HARDWARE	MONTHLY MAINTENANCE SUPPLIES (DEPOT, ADMIN, YVC, YRCC) - FEBRUARY 2021	1	2,418.41	

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EFT25667	31/03/2021 HARRIE MANDERS	HARRIE MANDERS TOGGLE BOND #248463	2		50.00
INV T67	18/03/2021 HARRIE MANDERS	HARRIE MANDERS TOGGLE BOND #248463	2		50.00
EFT25668	31/03/2021 JOSEPHINE BOYLE	REFUND BONDS	2		160.00
INV T83	29/03/2021 JOSEPHINE BOYLE	REFUND PAV BOND PORTION REMOVED FOR CLEANING/DAMAGE	2		110.00
INV T8	29/03/2021 JOSEPHINE BOYLE	JO BOYLE KEY BOND REFUND #248692	2		50.00
EFT25669	31/03/2021 KATINKA CAROLINE E ALLEN	REFUND CAT TRAP BOND #248907	2		89.00
INV T1	29/03/2021 KATINKA CAROLINE E ALLEN	REFUND CAT TRAP BOND #248907	2		89.00
EFT25670	31/03/2021 SHIRE OF YORK	JO BOYLE CLEANING/DAMAGE PORTION	2		40.00
INV T83	29/03/2021 SHIRE OF YORK	JO BOYLE CLEANING/DAMAGE PORTION	2		40.00
EFT25671	31/03/2021 4 FARMERS	SUPPLY 1 X 20LTR TRICLOPYR - WEED CONTROL	1		423.50
INV 72100597	16/03/2021 4 FARMERS	SUPPLY 1 X 20LTR TRICLOPYR - WEED CONTROL	1		423.50
EFT25672	31/03/2021 AFGRI EQUIPMENT AUSTRALIA PTY LTD	SUPPLY 8 X JD R85169 SCREWS - JOHN DEERE LOADER Y600	1		38.19
INV 2006046	26/02/2021 AFGRI EQUIPMENT AUSTRALIA PTY LTD	SUPPLY 8 X JD R85169 SCREWS - JOHN DEERE LOADER Y600	1		38.19
EFT25673	31/03/2021 APPLE PTY LTD	SUPPLY APPLE ADAPTOR & CHARGER X 2 - EMCCS	1		104.28
INV	29/03/2021 APPLE PTY LTD	SUPPLY APPLE ADAPTOR & CHARGER X 2 - EMCCS	1		104.28
EFT25674	31/03/2021 ASHLEY ROBERT GARRATT	COUNCILLOR ALLOWANCES - MARCH 2021	1		1,298.55
INV CRS PMT	31/03/2021 ASHLEY ROBERT GARRATT	COUNCILLOR ALLOWANCES - MARCH 2021	1		1,298.55
EFT25675	31/03/2021 ATF SERVICES	HIRING 8/3/21-5/4/21 OF 2 CCTV TOWERS AT SKATE PARK AS PER (CONTINUED)	1		1,355.20
INV 2417611	08/03/2021 ATF SERVICES	HIRING 8/3/21-5/4/21 OF 2 CCTV TOWERS AT SKATE PARK AS PER (CONTINUED)	1		1,355.20
EFT25676	31/03/2021 AUDREY NETTLE	WELCOME TO COUNTRY 25/3/21 & STORY TELLING AT MOUNT BROWN FOR AVON VALLEY TOURISM FAMIL	1		250.00
INV 10466	26/03/2021 AUDREY NETTLE	WELCOME TO COUNTRY 25/3/21 & STORY TELLING AT MOUNT BROWN FOR AVON VALLEY TOURISM FAMIL	1		250.00
EFT25677	31/03/2021 AUSTRALIAN SERVICES UNION	UNION FEES	1		155.40
INV	23/03/2021 AUSTRALIAN SERVICES UNION	UNION FEES			155.40

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EFT25678	31/03/2021 AVON FENZING	PULL BACK CORNER OF TENNIS COURT FENCE FOR MACHINE ACCESS & REINSTATE FENCE ONCE WORK IS COMPLETE - YRCC	1		902.00
INV 0794	17/03/2021 AVON FENZING	PULL BACK CORNER OF TENNIS COURT FENCE FOR MACHINE ACCESS & REINSTATE FENCE ONCE WORK IS COMPLETE - YRCC	1	748.00	
INV 0795	17/03/2021 AVON FENZING	DINGO HIRE TO DIG HOLES AT AVON PARK	1	154.00	
EFT25679	31/03/2021 AVON VALLEY AG	SUPPLY 36 X 20MM POWELL FIRE HOSE BLACK	1		93.46
INV YI11028	08/03/2021 AVON VALLEY AG	SUPPLY 36 X 20MM POWELL FIRE HOSE BLACK	1	93.46	
EFT25680	31/03/2021 AVON VALLEY MOTOR MUSEUM ASSOCIATION (INC)	TOURISM FAMIL - 25 MARCH - TRANSPORT AND TOUR FEE FOR SERVICE FOR FAMIL GUESTS	1		200.00
INV 0015	25/03/2021 AVON VALLEY MOTOR MUSEUM ASSOCIATION (INC)	TOURISM FAMIL - 25 MARCH - TRANSPORT AND TOUR FEE FOR SERVICE FOR FAMIL GUESTS	1	200.00	
EFT25681	31/03/2021 AVON VALLEY TOYOTA AVN NORTHAM PTY LTD	SUPPLY & FIT TOWBAR TO 2021 TOYOTA RAV4 GX AWD HYBRID WHITE - EMIDS	1		1,100.00
INV	12/03/2021 AVON VALLEY TOYOTA AVN NORTHAM PTY LTD	SUPPLY & FIT TOWBAR TO 2021 TOYOTA RAV4 GX AWD HYBRID WHITE - EMIDS	1	1,100.00	
EFT25682	31/03/2021 AVON VALLEY TYRE SERVICE	TYRE SUPPLIES & SERVICES	1		1,169.57
INV 1770	18/03/2021 AVON VALLEY TYRE SERVICE	SUPPLY AND FIT COUPLING TO SKIDSTEER - POSI TRACK LOADER	1	141.57	
INV 1769	18/03/2021 AVON VALLEY TYRE SERVICE	SUPPLY & FIT 2 X NEW HANKOOK TYRES & CARRY OUT WHEEL ALIGNMENT ON RANGER VEHICLE Y347	1	599.00	
INV 1795	24/03/2021 AVON VALLEY TYRE SERVICE	SUPPLY & FIT 2 X HANKOOK TYRES - 1GNS535	1	429.00	
EFT25683	31/03/2021 AVON WASTE	RUBBISH/ RECYCLING COLLECTION	1		35,208.14
INV 00042981	26/02/2021 AVON WASTE	RUBBISH/ RECYCLING COLLECTION - 26/2/21	1	22,443.32	
INV 00043310	12/03/2021 AVON WASTE	RUBBISH/ RECYCLING COLLECTION - 12/3/21	1	12,764.82	
EFT25684	31/03/2021 BGC QUARRIES	SUPPLY 51.74 TONNE GR014 GRANITE 14MM DELIVERED TO THE YORK SHIRE DEPOT FOR USE ON TALBOT ROAD - STORM DAMAGE	1		1,997.68
INV IQ24331	21/03/2021 BGC QUARRIES	SUPPLY 51.74 TONNE GR014 GRANITE 14MM DELIVERED TO THE YORK SHIRE DEPOT FOR USE ON TALBOT ROAD - STORM DAMAGE	1	1,997.68	
EFT25685	31/03/2021 BITUTEK PTY LTD	SUPPLY 3 X DRUMS (600LTS) OF CRS EMULSION (CREDIT APPLIED INV5850) - SHIRE ROADS	1		561.00

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INV 00006187	29/03/2021 BITUTEK PTY LTD	SUPPLY 3 X DRUMS (600LTS) OF CRS EMULSION (CREDIT APPLIED INV5850) - SHIRE ROADS	1	561.00	
EFT25686	31/03/2021 BRITTANY MOORE - WITH, B	MONTHLY SOCIAL MEDIA MANAGEMENT - EXPERIENCE YORK - FEBRUARY 2021	1		990.00
INV 0060	06/03/2021 BRITTANY MOORE - WITH, B	MONTHLY SOCIAL MEDIA MANAGEMENT - EXPERIENCE YORK - FEBRUARY 2021	1	990.00	
EFT25687	31/03/2021 BUNNINGS MIDLAND	SUPPLIES	1		422.83
INV	11/03/2021 BUNNINGS MIDLAND	SUPPLY 1 X 5LT TIN OF SIKKENS CETOL FILTER 7 TIMBER STAIN FOR STREET FURNITURE	1	158.73	
INV	25/03/2021 BUNNINGS MIDLAND	SUPPLY 2 X ARLEC 120CM BLACK 4 BLADE CEILING FANS WITH REMOTE FOR THE SHIRE DEPOT OFFICE AND LUNCHROOM	1	264.10	
EFT25688	31/03/2021 CENTRAL DISTRICTS AIRCONDITIONING (CDA)	AIR-CONDITIONER SERVICING & REPAIRS	1		1,839.25
INV 00012044	19/03/2021 CENTRAL DISTRICTS AIRCONDITIONING (CDA)	REPLACE FLOAT VALVE - YORK TOWN HALL A/C	1	110.00	
INV 00012016	23/03/2021 CENTRAL DISTRICTS AIRCONDITIONING (CDA)	YRCC - INVESTIGATE FREEZING OVER OF FAN COMPARTMENT BERJAYA UPRIGHT FREEZER AND REPAIRS	1	426.25	
INV 00011692	25/03/2021 CENTRAL DISTRICTS AIRCONDITIONING (CDA)	REPLACE FILTERS & COMPLETE SERVICE OF DUCTED A/C'S - YRCC GYM, PAVILION, 24 FORD ST, 38 FRASER ST, UNIT 1-4 (40) MACARTNEY ST & 51 ROE ST	1	1,303.00	
EFT25689	31/03/2021 CJD EQUIPMENT PTY LTD	SUPPLIES	1		2,209.91
INV 2193729	16/03/2021 CJD EQUIPMENT PTY LTD	SUPPLY AIR VALVE, SILENCER - Y130 GRADER VOLVO INCLUDING FREIGHT	1	1,151.28	
INV 006354277	19/03/2021 CJD EQUIPMENT PTY LTD	DIAGNOSE MACHINE PARK BRAKE ISSUE ON STEEL DRUM ROLLER - Y4894 INCLUDES LABOUR AND TRAVEL	1	866.25	
INV 2196826	22/03/2021 CJD EQUIPMENT PTY LTD	SUPPLY SHOULDER SCREW AND 2 X PLAIN WASHERS - GRADER VOLVO Y205	1	32.31	
INV 2198468	24/03/2021 CJD EQUIPMENT PTY LTD	SUPPLY 2 X MIRRORS - Y130 GRADER VOLVO	1	160.07	
EFT25690	31/03/2021 COLIN JOHN DWYER	CROSSOVER SUBSIDY - 20 (LOT 120) DURABLE ST, YORK	1		575.00
INV	23/03/2021 COLIN JOHN DWYER	CROSSOVER SUBSIDY - 20 (LOT 120) DURABLE ST, YORK	1	575.00	
EFT25691	31/03/2021 CORSIGN WA	SUPPLY 2 X SCHOOL BUS TURN AROUND 600 X 600 (DIAMOND) B/Y CL400ALUM, 4 X TD-1 RING BRACKET WITH BOLT & WASHER - DOODENANNING ROAD - GRAVEL/SEALED	1		92.40
INV 00054867	08/03/2021 CORSIGN WA	SUPPLY 2 X SCHOOL BUS TURN AROUND 600 X 600 (DIAMOND) B/Y CL400ALUM, 4 X TD-1 RING BRACKET WITH BOLT & WASHER - DOODENANNING ROAD - GRAVEL/SEALED	1	92.40	

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EFT25692	31/03/2021 CRIMEA GROWERS MARKET	YRCC - FOOD SUPPLIES	1		305.14
INV 00005099	23/03/2021 CRIMEA GROWERS MARKET	YRCC - FOOD SUPPLIES	1		305.14
EFT25693	31/03/2021 DARRYS PLUMBING AND GAS	PLUMBING SERVICES	1		4,533.43
INV 7433	10/11/2020 DARRYS PLUMBING AND GAS	REPLACE DOWN STREAM BALL VALVE 50MM - MANNAVALE RD STANDPIPE	1		220.00
INV 7766	12/03/2021 DARRYS PLUMBING AND GAS	YRCC - ATTEND AND INVESTIGATE FAULTY GAS HOT WATER SYSTEM, REPAIRS AS NEEDED TO CIRCULATION PUMP	1		348.43
INV 7764	12/03/2021 DARRYS PLUMBING AND GAS	SUPPLY & REPLACEMENT OF GAS LPG C/FLOW COMMERCIAL HWS 28L & ADAPT SYSTEM TO RETRO FIT ONTO EXISTING SYSTEM TO PROVIDE HOT WATER TO THE SPORTS CENTRE - YRCC	1		3,415.00
INV 7765	12/03/2021 DARRYS PLUMBING AND GAS	REPAIRS TO HOT WATER UNIT IN KITCHEN - SHIRE ADMIN BUILDING	1		165.00
INV 7796	26/03/2021 DARRYS PLUMBING AND GAS	YRCC - QUARTERLY GREASE TRAP CLEANING PER HEALTH REGULATIONS - APRIL 2021	1		385.00
EFT25694	31/03/2021 DENESE EILEEN SMYTHE	COUNCILLOR ALLOWANCES - MARCH 2021	1		3,365.78
INV CRS PMT	31/03/2021 DENESE EILEEN SMYTHE	COUNCILLOR ALLOWANCES - MARCH 2021	1		3,365.78
EFT25695	31/03/2021 DENIS CHARLES WARNICK	COUNCILLOR ALLOWANCES - MARCH 2021	1		1,657.71
INV CRS PMT	31/03/2021 DENIS CHARLES WARNICK	COUNCILLOR ALLOWANCES - MARCH 2021	1		1,657.71
EFT25696	31/03/2021 DEPARTMENT OF HUMAN SERVICES (CHILD SUPPORT)	SUPPORT PAYMENT	1		495.01
INV	23/03/2021 DEPARTMENT OF HUMAN SERVICES (CHILD SUPPORT)	SUPPORT PAYMENT			495.01
EFT25697	31/03/2021 EASTWAY FOOD SUPPLIES	YRCC - FOOD SUPPLIES	1		213.66
INV 187480	24/03/2021 EASTWAY FOOD SUPPLIES	YRCC - FOOD SUPPLIES	1		213.66
EFT25698	31/03/2021 FOCUS NETWORKS	COMPUTER SUPPORT - MARCH 2021	1		4,487.23
INV	05/03/2021 FOCUS NETWORKS	OFFICE 365 BUSINESS & ENTERPRISE ANNUAL LICENSE & COMPUTER SUPPORT - MARCH 2021	1		3,286.03
INV 9022G	24/03/2021 FOCUS NETWORKS	SETUP & IMPLEMENT CENTRALISED EMAIL SIGNATURE TEMPLATES - REBRANDING	1		1,201.20
EFT25699	31/03/2021 GARAGE SALE TRAIL FOUNDATION LTD	GARAGE SALE TRAIL CAMPAIGN 2021 (13 & 14 NOVEMBER 2021)	1		1,762.20
INV 00000987	14/01/2021 GARAGE SALE TRAIL FOUNDATION LTD	GARAGE SALE TRAIL CAMPAIGN 2021 (13 & 14 NOVEMBER 2021)	1		1,762.20

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EFT25700	31/03/2021 GATHER YORK	LUNCH CATERING FOR APPROX 15 ATTENDEES - YORK FAMIL THURSDAY 25/3/21	1		150.00
INV 0049	24/03/2021 GATHER YORK	LUNCH CATERING FOR APPROX 15 ATTENDEES - YORK FAMIL THURSDAY 25/3/21	1		150.00
EFT25701	31/03/2021 GIRL IN HER SHED	PURCHASE OF STOCK FOR RESALE AT YORK VISITOR CENTRE	1		230.00
INV 00028	29/03/2021 GIRL IN HER SHED	PURCHASE OF STOCK FOR RESALE AT YORK VISITOR CENTRE	1		230.00
EFT25702	31/03/2021 H C ALARMS	SUPPLY & INSTALL HIKVISION CCTV SYSTEM AS PER QUOTE TO CONTAINERS FOR CHANGE DEPOT	1		2,914.00
INV 0189	19/03/2021 H C ALARMS	SUPPLY & INSTALL HIKVISION CCTV SYSTEM AS PER QUOTE TO CONTAINERS FOR CHANGE DEPOT	1		2,914.00
EFT25703	31/03/2021 IMAGESOURCE DIGITAL SOLUTIONS	PURCHASE OF SHIRE OF YORK EVENT SIGN	1		1,531.75
INV 456388	25/03/2021 IMAGESOURCE DIGITAL SOLUTIONS	PURCHASE OF SHIRE OF YORK EVENT SIGN	1		1,531.75
EFT25704	31/03/2021 IMPRINT PLASTIC	SUPPLY 40 X RESIN COATED NAME BADGES	1		655.60
INV 00025747	24/03/2021 IMPRINT PLASTIC	SUPPLY 40 X RESIN COATED NAME BADGES	1		655.60
EFT25705	31/03/2021 INFORMATION ENTERPRISES AUSTRALIA	OPTION 2 - BUSINESS CLASSIFICATION SCHEME DEVELOPMENT SUPPORT 14-16/3/21	1		495.00
INV 8068	26/03/2021 INFORMATION ENTERPRISES AUSTRALIA	OPTION 2 - BUSINESS CLASSIFICATION SCHEME DEVELOPMENT SUPPORT 14-16/3/21	1		495.00
EFT25706	31/03/2021 INNOVATION	BUSINESS REIGNITE PAYMENT OF SPONSORSHIP AGREED - COUNCIL RESOLUTION110920	1		1,000.00
INV 00005373	22/10/2020 INNOVATION	BUSINESS REIGNITE PAYMENT OF SPONSORSHIP AGREED - COUNCIL RESOLUTION110920	1		1,000.00
EFT25707	31/03/2021 IT VISION	MONTHLY PAYROLL SERVICES - MARCH 2021	1		1,885.40
INV 34936	26/03/2021 IT VISION	MONTHLY PAYROLL SERVICES - MARCH 2021	1		1,885.40
EFT25708	31/03/2021 JANE ELISE FERRO	COUNCILLOR ALLOWANCES - MARCH 2021	1		1,298.55
INV CRS PMT	31/03/2021 JANE ELISE FERRO	COUNCILLOR ALLOWANCES - MARCH 2021	1		1,298.55
EFT25709	31/03/2021 JASON SIGNMAKERS	SUPPLY 12 X SHIRE BOUNDARY SIGNS 2400 X 1200 - WELCOME/THANKS FOR VISITING	1		4,384.78
INV 217287	16/03/2021 JASON SIGNMAKERS	SUPPLY 12 X SHIRE BOUNDARY SIGNS 2400 X 1200 - WELCOME/THANKS FOR VISITING	1		4,384.78

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EFT25710	31/03/2021 JR & A HERSEY	SUPPLY DRY GRAPHITE LUBE & CANVAS HAT - DEPOT	1		202.55
INV 00045401	10/03/2021 JR & A HERSEY	SUPPLY DRY GRAPHITE LUBE & CANVAS HAT - DEPOT	1		202.55
EFT25711	31/03/2021 KEVIN RICHARD TRENT	COUNCILLOR ALLOWANCES - MARCH 2021	1		1,298.55
INV CRS PMT	31/03/2021 KEVIN RICHARD TRENT	COUNCILLOR ALLOWANCES - MARCH 2021	1		1,298.55
EFT25712	31/03/2021 KLEENWEST DISTRIBUTORS	CLEANING & SANITARY PRODUCTS	1		664.24
INV 00055743	17/03/2021 KLEENWEST DISTRIBUTORS	CLEANING & SANITARY PRODUCTS	1		664.24
EFT25713	31/03/2021 LANDGATE	INTERIM VALUATIONS	1		259.41
INV	24/03/2021 LANDGATE	GRV INTERIM VALUATIONS G2021/3 23/1/21-5/3/21	1		190.21
INV	25/03/2021 LANDGATE	RURAL UV'S R2021/2 23/1/21-19/3/21	1		69.20
EFT25714	31/03/2021 LIQUID MIX (WA) PTY LTD	YRCC - BEVERAGE SUPPLIES	1		4,013.85
INV 000522590	23/03/2021 LIQUID MIX (WA) PTY LTD	YRCC - BEVERAGE SUPPLIES	1		4,013.85
EFT25715	31/03/2021 MAL AUTOMOTIVES	VEHICLE SERVICING & REPAIRS	1		1,376.23
INV 26262	18/03/2021 MAL AUTOMOTIVES	SUPPLY HYDRAULIC FILTER INCLUDING FREIGHT - SWEEPER TRAILER 1TLB302	1		50.85
INV 26274	24/03/2021 MAL AUTOMOTIVES	45,000KM SERVICE OF FORD RANGER UTILITY - 1GQV763 DSC VEHICLE	1		622.00
INV 26290	29/03/2021 MAL AUTOMOTIVES	SERVICE AND REPLACE REAR SHOCK ABSORBERS ON GREAT WALL UTE Y6947	1		703.38
EFT25716	31/03/2021 OFFICEWORKS	SUPPLY 2 X AUTO LOCK SUCTION MOUNT BLACK PHONE CRADLE	1		50.00
INV 611311525	12/03/2021 OFFICEWORKS	SUPPLY 2 X AUTO LOCK SUCTION MOUNT BLACK PHONE CRADLE	1		50.00
EFT25717	31/03/2021 PAMELA HELEN HEATON	COUNCILLOR ALLOWANCES - MARCH 2021	1		1,298.55
INV CRS PMT	31/03/2021 PAMELA HELEN HEATON	COUNCILLOR ALLOWANCES - MARCH 2021	1		1,298.55
EFT25718	31/03/2021 PETER STEVEN ELLIS	REFUND PLANNING APPLICATION ON LOT 1 (147) AVON TCE, YORK PAID ON REC-245782	1		147.00
INV REFUND	25/02/2021 PETER STEVEN ELLIS	REFUND PLANNING APPLICATION ON LOT 1 (147) AVON TCE, YORK PAID ON REC-245782	1		147.00
EFT25719	31/03/2021 PFD FOOD SERVICES PTY LTD	YRCC - FOOD SUPPLIES	1		1,300.35
INV KX636394	19/03/2021 PFD FOOD SERVICES PTY LTD	YRCC - FOOD SUPPLIES	1		496.45

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INV KX708362	25/03/2021 PFD FOOD SERVICES PTY LTD	YRCC - FOOD SUPPLIES	1	76.15	
INV KX708253	26/03/2021 PFD FOOD SERVICES PTY LTD	YRCC - FOOD SUPPLIES	1	727.75	
EFT25720	31/03/2021 RICOH AUSTRALIA PTY LTD	SUPPLY 2 X PRINT CARTRIDGES TRELIS PRINTER	1		345.40
INV 13609193	03/12/2020 RICOH AUSTRALIA PTY LTD	SUPPLY 2 X PRINT CARTRIDGES TRELIS PRINTER	1		345.40
EFT25721	31/03/2021 SAFETY BARRIERS WA PTY LTD	REPAIR GUARD RAIL CHEVRON BRIDGE SIGN - QUELLINGTON ROAD	1		3,285.70
INV 00005492	10/03/2021 SAFETY BARRIERS WA PTY LTD	REPAIR GUARD RAIL CHEVRON BRIDGE SIGN - QUELLINGTON ROAD	1		3,285.70
EFT25722	31/03/2021 SANITY MUSIC STORES	PURCHASE OF NEW DVD'S FOR THE LIBRARY	1		41.73
INV 101534	15/01/2021 SANITY MUSIC STORES	PURCHASE OF NEW DVD'S FOR THE LIBRARY	1		20.86
INV 101657	28/01/2021 SANITY MUSIC STORES	PURCHASE OF NEW DVD'S FOR THE LIBRARY	1		20.87
EFT25723	31/03/2021 SCREAGHS	YRCC - BEVERAGE FREIGHT 25/3/21	1		118.87
INV 00310775	27/03/2021 SCREAGHS	YRCC - BEVERAGE FREIGHT 25/3/21	1		118.87
EFT25724	31/03/2021 SHIRE OF NORTHAM	SHOP MERCHANDISE BOOKS AND BUSHTUCKER FOOD - RESIDENCY MUSEUM	1		285.45
INV 23983	22/09/2020 SHIRE OF NORTHAM	SHOP MERCHANDISE BOOKS AND BUSHTUCKER FOOD - RESIDENCY MUSEUM	1		285.45
EFT25725	31/03/2021 STEPHEN EDWARD MUHLEISEN	COUNCILLOR ALLOWANCES - MARCH 2021	1		1,298.55
INV CRS PMT	31/03/2021 STEPHEN EDWARD MUHLEISEN	COUNCILLOR ALLOWANCES - MARCH 2021	1		1,298.55
EFT25726	31/03/2021 SYNERGY	ELECTRICITY	1		2,678.17
INV 430153700	11/03/2021 SYNERGY	ELECTRICITY 24/12/20-11/3/21 - OLD CEMETERY	1		102.66
INV 108761310	19/03/2021 SYNERGY	ELECTRICITY 16/2/21-19/3/21 - SWIMMING POOL	1		2,575.51
EFT25727	31/03/2021 T-QUIP	SUPPLIES	1		659.25
INV 97500#12	14/12/2020 T-QUIP	SUPPLY SIDE BROOM SPRING - HAKO SWEEPER RIDE ON	1		40.60
INV 99873#5	25/03/2021 T-QUIP	SUPPLY 1 X HAP3305663 BROOM 48 PROEX & WIRE FOR OUR SWEEPER MACHINE	1		618.65
EFT25728	31/03/2021 THE MILL CAFE	FAREWELL AFTERNOON TEA - HELEN DARCY-WALKER	1		404.00
INV 33	09/03/2021 THE MILL CAFE	FAREWELL AFTERNOON TEA - HELEN DARCY-WALKER	1		230.00
INV 40	23/03/2021 THE MILL CAFE	ORDINARY COUNCIL MEETING DINNER FOR COUNCILLORS AND STAFF - 23 MARCH 2021	1		174.00

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EFT25729	31/03/2021 THE OLIVE BRANCH	EVENING MEAL FOR 7 X COUNCILLORS AND 3 X ELT FOLLOWING THE FEBRUARY 2021 COUNCIL MEETING	1		300.00
INV	23/02/2021 THE OLIVE BRANCH	EVENING MEAL FOR 7 X COUNCILLORS AND 3 X ELT FOLLOWING THE FEBRUARY 2021 COUNCIL MEETING	1		300.00
EFT25730	31/03/2021 TOLL TRANSPORT GROUP	FREIGHT	1		422.31
INV 0402	09/08/2020 TOLL TRANSPORT GROUP	FREIGHT - 3-7/8/20	1		23.49
INV 0405	30/08/2020 TOLL TRANSPORT GROUP	FREIGHT - 28/8/20	1		103.90
INV 0428	14/03/2021 TOLL TRANSPORT GROUP	FREIGHT - 28/8/20 & 25/2/21	1		88.61
INV 0429	21/03/2021 TOLL TRANSPORT GROUP	FREIGHT - 21/3/21	1		206.31
EFT25731	31/03/2021 VANGUARD PRESS	PRINT PRODUCTION OF 20,000 YORK VISITOR GUIDES, DL SIZE, 4PP COVER, 20PP PLUS 6PP FOLD OUT MAP HIGH RESOLUTION PROOF	1		7,370.00
INV 00029056	10/03/2021 VANGUARD PRESS	PRINT PRODUCTION OF 20,000 YORK VISITOR GUIDES, DL SIZE, 4PP COVER, 20PP PLUS 6PP FOLD OUT MAP HIGH RESOLUTION PROOF	1		7,370.00
EFT25732	31/03/2021 WATTLE & DAUB FLORISTRY	PURCHASE OF FLORAL ARRANGEMENT FOR PERTH CARAVAN AND CAMPING AVON VALLEY EXHIBITION STAND	1		200.00
INV 0004	29/03/2021 WATTLE & DAUB FLORISTRY	PURCHASE OF FLORAL ARRANGEMENT FOR PERTH CARAVAN AND CAMPING AVON VALLEY EXHIBITION STAND	1		200.00
EFT25733	31/03/2021 WHEATBELT OFFICE & BUSINESS MACHINES	PHOTOCOPIER CHARGES	1		1,523.43
INV 211235	16/03/2021 WHEATBELT OFFICE & BUSINESS MACHINES	PHOTOCOPIER CHARGES 3/2/21-16/3/21 - DEPOT	1		269.77
INV 211234	16/03/2021 WHEATBELT OFFICE & BUSINESS MACHINES	PHOTOCOPIER CHARGES 3/2/21-16/3/21 - YVC	1		110.95
INV 211236	16/03/2021 WHEATBELT OFFICE & BUSINESS MACHINES	PHOTOCOPIER CHARGES 17/11/20-16/3/21 - RESIDENCY MUSEUM	1		51.29
INV 211237	16/03/2021 WHEATBELT OFFICE & BUSINESS MACHINES	PHOTOCOPIER CHARGES 3/2/21-16/3/21 - ADMIN	1		1,091.42
EFT25734	31/03/2021 WINC.	STATIONERY SUPPLIES	1		16.24
INV	17/03/2021 WINC.	STATIONERY SUPPLIES	1		16.24
EFT25735	31/03/2021 WREN OIL	OIL WASTE DISPOSAL & ADMIN/ COMPLIANCE FEES 17/3/21 - TRANSFER STATION	1		16.50
INV 108437	22/03/2021 WREN OIL	OIL WASTE DISPOSAL & ADMIN/ COMPLIANCE FEES 17/3/21 - TRANSFER STATION	1		16.50
EFT25736	31/03/2021 YORK AUTO ELECTRICS	REPAIR AIR CONDITIONER ON UTE Y387	1		1,166.00

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INV 15836	03/02/2021 YORK AUTO ELECTRICS	BATTERY FOR SPRAY UTE Y770	1	121.00	
INV 16008	12/03/2021 YORK AUTO ELECTRICS	REPAIR AIR CONDITIONER ON UTE Y387	1	1,045.00	
EFT25737	31/03/2021 YORK BOWLING CLUB	COMMUNITY FUNDING RES#121120 - SPONSORSHIP PROVISION TO SUPPORT THE 2021 MENS OPEN PAIRS BOWLS CHAMPIONSHIPS	1		4,000.00
INV 727531	19/03/2021 YORK BOWLING CLUB	COMMUNITY FUNDING RES#121120 - SPONSORSHIP PROVISION TO SUPPORT THE 2021 MENS OPEN PAIRS BOWLS CHAMPIONSHIPS	1	4,000.00	
EFT25738	31/03/2021 YORK COMMUNITY RESOURCE CENTRE INC	PROGRESS PAYMENT 2 - YORK COMMUNITY RESOURCE CENTRE MULTIYEAR FUNDING AGREEMENT 2020/21 SPONSORSHIP	1		8,150.00
INV 00005677	01/03/2021 YORK COMMUNITY RESOURCE CENTRE INC	PROGRESS PAYMENT 2 - YORK COMMUNITY RESOURCE CENTRE MULTIYEAR FUNDING AGREEMENT 2020/21 SPONSORSHIP	1	7,920.00	
INV 00005672	01/03/2021 YORK COMMUNITY RESOURCE CENTRE INC	ADVERT - YORK BUSINESS DIRECTORY 20/21 - RESIDENCY MUSEUM	1	230.00	
EFT25739	31/03/2021 YORK QUALITY BUTCHERS	YRCC - MEAT SUPPLIES	1		650.65
INV 1839	18/01/2021 YORK QUALITY BUTCHERS	YRCC - MEAT SUPPLIES	1	83.37	
INV 1845	21/01/2021 YORK QUALITY BUTCHERS	YRCC - MEAT SUPPLIES	1	58.19	
INV 1870	12/02/2021 YORK QUALITY BUTCHERS	YRCC - MEAT SUPPLIES	1	238.54	
INV 1919	19/03/2021 YORK QUALITY BUTCHERS	YRCC - MEAT SUPPLIES	1	142.50	
INV 1927	26/03/2021 YORK QUALITY BUTCHERS	YRCC - MEAT SUPPLIES	1	128.05	
31864	10/03/2021 SHIRE OF YORK	LICENSING	1		142.05
INV 1GXAJ12	15/02/2021 SHIRE OF YORK	LICENSING 3MNTHS EXP 30/6/21 - 1GXAJ12	1	118.05	
INV 1TVA436	16/02/2021 SHIRE OF YORK	LICENSING 12MNTHS EXP 19/3/2022 - 1TVA436 EMERGENCY RESPONSE TRAILER	1	24.00	
31865	10/03/2021 TELSTRA	SHIRE MOBILE PHONES 11/1/21-10/2/21	1		661.86
INV	11/02/2021 TELSTRA	SHIRE MOBILE PHONES 11/1/21-10/2/21	1	661.86	
31866	10/03/2021 WATER CORPORATION OF WA	WATER CHARGES	1		89,723.41
INV	28/01/2021 WATER CORPORATION OF WA	WATER CHARGES 26/1/20-27/1/21 - AVON PARK TOILETS & AVON PARK TANK	1	8,545.74	
INV	28/01/2021 WATER CORPORATION OF WA	WATER CHARGES 21/11/20-27/1/21 - LINCOLN ST STANDPIPE	1	505.78	
INV	28/01/2021 WATER CORPORATION OF WA	WATER CHARGES 25/11/20-27/1/21 - BALLADONG GARDENS	1	21.30	

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INV	28/01/2021 WATER CORPORATION OF WA	WATER CHARGES 21/11/20-27/1/21 - CANDICE BATEMAN PARK	1	2,089.67	
INV	01/02/2021 WATER CORPORATION OF WA	WATER CHARGES 24/11/20-29/1/21 - RV DUMP POINT	1	401.96	
INV	01/02/2021 WATER CORPORATION OF WA	WATER CHARGES 24/1/20-29/1/21 - CEMETERY	1	441.89	
INV	01/02/2021 WATER CORPORATION OF WA	WATER CHARGES 24/11/20-29/1/21 - RESIDENCY MUSEUM	1	584.85	
INV	01/02/2021 WATER CORPORATION OF WA	WATER CHARGES 24/11/20-29/1/21 - OLD CEMETERY	1	1,881.95	
INV	01/02/2021 WATER CORPORATION OF WA	WATER CHARGES 27/11/20-29/1/21 - GWAMBYGINE TOILETS	1	15.97	
INV	02/02/2021 WATER CORPORATION OF WA	WATER CHARGES 27/11/20-29/1/21- RAILWAY RD STANDPIPE	1	30,965.91	
INV	02/02/2021 WATER CORPORATION OF WA	WATER CHARGES 27/11/20-1/2/21 - GWAMBYGINE RD STANDPIPE	1	1,333.66	
INV	04/02/2021 WATER CORPORATION OF WA	WATER SERVICE CHARGES 1/1/21-28/2/21 - 75 OSNABURG RD	1	42.73	
INV	04/02/2021 WATER CORPORATION OF WA	WATER SERVICE CHARGES 1/1/21-28/2/21 - 51 ROE ST	1	42.73	
INV	05/02/2021 WATER CORPORATION OF WA	WATER SERVICE CHARGES 1/1/21-28/2/21 - 2 DINSDALE RD	1	42.73	
INV	05/02/2021 WATER CORPORATION OF WA	WATER SERVICE CHARGES 1/1/21-28/2/21 - 38 FRASER ST	1	42.73	
INV	05/02/2021 WATER CORPORATION OF WA	WATER SERVICE CHARGES 1/1/21-28/2/21 - 26 BARKER ST YORK COMMUNITY RADIO STATION	1	42.73	
INV	05/02/2021 WATER CORPORATION OF WA	WATER CHARGES 26/11/20-29/1/21 - FORD ST/ GREY ST ARBORETUM	1	23.96	
INV	05/02/2021 WATER CORPORATION OF WA	WATER CHARGES 27/11/20-29/1/21 - CENT UNITS	1	475.55	
INV	05/02/2021 WATER CORPORATION OF WA	WATER CHARGES 25/11/20-29/1/21 - PEACE PARK	1	1,729.32	
INV	05/02/2021 WATER CORPORATION OF WA	WATER CHARGES 2/12/20-1/2/21 - 17 FORBES ST	1	93.89	
INV	05/02/2021 WATER CORPORATION OF WA	WATER CHARGES 2/12/20-2/2/21 - CARTER RD (MENS SHED)	1	13.31	
INV	05/02/2021 WATER CORPORATION OF WA	WATER CHARGES 25/11/20-29/1/21 - WAR MEMORAIL GARDENS	1	1,147.32	
INV	05/02/2021 WATER CORPORATION OF WA	WATER CHARGES 25/11/20-29/1/21 - DEPOT	1	758.67	
INV	05/02/2021 WATER CORPORATION OF WA	WATER CHARGES 25/11/20-29/1/21 - OLD INFANT HEALTH	1	45.45	
INV	05/02/2021 WATER CORPORATION OF WA	WATER CHARGES 26/11/202-29/1/21 - HOWICK ST TOILETS & JOHANNA WHITELY PARK	1	1,280.42	
INV	05/02/2021 WATER CORPORATION OF WA	WATER CHARGES 25/11/20-29/1/21 - OLD CONVENT SCHOOL	1	113.71	
INV	05/02/2021 WATER CORPORATION OF WA	WATER CHARGES 25/11/20-29/1/21 - SHOWGROUNDS	1	45.45	
INV	05/02/2021 WATER CORPORATION OF WA	WATER CHARGES 25/11/20-29/1/21 - YRCC	1	1,126.50	
INV	05/02/2021 WATER CORPORATION OF WA	WATER CHARGES 26/11/20-29/1/21 - SWIMMING POOL	1	4,296.43	
INV	05/02/2021 WATER CORPORATION OF WA	WATER CHARGES 25/11/20-29/1/21 - FORREST OVAL TANNK	1	31,528.37	

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INV	05/02/2021 WATER CORPORATION OF WA	WATER SERVICE CHARGES 1/1/21-28/2/21 - 24 FORD ST	1	42.73	
31867	18/03/2021 WATER CORPORATION OF WA	WATER CHARGES 25/11/20-29/1/21 - TOWN HALL & ADMIN	1		800.04
INV	03/02/2021 WATER CORPORATION OF WA	WATER CHARGES 24/11/20-2/2/21 - BURGES SIDING STANDPIPE	1	281.73	
INV	05/02/2021 WATER CORPORATION OF WA	WATER CHARGES 25/11/20-29/1/21 - TOWN HALL & ADMIN	1	518.31	
DD15134.1	09/03/2021 AWARE SUPER	SUPERANNUATION CONTRIBUTIONS	1		12,889.62
INV SUPER	09/03/2021 AWARE SUPER	SUPERANNUATION CONTRIBUTIONS	1	272.34	
INV SUPER	09/03/2021 AWARE SUPER	SUPERANNUATION CONTRIBUTIONS	1	262.31	
INV SUPER	09/03/2021 AWARE SUPER	SUPERANNUATION CONTRIBUTIONS	1	138.06	
INV SUPER	09/03/2021 AWARE SUPER	SUPERANNUATION CONTRIBUTIONS	1	141.74	
INV SUPER	09/03/2021 AWARE SUPER	SUPERANNUATION CONTRIBUTIONS	1	74.60	
INV SUPER	09/03/2021 AWARE SUPER	SUPERANNUATION CONTRIBUTIONS	1	258.26	
INV SUPER	09/03/2021 AWARE SUPER	SUPERANNUATION CONTRIBUTIONS	1	135.93	
INV SUPER	09/03/2021 AWARE SUPER	SUPERANNUATION CONTRIBUTIONS	1	192.18	
INV SUPER	09/03/2021 AWARE SUPER	SUPERANNUATION CONTRIBUTIONS	1	101.15	
INV SUPER	09/03/2021 AWARE SUPER	SUPERANNUATION CONTRIBUTIONS	1	273.06	
INV SUPER	09/03/2021 AWARE SUPER	SUPERANNUATION CONTRIBUTIONS	1	143.34	
INV SUPER	09/03/2021 AWARE SUPER	SUPERANNUATION CONTRIBUTIONS	1	143.72	
INV SUPER	09/03/2021 AWARE SUPER	SUPERANNUATION CONTRIBUTIONS	1	73.55	
INV SUPER	09/03/2021 AWARE SUPER	SUPERANNUATION CONTRIBUTIONS	1	38.71	
INV SUPER	09/03/2021 AWARE SUPER	SUPERANNUATION CONTRIBUTIONS	1	261.21	
INV SUPER	09/03/2021 AWARE SUPER	SUPERANNUATION CONTRIBUTIONS	1	137.48	
INV SUPER	09/03/2021 AWARE SUPER	SUPERANNUATION CONTRIBUTIONS	1	194.27	
INV SUPER	09/03/2021 AWARE SUPER	SUPERANNUATION CONTRIBUTIONS	1	270.09	
INV SUPER	09/03/2021 AWARE SUPER	SUPERANNUATION CONTRIBUTIONS	1	260.51	
INV SUPER	09/03/2021 AWARE SUPER	SUPERANNUATION CONTRIBUTIONS	1	207.99	
INV SUPER	09/03/2021 AWARE SUPER	SUPERANNUATION CONTRIBUTIONS	1	109.47	
INV SUPER	09/03/2021 AWARE SUPER	SUPERANNUATION CONTRIBUTIONS	1	209.24	

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INV SUPER	09/03/2021 AWARE SUPER	SUPERANNUATION CONTRIBUTIONS	1	110.13	
INV SUPER	09/03/2021 AWARE SUPER	SUPERANNUATION CONTRIBUTIONS	1	142.15	
INV SUPER	09/03/2021 AWARE SUPER	SUPERANNUATION CONTRIBUTIONS	1	553.91	
INV SUPER	09/03/2021 AWARE SUPER	SUPERANNUATION CONTRIBUTIONS	1	291.53	
INV SUPER	09/03/2021 AWARE SUPER	SUPERANNUATION CONTRIBUTIONS	1	260.78	
INV SUPER	09/03/2021 AWARE SUPER	SUPERANNUATION CONTRIBUTIONS	1	20.00	
INV SUPER	09/03/2021 AWARE SUPER	SUPERANNUATION CONTRIBUTIONS	1	224.41	
INV SUPER	09/03/2021 AWARE SUPER	SUPERANNUATION CONTRIBUTIONS	1	279.33	
INV SUPER	09/03/2021 AWARE SUPER	SUPERANNUATION CONTRIBUTIONS	1	120.00	
INV SUPER	09/03/2021 AWARE SUPER	SUPERANNUATION CONTRIBUTIONS	1	355.05	
INV SUPER	09/03/2021 AWARE SUPER	SUPERANNUATION CONTRIBUTIONS	1	186.87	
INV SUPER	09/03/2021 AWARE SUPER	SUPERANNUATION CONTRIBUTIONS	1	270.68	
INV SUPER	09/03/2021 AWARE SUPER	SUPERANNUATION CONTRIBUTIONS	1	100.48	
INV SUPER	09/03/2021 AWARE SUPER	SUPERANNUATION CONTRIBUTIONS	1	257.30	
INV SUPER	09/03/2021 AWARE SUPER	SUPERANNUATION CONTRIBUTIONS	1	639.42	
INV SUPER	09/03/2021 AWARE SUPER	SUPERANNUATION CONTRIBUTIONS	1	201.92	
INV SUPER	09/03/2021 AWARE SUPER	SUPERANNUATION CONTRIBUTIONS	1	240.99	
INV SUPER	09/03/2021 AWARE SUPER	SUPERANNUATION CONTRIBUTIONS	1	181.46	
INV SUPER	09/03/2021 AWARE SUPER	SUPERANNUATION CONTRIBUTIONS	1	529.80	
INV SUPER	09/03/2021 AWARE SUPER	SUPERANNUATION CONTRIBUTIONS	1	278.84	
INV SUPER	09/03/2021 AWARE SUPER	SUPERANNUATION CONTRIBUTIONS	1	142.46	
INV	09/03/2021 AWARE SUPER	SUPERANNUATION CONTRIBUTIONS	1	1,714.05	
INV	09/03/2021 AWARE SUPER	SUPERANNUATION CONTRIBUTIONS	1	142.15	
INV	09/03/2021 AWARE SUPER	SUPERANNUATION CONTRIBUTIONS	1	298.39	
INV	09/03/2021 AWARE SUPER	SUPERANNUATION CONTRIBUTIONS	1	427.46	
INV SUPER	09/03/2021 AWARE SUPER	SUPERANNUATION CONTRIBUTIONS	1	349.26	
INV	09/03/2021 AWARE SUPER	SUPERANNUATION CONTRIBUTIONS	1	140.00	
INV	09/03/2021 AWARE SUPER	SUPERANNUATION CONTRIBUTIONS	1	201.92	

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INV SUPER	09/03/2021 AWARE SUPER	SUPERANNUATION CONTRIBUTIONS	1	183.82	
INV SUPER	09/03/2021 AWARE SUPER	SUPERANNUATION CONTRIBUTIONS	1	145.85	
DD15134.2	09/03/2021 ASGARD	SUPERANNUATION CONTRIBUTIONS	1		2,002.31
INV SUPER	09/03/2021 ASGARD	SUPERANNUATION CONTRIBUTIONS	1	1,139.89	
INV	09/03/2021 ASGARD	SUPERANNUATION CONTRIBUTIONS	1	710.50	
INV	09/03/2021 ASGARD	SUPERANNUATION CONTRIBUTIONS	1	151.92	
DD15134.3	09/03/2021 CARE SUPER	SUPERANNUATION CONTRIBUTIONS	1		158.02
INV SUPER	09/03/2021 CARE SUPER	SUPERANNUATION CONTRIBUTIONS	1	117.50	
INV	09/03/2021 CARE SUPER	SUPERANNUATION CONTRIBUTIONS	1	40.52	
DD15134.4	09/03/2021 RETAIL EMPLOYEES SUPERANNUATION TRUST	SUPERANNUATION CONTRIBUTIONS	1		1,369.33
INV SUPER	09/03/2021 RETAIL EMPLOYEES SUPERANNUATION TRUST	SUPERANNUATION CONTRIBUTIONS	1	1,182.46	
INV	09/03/2021 RETAIL EMPLOYEES SUPERANNUATION TRUST	SUPERANNUATION CONTRIBUTIONS	1	186.87	
DD15134.5	09/03/2021 IOOF LIFETRACK SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	1		273.02
INV SUPER	09/03/2021 IOOF LIFETRACK SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	1	273.02	
DD15134.6	09/03/2021 HOSTPLUS	SUPERANNUATION CONTRIBUTIONS	1		698.58
INV SUPER	09/03/2021 HOSTPLUS	SUPERANNUATION CONTRIBUTIONS	1	541.63	
INV	09/03/2021 HOSTPLUS	SUPERANNUATION CONTRIBUTIONS	1	156.95	
DD15134.7	09/03/2021 CBUS SUPER	SUPERANNUATION CONTRIBUTIONS	1		538.64
INV SUPER	09/03/2021 CBUS SUPER	SUPERANNUATION CONTRIBUTIONS	1	538.64	
DD15134.8	09/03/2021 AUSTRALIAN SUPER	SUPERANNUATION CONTRIBUTIONS	1		2,118.28
INV SUPER	09/03/2021 AUSTRALIAN SUPER	SUPERANNUATION CONTRIBUTIONS	1	1,751.31	
INV	09/03/2021 AUSTRALIAN SUPER	SUPERANNUATION CONTRIBUTIONS	1	301.97	
INV	09/03/2021 AUSTRALIAN SUPER	SUPERANNUATION CONTRIBUTIONS	1	65.00	
DD15134.9	09/03/2021 PRIME SUPER	SUPERANNUATION CONTRIBUTIONS	1		907.67
INV SUPER	09/03/2021 PRIME SUPER	SUPERANNUATION CONTRIBUTIONS	1	740.20	

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INV	09/03/2021 PRIME SUPER	SUPERANNUATION CONTRIBUTIONS	1	167.47	
DD15139.1	09/03/2021 AWARE SUPER	SUPERANNUATION CONTRIBUTIONS	1		3,635.42
INV SUPER	17/03/2021 AWARE SUPER	SUPERANNUATION CONTRIBUTIONS	1	2,381.83	
INV SUPER	17/03/2021 AWARE SUPER	SUPERANNUATION CONTRIBUTIONS	1	1,253.59	
DD15139.2	17/03/2021 AWARE SUPER	SUPERANNUATION CONTRIBUTIONS	1		1,253.59
INV	17/03/2021 AWARE SUPER	SUPERANNUATION CONTRIBUTIONS	1	1,253.59	
DD15151.1	23/03/2021 AWARE SUPER	SUPERANNUATION CONTRIBUTIONS	1		11,843.90
INV SUPER	23/03/2021 AWARE SUPER	SUPERANNUATION CONTRIBUTIONS	1	277.68	
INV SUPER	23/03/2021 AWARE SUPER	SUPERANNUATION CONTRIBUTIONS	1	262.31	
INV SUPER	23/03/2021 AWARE SUPER	SUPERANNUATION CONTRIBUTIONS	1	138.06	
INV SUPER	23/03/2021 AWARE SUPER	SUPERANNUATION CONTRIBUTIONS	1	165.36	
INV SUPER	23/03/2021 AWARE SUPER	SUPERANNUATION CONTRIBUTIONS	1	87.03	
INV SUPER	23/03/2021 AWARE SUPER	SUPERANNUATION CONTRIBUTIONS	1	258.86	
INV SUPER	23/03/2021 AWARE SUPER	SUPERANNUATION CONTRIBUTIONS	1	136.24	
INV SUPER	23/03/2021 AWARE SUPER	SUPERANNUATION CONTRIBUTIONS	1	216.20	
INV SUPER	23/03/2021 AWARE SUPER	SUPERANNUATION CONTRIBUTIONS	1	113.79	
INV SUPER	23/03/2021 AWARE SUPER	SUPERANNUATION CONTRIBUTIONS	1	258.86	
INV SUPER	23/03/2021 AWARE SUPER	SUPERANNUATION CONTRIBUTIONS	1	146.15	
INV SUPER	23/03/2021 AWARE SUPER	SUPERANNUATION CONTRIBUTIONS	1	136.24	
INV SUPER	23/03/2021 AWARE SUPER	SUPERANNUATION CONTRIBUTIONS	1	100.91	
INV SUPER	23/03/2021 AWARE SUPER	SUPERANNUATION CONTRIBUTIONS	1	53.11	
INV SUPER	23/03/2021 AWARE SUPER	SUPERANNUATION CONTRIBUTIONS	1	259.46	
INV SUPER	23/03/2021 AWARE SUPER	SUPERANNUATION CONTRIBUTIONS	1	136.56	
INV SUPER	23/03/2021 AWARE SUPER	SUPERANNUATION CONTRIBUTIONS	1	206.01	
INV SUPER	23/03/2021 AWARE SUPER	SUPERANNUATION CONTRIBUTIONS	1	271.14	
INV SUPER	23/03/2021 AWARE SUPER	SUPERANNUATION CONTRIBUTIONS	1	260.51	
INV SUPER	23/03/2021 AWARE SUPER	SUPERANNUATION CONTRIBUTIONS	1	49.49	

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INV SUPER	23/03/2021 AWARE SUPER	SUPERANNUATION CONTRIBUTIONS	1	207.99	
INV SUPER	23/03/2021 AWARE SUPER	SUPERANNUATION CONTRIBUTIONS	1	109.47	
INV SUPER	23/03/2021 AWARE SUPER	SUPERANNUATION CONTRIBUTIONS	1	151.12	
INV SUPER	23/03/2021 AWARE SUPER	SUPERANNUATION CONTRIBUTIONS	1	79.54	
INV SUPER	23/03/2021 AWARE SUPER	SUPERANNUATION CONTRIBUTIONS	1	142.71	
INV SUPER	23/03/2021 AWARE SUPER	SUPERANNUATION CONTRIBUTIONS	1	260.78	
INV SUPER	23/03/2021 AWARE SUPER	SUPERANNUATION CONTRIBUTIONS	1	20.00	
INV SUPER	23/03/2021 AWARE SUPER	SUPERANNUATION CONTRIBUTIONS	1	224.41	
INV SUPER	23/03/2021 AWARE SUPER	SUPERANNUATION CONTRIBUTIONS	1	280.46	
INV SUPER	23/03/2021 AWARE SUPER	SUPERANNUATION CONTRIBUTIONS	1	120.00	
INV SUPER	23/03/2021 AWARE SUPER	SUPERANNUATION CONTRIBUTIONS	1	355.05	
INV SUPER	23/03/2021 AWARE SUPER	SUPERANNUATION CONTRIBUTIONS	1	186.87	
INV SUPER	23/03/2021 AWARE SUPER	SUPERANNUATION CONTRIBUTIONS	1	114.18	
INV SUPER	23/03/2021 AWARE SUPER	SUPERANNUATION CONTRIBUTIONS	1	187.30	
INV SUPER	23/03/2021 AWARE SUPER	SUPERANNUATION CONTRIBUTIONS	1	271.27	
INV SUPER	23/03/2021 AWARE SUPER	SUPERANNUATION CONTRIBUTIONS	1	639.42	
INV SUPER	23/03/2021 AWARE SUPER	SUPERANNUATION CONTRIBUTIONS	1	201.92	
INV SUPER	23/03/2021 AWARE SUPER	SUPERANNUATION CONTRIBUTIONS	1	246.56	
INV SUPER	23/03/2021 AWARE SUPER	SUPERANNUATION CONTRIBUTIONS	1	202.56	
INV SUPER	23/03/2021 AWARE SUPER	SUPERANNUATION CONTRIBUTIONS	1	529.80	
INV SUPER	23/03/2021 AWARE SUPER	SUPERANNUATION CONTRIBUTIONS	1	278.84	
INV SUPER	23/03/2021 AWARE SUPER	SUPERANNUATION CONTRIBUTIONS	1	142.77	
INV	23/03/2021 AWARE SUPER	SUPERANNUATION CONTRIBUTIONS	1	1,705.22	
INV	23/03/2021 AWARE SUPER	SUPERANNUATION CONTRIBUTIONS	1	142.71	
INV	23/03/2021 AWARE SUPER	SUPERANNUATION CONTRIBUTIONS	1	348.12	
INV	23/03/2021 AWARE SUPER	SUPERANNUATION CONTRIBUTIONS	1	136.24	
INV SUPER	23/03/2021 AWARE SUPER	SUPERANNUATION CONTRIBUTIONS	1	349.26	
INV	23/03/2021 AWARE SUPER	SUPERANNUATION CONTRIBUTIONS	1	140.00	

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INV	23/03/2021 AWARE SUPER	SUPERANNUATION CONTRIBUTIONS	1	201.92	
INV SUPER	23/03/2021 AWARE SUPER	SUPERANNUATION CONTRIBUTIONS	1	183.82	
INV SUPER	23/03/2021 AWARE SUPER	SUPERANNUATION CONTRIBUTIONS	1	149.62	
DD15151.2	23/03/2021 ASGARD	SUPERANNUATION CONTRIBUTIONS	1		2,000.61
INV SUPER	23/03/2021 ASGARD	SUPERANNUATION CONTRIBUTIONS	1	1,138.19	
INV	23/03/2021 ASGARD	SUPERANNUATION CONTRIBUTIONS	1	710.50	
INV	23/03/2021 ASGARD	SUPERANNUATION CONTRIBUTIONS	1	151.92	
DD15151.3	23/03/2021 RETAIL EMPLOYEES SUPERANNUATION TRUST	SUPERANNUATION CONTRIBUTIONS	1		1,372.92
INV SUPER	23/03/2021 RETAIL EMPLOYEES SUPERANNUATION TRUST	SUPERANNUATION CONTRIBUTIONS	1	1,185.19	
INV	23/03/2021 RETAIL EMPLOYEES SUPERANNUATION TRUST	SUPERANNUATION CONTRIBUTIONS	1	187.73	
DD15151.4	23/03/2021 IOOF LIFETRACK SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	1		273.02
INV SUPER	23/03/2021 IOOF LIFETRACK SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	1	273.02	
DD15151.5	23/03/2021 HOSTPLUS	SUPERANNUATION CONTRIBUTIONS	1		688.46
INV SUPER	23/03/2021 HOSTPLUS	SUPERANNUATION CONTRIBUTIONS	1	536.84	
INV	23/03/2021 HOSTPLUS	SUPERANNUATION CONTRIBUTIONS	1	151.62	
DD15151.6	23/03/2021 CBUS SUPER	SUPERANNUATION CONTRIBUTIONS	1		515.64
INV SUPER	23/03/2021 CBUS SUPER	SUPERANNUATION CONTRIBUTIONS	1	515.64	
DD15151.7	23/03/2021 AUSTRALIAN SUPER	SUPERANNUATION CONTRIBUTIONS	1		1,503.72
INV SUPER	23/03/2021 AUSTRALIAN SUPER	SUPERANNUATION CONTRIBUTIONS	1	1,296.38	
INV	23/03/2021 AUSTRALIAN SUPER	SUPERANNUATION CONTRIBUTIONS	1	142.34	
INV	23/03/2021 AUSTRALIAN SUPER	SUPERANNUATION CONTRIBUTIONS	1	65.00	
DD15151.8	23/03/2021 PRIME SUPER	SUPERANNUATION CONTRIBUTIONS	1		873.14
INV SUPER	23/03/2021 PRIME SUPER	SUPERANNUATION CONTRIBUTIONS	1	711.63	
INV	23/03/2021 PRIME SUPER	SUPERANNUATION CONTRIBUTIONS	1	161.51	
DD15151.9	23/03/2021 MERCER SUPERANNUATION TRUST	SUPERANNUATION CONTRIBUTIONS	1		85.79

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INV SUPER	23/03/2021 MERCER SUPERANNUATION TRUST	SUPERANNUATION CONTRIBUTIONS	1	85.79	
DD15134.10	09/03/2021 MERCER SUPERANNUATION TRUST	SUPERANNUATION CONTRIBUTIONS	1		61.49
INV SUPER	09/03/2021 MERCER SUPERANNUATION TRUST	SUPERANNUATION CONTRIBUTIONS	1	61.49	
DD15134.11	09/03/2021 AMP RETIREMENT TRUST	SUPERANNUATION CONTRIBUTIONS	1		202.22
INV SUPER	09/03/2021 AMP RETIREMENT TRUST	SUPERANNUATION CONTRIBUTIONS	1	202.22	
DD15134.12	09/03/2021 AMP FLEXIBLE LIFETIME SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	1		62.06
INV SUPER	09/03/2021 AMP FLEXIBLE LIFETIME SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	1	62.06	
DD15134.13	09/03/2021 COLONIAL FIRST STATE	SUPERANNUATION CONTRIBUTIONS	1		404.24
INV SUPER	09/03/2021 COLONIAL FIRST STATE	SUPERANNUATION CONTRIBUTIONS	1	300.59	
INV	09/03/2021 COLONIAL FIRST STATE	SUPERANNUATION CONTRIBUTIONS	1	103.65	
DD15134.14	09/03/2021 HESTA	SUPERANNUATION CONTRIBUTIONS	1		71.56
INV SUPER	09/03/2021 HESTA	SUPERANNUATION CONTRIBUTIONS	1	71.56	
DD15134.15	09/03/2021 BT SUPER FOR LIFE	SUPERANNUATION CONTRIBUTIONS	1		213.82
INV SUPER	09/03/2021 BT SUPER FOR LIFE	SUPERANNUATION CONTRIBUTIONS	1	213.82	
DD15134.16	09/03/2021 LSP SCHREUDER SUPERANNUATION FUND	SUPERANNUATION CONTRIBUTIONS	1		53.73
INV SUPER	09/03/2021 LSP SCHREUDER SUPERANNUATION FUND	SUPERANNUATION CONTRIBUTIONS	1	53.73	
DD15151.10	23/03/2021 AMP RETIREMENT TRUST	SUPERANNUATION CONTRIBUTIONS	1		202.22
INV SUPER	23/03/2021 AMP RETIREMENT TRUST	SUPERANNUATION CONTRIBUTIONS	1	202.22	
DD15151.11	23/03/2021 AMP FLEXIBLE LIFETIME SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	1		66.60
INV SUPER	23/03/2021 AMP FLEXIBLE LIFETIME SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	1	66.60	
DD15151.12	23/03/2021 COLONIAL FIRST STATE	SUPERANNUATION CONTRIBUTIONS	1		404.24
INV SUPER	23/03/2021 COLONIAL FIRST STATE	SUPERANNUATION CONTRIBUTIONS	1	300.59	
INV	23/03/2021 COLONIAL FIRST STATE	SUPERANNUATION CONTRIBUTIONS	1	103.65	
DD15151.13	23/03/2021 HESTA	SUPERANNUATION CONTRIBUTIONS	1		64.10

Date: 01/04/2021
 Time: 12:32:50PM

Shire of York
 CREDITOR PAYMENTS LISTING - MARCH 2021

USER: Kristy Livingstone
 PAGE: 36

Cheque /EFT No	Date Name	Invoice Description	Bank Code	INV Amount	Amount
INV SUPER	23/03/2021 HESTA	SUPERANNUATION CONTRIBUTIONS	1	64.10	
DD15151.14	23/03/2021 BT SUPER FOR LIFE	SUPERANNUATION CONTRIBUTIONS	1		213.82
INV SUPER	23/03/2021 BT SUPER FOR LIFE	SUPERANNUATION CONTRIBUTIONS	1	213.82	
DD15151.15	23/03/2021 LSP SCHREUDER SUPERANNUATION FUND	SUPERANNUATION CONTRIBUTIONS	1		33.23
INV SUPER	23/03/2021 LSP SCHREUDER SUPERANNUATION FUND	SUPERANNUATION CONTRIBUTIONS	1	33.23	

REPORT TOTALS

Bank Code	Bank Name	TOTAL
1	MUNICIPAL FUND BANK	635,632.36
2	TRUST FUND BANK	9,244.10
TOTAL		644,876.46



SHIRE OF YORK
BUSINESS CARD SUMMARY
FEBRUARY 2021

BUSINESS CARD 2 – EXECUTIVE MANAGER CORPORATE AND COMMUNITY SERVICES

Total purchases February 2021 \$131.00

20 Feb 21 Western Australian Police - Corporate Firearm Licence Renewal – Ranger Services

www.bendigobank.com.au





009670

 SHIRE OF YORK
 PO BOX 22
 YORK WA 6302

Card summary

Account number [REDACTED]
 Card number [REDACTED]
 Customer number [REDACTED]
 Statement period 01/02/2021 to 28/02/2021
 Statement number 153 (page 4 of 4)

Any questions?

Contact Graham Edmonds at 114 Avon Tce, York 6302
 on **08 9641 2609**, or call **1300 BENDIGO** (1300 236 344).

Business Credit Card *(continued)*

Date	Transaction	Withdrawals	Payments
20 Feb 21	WESTERN AUSTRALI, EA ST PERTH AUS	131.00	
	TOTALS	\$131.00	\$0.00

We suggest you carefully check all entries on your statement. Apparent errors or possible unauthorised transactions should be promptly reported to us.

The security of your Personal Identification Number (PIN) is very important. To avoid being liable for unauthorised transactions, you should follow the terms and conditions of your account. We also recommend some simple steps to protect your PIN:

- Memorise your PINs and passwords and destroy any communications advising you of new ones. Don't keep a record of your PINs or passwords, in written or electronic form.
- If you choose your own, ensure that it is not something easy to guess like your (or a family member's) birth date, name, phone number, postcode, driver's licence number or numbers that form a pattern.
- Don't tell anyone your PIN, not even friends, family or a bank representative.
- Ensure nobody watches you enter your PIN or password. A good practice is to cover the keypad when you put in your PIN or password.
- Watch out for email, SMS or call scams asking for details relating to your account. If you receive suspicious emails, please contact us immediately.

Please note: These are guidelines only. While following these steps will help you to protect your PIN, your liability for any losses arising from unauthorised transactions is determined in accordance with the ePayments Code. For further details, see <https://asic.gov.au/regulatory-resources/financial-services/epayments-code/> or visit bendigobank.com.au/mycard for all card related information. Business customers visit [/mybusinesscard](#).

All card transactions made in currencies other than Australian dollars will incur a fee of 3% of the transaction value. (Additional charges may apply for cash transactions.)

SY041-04/21 INVESTMENTS - MARCH 2021**File Number:** FI.FRP**Author:** Tabitha Bateman, Finance Manager**Authoriser:** Alina Behan, Executive Manager Corporate & Community Services**Previously before
Council:** Not applicable**Appendices:** 1. Investment Register - March 2021**NATURE OF COUNCIL'S ROLE IN THE MATTER**

- Legislative
- Review

PURPOSE OF REPORT

To report to Council the balance and distribution of investments held by the Shire of York.

BACKGROUND

Council's Policy F1.4 - Investment requires Council to review the performance of its investments monthly. In accordance with the Policy, a report of investments is presented to Council to provide a summary of investments held by the Shire of York.

COMMENTS AND DETAILS

The Shire of York Investment Portfolio includes the following items that highlight Council's investment portfolio performance:

- Council's Investments
- Application of Investment Funds
- Investment Performance

There was one maturing deposit which was reinvested for a further 3 months as funds were not required for cashflow purposes. Further details of the Shire's current term deposits and bank balances are provided within Appendix 1.

OPTIONS

Not applicable.

IMPLICATIONS TO CONSIDER**Consultative**

Standard and Poor's Australia - Global ratings

Financial institutions

Strategic

Goal 5: Strong Leadership and Governance

The Shire's public finances are sustainable in the short and long-term.

Policy Related

Policy F1.4 Investment

DE 3-2 Invest Money Held in Municipal and Trust Funds

Financial

Revenue from investments is a funding source for the Shire and assists in maintaining the value of reserve funds. Policies and procedures are in place to ensure appropriate, responsible and accountable measures are in place to protect the Shire's funds.

Legal and Statutory**Local Government Act 1995****6.14. Power to invest**

- (1) *Money held in the municipal fund or the trust fund of a local government that is not, for the time being, required by the local government for any other purpose may be invested as trust funds may be invested under the Trustees Act 1962 Part III.*
- (2A) *A local government is to comply with the regulations when investing money referred to in subsection (1).*
- (2) *Regulations in relation to investments by local governments may —*
 - (a) *make provision in respect of the investment of money referred to in subsection (1); and*
 - [(b) deleted]*
 - (c) *prescribe circumstances in which a local government is required to invest money held by it; and*
 - (d) *provide for the application of investment earnings; and*
 - (e) *generally provide for the management of those investments.*

Local Government (Financial Management) Regulations 1996**19. Investments, control procedures for**

- (1) *A local government is to establish and document internal control procedures to be followed by employees to ensure control over investments.*
- (2) *The control procedures are to enable the identification of —*
 - (a) *the nature and location of all investments; and*
 - (b) *the transactions related to each investment.*

19C. Investment of money, restrictions on (Act s. 6.14(2)(a))

- (1) *In this regulation —*

authorised institution means —

- (a) *an authorised deposit-taking institution as defined in the Banking Act 1959 (Commonwealth) section 5; or*
- (b) *the Western Australian Treasury Corporation established by the Western Australian Treasury Corporation Act 1986;*

foreign currency means a currency except the currency of Australia.

- (2) *When investing money under section 6.14(1), a local government may not do any of the following —*
 - (a) *deposit with an institution except an authorised institution;*

- (b) *deposit for a fixed term of more than 3 years;*
- (c) *invest in bonds that are not guaranteed by the Commonwealth Government, or a State or Territory government;*
- (d) *invest in bonds with a term to maturity of more than 3 years;*
- (e) *invest in a foreign currency.*

Risk Related

Funds are invested with various financial institutions in accordance with the global credit framework outlined in the Shire's investment policy to reduce risk.

Workforce

Not applicable.

VOTING REQUIREMENTS

Absolute Majority: No

RECOMMENDATION

That, with regard to Investments - March 2021, Council:

1. Receives and notes the Shire of York Investment Portfolio as presented in Appendix 1.

SHIRE OF YORK INVESTMENT PORTFOLIO									
31 March 2021									
Deposit Institution	S & P's	Investment Date	Maturity Date	Investment Value	% of total portfolio	Investment Rate	Value at maturity	Total Interest to be paid at maturity	
MUNICIPAL - Interest Bearing NCDs/TDs									
National Australia Bank	A1+	Tuesday, 16 February 2021	Tuesday, 18 May 2021	91	500,000.00	8%	0.25%	500,311.64	311.64
National Australia Bank	A1+	Thursday, 18 March 2021	Friday, 18 June 2021	92	500,918.49	8%	0.25%	501,234.14	315.65
MUNICIPAL - Interest Bearing NCDs/TDs									
				1,000,918.49	15%			1,001,545.78	627.29
MUNICIPAL - Other funds									
Municipal Account 118630623	A2		Wednesday, 31 March 2021	1,594,695.68	24%		1,594,695.68	0.00	
AMP Banking At call	A2		Wednesday, 31 March 2021	1,182.73	0%		1,182.73	0.00	
AMP Banking Notice	A2		Wednesday, 31 March 2021	278,648.42	4%		278,648.42	0.00	
Westpac Flex-i	A1+		Wednesday, 31 March 2021	5,368.53	0%		5,368.53	0.00	
MUNICIPAL - Other									
				1,879,895.36	29%			1,879,895.36	0.00
RESERVE - Interest Bearing NCDs/TDs									
Westpac Bank	A1+	Thursday, 3 September 2020	Wednesday, 8 September 2021	370	875,721.95	13%	0.80%	882,727.73	7,005.78
National Australia Bank	A1+	Wednesday, 1 July 2020	Friday, 25 June 2021	359	484,931.23	7%	0.90%	489,223.87	4,292.64
Westpac Bank	A1+	Saturday, 22 August 2020	Thursday, 22 April 2021	243	567,302.24	9%	0.72%	570,021.56	2,719.32
National Australia Bank	A1+	Tuesday, 20 October 2020	Friday, 16 July 2021	269	1,000,000.00	15%	0.50%	1,003,684.93	3,684.93
RESERVE - Interest Bearing NCDs/TDs									
				2,927,955.42	45%	0.73%		2,945,658.09	17,702.67
RESERVE - Other funds									
Reserve Acct 119521748	A2		Wednesday, 31 March 2021	238,068.60	4%		238,068.60	0.00	
RESERVE - Other									
				238,068.60	4%			238,068.60	0.00

SHIRE OF YORK INVESTMENT PORTFOLIO

31 March 2021

Deposit Institution	S & P's	Investment Date	Maturity Date	Investment Value	% of total portfolio	Investment Rate	Value at maturity	Total Interest to be paid at maturity		
TRUST - Interest Bearing NCDs/TDs										
T2 PREISIG 2509	Bendigo Bank	A2	Wednesday, 30 September 2020	Friday, 30 April 2021	212	34,188.77	1%	0.70%		
T40 I/SECTIONS 2513	Bendigo Bank	A2	Wednesday, 30 September 2020	Friday, 30 April 2021	212	32,074.63	0%	0.70%		
T77 C/OVERS 2514	Bendigo Bank	A2	Wednesday, 30 September 2020	Friday, 30 April 2021	212	61,706.84	1%	0.70%		
TRUST - Interest Bearing NCDs/TDs						127,970.24	2%	0.70%		
TRUST - Other funds										
Trust Acct 118630649			A2	Wednesday, 31 March 2021		352,118.06	5%	352,118.06		
TRUST - Other						352,118.06	5%	352,118.06		
TOTALS						6,526,926	100%	0.72%		
Reconciliation										
by rating	Value of Investments/Bank accounts				TD's by bank	Summary of Amount	Bank Accounts - Bendigo Bank			
A1+	3,934,242.44	60%			Bendigo Bank	127,970.24	3%	Muni 1,594,695.6		
A1	0.00	0%			AMP Banking	0.00	0%	Reserve 238,068.6		
A2	2,592,683.73	40%			National Australia B	2,485,849.72	61%	Trust 352,118.0		
					Westpac Bank	1,443,024.19	36%	AMP At call 1,182.7		
								AMP Notice 278,648.4		
								Wespac Flex-i 5,368.5		
TOTAL	6,526,926.17	100%				4,056,844.15	100%	31-Mar-21 \$ 2,470,082.0		
Interest Earnings										
					Fund	Adopted Budget	Year to Date Actual			
					Municipal	\$ 18,000.00	\$ 2,382.78			
					Reserve	\$ 21,832.00	\$ -			
					Total	\$ 39,832.00	\$ 2,382.78			

10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

11 QUESTIONS FROM MEMBERS WITHOUT NOTICE

Nil

12 BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING

13 MEETING CLOSED TO THE PUBLIC

13.1 Matters for which the Meeting may be closed

RECOMMENDATION

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 5.23(2) of the Local Government Act 1995:

SY042-04/21 - Confidential - Proposed Write Off - Sundry Debtor 1469

This matter is considered to be confidential under Section 5.23(2) - e(iii) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with a matter that if disclosed, would reveal information about the business, professional, commercial or financial affairs of a person, where the information is held by, or is about, a person other than the local government.

SY043-04/21 - Confidential - Outstanding Rates and Charges - Action to be Commenced Under Section 6.64 of the Local Government Act 1995

This matter is considered to be confidential under Section 5.23(2) - d and e(iii) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting and a matter that if disclosed, would reveal information about the business, professional, commercial or financial affairs of a person, where the information is held by, or is about, a person other than the local government.

13.2 Public Reading of resolutions to be made public

14 CLOSURE