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## INTRODUCTION

Council and employees make decisions on a regular basis on regular repeated matters. In order to ensure consistency of the decisions, the underlying principles/philosophies forming the basis of the decision shall be recorded in a Policy Manual.

## OBJECTIVE

The Shire of Capel shall maintain a Policy Manual to:

1. Provide Council with a formal written record of all policy decisions;
2. Provide employees with precise guidelines in which to act in accordance with Council's wishes;
3. Enable employees to act promptly in accordance with Council's requirements, but without continual reference to Council;
4. Enable Councillors to adequately handle enquiries from electors without undue reference to employees or the Council;
5. Enable Council to maintain a continual review of Council policy decisions and to ensure they are in keeping with community expectations, current trends and circumstances; and
6. Enable ratepayers to obtain immediate advice on matters of Council Policy.

## POLICY STATEMENT

1. Council shall maintain a Manual recording the various policies of the Council.
2. Policies are to relate to issues of an on-going nature; policy decisions on single issues are not to be recorded in the manual.
3. The Policy Manual will be maintained in a loose-leaf binder and updated as and when a policy is varied by the Council and will be available electronically on the Council website and computer network.
4. A review of the policies of Council shall be instigated in November/December of each odd year, i.e. biennially.
5. A copy of the Policy Manual, together with details of variations as they occur, shall be distributed to all Councillors upon request (reference Policy 1.2 Publications – Councillors) and appropriate employees.

6. Changes to the Shire of Capel Policy Manual shall be made only on:

- Notice of Motion, or
- An agenda item clearly setting out details of the new or amended policy, and justifying the need for the new / amended policy.

#### POLICY APPLICATION

This Policy applies to all current and new Councillors and employees, and Council as an entity.

<b>Procedure:</b>	
<b>Originating Section:</b> Corporate Services	<b>Relevant Legislation:</b> <i>Local Government Act 1995, s2.7(2)(b)</i>
<b>Reviewer:</b> Executive Manager Corporate Services	<b>Delegated Authority:</b>
<b>Adopted:</b> Minute SC0139, 27.01.99	<b>Other References:</b> Policy 1.2 – Publications - Councillors
<b>Amended:</b> Minute OC0126, 24.01.07 Minute OC0211, 19.02.14 Minute OC0115, 27.01.16 Minute OC1108, 22.11.17	
<b>Review Date:</b> December 2019	
<b>Amendment 22.11.17</b> Duplicate text removed Text added requiring agenda items recommending a new or amended policy provide justification for the request.	

### INTRODUCTION

The *Local Government Act 1995* (the Act) provides for the execution of legal documents by affixing the Common Seal. A document is considered duly executed (s9.49A) if the Common Seal is affixed in accordance with the requirements of the Act.

### OBJECTIVE

To give authorisation to the President and Chief Executive Officer (CEO) to affix the Common Seal of the Shire of Capel to relevant legal documents.

### POLICY STATEMENT

1. The President and CEO are authorised to sign and affix the Common Seal of the Shire of Capel to the following legal documents without referral to Council.
  - a. Legal documents that are a renewal or extension of the original document and there is not a significant variation in clauses/conditions in the renewal.
  - b. Legal documents required as a condition of a subdivision or development approval previously granted by Council.
  - c. Grant agreements/acquittals requiring the affixing of the Common Seal.
2. All other documents requiring the affixing of the Common Seal must be referred to Council for approval.
3. All instances of affixing of the Common Seal shall be recorded in the relevant register.

### POLICY APPLICATION

This Policy applies to the President and Chief Executive Officer.

<b>Procedure:</b>	
<b>Originating Section:</b> Corporate Services	<b>Relevant Legislation:</b> <i>Local Government Act 1995</i> s9.49A & 9.49
<b>Reviewer:</b> Executive Manager Corporate Services	<b>Delegated Authority:</b>
<b>Adopted:</b> Minute OC0632, dd.06.yy	<b>Other References:</b> <i>Shire of Capel Standing Orders Local Law 2016</i> – Part 16
<b>Amended:</b> Minute OC0803, 10.08.11 Minute OC0211, 19.02.14 Minute OC0115, 27.01.16 Minute OC1108. 22.11.17	
<b>Review Date:</b> December 2019	
<b>Amendment</b> - 22.11.17- minor editorial changes	

### INTRODUCTION

The Council Chambers is appropriately furnished and equipped for the conduct of meetings. It is not however a facility available for use by the general public other than when attending meetings convened or under the auspices of Council.

### OBJECTIVE

To maintain the dignity of the Council Chambers by giving direction as to the uses of the Chambers that will be permitted.

### POLICY STATEMENT

1. The Council Chambers shall only be used for Council or Council sponsored functions or meetings such as:
  - Council meetings;
  - Committee meetings i.e. Bush Fire Advisory Committee;
  - Council supported committees i.e. Neighbourhood Watch, Geocatch;
  - Councillor training;
  - Auditors undertaking the annual and/or interim audit of Council's financial processes should the need arise;
  - Staff professional associations;
  - Functions/receptions organised by Council;
  - Meetings with Parliamentarians and other such persons of public office; and
  - Local Government elections.
2. Community groups and organisations should be directed to other Council owned facilities.
3. Under special circumstances, the Chief Executive Officer and the Shire President are empowered to approve the use of the Council Chambers.
4. Any proposed use must be booked via the Outlook calendar.

### POLICY APPLICATION

This Policy applies to all Councillors and employees when booking and using the Council Chambers.

<b>Procedure:</b>	
<b>Originating Section:</b> Corporate Services	<b>Relevant Legislation:</b>
<b>Reviewer:</b> Executive Manager Corporate Services	<b>Delegated Authority:</b>
<b>Adopted:</b> Minute SC0122, 19.01.99	<b>Other References:</b>
<b>Amended:</b> Minute OC0127, 24.01.07 Minute OC0211, 19.02.14 Minute OC0115, 27.01.16 Minute OC1108, 22.11.17	
<b>Review Date:</b> December 2019	
<b>Amendment 22.11.17</b> Minor editorial changes, Policy Statement 4 added re booking Chambers via Outlook calendar	

### INTRODUCTION

Vandalism of public property is an unnecessary expense to Council and is disrespectful of the community and its assets.

As part of Council's efforts to minimise damage to public property, Council wishes to facilitate the payment of a reward to encourage witnesses to crimes to come forward and if necessary testify on behalf of Council.

The reward would be considered for the provision of information regarding any damage caused by the malicious action of a person or persons on any structure, building, reserve or anything under the care and control of the Shire of Capel.

### OBJECTIVE

To establish the conditions under which the reward is paid.

### POLICY STATEMENT

1. A reward up to the value of \$500 will be paid for information leading to the successful prosecution of a person or persons proven to have caused damage to any structure, building, reserve or anything under the care and control of the Shire of Capel subject to the conditions of approval hereunder. A sum of \$200 will be paid on receipt of an initial sworn statement, with the balance paid on successful prosecution.
2. The following are the conditions by which the reward shall be paid:
  - a. The rewardee shall be prepared to make a sworn statement to a member of the West Australian Police Force or a Shire of Capel Community Ranger about the incident.
  - b. The rewardee shall be prepared if called upon, to appear in a court of law to give evidence on behalf of the Shire of Capel.
  - c. Only one person shall be paid the reward.
  - d. The amount of reward shall be determined by resolution of Council based on a report provided by the Chief Executive Officer.
  - e. Payment is only made after Council is advised by the Courts of a successful action.
  - f. In the event that damage to Council property is reported, but for operational reasons, the Police do not proceed to prosecution, the Chief Executive Officer be authorised to provide some appropriate recognition or reward for the person reporting the incident.

POLICY APPLICATION

This Policy applies to members of the public who claim a reward payment.

<b>Procedure:</b>	
<b>Originating Section:</b> Corporate Services	<b>Relevant Legislation:</b>
<b>Reviewer:</b> Executive Manager Corporate Services	<b>Delegated Authority:</b>
<b>Adopted:</b> Minute SC0122, 19.01.99	<b>Other References:</b>
<b>Amended:</b> Minute OC0127, 24.01.07 Minute OC0211, 19.02.14 Minute OC0115, 27.01.16 Minute OC1108, 22.11.17	
<b>Review Date:</b> December 2019	
<b>Amendment Date</b> 22.11.17 Editorial changes to improve clarity	



### INTRODUCTION

As part of the annual Budget process, Council makes provision for donations to organisations, state/national sports representatives, charitable and not for profit organisations or schools.

### OBJECTIVE

1. To provide guidance to Council for future budget deliberations on the disbursement of funds as donations.
2. To provide guidance and direction to allow the Chief Executive Officer (CEO) to approve the discretionary allocation of donations to a maximum of \$500 within the annual budget allocation.

### POLICY STATEMENT

1. Charitable Organisations
  - a. Charitable organisations, for the purposes of this policy are organisations operating within the Shire of Capel or neighbouring local governments that carry out charitable or community activities that benefit residents of the Shire of Capel.
  - b. Donations to charitable organisations will be reviewed annually.
  - c. Priority will be given to charitable organisations that operate within the Shire of Capel.
2. Discretionary Donations
  - a. Discretionary donations are provided for the purpose of meeting any unbudgeted requests for donations received during the year by the CEO from charitable or not-for-profit organisations, schools (public and private) and P&C Associations located within the Shire of Capel.
  - b. The CEO is authorised to approve individual discretionary donations up to a maximum of \$500 per organisation with total donations limited to the amount allocated annually in the budget.
3. State/National Sports Representatives
  - a. Donations ranging from \$200 to \$400 are provided for the purpose of assisting individual sports persons who reside in the Shire of Capel and require assistance with travel costs to a state, national or international sporting event.

- b. The CEO is authorised to approve individual donations up to a maximum of \$400 with total donations limited to the amount allocated annually in the budget.

## POLICY APPLICATION

This Policy applies to organisations, state/national sporting representatives, charitable and not for profit organisation or schools.

<b>Procedure:</b> 2.1.10 – Creditors – Donations from Shire	
<b>Originating Section:</b> Corporate Services	<b>Relevant Legislation:</b> <i>Local Government Act 1995</i> <i>Financial Management Regulations</i>
<b>Reviewer:</b> Executive Manager Corporate Services	<b>Delegated Authority:</b> Delegation 159
<b>Adopted:</b> Minute SCO122, 19.01.99	<b>Other References:</b>
<b>Amended:</b> Minute OC0111, 23.01.13 Minute OC0211, 19.02.14 Minute OC1108, 22.11.17	
<b>Review Date:</b> December 2019	
<b>Amendment Date</b> 22.11.17 Minor editorial changes to improve clarity, Objective 2 linked to Delegation 159 by inclusion of sum of \$500.	

### INTRODUCTION

The *Local Government Act 1995* (the Act) and *Local Government (Financial Management) Regulations 1996* require Council to determine the form of accounts for monthly reporting of financial activity.

### OBJECTIVE

Define the reports required by Council so that it may meet its requirements for sound financial management under the Act.

### POLICY STATEMENT

That Council determine the following requirements for financial reports:

1. As required by the Act and Financial Management Regulation 34 the following statements will be provided to Council every month:
  - Statement of Financial Activity (in the format of the Statement of Comprehensive Income and Rate Setting Statement presented in the annual budget with columns for "Year to Date Actual", "Year to Date Budget", current year's total "Budget", "Forecast" end of year result and previous year's total "Budget").
  - Statement of Financial Position (referred to as the Balance Sheet).
  - Explanatory notes, similar in format and content to those presented in the annual budget and the annual financial report. Notes will be provided on the composition of balance sheet items as well as disposal of assets, borrowings, reserves, rates and ratios.
  - A year to date variance analysis that highlights accounts and areas where year to date actual expenditure varies to the year to date budget by at least plus or minus 10%.
  - Capital works program, showing actual expenditure to budget for each capital works project (road, building, vehicle, etc).
  - Summary of cash and investments.
2. A plus or minus variance (historically 10%) is to be used for the reporting of variances of actual expenditure and revenue to budgeted expenditure and revenue in the monthly report of financial activity. The percentage variance value is decided in the annual Budget report to Council.

### POLICY APPLICATION

This Policy applies to all current and new Councillors and employees, in the production of Financial Reports.

<b>Procedure:</b> 2.1.32 & Information Sheet 5: Reporting – Financial Statements	
<b>Originating Section:</b> Corporate Services	<b>Relevant Legislation:</b> <i>Local Government Act 1995</i> <i>Local Government (Financial Management) Regulations 1996</i>
<b>Reviewer:</b> Executive Manager Corporate Services	<b>Delegated Authority:</b>
<b>Adopted:</b> Minute SC0122, 19.01.99	<b>Other References:</b>
<b>Amended:</b> Minute OC0111, 23.01.13 Minute OC0211, 19.02.14 Minute OC1108, 22.11.17	
<b>Review Date:</b> December 2019	
<b>Amendment date</b> 22.11.17 Editorial changes and re-wording to improve clarity.	

### INTRODUCTION

The Shire of Capel is required to produce a Plan for the Future of the district as a requirement of the Western Australian State Government. As part of the development of this Plan and the Integrated Planning and Reporting Framework, a Strategic Community Plan and Corporate Business Plan is to be produced.

The Shire of Capel Corporate Business Plan is a four year service and project delivery plan. It has been developed to align with the Shire's Strategic Community Plan, and provides the basis for planning the implementation of the various Actions prioritised by Council and the community.

The Plan should incorporate the Shire's 10 year Long Term Financial Plan, Workforce Plan, Asset Management Plans, forward Capital Works programs and adopted Council strategies.

The purpose of the Plan is to demonstrate the operational capacity of the Shire to achieve the aspirations of the community through the Strategic Objectives and priorities established by Council for at least the next four years.

An annual review of the Corporate Business Plan will be built into the Shire's forward planning and financial processes to enable the Corporate Business Plan to adapt and change into the future.

It is through the development and continual review of the Corporate Business Plan, and the informing documents of the Plan that the Shire's annual Budget is established.

### OBJECTIVE

1. To provide clear direction to Councillors, employees and community members on the budget adoption process to be followed, to ensure adoption of the annual budget in compliance with the *Local Government Act 1995*.
2. The policy relates to the need to have guidelines for the adoption of the Strategic Community Plan, Corporate Business Plan, Workforce Plan, Asset Management Plans, Long Term Financial Plan and Annual Budget to ensure its smooth transition.

### POLICY STATEMENT

1. The Shire of Capel Annual Budget shall be developed through a process involving a progressive series of Executive meetings, Agenda reports and Councillor workshops, to enable discussion and consideration of particular segments of the budget.

2. A Budget and Integrated Financial Planning Timetable has been developed to plan for and schedule the required actions, reports and meetings or workshops where necessary to produce the annual Budget within the required timeframe.

These activities can be summarised as below. The timetable is indicative only and may vary to accommodate changes in operational timelines.

- a. January - Commencement of the advertising and planning process
- b. January to March – Council consideration of:
  - Road works / Footpaths / Plant / Drainage Programs
- c. March - Council consideration of:
  - Community & Councillors Budget Requests
- d. April – Council consideration of:
  - Draft Rating Strategy
  - Proposed Fees & Charges
  - Donations
- e. May – Council consideration of:
  - Capital Works Program
- f. June – Council consideration and adoption of the:
  - Draft Long Term Financial Plan
  - Draft Corporate Business Plan
- g. July – Council consideration and adoption of the:
  - Long Term Financial Plan
  - Corporate Business Plan
- h. July - Final Budget Adoption  
Preparation of the final adopted Budget includes the items above, however may also include 'one off' items as required by operational needs.

Section 6.2 of the *Local Government Act 1995*, which requires Budget adoption by August 31 each year, and submission to the Department of Local Government within 30 days of adoption in accordance with the requirements of the Act will also be considered.

In association with adoption of the Annual Budget, this Policy enables the Chief Executive Officer to use management discretion in implementing the budget and incurring expenditures without further authorisation. This is to assist in streamlining Council operations to improve efficiency and effectiveness.

#### POLICY APPLICATION

This Policy applies to all current and new Councillors and employees in the production of the annual Budget and the Integrated Planning process.

<b>Procedure:</b>	
<b>Originating Section:</b> Corporate Services	<b>Relevant Legislation:</b>
<b>Reviewer:</b> Executive Manager Corporate Services	<b>Delegated Authority:</b>
<b>Adopted:</b> Minute SC0122, 19.01.99	<b>Other References:</b> Shire of Capel Strategic Community Plan Corporate Business Plan (current) Long Term Financial Plan (current).
<b>Amended:</b> Minute OC0215, 14.02.07 Minute OC0211, 19.02.14 Minute OC0115, 27.01.16 Minute OC1108, 22.11.17	
<b>Review Date:</b> December 2019	
<b>Amendment date 22.11.17</b> Minor editorial changes to improve clarity, more focus on the requirements of s6.2 of the Act and amendment of the Budget and Integrated Financial Planning Timetable.	

### INTRODUCTION

This Policy outlines the matters relating to legislation, risk management, sustainability, competition, value for money, fairness, equity, accountability, integrity and authority that Council officers must comply with when purchasing goods and services on behalf of Council.

### OBJECTIVES

Policy objectives are as follows.

1. Provide compliance with the *Local Government Act 1995* (as amended) and the *Local Government (Functions and General) Regulations 1996* (as amended).
2. Deliver a best practice approach to purchasing.
3. Ensure consistency for all purchasing activities across all operational areas.
4. Ensure that buying practices, procedures and specifications do not disadvantage local businesses.
5. Ensure that procurement plans address local business capability and local content.
6. Explore the capability of local businesses to meet requirements and ensure that quotations and tenders are designed to accommodate the capabilities of local businesses.
7. Avoid bias in quotation and tender design and specifications.
8. Provide adequate and consistent information to potential suppliers.

### POLICY STATEMENT

1. Integrity, Ethics and Probity

All Shire employees will observe the highest standards of integrity, ethics and probity in undertaking purchasing activity and act in an honest and professional manner that does not compromise the standing of the Shire.

The following principles, standards and behaviours must be observed and enforced through all stages of the purchasing process to ensure the fair and equitable treatment of all parties.

- a. Full accountability will be taken for all purchasing decisions and the efficient, effective and proper expenditure of public monies based on achieving value for money.



- b. All purchasing practices will comply with legal, operational and ethical requirements consistent with relevant government legislation, regulations and Council policies and procedures.
- c. Purchasing will be undertaken on a competitive basis (except where otherwise authorised) in which potential suppliers are treated impartially, honestly and consistently.
- d. All processes, evaluations and decisions will be transparent, free from bias and fully documented in accordance with applicable policy and audit requirements.
- e. Any actual, potential or perceived conflicts of interest will be identified, declared in writing to the Chief Executive Officer (CEO) and appropriately managed prior to commencing the process of procurement.
- f. Any information provided to the Shire of Capel by a supplier shall be treated as commercial-in-confidence and should not be released unless authorised by the supplier or relevant legislation.

## 2. Value for Money

Value for money is an overarching principle governing purchasing and allows the best possible outcome to be achieved for the Shire. It is the essential test against which all procurement decisions must be justified. However, the effort expended should be commensurate with the value of the purchase and the level of associated risk. An assessment of the best value for money outcome for any purchasing should consider the following.

- a. All relevant whole-of-life costs and benefits, 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.
- b. The technical merits of the goods or services being offered in terms of compliance with specifications, contractual terms and conditions and any relevant methods of assuring quality.
- c. The competency and resilience of the prospective suppliers in terms of managerial and technical capabilities, compliance history, their financial viability and capacity to supply and service without risk of default.
- d. A strong element of competition in the allocation of orders or the awarding of contracts is achieved by obtaining a sufficient number of competitive quotations wherever practicable.

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

### 3. Sustainable Purchasing

Sustainable purchasing is the practice of purchasing goods and services that have fewer negative environmental and social impacts than competing goods and services.

The Shire of Capel is committed to sustainable purchasing where possible and where appropriate shall endeavour to design requests for quotations and tenders to provide an advantage to goods and services that minimise environmental and negative social impacts. Practically, sustainable purchasing means the Shire shall endeavour to identify and purchase products that:

- have been determined as being necessary;
- demonstrate environmental best practice in energy efficiency and/or consumption;
- demonstrate environmental best practice in water efficiency;
- are environmentally sound in manufacture, use and disposal;
- can be refurbished, reused, recycled or reclaimed;
- have the highest fuel efficiency available; and
- use renewable energy and technologies.

Whilst the Shire will use its best endeavours to purchase goods and services on a sustainable basis, final purchasing decisions will always be in accordance with Policy Statement 2 – Value for Money.

### 4. Local Purchasing Preference

- a. Council has a local purchasing preference in order to promote economic activity and employment opportunities within the Shire of Capel. This applies to the purchase of all goods and services, including those supplied by open tender.
- b. *Locally based suppliers* are defined as suppliers with a permanent office/premises (or permanent sub or subsidiary office/premises) and staff located within the Shire of Capel for a minimum period of six (6) months prior to qualifying for the price preference.
- c. A 5% price preference is applicable (up to a maximum of \$50,000 for goods, services or building construction) to locally based suppliers on all purchases where the purchase consideration exceeds \$1,000. Should the price of goods and services provided by a local supplier fall within 5% of the price of a competitor and be comparable in sustainability and safety, the locally based supplier's goods or services will have preference.

## 5. Formal Tender

A formal tender is defined as the process required under Part 4 of the *Local Government (Functions and General) Regulations 1996* to enter into a contract (by way of public tender) for another person to supply goods or services

Where Council formally invites tenders for goods or services, construction and maintenance (including roads and public buildings) the price preference calculation will be applied during tender adjudication to all tenders qualifying in terms of being locally based or to the portion of locally based content tendered.

Council is not bound to accept the lowest or any tender.

## 6. Purchasing Thresholds

The following table outlines the various threshold amounts for which quotations and tenders are required.

<b>Monetary Threshold (excluding GST)</b>	<b>Purchasing Method Required</b>
Up to \$2,000	1 verbal quotation to be obtained where appropriate.
\$2,001 - \$5,000	1 x written quotation to be obtained and documented by officer.
\$5,001 - \$30,000	3 x written quotations to be obtained – preferably using Tenderlink e-quotes.
\$30,001 - \$149,999	3 x written quotations to be obtained based on a written specification – preferably using Tenderlink e-quotes.
\$150,000 and above	Conduct a public tender process unless exempted.

## 7. Open and Effective Competition

In seeking value for money in the purchasing processes, the Shire of Capel recognises the need for the wider market to be accessed in order that Council may benefit from the forces of a competitive market.

To encourage suppliers to apply for Council's business, all purchasing processes and decisions must be fair and transparent. Any 'points of clarification' or adjustments to job specification shall be conveyed in the same manner, at the same time, to all parties expressing an interest in providing the goods/service to Council.

## 8. Risk Management and Safety and Health

Prior to items being purchased they must be assessed to ensure they do not pose a safety or health risk. A risk management assessment should also be conducted to prevent hazards entering the workplace. These assessments should consider

aspects associated with the use of the good or service such as, but not limited to, their cleaning and maintenance and the training in their use that is required.

## Procedures

The application of this Policy, including the recording and retention of written information, is to be considered in conjunction with the associated Purchasing and Records Management procedures.

## POLICY APPLICATION

This Policy applies to all current and new employees and is to be considered in conjunction with other purchasing policies and procedures.

<p><b>Procedures:</b>  2.1.5 – Authorisation to sign payments  2.1.13 – Authorisation of Invoices;  2.1.14 – Payment of Accounts;  2.1.26 – Purchasing of Goods &amp; Services; Vehicles, Plant &amp; Equipment – Acquisition &amp; Replacement Criteria</p>	
<p><b>Originating Section:</b>  Corporate Services</p>	<p><b>Relevant Legislation:</b>  <i>Local Government Act 1995</i>  <i>Local Government (Financial Management) Regulations 1996 – Reg 11, Reg 24A – 24G.</i>  <i>Local Government (Functions &amp; General) Regulations 1996 Part 4</i></p>
<p><b>Reviewer:</b>  Executive Manager Corporate Services</p>	<p><b>Delegated Authority:</b></p>
<p><b>Adopted:</b>  Minute OC0307, 14.03.07</p>	<p><b>Other References:</b>  Minute OC0307, 14.03.07 –  Adopted as Policy 11.14  Minute OC0513, 13.05.09 –  Amended and Adopted as Policy 10.13</p>
<p><b>Amended:</b>  Minute OC0110, 23.01.13  Minute OC 0211, 19.02.14  Minute OC0410, 22.04.15  Minute OC0115, 27.01.16  Minute OC1108, 22.11.17</p>	
<p><b>Review Date:</b>  December 2019</p>	
<p><b>Amendment date 22.11.17</b>  Editorial changes to improve clarity, 'potential' conflict of interest included in Policy Statement 1, Item 1.5, requirement for comparable sustainability and safety added in Policy Statement 4, reference made to Records Management procedures made in Policy Statement 9.</p>	

## Policy 2.9

# Budget Management – Capital Acquisitions & Works

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### INTRODUCTION

This Policy outlines the management and accountability responsibilities of employees related to capital expenditure, and the authority that Council officers must comply with when planning, purchasing and authorising this expenditure on behalf of Council.

### OBJECTIVE

The Shire of Capel's cash flow management and planning, including the optimisation of interest revenue and minimisation of overdraft costs, requires the budgeting and scheduling of capital expenditure and works.

This policy ensures that the Shire's capital expenditure and works are managed in accordance with the programmed budget, and cash flow is maintained and optimised.

This policy also aims to:

- Provide compliance with the *Local Government Act 1995* (as amended) and the *Local Government (Functions and General) Regulations 1996* (as amended);
- Deliver a best practice approach to budget management; and
- Ensure consistency for all capital expenditure activities across all operational areas.

### POLICY STATEMENT

#### 1. Capital Purchases

Low cash flow or overdraft conditions may prevail in the early and closing parts of each financial year, thus it is Council's policy to:

- a. Defer procurement of new plant items until after budget adoption.
- b. Discourage the programming of materials intensive work (ie: road construction or capital maintenance) in the early (July, August) and closing (May, June) parts of each financial year.
- c. Require Executive Managers programming capital works that have been funded through external project funds (ie: Royalties for Regions, Roads to Recovery, Dept of Sport & Recreation, etc), to consult the Executive Manager Corporate Services regarding the timing of works.

- d. Require Executive Managers ordering capital items where expenditure exceeds \$50,000, to liaise with the Executive Manager Corporate Services.
- e. Avoid procuring capital items during the last fiscal month of the year unless extenuating circumstances exist.

**POLICY APPLICATION**

The application of this Policy is to be considered in conjunction with the associated Purchasing procedures.

<b>Procedure:</b> 2.1.26 - Purchasing - Goods & Services	
<b>Originating Section:</b> Corporate Services	<b>Relevant Legislation:</b> <i>Local Government Act 1995</i> Financial Management Regulations
<b>Reviewer:</b> Executive Manager Corporate Services	<b>Delegated Authority:</b>
<b>Adopted:</b> Minute OC0315, 21.03.2012	<b>Other References:</b> Policy 2.8 – Purchasing Shire of Capel Strategic Community Plan Shire of Capel Asset Management Plans
<b>Amended:</b> Minute OC0211, 19.02.14 Minute OC1108, 22.11.17	
<b>Review Date:</b> December 2019	
<b>Amendment date</b> 22.11.17 Minor editorial changes to improve clarity	

### INTRODUCTION

Australian Accounting Standards require that an asset of the local government shall be recognised when:

- It is possible that the future economic benefits embodied in the asset will eventuate; and
- The asset possesses a cost or other value that can be measured reliably.

A local government has the authority to determine the minimum value that will apply before assets need to be included in the Register of Fixed Assets.

### OBJECTIVE

1. To prescribe the treatment for property, plant and equipment so that users of the financial statements can discern information about an entity's investment in its property, plant and equipment and the changes in such investment.
2. Address the principal issues in accounting for property, plant and equipment; the recognition of the assets, the determination of their carrying amounts and the depreciation charges and impairment losses to be recognised in relation to them

### POLICY STATEMENT

1. Asset Valuation
  - a. Property, plant and equipment and infrastructure assets are brought to account at cost or at independent or management valuation less where applicable, any accumulated depreciation. Cost is determined as the fair value of the assets given as consideration plus costs incidental to the acquisition.
  - b. Land under roads is excluded from infrastructure in accordance with legislative requirements.
  - c. The fair value of land purchased for development and/or resale is considered to be valued at the lower of cost and net realistic value. 'Cost' includes the cost of acquisition, development and interest incurred on the financing of that land during its development.

2. Capitalisation of Assets

Recording of assets in the Fixed Assets Register will occur under the following circumstances:

- a Land and Buildings  
All purchases, construction and transfer of ownership to Council of land and buildings.

- b Furniture, Plant and Equipment  
Where the item is recognised as an asset (be it furniture, plant or equipment) in accordance with the applicable auditing standards and accounting guidelines.
- c. Infrastructure  
Where the item is recognised as an infrastructure asset in accordance with applicable accounting standards and accounting guidelines.

### 3. Depreciation of Assets

All non current assets having a limited useful life will be systematically depreciated over their useful lives in a manner which reflects the consumption of the future economic benefits embodied in those assets.

Depreciation is recognised on a straight-line basis, using rates which are reviewed each reporting period. Major depreciation periods are set out in the applicable Council budget. Rates are determined by the application of AASB 116.50 and AASB 116.51 with the depreciation amount of an asset allocated on a systematic basis over its useful life. There is to be a review of the useful life of an asset at the end of each annual reporting period.

#### POLICY APPLICATION

The application of this Policy is to be considered in conjunction with the associated financial and asset related policies.

<b>Procedure:</b> Info Sheet 3 – Non Current Assets - Capitalisation Threshold Information Sheet 2 - Non Current Assets – Asset Register (Material Items) Information Sheet 2 - Non Current Assets – Asset Register (Immaterial Items) Info Sheet 1 - Asset Inspection and Control; Procedure 2.1.2 - Derecognition of an Asset	
<b>Originating Section:</b> Corporate Services	<b>Relevant Legislation:</b>
<b>Reviewer:</b> Executive Manager Corporate Services	<b>Delegated Authority:</b>
<b>Adopted:</b> Minute SC0122, 19.01.99	<b>Other References:</b> Policy 2.11 – Fair Value of Assets Accounting Standard AASB 116 – Property, Plant & Equipment WA Local Government Accounting Manual
<b>Amended:</b> Minute OC0215, 14.02.07 Minute OC0211, 19.02.14 Minute OC1108, 22.11.17	
<b>Review Date:</b> December 2019	
<b>Amendment date</b> 22.11.17 'Objective' text replaced, changes made to 'Capitalisation of Assets' and 'Depreciation of Assets' sections to reflect Australian Accounting Standards Board requirements.	



### INTRODUCTION

This Policy outlines the management and accountability responsibilities related to the determination of fair value for Council assets.

### OBJECTIVE

1. To ensure that the Shire's assets are valued at fair value in accordance with the legislative requirements of the *Local Government Act 1995*, the Australian Accounting Standards and industry best practice.
2. To provide compliance with the *Local Government Act 1995* (as amended) and the *Local Government (Financial Management) Regulations 1996* (as amended).
3. To deliver a best practice approach to financial and budget management.
4. To ensure consistency in asset recording and reporting for all capital expenditure activities across all operational areas.

### POLICY STATEMENT

1. The use of fair value in local government general purpose financial statements is considered essential to provide a more accurate measure of the value of community assets and liabilities.

Good asset management practices and robust long term financial planning requires the Shire of Capel to report the value of assets and their maintenance, renewal and replacement costs at fair value so that the long term sustainability of the Shire can be addressed.

2. Local governments use asset management processes to sustainably manage their assets and asset systems to achieve the aims of their Corporate Business Plans. This includes managing the asset performance, risks and expenditures over the asset life cycle.
3. Consideration needs to be given to whether the practices of the Shire of Capel actually produce expenditure which is capital or operating in nature.

Engineering Services undertakes certain work in order to maintain the asset at predefined service levels over a defined period. This work is undertaken to extend the life of the asset and therefore, from an accounting perspective, is capital in nature. If this work is material and adds service potential which will last more than 12 months, it represents capital work and the expenditure must be capitalised and depreciated.

Council's Corporate Plan, Long Term Financial Plan and Asset Management Plans are to be structured to facilitate the identification of capital expenditure as one of three types:

- renewal;
- upgrade; or
- new.

This will aid in the development and presentation of accurate financial reports and ratios analysis.

4. The Shire's assets may be valued at fair value by either an independent valuer or in-house resources. To determine whether in-house employees would be used, consideration is to be given to the:
  - expertise required to value the assets;
  - availability of in-house expertise and whether it would be more appropriate to use employees for their core duties; and
  - the objectivity of in-house employees.

Should in-house resources be used, a final review of Fair Value assessments will be conducted, before applying fair value to the asset management system and financial records.

5. All assets should be revalued on a regular basis. Those assets valued by an independent valuer need to be reassessed independently on a regular three yearly cycle.

#### POLICY APPLICATION

The application of this Policy is to be considered in conjunction with Policy 7.1 Asset Management and fair value financial procedures.

<b>Procedure:</b>	
<b>Originating Section:</b> Corporate Services	<b>Relevant Legislation:</b> <i>Local Government Act 1995</i> <i>Local Government (Financial Management Regulations) 1996</i>
<b>Reviewer:</b> Executive Manager Corporate Services	<b>Delegated Authority:</b>
<b>Adopted:</b> Minute OC0110, 23.01.2013	<b>Other References:</b> Policy 7.1 – Asset Management
<b>Amended:</b> Minute OC0211, 19.02.14 Minute OC0115, 27.01.16 Minute OC1108, 22.11.17	
<b>Review Date:</b> December 2019	
<b>Amendment date 22.11.17</b> Editorial and structural changes to improve clarity, linked to development of Asset Management Plans, Policy Statement 3 re amendment of capital expenditure altered.	

### INTRODUCTION

Council and staff have an obligation to ensure that funds are invested in a responsible manner. This Policy has been developed to ensure that Council conforms with its fiduciary responsibilities under Section 6.14 of the *Local Government Act 1995* and Part III of the *Trustees Act 1962* (as amended).

Notwithstanding the introduction of this Policy document, the general financial management obligations imposed on employees under the *Local Government Act 1995* and the *Local Government (Financial Management) Regulations 1996* and Australian Accounting Standards will be met at all times.

### OBJECTIVE

1. The investment of funds in a prudent manner resulting in risk being minimised.
2. Achieve a high level of security by using recognised ratings criteria.
3. Have ready access to funds for day-to-day requirements, without penalty.
4. Have control procedures to ensure the identification, nature and location of all investments, and the transactions related to each investment.

### POLICY STATEMENT

1. Council will adopt a conservative investment approach to ensure investment capital is preserved and funds are always available in the short term.
2. While exercising the power to invest, consideration will be given in preservation of capital, liquidity, and the return of investment.
  - a. Preservation of capital is the principal objective of the investment portfolio. Investments are to be made in a manner that seeks to ensure security and safeguard the investment portfolio. This includes managing credit and interest risk within identified thresholds and parameters.
  - b. The investment portfolio will ensure there is sufficient liquidity to meet all reasonably anticipated cash flow requirements as and when they fall due, without incurring significant costs due to the unanticipated sale of an investment.
  - c. The investment is expected to achieve a predetermined market average rate of return that takes into account the Council's risk tolerance. Any additional return target set by Council will also consider the risk limitation and prudent investment principles.

3. The Chief Executive Officer (CEO), Executive Manager Corporate Services and Manager Finance are individually authorised to transfer investment funds by telephone and follow up with confirmation in writing or via electronic communication. Where funds are transferred to investments two authorised signatures are required.
4. Investments will be managed with the care, diligence and skill that a prudent person would exercise. Employees are to manage the investment portfolios to safeguard the portfolios in accordance with the spirit of this Policy, and not for speculative purposes.
5. Officers shall refrain from personal activities that would conflict with the proper execution and management of Council's investment portfolio. This Policy requires officers to disclose any conflict of interest to the CEO in accordance with the Shire of Capel Code of Conduct.
6. Trust funds will be invested in accordance with the *Trustees Act (1962)*. Acceptable methods are term deposits, cash deposits and Government guaranteed State Bonds issued by the WA Treasury Corporation.
7. Council investments are to be assessed in accordance with Standard & Poor's rating agency. A Standard & Poor's (S&P) credit rating is a current opinion of overall financial capacity to meet financial obligations. Investments that are assessed by S&P to have a rating of less than BBB are regarded as speculative and Council will not invest in these products or with these organisations.
8. Council Municipal direct investments are limited to the following:
  - Bank interest bearing fixed deposits;
  - Bank negotiable Certificates of Deposit;
  - Bank accepted/endorsed bank bills; and
  - State or Commonwealth Government Bonds.
9. Investments are to be limited to a time horizon of less than or equal to 1 year.
10. In accordance with *Local Government (Financial Management) Regulations 1996*, this policy prohibits the investment of money:
  - With an institution other than an authorised deposit taking institution as defined in the *Banking Act 1959* (Commonwealth) section 5, or the Western Australian Treasury Corporation;
  - In bonds that are not guaranteed by the Commonwealth Government, or a State or Territory Government;
  - In bonds with a term to maturity of more than 3 years; or
  - In a foreign currency.

Although the Regulations permit the investment of funds for up to a period of 3 years, this Policy restricts Shire of Capel investments to a term of 1 year or less (clause 9).

11. This investment policy prohibits any investment carried out for speculative purposes including:
- Derivative based instruments;
  - Principal only investments or securities that provide potentially nil or negative cash flow; and
  - Stand alone securities issued that have underlying futures, options, forward contracts and swaps of any kind.

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

12. Investments obtained are to comply with three key criteria relating to:
- Term to Maturity Framework: limits based upon maturity of securities;
  - Portfolio Credit Framework: limit overall credit exposure of the portfolio; and
  - Counterparty Credit Framework: limit exposure to individual counterparties/institutions.

The amount invested with any one authorised financial institution should comply with the following targets.

Investment Type	Minimum Investment Time Horizon	Maximum Exposure as a % of Total investment portfolio	Minimum Long Term Credit Rating (Standard & Poor's)
Fixed Deposits	0 -1 year	0 - 100	A
Bonds, Bills, etc	0 -1 year	0 - 100	AA

13. Exposure to an individual counterparty/institution will be restricted by its credit rating so that single entity exposure is limited, as detailed in the table below:

S&P Long Term Rating	S&P Short Term Rating	Direct Investment Maximum %
AAA	A-1+	50%
AA	A-1	45%
A	A-2	40%

14. Investment returns will be reported to the Ordinary Meeting of Council each month and included in the minutes of the meeting. The report will provide details on the investment portfolio including interest rate earned, maturity date, percentage exposure of total portfolio and interest earned.
15. A list of investment transfers is to be included in the list of accounts presented at the next Ordinary meeting of Council to be received and included in the minutes of the meeting.
16. Documentary evidence must be held for each investment and details thereof maintained in an Investment Register.

17. An Investment Review will run in conjunction with this Investment Policy. The Investment Review will be carried out by an independent advisor on a biennial basis. The advisor will review:
- Council's cash flow expectations;
  - Optimal target allocation of investment types, credit rating exposure, and term to maturity exposure; and
  - Appropriateness of overall investment types for Council's portfolio.
18. The exception to this Policy is the parcel of shares in the Donnybrook Capel Districts Community Bank held by Council. The investment was made by Council resolution and any variation to this investment will require a further Council resolution.

#### POLICY APPLICATION

The application of this Policy is to be considered in conjunction with the associated finance related policies.

<b>Procedure:</b> 2.1.19 – Investments (WATC) & 2.1.20 – Investments (General)	
<b>Originating Section:</b> Corporate Services	<b>Relevant Legislation:</b> <i>Local Government Act 1995</i> <i>Local Government (Financial Management) Regulations 1996 – Reg 19, 28, 49,</i> <i>Trustees Act 1962</i> Australian Accounting Standards
<b>Reviewer:</b> Executive Manager Corporate Services	<b>Delegated Authority:</b>
<b>Adopted:</b> Minute OC1161, 22.11.00	<b>Other References:</b>
<b>Amended:</b> Minute OC0110, 23.01.13 Minute OC0211, 19.02.14 Minute OC0115, 27.01.16 Minute OC1108, 22.11.17	
<b>Review Date:</b> December 2019	
<b>Amendment date 22.11.17</b> Updated to improve clarity, reflect changes in the LG Act and financial regulations and provide consistency with current financial practices. Objective 4 added as required by Act, duplicated text in Policy Statements removed, Policy Statement 18 added.	

### INTRODUCTION

The *Local Government Act 1995* enables Council to enter into agreements with community organisations to raise loans on behalf of the organisation, with the organisation then meeting the financial obligations of the loan repayments

### OBJECTIVE

1. Facilitate the construction of facilities for use by the community on land controlled by Council.
2. Provide security for Council over a facility in the event of the demise of the community organisation.

### POLICY STATEMENT

1. Council will only make self-supporting loans available to community groups that have a demonstrated capacity/capability to meet the loan commitments and maintain the asset to be acquired.
2. In the event of Council agreeing to make available loan funds on a self supporting basis to any district organisation, Council reserves the right to control and/or to carry out any of the following:
  - a. The preparation of the plans and specifications of the proposed works;
  - b. The calling of tenders for the proposed works;
  - c. The letting of the Contract;
  - d. The preparation and signing of the contract documents;
  - e. Sole supervision of the proposed works;
  - f. Sole authorisation of the expenditure of funds for the proposed works whether it be to the contractor or sub-contractor; or
  - g. Any other condition that Council sees necessary to apply to the proposed works because of some curious circumstance which may exist.
3. Council shall require a Deed of Agreement be prepared containing the following:
  - a. Repayment schedule;
  - b. The obligation of the community association to meet the repayments;
  - c. Details of security of the loan; and



- d. Provisions covering the risk that the community association defaults in meeting its obligations to Council.
  - e. Circumstances under which management of the facility would default back to Council.
4. Self Supporting Loans only be made available for assets to be constructed on Council owned or controlled land.
  5. The community association must enter in to a lease with Council for the care control and management of the land upon which the asset is to be constructed.

#### POLICY APPLICATION

The Policy applies to community groups and organisations within the Shire of Capel.

<b>Procedure:</b>	
<b>Originating Section:</b> Corporate Services	<b>Relevant Legislation:</b>
<b>Reviewer:</b> Executive Manager Corporate Services	<b>Delegated Authority:</b>
<b>Adopted:</b> Minute SC0122, 19.01.99	<b>Other References:</b>
<b>Amended:</b> Minute OC0215, 14.02.07 Minute OC0211, 19.02.14 Minute OC1108, 22.11.17	
<b>Review Date:</b> December 2019	
<b>Amendment date</b> 22.11.17 Minor editorial changes made, Policy Statement 3e added.	

### INTRODUCTION

The *Department of Local Government Operational Guideline Number 11* indicates that corporate credit cards can deliver significant benefits to local governments through improved administrative practices and more effective cash management.

It also indicates that the risks associated with credit cards can be minimised by implementing policies to control their use.

### OBJECTIVE

The purpose of this policy is to provide guidance for the use, control and safe custody of:

- a corporate credit card issued to the Chief Executive Officer (CEO); and
- debit cards issued to the Manager Emergency & Ranger Services (MERS) and Senior Community Ranger respectively.

### POLICY STATEMENT

1. Council has approved the provision of a corporate credit card for the CEO for reasonable business related expenses incurred within the approved budget adopted by Council.
2. The MERS and Senior Community Ranger have been issued debit cards to facilitate the purchase of food and refreshments for members of volunteer bush fire brigades during emergency incidents.
3. Use of the credit or debit cards for personal expenditure or cash withdrawals is prohibited.
4. All reward schemes (Fly Buys etc) associated with the cards shall belong to the Shire of Capel and not the employees.
5. Use of the cards does not negate the requirement to comply with relevant purchasing policy and procedures.
6. Use of the cards will be in accordance with procedures that ensure:
  - adequate control is exercised over expenditure; and
  - expenditure incurred on the cards is included in the monthly schedule of accounts reviewed by Council.
7. The Executive Manager Corporate Services shall be responsible for certifying the expenditure incurred by the CEO on the corporate credit card when arranging payment of the monthly invoice from the card supplier.

8. The Executive Manager Community Services and Executive Manager Corporate Services shall be responsible for certifying the expenditure incurred by the two debit card holders.
9. In the event that the MERS is acting in the role of Executive Manager Community Services, the CEO shall be responsible for certifying debit card expenditure alongside the Executive Manager Corporate Services.
10. The maximum limits for the corporate credit card shall be:
  - card limit \$10,000; and
  - individual transaction limit \$5,000.
11. The maximum balance in the Emergency Services Account servicing the debit cards will be \$1,000.
12. The Council may at any time when it considers appropriate, withdraw the provision of the corporate credit card to the CEO or the debit cards to the allocated officers.
13. The CEO will sign the Corporate Credit Card Agreement (2.1.23a) and abide by the conditions listed (as per procedure 2.1.23) prior to receiving the card.
14. The MERS and Senior Community Ranger will sign the Debit Card Agreement (2.1.23b) and abide by the conditions listed (as per procedure 2.1.23) prior to receiving their cards.

#### POLICY APPLICATION

This policy will apply to the:

- CEO for all purchases using the corporate credit card; and
- MERS and Senior Community Ranger for all purchases using the Emergency Services Account debit cards.

<b>Procedure:</b> 2.1.23 - Corporate Credit Card, 2.1.23a Corporate Credit Card Agreement, 2.1.23b Debit card agreement.	
<b>Originating Section:</b> Corporate Services	<b>Relevant Legislation:</b> <i>Local Government Act 1995 2.7(2a), 6.5(a) &amp; Local Government Financial Management Reg. 11(1a)</i>
<b>Reviewer:</b> Executive Manager Corporate Services	<b>Delegated Authority:</b>
<b>Adopted:</b> Minute OC0811, 24.08.11	<b>Other References:</b> Local Government Operational Guideline 11 - Credit Cards
<b>Amended:</b> Minute OC0211, 19.02.14 Minute OC1108, 22.11.17 Minute OC0212, 28.02.18	
<b>Review Date:</b> December 2019	
<b>Amendment date</b> 22.11.17 Policy Statement 9 added, 28.02.18, statements re debit cards incorporated.	

### INTRODUCTION

The *Local Government Act 1995* and *Local Government (Financial Management) Regulations 1996* require a Council to develop a procedure for the authorisation of and the payment of accounts. This ensures that there is effective security for and properly authorised use of cheques, credit cards, purchasing cards, petty cash and any other methods by which goods can be obtained.

This policy is part of the process that provides clear guidelines to staff in regards to the final authorisation of payment and the signing of cheques.

### OBJECTIVE

To establish the signing authority of staff for Municipal Fund payments, Trust Fund payments, direct entry payments, credit card payments and investment transfers.

### POLICY STATEMENT

1. Authority is vested in the Chief Executive Officer (CEO) to authorise and sign all payments (whether by physical or electronic signature/password). The CEO may delegate to the Executive Manager Corporate Services, Manager Finance and the Customer Service Coordinator the power to act as authorised and signatory officers.
2. Cheques and electronic payments and investment transfers will require the signature of any two authorised signatories.
3. The authorised signatories are only authorised to approve payment of accounts on the condition that such expenditure has been incurred in compliance with Section 6.8 of the *Local Government Act 1995*.
4. A list of all payments made are to be included in the agenda of the next Ordinary meeting of Council to be received and included in the minutes of the meeting.
5. The list of all cheques paid and payments or transfers made is to be signed and certified by the CEO to the effect that all accounts paid have been certified as true and correct, correctly authorised and is approved expenditure. This responsibility may be delegated by the CEO to the Executive Manager Corporate Services or Manager Finance.
6. Vouchers, supporting invoices and other relevant documentation will be made available for inspection by Councillors at any time following the date of payment and at the next Ordinary meeting of Council.

## POLICY APPLICATION

The application of this Policy is to be considered in conjunction with the associated finance related policies.

<b>Procedure:</b> 2.1.13 – Authorisation of Invoices 2.1.14 – Payment of Accounts 2.1.26 – Purchasing of Goods & Services	
<b>Originating Section:</b> Corporate Services	<b>Relevant Legislation:</b> <i>Local Government Act 1995</i> <i>Local Government (Financial Management) Regulations 1996 – Reg 11</i>
<b>Reviewer:</b> Executive Manager Corporate Services	<b>Delegated Authority:</b> 103 & 29
<b>Adopted:</b> Minute SC0122, 19.01.99	<b>Other References:</b>
<b>Amended:</b> Minute OC0111, 23.01.13 Minute OC0211, 19.02.14	
<b>Review Date:</b> December 2019	

### INTRODUCTION

The provision of high quality customer service is essential to the success of the Shire of Capel business and in order to achieve this standard, processes and expectations must exist.

Customers include ratepayers, visitors, work colleagues, developers, builders, councillors and anyone we deal with either in person, by telephone, email or in writing.

### OBJECTIVE

1. To quantify the service standards and processes customers can expect from employees and Councillors.
2. To provide employees and Councillors with the customer service standards and processes they are expected to provide to customers.
3. To fulfil the objectives of the Shire of Capel Customer Service Charter.

### POLICY STATEMENT

1. Employees and Councillors acknowledge that the business of the Shire of Capel is customer service and all employees and Councillors are customer service representatives.
2. The Shire of Capel shall maintain a Customer Service Charter to establish and monitor customer service standards.
3. Employees and Councillors will adhere to the service commitments detailed in the Customer Service Charter

### POLICY APPLICATION

This Policy applies to all current and new Councillors and employees.

<b>Procedure:</b>	
<b>Originating Section:</b> Corporate Services	<b>Relevant Legislation:</b>
<b>Reviewer:</b> Executive Manager Corporate Services	<b>Delegated Authority:</b>
<b>Adopted as Policy 21.7:</b> Minute OC1124, xx.11.xx	<b>Other References:</b> Shire of Capel Customer Service Charter
<b>Amended and Adopted as Policy 10.10:</b> Minute OC0126, 24.01.07 Minute OC0211, 19.02.14 Minute OC1108, 22.11.17	
<b>Review Date:</b> December 2019	
<b>Amendment date</b> 22.11.17 Rephrased to refer reader to Customer Service Charter, rather than just repeat the text.	

### RESCINDED

<b>Procedure:</b>	
<b>Originating Section:</b> Corporate Services	<b>Relevant Legislation:</b>
<b>Reviewer:</b> Executive Manager Corporate Services	<b>Delegated Authority:</b>
<b>Adopted:</b> Minute OC0914, 08.09.04	<b>Other References:</b>
<b>Amended:</b> Minute OC0234, 28.02.07 Minute OC0211, 19.02.14 Minute OC0115, 27.01.16	
<b>Review Date:</b> December 2017	
<b>Rescinded</b> Minute OC1108 Policy is no longer relevant – funding now provided direct to auspicing body for distribution rather than directly to schools.	



### INTRODUCTION

Council is committed to enhancing the range and quality of services offered to the Capel community by accepting the use of voluntary assistance for a range of Council programs.

This provides a benefit to both the community and the volunteer by offering a legitimate and meaningful way in which volunteers can participate in the activities of Council within the community.

### OBJECTIVE

This policy demonstrates that the Shire of Capel will utilise the services of volunteers to complement and enhance the services provided to the Capel community while fulfilling safety, management and duty of care obligations.

Volunteering gives people the opportunity to become involved with other members of the community, enhancing their sense of belonging, civic responsibility and developing new friends.

### POLICY STATEMENT

1. Volunteering is defined for the purpose of this Policy as work which is:

- of benefit to the community;
- done of one's own free will; and
- done without monetary reward.

Examples of volunteering include participating as a community representative on a Council Committee, undertaking cleanup work after an event or festival, manning a checkpoint for an event, planting of trees, etc.

2. Volunteering opportunities should provide benefits to both the volunteer and Council, through enhanced services offered to the community

3. Volunteers are recognised as valued team members and their contribution should be recognised in the service area.

4. Where volunteers are utilised for any Council activity or service, the processes and requirements of the Volunteer Procedure Manual must be complied with.

These include:

- Completion of a Volunteer Agreement application form, inclusive of a Statement of Volunteers Rights and Responsibilities;
- Provision of a clear set of responsibilities or task to the volunteer;
- Completion of the Volunteer Checklist, where the volunteer must be provided with an Orientation and Induction, inclusive of any occupational health and safety obligations;

- In specific circumstances volunteers will be required to provide a Police Clearance and/or undertake a Criminal Records Check or Working with Children Check if dealing with financial or sensitive matters, or there is contact with children or other vulnerable people; and
  - Maintenance of a Volunteer Register.
4. A Council Manager, employee or designated authorised Council representative must supervise all volunteer activities.
  5. All volunteers must complete the "Volunteer Agreement" application form and return it to the responsible Manager before commencing volunteer work. This "Volunteer Agreement" may be completed *en-bloc* for group registration.
  6. All volunteers must acknowledge that they will abide by the *Shire of Capel Code of Conduct* whilst volunteering.
  7. Volunteers are not expected to incur out-of-pocket expenses whilst assisting Council.
  8. Volunteers need to accept the direction of the responsible Council employee or designated authorised Council representative, and adhere to the relevant Council Policies, procedures and Code of Conduct.
  9. The Shire of Capel will maintain insurance cover for volunteers on projects approved by and under the auspice of the Council, subject to the above requirements having been met.
  10. Volunteering does not replace paid positions. Volunteering is not a prerequisite to paid work.
  11. Council through management reserves the right to decline, defer or cease utilising volunteer services where circumstances make it difficult to provide adequate supervision, training or support, there is no longer a need for the service, or the working relationship with the volunteer has deteriorated and is unresolvable.

#### POLICY APPLICATION

This Policy applies to all individual and volunteer groups within the Shire of Capel.

<b>Procedure:</b>	
<b>Originating Section:</b> Corporate Services	<b>Relevant Legislation:</b>
<b>Reviewer:</b> Executive Manager Corporate Services	<b>Delegated Authority:</b>
<b>Adopted:</b> Minute OC0234, 28.02.07	<b>Other References:</b>
<b>Amended:</b> Minute OC0211, 19.02.14 Minute OC1108, 22.11.17	
<b>Review Date:</b> December 2019	
<b>Amendment Date</b> 22.11.17 References to the Code of Conduct included.	

## INTRODUCTION

Council has adopted the official Crest which is used for the identification and promotion of the Shire of Capel. The use of this Crest by others is supported, but only approved for uses that maintain the integrity of the Council.

## OBJECTIVE

To ensure that Council maintains control over the use of the Shire Logo.

## POLICY STATEMENT

1. The Shire of Capel has adopted the Council Logo in three formats as follows:



This image is referred to as Shire Badge format



This image is referred to as the Document format



This image is referred to as the email footer

2. Council requires that the Logo be displayed in document format on all promotional material relating to services, events or items of capital equipment sponsored or subsidised by the Shire.
3. Council requires that the Email Footer logo be displayed on all outward email correspondence, along with the employee's name and position, the *Shire of Capel* Vision Statement, contact details and disclaimer.
4. The use of the Shire Logo by other organisations is not permitted unless the approval of the Chief Executive Officer (CEO), or in his absence the Executive Manager Corporate Services, has been obtained.
5. Applications to use the Shire Logo must be submitted in writing to the CEO, who will assess the application having regard for:
  - district promotion value;
  - 'community' value of the proposed use of the Logo;
  - professionalism of presentation of finished product; and
  - tastefulness.
6. Applications purely of a commercial nature will not be considered.

#### POLICY APPLICATION

This Policy applies to all current and new Councillors and employees, and Council as an entity.

<b>Procedure:</b>	
<b>Originating Section:</b> Corporate Services	<b>Relevant Legislation:</b>
<b>Reviewer:</b> Executive Manager Corporate Services	<b>Delegated Authority:</b>
<b>Adopted:</b> Minute OC0216, 24.01.07	<b>Other References:</b> Policy 2.22 Electronic Mail/Internet
<b>Amended:</b> Minute OC0211, 19.02.14 Minute OC1108, 22.11.17	
<b>Review Date:</b> December 2019	
<b>Amendment date</b> 22.11.17 Editorial changes to improve clarity	

### INTRODUCTION

To ensure compliance with legislation that addresses records management requirements it is essential that appropriate policies and procedures are provided for the direction of and use of local government Councillors and employees.

### OBJECTIVE

1. To ensure compliance with the *State Records Act 2000* and its amendments.
2. To capture and control full and accurate records, in all formats, as evidence of the Council's business activities by developing systems and practices that make information readily accessible.
3. To safeguard records of continuing value for legal, evidential, administrative, financial purposes or historical value.

### DEFINITION

A record is recorded information, regardless of medium or characteristics which is handled, received or generated by an employee, contractor or Councillor, regardless of its medium or physical format. It records a decision, transaction, or state of knowledge and is generated as part of a Council process or Councillor activity.

The definition of a record is that specified in the *State Records Act 2000* and is as follows.

*A 'Record' is recorded information, regardless of medium or characteristics which is handled, received or generated by the shire, contractor or a Councillor, regardless of its medium or physical format. It records a decision, transaction, or state of knowledge and is generated as part of a Council process or Councillor activity.*

*Examples of these records include: correspondence, electronic documents, forms, electronic messages, photographs, drawings, plans, maps, diagrams or graphs, audio-visual materials and anything on which information has been stored or recorded, either mechanically, magnetically or electronically.*

### POLICY STATEMENT

1. Council will maintain a Records Office that manages the efficient capture, creation, distribution, storage, retrieval and disposal of its records in accordance with the *State Records Act 2000*.
2. All Councillors and employees will capture, create or provide full and accurate records, in the appropriate format, of Council's business decisions and transactions to meet all legal, evidential, administrative, financial and historical requirements; and in accordance with Council's guidelines.

3. All records (as defined), whether internal or external, are to be captured and stored within the appropriate records systems managed in accordance with Council's Record Keeping Plan.
4. All records are to be categorised as to their level of sensitivity and adequately secured and protected from violation, unauthorised access and destruction in accordance with Council's Record Keeping Plan.
5. Access to the Council's records by employees will be regulated to ensure security and confidentiality.
6. Access to the Council's records by the general public will be in accordance with the *Freedom of Information Act 1992* and *Local Government Act 1995*.
7. Access to the Council's records by Councillors will be via the Chief Executive Officer in accordance with the *Local Government Act 1995* and the Shire of Capel Code of Conduct.
8. All records maintained by Council are to be retained and disposed of in accordance with Council's Record Keeping Plan, the General Disposal Authority for Local Government Records (2015) and the specific requirements of the Shire of Capel.
9. Councillors shall have regard for the document "*Local Government Elected Members' Records: Which records to capture*" produced by the State Records Office of WA with regard to what constitutes a record and how these shall be recorded and managed.

#### POLICY APPLICATION

This Policy applies to all current and new Councillors and employees.

<b>Procedure:</b> REC01 – Records Management	
<b>Originating Section:</b> Corporate Services	<b>Relevant Legislation:</b> <i>State Records Act 2000</i>
<b>Reviewer:</b> Executive Manager Corporate Services	<b>Delegated Authority:</b>
<b>Adopted:</b> Minute OC1124, 26.11.03	<b>Other References:</b> Shire of Capel Record Keeping Plan Local Government Elected Members' Records – Which records to capture
<b>Amended:</b> Minute OC0126, 24.01.07 Minute OC0211, 19.02.14 Minutes OC1108, 22.11.17	
<b>Review Date:</b> December 2019	
<b>Amendment date</b> 22.11.17 Various editorial changes to improve clarity, references added to Code of Conduct, references to contractors removed, references to external documents updated.	

### INTRODUCTION

The use of communications technology must be directed towards achieving the corporate objectives of the Shire's information management system.

The use of computing facilities is accompanied by the responsibility to exercise high standards of honesty and considerate behavior. Employees are expected to use the computing facilities for Council purposes only. Employees are also expected to show consideration to others, to refrain from providing access to unauthorised users, maintaining the confidentiality of their password, to respect the privacy of all other users, and to adhere to all related policies and procedures.

The Shire of Capel's computer system is a corporate resource and is to be used for corporate business. The following policy is established to ensure that the Shire's computer system is used primarily for Shire business and the integrity of Council's databases are maintained.

### OBJECTIVE

1. Ensure all employees are aware of the Shire of Capel's Information Technology and computer usage policy.
2. Ensure that the Shire's investment in computer hardware, software and IT services is used in the most productive manner, and to the greatest possible benefit of the Shire of Capel.

### POLICY STATEMENT

1. The Departmental Executive Managers should establish and maintain in conjunction with the Executive Manager Corporate Services and IS Coordinator, an awareness and involvement in their departments IT infrastructure, including accountability of IT investments and benefits.
2. All software and common computer hardware is managed and under the responsibility of the IS Coordinator, who provides computer system support and arranges contracted computer support on a needs basis. This includes the acquisition of all IT software and hardware.
3. Executive Managers must take responsibility for the effective use of their IT resource ensuring that:
  - IT requirements are included in their business planning;
  - IT requisitions are 'cost and benefit' justified and meet budgetary requirements;
  - Associated ongoing costs are realised and planned for; and
  - The IS Coordinator is informed of any impending software or hardware change, upgrade or implementation.

#### 4. Security

Executive Management should ensure in conjunction with the Executive Manager Corporate Services and IS Coordinator, that adequate information security management policies and procedures are implemented to protect their information asset.

Threats to data security may come from many areas including malicious intent (internal or external), virus transmittal, unauthorised access, accidental deletion, fire, theft and hard disk failure.

#### 5 Information Systems Plan

The Shire of Capel Information Systems Plan shall provide detailed procedures and guidelines to ensure that safeguards are in place to protect data. This should be reviewed periodically with Executive Management to ensure further precautions are taken if deemed necessary:

The following Policy Statements shall be incorporated within the Plan.

- a. *Computer Access Control* - Access to network computer work stations shall be by user id and passwords.
- b. *Network Access Control* - Only the Executive Manager Corporate Services, IS Coordinator and Support Contractor shall have access to all areas of the network and also control user access.
- c. *Passwords and Management's Right to Access Information* - Each employee has an individual password to access the system. Divisional information on Council computers (e.g. E-mail, diaries, etc), which is Council owned data/property, are accessible by Divisional Executive Managers.

The Shire of Capel has the right to monitor employee use of computer equipment and software at any time at its discretion.

- d. *Data Backups* - Automated daily backups of the main accounting system (Synergysoft) and Network databases shall be run every night. Additional off-site backups shall be stored externally. Individual PC Backups of specific data shall be saved to the main server.
- e. *Internet Access and Email Usage* - Access to and usage by staff of the internet and emails shall be in accordance with Council Policy.
- f. *Electronic Records Management* - Council shall maintain and fulfil its records management obligations and responsibilities under the *State Records Act 2000* through an electronic records management system.
- g. *Virus Protection* - All PCs and the main server have an active virus checker running in memory while the workstation is switched on.
- h. *Breach of Security* - It is the responsibility of the Executive Manager Corporate Services to notify the relevant Executive Manager of all known breaches of data access security.



- i. *Software Copyright* - Software usage within the Shire will be in compliance with the requirements of the *Copyright Act 1968* in relation to software.
- j. *Software Registration* - The Shire of Capel will maintain a register of every software package.

#### POLICY APPLICATION

An Information Systems Plan is to be developed and implemented in conjunction with this Policy and other related Council Policies and Procedures.

<b>Procedure:</b> CORP01 – Electronic Mail / Internet	
<b>Originating Section:</b> Corporate Services	<b>Relevant Legislation:</b>
<b>Reviewer:</b> Executive Manager Corporate Services	<b>Delegated Authority:</b>
<b>Adopted:</b> Minute OC0315, 21.03.2012	<b>Other References:</b> Policy 2.22 - Electronic Mail/Internet Policy 2.19 – Use of Council Logo
<b>Amended:</b> Minute OC0211, 19.02.14 Minute OC0115, 27.01.16 Minute OC1108, 22.11.17	
<b>Review Date:</b> December 2019	
<b>Amendment date</b> 22.11.17 Policy Statement concerning the provision of IT access to passwords for locked documents removed.	

### INTRODUCTION

Electronic mail (e-mail) is an important means of communication that offers an effective form of transmission combining informal, instantaneous and direct person to person contact with the permanence and non-intrusive nature of a letter or minute. It also has the advantage that it is easy to use and is more economical than both paper and telephones.

### OBJECTIVE

1. To ensure that documents received or transmitted via e-mail, along with the body of the email are assessed under the guidelines of a public record and where identified as a public record, ensure that procedures are set out so that the e-mail is dealt with accordingly.
2. To provide guidelines to all employees and Councillors of the Shire of Capel on the correct and proper use of the electronic mail/internet facility.
3. To promote the effectiveness of the organisational e-mail/internet facility and the opportunity of improving response times to incoming mail.
4. To help maximise efficiency by use of modern technology.

### POLICY STATEMENT

1. Access  
Internet and email access will be granted for business related activities only. Occasional or infrequent private usage will be permitted provided this does not breach the intent of this policy or impact on work performance.
2. Usage  
Email documents created or received by public officers (Councillors and employees) in connection with the Shire of Capel are the property of the Shire, not the individual. They are public records and are subject to the same record keeping requirements as public records in other formats.

Email also falls within the definition of a record under the *Freedom of Information Act 1992 viz ...* "any article on which information has been stored or recorded, either mechanically, magnetically or electronically." Therefore emails fall within the ambit of any Freedom of Information application to Council, and the applicant may have a legally enforceable right to access the (edited or unedited) information contained in the email.

All employees and Councillors are responsible for managing their own email documents (as per the requirements of Policy 2.20 Records Management) and need to make decisions regarding retention or disposal. Some messages may have long term value requiring them to be kept beyond their immediate administrative use. Unnecessary retention of messages that are no longer of any further use however will use up storage space and make retrieving messages more difficult.

A user should ensure that any email that meets the criteria below is registered into the Electronic Document Management System:

- a. Relates to necessary business of the Shire of Capel;
- b. Is a formal communication between staff (eg a minute, a report or submission); or
- c. Has value for other people or the Shire of Capel as a whole.

### 3. Network etiquette

In using the Internet or utilising email correspondence, employees will:

- a. Maintain high standards of professionalism, ethics and decorum at all times in all electronic exchanges, and maintain the good image of the Shire of Capel abroad;
- b. not access or email offensive, illegal or pornographic material;
- c. maintain the integrity and confidentiality of data and services on the network;
- d. maintain a proper duty of care in terms of privacy, confidentiality, copyright, accuracy, and timeliness of any information accessed from or distributed to external sources;
- e. maintain record management and archiving practices and procedures;
- f. adhere to email and internet usage procedures, including the use of standardised footers and disclaimers;
- g. not use the internet to import executable programs in any form on to the Shire of Capel Network without prior approval of the Information Systems Coordinator; and
- h. in no way attempt to bypass Council's virus checking systems and procedures to compromise security or services.

## 4. Monitoring

Email and internet services may be monitored to ensure the continued security, reliability and usefulness of the internet connection. Information gathered from this monitoring will be made available to the appropriate person(s) if an employee is believed to have breached this policy.

## 5. Sanctions

Breaches of the provisions of this policy or related procedures may result in disciplinary action and/or result in access to the service being revoked.

## POLICY APPLICATION

This Policy applies to all current and new Councillors and employees.

<b>Procedure:</b> Electronic Mail / Internet	
<b>Originating Section:</b> Corporate Services	<b>Relevant Legislation:</b>
<b>Reviewer:</b> Executive Manager Corporate Services	<b>Delegated Authority:</b>
<b>Adopted:</b> Minute OC0322, 14.03.01	<b>Other References:</b> Policy 2.21 – Information Technology Policy 2.19 – Use of Council Logo Policy 2.20 – Records Management
<b>Amended:</b> Minute OC0126, 24.01.07 Minute OC0211, 19.02.14 Minute OC0115, 27.01.16 Minute OC1108, 22.11.17	
<b>Review Date:</b> December 2019	
<b>Amendment date</b> 22.11.17 Minor editorial amendments to improve readability and flow.	

Rescinded

<b>Procedure:</b>	
<b>Originating Section:</b> Corporate Services	<b>Relevant Legislation:</b>
<b>Reviewer:</b> Executive Manager Corporate Services	<b>Delegated Authority:</b>
<b>Adopted:</b> Minute OC0214, 23.02.05	<b>Other References:</b> AS/NZS ISO 31000:2009
<b>Amended:</b> Minute OC0126, 24.01.07 Minute OC0211, 19.02.14 <b>Rescinded</b> OC0804, 24.08.16	
<b>Review Date:</b> December 2017	

Rescinded

<b>Procedure:</b>	
Originating Section: Corporate Services	<b>Relevant Legislation:</b>
<b>Reviewer:</b> Executive Manager Corporate Services	<b>Delegated Authority:</b>
<b>Adopted:</b> Minute OC0214, 23.02.05	<b>Other References:</b> Occupational Safety & Health Act 1984 AS/NZS ISO 31000:2009 AS/NZS 4801:2001 AS3745:2010
<b>Amended:</b> Minute OC0126, 24.01.07 Minute OC0211, 19.02.14 Minute OC0115, 27.01.16 <b>Rescinded</b> OC0804, 24.08.16	
<b>Review Date:</b> December 2017	

## INTRODUCTION

The Shire of Capel recognises there is a need to adapt to climate change and to operate sustainably for current and future generations of the district. The aim of this Policy is to prioritise the Council's climate change adaptation focus areas and to embed sustainability efforts into the strategic and operational functions of the organisation.

A commitment to Climate Change Adaptation and Sustainability (CCAS) means following the principles of community engagement, sustainable development, risk mitigation, fiscal responsibility and environmental management. Following these principles is necessary to establish practices which enhance the health of the community, preserve the natural environment and sustain quality of life and prosperity, now and into the future.

## OBJECTIVE

The intent of this policy is to embed climate change adaptation and sustainability into the deliberations of Council and the organisation by:

- recognition that climate change impacts are present and are likely to increase in the future;
- aligning Council decision making and strategic visioning with global, regional and local CCAS trends;
- prioritising efforts commensurate with resources, financial and knowledge capacity;
- engaging with community and stakeholders to establish healthy working relationships;
- community consultation aligning organisational efforts with community aspirations;
- adapting to growing population pressure, commensurate with State and Regional growth planning;
- continuous business improvement practices to improve operational efficiencies and align with new technologies; and
- being fiscally responsible for present and future generations.

## POLICY STATEMENT

The Shire of Capel recognises the need to incorporate climate change adaptation and sustainability in its strategic visioning, decision making and operations. The following priority focus areas outline how the Shire will achieve this:

1. Develop and implement a strategic Climate Change Adaptation and Sustainability framework;
2. Provide leadership within the community to address CCAS;

3. Participating with regional stakeholders to integrate the Shire’s aspirations and efforts regionally;
4. Incorporate CCAS in land use planning strategies, schemes and plans;
5. Plan and manage the coast in accordance with CCAS principles;
6. Plan and manage public reserves in accordance with CCAS principles;
7. Plan for and manage waste in accordance with CCAS principles;
8. Manage contaminated sites to mitigate risk to humans and environment;
9. Manage water resources sustainably to ensure future water security;
10. Promote energy efficiency and transition towards renewable energies; and
11. Manage financial resources responsibly.

**POLICY APPLICATION**

This Policy applies to all current and new Councillors and employees in the ongoing assessment and management of sustainability practices.

<b>Procedure:</b>	
<b>Originating Section:</b> Corporate Services	<b>Relevant Legislation:</b> <i>Local Government Act 1995</i> <i>Financial Management Regulations</i>
<b>Reviewer:</b> Executive Manager Engineering & Development Services	<b>Delegated Authority:</b>
<b>Adopted:</b> Minute OC0315, 21.03.2011	<b>Other References:</b>
<b>Amended:</b> Minute OC0211, 19.02.14 Minute OC1108, 22.11.17 Minute 93/2018, 19.12.18	
<b>Review Date:</b> December 2019	
<b>Amended date</b> 22.11.17 Editorial changes to improve clarity 19.12.18 Significant changes to better reflect the Climate Change Adaption and Sustainability Committee change in strategic direction.	



### INTRODUCTION

The purpose of this Policy is to ensure efficient, fair and equitable management processes for the use of the Shire of Capel facilities, in particular the Halls and Community Centres.

With this Policy the Shire recognises the desirability of having the Shire Halls and Community Centres used as much as possible by residents and community groups.

### OBJECTIVE

1. Promote and enable community usage of the Shire venues in order to meet a wide range of user needs.
2. Refer to a set of guidelines and procedures that assist in the effective management of Shire venues.
3. Promote equitable use of venues.

### POLICY STATEMENT

1. The policy applies to the Shire Halls and Community Centres, in this Policy referred to as Shire Facilities. The Shire of Capel makes a distinction between once-off bookings and periodical bookings within a full calendar year, as follows:
  - a. *Once-off bookings*: a booking for a single day or a maximum number of 10 'stand alone' bookings throughout the year.
  - D. *Periodical bookings*: bookings that have regular weekly or monthly frequencies.
2. Bookings and Charges
  - a. Application for the hire of Shire Facilities must be lodged with the Council in writing using the appropriate Application Form.
  - b. The relevant fees and bonds for the use of Council facilities are listed in the Shire of Capel's annually adopted Schedule of Fees & Charges.
  - c. Consideration may be given to requests in writing for concessional hire or the waiver of fees and charges for the use of Shire facilities, where such waivers comply with Council regulations and policies.

- d. Authority is vested in the Chief Executive Officer (CEO) to assess and approve any concessional hire requests or waiving of fees. The CEO may delegate the authority to perform this function to the Executive Manager Corporate Services (Delegation 127).

### 3 Scheduling

- *Once-off use*: reservation of date(s) will not be accepted more than 12 months in advance.
- *Periodical use*: the reservation of dates for periodical use of Shire Facilities will not be accepted more than 3 months in advance. Hirers must submit a schedule with the known dates and times of use for the requested period.

### 4. Conditions of Hire and Usage

Conditions of Hire and Usage of Council Facilities are developed to manage the use of facilities by multiple users and to provide safe and well maintained community facilities. These conditions of hire and usage must be observed by all users and hirers, and are to be included with the Application Form provided to prospective hirers.

### 5. Public Liability

- a. Any legal entity, including but not limited to Companies, Businesses, Incorporated Bodies, Sporting Clubs and Associations of any kind need to have current Public Liability Insurance cover of \$10 million or greater before using a Shire facility and must provide evidence of such to the Shire officers to place on file.
- b. Casual Hirers (other than Incorporated Bodies, Sporting Clubs or Associations), are covered under the Shire of Capel Casual Hirers Insurance (\$10 million).
- c. Occasional Hirers who are considered by Council to be "low risk" (other than Incorporated Bodies, Sporting Clubs, Associations or Casual hirers) are not required to hold any Public Liability Insurance cover.

"Low risk" users are those Occasional Hirers whose activity has less than 10 people attending, and where the activity is of an entirely social nature.

Activities such as:

- organised sporting competitions;
- festivals;
- events;
- fixtures or training;
- bookings where food, alcohol or hot drinks are consumed or sold;
- where heavy equipment, plant or electrical items are used;
- busy bees or similar where building works, renovations or maintenance occurs;

are not considered to be "*low risk*".

#### 6. Compliance with Acts and Regulations

Hirers shall comply with the provisions of the *Health (Miscellaneous Provisions) Act 1911*, *Public Health 2016*, *Liquor Control Act 1988* or any other Act and/or regulation in force at the time of hire and applicable to such hiring and use of the facilities.

#### 7. Other Conditions

Where this Policy is silent on a matter, a decision will be made by the Chief Executive Officer of the Shire of Capel, unless delegated otherwise.

#### POLICY APPLICATION

The application of this Policy is to be considered in conjunction with the associated procedures and forms.

<p><b>Procedure:</b> 2.6.26 Facility Hire – Receipting Info6 – Information Sheet – Facility Hire</p>	
<p><b>Originating Section:</b> Corporate Services</p>	<p><b>Relevant Legislation:</b> <i>Local Government Act 1995</i> <i>Local Government (Financial Management Regulations) 1996</i></p>
<p><b>Reviewer:</b> Executive Manager Corporate Services</p>	<p><b>Delegated Authority:</b> CEO Delegation No 127</p>
<p><b>Adopted:</b> Minute OC0409, 18.04.2012</p>	<p><b>Other References:</b> Policy 2.28 – Risk Management Framework</p>
<p><b>Amended:</b> Minute OC0211, 19.02.14 Minute OC0115, 27.01.16 Minute OC1108, 22.11.17</p>	
<p><b>Review Date:</b> December 2019</p>	
<p><b>Amendment date</b> 22.11.17 Minor editorial changes to improve clarity. Removal of Policy Statement 4 describing priorities for use (refers to non-existent guidelines and procedures). Incorporation of sentence requiring information on Conditions of Hire and Usage to be provided with Application for Hire Form.</p>	

### INTRODUCTION

The purpose of this Policy is to establish the level of superannuation contribution paid by Council to its employees as part of remuneration packages.

### OBJECTIVE

This policy also aims to:

- Provide a clear and consistent approach to the payment of the Superannuation Guarantee Charge (SGC) and voluntary Council superannuation payments;
- Ensure compliance with the SGC Act; and
- Provide employment remuneration benefits that assist in the attraction and retention of staff.

### POLICY STATEMENT

1. Where an employee makes a voluntary superannuation contribution, Council will contribute a matching amount into the Local Government Superannuation Scheme (or equivalent complying Superannuation Fund) as outlined below.
2. The Council contribution will be paid in addition to the statutory SGC and is subject to the following conditions:
  - a. Existing employees at 1 July 2013 contributing a 5% voluntary contribution will receive a matching Council contribution of 5%.
  - b. After 1 July 2013 the total SGC and Council contribution will not exceed 14% for existing employees not currently contributing 5%, new employees or those renegotiating new contracts or new enterprise agreements.
3. Council shall permit employees to salary sacrifice or make non-concessional superannuation contributions as part of structured salary agreements, and will contribute based on the gross salary prior to salary sacrifice.

### POLICY APPLICATION

The application of this Policy is to be considered in conjunction with the associated legislation, employment contracts, awards and agreements, and applies to all current and future Council employees.

<b>Procedure:</b>	
<b>Originating Section:</b> Corporate Services	<b>Relevant Legislation:</b> <i>Superannuation Guarantee Charge Act 1992</i> Local Government Industry Award 2010.
<b>Reviewer:</b> Executive Manager Corporate Services	<b>Delegated Authority:</b>
<b>Adopted:</b> Minute OC0403, 16.04.2014	<b>Other References:</b>
<b>Amended:</b> Minute OC1108, 22.11.17	
<b>Review Date:</b> December 2019	
<b>Amendment Date</b> 22.11.17 Minor editorial changes, text concerning voluntary contributions clarified and updated.	

## INTRODUCTION

The Shire of Capel's Risk Management Framework documents the commitment and objectives concerning managing uncertainty that may impact the Shire's strategies, goals or objectives.

This Policy sets out the Shire's approach to the identification, assessment, management, reporting and monitoring of risks within a risk management framework. All components of this document are based on Australia/New Zealand Standard ISO 31000:2009 Risk Management.

The Framework aims to provide a documented, structured and systematic process balancing the current size and complexity of the Shire along with existing time, resource and workload pressures.

## DEFINITIONS

*Risk appetite* - the amount and type of risk that an organisation is willing to take in order to meet strategic objectives.

*Risk criteria* - terms of reference against which the significance of a risk is evaluated.

### ***Risk assessment and acceptance criteria – Shire of Capel***

<b>Criteria</b>	<b>Risk Rank</b>	<b>Acceptability</b>
Risk acceptable with adequate controls, managed by routine procedures and subject to annual monitoring.	Low	Acceptable risk
Risk acceptable with adequate controls, managed by specific procedures and subject to semi-annual monitoring.	Moderate	Monitor the risk
Risk acceptable with excellent controls, managed by senior management / executive and subject to monthly monitoring.	High	Urgent attention required
Avoid risk if possible - only acceptable with safeguards in place and excellent controls. Treatment plans to be explored and implemented where possible, managed by highest level of authority and subject to continuous monitoring.	Extreme	Unacceptable risk

## OBJECTIVES

1. Optimise the achievement of the Shire of Capel vision, experiences, strategies, goals and objectives.
2. Provide transparent and formal oversight of the risk and control environment to enable effective decision making.
3. Enhance risk versus return within a defined risk appetite.
4. Embed appropriate and effective controls to mitigate risk and thus reduce the potential cost and impact of adverse events.
5. Achieve effective corporate governance and adherence to relevant statutory, regulatory and compliance obligations.
6. Enhance organisational resilience.
7. Identify and provide for the continuity of critical operations.
8. Limit the organisation's insurance liability exposure.

## POLICY STATEMENT

1. Council and the organisation are committed to the achievement of best practice (aligned with AS/NZS ISO 31000:2009 Risk management) in the management of all risks that may affect the Shire, its customers, people, assets, functions, objectives, operations or members of the public.
2. Risk Management will form part of strategic, operational, project and line management responsibilities and where possible, be incorporated within the Shire's Integrated Planning Framework.
3. The Shire's Executive Management Team will determine and communicate the Risk Management Policy, Objectives and Procedures, as well as direct and monitor implementation, practice and performance.
4. The Chief Executive Officer is responsible for the allocation of roles, responsibilities and accountabilities. These are documented in the Risk Management Procedures (Operational Document).
5. Every employee, Councillor, volunteer and contractor within the Shire is recognised as having a role in risk management, from the identification of risks, to implementing risk treatments and shall be invited and encouraged to participate in the process.
6. Consultants may be retained at times to advise and assist in the risk management process or management of specific risks or categories of risk.
7. A Risk Appetite will be defined through the development of the Shire's Risk Assessment and Acceptance Criteria. The criteria are included within the Risk Management Procedures and are subject to ongoing review in conjunction with this Policy.



8. All organisational risks will be reported at a corporate level (Manager or Executive Manager) and assessed according to the Shire's Risk Assessment and Acceptance Criteria to allow consistency and informed decision making.
9. If necessary for operational requirements such as projects or to satisfy external stakeholder requirements, alternative risk assessment criteria may be utilised. These however cannot exceed the organisation's appetite and are to be noted within the individual risk assessment and approved by a member of the Executive Management Team.
10. The Shire will implement and integrate a process to monitor, review, document and report on the achievement of risk management objectives, the management of individual risks and the ongoing identification of issues and trends.

#### POLICY APPLICATION

This Policy applies to all Councillors, employees, volunteers and contractors of the Shire of Capel.

<b>Procedure:</b> Risk Management Framework	
<b>Originating Section:</b> Corporate Services	<b>Relevant Legislation:</b>
<b>Reviewer:</b> Susan Stevenson	<b>Delegated Authority:</b>
<b>Adopted:</b> Minute OC0804, 24.08.16	<b>Other References:</b> Australian and New Zealand Standard ISO 31000:2009 Risk Management.
<b>Amended:</b> Minute OCxxxx, dd.mm.yy	
<b>Review Date:</b> December 2019	

### INTRODUCTION

The State Administrative Tribunal (SAT) is an independent body that makes and reviews a range of administrative decisions. These decisions range from reviews of multi-million dollar tax judgments to dog destruction orders, disciplinary proceedings, town planning disputes and compensation issues.

SAT reviews decisions made by local governments regarding a range of matters concerning planning and development, subdivision applications, infringements, rating, animal management and land conservation.

### OBJECTIVE

This Policy is designed to clarify the role, responsibility and accountability of Council and Shire Officers concerning Council decisions which are the subject of an appeal to the State Administrative Tribunal.

### POLICY STATEMENT

1. The Chief Executive Officer (CEO) is delegated authority to determine the most appropriate manner to deal with matters relating to the State Administrative Tribunal.
2. Where a Council decision is the same or essentially the same as an Officer's Recommendation in the Council agenda item, then an Officer nominated by the CEO shall provide a written response to an appeal on behalf of Council or attend a mediation or tribunal hearing as an expert witness to represent Council's position.

The officer nominated to best represent the Shire shall be the most appropriate officer based on technical skill & capacity, positional authority and case experience.

3. Where a decision of the Council is the subject of an appeal to the SAT and that decision is contrary to the Officer's Recommendation in the Council agenda item, then in the interests of the Council and officers:
  - Council will be represented at the SAT hearing by an independent consultant, lawyer or person appointed by the CEO;
  - Officers will represent the Shire at mediation sessions; and
  - In the event of an Officer being subpoenaed, Council acknowledges that the Officer may be required to give evidence at a SAT hearing in support of the Officer's Recommendation in the original Council agenda item, acknowledging that the evidence given may be contrary to the Council decision on the subject of the appeal.

- a. Councillors attending mediation sessions do so on a voluntary basis as community members and observers, not as representatives of Council unless invited by the SAT.
  - b. Councillors are not able to lawfully give instructions to the independent consultant on behalf of the Shire.
  - c. Where a matter is referred to mediation, the Councillor, Officer and / or independent consultant shall participate constructively in the mediation in an attempt to reach a satisfactory compromise solution. A satisfactory compromise solution shall:
    - not be beyond the scope of the officer's delegated power;
    - be referred back to Council for decision; and
    - be in the best interests of the Council and at the very least, cause no harm.
4. When the SAT invites or requests Council to nominate a Councillor to attend a mediation hearing, compulsory hearing or final hearing in respect to an application for a review lodged against a Council decision, then that Council representative shall be the President or the Deputy President where the President is unable to attend.
  5. The State Administrative Tribunal may refer a matter back to Council inviting Council to reconsider a decision. In this instance, the Officer shall assess the proposal and refer it to Council to affirm the decision, vary the decision or set aside the decision and substitute a new decision.
  6. The Shire will not appeal a State Administrative Tribunal Decision unless Council considers, following legal advice, that the Tribunal has made an error of law and/or the issue has significant implications for the Shire of Capel.
  7. The final decision will be communicated in writing to Council, the applicant and any other affected party.

## POLICY APPLICATION

This policy applies to all employees and Councillors of the Shire of Capel.

<b>Procedure:</b>	
<b>Originating Section:</b> Corporate Services	<b>Relevant Legislation:</b>
<b>Reviewer:</b> S Stevenson	<b>Delegated Authority:</b> Delegation 160
<b>Adopted:</b> Minute OC0411, 26.04.17	<b>Other References:</b>
<b>Amended:</b> Minute OCxxxx, dd.mm.yy	
<b>Review Date:</b> December 2019	

### INTRODUCTION

Under the *Local Government Act 1995* and *Local Government (Financial Management) Regulations 1996*, all local governments in Western Australia must produce annual financial statements that comply with Australian Accounting Standards.

The Australian Accounting Standards Board has determined that from 1 July 2016, AASB 124 (Related Party Disclosures) will apply to government entities, including local governments. Council is now required disclose Related Party Relationships and Key Management Personnel compensation in its Annual Financial Statements.

Policy 2.30 defines the parameters for Related Party Relationships and the level of disclosure and reporting required for Council to achieve compliance with the Australian Accounting Standard AASB 124 – Related Party Disclosures.

This Policy addresses the four (4) different types of related party that must be considered by Council:

1. Entities related to Council;
2. Key Management Personnel;
3. Close family members of Key Management Personnel; and
4. Entities that are controlled or jointly controlled by either 2 or 3 above.

### DEFINITIONS

#### *AASB 124*

Australian Accounting Standards Board, Related Party Disclosures Standard 124

#### *Close family members of Key Management Personnel (KMP)*

Those family members who may be expected to influence, or be influenced by, that KMP in their dealings with the Shire of Capel and include:

- the KMP's children, and spouse or domestic partner;
- children of that KMP's spouse or domestic partner; and
- dependants of the KMP or the KMP's spouse or domestic partner.

#### *Entity*

Can include a body corporate, a partnership or a trust, incorporated, or unincorporated group or body.

#### *Entity Related to a KMP*

Related Entities to Key Management Personnel are entities that are:

- \*controlled or jointly controlled by a KMP;
- apart from Council, where a KMP has significant influence over, or is a member of the key management personnel of the entity or parent of the entity; or
- controlled or jointly controlled by a close family member of a KMP of Council.

\*A person or entity is deemed to have *control* if they have:

- power over the entity;
- exposure, or rights, to variable returns from involvement with the entity; or
- the ability to use power over the entity to affect the amount of returns.

To jointly control, a person or entity must have contractual rights or agreed sharing of control of the entity, which exists only when decisions about the relevant activities require the unanimous consent of the parties sharing control.

#### *Entity Related to Council*

This includes any entity that is either controlled, jointly controlled or over which Council has a significant influence. A person or entity is a Related Party of Council if any of the following apply:

- they are members of the same group (which means that each parent, subsidiary and fellow subsidiary is related to the others);
- they are an associate or belong to a joint venture of which Council is part of.
- they and Council are joint ventures of the same third party;
- they are part of a joint venture of a third party and Council is an associate of the third party;
- they are a post-employment benefit plan for the benefit of employees of either Council or an entity related to Council;
- they are controlled or jointly controlled by close family members of the family of a KMP;
- they are identified as a close or possibly close member of the family of a person with significant influence over Council or a close or possibly close member of the family of a person who is a KMP of Council; or
- they, or any member of a group of which they are a part, provide KMP services to Council.

#### *Key Management Personnel (KMP)*

AASB 124 defines KMP as "those persons having authority and responsibility for planning, directing and controlling the activities of the entity, directly or indirectly, including any director (whether executive or otherwise) of that entity".

Key Management Personnel for the Shire of Capel are:

- elected Council Members (including the President); and
- persons employed under s5.36 of the *Local Government Act 1995* in the capacity of Chief Executive Officer or Executive Manager.

#### *Material (materiality)*

Means the assessment of whether a transaction, either individually or in aggregate with other transactions, by omitting it or misstating it could influence decisions that users make on the basis of an entity's financial statements. For the purpose of this Policy, it is not considered appropriate to set either a dollar value or a percentage value to determine materiality.

#### *Ordinary Citizen Transaction*

A transaction that an ordinary member of the community would undertake in the ordinary course of business with the Shire of Capel.

#### *Related Party*

A person or entity that is related to the entity preparing its financial statements.

### *Related Party Transaction*

A transfer of resources, services or obligations between the Shire of Capel and a related party, regardless of whether a price is charged.

### *Significant (significance)*

Likely to influence the decisions that users of the Council's financial statements make having regard to both the extent (value and frequency) of the transactions, and that the transactions have occurred between the Council and related party outside a public service provider/ taxpayer relationship.

## OBJECTIVE

The objective of this Policy is to provide guidance on:

- the identification of Council's related parties;
- management of related party transactions;
- recording such transactions; and
- disclosure of the transactions in the Shire of Capel annual financial statements in accordance with AASB 124.

## POLICY STATEMENTS

### 1. Key Management Personnel (KMP)

All Key Management Personnel (KMP) are responsible for assessing and disclosing their own, their close family members' and their related entities' relationship with Council. All related parties must be included in the self-assessment. A disclosure form is provided as an Attachment to this Policy.

### 2. Related Party Transactions

#### 2.1 Ordinary Citizen Transaction

For the purpose of this Policy, an Ordinary Citizen Transaction is one that occurs between Council and KMP and/or related parties which satisfy the following criteria. The transaction must:

- occur during the normal course of Council delivering its public service goals;
- be under the same terms that would be available to a member of the community; and
- belong to a class of transaction that an ordinary member of the community would normally transact with Council.

This includes for example facility hire, and the payment of rates and dog registrations.

There is no obligation to disclose Ordinary Citizen Transactions.

Transactions between Council and Related Parties that would normally be considered Ordinary Citizen Transactions but where the terms and conditions differ from normal practice however, must be disclosed.

## 2.2 Non-ordinary Citizen Transactions

All related party transactions that do not satisfy the definition of an Ordinary Citizen Transaction (as per 2.1) must be disclosed in accordance with AASB 124.

The following are examples of transactions that must be disclosed if they are with a related party and are not an Ordinary Citizen Transaction:

- purchases or sales of goods (finished or unfinished);
- purchases or sales of property or other assets;
- rendering or receiving services;
- leases;
- transfers of research and development;
- transfers under licence agreements;
- transfers under finance arrangements (including loans and equity contributions in cash or kind);
- provisions of guarantees or collateral;
- commitments to do something if a particular event occurs or does not occur in the future, including execution of contracts (recognised or unrecognised); and
- settlement of liabilities on behalf of Council or by Council on behalf of the related party.

## 3. Disclosure of Information

### 3.1 Council disclosure

AASB 124 provides that Council must disclose the following financial information in its financial statements for each financial year period:

- the nature of any related party relationships;
- the amount of the transactions;
- the amount of outstanding balances, including commitments, including:
  - (i) their terms and conditions, whether they are secured, and the nature of the consideration to be provided in settlement; and
  - (ii) details of any guarantees given or received;
- provisions for doubtful debts related to the amount of outstanding balances; and
- the expense recognised during the period in respect of bad or doubtful debts due from related parties.

The following matters must be considered in determining the materiality and significance of any related party transactions:

- significance of transaction in terms of size;
- whether the transaction was carried out on non-market terms;
- whether the transaction is outside normal day-to-day business operations, such as the purchase and sale of assets;
- whether the transaction is disclosed to regulatory or supervisory authorities;
- whether the transaction has been reported to senior management; and
- whether the transaction was subject to Council approval.

Regard must also be given for transactions that are collectively, but not individually significant.

All transactions involving related parties will be captured and reviewed to determine materiality or otherwise of such transactions, if the transactions are Ordinary Citizen Transactions (OCTs), and to determine the significance of each of the transactions.

### 3.2 Key Management Personnel disclosure

In accordance with this Policy, KMP must provide a Related Party Disclosure in the form set out in the Attachment twice yearly, no later than the following dates each financial year:

- 30 December each year; and
- 30 June each year.

Disclosures must also be made immediately prior to termination of employment of/by a KMP.

### 3.3 Councillors

Disclosures must be made by all Councillors immediately prior to any ordinary or extraordinary election.

## 4. Review of Related Parties

A review of KMP's and their related parties will be completed every 6 months. Particular events, such as a change of Councillors, Chief Executive Officer or Executive Managers or a corporate restructure will also trigger a review of Council's related parties immediately following such an event.

The Chief Executive Officer shall implement a suitable system to identify related parties. The primary identification method of close family members and associated entities of Key Management Personnel shall be by (but not limited to) KMP self-assessment. KMP have a responsibility to identify and report any changes to their related parties as they occur.

The Chief Executive Officer shall identify suitable methodology and procedures for identifying and reporting on related party transactions such that accurate data will be collated from 01 July 2017. Identification and reporting methods shall consider:

- transactions occurring via Council's accounting and electronic records management systems;
- other transactions not passing through Council's electronic accounting / management systems;
- the identification of the associated terms and conditions of the related party transactions;
- declarations in the Financial Interests Register; and
- information provided in Primary and Annual Returns.

If any elected member or employee believes a transaction may constitute a related party transaction they must notify the Chief Executive Officer who will, in consultation with the Executive Manager Corporate Services, make a determination on the matter.

## 5. Privacy & Confidentiality

### 5.1 Access to information



The following persons are permitted to access, use and disclose the information provided in a related party disclosure or contained in a register of related party transactions for the purposes of 5.2.

- the Chief Executive Officer;
- Executive Manager, Corporate Services;
- Manager Finance;
- an Auditor of Council (including an Auditor from the WA Auditor General's Office); and
- other officers as determined by the Chief Executive Officer.

### 5.2 Permitted purposes

Persons specified in 5.1 may access, use and disclose information in a related party disclosure or contained in a register of related party transactions for the following purposes:

- assess and verify the disclosed related party transaction;
- reconcile identified related party transactions against those disclosed in the related party disclosure or contained in a register of related party transactions;
- comply with the disclosure requirements of AASB 124; or
- verify compliance with the disclosure requirements of AASB 124.

### 5.3 Confidentiality

The following information is classified as confidential and is not available for inspection by or disclosure to the public;

- information (including personal information) provided by a KMP in a related party disclosure; and
- personal information contained in a register of related party transactions.

## POLICY APPLICATION

This policy applies to Key Management Personnel and Related Parties of the Shire of Capel.

<b>Procedure:</b>	
<b>Originating Section:</b> Corporate Services	<b>Relevant Legislation:</b>
<b>Reviewer:</b> Susan Stevenson	<b>Delegated Authority:</b>
<b>Adopted:</b> Minute OC0613, 28.06.17	<b>Other References:</b> Local Government Act 1995 Australian Accounting Standards AASB 124 Related Party Disclosures AASB 10 Consolidated Financial Statement AASB 11 Joint Arrangements AASB 128 Investments in Associates and Joint Ventures Shire of Capel Code of Conduct
<b>Amended:</b> Minute OCxxxx, dd.mm.yy	
<b>Review Date:</b> December 2019	

## Related Party Declaration – Key Management Personnel



This form is to be completed by Key Management Personnel pursuant to Policy 2.30, Related Party Disclosures. The information collected in this declaration will be used to identify related party transactions for the purpose of disclosure in the annual financial statement of the Shire of Capel in accordance with AASB 124. The information disclosed in this document is considered confidential, however is subject to audit.

Your Details	
Full Name	
Position	
Date	

Close Family Members	
Full Name	Relationship to you

Entities controlled or jointly controlled by you and/or Close Family Members		
Name of Entity	ABN / ACN	Relevant time period

Details of Transactions		
Transaction	Relationship	\$ value of transaction

Declaration			
I declare that to the best of my knowledge, the information above is a complete and accurate record of my close family members and the entities controlled, or jointly controlled by myself or my close family members. I make this declaration after reading Policy 2.30 Related Party Disclosures which details the purpose for which this information will be used.			
<b>Signature</b>		<b>Date</b>	

## INTRODUCTION

In accordance with its responsibilities under relevant Acts of Parliament, regulations and local laws, the Shire of Capel has a duty to respond to all complaints in accordance with its Customer Service Charter and a statutory obligation to enforce compliance in accordance with various legislative requirements.

This policy reflects the need for compliance action to be carried out in a transparent, efficient, fair and consistent manner having regard to all circumstances. This policy applies to the investigation and resolution of:

- breaches of legislation for which the Shire is the administrative body;
- failure to comply with the terms or conditions of approvals and orders; and
- any appeals arising out of proceedings brought by the Shire.

## OBJECTIVES

This policy provides guidance to:

- ensure there is a consistent approach in the undertaking of compliance and enforcement action;
- ensure transparency, procedural fairness and adherence to the principles of natural justice; and
- assist members of the public and Shire officers in dealing with compliance and enforcement action relating to local government matters.

## POLICY STATEMENTS

### 1. Compliance principles and approach

- 1.1 The Shire shall administer its statutory responsibilities under legislation in a fair, unbiased and equitable manner with regard to the interest of public health, safety and amenity. Each compliance investigation undertaken by the Shire will be assessed on its merits.
- 1.2 Where a complaint relates to a breach of Statute, subsidiary legislation or policy for which the Shire is the responsible authority, the Shire may request those complaints to be made in writing. Complaints must include:
  - a. name, address and phone number or email address of the complainant;
  - b. address of the property to which the complaint relates;
  - c. details of the alleged breach or offence; and
  - d. details of how the matter is affecting the complainant.

- 1.3 Complaints will be prioritised for investigation based upon the seriousness of the alleged breach or offence when assessed against the criteria prescribed in sub-clause 2.2(b). Prioritising complaints will be the responsibility of each department in accordance with their own procedures and legislative requirements.
- 1.4 The Shire may discontinue an investigation into a complaint where it can be reasonably ascertained that the complaint is unsubstantiated, pertains to a civil matter or results from a neighbourhood dispute in which Council has no authority to act.
- 1.5 A response to the complaint will be provided in accordance with the Customer Service Charter. The investigation will include a site inspection if appropriate, review of relevant legislation and Shire records and contact with the respective landowner and/or occupier.

## 2. Enforcement

- 2.1 The enforcement of relevant legislation is an administrative function for which statutory responsibility rests with the Chief Executive Officer and delegated or authorised officer.
- 2.2 The Shire will apply the following principles in deciding whether enforcement action is appropriate.
  - a. Enforcement action will be commensurate to the seriousness of the alleged breach or offence and consistent with legal requirements.
  - b. In determining the seriousness of an alleged breach or offence resulting from a complaint or proactive compliance action, the Shire will have regard to:
    - i. the penalty prescribed in the relevant legislation for the alleged breach or offence;
    - ii. the potential harm caused by, or effect of, the breach/offence on public health and safety, environment (built and natural) or the amenity of the district; and
    - iii. whether or not it is in the public interest for the Shire to take action.
  - c. The enforcement measures applied will be those considered most appropriate to achieve the desired outcome.
  - d. Prosecution will only be initiated following consideration of all the available information and circumstances of the individual case.
- 2.3 The Shire is unable to authorise the continuation of a breach or offence once it has been brought to the Shire's notice. However, compliance efforts will be prioritised to address issues that are both unlawful and likely to present a risk to public health and safety, the environment (built and natural) or the amenity of the district. This may mean that the investigation of relatively minor instances of non-compliance is deferred or not pursued.

- 2.4 Decisions on enforcement action may have regard to any or all of the following considerations:
- a. whether there has been a failure to comply with any written law, any formal request, lawful direction or notice given by the Shire;
  - b. mitigating or aggravating circumstances;
  - c. any demonstrated history of non-compliance;
  - d. potential short and long term consequences of non-compliance;
  - e. the need for deterrence of further breach or offences; and
  - f. the impact which may arise by any failure to take enforcement action.

### 3. Enforcement options

3.1 At the conclusion of an investigation, officers shall use the most appropriate action which may include one or more of the following enforcement options listed below.

- a. **Take no further action**  
Where the investigation of a complaint determines that there is a breach, a decision not to pursue may be made by the Chief Executive Officer or Council following based on advice of the respective officer in accordance with section 2 above.
- b. **Voluntary compliance**  
Following investigation of the complaint the landowner and/or occupier may agree to remedy the situation by complying with statutory requirements. Voluntary compliance should be in accordance with the timeframe specified by the Shire and monitoring will be undertaken to ensure no further action is required.
- c. **Infringements**  
An infringement may be issued under the appropriate legislation.
- d. **Statutory notices**  
In cases where voluntary compliance has not been achieved either through an activity ceasing or being regularised via compliance with the respective legislation, consideration will be given to issuing a statutory notice in accordance with the respective legislation. A statutory notice will include details of the actions which are required to remedy the breach and timeframes for compliance. Monitoring will be undertaken to ensure compliance with the notice and further action may be taken in the event of continuing non-compliance.
- e. **Prosecution**  
Prosecution is one of the enforcement options that may be used when there are reasonable grounds for suspecting that an offence has been committed contrary to an Act, regulation or local law.

The objects of prosecution include but are not limited to:

- enforcing local government legislation;
- protecting the public from loss, harm, injury or damage;
- satisfying the public interest that local government legislation is properly enforced; and
- establishing a precedent for intervention to achieve good community outcomes.

A decision on whether or not to initiate a prosecution for an alleged offence will have regard to considerations that include:

- receipt of advice from Council's legal representatives;
- the prospects of conviction including *prima facie* evidence to prove the case beyond reasonable doubt including but not limited to written or verbal admissions and witness statements;
- whether the prosecution is in the public interest;
- the seriousness and the type of the offence;
- statutory timeframes relating to the relevant legislation;
- ongoing amenity and social impacts resulting from the offence;
- public health and public safety impacts resulting from the offence;
- potential legal consequences or impact on the Shire's reputation if no action is taken;
- Council's statutory and ethical responsibilities to enforce legislation; and
- whether there is a reasonable alternative to prosecution.

The Shire may also become involved in prosecution proceedings if the alleged offender elects to go to court in relation to an infringement or if the matter is escalated to the Supreme Court in response to a court or State Administrative Tribunal decision.

f. Discontinuance of a prosecution

A prosecution is only to be discontinued:

- on legal advice;
- should the prosecution complaint be wrong at law or there is an error in the charges;
- should the prosecution involve a mistake of fact;
- should the alleged offender be deceased, cannot be located or is declared bankrupt;
- in consultation with or following comments made by the court; or
- after consultation with the legal representative of the defendant or personally with the defendant if the defendant is unrepresented.

The decision to discontinue a prosecution shall be made by an officer with the relevant authority and recorded as required by the Shire of Capel records management procedures.

If, following the commencement, but prior to the conclusion of prosecution action, an alleged offender complies with any prior order that gave rise to the prosecution, or submits any application for approval the Shire will consider the merit of pursuing a prosecution.

g. Injunctions

In instances of serious non-compliance with legislation and where efforts to resolve that non-compliance have proven ineffective, the Shire may seek an injunction requiring a person not to breach, or to cease breaching, a statute.

Decisions on whether to seek an injunction shall be made in accordance with the Chief Executive Officer's delegated responsibilities in relation to legal proceedings

3.2 Enforcement action may only be initiated by officers with appropriate authority relating to enforcement action.

3.3 In undertaking the enforcement options outlined in 3.1, the Shire may become involved in proceedings in the State Administrative Tribunal or a Court of law, in the event that the offender does not comply with or seeks to appeal the enforcement action.

4. Recovery of legal costs

4.1. The Shire may seek to recover its fair and reasonable costs in all matters where costs are recoverable, either by consent or by order of the Court.

5. Information disclosure

5.1 Requests for information from members of the public in relation to compliance or enforcement matters will be handled in accordance with the Shire's Freedom of Information Statement and the requirements of the *Local Government Act 1995*.

5.2 Officers shall not release information on specific compliance and enforcement activities, such as active investigations, to the public. Information may be shared with co-regulators and police.

5.3 The requirements of Policy 1.1, Media Contact will also be taken into account.

## POLICY APPLICATION

This Policy applies throughout the Shire of Capel.



<b>Procedure:</b>	
<b>Originating Section:</b>	<b>Relevant Legislation:</b>
<b>Reviewer:</b>	<b>Delegated Authority:</b> Delegation 105 Enforcement & legal proceedings
<b>Adopted:</b> Minute OC0707, 26.07.17	<b>Other References:</b> Shire of Capel Customer Service Charter Shire of Capel Policy 2.29 State Administrative Tribunal Shire of Capel Policy 1.1 Media Contact Shire of Capel Freedom of Information Statement Building Act 2011 & Regulations Bush Fires Act 1954 and Regulations Shire of Capel Local Laws Control of Vehicles (Off-road areas) Act 1979 and Regulations Cat Act 2011 and Regulations Dog Act 1976 and Regulations Freedom of Information Act 1992 Public Health Act 2016 and Regulations Litter Act 1979 and Regulations Local Government Act 1995 and Regulations Shire of Capel Town Planning Scheme No. 7 Planning and Development Act 2005 & Regulations
<b>Amended:</b> Minute OCxxxx, dd.mm.yy	
<b>Review Date:</b> December 2019	

### INTRODUCTION

This policy defines and establishes a commitment to the identification and management of the risk of fraud and corruption within the Shire of Capel and in its dealings with key stakeholders.

### DEFINITIONS

In Australian Standard 8001-2008 the following definitions apply -

*Corruption* is dishonest activity in which an employee or contractor of an organisation acts contrary to the interests of the organisation and abuses his/her position of trust in order to achieve some personal gain or advantage for themselves, or another person or organisation.

*Fraud* is dishonest activity causing actual or potential financial loss to any persons or entity including theft of moneys or other property by employees or persons external to the entity and where deception is used at the time, immediately before or immediately following the activity. This also includes the deliberate falsification, concealment, destruction or use of falsified documentation used or intended for use for a normal business purpose or for improper use of information or position for personal financial benefit.

The Shire of Capel considers fraud to be a deliberate act by an individual or group that is always intentional and dishonest.

### OBJECTIVE

The objective of this policy is to make clear Council's commitment to the prevention, deterrence, detection and investigation of all forms of fraud or corruption.

### POLICY STATEMENT

1. The Shire of Capel is committed to good governance and ethical behaviour.
2. The Shire recognises that fraud and corruption are illegal and contrary to the Shire's organisational values. A proactive stance is taken to prevent fraudulent or corrupt activities and behaviours.
3. Fraud and corruption constitute a significant risk to any organization, and a culture of ethical conduct must exist to recognise and avoid fraud.
4. Fraud and corruption can lead to financial loss, negative publicity and a loss of public confidence. Robust systems and procedures must be in place to ensure that the risk of impropriety is minimised and there is a prompt and effective response where instances do occur.

5. All employees are accountable for and have a role to play in fraud and corruption prevention and control. The Shire requires employees to disclose actual or suspected fraudulent or corrupt activity to the Chief Executive Officer.
6. The Shire will ensure that employees are made aware of their responsibilities in respect to the prevention, detection, reporting and investigation of fraudulent or corrupt behaviour.
7. When identified, all suspected fraudulent or corrupt activity will be promptly investigated, and where appropriate, legal remedies available under the law will be pursued. Wherever possible, the Shire will protect the anonymity of those responsible for reporting the activity. The matter will also be reported to the Corruption and Crime Commission or Public Sector Commission as appropriate.

#### POLICY APPLICATION

This policy applies to all employees, Councillors, and contractors working for the Shire of Capel.

<b>Procedure:</b>	
<b>Originating Section:</b> Corporate Services	<b>Relevant Legislation:</b>
<b>Reviewer:</b> S Stevenson	<b>Delegated Authority:</b>
<b>Adopted:</b> Minute OC0910, 27.09.17	<b>Other References:</b> Policy 2.8 Purchasing Shire of Capel Code of Conduct Public Sector Commission 'Summary of misconduct notification categories'.
<b>Amended:</b> Minute OCxxxx, dd.mm.yy	
<b>Review Date:</b> December 2019	

## INTRODUCTION

The purpose of the Asset Management Policy is to set guidelines for the implementation of consistent asset management processes for the Shire of Capel.

This policy applies to Councillors, the Chief Executive Officer (CEO), staff, Committees and the community involved in the operations, maintenance, refurbishment, renewal, upgrading and development of Council's existing and new assets.

Council staff have a corporate responsibility to provide technical and professional advice to Councillors so that they may make the best decisions on behalf of the people they represent in the Shire of Capel community.

The policy applies to all of Council's assets and it defines the principles underpinning the responsible management of assets.

## OBJECTIVE

The objective of the Policy is to provide clear direction for the management of Council controlled assets to ensure that Council is able to manage its assets in a way that achieves Council's vision, is based on Council's resources and meets the infrastructure needs of the community.

This policy provides specific asset management objectives to ensure Council's asset stewardship is met.

1. Establish and routinely update an Asset Management Strategy (minimum 10 year period) as the primary framework to provide and maintain asset services to current and future generations.
2. Manage assets through the development of Asset Management Plans in accordance with relevant legislation and recognised best practice for each major asset group.
3. Through the Community Strategic Plan and Long Term Financial Plan and in consultation with the community, ensure that future funding needs are identified, affordable, agreed upon, and allocated, so that assets can meet a defined level of service.
4. Ensure that the full impact of Council's decisions on both its existing and new assets is understood.
5. Develop and report annually on established sustainability indicators relevant to asset management.

6. Record assets in accordance with the requirements of the appropriate asset accounting standards and financial reporting requirements.
7. Maintain an asset management information system with comprehensive knowledge of all physical assets.
8. Create asset management awareness throughout the Council and supported at an organisational level.

#### POLICY STATEMENT

1. The Shire of Capel is committed to the provision of safe, efficient and reliable services to the community in the most cost-effective manner.
2. In pursuit of the above, the effective management of infrastructure assets is therefore a key function of Council.
3. Council's overall goal in managing its infrastructure assets is to provide the required level of service in a sustainable manner for present and future consumers.
4. This policy addresses legislative requirements under the *Local Government Act 1995* and subsequent regulations and will be revised in accordance with any future changes.

#### POLICY APPLICATION

##### **Policy Principles**

This policy is based upon the following fundamental principles:

- Service focus - ensuring service delivery needs form the basis of asset management;
- Informed decision-making - incorporating a life-cycle approach to asset management;
- Sustainability - providing for present needs while sustaining resources for future generations;
- Fiscal responsibility – selection of asset management practices that promote best practice within the context of affordable and appropriate costs; and
- Security - identification and management of risks associated with assets to mitigate negative consequences to Council, its staff and the community.

##### **Responsibilities**

Detailed organisational responsibilities and accountabilities under this policy shall be defined within the Asset Management Strategy and shall be reviewed regularly in line with the Strategy. At minimum the following responsibilities will be enacted:

- Council - adoption, stewardship and governance of Asset Management Policy and Strategy;

- CEO, Executive Management Team - business leadership, compliance management, support and facilitation of 'Best Appropriate Practice in Asset Management' across the entire organisation;
- Asset Management Steering Group - oversight and implementation of policies and procedures to ensure effective asset management across the organisation; and
- All other staff - contributory support and engagement with asset management principles and practice.

<b>Procedure:</b> Asset Management	
<b>Originating Section:</b> Engineering & Development Services	<b>Relevant Legislation:</b> <i>Local Government Act 1995</i> <i>Local Government (Functions and General) Regulations 1996</i>
<b>Reviewer:</b> Executive Manager Corporate Services	<b>Delegated Authority:</b>
<b>Adopted:</b> Minute OC0613, 26.06.13	<b>Other References:</b> Engineering & Operations Policy Manual Shire of Capel Asset Management Strategy Engineering & Operations Procedures Manual Shire of Capel Asset Management Plans IPWEA International Infrastructure Management Manual
<b>Amended:</b> Minute OC0208, 19.02.14 Minute OC0113, 27.01.16 <b>Moved &amp; Renumbered:</b> Minute OC1209, 20.12.17	
<b>Review Date:</b> December 2019	