



SHIRE OF EXMOUTH

Attachments

Ordinary Council Meeting – 25 June 2020



Council Policy Manual

POLICY MANUAL - OBJECTIVES

It is the policy of the Exmouth Shire Council to maintain a manual recording the various policies of the Council. Policies are to relate to issues of an on-going nature, policy decisions on single issues are not to be recorded in the manual.

The objectives of the Council's Policy Manual are:

- To provide Council with a formal written record of all policy decisions;
- To provide the staff with precise guidelines in which to act in accordance with Council's wishes;
- To enable the staff to act promptly in accordance with Council's requirements, but without continual reference to Council;
- To enable Councillors to adequately handle enquiries from electors without undue reference to the staff or the Council;
- To 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;
- To enable ratepayers to obtain immediate advice on matters of Council Policy.

The Policy Manual will be maintained and updated as and when a policy is varied by the Council. A copy of the Policy Manual, together with details of variations as they occur, shall be distributed to all Councillors and appropriate staff and be available on the Shire website (www.exmouth.wa.gov.au).

Changes to Council Policy shall be made only on:

- Notice of motion, or
- An agenda item clearly setting out details of the amended policy.

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GOVERNANCE

1.1 - Senior Employees

Adoption		
Date	Meeting	Council Decision
21/06/12	OCM	03-0612 – 10.1.2
Review		
Date	Meeting	Council Decision
22/11/18	OCM	04-1118
25/06/20	OCM	
Delegation		
No.	Title	

PURPOSE

The purpose of this policy is to identify designated senior employees as per the *Local Government Act 1995* within the organisation.

POLICY

For the purposes of Section 5.37 of the *Local Government Act 1995*, the Council designates the Chief Executive Officer to be a “senior employee”.

1.2 – Use of Council Logo

Adoption		
Date	Meeting	Council Decision
21/06/12	OCM	03-0612 – 10.1.2
Review		
Date	Meeting	Council Decision
22/11/18	OCM	04-1118
25/06/20	OCM	
Delegation		
No.	Title	

PURPOSE

To ensure that Council's crest and logo retain their integrity through consistent and appropriate use.

POLICY

Council Logo



1. That Council uses its logo on all documentation, signage and promotional merchandise, with the exception of legal documents of Council, where the crest (common seal) is used under resolution of Council.
2. That Council permits an organisation or individual to use the corporate logo if the organisation or individual is conducting an event or project towards which Council has provided financial or in kind support by way of sponsorship.
3. The use of the corporate logo by private enterprise/commercial organisations be only permitted where some advantage could, in the opinion of the Chief Executive Officer, accrue to the Council. The approval in writing of the Chief Executive Officer shall be required to the use in each case and Council may fix an appropriate fee for that use.
4. If an organisation obtains permission to use the corporate logo, the following conditions apply:
 - The logo remains the property of the Shire of Exmouth and can only be used on approved materials;
 - The logo must not be used in conjunction with any merchandise, fundraising appeal or activity, or any product, without prior written approval;
 - The logo must be reproduced without alteration or modification and in accordance with the Council's Branding Style Guide. The elements of design and text are integral components of the logo device and must not be deleted or modified.
 - Final proofs of all materials that contain the logo are to be referred to the Chief Executive Officer, who may delegate this assessment to another employee for final approval of the application of the logo, prior to use.

Council Crest (Coat of Arms)



The use of Council's crest is for the sole purpose of Council and for official and/or ceremonial purposes as determined by the Chief Executive Officer, including but not limited to the Shire's Common Seal.

Council will not grant permission for other organisations or individuals to use the crest.

1.3 – Fauna/Flora Emblems

Adoption		
Date	Meeting	Council Decision
21/06/12	OCM	03-0612 – 10.1.2
Review		
Date	Meeting	Council Decision
22/11/18	OCM	04-1118
25/06/20	OCM	
Delegation		
No.	Title	

PURPOSE

The purpose of this policy is to identify the fauna and flora emblems for the Shire of Exmouth.

POLICY



Council has adopted as its fauna emblem the Whale Shark.



Council has adopted as its floral emblem the Cape Range Grevillea.

1.4 – Citizenship Ceremonies

Adoption		
Date	Meeting	Council Decision
21/06/12	OCM	03-0612 – 10.1.2
Review Details		
Date	Meeting	Council Decision
22/11/18	OCM	04-1118
25/06/20	OCM	
Delegation		
No.	Title	

PURPOSE

The purpose of this policy is to clarify who is responsible for conducting Citizenship Ceremonies on behalf of Council.

POLICY

The Shire President shall conduct Citizenship Ceremonies on behalf of Council. In the absence of the Shire President, the Deputy Shire President or the Chief Executive Officer may conduct the Ceremony.

1.5 – Election of Committees and Representatives

Adoption		
Date	Meeting	Council Decision
21/06/12	OCM	03-0612 – 10.1.2
Review Details		
Date	Meeting	Council Decision
22/11/18	OCM	04-1118
25/06/20	OCM	
Delegation		
No.	Title	

PURPOSE

The purpose of this policy is to establish a process for the swearing in of newly elected Councillors and their appointment on various committees of Council.

POLICY

To hold a Special Council Meeting as soon as practical following an Ordinary Election Day to enable all existing and new Councillors to attend but before the next scheduled Ordinary Council meeting.

The order of business for the Special Meeting of Council is as follows:

- Swearing into office of all newly elected Councillors.
- Election and swearing into office of the Shire President.
- Election and swearing into office of the Deputy Shire President.
- Nomination of seating for Councillors around the Council table.
- Appointment of members of Committees.
- Appointment of representatives to external organisations.

In each year there is not an Ordinary Election Day, at the first Council Meeting in October to review its membership of all Committees and review its appointment of representatives to external organisations.

To promote a system for the election of Council representatives to all Council Committees and Organisations following the biennial Council elections according to the hierarchy of Committee types contained in 5.9(2) the *Local Government Act 1995*.

That the Councillors nominate to become members of a Committee or to be appointed as Council's representative.

That a list of all Council Committees and Organisations be provided to Councillors seeking nomination for at least 2 Council Committees (Council Committees consisting of i.) Council members only; ii) Council members and Employees; iii) Council members, Employees and Community members).

That the Shire President invite any withdrawals from, or transfers and additions to, any of the Committees once the listing of candidates is complete.



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That a Council vote be held to determine Council's preference of candidates where there are more nominations for a Committee than required, starting with the first Committee listed. The Shire President may change the order of the committee selection process if it leads to the expediency of the process.

Note:

The Shire President is entitled to be on any Committee which has Council representation (5.10(4))

The Chief Executive Officer is entitled to be on (or appoint a representative to) any Committee having employee representation (5.10(5)).

A Councillor is entitled to be on at least one Committee made up of:

- a) Council members only, or
- b) Council members and employees

Voting is to be conducted so that no voter's vote is secret (Admin Reg 9) (This does not apply to the election of the Shire President and Deputy Shire President which is to be by secret ballot).

1.6 – Council Briefing Sessions

Adoption		
Date	Meeting	Council Decision
21/06/12	OCM	03-0612 – 10.1.2
Review Details		
Date	Meeting	Council Decision
22/11/18	OCM	04-1118
25/06/20	OCM	
Delegation		
No.	Title	

PURPOSE

The purpose of this policy is to constitute a Council Briefing Session in order to inform Council members of relevant and material facts and circumstances pertaining to matters to be considered by the Council or which are otherwise relevant to the good government of persons in the district.

POLICY

Two types of Briefing Sessions shall be introduced by Council:

- Agenda Briefing Sessions
- Strategic Briefing Sessions

Agenda briefing sessions will be chaired by the Shire President or in his/her absence the Deputy Shire President. In the absence of both the Shire President and Deputy Shire President, the Chief Executive Officer will call for nominations from amongst the remaining Councillors to chair the meeting. The Chairman has the discretion of invoking Standing Orders (Meeting Procedures Local Law) to manage the briefing session if required, but in general Standing Orders (Meeting Procedures Local Law) do not apply.

Strategic briefing sessions will be chaired by the Shire President or in his /her absence the Chief Executive Officer. In the absence of both the Shire President and Chief Executive Officer the Deputy Shire President or Acting Chief Executive Officer will chair the meeting.

Agenda Briefing Sessions

The Council Policy is to conduct an Agenda Briefing Session for Councillors and Officers on a regular basis prior to the monthly Ordinary Council meeting (OCM).

Agenda briefing sessions will be held at the prescribed time on the Tuesday prior to the Ordinary Council meeting. Council agendas will be provided electronically to Councillors a minimum of 48 hours prior to the agenda briefing.

The purpose of the agenda briefing is:

- To advise Councillors about matters due to come before the Council for a decision.
- To allow more time for Officers to brief Councillors on such matters before the OCM.
- To allow Councillors time to ask questions and seek clarification from Officers.
- To allow all Councillors to receive the same information on each issue at the same time.

- For Council to receive a delegation/presentation from proponents that have an item scheduled for the upcoming OCM.

Councillors attending Agenda Briefing Sessions have no delegated powers or duties and should not be drawn into debate or attempt to make decisions on Council agenda items raised at the Agenda Briefing Session.

Councillors and Officers may not participate in the discussion of an issue where they have a conflict of interest and the provisions of sections 5.59 to 5.71 inclusive of the *Local Government Act 1995* will apply at briefing sessions.

Minutes of Agenda Briefing Sessions will not be taken. The general public are not able to attend Agenda Briefing Sessions, and the matters discussed remain confidential matters unless resolved otherwise by Council, or as presented in the public Council Agenda. Members of the public may be invited to speak on a specific Agenda item before Council, but will not generally participate in discussion.

Strategic Briefing Sessions

Strategic briefing sessions can be scheduled at any time at the request of the Shire President or the Chief Executive Officer. Strategic briefings should be scheduled where possible to ensure the most efficient use of officer and elected members time.

Strategic briefings will be held for the following purposes:

- For Council to receive a delegation / presentation from particular proponents which are considered of strategic importance to the Shire and which may be of a confidential nature.
- For Council to workshop, review and consider projects, strategies and proposals that will assist in the achievement of Community Strategic Plan and Corporate Business Plan targets.
- Provide direction to the Chief Executive Officer relating to a strategic matter that may require a future decision of Council.

Council may invite members of the public to attend a strategic briefing. Where information is discussed and presented at a strategic briefing this information must be made available to all elected members which may not have been present at the briefing.

Where possible 72 hours' notice should be provided to elected members with regard the time and purpose of the meeting and any relevant background information provided electronically.

1.7 – Legal Representation Costs Indemnification

Adoption		
Date	Meeting	Council Decision
21/06/12	OCM	03-0612 – 10.1.2
Review		
Date	Meeting	Council Decision
19/01/17	OCM	10-0117
22/11/18	OCM	04-1118
25/06/20	OCM	
Delegation		
No.	Title	

PURPOSE

To set out guidelines to assist Council in determining when it is appropriate to pay legal representation costs for employees and councillors of the Shire of Exmouth

POLICY

Under the *Local Government Act 1995*, the general function of a local government is to provide for the good government of the persons in its district. Money held by the local government may be applied towards the performance of this function including the expenditure of funds to provide legal representation for Elected Members and Employees, as long as the local government believes on reasonable grounds that the expenditure falls within the scope of the general function.

This policy provides for criteria and circumstances for assessing the appropriateness of expending Shire funds on the legal representation of council members and employees.

3.1 Payment Criteria

There are four major criteria for determining whether the Shire will pay the legal representation costs of an Elected Member or Employee. These are:

- a. the legal representation costs must relate to a matter that arises from the performance, by the Elected Member or Employee, of his or her functions;
- b. the legal representation costs must be in respect of legal proceedings that have been, or may be, commenced;
- c. in performing the functions, to which the legal representation relates, the Elected Member or Employee must have acted in good faith, and must not have acted unlawfully or in a way that constitutes improper conduct; and
- d. the legal representation costs do not relate to a matter that is of a personal or private nature.

3.2 Examples of Legal Representation Costs That May be Approved

3.2.1 If the criteria in clause 3.1 of this policy are satisfied, the Shire may approve the payment of legal representation costs:

- a. where proceedings are brought against an Elected Member or Employee in connection with his or her functions – for example, an action for defamation or negligence arising out of a decision made

or action taken by the Elected Member or Employee; or

- b. for involvement in a statutory or other inquiry that requires information to be given, or to which information is given, by an Elected Member or Employee in connection with his or her functions; or
- c. to enable proceedings to be commenced and/or maintained by an Elected Member or Employee to permit them to carry out their functions – for example where an Elected Member or Employee sees to take action to obtain restraining order against a person using threatening behaviour to the Elected Member or Employee; or
- d. where exceptional circumstances are involved – for example, where a person or organisation is lessening the confidence of the community in the local government by publicly making adverse personal comments about Elected Members or Employees.

3.2.2 The Shire will not approve the payment of legal representation costs to an Elected Member for a defamation action, or a negligence action, instituted by the Elected Member or Employee.

3.3 Application for payment:

3.3.1 An Elected Member or Employee who seeks assistance under this Policy is to make an application(s) for payment of legal representation costs.

3.3.2 The application:

- 1. Is to be made in writing to the Council or the CEO;
- 2. Is to give details of:
 - i. The matter for which legal representation is sought;
 - ii. How the matter relates to the functions of the Elected Member or Employee making the application;
 - iii. The lawyer (or law firm) who is to be asked to provide the legal representation;
 - iv. The nature of legal representation to be sought (such as advice, representation in court, preparation of a document etc.);
 - v. An estimated cost of the legal representation; and
 - vi. Why it is in the interests of the Council for payment to be made;
 - a. is to contain a declaration by the applicant that he or she has acted in good faith and has not acted unlawfully or in a way that constitutes improper conduct in relation to the matter to which the application relates; and
 - b. as far as possible, is to be made before seeking the legal representation to which the application relates.

3.3.3 The application is to be accompanied by a written statement by the applicant that he or she:

- a. Has read and understands the terms of this Policy;
- b. Acknowledges that any approval of legal representation costs is conditional on the repayment provisions of clause 3.7 and any other conditions to which the approval is subject; and
- c. Undertakes to repay to the Shire any legal representation costs in accordance with the provisions of clause 3.7

3.3.4 In relation to clause 3.3.3.c, when a person is to be in receipt of such monies the person should sign a document which requires repayment of that money to the local government as may be required

by the local government and the terms of the Policy.

- 3.3.5 An application is to be accompanied by a report prepared by or on behalf of the CEO or, where the CEO is the applicant, by the Shire President.

3.4 Legal Representation Costs – Limit

- 3.4.1 Unless otherwise determined by Council, payment of legal representation costs in respect of a particular application is not to exceed \$5,000.
- 3.4.2 An elected Member or Employee may make a further application to the Council in respect of the same matter.

3.5 Council's Powers:

- 3.5.1 Council may:
- a. refuse;
 - b. grant; or
 - c. grant subject to conditions,
- an application for payment of legal representation costs.
- 3.5.2 Conditions under clause 3.5.1 may include, but are not restricted to, a financial limit and/or a requirement to enter into a formal agreement, including a security agreement, relating to the payment, and repayment, of legal representation costs.
- 3.5.3 In assessing an application, the Council may have regard to any insurance benefits that may be available to the applicant under the Shire's existing insurance policy or its equivalent.
- 3.5.4 Council may at any time revoke or vary an approval, or any conditions of approval, for the payment of legal representation costs.
- 3.5.5 Council may, subject to clause 3.5.6, determine that an Elected Member or Employee whose application for legal representation costs has been approved:
- a. has, in respect of the matter for which approval was given, not acted in good faith, or has acted unlawfully or in a way that constitutes improper conduct; or
 - b. has given false or misleading information in respect of the application.
- 3.5.6 A determination under clause 3.5.5 may be made by Council only on the basis of, and consistent with, the findings of a court, tribunal or inquiry.
- 3.5.7 Where Council makes a determination under clause 3.5.5, it may also determine that all or part of the legal representation costs paid by the Shire, are to be repaid by the Elected Member or Employee in accordance with clause 3.7.

3.6 CEO Authorisation

- 3.6.1 In cases of urgency, the CEO, subject to clause 3.6.2, may exercise, on behalf of the Council, any of the powers of the Council under clauses 3.5.1 and 3.5.2, to a limit of \$5,000, where a delay in approving an application would be detrimental to the legal rights of an Elected Member or Employee.

- 3.6.2 Where the CEO is the applicant, the powers in clause 3.6.1 are to be exercised by the Shire President.
- 3.6.3 An application approved by the CEO under clause 3.6.1, is to be submitted to the next meeting of Council which may exercise any of its powers under this Policy
- 3.7 Repayment of Legal Representation Costs;
- 3.7.1 An Elected Member or Employee, whose legal representation costs have been paid by the Shire, is to repay the Shire;
- a. all or part of those costs – in accordance with a determination by Council under clause 3.5.5; or
 - b. as much of those costs as are available to be paid by way of set-off – where the Elected Member or Employee receives monies paid for costs, damages, or settlement, in respect of the matter for which the Shire paid the legal representation costs.
- 3.7.2 The Shire may take action in a court of competent jurisdiction to recover any monies due it under this Policy.

DEFINITIONS

“Approved Lawyer” means:

A ‘certified practitioner’ as defined under the *Legal Practice Act 2003*; or

From a law firm on the Shire’s panel of legal service providers, if relevant, unless the Council considers that this is not appropriate – for example, where there is or may be a conflict of interest or insufficient expertise; and

Who is approved in writing by the Council or the CEO acting under delegated authority.

“Elected Member” or **“Employee”** means a current or former Commissioner, Elected Member, non-elected members of a Council Committee or Employee of the Council

“Legal Proceedings” may be civil, criminal or investigative (including the conduct of an inquiry under any written law).

“Legal Representation” means the provision to or on behalf of an Elected Member or Employee by an approved lawyer of legal services in respect of:

A direct payment to the Approved Lawyer (or the relevant law firm); or

A reimbursement to the Elected Member or Employee.

1.8 – Public Relations – Press Releases

Adoption		
Date	Meeting	Council Decision
21/06/12	OCM	03-0612 – 10.1.2
Review Details		
Date	Meeting	Council Decision
22/11/18	OCM	04-1118
25/06/20	OCM	
Delegation		
No.	Title	

PURPOSE

The purpose of this policy is to clarify the roles and responsibilities of individuals in relation to public relations/press releases.

POLICY

The *Local Government Act 1995* provides that the role of the Shire President is to speak on behalf of the Local Government and accordingly, the Shire President is the official spokesperson for the Council. If approached by the media for formal comment on any issues, Councillors and staff are in the first instance, to suggest that the media make direct contact with the Shire President as the Council's official spokesperson.

When the media does not make direct contact with the Shire President and a member of staff is asked to respond/comment to the media, the staff members will direct the enquiry to the Chief Executive Officer who will liaise with the Shire President if possible to determine who will respond/comment and the nature of the response/comment. If the Shire President is unable to be contacted, the Chief Executive Officer will determine who is to respond and the nature of the response.

Without express authority from the Shire President, staff and Councillors are not to offer a *Council* view, attitude, stance etc. on any issue, this clearly being the function of the Shire President.

With approval of the Chief Executive Officer, staff are able to provide factual information only to the media.

A Councillor's right to express a personal opinion on any issue of public interest is recognised.

1.9 – Provision, Usage and Disposal of Digital Equipment

Adoption		
Date	Meeting	Council Decision
21/06/12	OCM	03-0612 – 10.1.2
Review Details		
Date	Meeting	Council Decision
22/11/18	OCM	04-1118
25/06/20	OCM	
Delegation		
No.	Title	

PURPOSE

The purpose of this policy is to define the methods by which Shire provided digital equipment is to be issued, used, controlled and eventually disposed of.

POLICY

The Shire of Exmouth is committed to providing:

- Councillors with digital equipment to effectively undertake their role OR support a private data plan through a monthly allowance as determined by Council.
- ts staff with appropriate corporate applications and business tools to enable them to undertake their duties efficiently and effectively whilst meeting the customer services objectives of the organisation, mobile phones or allowance will be provided if required by their role and approved by Chief Executive Officer.

To this end tablet/ iPad/laptop devices or a monthly allowance will be provided to councillors for receipt of their emails, correspondence and agendas and a range of digital equipment will be made available to employees whose need for mobile communication is of an essential nature in the conduct of Shire business and to support a mobile workforce.

Mobile phones and / or tablet devices purchased, maintained and provided by the organisation are to be used primarily for Shire-related business, however it is acceptable that some private usage will be permitted.

Shire employees are to ensure that mobile phones are to be used in instances where regular telephone service is not accessible and as a back-up during emergencies when regular telephone service is not available. The mobile phone can also be used for corresponding emails, sending and receiving SMS messages.

In line with standard business and accounting practice digital equipment will be expensed in the year of purchase as the majority of digital equipment will be below the capitalisation threshold. Although these devices are expensed in the year of purchase, their “market value” will diminish over 3 years to a nil value. After three years these devices will be replaced and the old device offered to the user at the lessor of its deemed depreciated value or “market value”.



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DEFINITIONS Digital Equipment includes - mobile phones, tablets, laptops and other equipment of a digital operating nature.

1.10 – Honorary Freeman

Adoption		
Date	Meeting	Council Decision
21/06/12	OCM	03-0612 – 10.1.2
Review Details		
Date	Meeting	Council Decision
10/10/17	OCM	06-1017
22/11/18	OCM	04-1118
25/06/20	OCM	
Delegation		
No.	Title	

PURPOSE

The purpose of this policy is to evoke power to the Council by absolute majority to entrust Honorary Freeman to any deserving local government representative.

POLICY

The Council may, by a resolution passed by an absolute majority of members, confer upon any resident of the local government the title 'Honorary Freeman of the Local Government' using the following criteria as the base:

1. The resident has been recommended as a candidate by Council or any resident, elector, ratepayer, community or sporting group of the local government.
2. The nomination is supported by such information as is necessary for Council to make an informed decision on the matter.
3. The matter is to be considered behind closed doors at a meeting of the Council.
4. The conferral of an Honorary Freeman of the Local Government will generally be for:
 - Long and/or distinguished service to the community of the local government.
 - An achievement in any sphere which brings the local government area wide recognition.
 - As a mark of appreciation for a service or services rendered by the Council, community, sport, environment and/or business of the local government.
5. That a suitable ceremony is arranged at which the honour is conferred upon the recipient.

1.11 – Councillor Complaints Policy

Adoption		
Date	Meeting	Council Decision
21/06/12	OCM	03-0612 – 10.1.2
Review Details		
Date	Meeting	Council Decision
22/11/18	OCM	04-1118
25/06/20	OCM	
Delegation		
No.	Title	

PURPOSE

The purpose of this policy is to assist Councillors of the Shire of Exmouth to raise and resolve Council related Complaints in a fair and equitable manner.

POLICY

Although many Complaints can be resolved in an informal way there will be instances where a more formal process should be followed. The Shire of Exmouth is committed to providing a safe, harmonious and productive work environment where Complaints are dealt with sensitively and promptly. An essential part of developing this environment is ensuring that an elected member is encouraged to raise a Complaint knowing that appropriate action will be taken to address it. Complaints that are not addressed have the potential to grow into major problems that can cause tension, low morale and reduce performance and productivity.

This Policy complements and should be read and administered in conjunction with the processes and principles contained within the Shire of Exmouth Code of Conduct, *Local Government Act 1995* and the Notification of Misconduct in Western Australia 1 July 2015.

The Complaint Resolution Procedure for Councillors will be managed by the Shire's Public Interest Disclosure Officer (PID) who will be responsible for the coordination and oversight of Complaint and complaint handling processes by the Councillors for the Council, with an emphasis on determining the proper jurisdiction of matters.

The policy applies to all Shire of Exmouth elected members but excludes unlawful conduct or behaviour such as discrimination and harassment or corrupt conduct.

DEFINITIONS

Complaint

A complaint is any Council related complaint or concern from an elected member where the Councillor wishes to obtain an action or response.

Procedural Fairness

Procedural fairness refers to a process that provides fairness to all parties. It includes the right to be heard, the right to be treated without bias, the right to be informed of allegations being made and to be provided with an opportunity to respond to them and the right to information regarding the status of the Complaint.

Victimisation

Victimisation includes any unfavourable treatment of a person as a consequence of their involvement in a Complaint under these procedures. Unfavourable treatment includes ostracism, adverse changes to the work environment, and the denial of access to resources, work opportunities or training.

Conciliation and Mediation

Conciliation refers to the process where the complainant and respondent are assisted to reach a solution to the issue or Complaint that will allow the parties to continue to work in a manner satisfactory to both.

The purpose of conciliation is to find a resolution, to ensure that the situation that caused distress does not reoccur and to remedy, where possible, any disadvantage suffered.

The focus of this process is settlement of the complaint rather than fact-finding or allocation of blame. Conciliation may be undertaken in accordance with this procedure by the Shire President, Chief Executive Officer external advisor or representative/s from the Department of Local Government, Sport and Cultural Industries. Conciliation may take place:

- as a series of separate meetings between the conciliator and each party, where the conciliator acts as a go-between; or
- through mediation where the complainant and respondent meet face-to-face with a neutral third party (the conciliator or mediator) in a joint session;
- or in a mix of the two.

Mediation may form part of the process of conciliation that may be undertaken between the parties (complainant and respondent) and should only be undertaken by an appropriately skilled and trained person.

General Principles

A number of general principles guide the Council's policy and procedures on resolving a complaint. The general principles include treating a complaint seriously and sensitively, having due regard to procedural fairness, maintaining confidentiality and privacy.

Complaints should be handled quickly and as close as possible to their source, although this may be modified by the nature of the complaint and/or the complainant's wishes. Concerns should be raised as soon as possible after the incident(s) occurred.

Wherever possible, complaints should be addressed by a process of discussion, cooperation and conciliation. The complainant (the person raising the complaint) and the respondent (the person against whom the complaint is made) are expected to participate in the complaint resolution process in good faith.



The aim is to reach an acceptable outcome that minimises any potential detriment to ongoing relationships.

complaints should not be frivolous or malicious or designed to generate 'political point scoring'. This may constitute misconduct.

No person should be victimised because they raise a complaint in good faith or are associated with a complaint. Complaint resolution amongst elected members is an integral part of the Shire Presidents' duties.

Legal and Policy Framework

The complaint and complaint handling policy is complemented by the Shire of Exmouth Councillor Induction process, Shire of Exmouth Code of Conduct and the *Local Government (Official Conduct) Amendment Act 2007* which provides guidance on the rights and responsibilities of Councillors.

For complaints relating to criminal, corrupt conduct or maladministration refer to the procedures for making a complaint or reporting incidents of criminal, corrupt conduct or maladministration under the *Public Interest Disclosure Act 2003*, *Corruption & Crime Commission Misconduct Act 2003* or certain provisions of the *Local Government Act 1995* and Regulations.

Privacy Statement

All records and information gathered during the course of a complaint will be managed in accordance with relevant Commonwealth and State privacy legislation.

Responsibilities

All elected members at the Shire of Exmouth have a responsibility to identify, prevent and address problems between elected members in the Council environment. This includes the communication and implementation of this policy and the associated procedures.

1.12 – Council Vehicle Fleet

Adoption		
Date	Meeting	Council Decision
21/06/12	OCM	03-0612 – 10.1.2
Review Details		
Date	Meeting	Council Decision
10/10/18	OCM	06-1017
22/11/18	OCM	04-1118
25/06/20	OCM	
Delegation		
No.	Title	

PURPOSE

The objective of this policy is to ensure that Council maintains a suitable fleet of vehicles that contributes positively and effectively to the work performance of the Shire of Exmouth (Shire).

POLICY

The Chief Executive Officer shall determine vehicle allocations and vehicle use status applicable to employees and/or positions taking into consideration industry and market trends and whole of life costing.

In determining vehicle allocations and vehicle use, a flexible approach to the changeover of Council's vehicle fleet will be observed with due consideration being given to the make and model of vehicles and the kilometres travelled to ensure the most cost-effective outcome for the Shire.

Value of Vehicles

The average annual whole of life cost shall be used to determine the value of vehicles provided to Shire staff to:

- ensure the full economic impact of various vehicle types is evaluated;
- enable a comparison of costs between make/model of vehicles; and
- enable a comparison with other options for providing vehicles to staff such as novated leasing.

The average annual whole of life cost shall be calculated over the life of the vehicle (based on optimum changeover) and include; depreciation, fuel, repairs & maintenance, tyres and fringe benefits tax.

Vehicle Selection Criteria

Vehicle selection shall be based on 6 criteria:

Item	Criteria	Description
1	Fit for Purpose	The vehicle must firstly meet the functional requirements of the position for which the vehicle is being acquired. Responsibility of the officer who manages the Shires fleet and plant equipmentt Coordinator.
2	Service Support	The vehicle must have local warranty and service support available.
3	Economic	Average annual whole of life costs based on 20,000km shall be used to provide a cost comparison between vehicles that meet the functionality requirements for the position.
4	Safety	The Shire has an obligation to provide a safe work place. Safety is assessed by Australian New Car Assessment Program (ANCAP) ratings on a scale of 1 - 5. The ratings are a guide of the potential injury risk if involved in an accident while in a vehicle. A minimum ANCAP 4 star rating shall apply for all passenger cars and utilities selected by the Shire.
5	Environmental (2 components)	CO2 Emissions - The main greenhouse gas emitted by motor vehicles is carbon dioxide (CO2). The level of CO2 emissions is linked to the amount of fuel consumed by the car, and the type of fuel used.
		Air pollution rating - is based on the level of air pollutant emissions allowable under the standard to which the particular vehicle has been tested.
6	Public image	All Council vehicles meet the required public image of the Shire.

A Weighted Analysis for Purchasing Decisions

A weighted assessment considering economic, safety and environmental criteria shall be conducted on a range of vehicles that meet fit for purpose and council image requirements.

The IPWEA National Light Fleet Selection Model shall be used to conduct the assessment on a range of suitable vehicles based on the following weightings:

Weighting Factors in Light Vehicle Purchase Decisions

Criteria	Weighting (%)
Annual Whole of Life Costs (including FBT & fuel consumption)	70
CO2 Emissions	10
Air Pollution Rating	10
Safety	10

The selection model provides a weighted evaluation score for each vehicle included in the assessment. A recommendation shall be made from the highest scoring vehicles that are fit for purpose, have local service support and meet the Shire's requirements.

Optimum Replacement Timing

The optimum replacement timing for light fleet changeover shall be reviewed annually. The current optimum replacement timing for all passenger cars and utilities is 3 years/100,00km whichever occurs first.

Vehicle Disposal

Options for disposal include:

- trade-in to the dealer supplying the new vehicle;
- disposal by public auction through a reputable auction facility; or
- by tender.

The most cost effective method of disposal for each vehicle shall be based on the trade offer and compared to the likely return at public auction.

Optional Extras

Optional extras fitted to light-fleet vehicles can have a substantial effect on the resale value and capital purchase costs. Vehicle extras will be provided as follows, unless approved by the Chief Executive Officer or to suit operational requirements.

Included in standard specification

- Air Conditioning
- ONLY Light metallic paint
- Floor mats
- Mud flaps front & rear
- Passenger air bag where if not available as standard
- Cruise control
- ABS braking (Essential)
- Stability Control (where available as standard)
- Cargo barriers for station wagons/vans
- Central locking
- Auto adjustable rear mirrors
- Installation of solar tint to windows post manufacture
- Bull bars and Tow Pack

Categories of Vehicles

When a vehicle is due for purchase or replacement a weighted assessment will be made of a range of vehicles from the WA State Government Vehicle Acquisition Contract (37804) that are fit for purpose and meet the Shire's requirements. A master list of vehicles shall be reviewed annually and approved by the Chief Executive Officer. Preference shall be given to vehicles with the highest weighted score.

Vehicle Categories and Example of Selection of Vehicles

Category	Position	Example Type of Vehicle
1	Chief Executive Officer	SUV Upper Large Negotiated contract of employment (Estimated Value up to \$70,000 exc GST)
2	Executive Managers	SUV Large Diesel (Estimated value up to \$55,000 exc GST)
3	Managers/Coordinators	The vehicle must meet the functional requirements of the position for which the vehicle is being acquired.

Classification of Use

Chief Executive Officer and Executive Managers:

The Council shall be responsible for all running costs including but not limited to all registration, insurance, fuel, servicing and repair costs of the motor vehicle except where fuel is to be paid by the Officer whilst on long service leave.

- The officer is prohibited from taking the vehicle outside of the recognized boundaries of the State of Western Australia without prior written consent of Council.
- Private use of the vehicle is extended to the designated council officer and only to their spouse or partner, unless extenuating circumstances apply.
- Council or the CEO may negotiate variations to this policy within individual employee contracts of employment, or other acceptable negotiations.

Officers Granted Limited, Minor or Infrequent Private use:

- A log book must be kept for a period of 12 weeks every four years for FBT purposes;
- The Officer is granted private use of the Council vehicle excepting when the officer is on periods of leave;
- All vehicle running costs will be the responsibility of the Shire of Exmouth; and
- The officer is prohibited from taking the vehicle outside of the recognized boundaries of the Shire of Exmouth without the prior consent of the Chief Executive Officer, unless on Council business
- Private use of the vehicle is extended to the designated council officer. The council officer is exclusively responsible for control of the vehicle and as such, private use is not extended to their spouse, partner or any other person, unless extenuating circumstances apply.
- The Chief Executive Officer may negotiate variations to this policy within individual employee contracts of employment, or other acceptable negotiations.

Officers Granted Commuter use:

The Officer is responsible for the vehicle and under no circumstances is to utilise the vehicle for purposes outside of the business of the Shire of Exmouth. This is with the exception of emergency cases at which time the officer may utilise the vehicle providing the officer reports the nature and duration of the usage to their immediate supervisor.

Other Conditions:

- The driver of the vehicle must hold a current WA driver's license, appropriate to the vehicle being driven.
- If the Officer is not using the vehicle whilst they are on leave, or does not have the level of private use to use the vehicle on leave, the vehicle is to be returned to Council for inclusion and use in the car pool.
- The employee responsible for the vehicle shall ensure that:
 - The inside and outside of the vehicle is maintained in a clean condition.
 - All manufacturer servicing is carried out;
 - In the event of an accident or damage occurring all necessary insurance claims are completed promptly;
 - The officer responsible for the vehicle shall ensure the vehicle is at all times kept in as safe and secure place as is possible;
 - The vehicle shall not be used to assist in a private business or any other forms of employment; and
 - All vehicles shall be made available for the sole use of the Shire of Exmouth during an Officer's normal time of duty.



1.13 – RESCINDED

1.14 – Council Employees Housing

Adoption		
Date	Meeting	Council Decision
21/06/12	OCM	03-0612 – 10.1.2
Review Details		
Date	Meeting	Council Decision
24/05/18	OCM	07-0518
22/11/18	OCM	04-1118
25/06/20	OCM	
Delegation		
No.	Title	

PURPOSE

The purpose of this policy is to establish guidelines for the provision of Council housing to attract and retain employees who hold key roles in the organisation based on operational requirements.

POLICY

With Chief Executive Officer approval the Council may provide an employee with a Council owned property or pay a housing allowance in lieu of the provision of a Council house.

If a Council owned property is provided it will be based on the following standards:

- Chief Executive Officer /Executive Managers – Executive standard
- Managers, professional or specialised staff as determined by the Chief Executive Officer and based on availability.

Where an employee is entitled to the provision of a housing allowance it will be treated as a taxable allowance, regarded as taxable income and attracts the minimum superannuation guarantee.

The value of the housing allowance will be established and agreed to by the Chief Executive Officer .

The provision of a Council house or payment of a housing allowance is only available for one member of a household if employed by the Council.

If an employee owns a house within the Shire of Exmouth boundaries the employee may not be eligible for a Council house but may be eligible for a housing allowance subject to Chief Executive Officer approval.

Residential Tenancy Agreement

Each tenancy shall be subject to the *Residential Tenancies Act 1987 (WA)* (“the Residential Tenancy Act”) and must be supported by a Residential Tenancy Agreement.

Rent payable by the employee will be subject to a reasonable annual increase. Employees will receive notice of increase in rent in accordance with the Residential Tenancy Act.

1.15 – Relocation Expenses

Adoption		
Date	Meeting	Council Decision
21/06/12	OCM	03-0612 – 10.1.2
Review Details		
Date	Meeting	Council Decision
24/05/18	OCM	07-0518
22/11/18	OCM	04-1118
25/06/20	OCM	
Delegation		
No.	Title	

PURPOSE

The purpose of this policy is to clarify the provision of relocation expenses to assist in attracting employees into key roles in the organisation based on operational requirements.

POLICY

With Chief Executive Officer approval, Council may provide financial assistance to employees to assist in their relocation to Exmouth. Council will pay up to \$6000 to assist in removal expenses including moving furniture, vehicles, pets and flights for specialised staff.

Council will have discretion to pay additional relocation costs to secure the services of the Chief Executive Officer and the Chief Executive Officer will have the authority to pay up to \$8000 to assist in removal expenses for the appointment of Executive Managers.

A minimum of three quotes must be obtained prior to acceptance of a furniture removalist.

If alternate arrangements are made to reimburse resettlement expenses the Chief Executive Officer will document and record the agreement outlining the resettlement expenses with the employee.

Up to \$6000 will be reimbursed on production of receipts after the employee has commenced employment.

If the employee is terminated or resigns within 24 months the employee will pay back the relocation expenses based on the following:

- Less than 12 months service – 100% of relocation or resettlement expenses reimbursed
- More than 12 months service but less than 24 months service – 50% of expenses reimbursed.



1.16 – RESCINDED

1.17 – Fitness for Work – Drug and Alcohol

Adoption		
Date	Meeting	Council Decision
21/06/12	OCM	03-0612 – 10.1.2
Review Details		
Date	Meeting	Council Decision
22/11/18	OCM	04-1118
25/06/20	OCM	
Delegation		
No.	Title	

PURPOSE

The purpose of this policy is to provide a safe working environment by minimising hazards associated with inappropriate use of alcohol and/or drugs.

POLICY

Under the *Occupational Safety and Health Act 984* the Shire of Exmouth has a duty of care to protect workers from known hazards and risks. This includes impairment that may arise from the effects of drugs and alcohol.

The underlying principles of the Shire of Exmouth’s Fitness for Work - Drug and Alcohol Policy (the Policy) are fairness and transparency. This includes introducing workplace alcohol and other drug testing procedures along with employee education, Leader training, disciplinary action, and the provision of appropriate counselling and assistance where necessary.

The policy provides a consistent and practical approach in managing the risks of impairment which may be caused by inappropriate use of alcohol and drugs in accordance with the Australian Standards as varied from time to time whilst at work.

This policy has been developed to:

- Provide a safe workplace that promotes and protects the well-being of all personnel working within the Shire of Exmouth;
- Introduce clear and appropriate guidelines, processes and procedures that are supported by all employees;
- Ensure that all methods of drug and alcohol testing, and the protocols employed, conform to the Australian Standards;
- Encourage employees who may experience a problem with alcohol or other drug dependency to seek assistance and counselling;
- Maintain sensitivity to the privacy of employees (e.g. testing, medical conditions, results) and to not compromise good working relationships within the workplace; and
- Ensure procedures are in place to describe the disciplinary action that will be taken when breaches of this Policy and associated procedures occur.

The Shire of Exmouth's commitment in relation to this policy and associated procedures is based on the following elements:

- A policy that is fair and reasonable;
- Professionally conducted sampling and testing procedures that provide the highest level of accuracy and respects the rights of the individual; and
- An employee assistance program to provide employees with support where needed.

This policy applies to all Shire of Exmouth property, premise, whether owned by the Shire of Exmouth leased or managed and covers all persons including, employees, Leaders, the Council, Chief Executive Officer, labour-hire personnel and those contractors who enter any Shire of Exmouth premises for the purposes of performing work for, or connected with the Shire of Exmouth.

Drug and Alcohol Standard

Alcohol Standard

A person must not report for work or remain at work with a BAC reading in excess of 0.00%.

If a confirmed result is returned with a BAC reading of less than 0.02% the person will not be in breach of the Policy and Procedure however repeated incidences may initiate performance management.

No person shall perform duties, work or carry out any other employment-related tasks whilst having a BAC in excess of the specified standard of 0.00% or work with machinery and/or undertake any other high-risk activity.

Drug Standard

A positive drug result is a confirmatory drug test result above the cut off levels contained in Australian/New Zealand Standard AS/NZS 4308 (Urine) or Australian Standard AS4760 (Saliva) (Procedures for the collection, detection, quantitation of drugs of abuse in urine) as varied from time to time.

Illicit drugs and other illegal substances and products are strictly prohibited by the Shire of Exmouth. Being under the influence of, suffering adverse effects of, in possession of, or found to be cultivating, selling or supplying drugs or other substances whilst on any Shire of Exmouth property, premise, leased or managed will result in disciplinary action up to and including termination of employment and or termination of the contract arrangement or duties. This will apply regardless of whether the person is performing duties for the purposes of work or in their own leisure time.

Types of Drug and Alcohol Testing

- Pre-employment
- Suspicion drug and alcohol test
- Post-accident or serious incident drug and alcohol test
- Random drug and alcohol test
- Self-test (BAC)
- Daily (BAC) Testing
- Blanket drug and alcohol test



Testing Agency

The Shire of Exmouth has engaged an independent workplace drug testing company to assist it in carrying out a continuing program of drug & alcohol testing.

Each person must comply with any request to undertake testing made by a representative of the testing agency or authorised representative of the Shire

Compliance

Compliance with the policy and associated procedures by all personnel is a requirement of employment or engagement and a condition of entry on any Shire of Exmouth property or premises.

If a principal engages a contractor to carry out work, the principal is considered, in relation to matters over which he or she has control, to be responsible for the contractor and any person employed or engaged by the contractor to carry out or to assist in carrying out the work. The principal's duties are in addition to the contractor's duties as an employer.

Under the Corruption and Crime Commission Act, the Chief Executive Officer has an obligation to report suspected misconduct to the Corruption and Crime Commission and the Public Sector Commission.

Education and Training

The Shire of Exmouth will inform all employees, Leaders and contractors of its specific policies and procedures in relation to drugs and alcohol through the Staff induction process and information sessions.

All employees will have access to the Fitness for Work (Drug and Alcohol) Policy and Procedure.

1.18 – Code of Conduct for Employee, Elected Members and Committee Members

Adoption		
Date	Meeting	Council Decision
21/06/12	OCM	03-0612 – 10.1.2
Review Details		
Date	Meeting	Council Decision
22/03/18	OCM	08-0318
22/11/18	OCM	04-1118
25/06/20	OCM	
Delegation		
No.	Title	

Introduction

In accordance with section 5.103 of the *Local Government Act 1995* every Western Australian local government is to prepare and adopt a code of conduct to be observed by Elected Members, Committee Members and employees.

The *Shire of Exmouth Code of Conduct* (the Code) has been adopted for this purpose and ensures the roles and responsibilities of Elected Members, Committee Members and employees are understood and respected. This enables professional relationships to be established and maintained in the interests of providing good governance, overall integrity and good government for the community.

The Code sets out principles and standards of behaviour Elected Members, Committee Members and employees must observe when performing their duties and is intended to promote accountable and ethical decision-making. However, the Code does not establish a rule for every situation an Elected Member, Committee Member or employee may face while performing their role and undertaking their duties on a daily basis.

The Code must be read in conjunction with the *Local Government Act 1995*, the *Local Government (Rules of Conduct) Regulations 2007* and other legislation that affect Elected Members, Committee Members and employees while performing their role and duties and the Code does not override or affect those provisions or requirements. To aid understanding, relevant legislation has been referenced in the Code and is indicated by the highlighted boxes. These provisions do not form part of the Code and will be updated from time to time as legislation changes.

The Code must contain certain matters for employees as listed in Part 9 of the *Local Government (Administration) Regulations 1996*. It contains the primary and distinguishing values detailed in the Shire's *Strategic Community Plan – Shire 2011* as well as standards around personal behaviour, which if breached, may lead to reporting and action being taken under the Code. In view of this, the Code details explanatory matters around key areas of:

- professional conduct
- communication and official information
- use of Shire resources and information
- conflicts of interests and gifts and benefits
- reporting suspected breaches of the Code.

Employees of the Shire of Exmouth (the Shire) are subject to the provisions of the Code upon their acceptance of employment and while they remain employed by the Shire.

Values, principles and behaviour

Values

The Shire's *10 Year Strategic Community Plan* (Shire 2011) articulates the Shire's vision as being '*To be welcoming custodians embracing our past, valuing our present and planning for the future.*'

In alignment with this vision, the Shire believes the following primary values should be inherent within any well-functioning and community-driven organisation:

- Transparent.
- Accountable.
- Honest.
- Ethical.
- Respectful.
- Sustainable.
- Professional.

Elected Members, Committee Members and employees are to observe these values to enable the Shire to achieve its strategic objectives and organisational goals.

Behavioural Principles

For the purposes of the Code, the following principles, as set out in the *Local Government (Rules of Conduct) Regulations 2007*, are to guide the behaviours of Elected Members, Committee Members and employees while performing their role at the Shire:

- Act with reasonable care and diligence.
- Act with honesty and integrity.
- Act lawfully.
- Avoid damage to the reputation of the Shire.
- Be open and accountable to the public.
- Base decisions on relevant and factually correct information.
- Treat others with respect and fairness.
- Not be impaired by mind affecting substances.

Personal Behaviour

Elected Members, Committee Members and employees must:

- a. act, and be seen to act, properly and in accordance with the requirements of the law and the Code
- b. perform their duties impartially and in the best interests of the Shire uninfluenced by fear or favour
- c. act in good faith in the interests of the Shire and the community
- d. make no allegations which are improper or derogatory and refrain from any form of conduct, in the

performance of their official or professional duties, which may cause any person unwarranted offence or embarrassment

- e. always act in accordance with their obligations to the Shire and in line with any relevant policies, protocols and procedures.

A breach or a suspected breach of the personal behaviours stated above may lead in action being taken under the provisions of this Code (see "Reporting breaches and suspected breaches of the Code").

Professional Conduct

As Elected Members, Committee Members and employees, high standards of professional conduct ensure that a positive image of the Shire is conveyed when the Shire interacts with its stakeholders and the community. The conduct displayed should encourage fair, equitable and lawful operation of the Shire.

Fraudulent and Corrupt Conduct

Fraud is a dishonest activity that causes actual or potential financial loss to any person or the Shire and corrupt conduct is behaviour that lacks virtue or integrity, including when an Elected Member, Committee Member or employee uses or attempts to use their position for personal advantage. The *Criminal Code* makes it illegal for a public officer (including an employee, Elected Member or Committee Member) to engage in fraud and/or corruption.

Performance of Duties

Elected Members, Committee Members and employees have a legal duty of fidelity to act in the best interests of the Shire.

While on duty, employees must give their time and attention to the Shire's business and ensure that their work is carried out efficiently and effectively, so that their standard of work reflects favourably both on them and on the Shire.

Elected Members, Committee Members and employees must exercise reasonable care and diligence in the performance of their duties, being consistent in their decision-making and treating all matters on individual merits. Elected Members and Committee Members will be as informed as possible to enable them to perform their role and will treat all members of the community honestly and fairly.

Relationships between Elected Members, Committee Members and Employees

Elected Members, Committee Members and employees must have mutual respect for the role that each party plays to achieve the Shire's corporate goals and implement the Shire's strategies. All parties need to understand each other's role as specified in the *Local Government Act 1995* and other legislation.

To achieve this, Elected Members and Committee Members must:

- a) accept that their role is one of leadership, and not a management or administrative role
- b) acknowledge that they have no capacity to individually direct employees to carry out particular functions
- c) refrain from publicly criticising employees in a way that casts aspersions on their professional competence or credibility
- d) ensure that no restriction or undue influence is placed on the ability of employees to give professional advice to Council.

Employees ought to recognise that an Elected Member's and a Committee Member's views and opinions often reflect valid community viewpoints that should be considered in conjunction with professional opinion. Employees are to make every effort to assist Elected Members and Committee Members in the performance of their role, and to achieve the satisfactory resolution of issues that may arise in the performance of that role.

Regulations 9 and 10 of the *Local Government (Rules of Conduct) Regulations 2007* apply to Elected Members in respect of involvement in the Shire's administration and relationships with employees:

9. Prohibition against involvement in administration

- (1) A person who is a council member must not undertake a task that contributes to the administration of the local government unless authorised by the council or by the CEO to undertake that task.
- (2) Sub regulation (1) does not apply to anything that a council member does as part of the deliberations at a council or committee meeting.

10. Relations with local government employees

- (1) A person who is a council member must not —
 - (a) direct or attempt to direct a person who is a local government employee to do or not to do anything in the person's capacity as a local government employee; or
 - (b) attempt to influence, by means of a threat or the promise of a reward, the conduct of a person who is a local government employee in the person's capacity as a local government employee.
- (2) Sub regulation (1) does not apply to anything that a council member does as part of the deliberations at a council or committee meeting.
- (3) If a person, in his or her capacity as a council member, is attending a council meeting, committee meeting or other organised event and members of the public are present, the person must not, either orally, in writing or by any other means -
 - a) make a statement that a local government employee is incompetent or dishonest; or
 - b) use offensive or objectionable expressions in reference to a local government employee.
- (4) Sub regulation (3)(a) does not apply to conduct that is unlawful under *The Criminal Code* Chapter 35.

Compliance with Lawful Orders

Elected Members, Committee Members and employees shall obey any lawful order given by any person having authority to make or give such an order.

Compliance with local laws and policies

Employees must give effect to the adopted local laws and policies of the Shire. Elected Members and Committee Members are to consider the policies of the Shire to guide them in their decision-making responsibilities.

Elected Members and Committee Members must comply with the *Shire of Exmouth Meeting Procedures Local Law 2015* as a contravention may lead to disciplinary action being taken under the *Local Government Act 1995*.

Compliance with Management Protocols and Procedures

Employees must comply with the Shire's management protocols, procedures and administrative practices.

Appointments to external boards, committees and working groups

Elected Members and employees representing the Shire on external organisations, boards, committees and working groups are to ensure that they:

- (1) clearly understand the basis of their appointment
- (2) provide regular reports on the activities of the organisation in accordance with the confidentiality requirements of that organisation
- (3) represent the Shire's interests on all matters relating to that organisation, while maintaining the confidentiality requirements of the Shire.

Communication and official information

Communication and Public Relations

All aspects of communication by employees (including verbal, written, electronic or personal), involving the Shire's activities must be accurate, polite and professional.

As a representative of the community, Elected Members need to be not only responsive to community views, but communicate decisions of Council or a committee adequately, with good faith and not adversely reflect on those decisions externally.

Elected Members, Committee Members and employees must:

- (a) respect the decision-making processes within a local government which are based on a decision of the majority of the Council or a committee
- (b) not communicate information of a confidential nature until it is no longer treated as confidential (see "Use of information" in this Code)
- (c) comply with the *Local Government Act 1995* whereby information relating to decisions of Council are to be communicated in an official capacity only by:
 - the Mayor (or his/her representative) or
 - with the agreement of the Mayor, by the CEO (or the CEO's representative)
- (d) convey information concerning adopted policies, procedures and decisions of

- (e) the Shire accurately.

Section 2.8(1)(d) of the *Local Government Act 1995* states the Mayor is to speak on behalf of the local government.

Section 5.41(f) of the *Local Government Act 1995* states the CEO can speak on behalf of the local government if the Mayor agrees.

Use of Shire Resources

Use of Resources

Elected Members, Committee Members and employees must:

- a) be honest in their use of the Shire's resources and must not misuse them or permit their misuse by any other person or body
- b) use the Shire's resources entrusted to them effectively and efficiently in the course of their duties
- c) ensure the Shire's resources are to be utilised only for authorised activities.

Regulation 8 of the *Local Government (Rules of Conduct) Regulations 2007* states the following in respect of Elected Members using Shire resources:

8. Misuse of local government resources

A person who is a council member must not either directly or indirectly use the resources of a local government —

- a) for the purpose of persuading electors to vote in a particular way at an election, referendum or other poll held under the Act, the *Electoral Act 1907* or the *Commonwealth Electoral Act 1918*; or
- b) for any other purpose, unless authorised under the Act, or authorised by the council or the CEO, to use the resources for that purpose.

Reimbursement of Expenses

Elected Members and employees may claim reimbursement of expenses only in accordance with the relevant legislative provision, policy or management protocol.

Section 5.98(2) of the *Local Government Act 1995* states an Elected Member who incurs an expense of a kind prescribed as being an expense —

- (a) to be reimbursed by all local governments

or

- (b) which may be approved by any local government for reimbursement and which has been approved by the local government for reimbursement, is entitled to be reimbursed for the expense in accordance with section 5.98(3) of the *Local Government Act 1995*.

Use of information

Improper Use of Information

Elected Members, Committee Members and employees must not make improper use of any information acquired by the person in the performance of his or her functions under the *Local Government Act 1995* or any other written law.

Due discretion must be exercised by all those who have access to confidential or sensitive information. This applies not only to the proper disclosure of that information, but also to the appropriate measures to be taken to ensure that the security of the information is not compromised.

Confidential Information

Elected Members, Committee Members and employees must not disclose to another person, written or oral information that is provided to them, or obtained by them, in confidence, or derived from a confidential document, or acquired at a closed Council meeting or committee meeting which is not open to the public.

Section 5.93 of the *Local Government Act 1995* prohibits an Elected Member, Committee Member or employee from making improper use of any information acquired in the performance by the person of his or her functions under the *Local Government Act 1995* or any other written law:

- (a) to gain directly or indirectly an advantage for themselves or for any other person or
- (b) to cause detriment to the Shire or any other person.

The penalty, on conviction, is a fine of \$10,000 or imprisonment for 2 years.

A confidential document means a document marked by the CEO to clearly show that the information in the document is confidential and is not to be disclosed.

A closed meeting means a council meeting or committee meeting that is closed to members of the public under section 5.23(2) of the *Local Government Act 1995*.

A Committee Member or employee is not prevented from disclosing information:

- a) to an officer of the Department of Local Government and Communities
- b) to the Minister for Local Government
- c) to a legal practitioner for the purpose of obtaining legal advice or
- d) if the disclosure is required or permitted by law.

Regulation 6 of the *Local Government (Rules of Conduct) Regulations 2007* prohibits an Elected Member from disclosing confidential information, or information acquired at a closed meeting:

6. Use of information

(1) In this regulation —

closed meeting means a council or committee meeting, or a part of a council or committee meeting, that is closed to members of the public under section 5.23(2) of the Act;

confidential document means a document marked by the CEO to clearly show that the information in the document is not to be disclosed;

non-confidential document means a document that is not a confidential document.

(2) A person who is a council member must not disclose —

- (a) information that the council member derived from a confidential document; or
- (b) information that the council member acquired at a closed meeting other than information derived from a non-confidential document.

(3) Sub regulation (2) does not prevent a person who is a council member from disclosing information —

- (a) at a closed meeting; or
- (b) to the extent specified by the council and subject to such other conditions as the council determines; or
- (c) that is already in the public domain; or
- (d) to an officer of the Department; or
- (e) to the Minister; or
- (f) to a legal practitioner for the purpose of obtaining legal advice; or
- (g) if the disclosure is required or permitted by law.

The *Shire of Exmouth Meeting Procedures Local Law 2015* provides how confidential documents and information at meetings are to be marked.

Conflicts of interests

Guiding Principles

The nature of the Shire's business is conducive to conflicts of interests arising between an Elected Member, Committee Member and employee's personal interests and the performance of their public or professional duties. Genuine or perceived conflicts of interests may arise from a number of sources, including friends, relatives, close associates, financial investments, past employment and the like.

Although there is no right way to identify conflicts of interest, a good starting point is to consider the following principles:

Public duty versus private interests

Do I have personal or private interests that may conflict, or be perceived to conflict with my public duty?

Potentialities

Should there be benefits for me now, or in the future, that could cast doubt on my objectivity?

Perception

How will my involvement in the decision/action be viewed by others? Are there risks associated for me/my organisation?

Proportionality

Does my involvement in the decision appear fair and reasonable in all the circumstances?

Presence of mind

What are the consequences if I ignore a conflict of interest? What if my involvement was questioned publicly?

Promises

Have I made any promises or commitments in relation to the matter? Do I stand to gain or lose from the proposed action/decision?

Conflict of Interests

Elected Members, Committee Members and employees must ensure there is no actual or perceived conflict of interest between their personal interests and the impartial fulfilment of their public duties and functions.

In applying this requirement:

- a) employees must lodge written notice with the CEO describing an intention to undertake a dealing in land within the district or which may otherwise be in conflict with the Shire's functions (other than purchasing or leasing their principal place of residence)
- b) employees who exercise a recruitment or other discretionary function must make written disclosure to the CEO before dealing with relatives or close friends, and will disqualify themselves from dealing with those persons during the recruitment or other matter requiring a discretionary function
- c) employees are encouraged to refrain from partisan political activities which could cast doubt on their neutrality and impartiality in carrying out their public duties and functions.

Private Work of Employees

Additional employment outside of the Shire may place employees at risk of being conflicted or impeded in the ability to carry out their public duties. Employees must avoid any conflict of interest whether real or perceived between their primary employment with the Shire and any other potential employment.

The definition of outside employment includes paid employment with another organisation, running a business, maintaining a professional practice or consultancy and being a Executive of an

organisation. It may include voluntary activities if those activities have the potential to affect employment with the Shire.

Employees who are considering engaging in employment outside the Shire (including employment during leave breaks) must seek written approval of the CEO before doing so.

Financial Interests

Elected Members, Committee Members and employees must comply with the laws governing financial interests, including the disclosure of financial interests, set out in the *Local Government Act 1995*.

Sections 5.59-5.90 of the *Local Government Act 1995* establish the requirements for disclosure by Elected Members, Committee Members or employees of financial interests (including proximity interests).

The onus is on Elected Members, Committee Members and employees to identify possible financial interests (including proximity interests and non-financial interests), to determine whether an interest exists, and whether any statutory exemption applies.

Impartiality Interests

For the purposes of the Code, an *impartiality interest* means:

“an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest and includes an interest arising from kinship, friendship or membership of an association” (see regulation 34(C)(1) of the *Local Government (Administration) Regulations 1996* and regulation 11(1) of the *Local Government (Rules of Conduct) Regulations 2007*).

An ‘impartiality interest’ does not include a ‘financial interest’ that is subject to the requirements of the *Local Government Act 1995*.

An employee who has an impartiality interest in any matter to be discussed at a Council or committee meeting attended by that person must disclose the nature of the impartiality interest:

- (a) in a written notice given to the CEO before the meeting or
- (b) at the meeting immediately before the matter is discussed.

In addition, an employee who has given, or will give, advice in respect of any matter to be discussed at a Council or committee meeting not attended by the employee must disclose the nature of any impartiality interest he or she has in the matter:

- (a) in a written notice given to the CEO before the meeting or
- (b) at the time the advice is given.

An employee is excused from the requirement to disclose an impartiality interest if the failure to disclose occurs because the person:

- (a) did not know he or she had an impartiality interest in the matter or

- (b) did not know the matter in which he or she had an impartiality interest would be discussed at the meeting and the person discloses the nature of the impartiality interest as soon as possible after becoming aware of the discussion of that matter.

The *Shire of Exmouth Meeting Procedures Local Law 2015* provides for how Committee Members are to disclose interests that may affect impartiality at meetings.

Notice and Recording

Where an impartiality interest is disclosed in a written notice given to the CEO before a meeting, then:

- a) before the meeting the CEO is to ensure that the notice is given to the person who is to preside at the meeting
- b) at the meeting, the person presiding is to bring the notice and its contents to the attention of the persons present immediately before the matter to which the disclosure relates is discussed.

Where an impartiality interest is disclosed or brought to the attention of the persons present at a meeting, the nature of the impartiality interest must be recorded in the minutes of the meeting.

Regulation 11 of the *Local Government (Rules of Conduct) Regulations 2007* contain the provisions relating to Elected Members disclosing impartiality interests:

9. Disclosure of interest

(1) In this regulation -

interest means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest and includes an interest arising from kinship, friendship or membership of an association.

- (2) A person who is a council member and who has an interest in any matter to be discussed at a council or committee meeting attended by the member must disclose the nature of the interest -
 - (a) in a written notice given to the CEO before the meeting; or
 - (b) at the meeting immediately before the matter is discussed.
- (3) Sub regulation (2) does not apply to an interest referred to in section 5.60 of the Act.
- (4) Sub regulation (2) does not apply if—
 - (a) a person who is a council member fails to disclose an interest because the person did not know he or she had an interest in the matter; or
 - (b) a person who is a council member fails to disclose an interest because the person did not know the matter in which he or she had an interest would be discussed at the meeting and the person disclosed the interest as soon as possible after the discussion began.
- (5) If, under sub regulation (2)(a), a person who is a council member discloses an interest in a written notice given to the CEO before a meeting then -
 - (a) before the meeting the CEO is to cause the notice to be given to the person who is to preside at the meeting; and
 - (b) at the meeting the person presiding is to bring the notice and its contents to the attention of the persons present immediately before a matter to which the disclosure relates is discussed.

- (6) If -
- (a) under sub regulation (2)(b) or (4)(b) a person's interest in a matter is disclosed at a meeting; or
 - (b) under sub regulation (5)(b) notice of a person's interest in a matter is brought to the attention of the persons present at a meeting, the nature of the interest is to be recorded in the minutes of the meeting.

Disclosure of Information in Returns

Elected Members and 'designated employees must provide primary and annual returns in accordance with the requirements of Division 6 of Part 5 of the *Local Government Act 1995*.

For these purposes, a *designated employee* is defined in section 5.74 of the *Local Government Act 1995* to mean:

- a) the CEO
- b) an employee, other than the CEO, to whom any power or duty has been delegated under Division 4 of the *Local Government Act 1995*.
- c) an employee who is a member of a committee comprising Elected Members and employees.
- d) an employee nominated by the Shire to be a designated employee.

Gifts and benefits

General Provisions

In general, Elected Members, Committee Members and employees must not seek or accept (either directly or indirectly) any immediate or future gift (including any financial benefit, reward, donation or hospitality) for themselves, or for any other person or body, as a result of their role with the Shire. In particular, employees, other than the CEO or Executives, must not accept any act of hospitality without prior approval of the CEO or an Executive, as appropriate.

Despite the general presumption against seeking or accepting gifts or acts of hospitality, Elected Members, Committee Members and employees may accept some types of gifts which are excluded from this Code's coverage.

For the purposes of this Code, a *gift* has the extended meaning set out in section 5.82(4) of the *Local Government Act 1995* and includes:

"any disposition of property, or the conferral of any other financial benefit, made by one person in favour of another otherwise than by will (whether with or without an instrument in writing), without consideration in money or money's worth passing from the person in whose favour it is made to the other, or with such consideration so passing if the consideration is not fully adequate, but does not include any financial or other contribution to travel."

However, a *gift* does not include:

- a) a gift from a relative as defined in section 5.74(1) of the *Local Government Act 1995*
- b) a gift that must be disclosed under regulation 30B of the *Local Government (Elections) Regulations 1997* or
- c) a gift from a statutory authority, government instrumentality or non-profit association for professional training.

Section 5.74(1) of the *Local Government Act 1995* states the following:

Relative, in relation to a relevant person, means any of the following —

- a) a parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant of the relevant person or of the relevant person's spouse or de facto partner;
- b) the relevant person's spouse or de facto partner or the spouse or de facto partner of any relative specified in paragraph (a),

whether or not the relationship is traced through, or to, a person whose parents were not actually married to each other at the time of the person's birth or subsequently, and whether the relationship is a natural relationship or a relationship established by a written law;

Examples of gifts are:

- a) a tangible item, such as a bottle of wine or a book
- b) a contribution towards the provision of accommodation
- c) an act of hospitality, such as payment for a meal or an invitation or tickets to a function or event
or
- d) discounts on a provider's products.

Nothing in this Code prevents a gift from being received:

- a) on behalf of the Shire, where it is retained by the Shire or
- b) by an Elected Member, Committee Member or employee under and in accordance with the terms of a sponsorship or other commercial arrangement with the Shire.

For example, a ticket to attend a VIP event that is given to an Elected Member or employee will not be a 'gift' (and, therefore, will not be subject to the gift provisions of this Code) if it is given because of a contractual obligation to give it under a sponsorship agreement with the Shire. However, a ticket that is given voluntarily, over and above any contractual obligation will be a gift (if it otherwise satisfies the definition of 'gift' referred to earlier) and, if so, will be subject to the gift provisions of this Code.

Prohibited Gifts

A Committee Member or employee must not accept a prohibited gift from a person who:

- a) is undertaking or seeking to undertake an activity involving a local government discretion or
- b) it is reasonable to believe is intending to undertake an activity involving a local government discretion.

For these purposes:

A prohibited gift means:

- a) a gift worth \$300.00 or more or
- b) a gift that is one of two or more gifts given to the member or employee by the same person within a period of six months that are in total worth \$300.00 or more

- c) activity involving a local government discretion is an activity:
- d) that cannot be undertaken without an authorisation from the Shire or
- e) by way of a commercial dealing with the Shire.

Any gift valued at \$300.00 or more should be declined politely. If it is considered inappropriate to reject a gift worth \$300.00 or more (such as in the case of a gift from a foreign dignitary), the gift should be received on behalf of the Shire and provided to the CEO at the first possible opportunity. At the CEO's discretion, these gifts will be placed in an appropriate position within the Shire and/or registered in the Shire's memorabilia collection.

The value of a gift can be estimated if the Elected Member, Committee Member or employee believes its value is low. However, if it is believed its value approaches \$300.00, the precise value of the gift should be ascertained before accepting to ensure compliance with this Code.

It is also important to ensure that the full value of the gift is taken into account including all hidden costs in association with acts of hospitality. (For example, if invited to a box at a sporting event, the cost is not just the cost of an entry ticket but a proportion of the cost of the box and the hospitality provided.) It would also include the cost of the attendance of a partner at an event, should the partner be invited to accompany the Shire's representative.

Regulation 12 of the *Local Government (Rules of Conduct) Regulations 2007* prohibits an Elected Member from accepting a prohibited gift (see below).

Notifiable Gifts

A Committee Member or employee may accept a 'notifiable gift.' However, if he or she accepts a notifiable gift from a person who:

- i. is undertaking or seeking to undertake an activity involving a local government discretion or
- ii. it is reasonable to believe is intended to undertake an activity involving a local government discretion, he or she must notify the CEO within 10 days of accepting the gift.

For these purposes:

- (a) a *notifiable gift* means:
 - (i) a gift worth between \$50.00 and \$300.00 or
 - (ii) a gift that is one of two or more gifts given to an Elected Member, Committee Member or employee by the same person within a period of six months that are in total worth between \$50.00 and \$300.00
- (b) activity involving a local government discretion is an activity:
 - (i) that cannot be undertaken without an authorisation from the Shire or
 - (ii) by way of a commercial dealing with the Shire.

The notification to the CEO of the acceptance of a notifiable gift must be in writing and must include:

- (a) the name of the person who gave the gift
- (b) the date on which the gift was accepted
- (c) a description, and the estimated value, of the gift
- (d) the nature of the relationship between the person who is a member or employee and the person who gave the gift
- (e) if the gift is a notifiable gift under (ii) of the definition of a notifiable gift (whether or not it is also a notifiable gift under (i) of that definition):
 - (i) a description
 - (ii) the estimated value
 - (iii) the date of acceptance,of each other gift accepted within the six-month period.

Regulation 12 of the *Local Government (Rules of Conduct) Regulations 2007* contains similar requirements relating to the acceptance and notification of a 'notifiable gift' by an Elected Member (see below).

Register of Notifiable Gifts

The CEO must maintain a register of notifiable gifts and record any details of notifications given to comply with the requirement of the Code.

Regulation 12 of the *Local Government (Rules of Conduct) Regulations 2007* contain the requirements relating to the acceptance and notification of gifts by an Elected Member:

10. Gifts

(1) In this regulation —

activity involving a local government discretion means an activity —

- (a) that cannot be undertaken without an authorisation from the local government; or
 - (b) by way of a commercial dealing with the local government;
- gift* has the meaning given to that term in section 5.82(4) of the Act except that it does not include —
- (a) a gift from a relative as defined in section 5.74(1) of the Act; or
 - (b) a gift that must be disclosed under regulation 30B of the *Local Government (Elections) Regulations 1997*; or
 - (c) a gift from a statutory authority, government instrumentality or non-profit association for professional training;
- notifiable gift*, in relation to a person who is a council member, means —

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

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

(2) A person who is a council member must not accept a prohibited gift from a person —

- (a) who is undertaking or seeking to undertake; or
- (b) who it is reasonable to believe is intending to undertake, an activity involving a local government discretion.

(3) A person who is a council member and who accepts a notifiable gift from a person —

- (a) who is undertaking or seeking to undertake; or

- (b) who it is reasonable to believe is intending to undertake, an activity involving a local government discretion must, within 10 days of accepting the gift, notify the CEO of the acceptance in accordance with sub regulation (4).
- (4) Notification of the acceptance of a notifiable gift is to be in writing and is to include —
 - (a) the name of the person who gave the gift; and
 - (b) the date on which the gift was accepted; and
 - (c) a description, and the estimated value, of the gift; and
 - (d) the nature of the relationship between the person who is a council member and the person who gave the gift; and
- (e) if the gift is a notifiable gift under paragraph (b) of the definition of "notifiable gift" (whether or not it is also a notifiable gift under paragraph (a) of that definition) —
 - (i) a description; and
 - (ii) the estimated value; and the date of acceptance, of each other gift accepted within the 6 month period
- (5) The CEO must maintain a register of gifts in which details of notices received under sub regulation (4) are recorded.

Disclosure of gifts in annual returns

Elected Members and 'designated employees', as defined in section 5.74 of the *Local Government Act 1995*, should also remember to disclose gifts, in an annual return, received and valued at over \$200.00, that are not covered by the *Local Government (Rules of Conduct) Regulations 2007* (for Elected Members) or this Code (for employees).

Disclosure of Election Campaign Contributions

All electoral candidates must comply with the *Local Government Act 1995* and the *Local Government (Elections) Regulations 1997* in disclosing electoral donations or 'gifts'. A candidate must disclose to the CEO information about any electoral or related gift with a value of \$200.00 or more that is promised or received within six months before the relevant Election Day.

Requirements relating to the disclosure of electoral gifts are set out in the *Local Government (Elections) Regulations 1997*, particularly Part 5A.

Reporting breaches and suspected breaches of the Code

Breaches of the Code by Employees

Any person who has reason to believe that the personal behaviour of an employee breaches the standards of conduct set out in the Code, may refer the matter to the Chief Executive Officer, or the Manager Human Resources, who will consider the matter and deal with it in accordance with the management protocols, procedures or practices of the Shire and any applicable law concerning employees.

Any person who has reason to believe that the personal behaviour of the CEO breaches the standards of conduct set out in the Code, may refer the matter to the Manager Human Resources, who will consider the matter and deal with it in accordance with the management protocols, procedures or practices of the Shire and any applicable law.

Each report of a breach is to be dealt with quickly and fairly in accordance with the principles of procedural fairness.

Breaches of the Code by Elected Members and Committee Members

A breach by an Elected Member of the *Local Government (Rules of Conduct) Regulations 2007* may be reported to the Shire's Complaints Officer (the CEO) in accordance with the prescribed Complaints Form as determined from time to time. Such complaints will be dealt with under Division 9 of Part 5 of the *Local Government Act 1995*.

Any person who has reason to believe that the personal behaviour of an Elected Member breaches the standards of conduct set out in the Code, other than those matters set out in the *Local Government (Rules of Conduct) Regulations 2007*, may refer the matter to the CEO, who will consider the matter and deal with it as he or she sees fit.

Any person who has reason to believe that the personal behaviour of a Committee Member breaches the standards of conduct set out in the Code, may refer the matter to the CEO, who will consider the matter and deal with it as he or she sees fit.

Reporting misconduct to the Corruption and Crime Commission

The CEO, being a 'principal officer of a notifying authority' (for the purposes of the *Corruption and Crime Commission Act 2003*) has a statutory obligation to report to the Corruption and Crime Commission:

- (a) any allegation of misconduct or
- (b) any situation that otherwise comes to his or her attention involving misconduct, where the CEO suspects on reasonable grounds concerns or may concern misconduct and is of relevance or concern to the CEO in his or her official capacity.

Notwithstanding, any Elected Member, Committee Member, employee or any other person may report directly to the Corruption and Crime Commission any matter which that person suspects on reasonable grounds concerns or may concern misconduct that:

- (a) has or may have occurred
- (b) is or may be occurring
- (c) is or may be about to occur or
- (d) is likely to occur.

Section 4 of the *Corruption and Crime Commission Act 2003* defines the instances when 'misconduct' occurs:

4. Term used: misconduct Misconduct occurs if —
- (a) a public officer corruptly acts or corruptly fails to act in the performance of the functions of the public officer's office or employment;
 - (b) a public officer corruptly takes advantage of the public officer's office or employment as a public officer to obtain a benefit for himself or herself or for another person or to cause a detriment to any person;
 - (c) a public officer whilst acting or purporting to act in his or her official capacity, commits an offence punishable by 2 or more years' imprisonment; or
 - (d) a public officer engages in conduct that —
 - (i) adversely affects, or could adversely affect, directly or indirectly, the honest or impartial performance of the functions of a public authority or public officer whether or not the public officer was acting in their public officer capacity at the time of engaging in the conduct;
 - (ii) constitutes or involves the performance of his or her functions in a manner that is not honest or impartial;
constitutes or involves a breach of the trust placed in the public officer by reason of his or her office or employment as a public officer; or and constitutes or could constitute —
 - (iii) an offence against the *Statutory Corporations (Liability of Executives) Act 1996* or any other written law; or
 - (iv) a disciplinary offence providing reasonable grounds for the termination of a person's office or employment as a public service officer under the *Public Sector Management Act 1994* (whether or not the public officer to whom the allegation relates is a public service officer or is a person whose office or employment could be terminated on the grounds of such conduct).
 - (v)
 - (vi) involves the misuse of information or material that the public officer has acquired in connection with his or her functions as a public officer, whether the misuse is for the benefit of the public officer or the benefit or detriment of another person,

Section 3 of the *Corruption and Crime Commission Act 2003* defines 'serious misconduct' as misconduct of a kind described in section 4(a), (b) or (c) of the *Corruption and Crime Commission Act 2003*.

Public Interest Disclosure Act 2003

The *Public Interest Disclosure Act 2003* facilitates the reporting of public interest information and provides protection for those who report this information under that Act.

The Shire:

- (a) does not tolerate corrupt or other improper conduct, including mismanagement of public resources, in the exercise of the public functions of the Shire, by its members, employees or contractors
- (b) is committed to the aims and objectives of the *Public Interest Disclosure Act 2003*
- (c) strongly supports disclosures being made by Elected Members, Committee Members or employees as to corrupt or other improper conduct
- (d) will take all reasonable steps to provide protection to Elected Members, Committee Members and employees who make disclosures from any detrimental action in reprisal for the making of a public interest disclosure
- (e) does not tolerate any of its Elected Members, Committee Members, employees or contractors engaging in acts of victimisation or reprisal against those who make public interest disclosures.

Elected Members, Committee Members and employees are encouraged to contact the Shire's nominated Public Interest Disclosure Officer to seek guidance on their disclosure and to lodge completed Public Interest Disclosure forms.

A person who makes an appropriate disclosure of public interest information to the Shire's nominated Public Interest Disclosure Officer under section 5 of the *Public Interest Disclosure Act 2003*:

- (a) incurs no civil or criminal liability for doing so
- (b) is not, for doing so, liable:
 - (i) to any disciplinary action under a written law
 - (ii) to be dismissed
 - (iii) to have his or her services dispensed with or otherwise terminated or
 - (iv) for any breach of duty of secrecy or confidentiality or any other restriction on disclosure (whether or not imposed by a written law) applicable to the person (Section 13).

Criminal Code Act 1913, Part 1, Chapter 1, section 1 defines the 'Public Officer'

The term *public officer* means any of the following —

- (a) a police officer;
 - (aa) a Minister of the Crown;
 - (ab) a Parliamentary Secretary appointed under section 44A of the *Constitution Acts Amendment Act 1899*;
 - (ac) a member of either House of Parliament;
 - (ad) a person exercising authority under a written law;
- (b) a person authorised under a written law to execute or serve any process of a court or tribunal;
- (c) a public service officer or employee within the meaning of the *Public Sector Management Act 1994*;
 - (ca) a person who holds a permit to do high-level security work as defined in the *Court Security and Custodial Services Act 1999*;
 - (cb) a person who holds a permit to do high-level security work as defined in the *Prisons Act 1981*;
- (d) a member, officer or employee of any authority, board, corporation, commission, local government, council of a local government, council or committee or similar body established under a written law;
- (e) any other person holding office under, or employed by, the State of Western Australia, whether for remuneration or not;



**Code of Conduct for Employees, Elected Members
and Committee Members**

Certification of Acknowledgement:

I have received and read the Shire of Exmouth Code of Conduct and understand that I have an obligation to comply with it.

.....
Name (Councillor / Employee/Committee Member)

.....
Signature (Councillor / Employee/ Committee Member)

.....
Date

1.19– CEO Performance Review

Adoption		
Date	Meeting	Council Decision
24/05/18	OCM	04-0518
Review Details		
Date	Meeting	Council Decision
22/11/18	OCM	04-1118
25/06/20	OCM	
Delegation		
No.	Title	

PURPOSE

The purpose of this policy is to provide consistent, transparent and accountable performance review process.

POLICY

Rationale

This process is documented and adopted by Council to ensure a consistent approach to the Shire of Exmouth Chief Executive Officer (CEO) review.

The review process must be a collaborative, constructive process that is designed to enhance performance and provide guidance for the ensuing twelve months, aligning to the Shires Corporate Business Plan and Community Strategic Plan.

The performance review process should be regarded as an opportunity to build relationships and to increase the effectiveness of individuals, systems and processes which will improve the performance and the profile of the Shire of Exmouth.

Councillors participating in the review process will:

- Show an ability to be fair and objective;
- Use good communication and negotiating skills;
- Possess preparation and evaluation skills; and
- Have a good understanding of the Western Australian Salaries and Allowances Tribunal process and determinations.

(a) Contract

- The CEO contract must contain the Shires dispute resolution policy for both parties.
- The Shires agreed CEO review procedure shall be contained within the CEO contract.
- The review procedure contained within the CEO contract can be varied by agreement between the Council and the CEO under an amendment clause between reviews.
- The contract should be reviewed by WALGA or a recognized legal practitioner to ensure legislative requirements are satisfied.

(b) Review Periods

- It is a statutory requirement that the CEO's performance is reviewed annually.
- For planning purposes, the appraisal is to be undertaken no later than the month of June.

- In the event that Council has concerns about the performance of the CEO, the Shire President may, at the request of Council, undertake an interim performance review.
- The Shire President must write to the CEO if Council has requested an interim performance review, outlining the areas of concern to allow the CEO the opportunity to prepare.
- The Shire President must allow the CEO a minimum of two weeks' notice prior to the commencement of an interim performance review.

(c) Composition of the Performance Review Committee (PRC)

The CEO PRC will consist of:

- The Shire President.
- Two Councillors nominated by resolution of Council.

This committee is to be facilitated by an independent/external person mutually agreed by the CEO Performance Review Committee and the CEO.

The CEO and the PRC may by mutual agreement decide that an external facilitator is not required for every annual review.

As a minimum the Chair of the CEO Performance Review Committee is to undertake the relevant CEO Performance review training course provided by WALGA.

The CEO Performance Review Committee Terms of Reference will provide the direction and the process for the conducting of the review process and the establishment of roles and responsibilities of the Review Committee.

(d) Interview Process

The Interview process undertaken during the formal performance meeting must be conducted in good faith by all parties.

(e) CEO Key Performance Indicators (KPI's)

- Will contain a balance of strategic and values based organizational KPI's.
- Will align to the Corporate Business Plan and or Community Strategic Plan.
- Will be reviewed annually and then new KPI's agreed between the CEO and the Shire of Exmouth Council after each review period.
- Once agreed upon, KPI's cannot be changed without mutual agreement.

This policy position applies to the conduct of CEO performance reviews.

Legislative and Strategic Context

Local Government Act 1995, s5.38 - The performance of each employee who is employed for a term of more than one year, including the CEO and each senior employee, is to be reviewed at least once in relation to every year of the employment.



Review Position and Date - To be reviewed annually
be Council.

Associated Documents

- CEO Employment Contract.
- Shire of Exmouth CEO Performance Review Committee Terms of Reference.

1.20 – Responsible Service of Alcohol

Adoption		
Date	Meeting	Council Decision
24/05/18	OCM	06-0518
Review Details		
Date	Meeting	Council Decision
22/11/18	OCM	04-1118
25/06/20	OCM	
Delegation		
No.	Title	

PURPOSE

The purpose of this policy is to create a workplace that prevents the miss use of alcohol within the workplace and ensures responsible use outside of the workplace.

POLICY

Alcohol can have a detrimental impact on safety and health in the workplace. Alcohol can reduce a person’s ability to work safely by affecting the nervous system, coordination, motor control, concentration, alertness and impeding the ability to exercise judgment.

Consumption of alcohol can be part of fellowship and networking but consumption should be appropriate and represent the values of the organisation. It is important that actions of Councillors and staff at functions representing the Shire are seen to fulfil high community standards.

The Shire of Exmouth:

- Will provide /promote an alcohol-free workplace;
- Is committed to providing a workplace culture that recognizes that drinking alcohol can have a negative influence on the health, work and social relationships of staff;
- Provide a safe and supportive work environment to reduce risks associated with drinking alcohol by only allowing the consumption of alcohol on the following conditions:
 - Civic Functions – Visiting dignitaries and oofficial functions of the organisation at the Chief Executive Officer and Shire Presidents discretion.
 - Dinner or networking events where the Chief Executive Officer, Staff and Councillors may attend and the event is determined to be furthering the interests of the Shire of Exmouth.
 - Staff Christmas parties as a means of recognising the dedication and commitment shown by Council staff in the provision of services.
 - At conferences where networking and conference dinners form part of the registration and expectation of attendance.
 - On all occasions where alcohol is consumed employees and councillors must do so in accordance with the Fitness for Work- Drug Alcohol Policy 1.27 and the Shire of Exmouth Code of Conduct Policy 1.18.

1.21 – Appointment of Acting Chief Executive Officer

Adoption		
Date	Meeting	Council Decision
24/10/19	OCM	05-1019
Review Details		
Date	Meeting	Council Decision
25/06/20	OCM	
Delegation		
No.	Title	

PURPOSE

The purpose of this policy is to provide direction for the appointment of an Acting Chief Executive Officer during limited absences of the Chief Executive Officer.

POLICY

The Chief Executive Officer will appoint a member of the Executive Management Team (EMT) to the role of Acting Chief Executive Officer on the basis that the employee is suitably qualified and has the capacity to perform the duties of Acting Chief Executive Officer along with his/her current duties satisfactorily.

Executive Mangers still within their probationary period will not be eligible for the appointment to Acting Chief Executive Officer.

If in the opinion of the Chief Executive Officer that a temporary external appointment is in the best interest of the organisation an external temporary appointment can be made.

Appointment to the role of Acting Chief Executive Office shall be made in writing for a defined period that does not exceed 3 months. A Council resolution is required for period exceeding 3 months.

1.22 – Electronic Meetings (Council and Committee Meetings)

Adoption		
Date	Meeting	Council Decision
23/04/20	SCM	08-0420
Review Details		
Date	Meeting	Council Decision
25/06/20	OCM	
Delegation		
No.	Title	

PURPOSE

The purpose of this policy is to enable Council to continue to hold meetings and make decisions in the best interests of the community where a public health emergency or state of emergency has been declared.

POLICY

In accordance with the *Local Government (Administration) Regulations 1996* where:

- a public health emergency or a state of emergency exists in the whole or a part of the area of the district of a local government; and
or
- a direction is issued under the *Public Health Act 2016* or the *Emergency Management Act 2005* that prevents the meeting from being held in person the Shire President or Council may authorise the meeting be held electronically (eMeeting)

DESCRIPTION

Means for conducting a meeting electronically

The means by which the meeting is to be held electronically shall be by video conference or other instantaneous communication as determined by the Shire President or Council.

Meetings open to the public

To ensure compliance with section 5.23(1) of the *Local Government Act 1995* unconfirmed minutes of the meeting will be made available to the public for inspection via the Shire's website within 10 business days of a Council meeting and 5 days of a Committee meeting.

Public Question Time

Where a meeting is open to the public and conducted electronically:

- all questions to be submitted electronically and where possible, received no later than 1 hour prior to the commencement of the meeting.
- Council or the Committee (at the discretion of the Presiding Member) to determine at the meeting:
 - To respond to the question submitted by the member of the public at the meeting in accordance with the procedure determined by the Council or Committee; or
 - Given the public health emergency, state emergency or direction issued under the *Public Health Act 2016* or the *Emergency Management Act 2005* it is not appropriate to respond to the question in the meeting



Agendas, Notice Papers, reports or other documents

If an electronic meeting is held, a notice paper, agenda, report or other documents may be tabled at the meeting, or provided to the members of Council, or Committee or public in a manner determined by the Council or Committee, including electronic means.

Deputations

Requests for Deputations are to be lodged by electronic means by 12 noon the day prior to the meeting.

CORPORATE SERVICES

2.1 – Asset Capitalisation

Adoption		
Date	Meeting	Council Decision
20/09/12	OCM	04-0912-10.1.2
Review Details		
Date	Meeting	Council Decision
22/11/18	OCM	04-1118
19/12/19	OCM	08-1219
25/06/20	OCM	
Delegation		
No.	Title	

PURPOSE

The purpose of this policy is to set out the asset capitalisation threshold values.

POLICY

An asset must appear in Council’s financial statements at fair value. The criteria for recognising an asset as outlined in AASB116 – Property, Plant and Equipment Accounting standard is:

The cost of an item of property, plant and equipment shall be recognised as an asset if, and only if:

- a) it is probable that future economic benefits associated with the item will flow to the entity;*
- and*
- b) the cost of the item can be measured reliably*

All noncurrent assets having a limited useful life are separately and systematically depreciated over their useful lives in a manner which reflects the consumption of the future economic benefits embodied in those assets. Assets are depreciated from the date of acquisition or in respect to constructed assets, from the time the asset is completed and ready for use. Depreciation rates, residual values and impairments are to be assessed on an annual basis.

CAPITALISATION

An asset shall be capitalised when the expenditure is in excess of the following thresholds:

Buildings	\$5,000
Plant & Equipment	\$5,000
Furniture & equipment	\$5,000
Roads	\$5000
Other Infrastructure	\$5,000
Land	All land will be capitalised

2.2 – Interest Free Loans to Clubs & Organisations

Adoption		
Date	Meeting	Council Decision
27/08/15	OCM	05-0815-11.1.3
Review Details		
Date	Meeting	Council Decision
22/11/18	OCM	04-1118
19/12/19	OCM	08-1219
25/06/20	OCM	
Delegation		
No.	Title	

PURPOSE

The purpose of this policy is:

1. To provide long-term benefits to the Shire of Exmouth by financially assisting clubs and organisations within the Shire of Exmouth.
2. To provide guidelines as to the administration of the Shire of Exmouth's Community Interest Free Loans Reserve.

POLICY

Community Interest Free Loans Reserve:

Council has set aside funding in a Community Interest Free Loans Reserve for the provision of interest free loans to Exmouth clubs and organisations to assist in the provision of facilities and equipment for the betterment of the club or organisation and its members.

Organisations are defined as incorporated, not-for-profit, sporting clubs and community organisations, excluding any private businesses, on-going government financial assisted groups, religious bodies and political groups.

It is the Council's policy that:

An application in the prescribed form for an interest free loan must be completed in full.

1. Eligibility

The following Eligibility Criteria will be applied when receiving applications for interest free loans.

Eligibility Criteria (general):

To be eligible for funding, the applicant must:

- Use funding for a Capital Purchase i.e. equipment etc.
- Be an Exmouth based community group or sporting club.
- Offer a specific activity (project, program or event) within the Shire of Exmouth local government boundaries;
- Provide a direct benefit to the wider Exmouth community;
- Have completed any project for which any Shire of Exmouth funding was previously received, with no outstanding debts to the Shire;
- Satisfy the Loan Eligibility Criteria set out in the below.

Ineligibility Criteria (general):

The Shire of Exmouth does not provide interest free loans for:

- Retrospective costs;
- Commercial activities;
- Core organisational operating costs, for example a permanent position within and organisation for ongoing work;
- Activities with a political or religious purpose only;
- Activities where the nature of the event can exert political influence;
- Periodical activities, like recurring weekly/monthly meetings.

2. Loan Assessment Criteria

The Executive Manager Commercial and Community and the Executive Manager Corporate Services should undertake assessment of the application with a recommendation to the Council for final approval or otherwise of the loan. Assessment should as a minimum be based on:

- Perceived ability for the loan to be repaid in full and for repayments to be made on time;
- Ensuring that there is an apparent benefit not only to the club/organisation but also to the wider community from the loan being given;
- Clubs/organisations must have been in existence for 2 years and clearly demonstrated a stabilised or increased membership;
- Prior to an application being lodged, an applicant has used their best endeavours to source grant funding to assist with their purchase.
- Clubs/organisations must provide council with an end of year financial statement for each year of the loan.
- Clubs/organisations must produce at Council's request a current profit and loss statement within three weeks of a request being made (NB this in addition to the provision of the annual financial statement mentioned above).

No club/organisation can have more than one interest free loan at one time unless the Council is clearly satisfied that the club/organisation has the financial ability to service the additional loan. Total loan funds should not exceed \$100,000 however in exceptional circumstances an application can be made for Council consideration.

'An application fee of 5% will be charged on any new application and can be paid over the term of the loan'.

3. Default of Loan

- Any club or organisation, which defaults on a loan, is not permitted to receive any further interest free loans from council until the outstanding loan is repaid in full. In exceptional circumstances Council may review the timeframe for the repayment of a defaulted loan.
- Any default of a loan re-payment will incur a penalty to the club/ organisation of 10% per annum of the outstanding amount calculated monthly, unless arrangements have been made with council, prior to the repayment being defaulted.

In the event that a club/organisation is wound up, any assets that have been accumulated by the use of funds from the Community Interest Free Loans Reserve Fund will revert to the Council.

2.3 – Common Seal

Adoption		
Date	Meeting	Council Decision
20/09/12	OCM	04-0912-10.1.2
Review Details		
Date	Meeting	Council Decision
22/11/18	OCM	04-1118
19/12/19	OCM	08-1219
25/06/20	OCM	
Delegation		
No.	Title	

PURPOSE

To provide guidelines for the affixing of the Common Seal of the Shire of Exmouth to certain documents.

POLICY

1. Affixing the Common Seal

Under section 9.49A of the *Local Government Act 1995* -

- a. the Common Seal cannot be affixed to a document except as authorised by the Council (or, if the power is delegated, except as authorised by the CEO); and
- b. the Common Seal must be affixed to a document in the presence of –
 - i. the Shire President (or, if section 5.34 applies, by the Deputy Shire President); **AND**
 - ii. the CEO or a senior employee authorised by the CEO, each of whom is to sign the document to attest that the Common Seal was affixed.

2. Documents requiring the Common Seal to be affixed

The following documents require the Common Seal of the Shire of Exmouth to be affixed:

- Local Laws adopted by Council;
- Documents of a ceremonial nature;
- Land transactions, including but not limited to sale, leases, assignments, subleases, consent to mortgage, surrenders, transfers, memorials, covenants and easements, lodgement and withdrawals of caveats and amalgamations as resolved by Council;
- Deeds;
- Notifications in accordance with Section 70A of the *Transfer of Land Act 1893*;
- Town Planning Schemes and Scheme Amendments;
- New funding or contracts of agreement between the Shire and State or Commonwealth Government agencies, where required by the other party; and
- Any document stating that the Common Seal of the Shire of Exmouth is to be affixed.

3. Procedures for the use of the Common Seal

The Chief Executive Officer is responsible for the security and proper use of the Common Seal. Details of all instances where the seal has been affixed will be recorded in a Common Seal Register.

4. Common Seal Register

- The Chief Executive Officer shall maintain a register of all documents executed with the Common Seal
- The register is to record each Common Seal transaction including
 - Date
 - Nature of Document
 - Council Decision number (where the affixing of the common seal was resolved by resolution of Council)
 - The number of Common Seals affixed (ie x4)
 - The signature of the Shire President

5. Common Seal clause

The wording to accompany the application of the Common Seal is as follows:

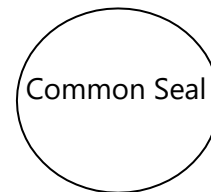
Dated [add day, month and year]

The Common Seal of the)

Shire of Exmouth)

was affixed in the)

presence of:)



.....)
(Insert name))
Shire President) Chief Executive Officer

6. Statutory environment:

Local Government Act 1995

Section 2.5 (2) of the *Local Government Act 1995* stipulates that a local government is “a body corporate with perpetual succession and a common seal”. There is no stipulated requirement for the use of the common seal in particular circumstances.

Section 9.49A contains detailed provisions regulating the execution of documents by a local government, including the execution of documents using the Common Seal.

Section 9.49 stipulates that “a document is, unless this Act requires otherwise, sufficiently authenticated by a local government without its common seal if signed by the Chief Executive Officer or an employee of the local government who purports to be authorised by the Chief Executive Officer to so sign”.

2.4 – Leases and Licences

Adoption		
Date	Meeting	Council Decision
20/09/12	OCM	04-0912-10.1.2
Review Details		
Date	Meeting	Council Decision
27/09/18	OCM	05-0918
22/11/18	OCM	04-1118
19/12/19	OCM	08-1219
25/06/20	OCM	
Delegation		
No.	Title	

PURPOSE

The purpose of this policy is to ensure transparent and accountable process for the disposal of land and building assets by way of lease or license held by the Shire of Exmouth either owned in fee simple, under a management order, or via a sub-lease arrangement.

POLICY

This policy addresses when to apply short and long term leasing or licensing approach to property owned, managed or sub leased by the Shire of Exmouth.

The Shire of Exmouth owns, manages under order, and sub leases certain land and buildings throughout the district and may from time to time choose to enter into leasing and licensing arrangements with individuals, not for profit organisations and businesses.

This policy recognises the variety and diversity of leases and licences as well as recognises that no one particular style of lease or licence is appropriate for all purposes.

This policy will ensure that all requests for lease or licence for whatever purpose will be treated in a fair and equitable manner using open and accountable methodology and in line with statutory procedures.

A lease or a licence is a contractual agreement between Council (lessor or licensor) and another party (lessee or licensee) that binds both parties to the terms of the agreement.

The individual circumstances surrounding the land and buildings and the needs of the users will determine whether granting a lease or a licence is appropriate using the guiding principles detailed in this policy.

This policy recognises that in relation to *commercial* leases, lessees enter in a *commercial business tenancy relationship* with the Shire and that the management of such leases and relationships is an operational matter within the responsibilities of the Chief Executive Officer.

Essential Differences between Lease and Licence

Lease

- Is a transfer of right to enjoyment (exclusive possession) of that property by the lessor to the lessee, and made for a certain term in consideration of a fee subject to the terms set out in the lease agreement.

- Grants exclusive possession for a fixed period (term).
- Creates an interest in the land which can be transferred to the lessee for the period of the lease.
- Can be transferred (assigned) to another party and if registered on the title is binding on a new owner of the land.
- Is not revocable (other than subject to any conditions set out in the lease (e.g. a redevelopment clause)).

Licence

- Is the granting of a permission to use the land in consideration of a fee subject to the conditions set out in the licence.
- Does not grant exclusive possession.
- Does not create or transfer an interest in the land.
- Is not transferable.
- Is revocable.

Guiding Principles

Leases and licences will be negotiated consistently with the following principles:

- Compliance with the provisions of section 3.58 of the *Local Government Act 1995*.
- Where land and building assets are either owned in fee simple by the Shire, or sub leased to the Shire under commercial terms, every effort should be undertaken to ensure a full commercial return is achieved based on market valuations. On this basis not for profit and community groups will be accommodated on property that is not owned in fee simple.
- Where land and building assets are managed by the Shire under a management order for civic or community purposes, every effort should be undertaken to co-locate appropriate community groups and not for profit entities under a licence or lease agreement.
- For **commercial leases**, lessees will be offered a sufficient tenure period to allow a commercial entity reasonable opportunity to establish the business. Length of tenure should also be commensurate with level of investment committed/planned by the lessee. The maximum lease term will be 10 years with a further option of up to 10 years.
- Triennium lease reviews involving an independent valuation, and annual Consumer Price Index adjustments will be applied to all commercial leases. Lease values post the independent valuation will not result in a reduction in rent.
- The Chief Executive Officer has delegated authority to;
 - Grant further **lease** and sub-lease term extensions that were previously approved by Council when awarded a new lease or sub-lease,
 - Approve any new or extension to licensing agreements,
 - Negotiate lease terms within +10% or -10% of the independent valuations. Any variations greater will require Council approval.
- A **lease** will only be provided to a **not for profit incorporated organisation** whom requires a lease to attract funding, or to invest funds for capital improvements. The maximum lease term will be 5

years with a further option of up to 5 years. These community leases can be established as a peppercorn rental but lessees will be responsible as a **minimum** for the following costs:

- Lease preparation and administration
- Building insurance, contents insurance, public liability insurance of \$20 million, utilities, minor maintenance and waste service charges.

Note: Major maintenance and asset renewal costs may also apply and will be determined as part of the lease negotiations.

- A **licence** is the preferred approach for accommodating community groups and not for profit organisations. Shared use principles will apply and the term of tenure will be for a period not less than 1 year or more than 5 years and may include annual reviews at the Shires discretion. A licence can be issued for no annual fee. As a minimum community groups will be required to reimburse the Shire for an agreed share of utilities, consumables and building insurance costs. The licensee will also be responsible for cleaning and maintaining the facility in a well-presented state. The granting of a **licence** can be done under delegation by the Chief Executive Officer.
- All **new leases and sub-leases** shall require approval of Council. The granting of further terms to lessees and sub-lessees can be done under delegation by the Chief Executive Officer
- All improvements and permanent structures erected on Council property remain the property of Council, irrespective of who paid for the structure, unless when the lease is terminated all improvements made or structures erected are removed, returning the building and/or site to its original condition. This includes the removal of all material, debris and services from the site and the restoration of the building and/or site to the original condition when the Lessee took occupancy of the premises (this may involve the replanting of trees and landscaping). The only exception to this requirement is where the Council through the Chief Executive Officer agrees to accept partial restoration and/or financial compensation in lieu of full restoration or Council through the Chief Executive Officer determines there is value in Council retaining the improvements or modifications made to a site, or portion thereof.

DEFINITIONS

Disposal means Disposing of Property pursuant to Section 3.58 of the *Local Government Act 1995* and Regulation 30 of the *Local Government (Functions and General) Regulations 1996*.

Regulations means *Local Government (Functions and General) Regulations 1996*.

Workplace Information

The Acts and Regulations listed may be applicable but not limited to the following:

- *Local Government Act 1995*
- *Local Government (Functions and General) Regulations 1996*
- *Land Administration Act 1997*
- *Land Administration Regulations 1998*
- *Land Administration (Land Management) Regulations 2006*
- *Transfer of Land Act 1983*
- *Transfer of Land Regulations 2004*
- *Land Titles Registration Practise Manual 2010*
- *Commercial Tenancy (Retail Shops) Agreements Act 1985*
- *Commercial Tenancy (Retail Shops) Agreements Regulations 1985*



Policy Manual

- Residential Tenancies Act 1987
- Residential Tenancies Regulations 1989

2.5 – Reserves Funding Policy

Adoption		
Date	Meeting	Council Decision
22/11/18	OCM	04-1118
Review Details		
Date	Meeting	Council Decision
19/12/19	OCM	08-1219
25/06/20	OCM	
Delegation		
No.	Title	

PURPOSE

The purpose of this policy is to ensure that cash funds are set aside at the discretion of Council for a specific purpose are applied to that purpose and managed accordingly.

POLICY

Reserves are part of the Shire's overall equity position. Reserves are funds which have set aside for purposes and projects to be undertaken in future years.

Reserves are established by Council to achieve Strategic Community Plan and Corporate Business Plan objectives and are to be extinguished once the Reserve purpose has been achieved. The retention of obsolete Reserves restricts cash that could be utilised for funding other initiatives and can impact on cash ratios.

In order to ensure efficient Reserve Management, the Shire will:

- Establish a Reserve only when all other funding options have been considered.
- Only establish Reserves for the Following purposes:
 - Funding projects (community infrastructure, community development loan initiatives, roads, plant & equipment, swimming pool) identified in the Strategic Community Plan, Corporate Business Plan and Long Term Financial Plan
 - Specific projects ear marked to be funded by proceeds from the airport and waste management operations
 - Specific Projects that are receiving proceeds from different ratings
 - Specific Projects that are receiving proceeds from a Service charge
 - Provision for long term staff liabilities (Leave reserve, staff housing
 - When required under the terms of a grant funding agreement with third parties:
 - Statutory requirements
- Review the number and funding of, all Reserves on an annual basis through the planning and budget process
- Interest earned on Reserves is to be allocated to the individual reserve.

Section 6.11 (2) of the *Local Government Act 1995* requires that before a Local Government:

- a) Change the purpose of a reserve account; or
- b) Use the money in a reserve account for another purpose it must give one month's notice of the proposed change of purpose or use. (by absolute majority)



Section 6.11(3) of *Local Government Act 1995* states that Council is not required to give local public notice under the above where the change of purpose or of proposed use of money has been disclosed in the annual budget of the Shire for that financial year.

2.6 – Investment Policy

Adoption		
Date	Meeting	Council Decision
20/09/12	OCM	04-0912-10.1.2
Review		
Date	Meeting	Council Decision
22/11/18	OCM	04-1118
19/12/19	OCM	08-1219
25/06/20	OCM	
Delegation		
No.	Title	

PURPOSE

The purpose of this policy is to:

1. To undertake authorised investment of surplus funds after assessing credit risk and diversification limits.
2. To maximise earnings from authorised investments and ensure the security of Council funds.

POLICY

Authority for Investment

All investments are to be made in accordance with:

- *Local Government Act 1995* - Section 6.14.
- *The Trustees Amendment Act 1997* - point 6, re: Part III -Investments.
- *Local Government (Financial Management) Regulations 1996* – Regulation 19

Authorised Investments

Authorised investments would include but not necessarily be limited to:

- Bank accepted/endorsed bank bills;
- Bank negotiable Certificates of Deposit;
- Bank interest bearing deposits;
- State/Commonwealth Government bonds;
- Funds managed by fund managers having a credit rating of A2 or higher (Standard & Poor's, (S&P) Australian Ratings).

Guidelines

(a) Council's Direct Investments -

(i) Quotations on Investments

Not less than two (2) quotations shall be obtained from authorised institutions whenever an investment is proposed. The best quote on the day will be successful after allowing for administrative and banking costs, as well as having regard to the limits set above. Staff are to record such details and to which institution it was lodged.

(ii) Term to Maturity

The term to maturity of any Council's direct investments may range from "at Call" to 365 days.

(b) General Policy Guidelines

(i) Diversification/Credit Risk

The amount invested with any one financial institution or managed fund should not exceed the following percentages of average annual funds invested. When placing investments, consideration should be given to the relationship between credit rating and interest rate.

Rating Order (as defined S&P)

Short Term	Maximum %	Counterparty %
A1+	100%	50%
A1	75%	50%
A2	50%	20%

(ii) Credit Ratings

If any of the funds/securities held are downgraded such that they no longer fall within Council's investment policy guidelines, they will be divested within 30 days or as soon as practicable. Ratings are as defined by Standard & Poor's Australian Ratings

Short Term Rating Order 0-365 days is:

A1+	Extremely strong degree of safety regarding timely
A1	A strong degree of safety for timely payment
A2	A satisfactory capacity for timely payment

(c) Reporting

- (i) A monthly information report should be provided to Council detailing the investment portfolio in terms of performance and counterparty percentage exposure of total portfolio. The report should also detail investment income earned versus budget year to date.
- (ii) For audit purposes, certificates must be obtained from the banks/fund managers confirming the amounts of investment held on Council's behalf at 30 June each year.

(d) Variation to Policy

The Chief Executive Officer or his delegated representative be authorised to approve variations to this policy if the investment is to Council's advantage and/or due to revised legislation.

2.7 – Procurement Policy

Adoption		
Date	Meeting	Council Decision
10/10/17	OCM	06-1017-12.1
Review		
Date	Meeting	Council Decision
22/11/18	OCM	04-1118
19/12/19	OCM	08-1219
25/06/20	OCM	
Delegation		
No.	Title	

PURPOSE

1. Procurement

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

This policy complies with the *Local Government (Functions and General) Regulations 1996* (The Regulations).

1.1 OBJECTIVES

The Shire’s purchasing activities will achieve:

- The attainment of best value for money;
- Sustainable benefits, such as environmental, social and local economic factors are considered in the overall value for money assessment;
- Consistent, efficient and accountable processes and decision-making;
- Fair and equitable competitive processes that engage potential suppliers impartially, honestly and consistently;
- Probity and integrity, including the avoidance of bias and of perceived and actual conflicts of interest;
- Compliance with the *Local Government Act 1995*, *Local Government (Functions and General) Regulations 1996*, as well as any relevant legislation, Codes of Practice, Standards and the Shire’s Policies and procedures;
- Efficiencies (time and resources) for the Shire of Exmouth
- Risks identified and managed within the Shire’s Risk Management framework;
- Records created and maintained to evidence purchasing activities in accordance with the State Records Act and the Shire’s Record Keeping Plan;
- Confidentiality protocols that protect commercial-in-confidence information and only release information where appropriately approved.

1.2 ETHICS & INTEGRITY

The Shire’s Code of Conduct applies when undertaking purchasing activities and decision making. Elected Members and employees must observe the highest standards of ethics and integrity and act in an honest and professional manner at all times.

1.3 VALUE FOR MONEY

Value for Money is achieved through the critical assessment of price, risk, timeliness, and environmental, social, economic and qualitative factors to determine the most advantageous supply outcome that contributes to the Shire achieving its strategic and operational objectives.

The Shire will apply value for money principles when assessing purchasing decisions and acknowledges that the lowest price may not always be the most advantageous.

1.3.1 Assessing Value for Money

Assessment of value for money will consider:

- All relevant Total Costs of Ownership (TCO) and benefits including transaction costs associated with acquisition, delivery, distribution, as well as other costs such as but not limited to holding costs, consumables, deployment, training, maintenance and disposal;
- The technical merits of the goods or services being offered in terms of compliance with specifications, contractual terms and conditions and any relevant methods of assuring quality. This includes but is not limited to an assessment of compliances, tenderers resources available, capacity and capability, value-adds offered, warranties, guarantees, repair and replacement policies, ease of inspection, ease of after sales service, ease of communications etc.
- Financial viability and capacity to supply without the risk of default (competency of the prospective suppliers in terms of managerial and technical capabilities and compliance history);
- A strong element of competition by obtaining a sufficient number of competitive quotations wherever practicable and consistent with this Policy;
- The safety requirements and standards associated with both the product design and the specification offered by suppliers and the evaluation of risk arising from the supply, operation and maintenance;
- The environmental, economic and social benefits arising from the goods, services or works required, including consideration of these benefits in regard to the supplier's operations, in accordance with this Policy and any other relevant Shire Policy; and
- Providing opportunities for businesses within the Shire's boundaries to quote wherever possible.

1.4 PURCHASING THRESHOLDS AND PRACTICES

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

1.4.1. Policy Purchasing Value Definition

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

- Inclusive of Goods and Services Tax (GST); and
- Where a contract is in place, the actual or expected value of expenditure over the full contract period, including all options to extend specific to a particular category of goods, services or works. OR

The calculated estimated Purchasing Value will be used to determine the applicable threshold and

purchasing practice to be undertaken.

1.4.2. Purchasing from Existing Contracts

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

Price variations are prohibited to existing contracts awarded by tender other than those provided within the original contract.

1.4.3. Table of Purchasing Thresholds and Practices

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

The following list provides the Order of Process that should be utilised to undertake the procurement:

- Shire's Prequalified Supplier Panel
- Preferred Supplier Arrangement
- Common Use Arrangement
- RFQ to selected group as per this policy or RFT through public advertisement

If there is a Preferred Supplier Arrangement (PSA) in place that meets the requirements of the Shire, then the Shire requires that the PSA be considered in the first instance, irrespective of threshold.

If the Shire's Officer does not consider the PSA to be appropriate, then approval for an alternative approach needs to be given by the Shire's CEO or delegated authority.

Reasons for consideration of not using the PSA may include:

- Local supplier availability (who are not suppliers within the PSA);
- Social procurement – preference to use Aboriginal business or Disability Enterprise;

Purchase Value Threshold (inc GST)	Purchasing Practice Required
Up to \$5,000 (inc GST)	<p>Purchase directly from a supplier using a Purchasing or Corporate Credit Card issued by the Shire, or</p> <p>At least one (1) verbal or written quotation from a suitable supplier. Confirmed via Purchase Order.</p> <p>The rationale for the procurement decision should be documented and recorded in accordance with the Shire Records Management</p>
From \$5,001 and up to \$20,000 (inc GST)	<p>At least two (2) written quotations from suitable suppliers. For the purchasing of WALGA Services, a minimum of one (1) written quotation is to be sought and appropriately recorded. Confirmed via Purchase Order or Contract/Agreement.</p> <p>The purchasing decision is to be based upon assessment of the supplier's response to:</p> <ul style="list-style-type: none"> • a brief outline of the specified requirement for the goods; services or works required; and • Value for Money criteria, not necessarily the lowest price.
\$20,001 and up to \$50,000 (inc GST)	<p>At least three (3) written quotations from suitable suppliers. For the purchasing of WALGA Services, a minimum of one (1) written quotation is to be sought and appropriately recorded. Confirmed via Purchase Order or Contract/Agreement.</p> <p>The purchasing decision is to be based upon assessment of the supplier's response to:</p> <ul style="list-style-type: none"> • a brief outline of the specified requirement for the goods; services or works required; and • Value for Money criteria, not necessarily the lowest quote.
\$50,001 and up to \$150,000 (inc GST)	<p>At least three (3) written quotations from suppliers by invitation under a formal Request for Quotation.</p> <p>The purchasing decision is to be based upon assessment of the supplier's response to:</p> <ul style="list-style-type: none"> • a detailed written specification for the goods, services or works required and • pre-determined evaluation criteria that assesses all best and sustainable value considerations. <p>The procurement decision is to be represented using the Evaluation Report template.</p>

<p>Over \$150,000 (inc GST)</p>	<p>Where the Shire has an established Panel of Pre-Qualified Suppliers relevant to the required purchasing category, quotations must be sought from those suppliers only in accordance with the procedures prescribed Section 3.</p> <p>The purchasing decision is to be based upon the suppliers response to:</p> <ul style="list-style-type: none"> • a specification of the goods, services or works (for a tender exempt process including the WALGA Preferred Supplier Arrangement); or a detailed specification for the open tender process; and • pre-determined evaluation criteria that assesses all best and sustainable value considerations. <p>The procurement decision is to be represented using the Evaluation Report template.</p>
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Purchase Threshold (inc GST)	Purchasing Practice Required
<p>Emergency Purchases <i>(Within Budget)</i></p>	<p>Must be approved by the Mayor / President or by the Chief Executive Officer under delegation and reported to the next available Council Meeting.</p>
<p>Emergency Purchases <i>(Not Included in Budget)</i></p>	<p>Only applicable where, authorised in advance by the Mayor / President in accordance with s.6.8 of the <i>Local Government Act 1995</i> and reported to the next available Council Meeting.</p> <p>Where the Shire has an established Panel of Pre-Qualified Suppliers relevant to the required purchasing category, the emergency supply must be obtained from the Panel suppliers.</p> <p>If however, no member of the Panel of Pre-qualified Suppliers or a suitable supplier from WALGA Preferred Supplier Arrangement is available, then the supply may be obtained from any supplier capable of providing the emergency purchasing requirement, and to the extent that it is reasonable in context of the emergency requirements, with due consideration of best and sustainable consideration.</p>
<p>WALGA Services (excluding Preferred Supplier Program)</p>	<p>For the purchasing of WALGA Services, a minimum of one (1) written quotation is to be sought and appropriately recorded. Recording is to be in accordance with the threshold levels outlined above. Confirmed via Purchase Order or Contract/Agreement.</p>

<p>LGIS Services</p>	<p>For the purchasing of LGIS insurance requirements and other LGIS Services that are outside of the mutual scheme, a minimum of one (1) written quotation is to be sought and appropriately recorded. Confirmed via Purchase Order or Contract/Agreement.</p>
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The Chief Executive Officer is authorised to approve purchase orders for the purchasing of goods and services and acquiring or disposing of any property to the value of \$150,000.

Where the minimum Purchasing requirements cannot be met, a file note signed by the Chief Executive Officer needs to be completed, detailing the reasons for not meeting the requirement. This process is to occur prior to the purchase occurring.

1.4.4. Exemptions

An exemption from the requirement to publicly invite tenders may apply when the purchase is:

- obtained from a pre-qualified supplier under the WALGA Preferred Supplier Arrangement or other suppliers that are accessible under another tender exempt arrangement.
- from a pre-qualified supplier under a Panel established by the Shire;
- from a Regional Local Government or another Local Government;
- acquired from an Australian Disability Enterprise and represents Value for Money;
- the purchase is authorised under action by Council under delegated authority;
- within 6 months of no tender being accepted;
- where the contract is for petrol, oil, or other liquid or gas used for internal combustion engines; or
- the purchase is covered by any of the other exclusions under Regulation 11 of the Regulations.

1.4.5. Inviting Tenders Under the Tender Threshold

The Shire may determine to invite Public Tenders, despite the estimated Purchase Value being less than the \$150,000 threshold.

This decision will be made after considering:

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

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

1.4.6. Other Procurement Processes

1.4.6.1 Expressions of Interest

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

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

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

All EOI processes are conducted as a public process and similar rules to a Request for Tender apply. However, the EOI should not seek price information from respondents, seeking qualitative and other non-price information only. All EOI processes should be subsequently followed by a Request for Tender through an invited process of those shortlisted under the EOI.

1.4.6.2 Request for Proposal

As an alternative to a Request for Tender, the Shire may consider conducting a Request for Proposal where the requirements are less known, or less prescriptive and detailed. In this situation, the Request For Proposal would still be conducted under the same rules as for a Request For Tender but would seek responses from the market that are outcomes based or that outline solutions to meet the requirements of the Shire.

1.4.7. Emergency Purchases

An emergency purchase is defined as an unanticipated purchase which is required in response to an emergency situation as provided for in the Act. In such instances, quotes and tenders are not required to be obtained prior to the purchase being undertaken.

Time constraints are not a justification for an emergency purchase. Every effort must be made to anticipate purchases in advance and to allow sufficient time to obtain quotes and tenders, whichever may apply.

1.4.8. Sole Source of Supply

A sole source of supply arrangement may only be approved where the:

- purchasing value is estimated to be over \$5,000; and
- purchasing requirement has been documented in a detailed specification; and
- specification has been extensively market tested and only one potential supplier has been identified as being capable of meeting the specified purchase requirement; and

- market testing process and outcomes of supplier assessments have been documented, inclusive of a rationale for why the supply is determined as unique and cannot be sourced through more than one supplier.

A sole source of supply arrangement will only be approved for a period not exceeding three (3) years. For any continuing purchasing requirement, the approval must be re-assessed before expiry to evidence that a Sole Source of Supply still genuinely exists.

1.4.9. Anti-Avoidance

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

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

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

2. Sustainable Procurement

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

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

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

2.1. LOCAL ECONOMIC BENEFIT

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

- where appropriate, consider buying practices, procedures and specifications that do not unfairly disadvantage local businesses;

- consider indirect benefits that have flow on benefits for local suppliers (i.e. servicing and support);
- ensure that procurement plans address local business capability and local content;
- explore the capability of local businesses to meet requirements and ensure that Requests for Quotation and Tenders are designed to accommodate the capabilities of local businesses;
- avoid bias in the design and specifications for Requests for Quotation and Tenders – all Requests must be structured to encourage local businesses to bid; and
- provide adequate and consistent information to local suppliers.

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

The Shire will also consider adopting KPIs for successful suppliers that encourage the placement of the local workforce.

The Shire has adopted a Regional Price Preference Policy 2.12, which will be applied when undertaking all purchasing activities.

2.2. PURCHASING FROM DISABILITY ENTERPRISES

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

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

2.3. PURCHASING FROM ABORIGINAL BUSINESSES

Pursuant to Part 4 of the Local Government (Functions and General) Regulation 1996, the Shire is not required to publicly invite tenders if the goods and services are to be supplied from a person registered on the Aboriginal Business Directory published by the Small Business Development Corporation on www.abdwa.com.au, where the expected consideration under contract is worth \$250,000 or less. This is contingent on the demonstration of value for money. Where possible, Aboriginal businesses are to be invited to quote for supplying goods and services under the tender threshold. A qualitative weighting may be afforded in the evaluation of quotes and tenders to provide advantages to Aboriginal owned businesses, or businesses that demonstrate a high level of aboriginal employment.

2.4. PURCHASING FROM ENVIRONMENTALLY SUSTAINABLE BUSINESSES

The Shire will support the purchasing of recycled and environmentally sustainable products whenever a value for money assessment demonstrates benefits for the Shire's achievement of its strategic and operational objectives.

A qualitative weighting will be used in the evaluation of quotes and tenders to provide advantages

to suppliers which:

- demonstrate policies and practices that have been implemented by the business as part of its operations;
- generate less waste material by reviewing how supplies, materials and equipment are manufactured, purchased, packaged, delivered, used, and disposed; and
- encourage waste prevention, recycling, market development and use of recycled/recyclable materials.

3. PANELS OF PRE-QUALIFIED SUPPLIERS

3.1. Objectives

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

Part of the consideration of establishing a panel includes:

- there are numerous potential suppliers in the local and regional procurement related market sector(s) that satisfy the test of 'value for money';
- the purchasing activity under the intended Panel is assessed as being of a low to medium risk;
- the Panel will streamline and will improve procurement processes; and
- the Shire has the capability to establish a Panel, and manage the risks and achieve the benefits expected of the proposed Panel through a Contract Management Plan.

3.2. Establishing and Managing a Panel

If the Shire decides that a Panel is to be created, it will establish the panel in accordance with the Regulations.

Panels will be established for one supply requirement, or a number of similar supply requirements under defined categories. This will be undertaken through an invitation procurement process advertised via a state-wide notice.

Panels may be established for a maximum of three (3) years. The length of time of a Local Panel is decided with the approval of the CEO/ Executive Director.

Evaluation criteria will be determined and communicated in the application process by which applications will be assessed and accepted.

In each invitation to apply to become a pre-qualified supplier, the Shire will state the expected number of suppliers it intends to put on the panel.

If a Panel member leaves the Panel, the Shire will consider replacing that organisation with the next ranked supplier that meets/exceeds the requirements in the value for money assessment – subject to that supplier agreeing. The Shire will disclose this approach in the detailed information when establishing the Panel.

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

3.3. DISTRIBUTING WORK AMONGST PANEL MEMBERS

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

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

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

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

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

3.4. PURCHASING FROM THE PANEL

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

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

4. Purchasing Policy Non-Compliance

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

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

Where a breach is substantiated it may be treated as:

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

5. Record Keeping

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

2.8 – Distribution and Display of Promotional and Advertising Material at Council Offices or Buildings

Adoption		
Date	Meeting	Council Decision
20/09/12	OCM	04-0912-10.1.2
Review		
Date	Meeting	Council Decision
22/11/18	OCM	04-1118
19/12/19	OCM	08-1219
25/06/20	OCM	
Delegation		
No.	Title	

PURPOSE

The purpose of this policy is to establish guidelines under which the distribution and display of promotional material at Council offices or buildings is either permitted or not permitted.

POLICY

Subject to the following conditions and upon application, the distribution or display of promotional material at Council offices or Buildings may be permitted where:

- (a) The approval of the Chief Executive Officer or delegated Council Officer has been obtained prior to material being displayed or distributed;
- (b) The material is in the public or Exmouth community's interest
- (c) The material to be displayed or distributed is not:
 - political in nature or purpose
 - discriminatory
 - offensive, derogatory, vexatious or slanderous of individuals or organisations
 - legal in nature
 - an action that would breach a Federal, State or Council Local Laws or Policy
 - the personal opinions of an individual or organisation

In the event of a breach of this policy, the person or individual may be subject to an infringement under relevant Council Local Laws or the *Litter Act 1979*.

2.9 – Disposal of Surplus Council Furniture and Equipment

Adoption		
Date	Meeting	Council Decision
20/09/12	OCM	04-0912-10.1.2
Review		
Date	Meeting	Council Decision
22/11/18	OCM	04-1118
19/12/19	OCM	08-1219
25/06/20	OCM	
Delegation		
No.	Title	

PURPOSE

The purpose of this policy is to establish guidelines under which the disposal of surplus, obsolete or out of date furniture and equipment is permitted.

POLICY

Subject to the limits and exemptions provided under Legislation, the disposal of surplus, obsolete or out of date furniture and equipment owned by the Shire of Exmouth may be permitted on the following basis:

- The approval of the Chief Executive Officer or delegated Council Officer has been obtained prior to material being offered for disposal.
- The furniture and / or equipment (excluding confiscated passenger items) is surplus to Council's requirements (i.e.: cannot be utilised elsewhere in the organisation), is obsolete or is out of date with current standards and equipment.
- Any passenger items confiscated during the security screening process at Learmonth Airport which remains unclaimed after a 3 month waiting period and is surplus to Council's requirements, shall be disposed of through a public sale with any proceeds received transferred to the "Aviation Reserve" Account.
- The furniture and / or equipment is to be offered in the first instance to not-for-profit Exmouth based community, service, sporting or religious groups through Expressions of Interest advertised on the Public Notice Board.

In the event that furniture and / or equipment remains undisposed after being offered to not-for-profit groups, then disposal through a written public "Offer to Purchase Tender" will be made available. The above policy excludes items potentially containing confidential information or items that may be considered dangerous or unsafe due to its condition.

2.10 – Debt Recovery

Adoption		
Date	Meeting	Council Decision
20/09/12	OCM	04-0912-10.1.2
Review		
Date	Meeting	Council Decision
22/11/18	OCM	04-1118
19/12/19	OCM	08-1219
25/06/20	OCM	
Delegation		
No.	Title	

PURPOSE

The purpose of this policy is to establish guidelines that ensure consistency and transparency in the recovery of outstanding debts and to recover outstanding income in a timely manner.

POLICY

To set out the principles and processes for the recovery of outstanding Rates, Charges and Accounts Receivable.

1. Rates and Charges

Initial Recovery Action

Where rates are outstanding for 15 days after the due date of the rates, and no prior written arrangement has been made with authorized Council Officers –

- i. A reminder notice is issued on all properties that have an outstanding balance of \$50 or greater.
- ii. The reminder notice will give the ratepayer fourteen (14) days to either pay the outstanding amount in full or make application for an alternate payment schedule.

Final Notices

A final notice will be issued when:

- i. No payment has been made; or
- ii. Insufficient payment to cover the first instalment has been made; or
- iii. Where there is no current valid instalment option (i.e. persons have not made an application for an alternative payment schedule).

Notice of Intention to Lodge Claim with Magistrate Court

Council will lodge a claim generally no later than 30 days after the final notice has been issued to all owners of property who have failed to make any payment within the financial year and who have not contacted Council Officers to make any special arrangement for payment, or have defaulted on an approved payment option.

Issue of Claims

A claim will be issued for recovery of the total debt including interest and costs associated with the summons. Where it remains outstanding, Council will obtain Judgement and continue the available legal processes including the issue of a Property Seize and Sale Order against Goods if necessary.

Sale of Land for Rate Arrears

Subject to Council approval, where rates remain unpaid for three years or more and no arrangements to pay exists, Council will commence proceedings to sell the property in accordance with section 6.68 of the *Local Government Act 1995*.

Council may also lodge caveat and request payment of outstanding rates by lease.

2. Accounts Receivable

Statements

Statements will be issued 15 days after the end of the month.

Reminder Notices

Reminder Notices will be issued to invoices that are outstanding for 30 days after the date of the invoice.

Final Notices

Final Notices will be issued during a period generally not exceeding 30 days after the due date of a reminder notice for payment of account.

Notice of Intention to Claim

A Notice of Intention to claim will be issued generally no later than 30 days after the final notice to debtors who have failed to make payment and who have not contacted Council Officers to make any special arrangement for payment, or have defaulted on an approved payment option.

Issue of Claim

A claim will be issued for recovery of the total debt including interest and costs associated with the claim. Where it remains outstanding, Council will obtain Judgement and continue the available legal processes including the issue of a Property, Seize and Sale Order against Goods if necessary.

2.11 – Use of Corporate Credit Card

Adoption		
Date	Meeting	Council Decision
10/10/17	OCM	06-1017 – 12.1
Review Details		
Date	Meeting	Council Decision
22/11/18	OCM	04-1118
19/12/19	OCM	08-1219
Delegation		
No.		

PURPOSE

To regulate the use of Shire of Exmouth Corporate Credit Cards held by Council employees.

POLICY

This policy applies to all officers issued with a corporate credit card. It documents the responsibilities attached to the issue and acceptable use of these cards.

General

Credit Cards assist in achieving efficiencies in the purchasing and payment process as:

- They reduce the steps required to process and pay for a purchase.
- Credit Cards are a more flexible payment tool in order to enhance daily purchasing processes and reduce administrative costs.

These advantages result in prompt payment of suppliers, reduction in paperwork, improved cash management and greater convenience.

Authorised Use and Limits

Shire of Exmouth Corporate Credit Cards are to be used only in pursuit of official Council business. Corporate Credit Cards may be issued to the Chief Executive Officer, Executive Manager Development Services, Executive Manager Corporate Services and the Executive Manager Commercial and Community.

The following credit card limits apply:

- Chief Executive Officer \$10,000
- Executive Manager Development Services \$5,000
- Executive Manager Corporate Service’s \$5,000
- Executive Manager Commercial and Community \$5,000

Council must approve the use of a credit card to the Chief Executive Officer, Executive Manager Development Services, Executive Manager Corporate Services and the Executive Manager Commercial and Community and any changes to their credit card limit.

The *Local Government Act 1995* does not allow for the issue of Corporate Credit Cards to Elected Members. There are no provisions within the Act which allow an Elected Member to incur a debt, as would occur with the use of a credit card.

Financial Institution

The Shire's Corporate Credit Cards are to be issued by its financial institution.

Purchasing and use of corporate credit cards

Corporate Credit Cards are only be used for purchasing goods and services on behalf of the Shire which is authorised in the current budget. Cardholders must follow the Shire of Exmouth Purchasing Policy. Personal expenditure is prohibited.

Under no circumstances are Corporate Credit Cards to be used for cash withdrawals.

Where the purchase has been made via facsimile, telephone, or over the internet an invoice or receipt is required in all circumstances and must contain details of the purchase.

For Fringe Benefits Tax purposes, any expenditure for entertainment must include the number of people who were in attendance and the full names of any Shire staff.

Payments

The Financial Provider of the credit card will supply the Shire with a statement of account each month. The statement will be provided by the Accounts Officer to the respective cardholder for certification and the supply of receipts and tax invoices in support of the transactions. All paperwork must be returned to Accounts Officer within 7 days of receiving the statement.

Once the cardholder has returned the statement, it must be signed by the Chief Executive Officer's. An Executive Manager will be required to authorise and sign the Chief Executive Officer's statement. A credit card transaction slip is not acceptable to support the claim.

All invoices/receipts must include the suppliers ABN, amount and whether GST applies, and a brief description of goods and services purchased.

Stolen or lost credit card

In the event that the cardholder loses or misplaces their credit card they will need to report this to the issuing financial institution by telephone. Written notification must also be forwarded to the Finance Manager.

Misuse of Corporate Credit Cards

All holders of corporate credit cards are in a position of trust in regard to the use of public funds and improper use of that trust may render the cardholder liable to disciplinary/ legal action / criminal prosecution. Improper use includes misuse and/or fraudulent use.

Reward/Bonus Points

Where the corporate credit cards carry rewards or bonus points, under no circumstances are rewards or bonus points to be redeemed for an employee's private benefit. These rewards or points will be accumulated in the name of the Shire of Exmouth. The Chief Executive Officer will decide how these points are to be utilised.

LEGISLATION

The use of Corporate Credit Cards is not specifically mentioned in the *Local Government Act 1995*.

However, the impacts of the use and control of corporate credit cards are related to the following sections of the *Local Government Act 1995* –

1. Section 6.5(a) requires the CEO to ensure that there are kept, in accordance with regulations, proper accounts and records of the transactions and affairs of the local government.
2. *Local Government (Financial Management) Regulations 1996* regulation 11(1)(a) requires local governments to develop procedures for the authorisation of, and the payment of, accounts to ensure that there is effective security for, and properly authorised use of cheques, credit cards, computer encryption devices and passwords, purchasing cards and any other devices or methods by which goods, services, money or other benefits may be obtained.

2.12 – Regional Price Preference

Adoption		
Date	Meeting	Council Decision
18/09/14	OCM	060914-11.1.3
Review		
Date	Meeting	Council Decision
22/02/18	OCM	03-0218
22/11/18	OCM	04-1118
19/12/19	OCM	08-1219
25/06/20	OCM	
Delegation		
No.	Title	

PURPOSE

To encourage the use of competitive local businesses in goods, services and works purchased or contracted on behalf of the Shire of Exmouth.

POLICY

1. Policy Statement
 - 1.1 A price preference will apply to quotations of \$5,000 value or greater and all tenders invited by the Shire of Exmouth, for the supply of goods and services and construction services, unless the Council resolves that this policy not apply to a particular quotation or tender.
 - 1.2 The following levels of preference will be applied under this policy:
 - (a) Goods or services up to a maximum price reduction of \$50,000.00:
 - 10% to businesses located within the Prescribed Area.
 - (b) Construction (building) services up to a maximum price reduction of \$50,000.00:
 - 5% to businesses located within the Prescribed Area.
 - (c) Goods or Services, including construction (building) services, up to a maximum price reduction of \$500,000.00, if the Council is seeking tenders for the provision of those goods or services for the first time, due to those goods or services having been, until then, undertaken by the Council:
 - 10% to businesses located within the Prescribed Area.
2. The levels of preference outlined in 1.2 above, will be applied as either a regional business preference or as a regional content preference, as follows:
 - 2.1 Regional Business Preference
 - (a) This preference enables businesses/contractors within local governments in the Prescribed Area to claim a price preference for their whole bid, regardless of the origin of the labour or materials, as all labour and materials are deemed to be regional content.

- (b) The price of the bids from the local businesses/contractors will be reduced (for evaluation purposes only), by the amounts set out in section 1.2 of this policy.

2.2 Regional Content Preference

- (a) This preference provides an incentive for businesses/contractors outside the Prescribed Area to purchase goods, services and construction from within the Prescribed Area. The preference applies to the value of the goods, materials or services purchased from within the Prescribed Area and used in the Shire of Exmouth and are referred to as "Regional Content". The preference percentages are as set out in section 1.2 of this policy.
- (b) Businesses outside the Prescribed Area, who claim that they will use regional businesses (Regional Content) in the delivery of the contract outcomes, may be required, as part of the contract conditions, to demonstrate that they have actually used them.

2.3 Businesses wishing to claim a price preference in Clause 2 must complete a preference questionnaire/response form that is distributed with each quotation of \$5,000.00 value or greater and which is also included in tender documentation. Eligible businesses within the Prescribed Area must clearly state their full business location and postal address.

3. Price is only one factor to be considered when assessing quotations and tender submissions.

4. Definitions

4.1 A "Local Business/Contractor" must meet the following conditions:

- (a) Have a permanent office in the Prescribed Area for at least six months prior to bids being sought;
- (b) Have permanent staff based in the Prescribed Area; and
- (c) That bidding and management/delivery of the majority of the contract outcomes will be carried out from the business location in the Prescribed Area.

4.2 Prescribed Area- the local government area of the Shire of Exmouth (figure 1)



(figure 1: Source Shire of Exmouth Local Planning Strategy)

2.13 – Risk Management Policy

Adoption		
Date	Meeting	Council Decision
18/09/14	OCM	07-0914-11.1.4
Review		
Date	Meeting	Council Decision
22/11/18	OCM	04-1118
19/12/19	OCM	08-1219
25/06/20	OCM	
Delegation		
No.	Title	

PURPOSE

This policy provides documented evidence of Council's commitment to appropriate and effective risk management, internal controls and legislative compliance and their importance to the organisation.

The Shire of Exmouth's ('Shire') intention is to identify potential risks before they occur so that impacts can be minimised or opportunities realised; ensuring that the Shire achieves its strategic and corporate objectives efficiently, effectively and within good corporate governance principles.

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

The Shire is committed to ensuring integrity and ethics are of great importance for all elected members and staff whilst fulfilling their obligations to ensure compliance with all legislation applying to local government.

POLICY STATEMENT

It is the Shire's Policy to achieve best practice (aligned with AS/NZS ISO 31000:2018 Risk management), in the management of all risks that may affect the Shire in meeting its objectives.

Risk management, internal control and legislative compliance will form part of the Strategic, Operational, and Project responsibilities and be incorporated within the Shire's Integrated Planning Framework.

This Policy applies to Council and Elected Members, Committees and Committee Members, Executive Management, all employees and contractors involved in any Shire operations.

The Council is responsible for mandating that a strong risk management framework be implemented to ensure Council objectives are achieved efficiently and effectively and that good governance is present in the organisation. The Chief Executive Officer is responsible for developing and maintaining a risk management framework and will report regularly to the Audit Committee and Council on the review and improvement to Council's risk management framework.

All employees are accountable for documenting and implementing systems, controls, processes and procedures in their own area of responsibility and will play a part in internal control in differing degrees.

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

POLICY DETAILS

The following points provide detail on the objective specifics:

1. Aligns with and assist the implementation of all Shire policies.
2. Optimises the achievement of the Shire's vision, mission, strategies, goals and objectives.
3. Provides transparent and formal oversight of the risk and control environment enabling effective decision making.
4. Enhances risk versus return within the Shire's risk appetite.
5. Embeds appropriate and effective controls to mitigate risk.
6. Achieves effective corporate governance and adherence to relevant statutory, regulatory and compliance obligations.
7. Enhances organisational resilience.
8. Identifies and provides for the continuity of critical operations.
9. To implement a risk-based approach to addressing and reducing the risk of loss caused by fraud, error or misstatement.
10. To protect the Shire's assets – people, property, reputation, financial sustainability and information.
11. Continually audit, identify system gaps and improve internal controls maintained.
12. To ensure propriety of transactions, information integrity, compliance with regulations and achievement of Council objectives.
13. Develop and maintain a system for identifying the legislation that applies to the Shire's activities.
14. Assign responsibilities for ensuring that legislation and regulatory obligations are fully addressed.
15. Provide training for relevant staff, Councillors, volunteers and other relevant people regarding the legislative requirements that affect them.
16. Provide people with the resources to identify and remain up-to-date with new legislation.
17. Ensure audits are conducted to guarantee compliance.
18. Establish mechanisms for reporting non-compliance.
19. Review accidents, incidents and other situations where there may have been non-

compliance.

20. Review audit reports, incident reports, complaints and other information to assess how the systems of compliance can be improved.

Informing Council of Legislative Changes

If appropriate, the Chief Executive Officer will, on receipt of advice of legislative amendments, advise the Council on new or amended legislation.

The Shire's format for all reports to Council meetings provides that all reports have headings "Statutory Environment" and "Policy Implications" which shall detail the current sections of any Act, Regulation or other legislation and any current Policy that is relevant to the report before Council.

Review of Incidents and Complaints of non-compliance

The Shire shall review all incidents and complaints of non-compliance in accordance with Council Complaints Handling procedures, the Shire Code of Conduct and where applicable the Shire Public Interest Disclosure Procedure.

Such reviews will assess compliance with legislation, standards, policies and procedures that are applicable.

Reporting of Non-compliance

All instances of non-compliance shall be reported immediately to the relevant Supervisor/Manager/Executive Manager. The Supervisor/Manager/Executive Manager shall determine the appropriate response and, if necessary, report the matter to the Chief Executive Officer.

The Chief Executive Officer may investigate any reports of significant non-compliance and if necessary report the non-compliance to the Council and/or the Department of Local Government and Communities.

The Chief Executive Officer will then take the necessary steps to improve compliance systems.

KEY POLICY DEFINITION

Risk: Effect of uncertainty on objectives.

Note 1: An effect is a deviation from the expected – positive or negative.

Note 2: Objectives can have different aspects (such as financial, health and safety and environmental goals) and can apply at different levels (such as strategic, organisation-wide, project, product or process).

Risk Management: Coordinated activities to direct and control an organisation with regard to risk.

Risk Management Process: Systematic application of management policies, procedures and practices to the activities of communicating, consulting, establishing the context, and identifying, analysing, evaluating, treating, monitoring and reviewing risk.

RISK ACCEPTANCE (APPENDIX A)

The Shire quantified its risk acceptance criteria through the development and endorsement of the Shire's Risk Assessment and Acceptance Criteria. The criteria is included within the Risk Management Framework and is subject to ongoing review in conjunction with this policy.

All organisational risks to be reported at a corporate level are to be assessed according to the Shire's Risk Assessment and Acceptance Criteria to allow consistency and informed decision making. For operational requirements such as projects or to satisfy external stakeholder requirements, alternative risk assessment criteria may be utilised, however these cannot exceed the organisation's risk acceptance criteria and are to be noted within the individual risk assessment.

ROLES & RESPONSIBILITIES

The Chief Executive Officer is responsible for the:

- Implementation of this Policy.
- Measurement and reporting on the performance of risk management.
- Review and improvement of this Policy and the Shire's Risk Management Framework least annually or in response to a material event or change in circumstances.

The Shire's Risk Management Framework outlines in detail all roles and responsibilities associated with managing risks within the Shire.

Councillors and Committee Members

- Councillors and Committee Members have a responsibility to be aware of and abide by legislation applicable to their role.

Senior Management

- Senior Management should ensure that directions relating to compliance are clear and unequivocal and that legal requirements which apply to each activity for which they are responsible are identified. Senior Management should have systems in place to ensure that all staff are given the opportunity to be kept fully informed, briefed and/or undertake training about key legal requirements relative to their work within the Shire's financial capacity to do so.

Employees

- Employees have a duty to seek information regarding legislative requirements applicable to their area of work and to comply with legislation.
- Employees shall report through their supervisors to Senior Management any areas of non-compliance that they become aware of.

WORKPLACE INFORMATION

AS/NZS 31000:2018 Risk management

Department of Local Government, Sport and Cultural Industries Risk Management Resources
Shire Risk Management Framework

Appendix A – Risk Assessment and Acceptance Criteria

Measures of Consequence							
Rating (Level)	Health	Financial Impact	Service Interruption	Compliance	Reputational	Property	Environment
Insignificant (1)	Nil or negligible injuries	Less than \$1,000	No material service interruption	No noticeable regulatory or statutory impact	Unsubstantiated, low impact / profile. No or few complaints.	Inconsequential or no damage.	Contained, reversible impact managed by on site response
Minor (2)	First aid injuries. No lost work time.	\$1,000 - \$10,000	Short term temporary interruption – backlog cleared < 1 day	Some temporary non compliances	Substantiated, low impact / news item. Few Complaints.	Localised damage rectified by routine internal procedures	Contained, reversible impact managed by internal response
Moderate (3)	Medical type injuries. Lost Time Injury < 1 week.	\$10,001 - \$100,000	Medium term temporary interruption – backlog cleared by additional resources < 1 week	Short term non-compliance but with significant regulatory requirements imposed	Substantiated, public embarrassment, moderate impact. Widespread local complaints.	Localised damage requiring external resources to rectify	Contained, reversible impact managed by external agencies
Major (4)	Medical type injuries. Lost Time Injury > 1 week.	\$100,001 - \$1,000,000	Prolonged interruption of services – additional resources; performance affected < 1 month	Non-compliance results in termination of services or imposed penalties	Substantiated, public embarrassment, high impact, & third party actions. Regional media coverage.	Significant damage requiring internal & external resources to rectify	Uncontained, reversible impact managed by a coordinated response from external agencies
Catastrophic (5)	Fatality, permanent disability	More than \$1,000,000	Indeterminate prolonged interruption of services – non-performance > 1 month	Non-compliance results in litigation, criminal charges or significant damages or penalties	Substantiated, public embarrassment, very high multiple impacts, & third party actions. State &/or National media coverage.	Extensive damage requiring prolonged period of restitution Complete loss of plant, equipment & building	Uncontained, irreversible impact

Rating	Level	Description	Frequency
Almost Certain	5	The event is expected to occur in most circumstances.	More than once per year
Likely	4	The event will probably occur in most circumstances.	At least once per year.
Possible	3	The event should occur at some time.	At least once in 3 years.
Unlikely	2	The event could occur at some time.	At least once in 10 years
Rare	1	The event may only occur in exceptional circumstances.	Less than once in 15 years.

Risk Matrix					
Consequence Likelihood	Insignificant	Minor	Moderate	Major	Catastrophic
Almost Certain	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
Unlikely	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

Risk Acceptance			
Risk Rank	Descriptio	Criteria	Responsibility
LOW	Acceptable	Risk acceptable with adequate controls, managed by routine procedures and subject to annual monitoring	Operational Manager
MODERATE	Monitor	Risk acceptable with adequate controls, managed by specific procedures and subject to semi-annual monitoring	Operational Manager
HIGH	Urgent Attention	Risk acceptable with effective controls, managed by senior management / executive and subject to monthly monitoring	Exec Managers/ CEO
EXTREME	Unacceptable	Risk only acceptable with effective controls and all treatment plans to be explored and implemented where possible, managed by highest level of authority and subject to continuous monitoring	CEO / Council

Risk Acceptance Criteria			
Risk Rank	Description	Criteria	Responsibility
LOW	Acceptable	Risk acceptable with adequate controls, managed by routine procedures and subject to annual monitoring	Operational Manager
MODERATE	Monitor	Risk acceptable with adequate controls, managed by specific procedures and subject to semi-annual monitoring	Operational Manager
HIGH	Urgent Attention Required	Risk acceptable with effective controls, managed by senior management / executive and subject to monthly monitoring	Exec Managers/ CEO
EXTREME	Unacceptable	Risk only acceptable with effective controls and all treatment plans to be explored and implemented where possible, managed by highest level of authority and subject to continuous monitoring	CEO / Council

Existing Controls Ratings			
Rating	Foreseeable	Description	
Effective	There is <u>little</u> scope for improvement.	Documentation	Processes (Controls) operating as intended and aligned to Policies / Procedures.
		Operating Effectiveness	Subject to ongoing monitoring.
		Design Effectiveness	Reviewed and tested regularly.
Adequate	There is <u>some</u> scope for improvement.	Documentation	Processes (Controls) generally operating as intended, however inadequacies exist.
		Operating Effectiveness	Nil or limited monitoring.
		Design Effectiveness	Reviewed and tested, but not regularly.
Inadequate	There is a <u>need</u> for improvement or action.	Documentation	Processes (Controls) not operating as intended.
		Operating Effectiveness	Processes (Controls) do not exist, or are not being complied with.
		Design Effectiveness	Have not been reviewed or tested for some time

2.14 – Asset Management Policy

Adoption		
Date	Meeting	Council Decision
18/09/14	OCM	07-0914-11.1.4
Review		
Date	Meeting	Council Decision
22/11/18	OCM	04-1118
19/12/19	OCM	08-1219
25/06/20	OCM	
Delegation		
No.	Title	

PURPOSE

The purpose of this policy is to ensure adequate provision is made for the long-term replacement of major assets by:

- Ensuring that assets service the community for current and future generations;
- Ensure that assets provide a level of service and risk the community is willing to support;
- Ensure the sustainable management of assets;
- Allow informed decision making, incorporating life cycle costing principles.

POLICY

This policy applies to all Council infrastructure assets including:

- Road and street network, including pathways
- Flood protection and storm water systems
- Parks and recreation facilities
- Solid waste facilities
- Community facilities and civic buildings
- Associated asset groups to be managed also include plant and equipment, it equipment and vehicles

Council is committed to ensuring that Asset Management is recognised as a major corporate function within Council. Asset Management will form part of the Council’s day-to-day business practices and will be used to make informed decisions in relation to service delivery when it comes to considering the need to acquire new assets, renew existing assets, and upgrade existing assets or disposal of assets.

Adopting Asset Management principles will assist the Council in achieving its Strategic Plan and Long Term Financial objectives. A strategic approach to Asset Management will ensure that Council delivers the highest appropriate level of service through its assets. This will provide a positive impact on members of the public and staff, Councils financial position, the ability of Council to deliver the expected level of service and infrastructure.

A consistent Asset Management Plan must exist for implementing systematic asset management and appropriate asset management best-practice throughout all areas of the Council. Systematic reviews will be applied to all asset classes and are to ensure that the assets are managed, valued and

depreciated in accordance with appropriate best practice and applicable Australian Standards.

An inspection regime will be used as part of Asset Management to ensure agreed service levels are maintained and to identify asset renewal priorities. Asset renewals required to meet agreed service levels and identified in Asset Management Plan and Long Term Financial Plan will be fully funded in an annual budget.

The Shire will adhere to the following core principles in planning and decision making relating to the selection, creation/acquisition operation, maintenance and renewal/disposal of all infrastructure assets.

- Service delivery drives asset management practices and decisions
- Asset planning and management has a direct link with the Councils corporate and business plan including the Long Term Financial plan.
- Application of Renewal or Upgrade for assets is appropriate
- As a principle, asset depreciation is to be used to fund renewal and/or rehabilitation of assets
- Use of a Capital works priority evaluation process for new projects. A business case will be prepared as part of the initial formulation of capital works proposals over a nominated threshold.
- New or upgrade projects funded by grants are to include full lifecycle (whole of life costs) as part of project evaluation
- Assess opportunities for rationalization and multiple use
- Asset management plans are to be developed for the Shire's assets and will be informed by community needs

Asset management requires a whole of organisation approach and involves the participation of and is the responsibility of the Council, Executive and Council staff.

Administration will implement procedures that ensure the asset database is maintained and updated and provide required reports to Council to meet their statutory responsibilities.

2.15 – Information Management – IT Systems Security

Adoption		
Date	Meeting	Council Decision
18/09/14	OCM	07-0914-11.1.4
Review		
Date	Meeting	Council Decision
22/11/18	OCM	04-1118
19/12/19	OCM	08-1219
25/06/20	OCM	
Delegation		
No.	Title	

PURPOSE

This policy provides guidelines for the protection and use of information technology assets and resources within the Shire to ensure integrity, confidentiality and availability of data and assets.

This policy applies to all staff, elected members, contractors and others that are granted system access.

Physical Security

For all servers, mainframes and other network assets, the area must be secured with adequate ventilation and appropriate access through secure locked door with approved access.

It will be the responsibility of Executive Manager Corporate Services to ensure that this requirement is followed at all times. Any employee becoming aware of a breach to this security requirement is obliged to notify Executive Manager Corporate Services immediately.

All security and safety of all portable technology, such as laptop, notepads, iPad etc. will be the responsibility of the employee who has been issued with a laptop, notepads, iPads, mobile phones. Each employee is required to use locks or passwords, and to ensure the asset is kept safely at all times to protect the security of the asset issued to them.

In the event of loss or damage, Executive Manger Corporate Services will assess the security measures undertaken to determine if the employee will be required to reimburse the business for the loss or damage.

All portable digital assets, such as laptop, notepads, iPads when kept at the office desk is to be secured by relevant security measure, such as keypad, lock provided by relevant staff member.

Information Security

All significant records of the Shire that has administrative, fiscal, legal evidential historic or legal value and includes records that relate to Shire business is to be backed-up.

It is the responsibility of Executive Manager Corporate Services to ensure that data back-ups are conducted daily for Server back up and weekly tape back-ups and the backed-up data is as follows:

Daily server backups

- On a NAS located with the servers at Ningaloo
- On a NAS located in Depot Office
- IT Provider off site

Weekly and monthly tape backups

- At Ningaloo Centre Communications Room.
 - Monthly tapes offsite at Old Admin Building

Email Archives

- On 2 drives located with Senior Information Communications and Technology Officer (Senior ITC Officer)
-

Technology Access

Employees and contractors are required to adhere to the Shire of Exmouth's conditions outlined in the Conditions of Computer Use Agreement provided by the Senior ICT Officer and Human Resources.

The Shire of Exmouth provides ongoing information security awareness to all employees and contractors to ensure responsibility and understanding of this policy.

All technology that has internet access must have anti-virus software installed. It is the responsibility of Executive Manager Corporate Services to ensure anti-virus software is installed up to date on all technology used by the business.

All information used within the business is to adhere to the privacy laws and the business's confidentiality requirements.

Senior ICT Officer is responsible for the issuing of initial password for all employees. Every employee will be issued with a temporary password to access the business technology and will be required to set a password for access which would need to be set at first login.

Where an employee forgets the password or is 'locked out' after three attempts, then contact Senior ICT Officer or IT Support Service Provider to initiate new password.

Password Set-Up

Maximum password age = **90** days (System will force password change after 90 days)

Password history = **12** remembered (people cannot use the last 4 passwords)

A password must meet the following conditions. These cannot be changed.

- Not contain the user's account name or parts of the user's full name that exceed two consecutive characters
- Be at least seven characters in length
- Contain characters from three of the following four categories:
 1. English uppercase characters (A through Z)
 2. English lowercase characters (a through z)
 3. Base 10 digits (0 through 9)
 4. Non-alphabetic characters (for example, !, \$, #, %)
- Complexity requirements are enforced when passwords are changed or created.

Staff are not to allow the use of their password to other staff members or external parties to ensure privacy of data is maintained.

Remote access to Shire corporate systems is approved for Executive & Managers approval at other levels is to be supported by relevant Executive Manager and approved by Chief Executive Officer.

All Councillors and Staff who have access to Council data, must have a password to secure the data at all times.

2.16 – Record Management Policy

Adoption		
Date	Meeting	Council Decision
28/02/19	OCM	
Review		
Date	Meeting	Council Decision
19/12/19	OCM	08-1219
25/06/20	OCM	
Delegation		
No.	Title	

PURPOSE

The purpose of this policy is to define the principles of the Shires Record keeping functions and the roles and responsibilities of those individuals who manage or perform record keeping processes on behalf of the Shire.

All records received or compiled remain the property of the Shire of Exmouth.

POLICY

This Policy is the framework for reliable and systematic management of the Shire’s records in accordance with legislative requirements and best practice standards.

This Policy applies to all Shire of Exmouth Employees, Elected Members and Contractors.

Roles and Responsibilities

Chief Executive Officer (CEO)

In accordance with section 5.41(h) of the *Local Government Act 1995* the CEO is to ensure that records and documents of the local government are properly kept for the purposes of this Act and any other written law.

Elected Members

Elected Members must create and keep records of communications or transactions relating to their role as Councillors, which convey information relating to the Shire’s business or functions.

Managers

All Managers are to ensure that the Record Keeping Policy and procedures are known and adhered to in their area of responsibility. They are also to ensure that all new staff are inducted as to their records keeping responsibilities.

All Staff

All staff (including contractors) are to create, collect and retain records relating to business activities they perform. They are to:

- Identify significant and ephemeral records ensuring the significant records are captured in to the ERMS and that all records are handled in a manner compliant with legislation and the Shire's Record Keeping Plan, policy and procedures.
- Ensure that only authorised disposal of records occur in accordance with the GDALG.

Record Officers

Designated Records Officers are responsible for maintaining thesaurus, file securities, disposal/retention with ERMS whilst ensuring that all records are handled in a manner compliant with legislation and the Shire of Exmouth's Record Keeping Plan, policy and procedures.

Creation and Capture of Records

All Staff and contractors will create full and accurate records, in the appropriate format, in accordance with legislation and the Shire of Exmouth's business decisions and Record Keeping Plan to meet all legislative business, administrative, financial, evidential and historical requirements.

All records created and received in the course of the Shire's business are to be captured at the point of creation, regardless of format, with in the required metadata, into the appropriate recordkeeping and business systems that are managed in accordance with sound recordkeeping principles.

Security and Protection of Records

All records are to be categorised as to their level of sensitivity and adequately secured and protected from violation, unauthorised access and destruction, and kept in accordance with necessary retrieval, preservation and storage requirements.

Access to Records

Access to Shire of Exmouth records by staff and contractors will be in accordance with designated access and security classification. General public access to the Shire's records will be in accordance with the Freedom of Information Act 1992 and other relevant legislation and policies. Elected Members may have access to Shire records via the Chief Executive Officer in accordance with the *Local Government Act 1995*.

Appraisal, Retention and Disposal of Records

All records kept by the Shire of Exmouth will be retained and disposed of in accordance with the General Disposal Authority for Local Government Records (GDALG), produced by the State Records Office of Western Australia.

State Archives awaiting Transfer

As part of the regular retention and disposal exercise, the Shire of Exmouth will identify all hardcopy electronic State archives to transfer. Where the Director of State Records is unable to accept the transfers of State Archives the records will be held in safe keeping by the Shire of Exmouth.

Storage of Records

Confidential personnel and payroll records are kept locked in the Human Resource and Payroll Offices.

Vital Records including but not limited to, Rates Books, Leases and Agreements, Minutes and other significant or permanent records are kept in fire resistant walk in Archive Room.

Non-Current (audited) financial records are stored in the Archive Room located off site awaiting disposal in accordance with the GDALG.

Legislation

- *State Records Act 2000*
- *Freedom of Information Act 1992*
- *Evidence Act 1906*
- *Local Government Act 1995*
- *Electronic Transactions Act 2011*
- *Limitation Act 1935*

DEFINITIONS

ERMS	Electronic Records Management System (ERMS) is the Central Records Module within the Synergy Soft Central Records program.
Ephemeral Records	Ephemeral records are records that have no continuing value to the Shire of Exmouth with no administrative, fiscal, legal, evidential or historical value. They may include duplicate copies, messages, promotional material or information material produced by other organisations.
Record	A record or significant record may be recorded information (in any form) created or received and maintained by the Shire or person in the transaction of business and kept as evidence of such activity.
Vital Record	Are records essential to the continued functioning or reconstitution of the Shire of Exmouth during and after an emergency.
General Disposal Authority	The General Disposal Authority for Local Government Records (GLALG) is a management tool for identifying and determining the retention and disposal of records.

2.17 – Related Party Disclosures

Adoption		
Date	Meeting	Council Decision
27/06/19	OCM	07 -0619
Review		
Date	Meeting	Council Decision
19/12/19	OCM	08-1219
25/06/20	OCM	
Delegation		
No.	Title	

PURPOSE

The purpose of this policy is to define the parameters for Related Party Relationships and the level of disclosure and reporting required for the Shire to achieve compliance with the Australian Accounting Standard AASB 124 – Related Party Disclosures

POLICY

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. The Shire is now required to disclose Related Party Relationships and Key Management Personnel compensation in its Annual Financial Statements.

This Policy provides guidance on:

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

And addresses the four (4) different types of related party that must be considered by the Shire:

1. Entities related to the Shire;
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.

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 the Shire.

*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 the Shire

This includes any entity that is either controlled, jointly controlled or over which the Shire has a significant influence. A person or entity is a Related Party of the Shire 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 the Shire is part of;
- they and the Shire are joint ventures of the same third party;
- they are part of a joint venture of a third party and the Shire is an associate of the third party;
- they are a post-employment benefit plan for the benefit of employees of either the Shire or an entity related to the Shire;
- 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 the Shire; or
- they, or any member of a group of which they are a part, provide KMP services to the Shire.

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 Exmouth are:

- Elected Members; and
- persons employed under s5.36 of the *Local Government Act 1995* in the capacity of Chief Executive Officer or Director.

DEFINITIONS

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 Exmouth 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.

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 Exmouth.

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 Exmouth and a related party, regardless of whether a price is charged.

Significant (significance)

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

POLICY DETAILS

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 the Shire. 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 the Shire and KMP and/or related parties which satisfy the following criteria. The transaction must:

- occur during the normal course of the Shire 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 the Shire.

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 the Shire 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 of sales or 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 the Shire or by the Shire on behalf of the related party.

3. **Disclosure of Information**

3.1 Shire disclosure

AASB 124 provides that the Shire 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 once yearly, between 15th June – 30th June.

4. Review of Related Parties

A review of KMP's and their related parties will be reviewed annually. Particular events, such as a change of Elected Members, Chief Executive Officer or Executive Managers or a corporate restructure will also trigger a review of the Shire'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 for each financial year. Identification and reporting methods shall consider:

- transactions occurring via the Shire's accounting and electronic records management systems;
- other transactions not passing through the Shire'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 the Shire (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.

COMPLIANCE REQUIREMENTS

Legislation

- *Local Government Act 1995*
- *Australian Accounting Standards*
- *Local Government (Financial Management) Regulations 1996*

Industry

- AASB 124 Related Party Disclosures
- AASB 10 Consolidated Financial Statement
- AASB 11 Joint Arrangements
- AASB 128 Investments in Associates and Joint Ventures

Organisational

- Shire of Exmouth Code of Conduct



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 Council Policy Related Party Disclosures which details the purpose for which this information will be used.			
Signature		Date	

2.18 – Financial Hardship Policy - COVID-19

Adoption		
Date	Meeting	Council Decision
23/04/20	SCM	02-0420
Review		
Date	Meeting	Council Decision
25/06/20	OCM	
Delegation		
No.	Title	
CS008	Agreement as to Payment of Rates and Service Charges	
CS009	Recovery of Rates or Service Charges	

PURPOSE

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

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

POLICY SCOPE

This policy applies to:

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

It is a reasonable community expectation, as we deal with the effects of the pandemic that those with the capacity to pay rates will continue to do so. For this reason, the Policy is not intended to provide rate relief to ratepayers who are not able to evidence financial hardship and the statutory provisions of the *Local Government Act 1995* and *Local Government (Financial Management) Regulations 1996* will apply.

DESCRIPTION

1. Payment difficulties, hardship and vulnerability*

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

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

*¹ Adapted from the Ombudsman Western Australia publication, **Local government collection of overdue rates for people in situations of vulnerability: Good Practice Guidance:** <http://www.ombudsman.wa.gov.au/>

2. Anticipated Financial Hardship due to COVID-19

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

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

3. Financial Hardship Criteria

While evidence of hardship will be required, we recognise that not all circumstances are alike. We will take a flexible approach to a range of individual circumstances including, but not limited to, the following situations:

- Recent unemployment or under-employment
- Sickness or recovery from sickness
- Low income or loss of income
- Unanticipated circumstances such as caring for and supporting extended family

Ratepayers are encouraged to provide any further information about their individual circumstances that may be relevant for assessment. This may include demonstrating a capacity to make some payment and where possible, entering into a payment proposal.

We will consider all circumstances, applying the principles of fairness, integrity and confidentiality whilst complying our statutory responsibilities.

4. Payment Arrangements

Payment arrangements facilitated in accordance with Section 6.49 of the Act are of an agreed frequency and amount. These arrangements will consider the following:

- That a ratepayer has made genuine effort to meet rate and service charge obligations in the past;
- The payment arrangement will establish a known end date that is realistic and achievable;
- The ratepayer will be responsible for informing the Shire of Exmouth of any change in circumstance that jeopardises the agreed payment schedule.

In the case of severe financial hardship, we reserve the right to consider waiving additional charges or interest.

5. Interest Charges

A ratepayer that meets the Financial Hardship Criteria and enters into a payment arrangement will not incur an interest charge for as long as payments are made in accordance with the agreed payment plan.

6. Deferment of Rates

Deferment of rates may apply for ratepayers who have a Pensioner Card, State Concession Card or Seniors Card and Commonwealth Seniors Health Care Card registered on their property. The deferred rates balance:

- remains as a debt on the property until paid;
- becomes payable in full upon the passing of the pensioner or if the property is sold or if the pensioner ceases to reside in the property;
- may be paid at any time, BUT the concession will not apply when the rates debt is subsequently paid (deferral forfeits the right to any concession entitlement); and
- does not incur penalty interest charges.

7. Debt Recovery

We will suspend our debt recovery processes whilst negotiating a suitable payment arrangement with a debtor. Where a debtor is unable to make payments in accordance with the agreed payment plan and the debtor advises us and makes an alternative plan before defaulting on the 3rd due payment, then we will continue to suspend debt recovery processes.

Where a ratepayer has not reasonably adhered to the agreed payment plan, then for any Rates and Service Charge debts that remain outstanding on 1 July 2021, we will offer the ratepayer one further opportunity of adhering to a payment plan that will clear the total debt by the end of the 2021/2022 financial year.

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

8. Review

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

All applications are to be reviewed and approved by the Chief Executive Officer.

9. Communication and Confidentially

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

We will advise ratepayers of this policy and its application, when communicating in any format (i.e. verbal or written) with a ratepayer that has an outstanding rates or service charge debt.

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

COMMERCIAL AND COMMUNITY SERVICES

4.1 - Sponsorship Policy

Adoption		
Date	Meeting	Council Decision
20/09/12	OCM	04-0912-10.1.2
Review		
Date	Meeting	Council Decision
27/09/18	OCM	05-0918
22/11/18	OCM	04-1118
02/09/19	OCM	03-0419
25/06/20	OCM	
Delegation		
No.	Title	

PURPOSE

The purpose of the Sponsorship Policy is to establish principles for sponsorship agreements entered into between the Shire of Exmouth and other parties. The policy also provides guidelines for how the Shire will seek sponsorship and the handling of requests for donations and waiver of Shire fees and charges.

Sponsorship is the contribution of financial and/or “in kind” support that the Shire of Exmouth receives or provides for the purpose of partnering in the provision of community infrastructure, a service or program, event or activity that may contribute to the economic, social, sporting, environmental or cultural development of the Shire.

Sponsorships are undertaken or entered into, in order to help achieve business or community objectives.

POLICY

Council acknowledges that sponsorship can provide significant benefits to the Shire of Exmouth and the community, and will consider sponsorship opportunities under three streams depending on the nature of the request and where the greatest benefits are to be achieved; economic, community or donations.

1. Economic; events that attract majority participation and visitation from outside of the region, that reinforce the Exmouth and Ningaloo brands, and generate economic benefits by injecting new money into the local economy. Events must be held in low and shoulder visitor periods to encourage new visitation.
2. Community; community events that are organised by local community groups and are designed to attract a local audience, create local vibrancy, and in many cases raise funds or awareness for local organisations ongoing sustainability.
3. Donations; in some instances the Shire will receive requests from community groups for donation of money, gifts or other forms of contribution where no clear benefit can be measured.

Economic; where the benefits are assessed as primarily economic in nature the following principles apply:

- Council invites sponsorship proposals for significant events staged within the Shire of Exmouth boundary under its **“Major Events Sponsorship Program”** (MESP) up to the value of \$5,000 per event each year.
- The MESP is an annual funding program where eligible applicants can apply for sponsorship support for the delivery of major events that have the potential to deliver significant economic outcomes to Exmouth.
- The MESP is designed to grow visitation in shoulder and low visitor periods. Eligible events must be held outside of “Peak Visitor Periods” as defined in this policy.
- The MESP is designed to encourage the attraction and delivery of major events that inject increased expenditure into the region.
- Applicants for MESP must demonstrate (explain) how their event has the potential to deliver significant economic outcomes to the Shire of Exmouth.
- A sponsorship agreement outlining the full terms and conditions of the agreement will be recorded in writing and signed by both parties.
- Established or proven events can apply for multi-year support up to 3 years.
- All sponsorship arrangements will be described in the annual report in a manner commensurate with the significance of the sponsorship.
- Applicants to refer to the Major Events Sponsorship Program guidelines.

Community; where the benefits are assessed as primarily for local community groups the following principles apply:

- Council invites sponsorship proposals for selected Shire of Exmouth projects, events, services or activities under its **“Community & Sporting Grants Program”** up to the value of \$1,500 per event.
- The “Community & Sporting Grants Program” (CSGP) is an annual funding program where eligible applicants can apply for grants to deliver non-core events and programs that achieve community and sporting outcomes.
- Local groups may apply for up to two events per funding round.
- The CSGP is designed to assist local community and sporting groups to deliver non-core business activities.
- Applicants to refer to the Community & Sporting Grants Program guidelines.
- Community and Sporting Groups wishing to access funds to undertake capital works should enquire with the Manager Community, Sport and Recreation for Shire and other third party grant opportunities including accessing the Shire Community Interest Free Loans Reserve under Shire Policy 2.2 *“Interest free loans to clubs and organisations”*.

Donations; where the benefits are assessed as primarily for local community groups and individuals the following principles apply:

- Requests for donations will only be considered by the Shire President or via delegated authority to the Chief Executive Officer.
- If a formal request for donations is received (must be in writing on proponent letterhead) these are to be directed to the Shire President for consideration and response.
- A maximum of up to \$500 formal request per annum from each entity is allowed.
- Activities asking to be supported should be non-core business in nature.

General Principles; these apply to the three streams of support.

- No fee waivers for use of the Shire facilities and services including Ningaloo Centre meeting venues will be considered.
- Where an overwhelming community or economic benefit can be demonstrated, the Chief Executive Officer can exercise discretion by waiving one or more eligibility criteria as outlined in the grant guidelines.
- Proponents requesting fee waivers for the use of Council buildings and venues should be encouraged to seek other third party funding to cover these costs and/or consider use of other venues.
- Any request for waiver of a Shire fee or charge must be part of a request for sponsorship proposal that clearly outlines the benefits to the Shire and how the project meets Council strategic objectives.
- Applicants may only apply for one of the three funding streams per event or activity.
- Funding benefits or sponsorship do not include implied endorsement by Council of the recipient's goods or services or use of Council's logo to promote their products.
- Sponsorship arrangement that impose or imply conditions that limit the Council's ability to carry out its functions fully and impartially will not be agreed to.
- The Shire of Exmouth Council reserves the right to withdraw funding with an external party when they are considered to have not complied with the spirit of this policy and/or a written agreement entered into as a sponsor or funding arrangement.
- The sponsorship or funding is complementary to Council's vision, values, policies and strategies.
- The Shire reserves the right to withhold some or all of funding payments until a post event report is submitted by the successful applicant.
- There should not be any real or perceived conflict between the objectives and mission of the recipient and Council.
- Ensure funding received by the Shire supports the aims of the other Shire of Exmouth policies and does not promote:
 - the excessive consumption of fast food;
 - the use of tobacco products;
 - gambling; or
 - irresponsible drinking.
- The Shire of Exmouth Council will not enter into sponsorship with external bodies who:
 - Are involved in unlawful activities;
 - Do not share Council's views on promoting a diverse, tolerant and inclusive community;
 - Are political parties and/or promote political agendas;
 - Are considered to be an unsuitable partner by Council for reasons it sees fit to apply in the context of this policy;
 - Offer programs that may present a hazard to the community;
 - Offer programs that do not reflect widely held community views; and
 - Contravene State and Commonwealth legislation, local laws.

Legislative and Strategic Context

- *Local Government Act 1995*

Definitions

Major Event; events of regional, state, national and international interest, that are important to the Exmouth and Ningaloo destination brands, generate economic and social benefits. Can be one off or



regular in frequency, ultimately the primary focus as major economic drivers and brand enhancers, Shire may or may not be involved in event delivery beyond financial support and marketing.

Community Event; events that are organised by local community groups and are designed to attract a local audience and in many cases raise funds or awareness for local organisations ongoing sustainability.

Peak Visitor Periods; when visitor numbers to Exmouth are already likely to reach the maximum capacity of the commercial short stay operators and defined as the Easter holidays (Good Friday to Easter Monday), April and July school holiday periods each year.

4.2 – Community Sports & Recreation Facilities Funding (CSRFF) Small Grant Policy

Adoption		
Date	Meeting	Council Decision
28/02/19	OCM	09-0219
Review		
Date	Meeting	Council Decision
25/06/20	OCM	
Delegation		
No.	Title	

PURPOSE

The purpose of this policy is to

- Provide an equitable and transparent framework for the assessment and ranking of Community Sports & Recreation Facilities Funding (CSRFF) Small Grants in line with the Department of Local Government, Sport and Cultural Industries (DLGSCI) CSRFF guidelines.
- Ensure all requests for contributions from the Shire of Exmouth's Community Development Fund Reserve (CDFR) are considered as part of a strategic process to ensure the delivery of quality, sustainable facilities which align with the Councils strategic objectives.
- Provide a framework for the allocation of the Shire's CDFR funds to assist with leveraging other funding opportunities and maximising the outcomes for the community.
- Provide a framework for the allocation of the CDFR funds should an applicant be unsuccessful in their application to (DLGSCI) for CSRFF small grant funding.
- Limit the Shire of Exmouth's contribution to successful small grant eligible projects to 25% of the total project cost if (DLGSCI) funding of 50%, or 33% if DSR funding is 33%.
- Limit the Shire of Exmouth's contribution to unsuccessful CSRFF small grant applications to a maximum of 50%.

POLICY

The Shire of Exmouth recognises the importance of providing or facilitating physical activity opportunities through accessible, safe and affordable facilities that meet the identified needs of the community.

The Shire will encourage and promote physical activity through:

- The provision or facilitation of reserves and facilities for structured community sport and recreation.
- Providing cash and in kind support to sporting clubs.
- Promotion of joint provision, shared and multi-use community facilities.

The Shire of Exmouth's Community Development Fund Reserve aligns with the Department of Local Government, Sports and Cultural Industries Community Sport and Recreation Facility Fund (CSRFF Small Grants) by:

- Developing basic infrastructure for sport and recreation.

- Supporting an increase in participation in sport and recreation with an emphasis on physical activity, through rational development of good quality, well-designed and well-utilised facilities.
- Supporting joint provision and shared use of facilities.

A. Eligibility

Applicants for CSRFF Small Grant Funding must:

- Be either an LGA or not for profit sport, recreation or community organisation.
- Be incorporated under the *WA Associations Incorporation Act 1987*.
- Have an Australian Business Number (ABN).
- Have discussed their project with Shire and DLGSCI Officers

Applicants for the Shire’s Community Development Fund Reserve must:

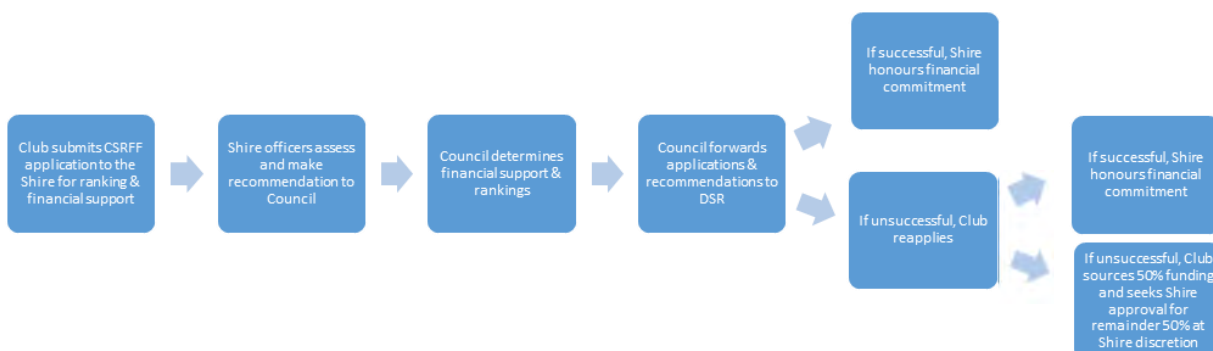
- Be a not for profit sport and recreation community organisation within the boundaries of the Shire of Exmouth municipality.
- Be incorporated under the *WA Associations Incorporation Act 1987*.
- Have an ABN.
- Be applying for the DLGSCI Small Grants Round.
- Have discussed their project with Shire Officers.

As per the CSRFF Guidelines, the types of projects which will be strongly supported for Community Development Fund Reserve include:

- Upgrade and additions to existing facilities.
- Construction of new facilities to meet sport and active recreation needs.
- Lighting and resurfacing projects.
- Projects which are ‘shovel ready’.

Priority will also be given to projects which lead to contemporary models of joint provision, facility sharing and rationalisation

The CSRFF application process is as follows;



B. Financial Contribution

Requests for support from the Shire's Community Development Fund Reserve may be considered by Council with the following conditions:

- Community Development Fund Reserve will be awarded in support of successful CSRFF applications.
- A maximum of 25% of the total estimated project costs if DLGSCI funding of 50%, or 33% if DLGSCI funding is 33%.
- If quotes are inaccurate applicants are responsible for sourcing additional costs.
- Applicants are responsible for understanding and managing the GST component of their grant application.

If an applicant is unsuccessful Council may still consider contributing up to a maximum of 50% of the total estimated project costs to an applicant's project with the following conditions:

- The applicant has made at least two attempts to leverage CSRFF and have been unsuccessful.
- The applicant can source the remaining 50% of the total estimated project costs themselves.
- The project is ranked as a high community priority.

Applicants may also apply to the Shire for support via the Community Interest Free Loans Reserve in order to meet their minimum total project costs requirement.

C. Budget Allocation and Timeframe

The Community Development Fund Reserve to be determined on an annual basis and any un-allocated funding is to be carried forward to the following financial year.

D. Out of Scope

This Policy does not reference, influence or impact other funding or financial assistance programs delivered by the Shire, through Shire business units or other programs that may be delivered from time to time.

4.3 – Economic Development Policy

Adoption		
Date	Meeting	Council Decision
28/02/19	OCM	10-0219
Review		
Date	Meeting	Council Decision
Delegation		
No.	Title	

PURPOSE

The purpose of this policy is to ensure Council aligns its economic development activities with the community vision, objectives and priorities as detailed in the Strategic Community Plan Exmouth 2030.

POLICY

The Shire of Exmouth Council is committed to facilitating a prosperous and sustainable community living in harmony with its natural environment. The key economic objective is to diversify and grow the local economy in a manner that provides year-round employment opportunities.

1. Roles and Responsibilities of Council and Shire in Economic Development

The Strategic Community Plan Exmouth 2030 is the overarching and guiding document and it is the role of Council to ensure that its economic development activities align with the aspirations of the people and businesses of Exmouth.

This policy informs decision-making and the development of all other relevant Council policies, strategies and actions as well as the delivery of Council's services and operations and the actions of contractors, volunteers, staff and Councillors alike.

The Shire of Exmouth Council plays a key role as a facilitator of economic development by creating an environment to support growth and investment and working as a regional partner to support economic development activities.

The Chief Executive Officer and Executive Management are responsible to develop a culture within the organisation that understands and values the importance of economic prosperity on the wellbeing and sustainability of the whole community and its environs. It is the responsibility of management to ensure that all staff consider the economic development implications of projects, programs, events, services and products.

Successful economic development requires a whole of organisation approach with Council and all Shire of Exmouth departments focused upon economic development objectives.

2. Key Principles

The Shire of Exmouth approach to economic development is built upon the following guiding principles;

- **Principle One**

Council acknowledges that economic development is part of the Shire of Exmouth's core business and is undertaken for the wellbeing of the local community as a whole. All things should link directly to improving the overall wellbeing of the Exmouth community.

- **Principle Two**

Commit to providing an environment that supports and nurtures the existing business community to grow and prosper.

- **Principle Three**

Commit to supporting a local economy where businesses operate in a socially sustainable and environmentally sensitive manner.

- **Principle Four**

Economic development is a broad pursuit that interlinks numerous industry sectors and should not be viewed in isolation. A number of the issues affecting economic development for the destination are beyond the control of the Shire of Exmouth alone and there must be a cooperative approach between all levels of local government, private industry, state and regional organisations in order to be effective.

- **Principle Five**

The focus of economic development should be on the growth of wealth per capita, equity and quality of life rather than simple growth in population or income for a few.



HEALTH AND BUILDING SERVICES

5.1 – RECIND

5.2 - Refund of Building Permit Fees

Adoption		
Date	Meeting	Council Decision
17/05/12	OCM	08-0512-10.1.4
Review		
Date	Meeting	Council Decision
22/11/18	OCM	04-1118
25/06/20	OCM	
Delegation		
No.	Title	

PURPOSE

Ensure that a structured approach is maintained by Council when dealing with the issue of building fee refunds.

- Enable staff to deal with the refund of building fees under delegated authority.

POLICY

This policy is designed to clearly define the different categories of building fee refunds applicable to building permit applications that are cancelled.

It is the intent of the policy to allow staff to deal with requests for building permit fee refunds administratively and for such requests to be dealt with in a consistent manner.

The policy places a building permit that is withdrawn into one of three categories for determining the level of refund applicable to the building fees paid.

Where an application is withdrawn and does not reasonably sit within one of the following categories, then it shall be reported to Council's Chief Executive Officer for determination.

Category 1

A building permit application is submitted but is withdrawn prior to any assessment being carried out by Council.

In this instance Council has receipted the application registered (i.e. given a number and information recorded on the computer system), registered, established a file and placed any trust monies (e.g. BRB and BCITF levies in to respective accounts).

The minimum fee for an application is prescribed by regulation. In these instances it is considered that Council would have spent at least that amount in administration costs.

Accordingly in this category an administration fee, being the minimum building permit application fee, shall be retained by Council and the balance may be refunded to the applicant upon request.

Category 2

A building permit application is submitted but is withdrawn prior to approval being granted or is cancelled/refused due to required information not being provided by the applicant within the timeframe prescribed by the Building Regulations.

That is, Council has carried out the administrative function of Category one and also undertaken the professional assessment such as site inspection, plan and specification assessment for compliance with the Building Code of Australia and Health Act assessment. Formal appraisal has not been completed and may be pending further information or planning approval.

In this instance, where preliminary processing has been completed and the application is withdrawn, Council would be "out of pocket" if only the minimum permit application fee was retained.

In order to retain an appropriate amount of the application fee to cover the preliminary assessment and processing costs the following refund structure is adopted by the Council:-

- Where the application fee paid is \$150.00 or less no refund will be given;
- Where the application fee paid is greater than \$150.00 but less than \$300.00, a minimum fee of \$150.00 shall be retained by Council and the balance may be refunded to the applicant upon request; and
- Where the application fee paid exceeds \$300.00 then 50% of the fee may be refunded upon request.

5.3 - RECIND

5.4 – Water Tanks – Building Control

Adoption		
Date	Meeting	Council Decision
17/05/12	OCM	08-0512-10.1.4
Review Details		
Date	Meeting	Council Decision
22/11/18	OCM	04-1118
25/06/20	OCM	
Delegation		
No.	Title	

PURPOSE

The purpose of this policy is to reduce the administration burden associated with having to obtain a Building Permit for small ‘domestic’ sized rain water tanks or tanks installed for farming purposes and to provide guidance to applicants that intend to construct large water tanks in relation to the minimum standards required to obtain a Building Permit.

POLICY

It is Council Policy that a Building Permit is required for water tanks of 20 kilolitres or greater. Tanks that do not require a Building Permit include tanks installed for farming purposes (stock watering etc.)

The National Water Commission’s ‘Rainwater Tank Design and Installation Handbook November 2008’, is adopted for the purpose of setting the minimum standards for tank design, construction and siting.

Building Permit Application Requirements

Plans for the tank, certified by a structural engineer, are required to be submitted with the Building Permit application. The following conditions will be placed on a Building Permit for a tank:

In addition to wind loading design criteria, certification from a structural engineer is required prior to construction of a tank confirming that the site is suitable for the proposed tank design and that the compaction is adequate.

5.5 – Temporary Accommodation – (Caravans)

Adoption		
Date	Meeting	Council Decision
17/05/12	OCM	08-0512-10.1.4
Review		
Date	Meeting	Council Decision
22/11/18	OCM	04-1118
25/06/20	OCM	
Delegation		
No.	Title	

PURPOSE

The purpose of this policy is to enable people on non-vacant land on which they own or have the legal right to occupy to temporarily use caravan accommodation for short stays with relatives and friends.

DEFINITIONS

Camp Site includes to camp in a vehicle, but not a caravan;

Caravan means a vehicle that is fitted or designed for habitation.

Vehicle means a conveyance (other than a train, vessel or aircraft) capable of being propelled or drawn on wheels.

Purpose

To provide guidance for the approval of camping as per the *Caravan Parks and Camping Ground Act 1995* and the *Caravan Parks and Camping Ground Regulations 1997*.

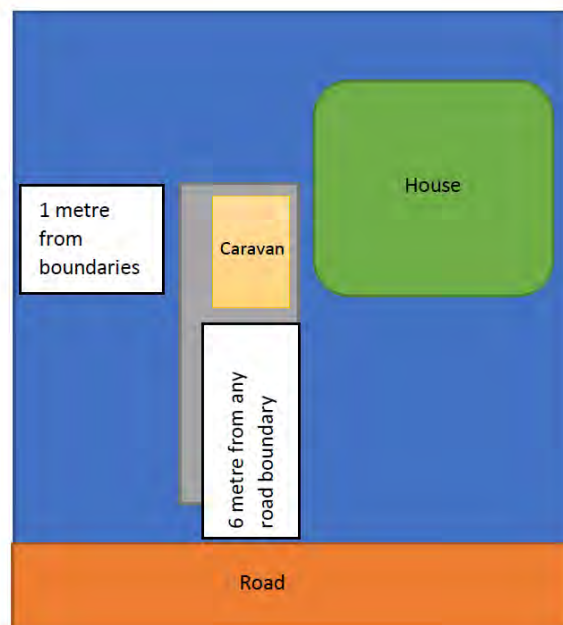
In each instance:

1. No approval will be granted within all areas of the Shire of Exmouth for persons to camp on any vacant land.
2. For those staying greater than 3 nights in any period of 28 consecutive days, will need to make an application for approval to the Shire of Exmouth by completing in full the Application to Camp Other Than in Caravan Parks & Camping Grounds.
3. Approval may be granted for a maximum of one camp per property at any one time. This does not prevent approval being granted for another camp at a separate time, provided the aggregate time does not exceed 3 months in any 12 month period.
4. Approval for greater than 3 months will need to be obtained from the Minister for Local Government and Regional Development. The Shire of Exmouth will not support applications made to the Minister to camp for in excess of 3 months other than in conjunction with the construction of a dwelling.
5. The dwelling of the premises subject of the application is to have toilet, ablution and laundry

facilities, available for use by the person/people camping that comply with the Building Code of Australia, Council's Local Laws and Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974. Details of these services are required to be provided as part of the application.

6. The camp is to be located wholly on the property, and be at least 1 metre from the property boundary, at least 1 metre from any vehicle access areas and at least 6 metres from any road boundary.
7. Tents used for camping purposes must be located at the rear of the dwelling.
8. All caravans are to satisfy cyclone safety standards equivalent to those required for caravans in licensed facilities by clause 48 of schedule 7 of the Caravan Parks and Camping Grounds Regulations 1997. It should be noted for a caravan to safely survive a cyclone it should be housed in a cyclone rated shed.
9. Approval, in writing, is to be obtained from owners of the property. Occupiers of adjacent properties will be consulted in relation to the application unless the applicant has done so and provided written responses with the application for consideration by the Shire.
10. The Shire of Exmouth reserves the right to withdraw the approval at any stage.

Diagram 1.



5.6 – Smoke Free Outdoor

Adoption		
Date	Meeting	Council Decision
28/06/18	OCM	07-0618
Review Details		
Date	Meeting	Council Decision
22/11/18	OCM	04-1118
25/06/20	OCM	
Delegation		
No.	Title	

PURPOSE

The purpose of this policy is to limit community exposure to smoking in outdoor public places, under the jurisdiction of the Shire of Exmouth, with the aim of:

- Reducing harm caused by exposure to tobacco smoke.
- Raising community awareness of the issues associated with smoking and second – hand smoke.
- Providing positive role – modelling and reducing the visibility of smoking to children and young people.
- Providing community leadership on the issue of protecting health and wellbeing
- Minimising cigarette butt pollution on Council facilities.

POLICY

Smoking is not permitted:

- Within 10 metres of doorways, entrance ways and air intake vents of all Council owned or managed public access buildings.
- At all Shire run events on its outdoor public places, reserves, parks, ovals and playing fields.
- On active reserves (sportsgrounds) at anytime.
- Within the boundaries of designated outdoor public congregation areas at the following sites:
 - Ningaloo Centre, Truscott Ave
 - Paltridge Memorial Swimming Pool
 - Federation Park, Maidstone Crescent
 - Parks and playgrounds
 - Skate Park
 - Town Beach
 - Ross Street Mall
 - Learmonth Airport and Heliport

Appropriate signage and ongoing public communication and engagement strategies will be used to inform the community that these areas are smoke-free.

The Shire of Exmouth may implement designated smoking areas (DSA) at specified event sites and events, only if identified as a necessary risk management action. DSA will be located away from entrance ways, at least 10 metres away from popular congregation and usage areas, be signposted, and provide bins for the disposal of cigarette butts.

5.7 – Temporary Accommodation (Construction Of A Dwelling)

Review		
Date	Meeting	Council Decision
26/03/2020	OCM	
Delegation		
No.	Title	

POLICY

The purpose of this policy is to enable people to temporarily use caravan accommodation whilst constructing a dwelling.

PURPOSE

To provide guidance for the approval of camping as per the *Caravan Parks and Camping Ground Act 1995* and the *Caravan Parks and Camping Ground Regulations 1997*.

In each instance:

1. Approval will not be granted for persons to camp on any land within the townsite and industrial area as defined in Local Planning Scheme 4, for the purposes of constructing a dwelling.
2. Application for approval must be made to the Shire of Exmouth Council by completing in full the Application to Camp Other Than in Caravan Parks & Camping Grounds.
3. Approval may be granted for a maximum of one camp per property at any one time.
4. The camp is to be located wholly on the property and be at least 1 metre from the property boundary, 1 metre from vehicle access areas and 6 metres from any road boundary.
5. All caravans are to satisfy cyclone safety standards equivalent to those required for caravans in licensed facilities by clause 48 of schedule 7 of the *Caravan Parks and Camping Grounds Regulations 1997*. It should be noted for a caravan to safely survive a cyclone it should be housed in a cyclone rated shed.
6. Approval, in writing, is to be obtained from owners of the property. Occupiers of adjacent properties will be consulted in relation to the application unless the applicant has done so and provided written responses with the application for consideration by the Shire.
7. The plans and specifications for the proposed residence, including details of waste water treatment/disposal must be approved, a building license issued and the concrete slab or equivalent works completed. An application to construct or install an Apparatus for the Treatment of Sewerage (eg septic system) must be approved and a Permit to Install an Apparatus for the Treatment of Sewerage issued.

8. The application for temporary accommodation shall include the following details.
 - A plan of the temporary accommodation depicting the layout of the caravan and ablution facilities indicating the location of the following:
 - Water Closet
 - Shower
 - Wash Trough
 - Kitchen Sink
 - Hot water System
 - A drainage plan depicting how the fixtures and fittings are to be connected to the on site waste water treatment system or sewerage system.
 - A Program of Works specifying progress target dates for the construction of the permanent dwelling including completion of the following milestones:- Floor; Wall Framing/Construction; Roof Framing and Cladding; Completion of required Wet Areas (ie kitchen, laundry and bathroom (or ensuite); and at least one bedroom to habitable standards.
9. Should Council give its consent to establish temporary accommodation it would be for an interim initially for a period of 6 to 9 months. A possible extension to no more than 12 consecutive months may be granted by the Chief Executive Officer, subject to satisfactory progress being maintained on the permanent dwelling. Note: 'Satisfactory progress' meaning progress in accordance target dates specified in the approved Program of Works.
10. Should the progress of construction on the permanent dwelling not be meeting the approved target dates, the applicant shall provide a revised Program of Works.
11. Subject to approval being granted by Council in writing, the applicant may proceed to:
 - Assemble/locate the temporary accommodation in compliance with the conditions of approval.
 - Install the on-site sewerage treatment system or sewer connection in accordance with approved plans.
12. Upon completion of the above, the Council's Environmental Health Officer shall be contacted in order to arrange inspection of the temporary accommodation.
13. Upon all conditions being met, a certificate notice shall be issued permitting the temporary accommodation to be occupied.



TOWN PLANNING

6.1 – RESCINDED

6.2 - Colour Palette for Developments

Adoption		
Date	Meeting	Council Decision
15/11/12	OCM	07-1112-10.1.4
Review Details		
Date	Meeting	Council Decision
22/11/18	OCM	04-1118
28/11/19	OCM	06-1119
Delegation		
No.	Title	

PURPOSE

The purpose of this policy is to:

- Create a consistent colour palette applicable to development using colours from the existing natural environment;
- Strengthen the identity of the town;
- Provide guidance to council and private landowners and developers when the question of appropriate external colours for new development is being considered;
- Attain a high-quality visual streetscape; and
- Preserve, enhance and complement the existing natural environment.

POLICY

An integral part of the 'Townscape Enhancement Plans and Design/Development Guidelines' is the adoption of a "colour palette" to be used as a guide by Council when it assesses new development, and when it selects colours for application to public street furniture and public buildings.

The colours are considered appropriate to the Exmouth environment, and have the potential to introduce an exciting new element into the town's character which is presently lacking.

Policy Provisions

- Council shall apply the adopted colour palette when choosing colours for all development including street furniture and public buildings within the Shire of Exmouth scheme area.
- Council shall also use the colour palette as a guide for applicants when assessing new development in all zones within the Shire of Exmouth Local Planning Scheme No.4 scheme area excluding residential zone.
- Applicants will be required to indicate external colours proposed for walls, roofs, trims etc., when applying for planning approval. Applicants will be strongly encouraged to use the colour palette, and in many cases use of the colour palette will form a condition of development approval to be generally in accordance with the colour palette.



- Any request by an applicant to deviate from the adopted palette must be accompanied by detailed reasons. The CEO may approve alternative colours which are reasonably close to those contained within the palette, and where the overall visual intent will not be compromised.

The adopted colour palette is attached.

Note: Colour photocopies can never fully reproduce paint colours. The original colour palette has been laminated and is kept in the offices of the Shire of Exmouth.

STATUTORY ENVIRONMENT

Shire of Exmouth Local Planning Scheme No.4

Exmouth Townscape Enhancement Plan (April 2001)

Planning and Development (Local Planning Schemes) Regulations 2015

Light Blue
West Sapporo
Dunbar Pink
West Sapporo
Emerald Green
West Sapporo
Singapore Dust
Water Sapporo

Zircon
Tadmore T2-8c
High Pine
Silver 208
Meyer Gold
Juno 367-4681
Blue Grass
Juno 91866-25284

Kiaifisher Blue
Dolux 086-7871
Pasha Red
Dolux 9026 38266
Earth Tang
Tadmore T2-78
Albana
Tadmore T13-89

Senal Red
Dolux R13-3673
Mountain Green
Tadmore

Wilderness

Pale Eucalypt

Sandbank

Dune

Paperbark

Headland

Surfist

Roof Colours

Prepared for the Shire of Exmouth by
CURUS ARCHITECTURAL PLANNING
AND URBAN DESIGN
&
EIGHTH ELEMENT DESIGN

FEBRUARY 2001

EXMOUTH TOWNSCAPE COLOUR PALETTE

August 4, 2003



6.3 – 6.7 RESCINDED

6.8 - Advertising Signs, Town Centre Public Space & Outdoor Eating Permits

Adoption		
Date	Meeting	Council Decision
28/05/20	OCM	08-0520
Review Details		
Date	Meeting	Council Decision
25/06/20	OCM	
Delegation		
No.	Title	

1. POLICY STATEMENT

The Shire of Exmouth encourages local businesses to partner in continually improving the presentation of Exmouth as the State's premier tourism town. In addition to its own efforts to enhance the visual amenity of the town the local government actively invites local businesses to create improved retail and hospitality vibrancy through this business-friendly advertising signage and trading permits policy.

This policy sets out the matters the local government will consider when assessing applications for advertising signs, town centre public space and outdoor eating space permits.

It has been prepared to support and be read in conjunction with Clause 4.31 of the Shire of Exmouth Local Planning Scheme No.4 (The Scheme). The Scheme requires the submission of an application for Development Approval only for non-exempt advertisements.

Local businesses are required to submit applications for the Town Centre Public Space and Outdoor Eating permits.

This policy is supported and should be read in conjunction with the individual guidelines for;

- Advertising Signage Guidelines
- Town Centre Public Space Permit Guidelines
- Outdoor Eating Guidelines
- Booking Temporary Banner Display Guidelines

2. POLICY OBJECTIVES

1. To assist local businesses create vibrancy, enhance amenity and maximize business opportunities whilst reinforcing the positioning of Exmouth as a unique visitor destination.
2. To ensure that the display of advertising signs on properties complements the surrounding area without impacting on public safety and access.
3. To encourage local food businesses to create and manage quality outdoor dining areas without impacting on public safety or access.
4. To ensure consistent policy and clearly set out the requirements of the Shire of Exmouth for applicants making an application for advertising signage, use of town centre public space and outdoor eating areas.
5. To guide the design, materials and siting of advertising structures and signs in the local government area.

6. To provide improved opportunities and clear guidelines for local community and sporting groups to advertise events and activities.
7. To decrease bureaucratic procedures, restrictions and constraints, as well as legal and jargonistic guidelines.

3. DEFINITIONS

Unless otherwise defined, words and expressions in this policy are as defined in *Schedule 1* of the Shire of Exmouth Local Planning Scheme No.04. Definitions are included in respective supporting guideline documents.

4. GENERAL PROVISIONS

4.1 Advertising Signs

Businesses within the local government area are encouraged to create high quality advertising signage that complements the surrounding settings and reinforces the positioning of Exmouth as a tourism town. The Advertising Signage Guidelines details what is permitted and promotes adherence to public safety and access.

4.2 Town Centre Public Space

Commercial operators within the town centre are provided the opportunity to use the public space immediately in front of their respective tenancy. The "**Town Centre Public Space Permit**" encourages traders to use the public space immediately in front of their tenancy for advertising, merchandising or seating as detailed in the Shire's Town Centre Public Space Permit Guidelines.

4.3 Outdoor Eating Permit

Food businesses within the local government area that the meet stated qualifying criteria are encouraged to create high quality outdoor dining areas in public spaces via the "**Outdoor Eating Permit**".

This policy endorses the Outdoor Eating Guidelines, failure to comply with these guidelines will result in the permit being cancelled or enforcement action taken.

To operate an outdoor eating area the following criteria applies:

1. You are a registered food business with the Shire of Exmouth.
2. Have a tenancy fronting the public place where the outdoor dining will be situated.
3. Have clear and unobstructed access and views of the area.
4. All relevant fees have been paid in respect to the permit area.
5. Maintain Public Liability insurance of \$20 million dollars.
6. The Shire's Outdoor Eating Permit Guidelines are complied with.

4.4 Temporary Banner Display Advertising

The local government offers dedicated banner display infrastructure at nominated high profile locations within the township for use primarily by local community and sporting groups for the short-term promotion of events and activities.

The use of dedicated banner infrastructure is managed by the local government's "**Booking Banner Sites Guidelines**".

6.9 – Itinerant Trading

Adoption		
Date	Meeting	Council Decision
28/05/2020	OCM	09-0520
Review Details		
Date	Meeting	Council Decision
25/06/20	OCM	
Delegation		
No.	Title	

POLICY STATEMENT

The Shire of Exmouth encourages improved retail and hospitality vibrancy that reinforces the positioning of Exmouth as the State’s premier tourism town.

The Shire values its local business community and recognises that there are business opportunities that can occur on a temporary basis. It is recognised that Itinerant Traders can:

1. Contribute to the vitality of the town,
2. Provide a safe, efficient and accessible food service at peak times to service increased customer demand beyond the supply capabilities and/or outside operating hours of permanent food outlets,
3. Provide products and services on a temporary basis not currently on offer,
4. Provide an opportunity for seasonal products to be provided, and
5. Activate a particular location or precinct that meets the objectives of the local government.

This Policy is a tool that will provide Council with a framework for the operation and management of itinerant traders within the Shire of Exmouth.

POLICY OBJECTIVES

The objectives of this policy are:

1. To facilitate the opportunities for itinerant traders that adds to the public enjoyment and use of the local government area, while not reducing safety or access to publicland;
2. To ensure existing local businesses are not significantly disadvantaged through the approving of itinerant traders; and
3. To provide a consistent and coordinated process for the assessment of applications for itinerant traders within the municipality.

SCOPE

The Itinerant Traders Policy is applicable in instances where businesses and/or individuals seek to use public land to operate a business for financial gain where land is owned or controlled by the local government.

This Policy does not apply to the following:

1. Where a vendor is part of an event, carnival, market, fete or the like (this would require an event permit);
2. Where the activity is a one-off occurrence such as an opening or open day for a

business/premises (this would require an event permit);

3. Trading from private property strictly under consent of the land owner (food permit still required if selling food and beverage products);
4. Community health mobile clinics and other government/community like uses; and
5. A 'produce stall' within private property.

DEFINITIONS

Approved Location - The Shire has identified locations from which an Itinerant Trader may trade with appropriate approvals. Trading from these locations may occur independently of a Council approved market, festival or event. The Approved Locations are described within this Policy and potential traders are to consider these locations in first instance.

Food Van - Any vehicle, caravan, trailer, table, stall or other similar structure for the purpose of selling or offering for sale any food and or drink (excluding alcoholic beverages).

Itinerant Trader – A person or persons, engaged in providing goods and/or services on a temporary basis.

Moveable Advertising Sign – Any moveable board, notice, structure, banner or similar device used for the purposes of notifying of a sale, soliciting sales or notifying people of the presence of an adjacent property where goods and services may be obtained. Includes A-Frame signs. This excludes commercial signage mounted on vehicles and/or trailers.

Public Place – Includes a reserve, public highway, mall, road street, bridge, footway, footpath, court, alley, passage or thoroughfare, notwithstanding that it may be formed on private property and any other place to which the public may resort.

GENERAL PROVISIONS

1. All itinerant traders are required to apply for the following permits;
 - Activities on Local Government Property, and
 - Food Business Registration Application (if food vendor).
2. Approvals to trade can be granted for periods ranging from 1 day up to 12 months with terms greater than 12 months to be considered via a licensing arrangement and requiring Council approval on a case by case basis.
3. All Itinerant Traders operating within the Shire must hold a public liability policy of insurance in respect of the activities being undertaken, providing cover of at least \$20,000,000.
4. No permanent signage may be erected. A Moveable Advertising Sign may only be displayed during the operating times of the business.
5. As per the local law permits will not be issued for itinerant trading within 300m of a competing static business (does not include other itinerant traders) at the same opening times and trading in predominantly similar products unless it is in association with an approved event. For clarity, types of food eg pizza, hamburgers, fish and chips are not considered similar products.
6. The trader is responsible for containment and removal of all waste arising from their operations. The site and surrounds must be maintained in a clean manner with all waste removed and legally disposed of.
7. Food Vans wishing to operate at specific locations on a more permanent approach greater than 12 months will be considered as per point 5.2 above. A license approach is to provide greater tenure with terms and conditions negotiated on a case by case basis. A licence approach will be subject to Policy 2.4 Leases and Licences however any itinerant trader

licence will require and be subject to Council review and approval. Traders will still be required to secure all required trading permits.

APPLICATION PROCESS

- Applications are to be lodged with the Shire a minimum of 28 days prior to the proposed trading commencement date.
- Applications must be submitted on the form provided for this purpose and provide all information necessary for officers to determine whether or not to issue a permit and apply appropriate conditions to the permit.
- Shire may request additional information in support of the application.
- Incomplete applications or delays in providing additional information upon request, may result in delays in the application being processed. This includes failure to pay the required permit application fee or provide evidence of adequate public liability insurance.
- Trading may not commence until all required fees are paid in full and the permits are issued.

WHERE FOOD VANS MAY OPERATE

Approved Locations

Where a person wishes to operate as an Itinerant Trader in an approved location within a public place as identified in this policy. Locations outside of those described will generally not be permitted however additional locations can be approved by a decision of Council.

Itinerant Traders at Markets, Events and Festivals

Itinerant Traders may only operate at a Market, Event or Festival when they have received the prior consent of the organiser of the Market, Event or Festival. In seeking the prior consent, the Itinerant Trader should provide evidence of current public liability insurance and Food Act Registration (as appropriate).

APPROVED LOCATIONS

A. Federation Park



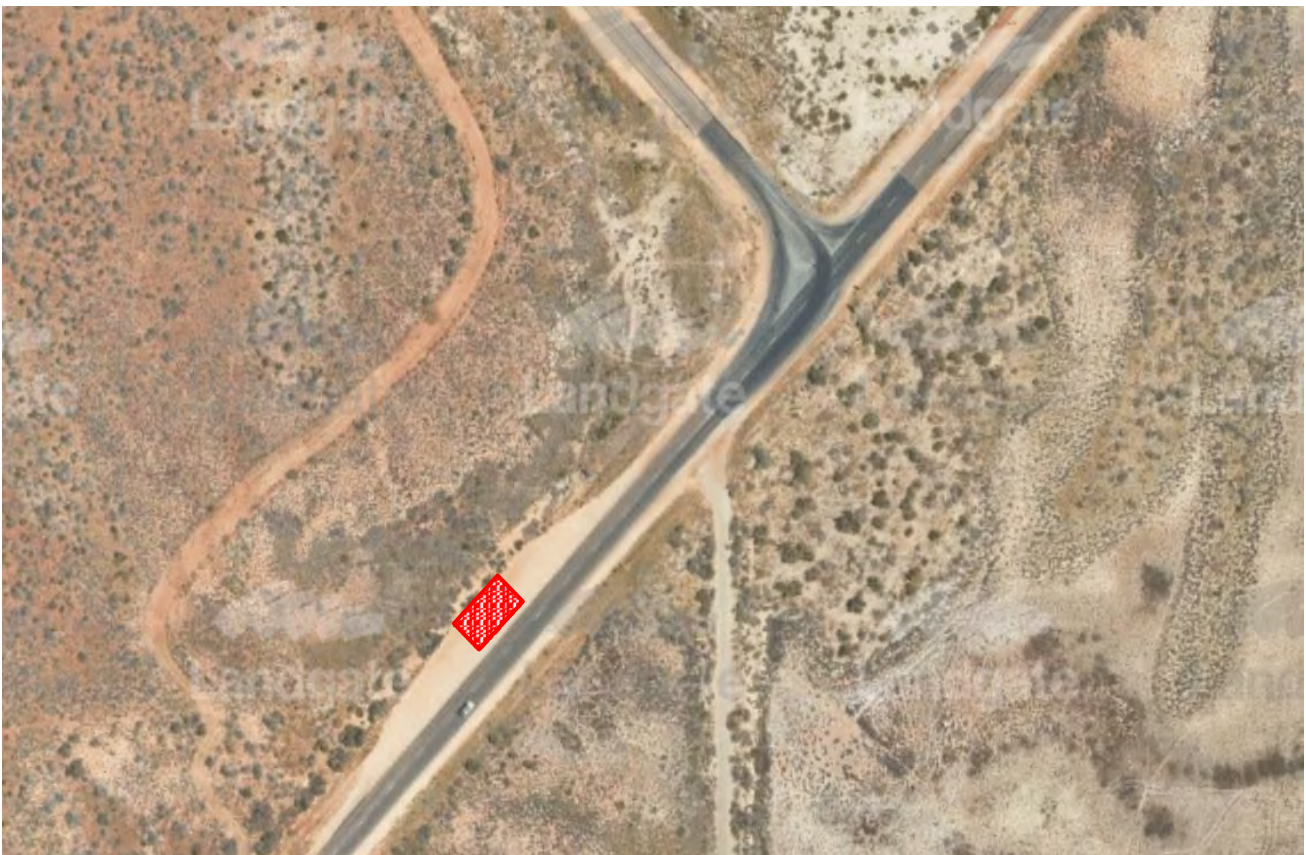
B. Town Beach



C. Payne Street



D. Murat and Yardie Creek Road turnoff



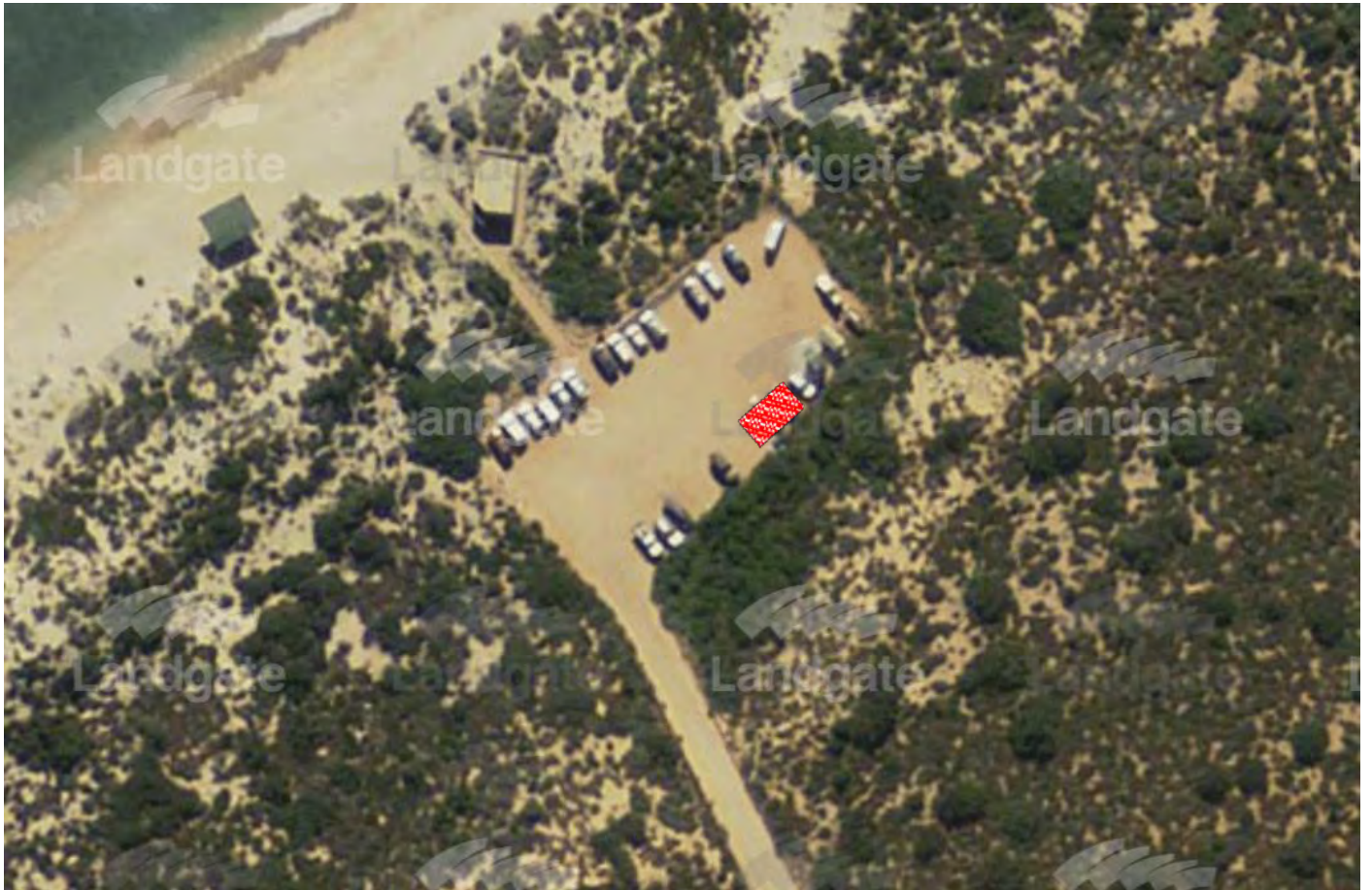
E. Tantabiddi Boat Ramp precinct



F. Lighthouse precinct



G. Dunes carpark





6.10 – 6.23 RESCINDED

6.24 - Container Deposit Scheme Infrastructure

Adoption		
Date	Meeting	Council Decision
27/06/2019	OCM	04-0619 – Draft – Public advertising
22/08/2019	OCM	03-0819 – Adoption
Review Details		
Date	Meeting	Council Decision
25/06/20	OCM	
Delegation		
No.	Title	

Enabling Legislation

Planning and Development (Local Planning Schemes) Regulations 2015
Shire of Exmouth Local Planning Scheme No.4

Related Legislation and Statutes

Heritage of Western Australian Act 1990.
Environmental Protection (Noise) Regulations 1997 (as amended).

PURPOSE

To provide an exemption in accordance with Clause 61(1)(i) and (2)(e) of the *Planning and Development (Local Planning Scheme) Regulations 2015* from the requirement to obtain development approval for container deposit scheme infrastructure proposal which satisfy minimum development standards.

OBJECTIVES

- To ensure the location, design and siting of CDS infrastructure is complementary to the character, functionality and amenity of urban localities.
- To prevent negative impacts on local amenity from the operation of CDS infrastructure.
- To enable the timely, cost effective delivery of essential CDS infrastructure.
- To provide conveniently located infrastructure to ensure the CDS' effective reduction of litter, increased recycling and protection of the environment.

DEFINITIONS / ABBREVIATIONS

<i>The Heritage Act</i>	Means the <i>Heritage of Western Australia Act 1990</i> .
<i>The Regulations</i>	Means the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> prepared under the <i>Planning and Development Act 2005</i> .
<i>The Noise Regulations</i>	Means <i>Environmental Protection (Noise) Regulations 1997 (as amended)</i> prepared under the <i>Environmental Protection Act 1986</i> .
<i>The Scheme</i>	Means the <i>Shire of Exmouth Local Planning Scheme No.4</i>
<i>Container deposit scheme infrastructure</i>	Means a reverse vending machine or a container collection cage.
<i>Reverse vending machine</i>	Means a permanently-located unattended device that accepts empty beverage containers, and is incidental to the predominant land use.
<i>Container collection cage</i>	Means a cage, or other structure, that is designated to store containers deposited at return points, and is incidental to the predominant land use.
<i>Total lot area</i>	Means the total land area of a freehold or survey strata lot.

STATUTORY PROVISIONS

Development approval will not be required for container deposit scheme infrastructure proposals that comply with the provisions of this policy, in accordance with Clause 61(1)(i) and (2)(e) of the deemed provisions of the scheme provided for by the Regulations, unless the development is proposed on land in a place that is:

1. Entered in the Register of Heritage Places under the Heritage Act; or
2. The subject of an order under Part 6 of the Heritage Act; or
3. Included on a heritage list prepared in accordance with the Scheme; or
4. Within an area designated under the Scheme as a heritage area; or
5. The subject of a heritage agreement entered into under section 29 of the Heritage Act.

Container deposit scheme infrastructure proposed to be erected on a temporary basis of not more than 48 hours within a 12 month period are typically exempt from approval, as per the requirements of Clause 61(1)(f) and (2)(d) of the deemed provisions provided in the Regulations and contained within the Scheme. As such, the policy provisions would not apply.

1. Specified exemption	
1.1	<p>The development or operation of a large reverse vending machine is development for which development approval is not required where it complies with all the relevant development standards outlined below (unless otherwise agreed by the local government), and may take place in any zone, with the exception of:</p> <ul style="list-style-type: none"> (a) Residential, urban development, and special residential zones; and (b) Rural, rural residential, and rural smallholding zones.
1.2	<p>The development of a container collection cage is development for which development approval is not required where it complies with all the relevant development standards outlined below (unless otherwise agreed by the local government), and may take place in any zone, including a residential or rural zone or public purpose reserve where the land is lawfully used for the purposes of:</p> <ul style="list-style-type: none"> (a) Civic use; and/or (b) Community purpose; and/or (c) Educational establishment.

POLICY PROVISIONS

2. Development standards	
<i>General</i>	
2.1	Where the development of a large reverse vending machine and/or container collection cage is proposed, the infrastructure must not result in any change to the approved land use in a way that would result in the use no longer complying with any relevant development standard and/or requirements of the Scheme.
<i>Location</i>	
2.2	Where the development of a large reverse vending machine and/or container collection cage is proposed, the infrastructure must not be erected within 10 metres of an adjoining lot boundary that accommodate a residential use.
2.3	Where the development of a reverse vending machine and/or container collection cage is proposed, the infrastructure must not restrict any vehicular or pedestrian access to or from, the entry to any building on, the land on which the infrastructure is located.
2.4	Where the development of a large reverse vending machine and/or container collection cage is proposed, the infrastructure must not obstruct the operation of, or access to, any utility service on the land on which the infrastructure is located or on adjacent land.
2.5	Where the development of a large reverse vending machine and/or container collection cage is proposed, to preserve pedestrian and vehicular sightlines, and servicing access, the infrastructure must not be erected within two (2) metres of any road reserve or right-of-way intersection or crossover, and shall be located in such a way that it does not reduce existing car park sightlines, aisle widths and manoeuvring spaces.
2.6	Where the development of a container collection cage is proposed, the collection cage must be located in a car park or service area to be visually unobtrusive, and must be secured, locked and immovable.
<i>Visual amenity</i>	
2.7	Where the development of a large reverse vending machine and/or container collection cage is proposed outdoors, placement of the infrastructure must not result in the removal of any vegetation, landscaping or street tree.
2.8	Where the development of large reverse vending machine and/or container collection cage is proposed outdoors, the infrastructure must be constructed and clad with low-reflective, graffiti-resistant materials, which provide protection from the elements and, where not consisting of promotional or branding material approved under the operation of the container deposit scheme, are consistent in colour and finish to that of nearby existing buildings.
2.9	Where the development of large reverse vending machine and/or container collection cage is proposed outdoors, the infrastructure must not display any advertising signage other than promotional or brand signage approved under the operation of the container deposit scheme.
2.10	Where the development of large reverse vending machine is proposed outdoors, and the infrastructure exceeds a development footprint of 10 square metres, bins for the removal of waste or recyclable materials not accepted by the infrastructure are to be provided, and serviced regularly to maintain the amenity of the area, at a rate of one (1) waste bin and 0.5 recycling bins (both 240L in volume) per 10 square metres of development footprint.
<i>Operational amenity</i>	
2.11	Where the development of a large reverse vending machine and/or container collection cage is proposed, the operation of the infrastructure must not prejudicially affect the amenity of the locality due to the emission of light, noise, vibration, electrical interference, smell or any other by-product.
2.12	Where the development or operation of large reverse vending machine is proposed adjacent to land that accommodates a residential use, the machine must operate only between the approved opening hours of the predominant land use, or in the absence of any other use: <ul style="list-style-type: none"> (a) Between 7.00 am and 7.00 pm Monday to Saturday; and

	(b) Between 9.00 am and 7.00 pm on Sunday and public holidays.
2.13	Where the development or operation of large reverse vending machine is proposed, the reverse vending machine when in operation must not emit noise at a level which exceeds any requirement(s) under the Noise Regulations.
2.14	Where development or operation of large reverse vending machine and/or container collection cage is proposed, the infrastructure must be provided with lighting that complies with AS/NZ 1158.3.1: 2005 Lighting for roads and public spaces, Part 3.1: Pedestrian area (Category P) lighting-Performance and design requirements (as amended).
2.15	Where the development or operation of a large reverse vending machine and/or container collection cage is proposed, the infrastructure must be accessible to any person with a disability.
Development footprint	
2.16	Where the development of a container collection cage is proposed outdoors, the cage must not: <ul style="list-style-type: none"> (a) Have a development footprint of more than eight (8) square metres; or (b) Be more than two (2) metres in height.
2.17	Where the development of a large reverse vending machine is proposed outdoors, on land not used for car parking, the machine must not: <ul style="list-style-type: none"> (a) Have a development footprint of more than 45 square metres; and (b) Be more than three (3) metres in height, or have dimensions greater than eight (8) metres by six (6) metres.
2.18	Where the development of a large reverse vending machine is proposed within an existing car park comprising more than 40 car parking spaces, the area occupied by the reverse vending machine must not exceed the greater of the following areas: <ul style="list-style-type: none"> (a) The area comprising four (4) car parking spaces; or (b) 45 square metres, where the car park contains 200 car parking spaces or less; or (c) 75 square metres, where the car park contains 200 or more car parking spaces.
2.19	Where the development of a large reverse vending machine and/or container collection cage is proposed outdoors, the infrastructure shall be installed at a rate no greater than: <ul style="list-style-type: none"> (a) Container collection cage – one (1) per lot; (b) Large reverse vending machine proposed on land not used for car parking – one (1) per 15,000 square metres of total lot area; or (c) Large reverse vending machine proposed in an existing car park comprising more than 40 car parking spaces – one (1) per 1000 car parking spaces.

6.25 – Exmouth Boat Harbour Development Plan

Adoption		
Date	Meeting	Council Decision
27/06/19	OCM	06-0619 – Draft – Public advertising
22/08/19	OCM	03-0819 - Adoption
Review		
Date	Meeting	Council Decision
25/06/20	OCM	
Delegation		
No.	Title	

ENABLING LEGISLATION

Planning and Development Act 2005.

Planning and Development (Local Planning Schemes) Regulations 2015.

Land Administration Act 1997.

Marine & Harbours Act 1981.

Environmental Protection Regulations 1987.

Environmental Protection (Noise) Regulations 1997.

Exmouth Marina Broad Outline Development Plan (2011).

Shire of Exmouth Local Planning Scheme No.4 (2019).

RELATED LEGISLATION & STATUTES

- Pursuant to schedule 1 - *prescribed premises*, pursuant to the *Environmental Protection Regulations 1987*, require a Works Approval issued by the Department of Water and Environmental Regulation prior to commencement.
- All harbour activities shall operate in accordance with the *Environmental Protection (Noise) Regulations 1997*.

PURPOSE

The purpose of this policy is to

1. Provide a clear understanding of the Department of Transport's (the DoT's) land use and development intentions for the Exmouth Boat Harbour;
2. introduce a planning framework to facilitate consistent decision making for land use planning and development that satisfies the orderly and proper planning principles of *Local Planning Scheme No. 4 (LPS 4)*;
3. detail the information required and issues to address when submitting applications for planning approval and the process by which the Shire of Exmouth (the local government) and DoT will assess these; and
4. seek sustainable development solutions that maximise opportunities for enhanced environmental performance.

POLICY

This *Local Planning Policy (LPP)* provides a planning framework to manage the sustainable growth of land and water activities in the Exmouth Boat Harbour to help satisfy the State's needs for maritime infrastructure. It presents the land use and development provisions from a collaborative undertaking

between the DoT as vested harbour manager and the local government as the local planning authority. The harbour has been separated into 5 precincts which contain activities sharing a similar character, function and intensity, and further defined by a range of precinct specific objectives and development provisions.

This *Policy* also details application requirements and the assessment process, communicating the DoT and local government's expectations to all stakeholders.

POLICY COVERAGE

The Exmouth Boat Harbour is located approximately 3 kilometres south of the town centre (refer **Figure 1**). Its land and water areas total 31.7 hectares with a further 38.2 hectares of vested water areas extending beyond the main breakwaters. These areas define the harbour's coverage as assigned to the DoT's care under the *Land Administration Act 1997* and by the *Marine and Harbours Act 1981*.

Figure 1 – Exmouth Boat Harbour location and coverage.



This Policy applies to all future land use and development proposals on land and water areas vested to the DoT and the two additional sites highlighted on Figure 1:

- Freehold Lot 1481 Neale Cove in the south harbour; and
- Lot 500, a landlocked site in the north harbour vested to the Exmouth Volunteer Marine Rescue Group.

DEVELOPMENT AND THE DISTINCTION BETWEEN LAND 'USE' AND 'DEVELOPMENT'

This Policy is an assessment tool to govern both the *use* of an area as well as any *development* occurring in that area. "**Use**" refers to an activity undertaken, the effect it has on the character of an area and the impacts associated with its operation, such as noise generation and parking requirements. "**Development**" refers to any physical construction in an area supporting the operation of the use (such as buildings and hardstand areas) and its associated effects (resulting from building design, bulk and height).

APPLICATION REQUIREMENTS

A Development Application **will not be required** where the use and/or development is undertaken by or on behalf of the DoT and is listed in Schedule 1 of the *Public Works Act 1902 (PW Act)* as exempt from the need to obtain planning approval. In such cases and prior to commencement, the *PW Act* requires the DoT to consider the purpose and intent of **LPS 4**, consult with the local government and have due regard to the principles of orderly and proper planning.

Planning approval will also not be necessary for activities limited to internal building works or fit-outs not materially affecting the external appearance of the building nor introducing additional floor space. The exemption extends to new signs if they are located entirely within an existing approved sign footprint.

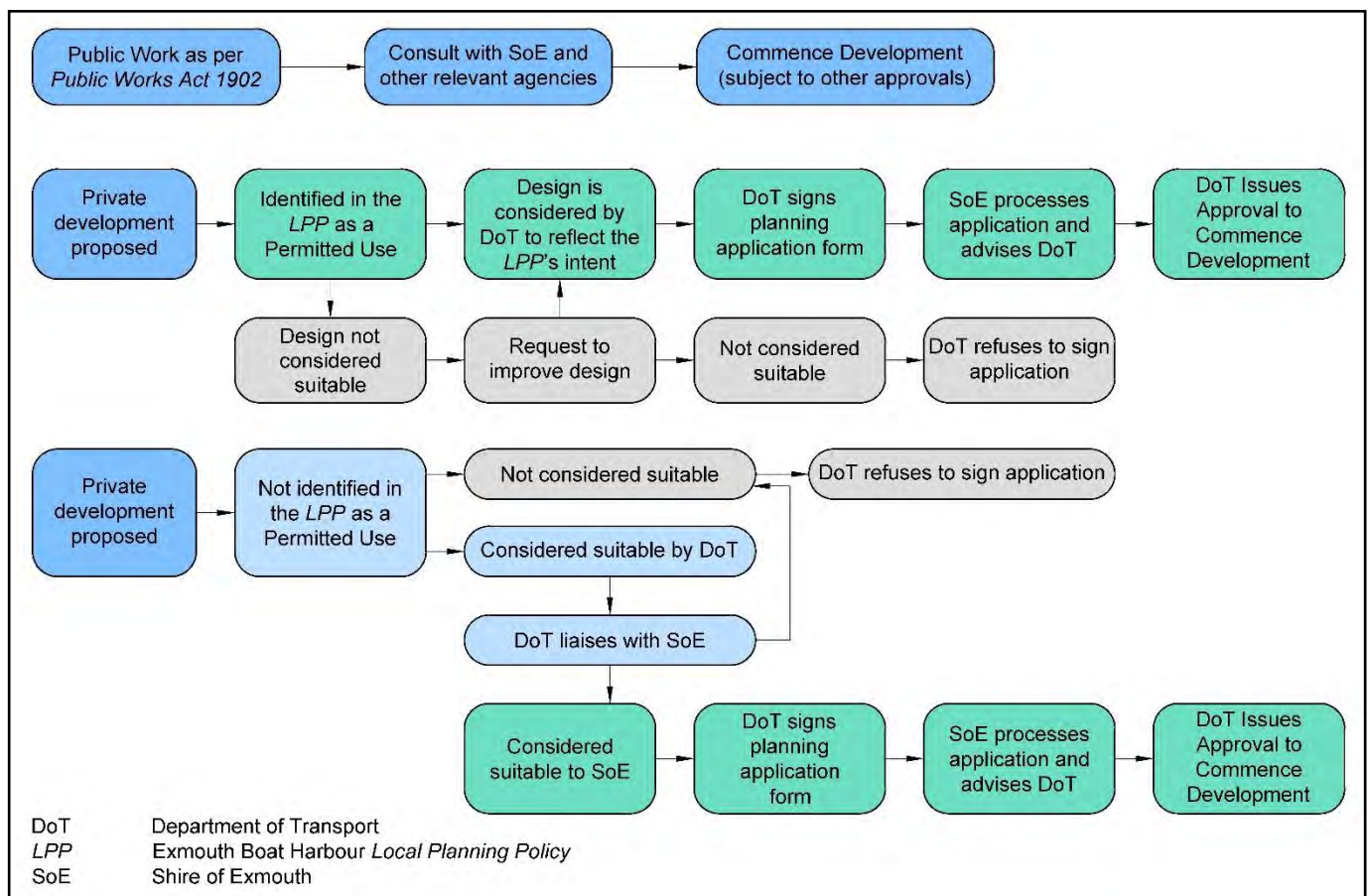
A Development Application **will be required** for all other new use/s or development, even if listed as a permitted use and for that precinct and is fully compliant with the overall and precinct specific development provisions. For applications where the intended use is not listed as permitted or where any associated physical development does not meet all of the overall or precinct development provisions, the DoT and local government will assess its suitability on merit against the overall and precinct specific objectives of this policy.

All applications must be accompanied by a completed Development Application Checklist (refer **Appendix 1**).

APPROVALS PATHWAY

The process for the assessment of Development Applications is set out in **Figure 2** overleaf.

Figure 2 – Development Application approvals pathway.



All planning applications will be assessed and determined by the DoT in accordance with this Policy and in consultation with the local government. The DoT does not manage Lots 1481 and 500 and any planning application on these lots will be determined solely by the local government.

When considering proposals for unlisted uses and / or development not complying with the overall or precinct specific development provisions, the local government and DoT will collaborate to undertake a merit-based assessment.

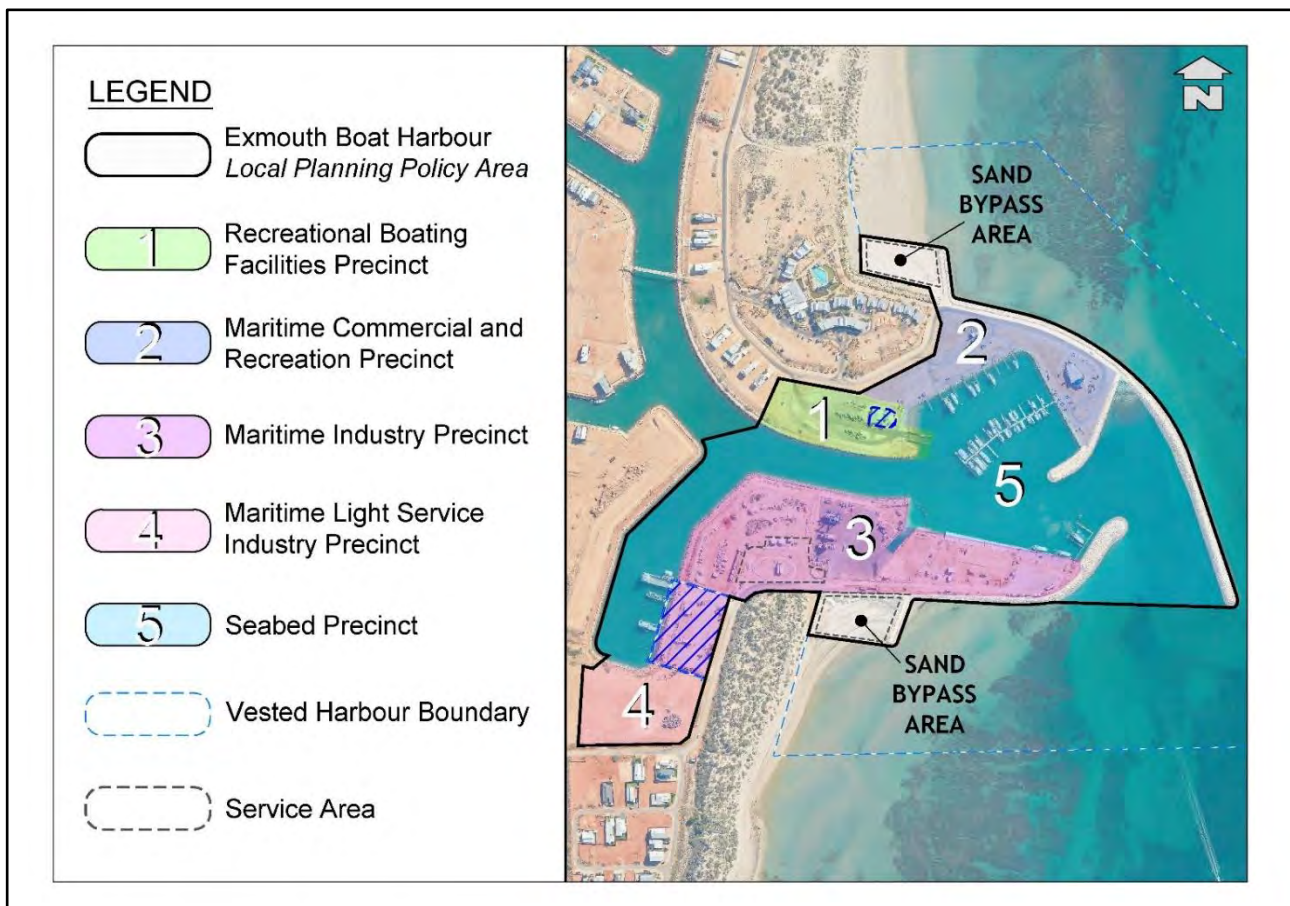
A PRECINCT BASED APPROACH

HARBOUR PRECINCTS

The precincts shown in **Figure 3** are designated as follows:

1. Recreational Boating Facilities – catering to general recreational boat launching and car and trailer parking;
2. Maritime Commercial and Recreation – allocated for maritime clubs, tourists, locals and other harbour visitors for leisure related purposes and small-scale maritime retailing and commerce;
3. Maritime Industry – accommodating major boat fabrication, repair, refurbishment, servicing and storage activities and supporting the commercial fishing and resource industries;
4. Maritime Light and Service Industry – catering for minor boat servicing and storage purposes and limited to uses and development not resulting in the off-site pollution; and
5. Seabed – allowing for the movement, mooring and penning of recreational and commercial boats.

Figure 3 – Exmouth Boat Harbour precincts.



PERMITTED USES

Uses listed in **Table 1** overleaf are Permitted land uses and are defined in the *Planning & Development (Local Planning Schemes) Regulations 2015*, the local government's *LPS 4* as well as *AS3962* and the draft *Statement of Planning Policy – Industrial Interface (SPP 4.1)*.

Uses will only be permitted if they are related to maritime activities **and** also rely on a harbour location.

Table 1 – Permitted uses per precinct.

Precinct 1 Recreational Boating Facilities	Precinct 2 Maritime Commercial and Recreation	Precinct 3 Maritime Industry	Precinct 4 Maritime Light and Service Industry	Precinct 5 Seabed
<ul style="list-style-type: none"> • Boat launching facility • Car park • Civic use • Market • Public purposes • Public utility • Recreation – public • Telecommunications infrastructure 	<ul style="list-style-type: none"> • Bulky goods showroom • Civic use • Club premises • Convenience store • Educational establishment (ancillary to or maritime based activities only) • Fast food outlet / lunch bar • Fish shop • Market • Public purposes • Public utility • Reception centre • Restaurant / café • Serviced apartment • Shop • Short stay accommodation • Small bar • Tavern • Telecommunications infrastructure 	<ul style="list-style-type: none"> • Industry • Industry – light • Industry – service • Marina • Marine filling station • Marine support facility • Motor vehicle, boat or caravan sales (boat sales only) • Public purposes • Public utility • Telecommunications infrastructure • Trade display • Trade supplies • Transport depot • Warehouse / storage 	<ul style="list-style-type: none"> • Car park • Community purpose • Industry – light • Industry – service • Marina • Marine support facility • Motor vehicle, boat or caravan sales (boat sales only) • Public purposes • Public utility • Telecommunications infrastructure • Trade display • Trade supplies • Transport depot • Warehouse / storage 	<ul style="list-style-type: none"> • Marina • Marine support facility • Motor vehicle, boat or caravan sales (boat sales only) • Public purposes • Public utility • Recreation - private • Recreation - public • Telecommunications infrastructure

GENERAL DEVELOPMENT PROVISIONS

Table 2 - General Development Provisions (that apply to all precincts).

Item	General development provisions
Building height and roofs cape	1. Unless otherwise specified, the maximum height of buildings should not exceed 10 metres above the assigned minimum finished floor level (FFL) for that precinct.
	2. For boat stackers or any building proposed to accommodate boats being worked on, the maximum height may be increased to a maximum of 16 metres above the assigned minimum finished floor level for that precinct.
Building materials and colours	3. Use of reflective materials such as natural zincalume and aluminium on building walls and roofs should be avoided.
	4. External colours of walls, roofs and trims should be selected from the local government's <i>Local Planning Policy No. 6.2 - Colour Palette for Developments</i> .

Item	General development provisions
Setbacks	5. Unless otherwise stated, setbacks are a minimum of 7.5 metres from the primary street frontage and 3.75 metres from any secondary street frontage.
	6. Canal revetments shall be sufficiently clear of any new development to ensure their structural integrity is maintained and to allow access for maintenance purposes.
	7. Storage of fuel, raw materials, products, by-products and waste, including bins and sea containers, are not to be placed within the primary or secondary street setback areas.
Sea containers and service areas	8. Sea containers are only to be used for the loading and unloading of goods including those being shipped, and their use for permanent site offices will not be permitted.
	9. Service, storage, plant (machinery), refuse disposal areas and permanent sea containers are to be screened by buildings, fencing and/or landscaping where possible and not generally be visible from publicly accessible harbour areas and access roads as well as nearby residential areas.
	10. Where a sea container cannot be adequately screened from public view, the DoT and local government may seek to modify, articulate walls, require painting or refurbishment to occur in the interests of maintaining visual amenity or to enhance the appearance of the streetscape.
	11. The use of sea containers for storage or other activities over an extended period within lease areas may be supported if relating directly, or is ancillary, to the predominant activities conducted from the site. Opportunities to incorporate innovation in presentation and that respond to avoid poor visual amenity outcomes will be viewed favourably.
	12. Trafficable areas are to be constructed to the local government's specifications to accommodate semi-trailers and for waste collection vehicles. Internal access

Access and parking	ways are to use a minimum 15 metre turning arc and a 2.85 metres vehicle width.
	13. Parking is to be provided to the local government's specifications and at the rates assigned by <i>LPS 4</i> and in accordance with <i>AS3962</i> .
Stormwater management	14. Internal drainage designs to meet the specified minimum Finished Floor Level (FFL). Buildings are to be designed to withstand the impact of cyclones, storm surge and predicted sea level rise.
Energy management	15. Design should consider opportunities using building orientation, design and site layout to enhance the benefits of naturally occurring weather conditions to: <ul style="list-style-type: none"> – access passive solar values such as natural light; – access natural ventilation and channel cooling breezes into and through buildings; – minimise east and west facing building openings; and – incorporate features offering protection from the summer sun such as eaves, window panels, tinting, roof and wall space insulation, screens and landscaping.
Signage	16. Any signs proposed are to accord with the signage provisions in the local government's <i>LPS 4</i> and any associated policy.
Landscaping	17. Where landscaping is required by the precinct specific development provisions, installation shall be in accordance with the Shire of Exmouth <i>LPS 4</i> cl.4.23

PRECINCT SPECIFIC OBJECTIVES AND DEVELOPMENT PROVISIONS

PRECINCT 1 - RECREATIONAL BOATING FACILITIES

DESCRIPTION AND PURPOSE

Precinct 1 includes boat launching ramps, car / trailer parking area and the Exmouth Volunteer Marine Rescue Group Inc. facility. The purpose of the precinct is to continue to cater for these activities and is not intended to contain any new built development other than minor structures provided for public amenity.

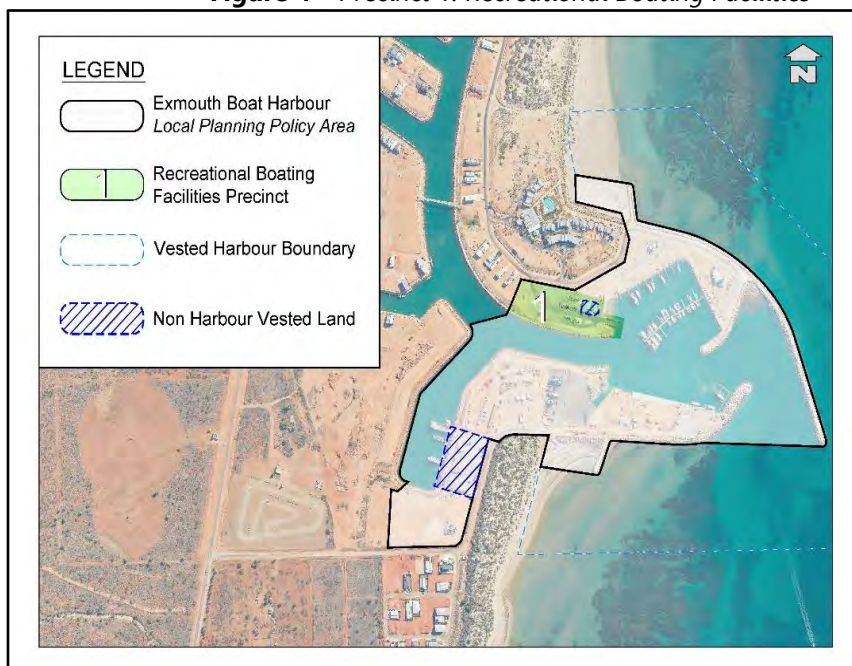
The DoT shall pursue optimal utilisation of public parking areas by considering temporary uses (food or hawkers markets) and shared parking arrangements to optimise development capacity in Precinct 2.

OBJECTIVES

The objectives for the precinct are to:

- provide and maintain adequate boat launching and car / trailer parking facilities for recreational boaters;
- minimise traffic conflict between recreational boaters and the Exmouth Volunteer Marine Rescue service;
- optimise parking utilisation; and
- maintain and enhance pedestrian access opportunities through the precinct to the wider harbour.

Figure 4 – Precinct 1: Recreational Boating Facilities



PRECINCT 1 - DEVELOPMENT PROVISIONS

Table 3 lists additional precinct issues to be considered when lodging a use or development proposal for approval:

Table 3 - Precinct 2 development provisions.

Item	Specific development provisions
Floor Levels	1. Finished Floor Levels shall be a minimum of 4.0 metres AHD.
Access and car / trailer parking	2. Unencumbered access for Marine Rescue service traffic shall at all times be maintained.
	3. Any shared parking arrangement to optimise land use opportunities in Precinct 2 will require a Parking Study prepared to the satisfaction of the DoT and the local government.

PRECINCT 2 – MARITIME COMMERCIAL AND RECREATION

DESCRIPTION AND PURPOSE

Precinct 2 is to cater to maritime commercial and recreation activities; complementing existing clubs and charter operators and activating the precinct as the main boating attraction for all. Compatible uses include maritime commercial, chandlery retailing along with tourist and leisure orientated activities. Beyond the physical separation provided by harbour waters, the precinct facilitates a gradual transition in land use intensity between core harbour activities and nearby residential and resort areas. Activities likely to cause significant adverse impact on the amenity of nearby sensitive uses are not appropriate for this precinct.

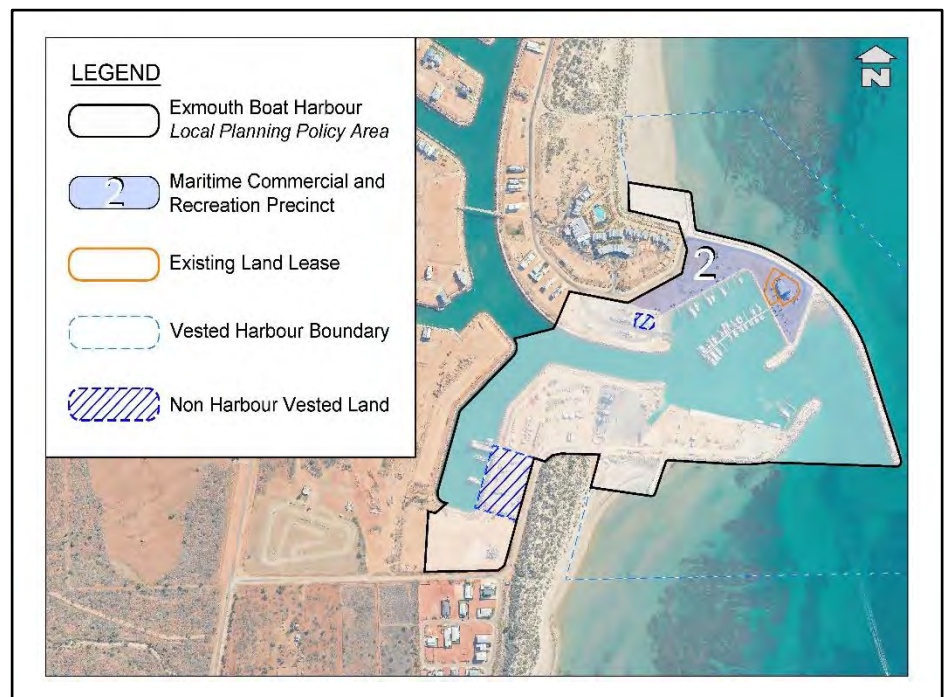
Spare parking capacity in the adjoining Precinct 1 provides opportunity to vary the normal parking requirement subject to the findings of a Parking Study to the satisfaction of the local government and DoT. Building heights may be increased to address intersections using decorative parapets, tower elements or similar features.

OBJECTIVES

The objectives for the precinct are to:

- promote maritime commercial, retail, tourist and recreational activities having a leisure orientated focus;
- ensure the streetscape and built form along the Madaffari Road frontage create an attractive entry statement into the north harbour with buildings designed to complement the streetscape of adjoining resort development; and
- promote pedestrian movement along the waterfront through a built form response to consider orientation and the location of major openings.

Figure 5 – Precinct 2: Maritime Commercial and Recreation



PRECINCT 2 - DEVELOPMENT PROVISIONS

Table 4 – *Precinct 2 development provisions.*

Item	Specific development provisions
Floor Levels	1. Finished Floor Levels shall be a minimum of 4.5 metres AHD
Building height and development form	2. A maximum building height to 16.0 metres AHD above the FFL can be considered where giving prominence to corner buildings.
	3. Front elevations and building entries are to be clearly accessible, well defined and shall orientate towards Madaffari Road, the waterfront, public spaces and other internal accessways.
Setbacks	4. A 2.0 metres wide minimum setback is to be provided along Madaffari Road opposite the northern breakwater to allow for a footpath.
	5. A 3.5 metres wide minimum setback is to be provided along Madaffari Road facing the resort to allow for a 2.0 metres wide footpath and a 1.5 metres wide landscaping strip.
	6. Development along the waterfront is to provide for a pedestrian promenade of 2.0 metres width.
Access and car parking	7. Approval to vary the required number of car bays using spare capacity in the Precinct 1 car / trailer parking area is subject to a Parking Study prepared to the satisfaction of the DoT and local government.
	8. Existing on-street parking bays in Precinct 2 cannot be used to satisfy parking requirements for new proposals as they are allocated for penholder and general public use.
Landscaping	9. Landscaping of 1.5 metres minimum width is to be installed along Madaffari Road where facing the resort in accordance with the Shire of Exmouth <i>LPS 4</i> cl.4.23

PRECINCT 3 – MARITIME INDUSTRY

DESCRIPTION AND PURPOSE

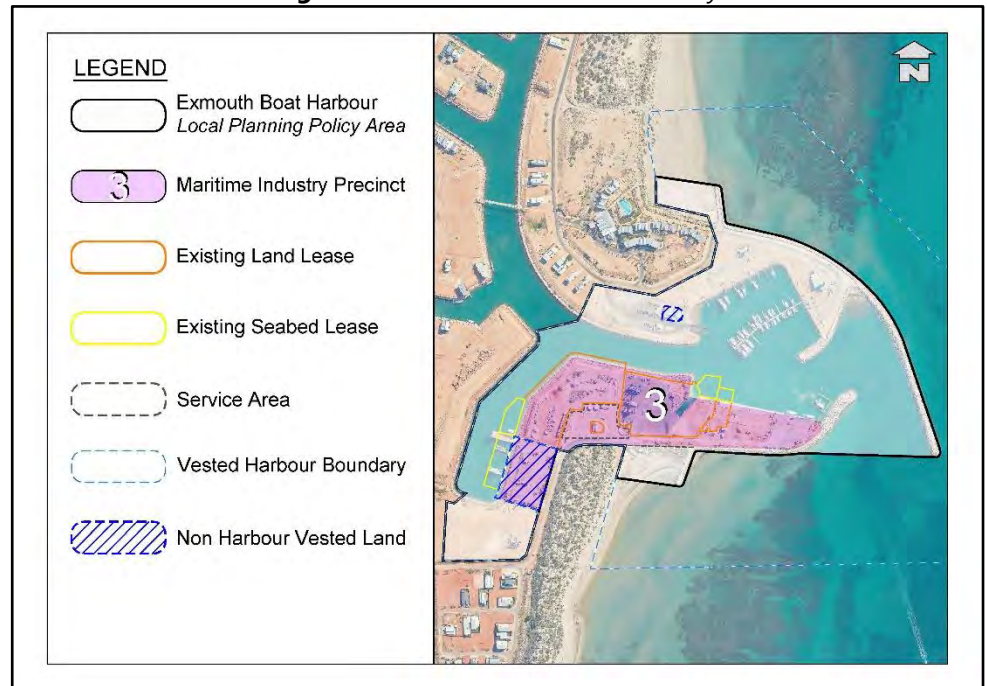
Precinct 3 defines the harbour’s core and is designated for major maritime activities, containing commercial and common user service wharves, and boat fuelling and firefighting facilities within a central compound. The precinct is suited to boat fabrication, repair and maintenance activities along with services supporting the commercial fishing and oil and gas sectors with the storage of boats and transfer and temporary storage of goods also permitted.

Figure 6: Precinct 3: Maritime Industry

OBJECTIVES

The objectives for the precinct are to:

- allow for loading and unloading of goods and people and maritime commercial industries;
- minimise the risk of pollution impacts on nearby sensitive uses;
- control visual impact of harbour development through careful site planning and building design, and
- allow for the safe storage and dispensing of boat fuel.



PRECINCT 3 - DEVELOPMENT PROVISIONS

Table 5 - Precinct 3 development provisions

Item	Specific development provisions
Floor Levels	1. Finished Floor Levels shall be a minimum of 4.0 metres AHD.
Development form	2. Maritime industrial activities should be enclosed within buildings or screened to minimise off-site impacts.
Setbacks	3. A 2.0 metres wide minimum setback is required from lease boundaries fronting the refuelling and firefighting compound.
Access and car parking	4. All new development shall maintain free access to the land backed wharf and not encumber other users, public harbour activities or vehicle circulation at any time.
Bushfire Risk	5. Development Applications on harbour land identified as a bushfire risk area by DFES shall provide a Bushfire Management Plan in accordance with the WAPC's SPP3.7.

PRECINCT 4 – MARITIME LIGHT AND SERVICE INDUSTRY

DESCRIPTION AND PURPOSE

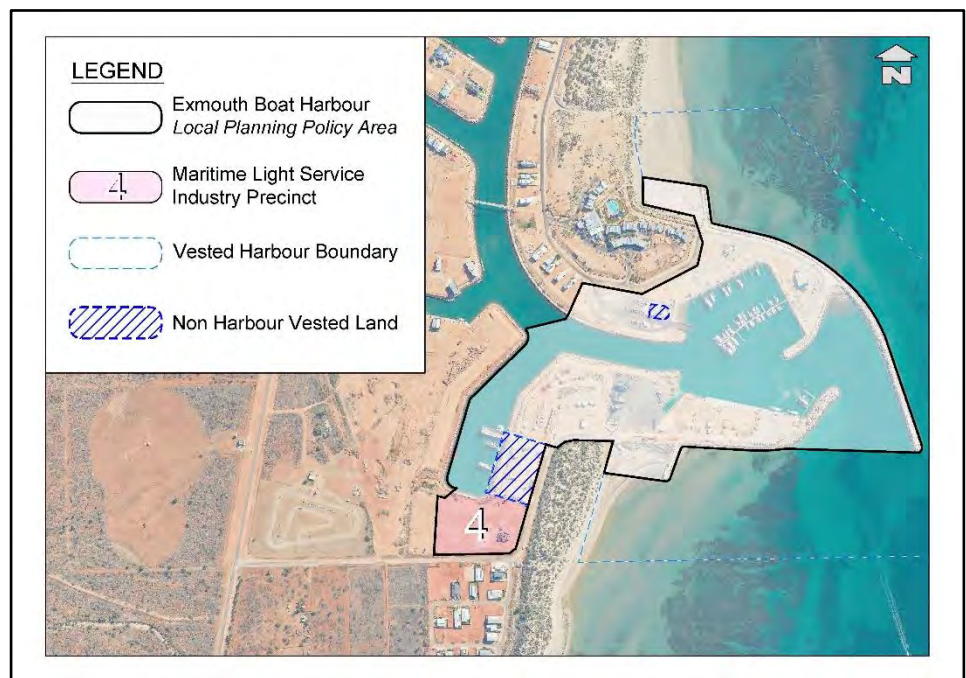
Given its proximity to residential areas and its exposed location at the road entry to the south harbour, all use and development in the precinct shall be limited to maritime commercial, and light and service industries. Development will be influenced by its potential for land use conflict with adjoining residential areas. Major harbour industrial activities with potential to adversely affect nearby residential amenity are not appropriate in this precinct.

OBJECTIVES

The objectives for the precinct are to:

- cater for light and service industries not causing adverse impact to nearby residential amenity;
- create an appropriate interface between nearby residential areas and the harbour's core activities; and
- remove existing road conflict with residential traffic and promote a visually appealing streetscape to the south harbour.

Figure 7 - Precinct 4: Maritime Light and Service Industry



PRECINCT 4 - DEVELOPMENT PROVISIONS

Table 6 – Precinct 4 – development provisions.

Item	Specific development provisions
Floor Levels	1. Finished Floor Levels shall be a minimum of 4.0 metres AHD
Building height and development form	2. Offices, administration areas and other low impact activities within and around buildings are preferably located and orientated away from residential areas to the south and west.
	3. Main service doors and openings should preferably be located along the eastern building elevations.
	4. Activities likely to cause the export of emissions at adverse levels are to be enclosed in buildings or screened to minimise off-site impacts.
Setbacks	5. The minimum building setback shall nominate Mortiss Street as the primary street frontage and Neale Cove as the secondary street frontage.
	6. Setbacks to canal walls are to be sufficient to maintain their structural integrity and to allow access for maintenance purposes.

	7. The minimum building setback from the precinct's western boundary is 3.0 metres for a one-storey building height and 6.0 metres where building height exceeds one storey.
Access and car parking	8. Site layout and building design shall avoid the potential for exterior lighting and headlight glare to be directed toward residences south of Mortiss Street.
Fencing and screening	9. Fencing along the precinct's western boundary is to comprise solid or obscure materials to a maximum height of 1.8 metres.
Landscaping	10. The front setback area of Neale Cove is to contain a minimum 1.5 metres wide landscaping strip. Additional landscaping may be required in other exposed areas as deemed necessary by the local government and DoT in accordance with the Shire of Exmouth <i>LPS 4</i> cl 4.23
Bushfire risk	11. Development Applications on harbour land identified as a bushfire risk area by DFES shall provide a Bushfire Management Plan in accordance with the WAPC's <i>SPP3.7</i> .

PRECINCT 5 - SEABED

DESCRIPTION AND PURPOSE

The Seabed Precinct comprises all water areas in the harbour as well as jetties, pens, mooring berths, floating pontoons, revetments, breakwaters, associated infrastructure and service utilities. Use and development is to be generally be limited to the transfer, mooring, penning and movement of boats.

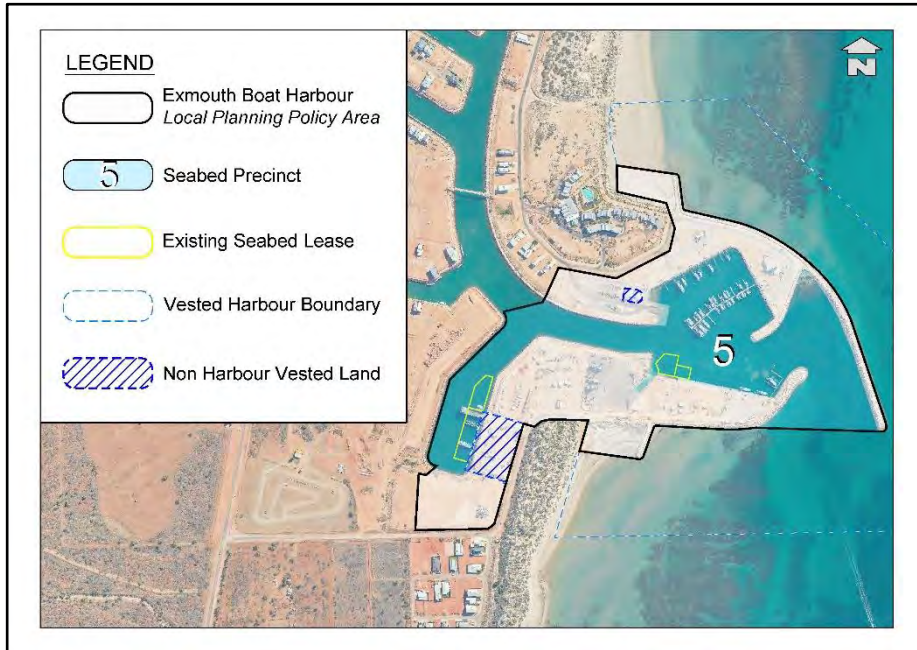
Harbour water and seabed works deemed to be exempt under the *PW Act* as well as the functions assigned to the DoT under the *Marine & Harbours Act 1981* are consistent with the reserve's vesting for Harbour Purposes hence neither the support or approval of the local government is required; noting DoT approval will always be required for any third party use or development.

OBJECTIVES

The objectives for the precinct are to:

- provide for the safe boating, mooring and penning of boats;
- provide ancillary services for boats and ensure access to the public wharf and other facilities are maintained; and
- provide safe boating movement networks.

Figure 8 - Precinct 5: Seabed Precinct



FUNCTIONAL AND SERVICE AREAS

All harbour breakwaters, groynes, jetties, spurs and other harbour water access and service infrastructure are not to be disturbed or modified without the express written consent of the DoT.

APPENDIX 1 – DEVELOPMENT APPLICATION CHECKLIST

Exmouth Boat Harbour *Local Planning Policy*

#	Checklist Item (where a Development Applications is required)	Complete & Attach
1	Development Application – pre-submission meeting ¹	<input type="checkbox"/>
2	Development Application (Form 1) submitted to the DoT (DoT refer to local government).	<input type="checkbox"/>
2a	MRS Form 1– including value (\$) of development (https://www.dph.wa.gov.au/information-and-services/subdivisions,-development-and-property/development-application-forms)	<input type="checkbox"/>
2b	Site plans, to a recognised scale showing its proposed location in the harbour, its site context and any proposed signage or peripheral development requiring assessment. Plans should include: <ul style="list-style-type: none"> – North point – Calculation of internal areas in both 'NLA' and 'GLA' – Details of lease boundaries and ability to maintain public access if relevant – Clear depiction of existing site features or structures as well as the proposed development – Any nearby trees, changes in levels, service and storage areas, setbacks, utility and servicing alignments, road reserves and any other public infrastructure 	<input type="checkbox"/>
2c	Floor/site plans to a recognised scale showing: <ul style="list-style-type: none"> – North point – Calculation of internal areas; in both 'NLA' and 'GLA' – Clear depiction of existing and proposed development – Clear depiction of internal and external areas – Proposed design levels (show existing design levels if changed) – Proposed materials, colours and finishes – Landscaping details (if relevant) 	<input type="checkbox"/>
2d	Elevations to scale showing: <ul style="list-style-type: none"> – Existing elevations and proposed elevations – Adjacent development (proximity and impact on) – Height of proposed development and comparison of proposed height to surrounding development – Proposed materials, colours and finishes 	<input type="checkbox"/>
2e	Written statement regarding the proposed development, including:	<input type="checkbox"/>

¹ No applicant should submit any plans or proposals without first meeting with the DoT. Depending on the size and scale of the proposal, this may also include meeting with its nominated design review architect.

	<ul style="list-style-type: none"> – Design intent and character (especially where a departure is proposed from typical harbour materials, colours and finishes) – Response to site and context – Landscaping (if applicable, providing information on landscape management especially where forming a significant component of the design aesthetic) – Proposed maximum occupancy (number of staff & estimate of customers/visitors) – Car parking (including any parking variation or management strategy proposed) – Signage – Impact of the development on access to sunlight (overshadowing) and shelter for adjacent public spaces 	
2f	Coloured perspective or photomontage (generally only required for development that contains a specific design feature that need to be considered in its context).	<input type="checkbox"/>
3a	<p>The local government and DoT will consider the following: (in consultation with the local government)</p> <ul style="list-style-type: none"> – Assessment against the operative planning framework – design review (architect) – engineering (constructability) – accessibility (to maintain safe vehicle and pedestrian paths and access / egress points) – parking, vehicle access and bicycle end-of-trip facilities – signage – other (landscape, overshadowing, community benefit etc.) 	<input type="checkbox"/>
3b	The DoT may request an application meeting (if required or for modifications / improvements)	<input type="checkbox"/>
4	The DoT signs the application form (or, if relevant, a refusal to sign is accompanied by a supporting letter)	<input type="checkbox"/>
5	Development Application process – determined by the DoT on advice from the local government	<input type="checkbox"/>
6	<p>If the application is approved; the applicant shall provide to the DoT (in consultation with the local government)</p> <p>If the Development application is allowed to proceed ²:</p> <ul style="list-style-type: none"> – 1 x hard copy set of approved plans – an electronic copy of the approved plans (including any agreed or conditioned modifications) – once any development is constructed, an electronic copy of the as-con drawings to supersede the lodged / approved drawings on file if relevant 	<input type="checkbox"/>

² In the interests of good land management, it is appropriate that the DoT obtains and maintains plans of all assets within the Minister's Reserve. All applicants are accordingly obliged to provide the DoT and the local government with a full set of electronic (dwg, CAD etc.) as-constructed drawings of the development. This will enable both agencies to maintain up-to-date information in a formal register of all use and development in the harbour reserve.



Policy Manual

	– If changes have been made, an electronic copy of the as-cons to replace any for-construction drawings held on file	
7	<i>Application refused to proceed – in the event the application is to be refused by the DoT, further liaison should occur to determine opportunities for modification and / or to negotiate a solution</i>	<input type="checkbox"/>



ENGINEERING AND TRANSPORT

7.1 – RECINDED



7.2 – Use of Shire Resources for Community Works

Adoption		
Date	Meeting	Council Decision
16/08/12	OCM	05-0812-10.1.3
Review		
Date	Meeting	Council Decision
22/11/18	OCM	04-1118
25/06/20	OCM	
Delegation		
No.	Title	

PURPOSE

The purpose of this policy is to outline entitlements of Community based groups for the use of Shire Resources for Community Works.

POLICY

Council authorises the Chief Executive Officer to determine any application for works requested by any sporting body or community-based group, subject to the following conditions:

- 1 Works will be approved on the basis of the community benefit received and the annual budget allocation (ie: Whaleshark Festival). Where a broader community benefit cannot be demonstrated, the request may be rejected.
- 2 Works shall not exceed a cumulative total value of \$2000 per sporting body or community group per annum. The value of work will include plant, labour and overhead costs. Requests for works above this sum are to be determined by the Chief Executive Officer.
- 3 The proposed works will not impede or effect the progress on the Shire's works and maintenance programs.
- 4 All sporting body and community-based group works are to be costed into Council's donation section of the annual budget. Support lists will be presented to Council from time to time detailing works done and costings of same.
- 5 All plant on loan to community groups must be operated by Council's operator or driver of that equipment.



7.3 – Guidelines and Specifications for the Design and Construction of Storm Water Drainage Systems

Adoption		
Date	Meeting	Council Decision
16/08/12	OCM	05-0812-10.1.3
Review		
Date	Meeting	Council Decision
22/11/18	OCM	04-1118
25/06/20	OCM	
Delegation		
No.	Title	

PURPOSE

The purpose of this policy is to direct civil development and associated storm water impacts, assessment and mitigation consistently.

POLICY

Council Officers shall advise and approve storm water drainage based on the State Government Planning Policy, Department of Water Management and the Institute of Public Works Engineering Australia Guidelines and Specifications.

This policy comprises of the following documents:

1. State Planning Policy 2.9 Water Resources (Government of WA, 2006)
2. Government of Western Australia Department of Water Stormwater Management Manual 2007 and amendments.
3. Local Government Guidelines for Subdivisional Development. Institute of Public Works Engineering Australia WA Division, Section 4 Drainage Management Guidelines.
4. Exmouth Floodplain Study 2007.
5. District Water Management Study V11049.



7.4 – Specification for the Design and Construction of Roads, Footpaths and Car Parks

Adoption		
Date	Meeting	Council Decision
16/08/12	OCM	05-0812-10.1.3
Review		
Date	Meeting	Council Decision
22/11/18	OCM	04-1118
25/06/20	OCM	
Delegation		
No.	Title	

PURPOSE

The purpose of this policy is to ensure that all civil works within the road reserve are constructed to engineered standard and specification consistently.

POLICY

Council Officers shall advise and approve the design and construction of roads, footpaths and car parks based on the following guidelines and specifications:

1. Main Roads Western Australia Specifications,
2. Institute of Public Works Engineering Australia, Local Government Guidelines for Subdivisional Development.

7.5 – Verge Enhancement

Adoption		
Date	Meeting	Council Decision
16/08/12	OCM	05-0812-10.1.3
Review		
Date	Meeting	Council Decision
22/11/18	OCM	04-1118
25/06/20	OCM	
Delegation		
No.	Title	

PURPOSE

The purpose of this policy is to enhance the street scape of the townsite areas and to provide financial assistance to property owners/occupiers that carry out approved verge enhancements.

POLICY

Property owners or occupiers that carry out approved verge enhancements will be eligible upon presentation of copies of receipts of goods and/or services purchased locally for reimbursement to the respective amounts as adopted by Council Budget for a single verge and for a corner block where dual verges are enhanced.

Eligibility for the reimbursement is subject to the following conditions:

1. Concrete kerbing being insitu or as approved by the authorised Shire Officer;
2. A plan of the enhancement shall be provided to the Shire’s administration for approval prior to any works commencing. The plan shall provide information relating to the proposed method of enhancement, existing street trees and any proposed new trees or other vegetation;
3. Removal of street trees is discouraged and will only be permitted in exceptional circumstances. Where approval is given to remove a tree, the property owner must meet all removal costs and its replacement with an approved species if an appropriate location on the verge can be identified.
4. An “approved verge enhancement” is one that is consistent with that defined in this policy;
5. The current or previous owner/occupier of the premises immediately adjacent to the verge not having already received a reimbursement for such works on the same verge;
6. The applicant taking all responsibility in relation to the protection of any underground services. The cost of any repairs to such services resulting from verge works shall be borne by the applicant.
7. The applicant to accept full responsibility for the ongoing maintenance of the verge.

Definitions: An “approved verge improvement” is one that involves the removal of top soil and a placement of fines or the installation of a water wise reticulation system and/or other suitable landscaping and implements at least one of the following specifications;



Policy Manual

Specifications:

For Fines Treatment: Removal of 100mm of top soil, backfill and compaction of 80mm of fines.

Lawn Treatment: Sprinklers shall be located adjacent to the street kerbing facing towards the verge. The spray shall be set so as to minimize any water wastage on to hardstand or road areas. Note: Council does not support the installation of lawn on verges and does not reimburse costs associated with the installation of lawn.

Garden Beds: Planting and maintenance of a garden bed is permitted provided that –

- i. clear sight visibility is maintained at all times for a person using the abutting thoroughfare in the vicinity of an intersection or bend in the thoroughfare; and
- ii. where there is no footpath, a pedestrian has safe and clear access of a minimum width of 2 metres along that part of the verge immediately adjacent to the kerb.

Tree and/or plant species to be approved by the Council Officers and selected from the Shire's Townscape Enhancement recommended plant list.

Should an application fall outside of this policy it will be assessed on a case by case basis.

Note:

All applicants are advised that should the Shire at some time in the future be installing a footpath along the verge in question, the footpath will be laid from the kerb a maximum of 2.0 metres into the verge. The Shire will reinstate any fines to enhanced verges following the footpath works.

7.6 – Vehicle Crossover

Adoption		
Date	Meeting	Council Decision
25/06/20	OCM	
Review		
Date	Meeting	Council Decision
Delegation		
No.	Title	

PURPOSE

The purpose of this policy is to ensure that all civil works within the road reserve are constructed to engineered standard and specification consistently.

POLICY

OVERVIEW

This document is designed to assist property owners and contractors to construct an appropriate crossover to Shire of Exmouth (SoE) specifications.

Property owners are required to apply to the Shire of Exmouth for approval prior to the construction of a crossover.

Owners are to use a SoE Crossover Application form and submit a drawing clearly showing the following:

- the proposed location and dimensions of the crossover (length and width);
- setback distance from the side boundary;
- alignment to the existing or proposed driveway within the property;
- location and set back distance to any existing street trees; and,
- any existing infrastructure or services that may be affected by your proposed crossover (power poles, drainage pits/manholes, Telstra pits, bus shelters, etc).

In the case of a new residential or commercial building construction, formal crossover approval must be obtained prior to lodging a Development Application. Crossover approval will be considered an accompanying document with the Development Application.

For a second crossover a further application and a repeat of the process outlined in this policy is required unless it was included in the original crossover approval.

Property owners or contractors are encouraged to contact the SoE and other relevant service authorities prior to the construction of the crossover if unsure on any aspect of this specification.

Should an application fall outside of this policy it will be assessed on a case by case basis and presented to Council for consideration.

During the construction the contractor shall ensure that no damage occurs to the SoE's roads, footpaths, drainage structures, kerbs, pram ramps and verges. Damage to the above-mentioned facilities may result in the repairs being carried out by the SoE at the property owner's expense.

IMPORTANT NOTE:

Whenever possible the crossover should tie into the existing footpath. Where the location of the footpath necessitates its removal, the drawings accompanying the crossover application must clearly show how the footpath is to be reinstated. Reinstatement must be like for like (i.e. asphalt for asphalt) and if its constructed of concrete contain reinforcement mesh.

During the construction of the crossover, if a footpath exists, it should be kept open to pedestrians in a safe manner with adequate signage or barricades placed to ensure pedestrian safety.

LOCATION

Crossovers are to be located in such a position that does not interfere with public utilities i.e. telecommunication pits, sewer pits, pram ramps or drainage structures. The crossover is to be constructed at 90 degrees to the kerb line and must not be built through the corner truncation. The location of the crossover should be no closer than 0.5m from a light pole or other services and 1.5m from any trees on the verge. The location of the crossover must be no closer than 6m from a street corner as per Section 5.3.5 Clause C5.3 of the State Planning Policy 3.1 Residential Design Codes

STREET TREES

Removal of street trees is discouraged and will only be permitted in exceptional circumstances. Where approval is given to remove a tree, the property owner must meet all removal costs and its replacement with an approved species if an appropriate location on the verge can be identified.

MAINTENANCE

The responsibility for maintenance of crossovers rests with the property owner.

CONSTRUCTION

a) Levels

The crossover should be constructed to tie into existing verge levels, including existing footpaths..

b) Dimensions

For residential crossovers servicing four dwellings or less, the minimum width of the crossover at the property boundary is 3.0m and the maximum width is 6.0m as per Section 5.3.5 Clause C5.2 of the State Planning Policy 3.1 Residential Design Codes.

For residential crossovers servicing five dwellings or more, the minimum width of the crossover at the property boundary is 4.0m as per Section 5.3.5 Clause C5.2 of the State Planning Policy 3.1 Residential Design Codes.

c) Base Preparation

The base material should be thoroughly moistened and compacted to 95% MMDD (Maximum Modified Dry Density), 7 blows / 300mm (per sand penetrometer). For brick paved crossovers a 25mm layer of bedding sand is required on top of the compacted sub-base.

d) Concrete

All concrete used in the works shall develop a minimum compressive strength of 32 Mega Pascals at 28 days with a maximum slump of 50mm and cured for 3 days.



e) Brick Paving

Concrete or Clay solid pavers are permitted and should be a minimum thickness of 60mm. Suitable brick paver edge restrains are shown on the attached plan STD 40-2s.

f) Asphalt

Crossovers are usually constructed with 25mm asphalt layer over a minimum 150mm compacted gravel sub-base.

g) Hotmix Asphalt Strip

In rural conditions, the minimum allowable treatment for a crossover 2.7m wide is a 30mm thick, 1.0m wide and 6m long hotmix asphalt strip, used to protect the edge of the existing sealed road.

h) Bitumen

Bitumen seal cross overs usually are constructed with a 2 coat 10mm / 7mm seal over a minimum 150mm compacted gravel subbase.

i) Kerbing

Mountable kerb need not be removed. Barrier and semi-mountable kerb should be removed equal to the width of the proposed crossover. Brick paved crossovers must have a concrete beam installed between road surface and brick paving to crossover. The installation of the new crossover should reinstate the 20mm water channel (LIP) along the kerb line. Only flush kerbing to be used on the verge between the road and property boundary.

j) Finishing

The surface shall be treated to provide a non-slip surface.

k) Return of Kerbing and Wings

Crossover wings shall be constructed 1.5m wide x 3.0m long for residential and commercial properties. A radius of 1.5m for residential and 3.0m for commercial may be used. Residential crossovers greater than 5.0m in width may construct reduced wing dimensions of 0.75m wide x 1.5m long.

l) Crossover Adjacent Side Entry Gully

Refer attached plan for details.

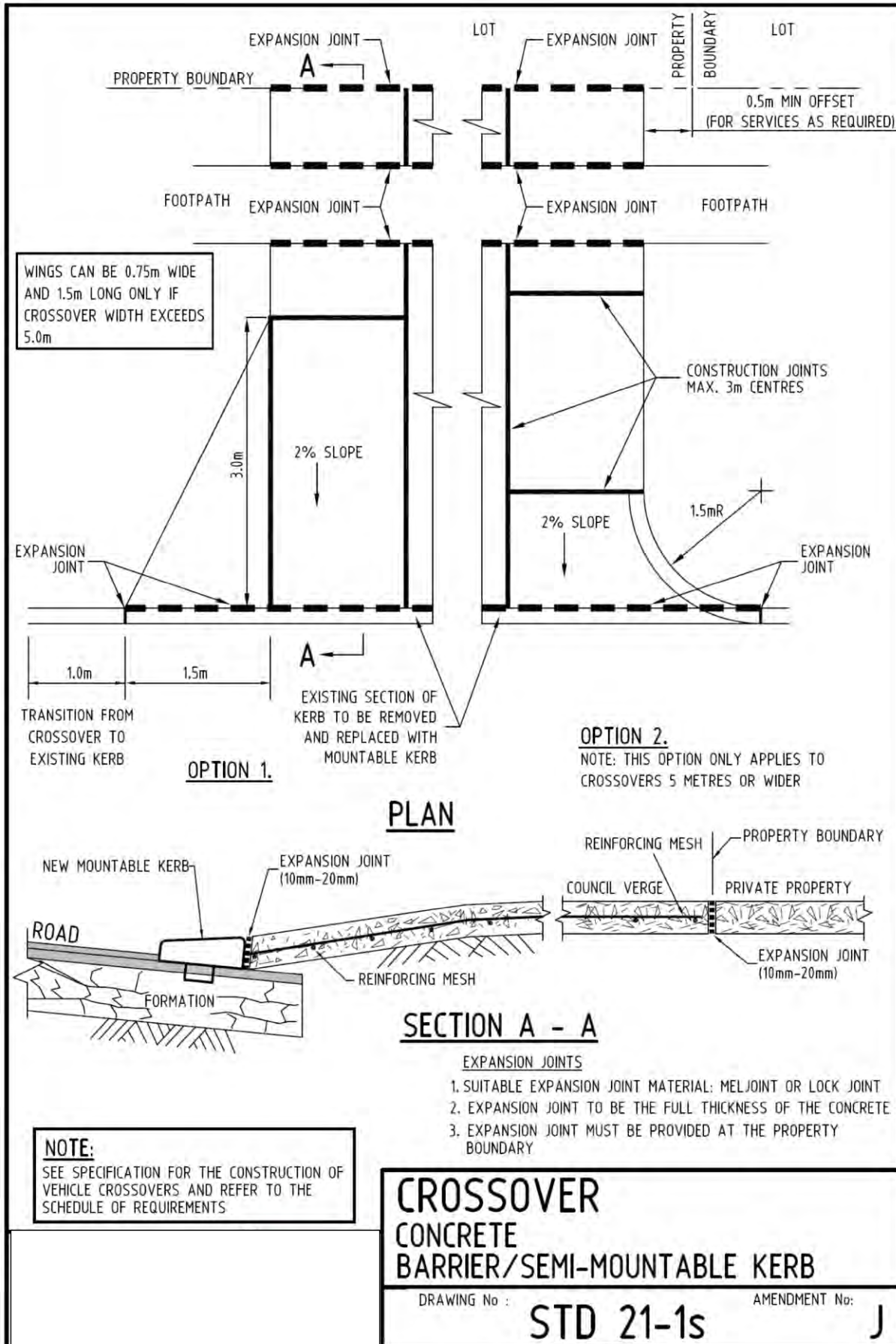
m) No Wings Required When: If a footpath exists in front of lot the crossover should butt onto the back of the footpath and does not require wings.

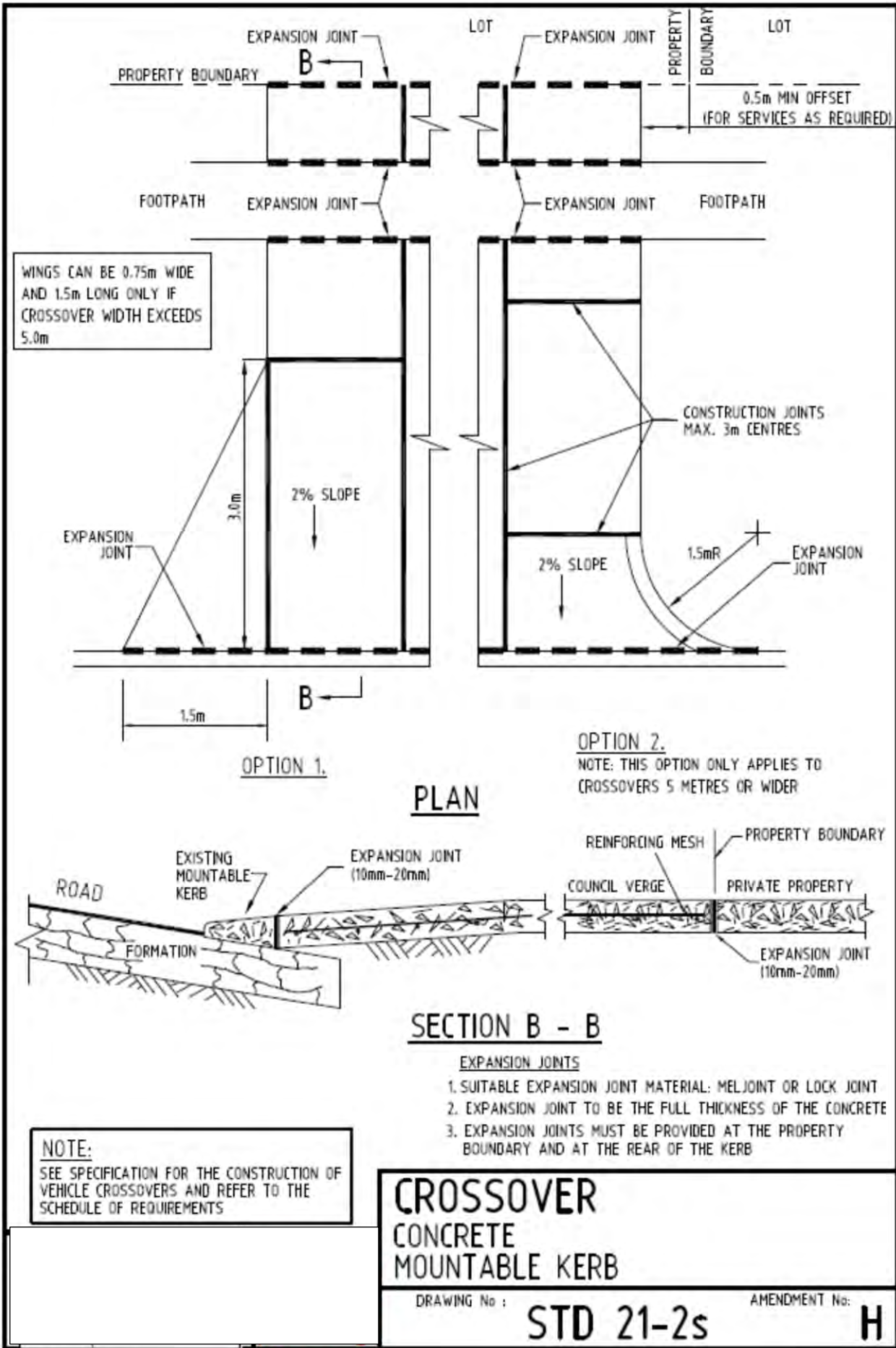
CONSTRUCTION RESPONSIBILITIES

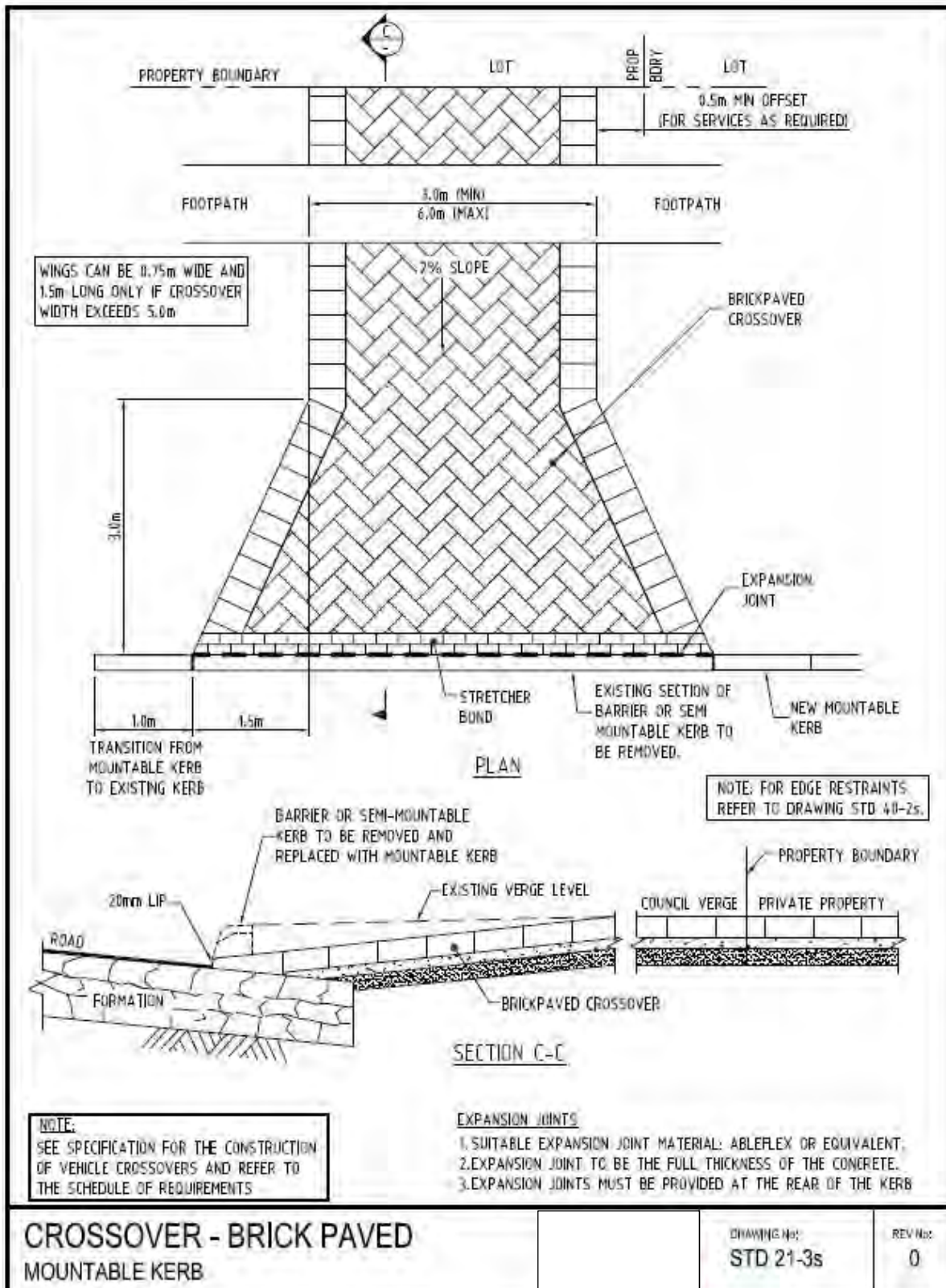
The person responsible (i.e. client) for the construction of the crossover shall ensure the following;

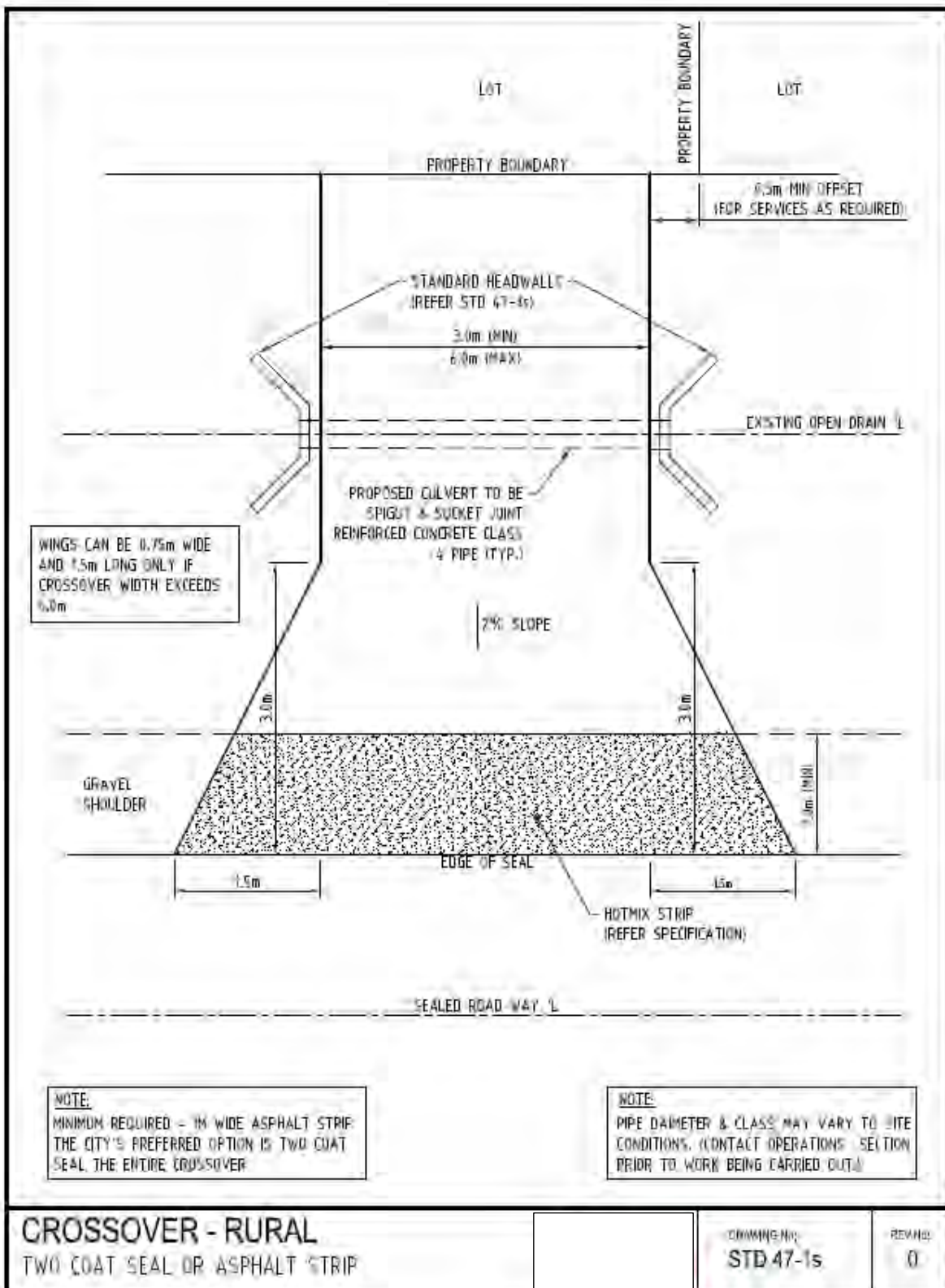
- a) Cutting existing kerbing with concrete saw or removing existing precast kerbing without damage to pavement, kerbing or services.
- b) Removal and disposal of all surplus material from the site of the works and leaving the site in a clean and tidy condition at all times.
- c) Removal of formwork without damage to concrete, pavement or existing kerbing.
- d) Immediate reinstatement to kerbing, road surface, footpaths and all public utilities following damage during the course of the works.
- e) The protection of private property from flooding during construction due to the removal of kerbing or water channel.

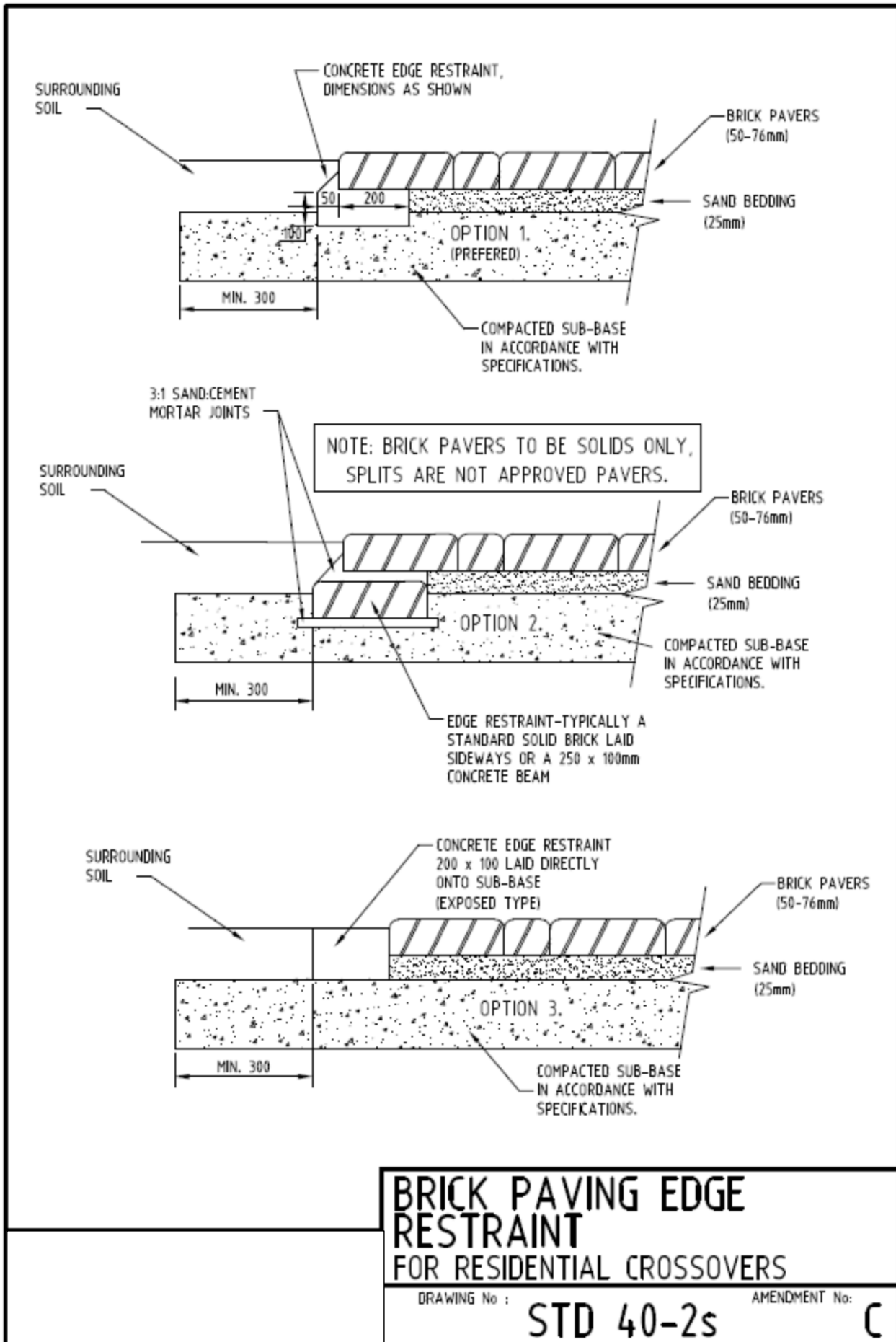
SCHEDULE OF REQUIREMENTS		
ALL CROSSOVERS		
ITEM	RESIDENTIAL	COMMERCIAL
Minimum width	3.0m - four or less properties 4.0m - five or more properties	3.5m
Maximum width	6.0m or 40% of the width of the property whichever is the lesser	11.0m
CONCRETE		
ITEM	RESIDENTIAL	COMMERCIAL
Thickness	100mm	150mm
Steel Reinforcement	F52 mesh	F62 mesh
Concrete Strength capacity @ 28 days	32 MPa / 50mm slump	32 MPa / 50mm slump
BRICKPAVE		
ITEM	RESIDENTIAL	COMMERCIAL
Thickness	60 – 76mm	76mm minimum
Sub base – Limestone Sub base – Rock base/gravel	150mm 150mm	250mm 200mm
Sand Bedding	25mm	25mm
ASPHALT		
ITEM	RURAL RESIDENTIAL	COMMERCIAL
Base Course or	150mm ferricrete base	200 ferricrete base
Sub-Base	200mm limestone sub base	250mm limestone subbase
Bituminous Concrete	25mm thick	40mm thick lift

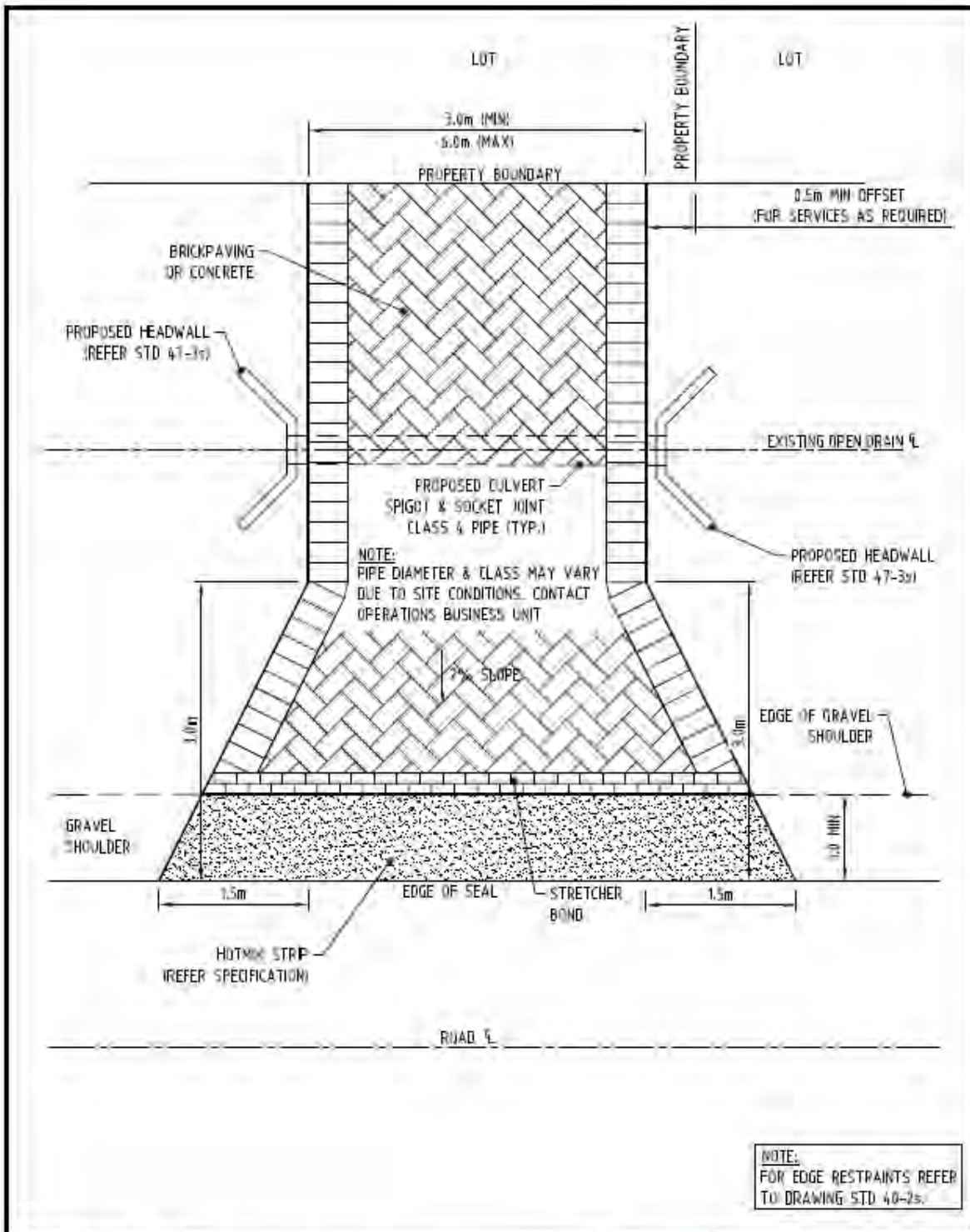








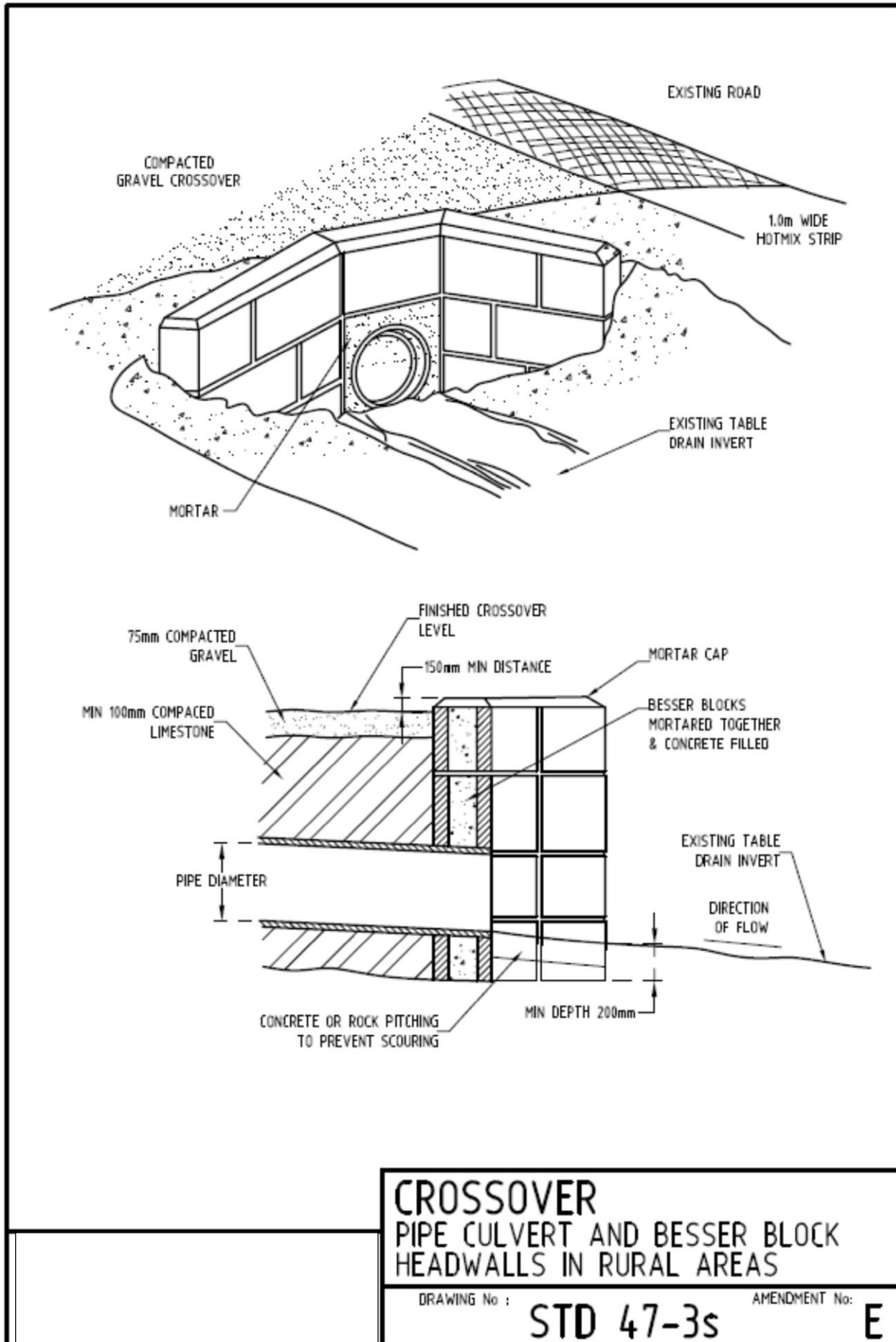


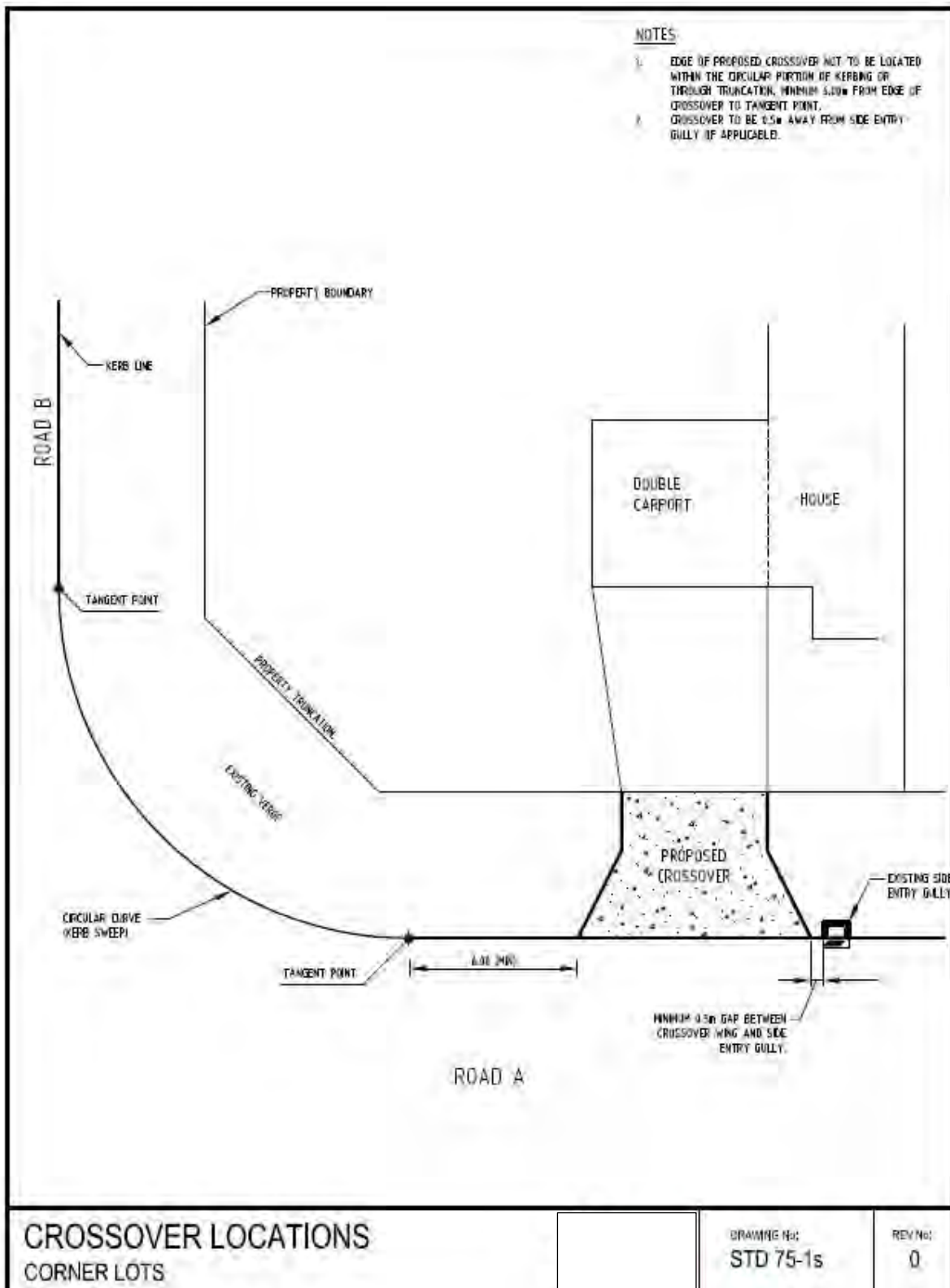


CROSSOVER
BRICKPAVED & CONCRETE IN RURAL AREAS

DRAWING No:
STD 47-2s

REV No:
0







7.7 - RECIND



7.8 – Alterations or Damage to Council Street Infrastructure

Adoption		
Date	Meeting	Council Decision
16/08/12	OCM	05-0812-10.1.3
Review		
Date	Meeting	Council Decision
22/11/18	OCM	04-1118
25/06/20	OCM	
Delegation		
No.	Title	

PURPOSE

The purpose of this policy is to identify the processes involved when alterations or damage to Council Street Infrastructure occurs.

POLICY

The following is Council's policy in relation to alterations or damage to Council Street Infrastructure that may occur as a result of building or development activity, or as a result of negligence, vandalism or destructive acts.

Alterations:

All costs related to altering existing infrastructure in roads or streets, eg: sumps, drains, kerbing, crossovers, road seal, signage, footpaths, street trees etc., shall be borne by the party requesting the change.

Where a person wishes to conduct alteration works, an application shall be made in writing with accompanying drawings and detail, requesting an inspection of the location to assess the requested works.

Shire staff will conduct an inspection of the works at their completion. Any non-compliance with the Shires specifications will require rectification. A person who is not satisfied with a decision of the Engineering Services Officer may appeal in writing to the Chief Executive Officer in the first instance and then Council for a ruling if they continue to remain dissatisfied.

Where the party requesting the alteration does not undertake the remedial works themselves, or arrange it themselves, the Engineering Services Officers will undertake the work and raise an invoice to the party at private works rates.

Damage:

All costs related to damage caused to existing infrastructure in roads or streets, eg: sumps, drains, kerbing, crossovers, road seal, islands, signage, footpaths, street trees etc., shall be borne by the party causing the damage.

Any remedial works shall be constructed to the approved Engineering Services specification or Council Policy.



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Where a person wishes to conduct activities that they believe may cause damage (eg: transportable house delivery), they should contact the Engineering Services department to arrange an inspection of the location before the activity commences to assess the condition of the infrastructure, and to seek approval of the works or activity. Prior to the commencement of the works and as a condition of approval, Council Officer's may require the provision of a bond in accordance with bond requirements in Council's annual budget, prior to the commencement of the works.

Where the party required to undertake remedial works does not undertake the work themselves, or arrange it themselves, the Engineering Services Officers will undertake the work and raise an invoice to the party at private works rates.

Reference to this Policy shall be made as a standard condition of Building Permit Approval.



7.9 – Lighting – Streets, Footpaths, Parks, Recreation and Other Areas

7.10 - Private Works

Adoption		
Date	Meeting	Council Decision
16/08/12	OCM	05-0812-10.1.3
Review		
Date	Meeting	Council Decision
22/11/18	OCM	04-1118
25/06/20	OCM	
Delegation		
No.	Title	

PURPOSE

The purpose of this policy is to provide a service to persons or organisations within the Local Government, particularly where the service cannot be provided by other businesses or agencies and to ensure a source of income for Council and the efficient use of Council's plant and human resources.

POLICY

Council Officers shall undertake private works upon request based on the following Guidelines:

Guidelines:

- i. A site inspection of the proposed works is undertaken by an authorised Shire officer.
- ii. A formal cost estimation is prepared by the authorised officer and written advice is received from the customer agreeing to the work and price.
- iii. The price estimate will include the full cost of materials, plant hire based on the Council's current budget plant hire rate which also includes fuel and depreciation, the direct cost of labour plus Council's standard overhead rate. A further charge of 15% administration will be levied on the total of the above.
- iv. Private Works is to be conducted where possible outside of ordinary working hours and on weekends to enable Council's annual works program to be completed. The quote provided shall incorporate these overtime penalty rates. .
- v. 15% Administration Fee will not be applied on purchases made on behalf of Government Agencies who have provided a valid purchase order. This will allow Council to purchase bulk product at a discounted price, without any financial obligation.

7.11 – Responsibilities at School – Pedestrian and Vehicle Facilities

Adoption		
Date	Meeting	Council Decision
16/08/12	OCM	05-0812-10.1.3
Review		
Date	Meeting	Council Decision
22/11/18	OCM	04-1118
25/06/20	OCM	
Delegation		
No.	Title	

PURPOSE

The purpose of this policy is to provide a framework for the provision of vehicle and pedestrian facilities for schools.

POLICY

Council is to consider the provision of vehicle and pedestrian facilities at schools in the following circumstances and within the following criteria only:

- (a) Requests for consideration will only be processed when received as a formal request from Parents and Citizens Associations, the school Principal or the Education Department of WA and that request be supported by facts, sketch plan and clear details of the funding requested and any alternative source of funds.
- (b) Requests received are to be evaluated by staff, a preliminary plan prepared with an estimated cost and a report prepared and referred to Council with a recommendation.
- (c) Council consider funding up to 80% of pedestrian facilities at schools being footpaths/dual use paths, pedestrian crossings, , minor traffic management (e.g. other than roundabouts), barriers/rails, ramps, signs and parking restrictions.
- (d) Council consider up to a maximum 50% of funding with the balance sourced from the school or the Education Department of WA for vehicle facilities being set-down/pick-up bays, major traffic management (such as roundabouts) and other forms of embayment's protecting standing only vehicles (other than buses).
- (e) Council does not provide any funding for bus embayment's at schools.
- (f) Council does not fund any facility within school grounds.
- (g) Council funding sources be through the Five Year Plan process and/or Minor Works budget.



RANGER AND EMERGENCY SERVICES

8.1 – RECINDED



8.2 – RECINDED



8.3 – Camping on Exmouth Recreation Ground

Adoption		
Date	Meeting	Council Decision
15/11/12	OCM	06-1112-10.1.3
Review		
Date	Meeting	Council Decision
22/11/18	OCM	04-1118
25/06/20	OCM	
Delegation		
No.	Title	

PURPOSE

The purpose of this policy is to enable people to camp temporarily on the Exmouth Recreation Ground without obtaining written approval from Council.

POLICY

Sideshow operators, stall operators and organisers at festivals/events are only permitted to camp on Talanjee and Koobooroo Ovals on the night before and during the period of the Show, and must remove all camping and other gear during the day following the end of the Show.

Any variation to this Policy requires an application to the Shire of Exmouth. Approval may be given by the Chief Executive Officer where the variation is 1 day either side of the event. Where a more significant variation is requested, approval of the Council is required.

8.4 – Emergency Overflow Camping Grounds

Adoption		
Date	Meeting	Council Decision
15/11/12	OCM	06-1112-10.1.3
Review		
Date	Meeting	Council Decision
22/11/18	OCM	04-1118
23/04/20	SCM	03-0420
25/06/20	OCM	
Delegation		
No.	Title	

PURPOSE

The purpose of this policy is to provide overflow facilities in the Shire that will accommodate additional numbers of camping tourists when permanent caravan parks and camping grounds facilities within the Shire are operating at or near capacity.

This policy will ensure that the operation of overflow sites/facilities within the Shire of Exmouth complies with legislative requirements.

Ensure that the impact on permanent operators is balanced with the additional economic benefit to the destination because of greater capacity in peak demand periods.

Legislative Requirements:

The legislative base for the overflow facilities will be in accordance with the Caravan Parks and Camping Grounds Act and Regulations.

POLICY

Part A

This section relates to the use of overflow camping sites within the existing licenced caravan parks within the Shire of Exmouth.

Each caravan park is issued with a limited number of overflow sites in accordance with the Caravan Parks and Camping Grounds Act & Regulations. These are the only sites that may be used as an overflow facility. All such bays will be identified on the caravan parks license and can only be used during the peak holiday periods and in accordance with the conditions detailed on the licence.

Part B

This section relates to the establishment and operation of a self-contained Recreational Vehicles emergency overflow facility.

For the purposes of this policy, self-contained Recreational Vehicles includes all buses, over-size motorhomes and large caravans that are completely independent of needing power, water, waste services, sewerage and sullage points. It does not include any trailer or tent.



Policy Manual

1. The Shire may establish an overflow area for self-contained Recreational Vehicles when there are no vacancies for vehicles of this nature available at any caravan park within the Exmouth townsite boundary (as defined in attached map to this policy) of the Shire of Exmouth. A camper is permitted to book for up to 7 consecutive days at the overflow if it is believed that there are no available spaces for the required length of stay in the caravan parks during the 7 day period.
2. The maximum stay at the Exmouth Shire Council self-contained Recreational Vehicles Overflow Camping facility is to be a maximum of 14 consecutive days. Authorized camp ground hosts may stay longer than the maximum period at the Overflow Camping grounds.
3. The self-contained Recreational Vehicle overflow shall be primarily based between the Arboretum and the Netball courts on Willersdorf Road, although specific circumstances may arise requiring the site to be temporarily relocated e.g heavy rainfall or increased numbers. Temporary relocation of the Overflow will be at the discretion of the Chief Executive Officer.
4. Fees for camping at this facility shall be determined in accordance with Council's Annual Schedule of Fees and Charges.
5. The maximum number of vehicles allowed in self-contained Recreational Vehicles overflow facility area will be determined based on allocated spacing between vehicles, size of vehicles (whether they have trailers), turning circles, and usable space in the allocated area.
6. Dogs are permitted in this overflow camping area but must always be held on a leash and be under the control of a responsible person.

Part C

This section relates to the Shire of Exmouth Overflow Camping Grounds.

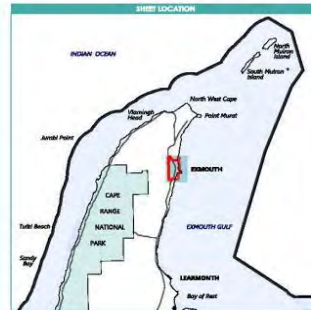
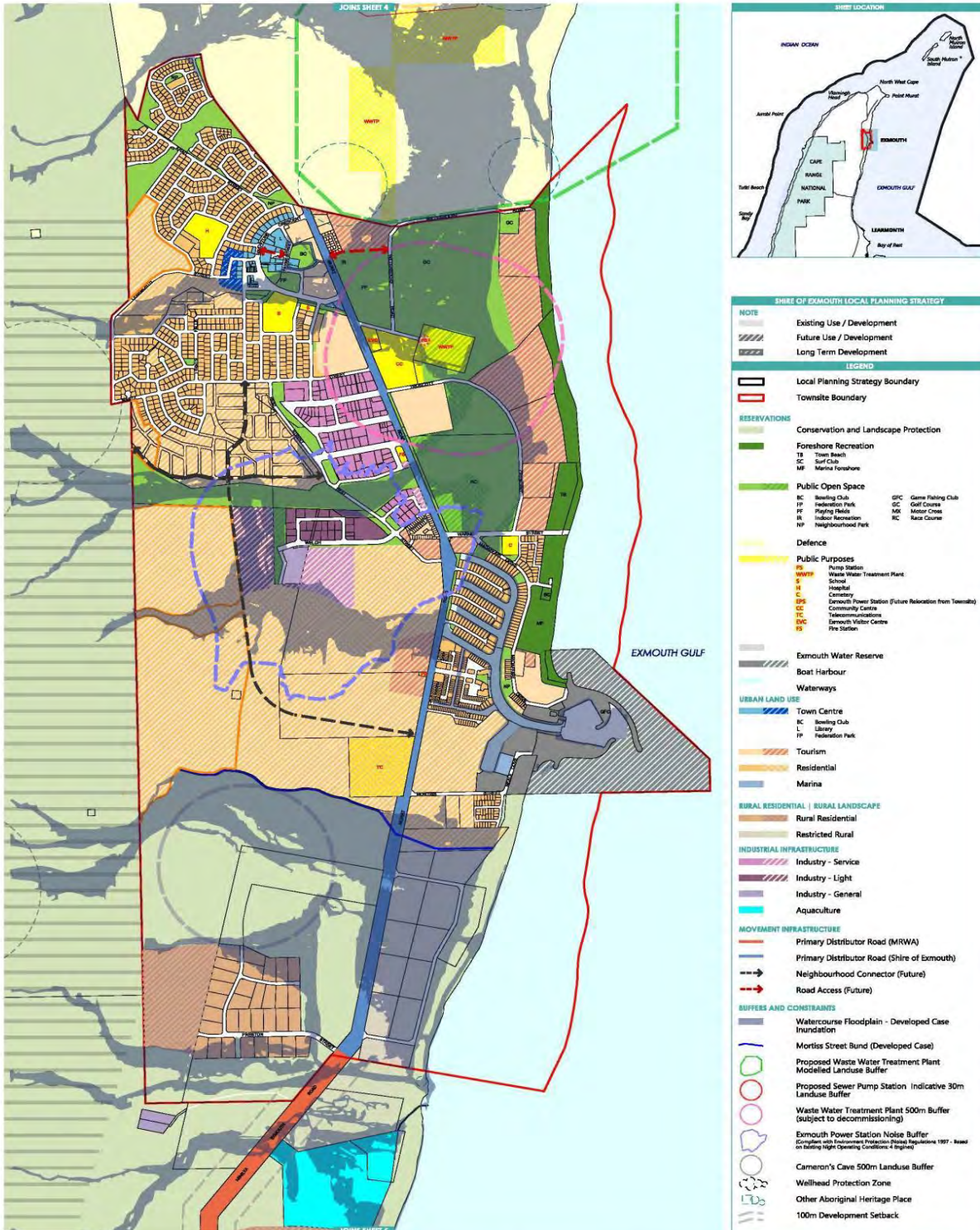
1. Where there are no vacancies available at all existing Caravan Parks within the Exmouth townsite boundary (as defined in attached map to this policy), including approved overflow sites within the licensed Caravan Parks, the Shire of Exmouth, at the discretion of the Chief Executive Officer, may authorise the operation of Overflow Camping Grounds at the following locations: -
 - Designated overflow bays east of Koobooroo Oval – under the supervision of Council's Ningaloo Visitor Centre staff and/or the authorized Camp Host;
 - Niblett Park under the supervision of Council's Ningaloo Visitor Centre staff and/or the authorized Camp Host;
 - And any additional areas at the discretion of the Chief Executive Officer including participating local community or sporting group facilities.
2. Overflow sites are to be identified for use and occupancy levels determined as approved by the Chief Executive Officer.



Policy Manual

3. The maximum stay at the Exmouth Shire Council Emergency Overflow Camping facilities is to be a maximum of 14 consecutive days. Authorised camp ground hosts may stay longer than the maximum period at the Overflow Camping grounds. A camper is permitted to book for up to 7 consecutive days at the overflow only if it is believed that there are no available spaces for the required length of stay in the caravan parks during the 7 day period.
4. During the utilisation of the Koobooroo and Niblett oval overflow sites, the Council's Ningaloo Visitor Centre staff are to resolve any unforeseen problems arising except where a camp ground host has been appointed, in which case the camp ground host is responsible for day to day supervision and management of the facility. In relation to community/sporting group facilities approved for overflow operations the respective management committees of these groups and/or their appointed camp ground host are to resolve any unforeseen problems arising and are responsible for day to day supervision and management of the facility.
5. Fees for camping at the overflow facilities (Shire and participating local community and sporting groups) shall be determined in accordance with Council's Annual Schedule of Fees and Charges.
6. The Ningaloo Visitor Centre will be the booking agency for all Shire and community/sporting group overflow facilities and charge standard booking commissions on transactions at levels as approved in Council's Annual Schedule of Fees and Charges.
7. Dogs are permitted in the above overflow camping areas but must always be held on a leash and be under the control of a responsible person.
8. Additional locations may include local community and/or sporting groups that possess all relevant facilities, insurances and onsite management plan to manage an overflow site.
9. Use of clothes washing machines are prohibited at overflow sites where sullage disposal facilities are not provided. Patrons are to use the public laundry in the Central Business District or other approved accessible facility.

Attachment 1 - Exmouth Townsite Map – Local Planning Strategy (Townsite boundaries delineated by red border)



SHIRE OF EXMOUTH LOCAL PLANNING STRATEGY	
NOTE	Existing Use / Development
	Future Use / Development
	Long Term Development
LEGEND	
	Local Planning Strategy Boundary
	Townsite Boundary
RESERVATIONS	
	Conservation and Landscape Protection
	Foreshore Recreation
TR	Town Beach
SC	Seaf Club
MF	Marina Foreshore
	Public Open Space
BC	Boating Club
TP	Tennis Park
PF	Playing Fields
IR	Public Recreation
NP	Neighbourhood Park
	Defence
	Public Purposes
PS	Police Station
WWT	Waste Water Treatment Plant
S	School
H	Hospital
C	Community Centre
EPS	Exmouth Power Station (Future Relocation from Townsite)
CC	Community Centre
TC	Telecommunications
ENC	Exmouth Visitor Centre
FS	Fire Station
	Game Fishing Club
GC	Golf Course
MC	Motor Course
RC	Race Course
	EXMOUTH WATER RESERVE
	Boat Harbour
	Waterways
URBAN LAND USE	
	Town Centre
BC	Boating Club
L	Library
FP	Federation Park
	Tourism
	Residential
	Marina
RURAL RESIDENTIAL RURAL LANDSCAPE	
	Rural Residential
	Restricted Rural
INDUSTRIAL INFRASTRUCTURE	
	Industry - Service
	Industry - Light
	Industry - General
	Aquaculture
MOVEMENT INFRASTRUCTURE	
	Primary Distributor Road (MRWA)
	Primary Distributor Road (Shire of Exmouth)
	Neighbourhood Connector (Future)
	Road Access (Future)
BUFFERS AND CONSTRAINTS	
	Watercourse Floodplain - Developed Case Inundation
	Mortiss Street Bund (Developed Case)
	Proposed Waste Water Treatment Plant Modelled Landuse Buffer
	Proposed Sewer Pump Station Indicative 30m Landuse Buffer
	Waste Water Treatment Plant 500m Buffer (subject to decommissioning)
	Exmouth Power Station Noise Buffer (Complies with Environment Protection (Noise) Regulations 1997 - Based on Safety High Operating Conditions 4 Begins)
	Cameron's Cave 500m Landuse Buffer
	Wellhead Protection Zone
	Other Aboriginal Heritage Place
	100m Development Setback



8.5 – Multiple Dogs

Adoption		
Date	Meeting	Council Decision
15/11/12	OCM	06-1112-10.1.3
Review		
Date	Meeting	Council Decision
22/11/18	OCM	04-1118
25/06/20	OCM	
Delegation		
No.	Title	

Enabling Legislation

Dog Act 1976

Local Government Act 1995

Related Legislation & Statutes

Shire of Exmouth Dogs Local Law

Preamble

The Dogs Act and the Shire of Exmouth Dog Local Law place a limit on the number of dogs that may be kept on a property. This limit is 2 dogs over the age of 3 months within the townsite and 4 dogs over the age of 3 months outside the townsite.

Section 26(3) of the Dog Act provides for Council to make an exemption to the Local Law and permit a person to keep more than the prescribed number of dogs. Any exemption Council makes may be subject to conditions relating to the dogs in the application. Council cannot approve more than 6 dogs on a premise and Council may revoke the approval at any time.

Policy Objectives:

This policy seeks to ensure that multiple dog applications are treated in a fair and consistent manner having regard to the relevant Acts, Regulations, Local Laws and not to create disharmony in the immediate neighbourhood due to problems that could occur through having a multiple dogs on a single property.

Definitions:

"Authorised Officer" – means a person appointed by the Shire of Exmouth under the Dog Act 1976.

"Premise" – means the property or properties owned or occupied by the applicant. Where a property consists of more than one land title, all parcels of land together shall be deemed to be one premise.

Policy:

1. An owner or occupier of land within the Shire of Exmouth shall not be allowed to keep more than :-
 - a) two (2) dogs on a premise within the townsite, without the prior written approval of the Council.
 - b) four (4) dogs on a premise outside the townsite, without the prior written approval of Council.

2. No person within the Shire of Exmouth will be permitted to keep more than six (6) dogs on a premise under any circumstance. This requirement will not apply to a dog kennel facility approved under the provisions of the relevant Shire of Exmouth Town Planning Scheme.
3. Council will not approve more than two (2) dogs within the townsite or four (4) dogs outside the townsite unless it can be shown to the satisfaction of an authorised officer that:
 - a) the property has sufficient open space capable of housing a 3rd/5th dog; or
 - b) the 3rd / 5th dog is to replace an elderly or sick dog which is likely to die within the next 12 months.
4. In order to seek Council's approval to keep between three (3) and six (6) dogs on a property, the owner / occupier must provide a written application advising of the following information :-
 - a) Contact details of the applicant, including their full postal address;
 - b) Complete details on the property on which the dogs will be kept;
 - c) The reasons for which they require the permit; and
 - d) The total number of dogs to be kept on the property.
5. Prior to determination, all applications to keep between three (3) and six (6) dogs on a property will :-
 - (a) Be referred to adjoining landowners for comment. Adjoining landowners will have 14 days from the date of referral to lodge a written submission on the proposed application. Where no response is received, Council will take the view that the adjoining owners have no objection to the application.
 - (b) All dogs must be registered to the address in the application
 - (c) The property will be inspected for (i) suitable containment (ii) ensure that dog faeces are removed regularly and in an appropriate manner (iii) the general health and welfare of the dogs is suitable.
 - (e) In the case where an application is being made for a dog to replace an old dog, the old dog is in all probability likely to die within the next 12 months.
6. Following approval to keep three (3) to six (6) dogs on a property, an authorised officer of Council may inspect the subject property at any time to inspect fencing, dog numbers and registration of dogs.
7. Any application approved by Council shall be an approval only for (i) the dogs named in the application (ii) the property named in the application.
8. Council reserves the right to revoke any approval to keep three (3) to six (6) dogs on a property if it is considered that a breach or offence against the *Shire of Exmouth Dogs Local Law* or the *Dog Act 1976* has been committed. In this circumstance, the Council may require that the number of dogs on the property be reduced to a maximum of two (2) within 14 days.



Policy Manual

9. The Chief Executive Officer is delegated authority to perform the functions of Council in respect to the following:
 - a) The determination of applications to keep between three (3) and six (6) dogs on a property, where the application meets all requirements of this policy, the *Shire of Exmouth Dogs Local Law* and no written objection has been received from adjoining landowners during the notification period; and
 - b) To refuse applications to keep more than six (6) dogs on a property that are not in connection with a dog kennel facility approved under Council's relevant Town Planning Schemes.
 - c) To place any conditions on the approval which the Chief Executive Officer sees fit.
10. Any application not considered to fall within the delegation parameters defined in Section 9 will be referred to Council for determination.
11. Any applicant whose application has been refused or is not satisfied with the conditions placed on an approval is to be advised of their right of appeal to the State Administrative Tribunal. Applicants shall be advised they have a maximum of 28 days from the date of notice to lodge their appeal.

All dogs within the Shire of Exmouth must meet the requirements set out in Section 3.1 of the Shire of Exmouth Dogs Local Law – Dogs to be Confined.

Policy History

Policy No.	Policy Name	Action	Details (Include OCM date & Council Dec No.)
1.24 1.25 1.18 1.19 1.20 1.21 1.22 2.5 3.1 3.2 3.3	Managing Public Question Time Managing Petitions, Deputations, Presentations & Submissions Email & Internet Usage Injury Management & Rehabilitation Equal Opportunity Sexual Harassment Occupational Safety and Health Community Notice board Learmonth Airport Exmouth Aerodrome Display of Promotional Material and Advertising Signs at the Learmonth Airport Terminals	Rescinded	Full policy review: OCM 22/11/18 Council Decision 04-1118 ANNUAL POLICY REVIEW
1.6 1.9 2.1 2.3 2.10 2.14	Council Briefing Sessions Provision of Table (Internet Plan) to Councillors Asset Capitalisation – Depreciation Common Seal Debt Recovery Asset Management Policy	Modified	
2.5 2.15	Reserves Policy Information Management – IT System Security	New Policy	
4.2	CSRF Small Grant Policy	New Policy	OCM 28/02/19 Council Decision 09-0219
4.3	Economic Development	New Policy	OCM 28/02/19 Council Decision 10-0219
6.1 6.3 6.4 6.5 6.6 6.7 6.9, 6.11 6.12 6.13 6.14 6.16 6.17 6.18 6.19 6.20 6.21, 6.22 6.23.	Home Occupation Ancillary Accommodation Caretakers Dwelling Bed and Breakfast Accommodation Outbuildings Murat Road Development Guidelines Use of Sea Containers Parking Holiday Accommodation Temporary Workers Accommodation Design Guidelines for Exmouth Marina Village Precinct A Design Guidelines for Exmouth Marina Village Precinct A Design Guidelines for lot 11 and 12 Market Street Town Planning Fees District Water Management Strategy Design Guidelines for Exmouth Marina Village Precinct B Design Guidelines for Exmouth Marina Village Precinct C Sand and Dust Control Second hand Buildings and Second hand Building Materials	Rescinded	OCM 28/02/19 Council Decision 08-0219
2.16	Records Policy	New Policy	OCM 28/03/19 Council Decision 07-0919
4.1	Sponsorship Policy	Modified	OCM 02/05/19

			Council Decision 03-0419
6.8	Signs	Modified	OCM 27/06/19 Council Decision 05-0619
2.17	Related Party Disclosures	New Policy	OCM 27/06/19 Council Decision 07-0619
1.16	Ex-Factor Allowance (Cost of Living Assistance)	Rescinded	OCM 25/07/19 Council Decision 03-0719
6.24 6.25	Container Deposit Scheme Infrastructure Exmouth Boat Harbour Development Plan	New Policy New Policy	OCM 22/08/19 Council Decision 03-0819 Council Decision 04-0819
1.13 1.21	Acting Chief Executive Officer Appointment of Acting Chief Executive Officer	Rescinded New Policy	OCM 24/10/19 Council Decision 05-1019
6.10 6.15 6.2	Landscaping Construction of Shed/Barn Style dwellings Colour Palette for Developments	Rescinded Rescinded Modified	OCM 28/11/19 Council Decision 06-1119
2.1 2.2 2.6 2.7 2.11 2.13 2.15	Asset Capitalisation Interest Free Loans to Clubs and Organisations Investment Policy Procurement Policy Use of Corporate Credit Cards Risk Management Policy Information Management – IT Systems Security	Modified	OCM 19/12/19 Council Decision 08-1219 CORPORATE SERVICES DIRECTORATE COMPLETE REVIEW
2.18	Financial Hardship Policy – COVID-19	New Policy	SCM 23/04/20 Council Decision 02-0420
8.4	Emergency Overflow Camping Grounds	Modified	SCM 23/04/20 Council Decision 03-0420
1.22	Electronic Meetings (Council and Committee)	New Policy	SCM 23/04/20 Council Decision 08-0420
6.8 6.8	Signs Advertising Signage, Town Centre Public Space Permit, And Outdoor Eating Permit Policy	Rescinded New Policy (using same policy number)	OCM 28/05/20 Council Decision 08-0520
6.9	Itinerant Trading	New Policy	OCM 28/05/20 Council Decision 09-0520

Shire of Exmouth

DELEGATION REGISTER



Current as at (25 June 2020)

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The delegations contained herein have been adopted by Council at the Ordinary Council Meeting held on the **XX** 2020 by absolute majority decision. In addition to delegations made in accordance with the *Local Government Act 1995*, a number of delegations are also made to the Chief Executive Officer, or directly to officers, in accordance with the provision of other legislation ie Building Act 2011.

The delegated register is to assist with improving the time taken to make decisions with the constraints permitted by the relevant legislation.

The register of delegations is to be maintained and reviewed at least once every financial year, pursuant to s5.46 (1) and (2) of the *Local Government Act 1995*.

1. LOCAL GOVERNMENT ACT 1995

1.1 Council to Committees of Council

1.1.1 Ningaloo Tourism Advisory Group

Delegator:	Local Government
Express Power to Delegate:	<i>Local Government Act 1995:</i> s.5.16 Delegation of some powers and duties to certain committees
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s. 5.17 Limits on delegation of powers and duties to certain committees
Delegate:	Ningaloo Tourism Advisory Group Committee
Function:	1. Authority to approve strategic direction, appoint and apply resources deemed necessary including allocated funding for the effective marketing and promotion of the Ningaloo region.
Council Conditions on this Delegation:	a. The Advisory Group will report regularly to the Shire Exmouth as per the requirements of a Committee of Council.
Express Power to Sub-Delegate:	Nil
Sub-Delegate/s: <i>Appointed by CEO</i>	Nil
CEO Conditions on this Sub-Delegation:	Nil

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Shire of Exmouth



1.1.2 Shire President COVID-19 Relief Fund Committee

Delegator:	Local Government
Express Power to Delegate:	<i>Local Government Act 1995: s.5.16 Delegation of some powers and duties to certain committees</i>
Express Power or Duty Delegated:	<i>Local Government Act 1995: s. 5.17 Limits on delegation of powers and duties to certain committees</i>
Delegate:	Shire President COVID-19 Relief Fund Committee
Function:	<ol style="list-style-type: none"> 1. Authority to develop the Committees' assessment criteria; and the power to 2. disburse funds to community groups and community organisations from the Shire President COVID 19 Relief Fund.
Council Conditions on this Delegation:	a. The Committee has an expiry date of 30 September 2020.
Express Power to Sub-Delegate:	Nil
Sub-Delegate/s: <i>Appointed by CEO</i>	Nil
CEO Conditions on this Sub-Delegation:	Nil

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1.2 Council to Chief Executive Officer

1.2.1 Appoint Authorised Officers

Delegator:	Local Government
Express Power to Delegate:	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.5.43 Limitations on delegations to the CEO s.3.24 Authorising persons under this subdivision [Part 3, Division 3, Subdivision 2 – Certain provisions about land] s.9.10 Appointment of authorised persons
Delegate:	Chief Executive Officer
Function:	<ol style="list-style-type: none"> 1. Authority to appoint persons or classes of persons as authorised persons for the purpose of fulfilling prescribed functions within the Local Government Act 1995 and its subsidiary legislation, including Local Government Act Regulations, the <i>Local Government (Miscellaneous Provisions) Act 1960</i> and Local Laws made under the Local Government Act. [s.3.24 and s.9.10]. 2. Authority to appoint authorised persons for the purposes of section 9.16 of the <i>Local Government Act 1995</i>, as a <u>precondition</u> for appointment as authorised officers in accordance with Regulation 70(2) of the Building Regulations 2012 and section 6(b) of the <i>Criminal Procedure Act 2004</i>. 3. Authority to appoint authorised person for the purposes of section 15 the Graffiti Vandalism Act 2016, which prescribes Part 9 of the <i>Local Government Act 1995</i> as the enabling power.
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. A register of Authorised Persons is to be maintained as a Local Government Record. b. Only persons who are appropriately qualified and trained may be appointed as Authorised persons.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: <i>Appointed by CEO</i>	Nil
CEO Conditions on this Sub-Delegation:	Nil

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Shire of Exmouth



1.2.2 Property and Acquisition and Disposal

Delegator:	Local Government
Express Power to Delegate:	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.3.58(2) & (3) Disposing of Property
Delegate:	Chief Executive Officer
Function:	<ol style="list-style-type: none"> 1. Authority to dispose of property to: <ol style="list-style-type: none"> (a) to the highest bidder at public auction [s.3.58(2)(a)]. (b) to the person who at public tender called by the local government makes what is considered by the delegate to be, the most acceptable tender, whether or not it is the highest tenders [s.3.58(2)(b)] 2. Authority to dispose of property by private treaty only in accordance with section 3.58(3) and prior to the disposal, to consider any submissions received following the giving of public notice [s.3.58(3)].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. Disposal of land or building assets is limited to matters specified in the Annual Budget and in any other case, a Council resolution is required. b. In accordance with s.5.43, disposal of property, for any single project or where not part of a project but part of a single transaction, is limited to a maximum value of \$500,000 or less. c. When determining the method of disposal: <ul style="list-style-type: none"> • Where a public auction is determined as the method of disposal: <ul style="list-style-type: none"> o Reserve price has been set by independent valuation. o Where the reserve price is not achieved at auction, negotiation may be undertaken to achieve the sale at up to a -10% variation on the set reserve price. • Where a public tender is determined as the method of disposal and the tender does not achieve a reasonable price for the disposal of the property, then the CEO is to determine if better value could be achieved through another disposal method and if so, must determine not to accept any tender and use an alternative disposal method. • Where a private treaty is determined [s.3.58(3)] as the method of disposal, authority to: <ul style="list-style-type: none"> o Negotiate the sale of the property up to a -10% variance on the valuation; and o Consider any public submissions received and determine if to proceed with the disposal, ensuring that the reasons for such a decision are recorded. d. Where the market value of the property is determined as being less than \$50,000 (F&G r.30(3) excluded disposal) may be undertaken: <ul style="list-style-type: none"> • Without reference to Council for resolution; and • In any case, be undertaken to ensure that the best value return is achieved however, where the property is determined as having a nil market value then, as a minimum, the disposal must ensure environmentally responsible disposal.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: <i>Appointed by CEO</i>	Nil

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CEO Conditions on this Sub-Delegation:	Nil

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1.2.3 Performing Functions Outside Own District

Delegator:	Local Government
Express Power to Delegate:	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.3.20(1) Performing functions outside district
Delegate:	Chief Executive Officer
Function:	1. Determine the circumstances where it is appropriate for the Local Government's functions to be performed outside the District and prior to implementing such a decision, obtain the consent of the landowner/s and occupier/s and any other person that has control or management of the land impacted by the performance of the function [s.3.20(1)].
Council Conditions on this Delegation:	a. A decision to undertake a function outside the District, can only be made under this delegation where there is a relevant allocation within the Annual Budget and the performance of the functions does not negatively impact service levels within the District. Where these conditions are not met, the matter must be referred for Council decision.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: <i>Appointed by CEO</i>	Executive Manager Development Services Manager Works Coordinator Compliance and Emergency services Ranger Environmental Health Officer
CEO Conditions on this Sub-Delegation:	Nil

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1.2.4 Payments from Municipal or Trust Fund

Delegator:	Local Government
Express Power to Delegate:	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government (Financial Management) Regulations 1996:</i> r.12(1)(a) Payments from municipal fund or trust fund, restrictions on making
Delegate:	Chief Executive Officer
Function:	1. Authority to make payments from the municipal or trust funds [r.12(1)(a)].
Council Conditions on this Delegation:	a. Authority to make payments is subject to annual budget limitations.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: <i>Appointed by CEO</i>	Executive Manager Development Services Executive Manager Corporate Services Executive Manager Commercial and Community Manager Finance
CEO Conditions on this Sub-Delegation:	<ol style="list-style-type: none"> 1. Delegates must comply with the Procedures approved by the CEO in accordance with Financial Management Regulation 5. 2. Payments by Cheque and EFT transactions must be approved jointly by two Delegates. 3. Delegates that approve the payment must not verify the liability. The verification of incurring the liability via the purchase order, invoice and evidence of goods / service received, must be undertaken independent of the payment approval.

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Shire of Exmouth



1.2.5 Power to invest and Manage Investments

Delegator:	Local Government
Express Power to Delegate:	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.6.14 Power to invest <i>Local Government (Financial Management) Regulations 1996:</i> r.19 Investments, control procedures for
Delegate:	Chief Executive Officer
Function:	<ol style="list-style-type: none"> 1. Authority to invest money held in the municipal fund or trust fund that is not, for the time being, required for any other purpose [s.6.14(1)]. 2. Authority to establish and document internal control procedures to be followed in the investment and management of investments [FM r.19].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. All investment activity must comply with the Financial Management Regulation 19C and Council Policy 2.6 Investment Policy. b. A report detailing the investment portfolio's performance, exposures and changes since last reporting, is to be provided as part of the Monthly Financial Reports. c. Procedures are to be systematically documented and retained in accordance with the Record Keeping Plan, and must include references that enable recognition of statutory requirements and assign responsibility for actions to position titles. d. Procedures are to be administratively reviewed for continuing compliance and confirmed as 'fit for purpose' and subsequently considered by the Audit and Risk Committee at least once within every 3 financial years. [Audit r.17]
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: <i>Appointed by CEO</i>	Executive Manager Corporate Services
CEO Conditions on this Sub-Delegation:	<ol style="list-style-type: none"> 1. Officers acting in the position of an Executive Manager cannot be appointed as a signatory.

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Shire of Exmouth



1.2.6 Waiving and Granting of Concession and Write off of Debts other than Rates and Services Charges

Delegator:	Local Government
Express Power to Delegate:	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.6.12 Power to defer, grant discounts, waive or write off debts
Delegate:	Chief Executive Officer
Function:	<ol style="list-style-type: none"> 1. Waive a debt which is owed to the Shire of Exmouth [s.6.12(1)(b)]. 2. Grant a concession in relation to money which is owed to the Shire of Exmouth [s.6.12(1)(b)]. 3. Write off an amount of money which is owed to the Shire of Exmouth [s.6.12(1)(c)]
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. This Delegation does not apply to debts, which are prescribed as debts that are taken to be a rate or service charge. b. A debt may only be written off where all necessary measures have been taken to locate / contact the debtor and where costs associated with continued action to recover the debt will outweigh the net value of the debt if recovered by the Shire of Exmouth. <ol style="list-style-type: none"> i. Limited to individual debts valued below \$5,000 or cumulative debts of a debtor valued below \$5,000 Write off of debts greater than these values must be referred for Council decision.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: <i>Appointed by CEO</i>	Executive Manager Corporate Services Executive Manager Commercial and Community Executive Manager Development Services Manager Finance
CEO Conditions on this Sub-Delegation:	Nil

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Delegation Register

Shire of Exmouth



1.2.7 Shire of Exmouth Operative Local Planning Scheme

Delegator:	Local Government
Express Power to Delegate:	<i>Local Government Act 1995:</i> s.5.42(1)(b) Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.5.42(1)(b) Delegation of some powers or duties to the CEO (limited to only s.214(2), (3) or (5) of the Planning and Development Act.
Delegate:	Chief Executive Officer
Function:	<ol style="list-style-type: none"> 1. Hold in abeyance or return to an applicant for rectification, any development (planning) application that does not contain adequate or sufficient information necessary to properly assess, evaluate, and determine the application in accordance with the Scheme provisions, Council Policy provisions and the matters listed in clause 67 of the Deemed provisions of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>, or any other information deemed necessary to properly assess and determine the application; 2. Determine the land use classification applicable to the proposed use/development for which approval is sought; 3. Determine whether the proposed use/works falls within the classes of development exempt from obtaining development approval pursuant to clause 61 of the Deemed provisions of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>; 4. Determine and effect the consultation of a development (planning) application pursuant to clause 64 of the Deemed provisions of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>; 5. Authority to determine non-planning related objections. Objections against compliant aspects of development (planning) applications or are non-planning related are considered to be non-valid objections to the proposal. 6. To refuse to a development (planning) application for a proposed development designated as a 'X' use, 'A' use, or 'I' use in the scheme, and is determined not to comply with relevant provisions and standards prescribed by the scheme, Council planning policies, structure plan, local development plan, local planning strategy and R-Codes where applicable; 7. To grant approval to a development (planning) application for a development which is determined to comply with the design principles of the R-Codes and where no objections have been received. 8. To grant approval to a development (planning) application for a development designated as a 'P' use, 'I' use or 'A' use in the scheme, and is determined to comply with relevant provisions and standards prescribed by the scheme, Council planning policies, structure plan, local development plan, local planning strategy and R-Codes where applicable; 9. To grant approval to a development (planning) application for development which is not listed and/or designated with a permissibility in

	<p>the scheme where the development is designated as a 'P' use , 'I' use or 'A' use, or the equivalent, by a lawfully adopted planning instrument;</p> <p>10. In exceptional circumstances where a development application is determined not to have any adverse effect on the amenity of the locality, following its referral to surrounding affected land owners and no objecting submissions being received, approve a development (planning) application which varies site and development requirements relating to:</p> <ol style="list-style-type: none"> i. Side and rear setbacks; ii. Front setback variations up to 0.5 metres; iii. Wall height and/or maximum pitched roof height variations up to 0.5 metres; iv. Outbuilding area variations up to 10%; v. Signage dimension and/or maximum height variations up to 0.5 metres; vi. Signage area variations up to 0.5m². <p>11. To grant approval to an annual permit application for a Holiday House, Holiday Accommodation, Bed and Breakfast, Guesthouse, Home Occupation and Home Business approved land use where no complaints have been received in the previous 12 months, and complies with all relevant provisions and standards prescribed by the scheme, Council planning policies, structure plan, local development plan, local planning strategy and R-Codes where applicable;</p> <p>12. To grant approval to a development (planning) application relating to a non-conforming use, and is determined to comply with relevant provisions and standards prescribed by the scheme, Council planning policies, structure plan, local development plan, local planning strategy and R-Codes where applicable;</p> <p>13. To refuse to a development (planning) application relating to a non-conforming use, and is determined not to comply with relevant provisions and standards prescribed by the scheme, Council planning policies, structure plan, local development plan, local planning strategy and R-Codes where applicable;</p> <p>14. Certify that any condition imposed on any development (planning) approval has been completed and fulfilled to the Executive Manager's satisfaction;</p> <p>15. To grant approval to a development (planning) application for an advertising devise/sign in any zone listed in the scheme that complies with relevant provisions prescribed by the scheme, Council planning policies, structure plan, local development plan, local planning strategy and R-Codes where applicable;</p> <p>16. To grant approval to a development (planning) application for an extension of time to commence development of a development (planning) approval;</p> <p>17. To grant approval to amend or delete any condition to which development (planning) approval is granted under delegation, and/or to amend an aspect of the development approved which, if amended, would not substantially change the development approved under delegation or cancel a development (planning) approval determined under delegation at request of the applicant/owner in accordance with clause 77 of the</p>
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	<p>deemed provisions of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>; and</p> <p>18. Impose conditions and advice on the approval granted under delegation that are considered necessary to secure the relevant provisions prescribed by the scheme, Council planning policies, structure plan, local development plan, local planning strategy and R-Codes where applicable.</p> <p>19. To grant approval to a development (planning) application for a 'Holiday Accommodation' land use where no submissions objecting to the proposal have been received and the proposal is determined to comply with relevant provisions and standards prescribed by the scheme, Council planning policies, structure plan, local development plan, local planning strategy and R-Codes where applicable;</p> <p>20. To grant approval to a development (planning) application for development on land classified as a local planning scheme reserve as follows:</p> <ul style="list-style-type: none"> i. Where the land is in the control and/or management of the Shire of Exmouth; ii. The development is for a permitted use and/or purpose outlined in a lawfully executed lease issued by the Shire of Exmouth; iii. The development is consistent with any objectives outlined for that reserve in the Scheme; and iv. The value of any works is less than \$500,000.
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: <i>Appointed by CEO</i>	Executive Manager Development Services Senior Town Planner
CEO Conditions on this Sub-Delegation:	Nil

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1.2.8 Power of Entry

Delegator:	Local Government
Express Power to Delegate:	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.3.28 When this Subdivision applies s.3.32 Notice of entry s.3.33 Entry under warrant s.3.34 Entry in an emergency s.3.36 Opening fences
Delegate:	Chief Executive Officer
Function:	<ol style="list-style-type: none"> 1. Authority to exercise powers of enter to enter onto land to perform any of the local Government functions under this Act, other than entry under a Local Law [s.3.28]. 2. Authority to give notice of entry [s.3.32]. 3. Authority to seek and execute an entry under warrant [s.3.33]. 4. Authority to execute entry in an emergency, using such force as is reasonable [s.3.34(1) and (3)]. 5. Authority to give notice and effect entry by opening a fence [s.3.36].
Council Conditions on this Delegation:	a. Delegated authority under s.3.34(1) and (3) may only be used, where there is imminent or substantial risk to public safety or property.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: <i>Appointed by CEO</i>	Executive Manager Development Services Building Surveyor Environmental Health Officer Manager Works Coordinator Compliance and Emergency Services
CEO Conditions on this Sub-Delegation:	Nil

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1.2.9 Agreement as to Payment of rates and Service Charges

Delegator:	Local Government
Express Power to Delegate:	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.6.49 Agreement as to payment of rates and service charges
Delegate:	Chief Executive Officer
Function:	<ol style="list-style-type: none"> 1. The Chief Executive Officer is delegated authority to make an agreement with a person for the payment of rates or service charges (s.6.49). 2. Decisions under this delegation must comply with Council Policy 2.10 – Debt Recovery Policy and 2.18 – Financial Hardship Policy-COVID-19. 3. The write off of interest on rates and service charges, as identified in 2.18 – Financial Hardship Policy–COVID-19
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. Decisions under this delegation must comply with Council Policy 2.10 – Debt Recovery Policy and 2.18 – Financial Hardship Policy-COVID-19. b. The write off of interest on rates and service charges, as identified in 2.18 – Financial Hardship Policy–COVID-19. c. Agreements must be in writing.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: <i>Appointed by CEO</i>	Executive Manager Corporate Services
CEO Conditions on this Sub-Delegation:	Nil

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1.2.10 Recovery of Rates or Service Charges

Delegator:	Local Government
Express Power to Delegate:	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.6.55 Rates or service charges recovery s.6.56 Rates or service charges recoverable in court
Delegate:	Chief Executive Officer
Function:	<ol style="list-style-type: none"> 1. Recover rates or services charges on land s.6.55; and 2. Recover rates or services charges, as well as costs of proceedings for the recovery, in a court of competent jurisdiction s.6.56(1)
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: <i>Appointed by CEO</i>	Executive Manager Corporate Services
CEO Conditions on this Sub-Delegation:	Nil

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1.2.11 Certain things to be done in respect of Land

Delegator:	Local Government
Express Power to delegate:	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Appointed:	<i>Local Government Act 1995:</i> s3.24 Authorising persons under this Subdivision s3.25 Notices requiring certain things to be done by owner or occupier of land s3.26 Additional powers when notices given
Delegate:	Chief Executive Officer
Function:	1. Exercise on behalf of the local government the powers given to a local government by Subdivision 2 (Certain Provisions about Land) of the <i>Local Government Act 1995</i> ; and 2. To issue notices and take the necessary action to recover costs from the person who failed to comply with the notice. (Refer Section 3.24 to 3.26– Schedule 3.1.).
Conditions on this Appointment:	a. Documenting how they formed the opinion that the things to be performed are necessary to protect and/or enhance the health, safety or amenity of the persons or property in the district or to remove a nuisance.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: <i>Appointed by CEO</i>	Executive Manager Development Services Senior Town Planner
CEO Conditions on this Sub-Delegation:	Nil

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1.2.12 Temporary Road Closures

Delegator:	Local Government
Express Power to Delegate:	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.3.50 Closing certain thoroughfares to vehicles s.3.50A Partial closure of thoroughfare for repairs or maintenance s.3.51 Affected owners to be notified of certain proposals
Delegate:	Chief Executive Officer
Function:	<ol style="list-style-type: none"> 1. Authority to close a thoroughfare (wholly or partially) to vehicles or particular classes of vehicles for a period not exceeding 4-weeks [s.3.50(1)]. 2. Authority to determine to close a thoroughfare for a period exceeding 4-weeks and before doing so, to: <ol style="list-style-type: none"> i. give; public notice, written notice to the Commissioner of Main Roads and written notice to prescribed persons and persons that own prescribed land; and ii. consider submissions relevant to the road closure/s proposed [s.3.50(1a), (2) and (4)]. 3. Authority to revoke an order to close a thoroughfare [s.3.50(6)]. 4. Authority to partially and temporarily close a thoroughfare without public notice for repairs or maintenance, where it is unlikely to have significant adverse effect on users of the thoroughfare [s.3.50A] 5. Before doing anything to which section 3.51 applies, take action to notify affected owners and give public notice that allows reasonable time for submissions to be made and consider any submissions made before determining to fix or alter the level or alignment of a thoroughfare or draining water from a thoroughfare to private land [s.3.51].
Conditions on this Appointment:	If, under s.3.50(1), a thoroughfare is closed without giving local public notice, local public notice is to be given as soon as practicable after the thoroughfare is closed [s.3.50(8)]
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: <i>Appointed by CEO</i>	Executive Manager Development Services Manager Works
CEO Conditions on this Sub-Delegation:	Nil

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1.2.13 Private Works on, Over or Under Public Places

Delegator:	Local Government
Express Power to Delegate:	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.3.25(1)(b) Notices requiring certain things to be done by owner or occupier of land s.3.26(2) and (3) Additional powers when notices given Sch. 9.1 cl. 8 Schedule 9.1(5) Private works on, over, or under public places <i>Local Government (Uniform Provisions) Regulations:</i> Regulation 17 Private works on, over, or under public places
Delegate:	Chief Executive Officer
Function:	<ol style="list-style-type: none"> Grant permission to a person to construct anything on, over, or under a public thoroughfare or other public place that is Local Government property, and impose conditions in respect to the permission, subject to the requirements of Regulation 17 of the <i>Local Government (Uniform Provisions) Regulations 1996</i>. Issue a notice under Section 3.25(1)(b) to a person who has not complied with a condition imposed on a permission given under (1.0) above. Do anything that is considered necessary to achieve, so far as is practicable, the purpose for which the notice was given under (2.0) above. Recover the cost of anything done under (3.0) above as a debt due from the person who failed to comply with the notice issued, subject to notification being given to Council prior to legal action commencing.
Conditions on this Appointment:	Council Policy – 7.8 Alternations or Damage to Council Street Infrastructure
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: <i>Appointed by CEO</i>	Executive Manager Development Services Manager Works
CEO Conditions on this Sub-Delegation:	Nil

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1.2.14 Gates and Other Devices Across Thoroughfares

Delegator:	Local Government
Express Power to Delegate:	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.3.25(2)(3) Notices requiring certain things to be done by owner or occupier of land s.3.26(2) and (3) Additional powers when notices given Sch. 9.1 cl. 5 Gates across public thoroughfares <i>Local Government (Uniform Provisions) Regulations:</i> Regulation 9 - Permission to have gate across public thoroughfare — Sch. 9.1 cl. 5(1)
Delegate:	Chief Executive Officer
Function:	<ol style="list-style-type: none"> 1. Grant permission to have a gate or other device across a public thoroughfare under the care, control and management of the Shire, and impose conditions in respect to the permission, subject to: <ul style="list-style-type: none"> • a) The requirements of Regulation 9 of the Local Government (Uniform Provisions) Regulations 1996; and • b) A register of gates and other devices being kept in accordance with Clause 9(8) of the Local Government (Uniform Provisions) Regulations 1996. 2. Issue a notice under Section 3.25(1)(b) to a person who has not complied with a condition imposed on a permission given under (1.0) above. 3. Do anything that is considered necessary to achieve, so far as is practicable, the purpose for which the notice was given under (2.0) above.
Conditions on this Appointment:	a. Recover the cost of anything done under (3.0) above as a debt due from the person who failed to comply with the notice issued subject to notification being given to Council prior to legal action commencing.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: <i>Appointed by CEO</i>	Executive Manager Development Services Manager Works
CEO Conditions on this Sub-Delegation:	Nil

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1.2.15 Evacuation on Public Thoroughfares

Delegator:	Local Government
Express Power to Delegate:	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.3.25(1)(b) Notices requiring certain things to be done by owner or occupier of land s.3.26(2) and (3) Additional powers when notices given Sch. 9.1 cl. 6 Dangerous excavation in or near public thoroughfare <i>Local Government (Uniform Provisions) Regulations:</i> Regulation 11 - Dangerous excavation in or near public thoroughfare — Sch. 9.1 cl. 6
Delegate:	Chief Executive Officer
Function:	<ol style="list-style-type: none"> 1. Grant permission to a person to make or make and leave, an excavation of specified dimensions and in a specified way in a specified part of a public thoroughfare or on a specified part of land adjoining a public thoroughfare, and impose conditions in respect to the permission, subject to the requirements of Regulation 11 of the Local Government (Uniform Provisions) Regulations 1996; 2. Issue a notice under Section 3.25(1)(b) to a person who has not complied with a condition imposed on a permission given under (1.0) above. 3. Do anything that is considered necessary to achieve, so far as is practicable, the purpose for which the notice was given under (2.0) above.
Conditions on this Appointment:	a. Recover the cost of anything done under (3.0) above as a debt due from the person who failed to comply with the notice issued subject to notification being given to Council prior to legal action commencing
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: <i>Appointed by CEO</i>	Executive Manager Development Services Manager Works
CEO Conditions on this Sub-Delegation:	Nil

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1.2.16 Crossing from Public Thoroughfare to Private Land or Private Thoroughfare

Delegator:	Local Government
Express Power to Delegate:	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.3.25(1)(b) Notices requiring certain things to be done by owner or occupier of land s.3.26(2) and (3) Additional powers when notices given Sch. 9.1 cl. 7 Crossing from public thoroughfare to private land or private thoroughfare <i>Local Government (Uniform Provisions) Regulations:</i> Regulation 12 - Crossing from public thoroughfare to private land or private thoroughfare — Sch. 9.1 cl. 7(2) Regulation 13 - Requirement to construct or repair crossing — Sch. 9.1 cl. 7(3) Regulation 14 - Role of Commissioner of Main Roads in some cases — Sch. 9.1 cl. 7(2)
Delegate:	Chief Executive Officer
Function:	<ol style="list-style-type: none"> 1. Approve or refuse an application from an owner of land, to construct a crossing giving access from a public thoroughfare to the land, or a private thoroughfare serving the land, and impose conditions in respect to the approval, subject to the requirements of Regulation 14(2) of the Local Government (Uniform Provisions) Regulations 1996. 2. Issue a notice under Section 3.25(1)(b) to a person who has not complied with a condition imposed on a permission given under (1.0) above. 3. Do anything that is considered necessary to achieve, so far as is practicable, the purpose for which the notice was given under (2.0) above. 4. Recover the cost of anything done under (3.0) above as a debt due from the person who failed to comply with the notice issued, subject to notification being given to Council prior to legal action commencing. 5. Issue a notice under Regulation 13(1) of the Local Government (Uniform Provisions) Regulations 1996 to the owner or occupier of private land to construct or repair a crossing from a public thoroughfare to the land, or a private thoroughfare serving the land, subject to the requirements of Regulation 14(2) of the Local Government (Uniform Provisions) Regulations 1996.
Conditions on this Appointment:	Nil
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: <i>Appointed by CEO</i>	Executive Manager Development Services Manager Works
CEO Conditions on this Sub-Delegation:	Nil

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1.2.17 Permits for Heavy Haulage

Delegator:	Local Government
Express Power to Delegate:	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Main Roads Act 1930</i> Part 4 – 13(A) Local government to be consulted on matters to do with highways and main roads
Delegate:	Chief Executive Officer
Function:	1. Authority to determine any heavy haulage application and either recommend: a. Approval of the application with conditions; or b. Refusal of the application. to Main Roads WA for heavy haulage vehicles to use any local road within the district, subject to the requirements of any relevant Council Policy as set and amended from time to time that specifies approved routes and conditions listed therein.
Conditions on this Appointment:	Nil
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: <i>Appointed by CEO</i>	Executive Manager Development Services Manager Works
CEO Conditions on this Sub-Delegation:	Nil

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1.2.18 Sponsorship Donations, Waiver of Fees

Delegator:	Local Government
Express Power to Delegate:	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.6.12 Power to defer, grant discounts, waive or write off debts
Delegate:	Chief Executive Officer
Function:	1. Authority to consider applications received for financial assistance and make the appropriate donation or engage into a sponsorship arrangement.
Conditions on this Appointment:	a. In accordance with Council budget and Policy (4.1 – Sponsorship Policy)
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: <i>Appointed by CEO</i>	Executive Manager Development Services Executive Manager Commercial and Community Executive Manager Corporate Services
CEO Conditions on this Sub-Delegation:	Nil

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1.2.19 Private Works

Delegator:	Local Government
Express Power to Delegate:	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Delegate:	Chief Executive Officer
Function:	1. The Chief Executive Officer is delegated authority to approve all private works in accordance with any relevant Council policy and rates and charges as set by Council.
Conditions on this Appointment:	In accordance with Council Policy 7.10 Private Works
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: <i>Appointed by CEO</i>	Executive Manager Development Services Manager Works
CEO Conditions on this Sub-Delegation:	Nil

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1.3 Chief Executive Officer to Employees

1.3.1 Destruction of Electoral Papers

Delegator:	Chief Executive Officer
Express Power to Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Express Power or Duty Delegated:	<i>Local Government (Elections) Regulations 1996:</i> r.82(4) Keeping election papers – s4.84(a)
Delegate:	Executive Manager Corporate Services Senior Information Officer / Information Management Officer
Function:	1. Authority to, after a period of 4-years, destroy the parcels of election papers in the presence of at least 2 other employees [Elect. r.82(4)].
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	Nil
Sub-Delegate/s: <i>Appointed by CEO</i>	Nil
CEO Conditions on this Sub-Delegation:	Nil

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1.3.2 Acting Chief Executive Officer

Delegator:	Chief Executive Officer
Express Power to Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.5.39(1a)(a) An employee may act in the position of a CEO
Delegate:	Executive Manager Commercial and Community Executive Manager Corporate Services Executive Manager Development Services
Function:	1. Senior Employee to act in the capacity of Chief Executive Officer during absences not exceeding three months [s.5.39(1a)(a)]
CEO Conditions on this Delegation:	a. Only a senior permanent employee can be appointed as acting Chief Executive Officer and in accordance with Policy 1.21 Appointment of Acting Chief Executive Officer
Express Power to Sub-Delegate:	Nil
Sub-Delegate/s: <i>Appointed by CEO</i>	Nil
CEO Conditions on this Sub-Delegation:	Nil

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1.3.3 Representing Local Government in Court

Delegator:	Chief Executive Officer
Express Power to Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s. 9.29 Representing local government in court
Delegate:	Executive Manager Commercial and Community Executive Manager Corporate Services Executive Manager Development Services Senior Town Planner Environmental Health Officer Manager Works
Function:	1. To represent the local government in proceedings in the Magistrates Court the Children’s Court or the State Administrative Tribunal or proceedings in respect of a claim against a person who takes the benefit of an Act for the relief of bankrupt debtors [s.9.29(1)(a) & (b)]
CEO Conditions on this Delegation:	a. Provided the proceedings relate to the officer’s position description.
Express Power to Sub-Delegate:	Nil
Sub-Delegate/s: <i>Appointed by CEO</i>	Nil
CEO Conditions on this Sub-Delegation:	Nil

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2. BUILDING ACT 2011

2.1 Council to Chief Executive Officer / Employees

2.1.1 Designate Employees as Authorised Persons

Delegator:	Permit Authority (Local Government)
Express Power to Delegate:	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	<i>Building Act 2011:</i> s.96(3) authorised persons s.99(3) Limitation on powers of authorised person
Delegate:	Chief Executive Officer
Function:	<ol style="list-style-type: none"> 1. Authority to designate an employee as an authorised person [s.96(3)]. 2. Authority to revoke or vary a condition of designation as an authorised person or give written notice to an authorised person limiting powers that may be exercised by that person [s.99(3)]. 3. Authority to undertake the following functions as authorised persons: <ol style="list-style-type: none"> a) Entry powers [s.100] b) Powers after entry and compliance purposes [s.101] c) Obtaining information and documents [s.102] d) Use of force and assistance [s.103] e) Entry warrant to enter a place [s.106] f) Execution of warrant [s.109] g) To carry out the functions to give effect to a building order [s.118]
Council Conditions on this Delegation:	a. Decisions under this delegated authority should be in accordance with r.5A of the <i>Building Regulations 2012</i> .
Express Power to Sub-Delegate:	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
Sub-Delegate/s: <i>Appointed by CEO</i>	Building Surveyor
CEO Conditions on this Sub-Delegation:	Nil

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2.1.2 Grant a Building Permit

Delegator:	Permit Authority (Local Government)
Express Power to Delegate:	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	<i>Building Act 2011:</i> s.18 Further Information s.20 Grant of building permit s.22 Further grounds for not granting an application s.27(1) and (3) Impose Conditions on Permit <i>Building Regulations 2012:</i> r.23 Application to extend time during which permit has effect (s.32) r.24 Extension of time during which permit has effect (s.32(3)) r.26 Approval of new responsible person (s.35(c))
Delegate:	Chief Executive Officer
Function:	<ol style="list-style-type: none"> 1. Authority to require an applicant to provide any documentation or information required to determine a building permit application [s.18(1)]. 2. Authority to grant or refuse to grant a building permit [s.20(1) & (2) and s.22]. 3. Authority to impose, vary or revoke conditions on a building permit [s.27(1) and (3)]. 4. Authority to determine an application to extend time during which a building permit has effect [r.23]. <ol style="list-style-type: none"> i. Subject to being satisfied that work for which the building permit was granted has not been completed OR the extension is necessary to allow rectification of defects of works for which the permit was granted [r.24(1)] ii. Authority to impose any condition on the building permit extension that could have been imposed under s.27 [r.24(2)]. 5. Authority to approve, or refuse to approve, an application for a new responsible person for a building permit [r.26].
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
Sub-Delegate/s: <i>Appointed by CEO</i>	Building Surveyor
CEO Conditions on this Sub-Delegation:	Nil

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2.1.3 Grant a Demolition Permit

Delegator:	Permit Authority (Local Government)
Express Power to Delegate:	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	<i>Building Act 2011:</i> s.18 Further Information s.21 Grant of demolition permit s.22 Further grounds for not granting an application s.27(1) and (3) Impose Conditions on Permit <i>Building Regulations 2012:</i> r.23 Application to extend time during which permit has effect (s.32) r.24 Extension of time during which permit has effect (s.32(3)) r.26 Approval of new responsible person (s.35(c))
Delegate:	Chief Executive Officer
Function:	<ol style="list-style-type: none"> 1. Authority to require an applicant to provide any documentation or information required to determine a demolition permit application [s.18(1)]. 2. Authority to grant or refuse to grant a demolition permit application [s.20(1) & (2) and s.22]. 3. Authority to impose, vary or revoke conditions on a demolition permit [s.27(1) and (3)]. 4. Authority to determine an application to extend time during which a demolition permit has effect [r.23]. <ol style="list-style-type: none"> i. Subject to being satisfied that work for which the building permit was granted has not been completed OR the extension is necessary to allow rectification of defects of works for which the permit was granted [r.24(1)] ii. Authority to impose any condition on the demolition permit extension that could have been imposed under s.27 [r.24(2)]. 5. Authority to approve, or refuse to approve, an application for a new responsible person for a demolition permit [r.26].
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
Sub-Delegate/s: <i>Appointed by CEO</i>	Building Surveyor
CEO Conditions on this Sub-Delegation:	Nil

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2.1.4 Building Orders (Issue and Revocation)

Delegator:	Permit Authority (Local Government)
Express Power to Delegate:	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	<i>Building Act 2011:</i> s.110(1) A permit authority may make a building order s.111(1) Notice of proposed building order other than building order (emergency) s.117(1) and (2) A permit authority may revoke a building order or notify that it remains in effect s.118(2) and (3) Permit authority may give effect to building order if non-compliance s.133(1) A permit authority may commence a prosecution for an offence against this Act
Delegate:	Chief Executive Officer
Function:	<ol style="list-style-type: none"> 1. Authority to make Building Orders in relation to: <ol style="list-style-type: none"> a. Building work b. Demolition work c. An existing building or incidental structure [s.110(1)]. 2. Authority to give notice of a proposed building order and consider submissions received in response and determine actions [s.111(1)(c)]. 3. Authority to revoke a building order [s.117]. 4. If there is non-compliance with a building order, authority to cause an authorised person to: <ol style="list-style-type: none"> a. take any action specified in the order; or b. commence or complete any work specified in the order; or c. if any specified action was required by the order to cease, to take such steps as are reasonable to cause the action to cease [s.118(2)]. 5. Authority to take court action to recover as a debt, reasonable costs and expense incurred in doing anything in regard to non-compliance with a building order [s.118(3)]. 6. Authority to initiate a prosecution pursuant to section 133(1) for non-compliance with a building order made pursuant to section 110 of the <i>Building Act 2011</i>.
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
Sub-Delegate/s: <i>Appointed by CEO</i>	Building Surveyor
CEO Conditions on this Sub-Delegation:	Nil

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2.1.5 Occupancy Permit or Building Approval Certificate

Delegator:	Permit Authority (Local Government)
Express Power to Delegate:	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	<i>Building Act 2011:</i> s.55 Further information s.58 Grant of occupancy permit, building approval certificate s.62(1) and (3) Conditions imposed by permit authority s.65(4) Extension of period of duration Building Regulations 2012 r.40 Extension of period of duration of time limited occupancy permit or building approval certificate (s.65)
Delegate:	Chief Executive Officer
Function:	<ol style="list-style-type: none"> 1. Authority to require an applicant to provide any documentation or information required in order to determine an application [s.55]. 2. Authority to grant, refuse to grant or to modify an occupancy permit or building approval certificate [s.58]. 3. Authority to impose, add, vary or revoke conditions on an occupancy permit [s.62(1) and (3)]. 4. Authority to extend, or refuse to extend, the period in which an occupancy permit or modification or building approval certificate has effect [s.65(4) and r.40].
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
Sub-Delegate/s: <i>Appointed by CEO</i>	Building Surveyor
CEO Conditions on this Sub-Delegation:	Nil

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2.1.6 Inspection and Copies of Building Records

Delegator:	Permit Authority (Local Government)
Express Power to Delegate:	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	<i>Building Act 2011:</i> s.131(2) Inspection, copies of building records
Delegate:	Chief Executive Officer
Function:	1. Authority to determine an application from an interested person to inspect and copy a building record [s.131(2)].
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
Sub-Delegate/s: <i>Appointed by CEO</i>	Building Surveyor
CEO Conditions on this Sub-Delegation:	Nil

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2.1.7 Referrals and Issuing Certificates

Delegator:	Permit Authority (Local Government)
Express Power to Delegate:	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	<i>Building Act 2011:</i> s.145A Local Government functions
Delegate:	Chief Executive Officer
Function:	<ol style="list-style-type: none"> Authority to refer uncertified applications under s.17(1) to a building surveyor who is not employed by the local government [s.145A(1)]. Authority to issue a certificate for Design Compliance, Construction Compliance or Building Compliance whether or not the land subject of the application is located in the Shire of Exmouth [s.145A(2)].
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
Sub-Delegate/s: <i>Appointed by CEO</i>	Building Surveyor
CEO Conditions on this Sub-Delegation:	Nil

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2.1.8 Private Pool Barrier – Alternative and Performance Solutions

Delegator:	Permit Authority (Local Government)
Express Power to Delegate:	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	<i>Building Regulations 2012:</i> r.51 Approvals by permit authority
Delegate:	Chief Executive Officer
Function:	<ol style="list-style-type: none"> 1. Authority to approve requirements alternative to a fence, wall, gate or other component included in the barrier, if satisfied that the alternative requirements will restrict access by young children as effectively as if there were compliance with AS 1926.1 [r.51(2)] 2. Authority to approve a door for the purposes of compliance with AS 1926.1, where a fence or barrier would cause significant structural or other problem which is beyond the control of the owner / occupier or the pool is totally enclosed by a building or a fence or barrier between the building and pool would create a significant access problem for a person with a disability [r.51(3)] 3. Authority to approve a performance solution to a Building Code pool barrier requirement if satisfied that the performance solution complies with the relevant performance requirement [r.51(5)].
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
Sub-Delegate/s: <i>Appointed by CEO</i>	Building Surveyor
CEO Conditions on this Sub-Delegation:	Nil

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2.1.9 Smoke Alarms – Alternative Solutions

Delegator:	Permit Authority (Local Government)
Express Power to Delegate:	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	<i>Building Regulations 2012:</i> r.55 Terms Used (alternative building solution approval) r.61 Local Government approval of battery powered smoke alarms
Delegate:	Chief Executive Officer
Function:	<ol style="list-style-type: none"> Authority to approve alternative building solutions which meet the performance requirement of the Building Code relating to fire detection and early warning [r.55]. Authority to approve or refuse to approve a battery powered smoke alarm and to determine the form of an application for such approval [r.61].
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
Sub-Delegate/s: <i>Appointed by CEO</i>	Building Surveyor
CEO Conditions on this Sub-Delegation:	Nil

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2.1.10 Appointment of Authorised Persons (Swimming Pool Inspectors)

Delegator:	Permit Authority (Local Government)
Express Power to Delegate:	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	<i>Building Regulations 2012:</i> r.53 Inspection of barrier to private swimming pool
Delegate:	Chief Executive Officer
Function:	1. To inspect the barrier of private swimming pools every 4 years to ensure compliance with the <i>Building Regulations 2012</i> [r.53]
Council Conditions on this Delegation:	a. Authorisation from Local Government, pursuant to section 3.93(2)(d), 96(3) of the <i>Building Act 2011 Regulation 5A of the Building Regulation 2012</i> to designate authorised persons for the purpose of that Act.
Express Power to Sub-Delegate:	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
Sub-Delegate/s: <i>Appointed by CEO</i>	Building Surveyor Building Maintenance Officer
CEO Conditions on this Sub-Delegation:	Nil

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3. FOOD ACT 2008

3.1 Council to CEO/Employees

3.1.1 Appoint Authorised Officers and Designated Officers

Delegator:	Local Government
Express Power to Delegate:	<i>Food Act 2008:</i> s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
Express Power or Duty Delegated:	<i>Food Act 2008:</i> s.122(1) Appointment of authorised officers s.126(6), (7) and (13) Infringement Officers
Delegate:	Chief Executive Officer
Function:	<ol style="list-style-type: none"> 1. Authority to appoint a person to be an authorised officer for the purposes of the Food Act 2008 [s.122(2)]. 2. Authority to appoint an Authorised Officer appointed under s.122(2) of this Act or the s.24(1) of the <i>Public Health Act 2016</i>, to be a Designated Officer for the purposes of issuing Infringement Notices under the <i>Food Act 2008</i> [s.126(13)]. 3. Authority to appoint an Authorised Officer to be a Designated Officer (who is prohibited by s.126(13) from also being a Designated Officer for the purpose of issuing infringements), for the purpose of extending the time for payment of modified penalties [s.126(6)] and determining withdrawal of an infringement notice [s.126(7)].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time, including but not limited to: <ul style="list-style-type: none"> • Appointment of Authorised Officers as Meat Inspectors • Appointment of Authorised Officers • Appointment of Authorised Officers – Designated Officers only • Appointment of Authorised Officers – Appointment of persons to assist with the discharge of duties of an Authorised Officer
Express Power to Sub-Delegate:	NIL – Food Regulations 2009 do not provide for sub-delegation.
Sub-Delegate/s: <i>Appointed by CEO</i>	Nil
CEO Conditions on this Sub-Delegation:	Nil

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3.1.2 Determine Compensation

Delegator:	Local Government
Express Power to Delegate:	Food Act 2008: s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it
Express Power or Duty Delegated:	Food Act 2008: s.118 Functions of enforcement agencies and delegation (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations s.56(2) Compensation to be paid in certain circumstances s.70(2) and (3) Compensation
Delegate:	Chief Executive Officer
Function:	<ol style="list-style-type: none"> 1. Authority to determine applications for compensation in relation to any item seized, if no contravention has been committed and the item cannot be returned [s.56(2)]. 2. Authority to determine an application for compensation from a person on whom a prohibition notice has been served and who has suffered loss as the result of the making of the order and who considers that there were insufficient grounds for making the order [s.70(2) and (3)].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time. b. Compensation under this delegation may only be determined upon documented losses up to a maximum of \$1000. Compensation requests above this value are to be reported to Council.
Express Power to Sub-Delegate:	NIL – Food Regulations 2009 do not provide for sub-delegation.
Sub-Delegate/s: <i>Appointed by CEO</i>	Nil
CEO Conditions on this Sub-Delegation:	Nil

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3.1.3 Prohibition Orders

Delegator:	Local Government
Express Power to Delegate:	<i>Food Act 2008:</i> s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it
Express Power or Duty Delegated:	<i>Food Act 2008:</i> s.118 Functions of enforcement agencies and delegation (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations s.65(1) Prohibition orders s.66 Certificate of clearance to be given in certain circumstances s.67(4) Request for re-inspection
Delegate:	Chief Executive Officer Environmental Health Officer
Function:	<ol style="list-style-type: none"> 1. Authority to serve a prohibition order on the proprietor of a food business in accordance with s.65 of the Food Act 2008 [s.65(1)]. 2. Authority to give a certificate of clearance, where inspection demonstrates compliance with a prohibition order and any relevant improvement notices [s.66]. 3. Authority to give written notice to proprietor of a food business on whom a prohibition order has been served of the decision not to give a certificate of clearance after an inspection [s.67(4)].
Council Conditions on this Delegation:	a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.
Express Power to Sub-Delegate:	NIL – Food Regulations 2009 do not provide for sub-delegation.
Sub-Delegate/s: <i>Appointed by CEO</i>	Nil
CEO Conditions on this Sub-Delegation:	Nil

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3.1.4 Food Business Registrations

Delegator:	Local Government
Express Power to Delegate:	Food Act 2008: s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it
Express Power or Duty Delegated:	Food Act 2008: s.118 Functions of enforcement agencies and delegation (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations s.110(1) and (5) Registration of food business s.112 Variation of conditions or cancellation of registration of food businesses
Delegate:	Environmental Health Officer
Function:	<ol style="list-style-type: none"> 1. Authority to consider applications and determine registration of a food business and grant the application with or without conditions or refuse the registration [s.110(1) and (5)]. 2. Authority to vary the conditions or cancel the registration of a food business [s.112].
Council Conditions on this Delegation:	In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time, including but not limited to: <ol style="list-style-type: none"> i. Food Act 2008 Regulatory Guideline No.1 Introduction of Regulatory Food Safety Auditing in WA ii. Food Unit Fact Sheet 8 – Guide to Regulatory Guideline No.1 iii. WA Priority Classification System iv. Verification of Food Safety Program Guideline
Express Power to Sub-Delegate:	NIL – Food Regulations 2009 do not provide for sub-delegation.
Sub-Delegate/s: <i>Appointed by CEO</i>	Nil
CEO Conditions on this Sub-Delegation:	Nil

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3.1.5 Debt Recovery and Prosecutions

Delegator:	Local Government
Express Power to Delegate:	Food Act 2008: s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it
Express Power or Duty Delegated:	<i>Food Act 2008:</i> s.118 Functions of enforcement agencies and delegation (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations s.54 Cost of destruction or disposal of forfeited item s.125 Institution of proceedings
Delegate:	Chief Executive Officer (1,2) Environmental Health Officer (2)
Function:	<ol style="list-style-type: none"> 1. Authority to recover costs incurred in connection with the lawful destruction or disposal of an item (seized) including any storage costs [s.54(1)] and the costs of any subsequent proceedings in a court of competent jurisdiction [s.54(3)]. 2. Authority to institute proceedings for an offence under the Food Act 2008 [s.125].
Council Conditions on this Delegation:	a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.
Express Power to Sub-Delegate:	NIL – Food Regulations 2009 do not provide for sub-delegation.
Sub-Delegate/s: <i>Appointed by CEO</i>	Nil
CEO Conditions on this Sub-Delegation:	Nil

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3.1.6 Food Businesses List – Public Access

Delegator:	Local Government
Express Power to Delegate:	<i>Food Act 2008:</i> s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it
Express Power or Duty Delegated:	<i>Food Act 2008:</i> s.118 Functions of enforcement agencies and delegation (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations <i>r.51 Enforcement agency may make list of food</i>
Delegate:	Environmental Health Officer
Function:	1. Authority to decide to make a list of food businesses maintained under s.115(a) or (b) publicly available [r.51].
Council Conditions on this Delegation:	a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.
Express Power to Sub-Delegate:	NIL – Food Regulations 2009 do not provide for sub-delegation.
Sub-Delegate/s: <i>Appointed by CEO</i>	Nil
CEO Conditions on this Sub-Delegation:	Nil

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4. PUBLIC HEALTH ACT 2016

4.1 Council to CEO/Employees

4.1.1 Appoint Authorised Officer or Approved Officer (Asbestos Regs)

Delegator:	Local Government
Express Power to Delegate:	<i>Health (Asbestos) Regulations 1992:</i> r.15D(7) Infringement Notices
Express Power or Duty Delegated:	<i>Health (Asbestos) Regulations 1992:</i> r.15D(5) Infringement Notices
Delegate:	Chief Executive Officer Environmental Health Officer Building Surveyor
Function:	1. Authority to appoint a person or classes of persons as an authorised officer or approved officer for the purposes of the <i>Criminal Procedure Act 2004</i> Part 2 [r.15D(5)].
Council Conditions on this Delegation:	a. Subject to each person so appointed being issued with a certificate, badge or identity card identifying the officer as a person authorised to issue infringement notices [r.15D(6)].
Express Power to Sub-Delegate:	Nil – the <i>Health (Asbestos) Regulations 1992</i> do not provide a power to sub-delegate.
Sub-Delegate/s: <i>Appointed by CEO</i>	Nil
CEO Conditions on this Sub-Delegation:	Nil

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4.1.2 Designate Authorised Officers

Delegator:	Local Government
Express Power to Delegate:	<i>Public Health Act 2016:</i> s.21 Enforcement agency may delegate
Express Power or Duty Delegated:	<i>Public Health Act 2016</i> s.24(1) and (3) Designation of authorised officers
Delegate:	Chief Executive Officer
Function:	<ol style="list-style-type: none"> 1. Authority to designate a person or class of persons as authorised officers for the purposes of: <ol style="list-style-type: none"> i. The Public Health Act 2016 or another specified Act ii. Specified provisions of the Public Health Act 2016 or another specified Act iii. Provisions of the Public Health Act 2016 or another specified Act, other than the specified provisions of that Act. Including: <ol style="list-style-type: none"> a. an environmental health officer or environmental health officers as a class; OR b. a person who is not an environmental health officer or a class of persons who are not environmental health officers, OR c. a mixture of the two. [s.24(1) and (3)].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. Subject to each person so appointed being; <ul style="list-style-type: none"> • Appropriately qualified and experienced [s.25(1)(a)]; and • Issued with a certificate, badge or identity card identifying the authorised officer [s.30 and 31]. b. A Register (list) of authorised officers is to be maintained in accordance with s.27.
Express Power to Sub-Delegate:	Nil – Unless a Regulation enacted under the Public Health Act 2016, specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s.21(4)].
Sub-Delegate/s: <i>Appointed by CEO</i>	Nil
CEO Conditions on this Sub-Delegation:	Nil

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5. CAT ACT 2011

5.1 Council to CEO

5.1.1 Appoint Authorised Persons

Delegator:	Local Government
Express Power to Delegate:	<i>Cat Act 2011:</i> s.44 Delegation by local government
Express Power or Duty Delegated:	<i>Cat Act 2011:</i> s. 48 Authorised persons
Delegate:	Chief Executive Officer
Function:	<ol style="list-style-type: none"> 1. Authority to appoint authorised persons by issuing a certificate of authorisation [s.27]. 2. Authority to undertake the following functions as authorised persons: <ol style="list-style-type: none"> a. To seize a cat [s.27] b. To cause a cat to be destroyed [s. 49] c. To require a person's details [s. 50] d. To enter premises [s. 51] e. To carry out general powers of authorised person [s. 52] f. To apply for a warrant [s .57] g. To give an infringement notice [s. 62] 3. To commence a prosecution [s. 73]
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government
Sub-Delegate/s: <i>Appointed by CEO</i>	Manager Works Coordinator Compliance Emergency Services Ranger
CEO Conditions on this Sub-Delegation:	Nil

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5.1.2 Cat Registrations

Delegator:	Local Government
Express Power to Delegate:	<i>Cat Act 2011</i> s.44 Delegation by local government
Express Power or Duty Delegated:	<i>Cat Act 2011:</i> s.9 Registration s.10 Cancellation of registration s.11 Registration numbers, certificates and tags <i>Cat Regulations 2012</i> Schedule 3, cl.1(4) Fees Payable
Delegate:	Chief Executive Officer
Function:	<ol style="list-style-type: none"> 1. Authority to grant, or refuse to grant, a cat registration or renewal of a cat registration [s.9(1)]. 2. Authority to refuse to consider an application for registration or renewal where an applicant does not comply with a requirement to give any document or information required to determine the application [s.9(6)]. 3. Authority to cancel a cat registration [s.10]. 4. Authority to give the cat owner a new registration certificate or tag, if satisfied that the original has been stolen, lost, damaged or destroyed [s.11(2)]. 5. Authority to reduce or waive a registration or approval to breed fee, in respect of any individual cat or any class of cats within the Shire of Exmouth's District [Regs. Sch. 3 cl.1(4)].
Council Conditions on this Delegation:	a. Notices of decisions must include advice as to Objection and Review rights in accordance with Part 4, Division 5 of the <i>Cat Act 2011</i> .
Express Power to Sub-Delegate:	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government
Sub-Delegate/s: <i>Appointed by CEO</i>	Executive Manager Development Services Manager Works Coordinator Compliance Emergency) Administration Officers (4only)
CEO Conditions on this Sub-Delegation:	Nil

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5.2 Chief Executive Officer to Employees

5.2.1 Infringement Notices – Extensions and Withdrawals

Delegator:	Chief Executive Officer
Express Power to Delegate:	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government
Express Power or Duty Delegated:	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government s.64 Extension of time s.65 Withdrawal of notice
Delegate/s:	Executive Manager Development Services Manager Works
Function:	<ol style="list-style-type: none"> Authority to extend the period of 28 days within which the modified penalty may be paid and the extension may be allowed whether or not the period of 28 days has elapsed [s.64]. Authority, within one year of the infringement notice being given and whether or not the modified penalty has been paid, to withdraw an infringement notice [s.65].
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government
Sub-Delegate/s: <i>Appointed by CEO</i>	Nil
CEO Conditions on this Sub-Delegation:	Nil

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6. DOG ACT 1976

6.1 Council to CEO

6.1.1 Appoint Authorised Persons

Delegator:	Local Government
Express Power to Delegate:	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	<i>Dog Act 1976:</i> s.10AA (3) Delegation of local government powers and duties
Delegate:	Chief Executive Officer
Function:	<ol style="list-style-type: none"> 1. Authority to appoint Registration Officers to exercise the powers and duties conferred on a Registration Officer by this Act [s.3]. 2. Authority to appoint authorised persons to exercise the powers conferred on an authorised person by this Act [s.11(1) and s.29(1)].
Council Conditions on this Delegation:	a. The Chief Executive Officer may further delegate (sub-delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation.
Express Power to Sub-Delegate:	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)
Sub-Delegate/s: <i>Appointed by CEO</i>	Executive Manager Development Services Manager Works Coordinator Compliance and Emergency Services
CEO Conditions on this Sub-Delegation:	

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6.1.2 Refuse or Cancel Registration

Delegator:	Local Government
Express Power to Delegate:	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	<i>Dog Act 1976:</i> s.15(2) and (4A) Registration periods and fees s.16(3) Registration procedure s.17A(2) If no application for registration made s.17(4) and (6) Refusal or cancellation of registration
Delegate:	Chief Executive Officer
Function:	<ol style="list-style-type: none"> 1. Authority to determine to refuse a dog registration and refund the fee, if any [s.16(2)]. 2. Authority to direct the registration officer to refuse to effect or renew or to cancel the registration of a dog, and to give notice of such decisions, where: <ol style="list-style-type: none"> i. the applicant, owner or registered owner has been convicted of an offence or paid a modified penalty within the past 3-years in respect of 2 or more offences against this Act, the <i>Cat Act 2011</i> or the <i>Animal Welfare Act 2002</i>; or ii. the dog is determined to be destructive, unduly mischievous or to be suffering from a contagious or infectious disease or iii. the delegate is not satisfied that the dog is or will be effectively confined in or at premises where the dog is ordinarily kept iv. the dog is required to be microchipped but is not microchipped; or v. the dog is a dangerous dog [s.16(3) and s.17A(2)]. 3. Authority to discount or waive a registration fee, including a concessional fee, for any individual dog or any class of dogs within the Shire of Exmouth's District [s15(4A)]. 4. Authority to apply to a Justice of the Peace for an order to seize a dog where, following a decision to refuse or cancel a registration and the applicant / owner has not applied to the State Administration Tribunal for the decision to be reviewed. [s.17(4)]. <ol style="list-style-type: none"> i. Authority, following seizure, to determine to cause the dog to be detained or destroyed or otherwise disposed of as though it had be found in contravention of section 31, 32 or 33A and had not been claimed [s.17(6)]
Council Conditions on this Delegation:	a. The Chief Executive Officer may further delegate (sub-delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation.
Express Power to Sub-Delegate:	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)
Sub-Delegate/s: <i>Appointed by CEO</i>	Executive Manager Development Services Manager Works Coordinator Compliance and Emergency Services
CEO Conditions on this Sub-Delegation:	Nil

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6.1.3 Kennel Establishments

Delegator:	Local Government
Express Power to Delegate:	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	<i>Dog Act 1976:</i> s.27 Licensing of approved kennel establishments
Delegate:	Chief Executive Officer
Function:	1. Authority to grant, refuse to grant or cancel a kennel licence [s.27(4) and (6)].
Council Conditions on this Delegation:	a. The Chief Executive Officer may further delegate (sub-delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation.
Express Power to Sub-Delegate:	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)
Sub-Delegate/s: <i>Appointed by CEO</i>	Executive Manager Development Services Manager Works
CEO Conditions on this Sub-Delegation:	Nil

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6.1.4 Declare Dangerous Dog

Delegator:	Local Government
Express Power to Delegate:	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	<i>Dog Act 1976:</i> s.33E(1) Individual dog may be declared to be dangerous dog (declared)
Delegate:	Chief Executive Officer
Function:	1. Authority to declare an individual dog to be a dangerous dog [s.33E(1)].
Council Conditions on this Delegation:	a. The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)].
Express Power to Sub-Delegate:	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)
Sub-Delegate/s: <i>Appointed by CEO</i>	Executive Manager Development Services Manager Works
CEO Conditions on this Sub-Delegation:	Nil

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7. BUSH FIRES ACT 1954

7.1 Council to CEO, President and Bush Fire Control Officer

7.1.1 Appoint Authorised Persons

Delegator:	Local Government
Express Power to Delegate:	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Express Power or Duty Delegated:	<i>Bush Fires Act 1954:</i> s.59 Prosecution of offences s.59A(2) Alternative procedure – infringement notices s.18(1) Prohibited burning times may be declared by Minister
Delegate:	Chief Executive Officer Shire President Chief Bush Fire Control Officer Deputy Bush Fire Control Officer
Function:	1. Authority to perform the functions of the local government under the Bush Fires Act 1954.
Council Conditions on this Delegation:	a. Authority excludes powers and duties that: b. Are prescribed in the Act with a requirement for a resolution of the local government; or c. Are prescribed by the Act for performance by other designated officers.
Express Power to Sub-Delegate:	<i>NIL – Sub-delegation is prohibited by s.48(3)</i>
Sub-Delegate/s: <i>Appointed by CEO</i>	Nil
CEO Conditions on this Sub-Delegation:	Nil

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7.1.2 Prosecution of Offences

Delegator:	Local Government
Express Power to Delegate:	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Express Power or Duty Delegated:	<i>Bush Fires Act 1954:</i> s.59 Prosecution of offences s.59A(2) Alternative procedure – infringement notices s.18(1) Prohibited burning times may be declared by Minister
Delegate:	Chief Executive Officer Chief Bush Fire Control Officer Deputy Chief Bush Fire Control Officer
Function:	1. Authority to institute and carry on proceedings against a person for an offence alleged to be committed against this Act [s.59]. 2. Authority to serve an infringement notice for an offence against this Act [s.59A(2)].
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	<i>NIL – Sub-delegation is prohibited by s.48(3)</i>
Sub-Delegate/s: <i>Appointed by CEO</i>	Nil
CEO Conditions on this Sub-Delegation:	Nil

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7.1.3 Prohibited and Restricted Burning Times Variation

Delegator:	Local Government
Express Power to Delegate:	Bush Fires Act 1954 s.48 Delegation by local government s.17(10) Prohibited burning times may be declared by Minister (power of delegation to mayor or president and Chief Bush Fire Control Officer for ONLY powers under s.17(7) and (8))
Express Power or Duty Delegated:	Bush Fires Act 1954: s.17(7) Prohibited burning times may be declared by Minister Bush Fire Regulations 1954: r.15 Permit to burn (Act s.18), form of and apply for after refusal etc. r.38C Harvesters, power to prohibit use of on certain days in restricted or prohibited burning times r.39B Crop dusters etc., use of in restricted or prohibited burning times
Delegate:	Shire President (jointly) Chief Bush Fire Control Officer
Function:	1. Authority, where seasonal conditions warrant it, to determine a variation of the prohibited burning times, after consultation with an authorised CALM Act officer [s.17(7)]
Council Conditions on this Delegation:	a. Decisions under s,17(7) must be undertake jointly by both the Shire President and the Chief Bush Fire Control Officer and must comply with the procedural requirements of s.17(7B) and (8). b. This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.
Express Power to Sub-Delegate:	Nil – Sub-delegation is prohibited by s.48(3)
Sub-Delegate/s: <i>Appointed by CEO</i>	Nil
CEO Conditions on this Sub-Delegation:	Nil

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7.1.4 Notices of Legal Proceedings – Bush Fires

Delegator:	Local Government
Express Power to Delegate:	Bush Fires Act 1954 s.48 Delegation by local government
Express Power or Duty Delegated:	Bush Fires Act 1954: s.59(3) Prosecution of Offences
Delegate:	Chief Executive Officer Chief Bush Fire Control Officer
Function:	1. Authority, where seasonal conditions warrant it, to determine a variation of the prohibited burning times, after consultation with an authorised CALM Act officer [s.17(7)]
Council Conditions on this Delegation:	a. Decisions under s,17(7) must be undertaken jointly by both the Mayor and the Chief Bush Fire Control Officer and must comply with the procedural requirements of s.17(7B) and (8). b. This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.
Express Power to Sub-Delegate:	Nil– Sub-delegation is prohibited by s.48(3)
Sub-Delegate/s: <i>Appointed by CEO</i>	Nil
CEO Conditions on this Sub-Delegation:	Nil

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7.1.5 Prosecution of Offences

Delegator:	Local Government
Express Power to Delegate:	Bush Fires Act 1954 s.48 Delegation by local government
Express Power or Duty Delegated:	Bush Fires Act 1954: s.59 Prosecution of offences s. 59A(2)(4) &(5) Alternative procedure – infringement notices
Delegate:	Chief Executive Officer Chief Bush Fire Control Officer Deputy Chief Bush Fire Control Officer
Function:	1. Authority to institute and carry on proceedings against a person for an offence alleged to be committed against this Act [s.59]. 2. Authority to serve an infringement notice for an offence against this Act [s.59A(2)(4)(5)]
Council Conditions on this Delegation:	a. This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.
Express Power to Sub-Delegate:	NIL – Sub-delegation is prohibited by s.48(3)
Sub-Delegate/s: <i>Appointed by CEO</i>	Nil
CEO Conditions on this Sub-Delegation:	Nil

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8. CARAVAN PARK AND CAMPING GROUNDS ACT 1995

8.1 Council to CEO/Employees

8.1.1 Appoint Authorised Persons

Delegator:	Local Government
Express Power to Appoint:	<i>Caravan Parks and Camping Ground Act 1995</i> s.17 Appointment of authorised Person
Express Power or Duty Appointed:	<i>Caravan Parks and Camping Ground Act 1995</i> s.18 Powers of Entry s.20 Entry of occupied Caravan or Camp s23(2) infringement notices
Delegate:	Chief Executive Officer (3, 5) Executive Manager Corporate Services (5) Executive Manager Development Services (2, 4, 5) Environmental Health Officer - (1, 2, 3,4) Manager Works (2, 4, 5) Coordinator Compliance and Emergency Services (2, 4) Ranger Services (2, 4)
Function:	For the purposes: 1. Division 1 of Part 2 - Regulation of caravan parks and camping grounds: 2. For the purposes of s.18 - Powers of Entry 3. For the purposes of s.22(1) – Legal Proceedings 4. For the purposes of 23(2) – Issue an infringement Notice 5. For the purposes of 23(5) – Extend the period the modified penalty is to be paid and 23(7) – withdraw an infringement notice
Conditions on this Appointment:	1. Each authorised person must be issued with an identity card, in the prescribed form – Form 5, certifying that the person is an authorised person under this Act. [s.17(1)(b)] 2. An authorised person is to produce the identity card whenever required to do so by any person in respect of whom the authorised person has exercised, or is about to exercise, any of the powers of an authorised person. [s.17(2)]
Express Power to Sub-Delegate:	N/A
Sub-Delegate/s: <i>Appointed by CEO</i>	Nil
CEO Conditions on this Sub-Delegation:	Nil

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9. CONTROL OF VEHICLES (OFF-ROAD AREAS) ACT 1978

9.1 Council to CEO

9.1.1 Appoint Authorised Persons

Delegator:	Local Government
Express Power to Appoint:	<i>Control of Vehicles (Off-Road Areas) Act 1978</i> s.38(3)(a) Authorised Officers who are, employees of Local Government
Express Power or Duty Appointed:	<i>Control of Vehicles (Off-Road Areas) Act 1978</i> s. 37 Infringement notices s.38 Authorised officers, who are, functions of etc. s.40 Prosecutions, who may commence
Delegate:	Chief Executive Officer Executive Manager Development Services Manager Works Coordinator Compliance and Emergency Services (1,3) Ranger (1, 3)
Function:	The functions and powers of authorised officers under the <i>Control of Vehicles (Off Road Areas) Act 1978</i> : 1. To issue infringement notices [s37.(1)] 2. To withdraw and infringement notice [s.37(5)] 3. The powers and functions [s.38] 4. Institute a prosecution [s.40]
Conditions on this Appointment:	Nil
Express Power to Sub-Delegate:	Nil
Sub-Delegate/s: <i>Appointed by CEO</i>	Nil
CEO Conditions on this Sub-Delegation:	Nil

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10. LITTER ACT 1979

10.1 Council to CEO

10.1.1 Appoint Authorised Persons

Delegator:	Local Government
Express Power to delegate:	<i>Litter Act 1979</i> s.26(1)(C)(ii) Authorised Officers, appointment and jurisdiction of
Express Power or Duty Appointed:	<i>Litter Act 1979</i> s.27 Authorised officers, powers of s.27A Offences involving vehicles, presumptions as to offender etc. s.30 Infringement notices
Delegate:	Chief Executive Officer Manager Works Coordinator Compliance and Emergency Services Ranger
Function:	<ol style="list-style-type: none"> 1. To issue infringement notices [s.30(1)] 2. To withdraw an infringement notice [s.30(4)&(4A)] 3. The powers and functions of authorised officers [s.27] 4. To institute a prosecution [s.27A]
Conditions on this Appointment:	Nil
Express Power to Sub-Delegate:	Nil
Sub-Delegate/s: <i>Appointed by CEO</i>	Nil
CEO Conditions on this Sub-Delegation:	Nil

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11. PLANNING AND DEVELOPMENT ACT 2005

11.1 Council to CEO

11.1.1 Illegal Development

Delegator:	Local Government
Express Power to Delegate:	<p><i>Local Government Act 1995:</i> s.5.42(b) Delegation of some powers or duties to the CEO s5.43 Limitations on delegations to the CEO</p> <p><i>Planning and Development (Local Planning Schemes) Regulations 2015:</i> r.82 Delegations by local government r.79 Entry and Inspection powers</p>
Express Power or Duty Delegated:	<p><i>Planning and Development Act 2005:</i> Section 214(2), (3) and (5)</p>
Delegate:	Chief Executive Officer
Function:	<ol style="list-style-type: none"> 1. Give a written direction to the owner or any other person undertaking an unauthorised development to stop, and not recommence, the development or that part of the development that is undertaken in contravention of the planning scheme, interim development order or planning control area requirements; 2. Give a written direction to the owner or any other person who undertook an unauthorised development: <ol style="list-style-type: none"> (a) to remove, pull down, take up, or alter the development; and (b) to restore the land as nearly as practicable to its condition immediately before the development started, to the satisfaction of the responsible authority. 3. Give a written direction to the person whose duty it is to execute work to execute that work where it appears that delay in the execution of the work to be executed under a planning scheme or interim development order would prejudice the effective operation of the planning scheme or interim development order.
Conditions on this Appointment:	Nil
Express Power to Sub-Delegate:	<p>Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees</p>
Sub-Delegate/s: <i>Appointed by CEO</i>	<p>Executive Manager Development Services Senior Town Planner</p>
CEO Conditions on this Sub-Delegation:	Nil

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11.1.2 Subdivision and Amalgamation

Delegator:	Local Government
Express Power to Delegate:	<i>Local Government Act 1995:</i> s.5.42(b) Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> r.82 Delegations by local government
Express Power or Duty Delegated:	<i>Planning and Development Act 2005</i> s.142 To make recommendations and objections with respect to a subdivision plan
Delegate:	Chief Executive Officer
Function:	Provide correspondence regarding powers and function described below in the Planning and Development Act 2005, To make recommendations and objections with respect to a subdivision plan
Conditions on this Appointment:	<ul style="list-style-type: none"> • Recommendations and/or objections must be made within 42 day of receipt of the plan or copy being received by the local government. • Compliance with the relevant requirements of the Local Planning Scheme No. 4, R-Codes, Local Development Plan, Structure Plan, Local Planning Strategy and Council Planning Policies.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: <i>Appointed by CEO</i>	Executive Manager Development Services Senior Town Planner
CEO Conditions on this Sub-Delegation:	Nil

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11.1.3 Built Strata Subdivision

Delegator:	Local Government
Express Power to Delegate:	<p><i>Local Government Act 1995:</i> s.5.42(b) Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> r.82 Delegations by local government</p>
Express Power or Duty Delegated:	<p><i>Planning and Development Act 2005</i> s. 16 Delegation by Commission</p>
Delegate:	Chief Executive Officer
Function:	<ol style="list-style-type: none"> approve built strata applications consistent with West Australian Planning Commission delegations; and exercise discretion and make recommendations to the Western Australian Planning Commission where the local government is not delegated to make a determination on a built strata application.
Conditions on this Appointment:	<ul style="list-style-type: none"> the imposition of relevant conditions and advice on any approval proposed to be granted, that are considered necessary to secure the objectives of any relevant planning document adopted by the local government or state governing body. compliance with the relevant requirements of Local Planning Scheme No. 4, R-Codes, Local Development Plan, Structure Plan, Local Planning Strategy and Council Planning Policies. The Chief Executive Officer is delegated authority to certify the conditions imposed on an approval granted to land contained within the municipality, that pertain to the Shire's jurisdiction, role and function, have been completed and fulfilled to the satisfaction of the Shire.
Express Power to Sub-Delegate:	<p><i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees</p>
Sub-Delegate/s: <i>Appointed by CEO</i>	Senior Town Planner
CEO Conditions on this Sub-Delegation:	Nil

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11.1.4 Enforcement Powers

Delegator:	Local Government
Express Power to Delegate:	<i>Local Government Act 1995:</i> s.5.42(1b) Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Planning and Development Act 2005:</i> Section 214(2), (3) and (5)
Delegate:	Chief Executive Officer
Function:	The enforcement powers and functions described below in the <i>Planning and Development Act 2005:</i> 1. Apply for an injunction [s.216(1)] 2. Commence a prosecution [s.218]
Conditions on this Appointment:	Nil
Express Power to Sub-Delegate:	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: <i>Appointed by CEO</i>	Senior Town Planner
CEO Conditions on this Sub-Delegation:	Nil

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11.1.5 Reports to the Development Assessment Panel

Delegator:	Local Government
Express Power to Delegate:	<i>Local Government Act 1995:</i> s.5.42(1b) Delegation of some powers or duties to the CEO
Express Power or Duty Delegated:	<i>Planning and Development (Development Assessment) Panels Regulation 2011:</i> r.12 Responsible authority must report to DAP
Delegate:	Chief Executive Officer
Function:	Provide the presiding member of the DAP a report on the development application in a form approved by the Director General.
Conditions on this Appointment:	Nil
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: <i>Appointed by CEO</i>	Executive Manager Development Services Senior Town Planner
CEO Conditions on this Sub-Delegation:	Nil

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11.1.6 Authorised Person – Infringement Notices and Enforcement Powers

Delegator:	Local Government
Express Power to Delegate:	<p><i>Local Government Act 1995:</i> s.5.42(b) Delegation of some powers or duties to the CEO</p> <p><i>Planning and Development (Local Planning Schemes) Regulations 2015:</i> r.82 Delegations by local government r.79 Entry and Inspection powers</p>
Express Power or Duty Delegated:	<p><i>Planning and Development Act 2005:</i> s. 214 Illegal development, responsible authority's powers as to s.228 Giving of infringement notice s.229 Content of infringement notice s.230 Extending time to pay modified penalty s.231 Withdrawal of infringement notice s.234 Designated person, appointment of s. 228</p>
Delegate:	Chief Executive Officer
Function:	<ol style="list-style-type: none"> 1. Issue a direction notice, pursuant to section 214 and 218. 2. Appoint a Shire of Exmouth employee to give an infringement notice in accordance with section 228. 3. Determine the content of an infringement notice in accordance with section 229. 4. Grant an extension of up to 28 days in exceptional circumstances for the alleged offender to pay the infringement notice in accordance with section 230. 5. Withdraw an infringement notice in exceptional circumstances in accordance with section 231.
Conditions on this Appointment:	<p>*Please note the s. 234 of the <i>Planning and Development Act 2005</i> states: "234. Designated persons, appointment of 1) The chief executive officer of a responsible authority may, in writing, appoint persons or classes of persons to be designated persons for the purposes of section 228, 229, 230 or 231 or for the purposes of 2 or more of those sections. 2) A person who is authorised to give infringement notices under section 228 is not eligible to be a designated person for the purposes of any of the other sections."</p>
Express Power to Sub-Delegate:	<p>Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees</p>
Sub-Delegate/s: <i>Appointed by CEO</i>	Nil
CEO Conditions on this Sub-Delegation:	Nil

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11.1.7 Response to Applications for Public Works

Delegator:	Local Government
Express Power to Delegate:	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995</i> s.5.42(b) Delegation of some powers or duties to the CEO <i>Planning and Development Act 2005:</i> s. 6 Public works, Act does not interfere with
Delegate:	Chief Executive Officer
Function:	1. Exercise discretion and make recommendations on applications referred to the Shire pursuant to section 6 of the <i>Planning and Development Act 2005</i> for public works subject to: <ul style="list-style-type: none"> The notification of relevant provisions that are considered necessary to ensure compliance with the relevant requirements of Local Planning Scheme No. 4, R-Codes, Local Development Plan, Structure Plan, Local Planning Strategy and Council Planning Policies; and The total value of works being less than \$1 million per application referred.
Conditions on this Appointment:	Nil
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: <i>Appointed by CEO</i>	Senior Town Planner
CEO Conditions on this Sub-Delegation:	Nil

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11.2 Local Planning Scheme - Council to CEO

11.2.1 Development Applications

Delegator:	Local Government
Express Power to Delegate:	<p><i>Local Government Act 1995:</i> s.5.42(b) Delegation of some powers or duties to the CEO</p> <p><i>Planning and Development (Local Planning Schemes) Regulations 2015:</i> r.82 Delegations by local government r.79 Entry and Inspection powers</p>
Express Power or Duty Delegated:	<p><i>Planning and Development Act 2005:</i> Section 214(2), (3) and (5)</p>
Delegate:	Chief Executive Officer
Function:	<p>1. To determine development applications and impose conditions [r.68]. To determine whether to amend or cancel development applications and impose conditions [r.77].</p>
Conditions on this Appointment:	<p>a. The delegated power under 1 and 2 (regulations 68 and 77) is conditional upon each of the following:</p> <ul style="list-style-type: none"> i. The use in the development application is listed in the zoning table in the local planning scheme; Either: ii. no third-party objections have been received (whether the application has been advertised or not); or iii. third party objections have been received but cannot be substantiated on planning grounds. iv. Is not a development application for a transient workers accommodation within 20km of the town site boundary that proposes 16 or more beds; and v. Has a development value of less than \$7,000,000.
Express Power to Sub-Delegate:	<p><i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees</p>
Sub-Delegate/s: <i>Appointed by CEO</i>	Senior Town Planner
CEO Conditions on this Sub-Delegation:	Nil

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Version	Date	Amendment	Council Decision

Delegation Register

Shire of Exmouth



11.2.2 Structure Plans and Local Development Plans

Delegator:	Local Government
Express Power to Delegate:	<p>Under Parts 4, 5 and 6 of Schedule 2 of the <i>Planning and Development (Local Planning Schemes) Regulations</i>:</p> <p>r.17 Action by local government on receipt of application</p> <p>r.18 Advertising structure plan</p> <p>r.19 Consideration of submission</p> <p>r.20 Local government report to Commission</p> <p>r.29 Amendment of structure plan</p> <p>r.48 Preparation of local development plan</p> <p>r.50 Advertising of local development plan</p> <p>r.51 Consideration of submission</p> <p>r.52 Decision of local government</p> <p>r.53 Local development plan may provide for later approval of details of development</p> <p>r.59 Amendment of local development plan</p>
Express Power or Duty Delegated:	<i>Planning and Development Act 2005</i> : Section 214(2), (3) and (5)
Delegate:	Chief Executive Officer
Function:	<ul style="list-style-type: none"> • To determine if a proposed structure plan complies with regulation 16(1) or if further information is required [r.17(1)]. • To determine whether to advertise a proposed structure plan and seek comment from any public authority or utility provider [r.18(1)]. • To consider any submissions made in respect of a proposed structure plan [r.19(1)]. • To prepare a report on the proposed structure plan and provide it to the Commission [r.20(1)]. • To determine if amendment to a Structure Plan requires advertising [r.29(3)]. • To determine if a proposed local development plan complies or if further information is required, and give the applicant an estimate of the fee for dealing with the application under regulation [r.49(1)]. • To determine whether to advertise a proposed local development plan and seek comment from any public authority or utility service provider [r.50(1)]. • To consider any submission made in respect of a proposed local development plan [r.51]. • To determine a local development plan for approval, approval subject to modification or refusal [r.52(1)]. • To approve a local development plan that provides for further details [r.53]. • To amend a local development plan [r.59(1)]. • To determine whether to advertise an amendment of a local development plan [r.59(4)].
Conditions on this Appointment:	Nil

Delegation Register

Shire of Exmouth



Express Power to Sub-Delegate:	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: <i>Appointed by CEO</i>	Senior Town Planner
CEO Conditions on this Sub-Delegation:	Nil

Document Control			
Version	Date	Amendment	Council Decision

12. FREEDOM OF INFORMATION ACT 1992

12.1 Chief Executive Officer to Employees

12.1.1 Decisions made under the Freedom of Information Act 1992

Delegator:	Chief Executive Officer
Express Power to delegate:	<i>Freedom of Information Act 1992:</i> s.100 Who in agency makes its decisions
Express Power or Duty Appointed:	<i>Litter Act 1979</i> s.27 Authorised officers, powers of s.27A Offences involving vehicles, presumptions as to offender etc. s.30 Infringement notices
Delegate:	Executive Manager Development Services Executive Manager Corporate Services Executive Manager Commercial and Community
Function:	1. All primary decisions made under the <i>Freedom of Information Act 1992</i> ; and 2. Internal review of primary decision as to access under section 41.
Conditions on this Appointment:	Nil
Express Power to Sub-Delegate:	Nil
Sub-Delegate/s: <i>Appointed by CEO</i>	Nil
CEO Conditions on this Sub-Delegation:	Nil

Document Control			
Version	Date	Amendment	Council Decision

13. LIQUOR CONTROL ACT 1998

13.1 Council to CEO

13.1.1 Compliance Certificates

Delegator:	Local Government
Express Power to delegate:	<i>Liquor Control Act 1988:</i> s.39 Certificate of local government as to whether premises comply with laws s.40 Certificate of planning authority as to whether use of premises complies with planning laws
Express Power to sub-delegate:	<i>Liquor Control Act 1988:</i> s.39 Certificate of local government as to whether premises comply with laws s.40 Certificate of planning authority as to whether use of premises complies with planning laws
Delegate:	Chief Executive Officer
Function:	<ol style="list-style-type: none"> 1. To issue infringement notices [s.30(1)] 2. To withdraw an infringement notice [s.30(4)&(4A)] 3. The powers and functions of authorised officers [s.27] 4. To institute a prosecution [s.27A]
Conditions on this Appointment:	Nil
Express Power to Sub-Delegate:	Nil
Sub-Delegate/s: Appointed by CEO:	Environmental Health Officer Senior Town Planner Executive Manager Development Services
CEO Conditions on this Sub-Delegation:	Nil

Document Control			
Version	Date	Amendment	Council Decision

14. STATUTORY AUTHORISATION AND DELEGATIONS TO LOCAL GOVERNMENT FROM STATE GOVERNMENT ENTITIES

14.1 Planning and Development Act 2005

14.1.1 Instrument of Authorisation – Sign Development Applications for Crown Land as Owner

Delegator:	The Minister of Lands pursuant to section 267A of the Act delegated this power directly to the CEO of any local government (see Government Gazette dated 2 June 2016)
Express Power to delegate:	The power to sign as owner in respect of Crown land relating to development applications under the <i>Planning and Development Act 2005</i> , subject to the below conditions.
Delegate:	Chief Executive Officer
Function:	1. The power to sign as owner in respect of Crown Land under Management Order and consistent with reserves purpose.
Conditions on this Appointment:	The powers in Column 1 subject to the conditions in Column 3 of the Schedule to Government Gazette dated 2 June 2016: <i>Signed only as acknowledgement that a development application is being made in respect of a proposal that includes Crown land, Crown reserves under management for the purpose, or a road and to permit this application to be assessed under the appropriate provision of the Planning and Development Act 2005 (including any planning scheme). The signature does not represent approval or consent for planning purposes. Further, in the event that development approval is granted for the proposal, the above signature should not be taken as an acknowledgement of or consent to the commencement or carrying out of the proposed development or to any modification of the tenure or reservation classification of the Crown land component.</i>

DoL FILE 1738/2002v8; 858/2001v9

PLANNING AND DEVELOPMENT ACT 2005

INSTRUMENT OF AUTHORISATION

I, **Donald Terrence Redman MLA**, Minister for Lands, a body corporate continued by section 7(1) of the *Land Administration Act 1997*, under section 267A of the *Planning and Development Act 2005*, HEREBY authorise, in respect of each local government established under the *Local Government Act 1995* and listed in Column 2 of the Schedule, the person from time to time holding or acting in the position of Chief Executive Officer of the relevant local government, to perform the powers described in Column 1 of the Schedule subject to the conditions listed in Column 3 of the Schedule.

Dated the *2nd* day of *June* 2016



**HON DONALD TERRENCE REDMAN MLA
MINISTER FOR LANDS**

SCHEDULE

This is the Schedule referred to in an Instrument of Authorisation relating to Development Applications under the *Planning and Development Act 2005*

Column 1	Column 2	Column 3
<p>The power to sign as owner in respect of Crown land that is:</p> <ul style="list-style-type: none"> a reserve managed by the local government pursuant to section 46 of the <i>Land Administration Act 1997</i> and the development is consistent with the reserve purpose and the development is not for a commercial purpose; or the land is a road of which the local government has the care, control and management under section 55(2) of the <i>Land Administration Act 1997</i> and where there is no balcony or other structure proposed to be constructed over that road unless that structure comes within the definition of a "minor encroachment" in the Building Regulations 2012 (Regulation 45A), or is an "awning, verandah or thing" (Regulation 45B), or is a ground anchor, and where the development is consistent with the use of the land as a road. <p>in respect of development applications being made under or referred to in:</p> <p>(i) section 99(2) of the <i>Planning and Development Act 2005</i> in respect of development for which approval is required under a regional interim development order (as that term is defined in that Act);</p> <p>(ii) section 103(2) of the <i>Planning and Development Act 2005</i> in respect of development for which approval is required under a local interim development order (as that term is defined in that Act);</p> <p>(iii) section 115 of the <i>Planning and Development Act 2005</i> in respect of development within a planning control area (as that term is defined in that Act);</p> <p>(iv) section 122A of the <i>Planning and Development Act 2005</i> in respect of which approval is required under an improvement scheme (as that term is defined in that Act);</p> <p>(v) section 162 of the <i>Planning and Development Act 2005</i> in respect of developments for which approval is required under a planning scheme or interim development order (as those terms are defined in that Act);</p> <p>(vi) section 163 of the <i>Planning and Development Act 2005</i> in respect of development on land which is comprised within a place entered in the Register maintained by the Heritage Council under the <i>Heritage of Western Australia Act 1990</i>, or of which such a place forms part;</p> <p>(vii) section 171A of the <i>Planning and Development Act 2005</i> in respect of a prescribed development application (as that term is defined in that section of that Act).</p>	<p>City of Albany City of Armadale Shire of Ashburton Shire of Augusta-Margaret River Town of Essendon City of Gaywater City of Belmont Shire of Beverley Shire of Boddington Shire of Boyup Brook Shire of Bridgetown-Greenbushes Shire of Brookton Shire of Broome Shire of Broomehill-Tambellup Shire of Bruce Rock City of Bunbury Shire of Busselton Town of Cambridge City of Cannington Shire of Capel Shire of Carnamah Shire of Carnarvon Shire of Chapman Valley Shire of Chittering Shire of Christmas Island Town of Claremont City of Cockburn Shire of Cocos (Keeling) Islands Shire of Collie Shire of Coolgardie Shire of Coorow Shire of Coorup Town of Cottlesbrook Shire of Cranbrook Shire of Dubaling Shire of Duns Shire of Cunderdin Shire of Galvalinu Shire of Ganderagan Shire of Ganderup Shire of Denmark Shire of Derby/West Kimberley Shire of Donnybrook-Balingup Shire of Dowson Shire of Dumbleyung Shire of Dundas Town of East Fremantle Shire of East Pilbara Shire of Esperance Shire of Exmouth City of Fremantle City of Greater Geraldton</p> <p>Shire of Gingin Shire of Gnowangerup Shire of Goomalling City of Gosnells Shire of Halls Creek Shire of Harvey Shire of Invin Shire of Jerramungup City of Joondalup Shire of Kalamunda City of Kalgoorlie-Boulder Shire of Kalbar Shire of Kellerberrin Shire of Kent Shire of Kojonup Shire of Kondinin Shire of Koorda Shire of Kulin City of Kwinana Shire of Lake Grace Shire of Laverton Shire of Leonora City of Mandurah Shire of Manjimup Shire of Meekatharra City of Melville Shire of Menzies Shire of Merredin Shire of Mingenew Shire of Moora Shire of Morawa Town of Mosman Park Shire of Mount Magnet Shire of Mt Marshall Shire of Mukinbudin Shire of Mundaring Shire of Murchison Shire of Murray</p>	<p>In accordance with and subject to approved Government Land policies.</p> <p>Any signature subject to the following endorsement: Signed only as acknowledgement that a development application is being made in respect of a proposal that includes Crown land, Crown reserves under management for the purpose, or a road and to permit this application to be assessed under the appropriate provision of the <i>Planning and Development Act 2005</i> (including any planning scheme). The signature does not represent approval or consent for planning purposes. Further, in the event that development approval is granted for the proposal, the above signature should not be taken as an acknowledgement of or consent to the commencement or carrying out of the proposed development or to any modification of the tenure or reservation classification of the Crown land component.</p>

Delegation Register

Shire of Exmouth



Shire of Nannup
Shire of Narembeen
Shire of Narrogin
Town of Narrogin
City of Nedlands
Shire of Ngaanyatjaraku
Shire of Northam
Shire of Northampton
Shire of Nungarin
Shire of Peppermint Grove
Shire of Perenjori
City of Perth
Shire of Pingelly
Shire of Plantagenet
Town of Port Hedland
Shire of Quairading
Shire of Ravensthorpe
City of Rockingham
Shire of Roebourne
Shire of Sandstone
Shire of Serpentine Jarrahdale
Shire of Shark Bay
City of South Perth
City of Stirling
City of Subiaco
City of Swan

Shire of Tammin
Shire of Three Springs
Shire of Toodyay
Shire of Trayning
Shire of Upper Gascoyne
Town of Victoria Park
Shire of Victoria Plains
Town of Vincent
Shire of Wagin
Shire of Wandering
City of Wanneroo
Shire of Waroona
Shire of West Arthur
Shire of Westonia
Shire of Wickiepin
Shire of Williams
Shire of Wiluna
Shire of Wongan-Ballidu
Shire of Woodanilling
Shire of Wyalkatchem
Shire of Wyndham-East Kimberley
Shire of Yalgoo
Shire of Yilgarn
Shire of York

HON DONALD TERRENCE REDMAN MLA
MINISTER FOR LANDS

2nd day of June 2016

14.2 Environmental Protection Act 1986

14.2.1 Noise Control – Environmental Protection Notices [Reg.65(1)]

Published by:
Environment

GOVERNMENT GAZETTE
Western Australia
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No. 47. 19-Mar-2004
Page: 919 [Pdf](#) - 476kb

EV401

ENVIRONMENTAL PROTECTION ACT 1986

Section 20

Delegation No. 52

Pursuant to section 20 of the *Environmental Protection Act 1986*, the Chief Executive Officer hereby delegates as follows—

Powers and duties delegated—

All the powers and duties of the Chief Executive Officer, where any noise is being or is likely to be emitted from any premises not being premises licensed under the Act, to serve an environmental protection notice under section 65(1) in respect of those premises, and where an environmental protection notice is so served in such a case, all the powers and duties of the Chief Executive Officer under Part V of the Act in respect of that environmental protection notice.

Persons to whom delegation made—

This delegation is made to any person for the time being holding or acting in the office of Chief Executive Officer under the *Local Government Act 1995*.

Pursuant to section 59(1)(e) of the *Interpretations Act 1984*, Delegation No. 32, dated 4 February 2000 is hereby revoked.

Dated this 9th day of January 2004.

Approved—

FERDINAND TROMP, A/Chief Executive Officer.

Dr JUDY EDWARDS MLA, Minister for the Environment.

14.2.2 Noise Management Plans – Keeping Log Books, Noise Control Notices, Calibration and Approval of Non-Complying Events

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Environment

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Western Australia
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No. 232. 20-Dec-2013
Page: 6282 [Pdf](#) - [3Mb](#)

EV402

ENVIRONMENTAL PROTECTION ACT 1986

Delegation No. 112

I, Jason Banks, in my capacity as Acting Chief Executive Officer of the Department of Environment Regulation responsible for the administration of the *Environmental Protection Act 1986* ("the Act"), and pursuant to section 20 of the Act, hereby delegate to any person for the time being holding or acting in the office of a Chief Executive Officer under the *Local Government Act 1995*, my powers and duties under the *Environmental Protection (Noise) Regulations 1997*, other than this power of delegation, in relation to--

- (a) waste collection and other works--noise management plans relating to specified works under regulation 14A or 14B;
- (b) bellringing or amplified calls to worship--the keeping of a log of bellringing or amplified calls to worship requested under regulation 15(3)(c)(vi);
- (c) community activities--noise control notices in respect of community noise under regulation 16;
- (d) motor sport venues--noise management plans in relation to motor sport venues under Part 2 Division 3;
- (e) shooting venues--noise management plans in relation to shooting venues under Part 2 Division 4;
- (f) calibration results--requesting, under regulation 23(b), details of calibration results undertaken and obtained under Schedule 4;
- (g) sporting, cultural and entertainment events--approval of events or venues for sporting, cultural and entertainment purposes under Part 2 Division 7, subject to the following limitation--
 - (i) Subregulation 18(13)(b) is not delegated.

Under section 59(1)(e) of the *Interpretation Act 1984*, Delegation No. 68, gazetted 22 June 2007 is hereby revoked.

Dated the 12th day of December 2013.

JASON BANKS, Acting Chief Executive Officer.

Approved by--

JOHN DAY, Acting Minister for Environment; Heritage.

14.2.3 Noise Management Plans – Construction Sites

Published by:
Environment

GOVERNMENT GAZETTE
Western Australia
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No. 71. 16-May-2014
Page: 1548 [Pdf](#) - [2Mb](#)

EV405

ENVIRONMENTAL PROTECTION ACT 1986

Delegation No. 119

I, Jason Banks, in my capacity as the Acting Chief Executive Officer of the Department responsible for the administration of the *Environmental Protection Act 1986* ("the Act"), and pursuant to section 20 of the Act, hereby delegate to the holder for the time being of the offices of--

(a) Chief Executive Officer under the *Local Government Act 1995*; and

(b) to any employee of the local government under the *Local Government Act 1995* who is appointed as an Authorised Person under section 87 of the Act,

all my powers and duties in relation to noise management plans under regulation 13 of the *Environmental Protection (Noise) Regulations 1997*, other than this power of delegation.

Under section 59(1)(e) of the *Interpretation Act 1984*, Delegation No. 111, gazetted 20 December 2013, is hereby revoked.

Dated the 1st day of May 2014.

JASON BANKS, Acting Chief Executive Officer.



**Department of
Local Government, Sport
and Cultural Industries**

National Redress Scheme for Institutional Child Sexual Abuse

**Department of Local Government, Sport
and Cultural Industries**

Information Paper

3 February 2020

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1. SUMMARY - WA LOCAL GOVERNMENT: ROYAL COMMISSION AND REDRESS

The Western Australian Government (the State), through the Department of Local Government, Sport and Cultural Industries (DLGSC), has been consulting with the WA local government sector and other key stakeholders on the Royal Commission into Institutional Responses to Child Sexual Abuse (in 2018) and the National Redress Scheme (in 2019).

The consultation throughout 2019 has focused on the National Redress Scheme (the Scheme) with the aim of:

- raising awareness about the Scheme;
- identifying whether WA local governments are considering participating in the Scheme;
- identifying how participation may be facilitated; and
- enabling advice to be provided to Government on the longer-term participation of WA local governments.

Following this initial consultation and feedback gathered, the State Government considered a range of options regarding WA local government participation in the Scheme and reached a final position in December 2019.

DLGSC, supported by the Departments of Justice and Premier and Cabinet, will again engage with WA local governments in early 2020, to inform of the:

- State's decision and the implications for the sector (see [Section 4](#));
- Support (financial and administrative) to be provided by the State; and
- Considerations and actions needed to prepare for participation in the Scheme from 1 July 2020 (see [Section 5](#)).

DLGSC's second phase of engagement with WA local governments is summarised in the table below:

Description and Action	Agency	Timeline
Distribution of Information Paper to WA Local Governments	DLGSC	3 February 2020
WALGA hosted webinar	DLGSC / DPC	18 February 2020
Metro and Country Zone meetings	WA LG's / DLGSC	19 to 24 February 2020
State Council meeting – Finalisation of Participation arrangements	WALGA	4 March 2020
WALGA hosted webinar – Participation arrangements	DLGSC/ DPC	Mid-March 2020

Further information about the Royal Commission is available at [Appendix A](#) and the National Redress Scheme at [Appendix B](#) of this Information Paper.

The information in this Paper may contain material that is confronting and distressing. If you require support, please [click on this link](#) to a list of available support services.

2. CURRENT SITUATION - WA LOCAL GOVERNMENT PARTICIPATION IN THE NATIONAL REDRESS SCHEME

The WA Parliament passed the legislation required to allow for the Government and WA based non-government institutions to participate in the National Redress Scheme. The *National Redress Scheme for Institutional Child Sexual Abuse (Commonwealth Powers) Act 2018* (WA) took effect on 21 November 2018.

The WA Government commenced participating in the Scheme from 1 January 2019.

The State Government's Redress Coordination Unit within the Office of the Commissioner for Victims of Crime, Department of Justice:

- Acts as the State Government's single point of contact with the Scheme;
- Coordinates information from State Government agencies to the Scheme; and
- Coordinates the delivery of Direct Personal Responses (DPR) to redress recipients (at their request) by responsible State Government agencies to redress recipients.

CURRENT TREATMENT OF WA LOCAL GOVERNMENTS IN THE SCHEME

Under the *National Redress Scheme for Institutional Child Sexual Abuse Act 2018* (Cth), Local Governments may be considered a State Government institution.¹

There are several considerations for the State Government and Local Governments (both individually and collectively) about joining the Scheme.

The State Government considers a range of factors relating to organisations or bodies participation in the Scheme, before their inclusion in the declaration as a State Government institution. These factors include the capability and capacity of the agencies or organisations to:

- Respond to requests for information from the State Government's Redress Coordination Unit within prescribed timeframes;
- Financially contribute to the redress payment made by the Scheme on behalf of the agency or body; and
- Comply with the obligations of participating in the Scheme and the Commonwealth legislation.

A decision was made at the time of joining the Scheme to exclude WA local governments from the State Government's declaration. This was to allow consultation to occur with the local government sector about the Scheme, and for fuller consideration to be given to the mechanisms by which the sector could best participate in the Scheme.

¹ Section 111(1)(b).

3. CONSULTATION TO DATE WITH WA LOCAL GOVERNMENT SECTOR

The Department of Local Government, Sport and Cultural Industries (DLGSC) has been leading an information and consultation process with the WA local government sector about the Scheme. The Departments of Justice and Premier and Cabinet (DPC) have been supporting DLGSC in the process, which aimed to:

- Raise awareness about the Scheme;
- Identify whether local governments are considering participating in the Scheme;
- Identify how participation may be facilitated; and
- Enable advice to be provided to Government on the longer-term participation of WA local governments.

DLGSC distributed an initial *Information and Discussion Paper* in early January 2019 to WA local governments, the WA Local Government Association (WALGA), Local Government Professionals WA (LG Pro) and the Local Government Insurance Scheme (LGIS). Between March and May 2019, DLGSC completed consultations that reached 115 out of 137 WA local governments and involved:

- an online webinar to 35 local governments, predominantly from regional and remote areas;
- presentations at 12 WALGA Zone and LG Pro meetings; and
- responses to email and telephone enquiries from individual local governments.

It was apparent from the consultations that the local government sector had, at the time, a very low level of awareness of the Scheme prior to the consultations occurring, and that little to no discussion had occurred within the sector or individual local governments about the Scheme. Local governments were most commonly concerned about the:

- Potential cost of redress payments;
- Availability of historical information;
- Capacity of local governments to provide a Direct Personal Response (apology) if requested by redress recipients;
- Process and obligations relating to maintaining confidentiality if redress applications are received, particularly in small local governments;
- Lack of insurance coverage of redress payments by LGIS, meaning local governments would need to self-fund participation and redress payments.

LGIS Update (April 2019) – National Redress Scheme

LGIS published and distributed an update regarding the considerations and (potential) liability position of the WA local government sector in relation to the National Redress Scheme.

WALGA State Council Resolution

The WALGA State Council meeting of 3 July 2019 recommended that:

1. *WA local government participation in the State's National Redress Scheme declaration with full financial coverage by the State Government, be endorsed in principle, noting that further engagement with the sector will occur in the second half of 2019.*
2. *WALGA continue to promote awareness of the National Redress Scheme and note that local governments may wish to join the Scheme in the future to demonstrate a commitment to the victims of institutional child sexual abuse.*

It is understood that this recommendation was made with knowledge that it is ultimately a State Government decision as to whether:

- Local governments can participate in the Scheme as part of the State's Government's declaration; and
- The State Government will fund local government redress liability.

4. WA GOVERNMENT DECISION - FUTURE PARTICIPATION OF WA LOCAL GOVERNMENTS IN THE NATIONAL REDRESS SCHEME

Following the initial consultation process, a range of options for local government participation in the Scheme were identified by the State Government including:

1. WA Local governments be **excluded** from the State Government's declaration of participating institutions.

This means that: local governments may choose not to join the Scheme; or join the Scheme individually or as group(s), making the necessary arrangements with the Commonwealth and self-managing / self-funding all aspects of participation in the Scheme.

2. WA Local governments be **included** in the State Government's declaration of participating institutions.

There were three sub-options for ways local government participation as a State Government institution could be accommodated:

- a. Local governments cover all requirements and costs associated with their participation;
- b. The State Government covers payments to the survivor arising from local governments' participation, with costs other than payments to the survivor (including counselling, legal and administrative costs) being funded by local governments; or
- c. An arrangement is entered into whereby the State Government and local governments share the requirements and costs associated with redress – for example, on a capacity to pay and deliver basis.

The State Government considered the above options and resolved via the Community Safety and Family Support Cabinet Sub-Committee (December 2019) to:

- Note the consultations undertaken to date with the WA local government sector about the National Redress Scheme;
- Note the options for WA local government participation in the Scheme;
- Agree to local governments participating in the Scheme as State Government institutions, with the State Government covering payments to the survivor; and
- Agree to the DLGSC leading further negotiations with the WA local government sector regarding local government funding costs, other than payments to the survivor including counselling, legal and administrative costs.

KEY ASPECTS OF THE STATE'S DECISION

For clarity, the State's decision that means the following financial responsibilities are to be divided between the State Government and the individual local government that has a Redress application submitted, and then subsequently accepted by the Scheme Operator as a Redress claim.

State Government

The State Government will cover the following:

- Redress monetary payment provided to the survivor;
- Costs in relation to counselling, legal and administration (including the coordination of requests for information and record keeping); and
- Trained staff to coordinate and facilitate a Direct Personal Response or DPR (Apology) to the survivor if requested (on a fee for service basis with costs covered by the individual local government – see below).

Individual Local Government

The individual local government will be responsible for:

- Costs associated with gathering their own (internal) information if requested in a Redress application;
- Providing the State with the necessary information to participate in the Scheme; and
- Costs associated the delivery of a DPR (based on a standard service fee, plus travel and accommodation depending on the survivor's circumstance). *

* note – The State's decision includes that all DPR's will be coordinated and facilitated by the Redress Coordination Unit (Department of Justice) on every occasion, if a DPR is requested by the survivor.

This decision was made on the basis that:

- State Government financial support for local government participation in the Scheme, as set out, will ensure that redress is available to as many WA survivors of institutional child sexual abuse as possible.
- The demonstration of leadership by the State Government, as it will be supporting the local government sector to participate in the Scheme and recognising the WALGA State Council resolution of 3 July 2019, is consistent with the local government sector's preferred approach.
- Contributes to a nationally consistent approach to the participation of local governments in the Scheme, and particularly aligns with the New South Wales, Victorian and Tasmanian Governments' arrangements. This provides opportunity for the State Government to draw on lessons learned through other jurisdictions' processes.
- Ensures a consistent and quality facilitation of a DPR (by the State) if requested by the survivor.
- State Government financial support for any local government redress claims does not imply State Government responsibility for any civil litigation against local governments.

Noting the State's decision, a range of matters need to be considered and arrangements put in place to facilitate local governments participating with the State Government's declaration and meeting the requirements of the Scheme. Those arrangements will:

- provide for a consistent response to the Scheme by WA Government institutions, and for WA survivors accessing the Scheme; and
- mitigate concerns raised by local governments during consultations about complying with the processes and requirements of the Scheme.

5. CONSIDERATIONS FOR WA LOCAL GOVERNMENTS

Following the State's decision, a range of matters need to be considered by each local government and in some cases, actions taken in preparation for participating in the Scheme, these include:

CONFIDENTIALITY

- Information about applicants and alleged abusers included in RFIs (Requests for Information) is sensitive and confidential and is considered protected information under *The National Redress Act*, with severe penalties for disclosing protected information.
- Individual local governments will need to consider and determine appropriate processes to be put in place and staff members designated to ensure information remains confidential.

APPLICATION PROCESSING / STAFFING

- The timeframes for responding to an RFI are set in *The Act* and are 3 weeks for priority application and 7 weeks for non-priority applications. This RFI process will be supported by the State (DLGSC and the Redress Coordination Unit).
- Careful consideration should be given to determining which position will be responsible for receiving applications and responding to RFIs, due to the potentially confronting content of people's statement of abuse.
- Support mechanisms should be in place for these staff members, including access to EAP (Employee Assistance Program) or other appropriate support.
- The need for the appointed position and person(s) to have a level of seniority in order to understand the magnitude of the undertaking and to manage the potential conflicts of interest.
- The responsible position(s) or function(s) would benefit from being kept confidential in addition to the identity of the person appointed to it.

RECORD KEEPING

- The Redress Coordination Unit (Department of Justice) is the state record holder for Redress and will keep copies of all documentation and RFI responses. Local Governments will be required to keep their own records regarding a Redress application in a confidential and secure manner, and in line with all requirements of the *State Records Act 2000*.
- Consider secure storage of information whilst the RFI is being responded to.

REDRESS DECISIONS

- Decisions regarding redress applicant eligibility and responsible institution(s) are made by Independent Decision Makers, based on the information received by the applicant and any RFI responses. The State government does not have any influence on the decision made.
- There is no right of appeal.

MEMORIALS

- Survivors (individuals and / or groups) from within individual communities may ask about the installation of memorials. The State Government's view is to only consider memorialising groups, however locally, this is a decision of an individual local government.

6. NEXT STEPS – PREPARATION FOR WA LOCAL GOVERNMENT PARTICIPATION IN THE SCHEME

In addition to the second-phase information process outlined in section 1, the State will develop:

1. A Memorandum of Understanding (MOU) - to be executed between the State and WALGA following the (WALGA) State Council meeting on 4 March 2020.

The MOU will capture the overall principles of WA local governments participating in the Scheme as State Government institutions and being part of the State's declaration; and

2. Template Service Agreement – that will be executed on an 'as needed' basis between the State and an individual local government, if a redress application is received.

DLGSC and the Department of Justice will work with WALGA / LGPro and all local governments to prepare for participation in the Scheme including:

- Identifying appropriate positions, staff and processes to fulfil requests for information;
- Ensuring local governments have delegated authority to an officer to execute a service agreement with the State if needed;

The State will prepare a template Council report, where all WA local governments will be asked to delegate authority to an appropriate officer in advance, able to execute a service agreement if required. This is necessary as priority requests for information under the Scheme, are in a shorter turnaround time than Council meeting cycles and therefore, cannot be undertaken at the time.

- Ensuring local government have established appropriate processes and can fulfil Scheme obligations (particularly in terms of confidentiality, record keeping etc); and
- Gathering the necessary facility and service information from all individual local governments to commence participation in the Scheme. This information will be provided to the Commonwealth, loaded into the Scheme database and used to facilitate an individual local government's participation in the National Redress Scheme.

ACKNOWLEDGEMENTS

The contents of this Information and Discussion Paper includes extracts from the following identified sources. Information has been extracted and summarised to focus on key aspects applicable to the Department of Local Government, Sport and Cultural Industries' key stakeholders and funded bodies:

- The Royal Commission into Institutional Responses to Child Sexual Abuse – Final Report.

To access a full version of the Royal Commission's Findings and the Final Report, please follow the link at <https://www.childabuseroyalcommission.gov.au/>

- Western Australian State Government response to the Royal Commission (27 June 2018).

To access a full version of the State Government's detailed response and full report, please follow the link at

[https://www.dpc.wa.gov.au/ProjectsandSpecialEvents/Royal-Commission/Pages/The-WA-Government-Response-to-Recommendations-\(June-2018\).aspx](https://www.dpc.wa.gov.au/ProjectsandSpecialEvents/Royal-Commission/Pages/The-WA-Government-Response-to-Recommendations-(June-2018).aspx)

- More information on the National Redress Scheme can be found at www.nationalredress.gov.au.
- The full National Redress Scheme - Participant and Cost Estimate (July 2015) Report at <https://www.dlgsc.wa.gov.au/resources/publications/Pages/Child-Abuse-Royal-Commission.aspx>

FOR MORE INFORMATION

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APPENDIX A

ROYAL COMMISSION INTO INSTITUTIONAL RESPONSES TO CHILD SEXUAL ABUSE – FURTHER INFORMATION

The Royal Commission into Institutional Responses to Child Sexual Abuse (the Royal Commission) was established in January 2013, to investigate systemic failures of public and private institutions² to protect children from child sexual abuse, report abuse, and respond to child sexual abuse. The Royal Commission's Terms of Reference required it to identify what institutions should do better to protect children in the future, as well as what should be done to:

- achieve best practice in reporting and responding to reports of child sexual abuse;
- eliminate impediments in responding to sexual abuse; and
- address the impact of past and future institutional child sexual abuse.

The Western Australian Government (State Government) strongly supported the work of the Royal Commission through the five years of inquiry, presenting detailed evidence and submissions and participating in public hearings, case studies and roundtables.

The Royal Commission released three reports throughout the inquiry: *Working with Children Checks (August 2015)*; *Redress and Civil Litigation (September 2015)* and *Criminal Justice (August 2017)*. The Final Report (Final Report) of the Royal Commission into Institutional Responses to Child Sexual Abuse incorporated the findings and recommendations of the previously released reports and was handed down on 15 December 2017. To access a full version of the Royal Commission's Findings and the Final Report, follow the link at <https://www.childabuseroyalcommission.gov.au/>

The Royal Commission made 409 recommendations to prevent and respond to institutional child sexual abuse through reform to policy, legislation, administration, and institutional structures. These recommendations are directed to Australian governments and institutions, and non-government institutions. One specific recommendation was directed at Local Government, while many others will directly or indirectly impact on the organisations that Local Government works with and supports within the community.

Of the 409 recommendations, 310 are applicable to the Western Australian State Government and the broader WA community.

² * For clarity in this Paper, the term 'Institution' means any public or private body, agency, association, club, institution, organisation or other entity or group of entities of any kind (whether incorporated or unincorporated), however described, and:

- Includes for example, an entity or group of entities (including an entity or group of entities that no longer exist) that provides, or has at any time provided, activities, facilities, programs or services of any kind that provide the means through which adults have contact with children, including through their families
- Does not include the family.

THE WESTERN AUSTRALIAN GOVERNMENT RESPONSE TO THE ROYAL COMMISSION

The State Government examined the 310 applicable recommendations and provided a comprehensive and considered response, taking into account the systems and protections the State Government has already implemented. The State Government has accepted or accepted in principle over 90 per cent of the 310 applicable recommendations.

The State Government's response was released on 27 June 2018 fulfilling the Royal Commission recommendation 17.1, that all governments should issue a formal response within six months of the Final Report's release, indicating whether recommendations are accepted; accepted in principle; not accepted; or will require further consideration. The WA Government's response to the Royal Commission recommendations can be accessed at:

<http://www.dpc.wa.gov.au/childabuseroyalcommission>

The State Government has committed to working on the recommendations with the Commonwealth Government, other states and territories, local government, non-government institutions (including religious institutions) and community organisations.

The State Government's overall approach to implementation of reforms is focused on:

- Stronger Prevention (including Safer Institutions and Supportive Legislation)
 - Create an environment where children's safety and wellbeing are the centre of thought, values and actions;
 - Places emphasis on genuine engagement with and valuing of children;
 - Creates conditions that reduce the likelihood of harm to children and young people.
- Reliable Responses (including Effective Reporting)
 - Creates conditions that increase the likelihood of identifying any harm;
 - Responds to any concerns, disclosures, allegations or suspicions of harm.
- Supported Survivors (including Redress).

Many of the recommendations of the Royal Commission have already been addressed through past work of the State Government, and others working in the Western Australian community to create safe environments for children. This work is acknowledged and where appropriate, will be built upon when implementing reforms and initiatives that respond to the Royal Commission's recommendations.

APPENDIX B

NATIONAL REDRESS SCHEME - FURTHER INFORMATION

The Royal Commission's *Redress and Civil Litigation (September 2015)* Report recommended the establishment of a single national redress scheme to recognise the harm suffered by survivors of institutional child sexual abuse.

The National Redress Scheme (the Scheme):

- Acknowledges that many children were sexually abused in Australian institutions;
- Recognises the suffering they endured because of this abuse;
- Holds institutions accountable for this abuse; and
- Helps people who have experienced institutional child sexual abuse gain access to counselling and psychological services, a direct personal response, and a redress-payment.

The National Redress Scheme involves:

- People who have experienced institutional child sexual abuse who can apply for redress;
- The National Redress Scheme team — Commonwealth Government staff who help promote the Scheme and process applications;
- Redress Support Services — free, confidential emotional support and legal and financial counselling for people thinking about or applying to the Scheme;
- Participating Institutions that have agreed to provide redress to people who experienced institutional child sexual abuse; and
- Independent Decision Makers who will consider applications and make recommendations and conduct reviews.

The National Redress Scheme formally commenced operation on 1 July 2018 and offers eligible applicants three elements of redress:

- A direct personal response from the responsible institution, if requested;
- Funds to access counselling and psychological care; and
- A monetary payment of up to \$150,000.

Importantly, the Scheme also provides survivors with community based supports, including application assistance; financial support services; and independent legal advice. The Scheme is administered by the Commonwealth Government on behalf of all participating governments, and government and non-government institutions, who contribute on a 'responsible entity pays' basis.

Institutions that agree to join the Scheme are required to adhere to the legislative requirements set out in the *National Redress Scheme for Institutional Child Sexual Abuse Act 2018* (Cth).

More information on the Scheme can be found at www.nationalredress.gov.au or the [National Redress Guide](#).

SURVIVORS IN THE COMMUNITY

Throughout the five years of its inquiry, the Royal Commission heard detailed evidence and submissions, and held many public and private hearings, case studies and roundtables. Most notably, the Royal Commission heard directly from survivors of historical abuse.

The Royal Commission reported that survivors came from diverse backgrounds and had many different experiences. Factors such as gender, age, education, culture, sexuality or disability had affected their vulnerability and the institutions response to abuse.

The Royal Commission, however, did not report on the specific circumstances of individuals with the details of survivors protected; the circumstances of where and within which institutions their abuse occurred is also protected and therefore unknown. Further, survivors within the WA community may have chosen to not disclose their abuse to the Royal Commission.

Accordingly, it is not known exactly how many survivors were abused within Western Australian institutions, including within Local Government contexts. Within this context of survivors in the community, who may or may not be known, consideration needs to be given to how all institutions, including local governments, can fulfil the Royal Commission's recommendation in relation to redress.

The Royal Commission's *Redress and Civil Litigation (September 2015)* Report recommended the establishment of a single national redress scheme to recognise the harm suffered by survivors of institutional child sexual abuse. This report also recommended that Governments around Australia remove the limitation periods that applied to civil claims based on child sexual abuse, and consequently prevented survivors – in most cases – pursuing compensation through the courts.

As a result of reforms made in response to these recommendations, WA survivors now have the following options to receive recognition of their abuse:

1. Pursuing civil court action(s) against the perpetrator and/or the responsible institution. The *Civil Liability Legislation Amendment (Child Sexual Abuse Actions) Act 2018* (WA) took effect on 1 July 2018, removing the limitation periods that previously prevented persons who had experienced historical child sexual abuse from commencing civil action.
2. Applying to the National Redress Scheme, which provides eligible applicants with a monetary payment, funds to access counselling and an apology. Note, to receive redress the responsible institution(s) will need to have joined the Scheme.

TREATMENT OF LOCAL GOVERNMENTS BY OTHER JURISDICTIONS

At the time of the State Government joining the Scheme, only two jurisdictions had made a decision about the treatment of local governments. All jurisdictions have since agreed to include local governments within their respective declarations, with the exception of South Australia (SA). The SA Government is still considering their approach.

It is understood that all jurisdictions, with the exception of SA, are either covering the redress liability associated with local government participation in the Scheme or entering into a cost sharing arrangement. The table below provides a summary of other jurisdictions' positions.

Jurisdiction	Position
Commonwealth	<ul style="list-style-type: none"> No responsibility for local governments. The Commonwealth Government has indicated preference for a jurisdiction to take a consistent approach to the participation of local governments in the Scheme.
Australian Capital Territory (ACT)	<ul style="list-style-type: none"> ACT has no municipalities, and the ACT Government is responsible for local government functions. ACT has therefore not been required to explore the issue of local government participation in the Scheme.
New South Wales (NSW)	<ul style="list-style-type: none"> In December 2018, the NSW Government decided to include local councils as NSW Government institutions and to cover their redress liability. The NSW Office for Local Government is leading communications with local councils about this decision. NSW's declaration of participating institutions will be amended once preparation for local council participation is complete.
Northern Territory (NT)	<ul style="list-style-type: none"> The NT Government has consulted all of the Territory's local governments, including individually visiting each local government. NT is in the process of amending Territory's declaration of participating institutions to include local governments.
Queensland	<ul style="list-style-type: none"> Queensland is finalising a memorandum of understanding (MOU) with the Local Government Association of Queensland to enable councils to participate in the Scheme as State institutions. The MOU includes financial arrangements that give regard to individual councils' financial capacity to pay for redress.
South Australia (SA)	<ul style="list-style-type: none"> Local governments are not currently included in the SA Government's declaration The SA Government is still considering its approach to local governments.
Tasmania	<ul style="list-style-type: none"> Local Governments have agreed to participate in the Scheme and will be included as a state institution in the Tasmanian Government's declaration. A MOU with local governments is being finalised, ahead of amending Tasmania's declaration.
Victoria	<ul style="list-style-type: none"> The Victorian Government's declaration includes local governments. The Victorian Government is covering local governments' redress liability.
Western Australia (WA)	<ul style="list-style-type: none"> The WA Government has excluded local governments from its declaration, pending consultation with the local government sector.

TIMEFRAME TO JOIN THE SCHEME

Institutions can join the Scheme within the first two years of its commencement. This means that institutions can join the Scheme up to and including 30 June 2020 (the second anniversary date of the Scheme). The Commonwealth Minister for Social Services may also provide an extension to this period to allow an institution to join the Scheme after this time. However, it is preferred that as many institutions as possible join the Scheme within the first two years to give certainty to survivors applying to the Scheme about whether the institution/s in which they experienced abuse will be participating.

If an institution has not joined the Scheme, they are not a participating institution. However, this will not prevent a person from applying for redress. In this circumstance, a person's application cannot be assessed until the relevant institution/s has joined the Scheme. The Scheme will contact the person to inform them of their options to either withdraw or hold their application. The Scheme will also contact the responsible institution/s to provide information to aid the institution/s to consider joining the Scheme.

THE SCHEME'S STANDARD OF PROOF

The Royal Commission recommended that 'reasonable likelihood' should be the standard of proof for determining eligibility for redress. For the purposes of the Scheme, 'reasonable likelihood' means the chance of the person being eligible is real and is not fanciful or remote and is more than merely plausible.

When considering a redress application, the Scheme Operator must consider whether it is reasonably likely that a person experienced sexual abuse as a child, and that a participating institution is responsible for an alleged abuser/s having contact with them as a child. In considering whether there was reasonable likelihood, all the information available must be taken into account.

Where a participating institution does not hold a record (i.e. historical information), the Scheme Operator will not be precluded from determining a person's entitlement to redress. The information to be considered by the Scheme Operator includes:

- The information contained in the application form (or any supplementary information provided by a person by way of statutory declaration);
- Any documentation a person provided in support of their application;
- The information provided by the relevant participating institution/s in response to a Request for Information from the Operator, including any supporting documentation provided; and
- Any other information available including from Scheme holdings (for example where the Scheme has built up a picture of relevant information about the same institution during the relevant period, or the same abuser).

It should be noted that the 'reasonable likelihood' standard of proof applied by the Scheme is of a lower threshold (or a lower standard of proof) than the common law standard of proof applied in civil litigation – the 'balance of probabilities'. Please see 11.7 of the Royal Commission's *Redress and Civil Litigation Report (2015)* for additional information on the difference between the two.

MAXIMUM PAYMENT AND SHARED RESPONSIBILITY

The amount of redress payment a person can receive depends on a person's individual circumstances, specifically the type of abuse the person experienced.

A person may only make one application for redress. The maximum redress payment payable under the scheme to an applicant is \$150,000 in total.

The payment of redress is made by the institution(s) found responsible for exposing the individual to the circumstances that led to the abuse.

There may be instances where one or more institutions are found to be jointly responsible for the redress payment to a person, and instances where a person may have experienced abuse in one or more different institutions. In such situations, the redress payable by an institution will be apportioned in accordance with the Scheme's assessment framework - see <https://www.legislation.gov.au/Details/F2018L00969> and method statement - see <http://guides.dss.gov.au/national-redress-guide/4/1/1>

Prior payments made by the responsible institution for the abuse to the applicant (e.g. ex-gratia payments) will be taken into account and deducted from the institutions' redress responsibility.

EFFECT OF AN APPLICANT ACCEPTING AN OFFER OF REDRESS

Accepting an offer of redress has the effect of releasing the responsible participating institution/s and their officials (other than the abuser/s) from civil liability for instances of sexual abuse and related non-sexual abuse of the person that is within the scope of the Scheme. This means that the person agrees to not bring or continue any civil claims against the responsible participating institution/s in relation to any abuse within the scope of the Scheme.

If a responsible participating institution/s is a member of a participating group, the person will be releasing the other associated institutions and officials within that group from any civil liability for instances of sexual abuse and related non-sexual abuse of the person that is within the scope of the Scheme.

Accepting an offer of redress also has the effect of preventing a responsible participating institution from being liable to contribute to damages that are payable to the person in civil proceedings (where the contribution is to another institution or person).

In accepting the offer of redress, a person will also be consenting to allow the participating institution/s or official/s to disclose the person's acceptance of redress offer in the event that a civil claim is made. The Scheme must provide a copy of the person's acceptance of offer to each responsible institution for their records once received.

Note – the acceptance of an offer of redress does not exclude the pursuance or continuance of criminal proceedings against the abuser(s).



Monthly Financial Report

For the period ended

May 2020

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SHIRE OF EXMOUTH
MONTHLY FINANCIAL REPORT
(Containing the Statement of Financial Activity)
For the Period Ended 31 May 2020

LOCAL GOVERNMENT ACT 1995
LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996

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PREPARATION TIMING AND REVIEW

Date prepared: All known transactions up to 15 June 2020

Prepared by: Manager of Finance

Reviewed by: Executive Manager Corporate Services

BASIS OF PREPARATION

REPORT PURPOSE

This report is prepared to meet the requirements of *Local Government (Financial Management) Regulations 1996, Regulation 34*. Note: The statements and accompanying notes are prepared based on all transactions recorded at the time of preparation and may vary due to transactions being processed for the reporting period after the date of preparation.

BASIS OF ACCOUNTING

This statement comprises a special purpose financial report which has been prepared in accordance with Australian Accounting Standards (as they apply to local governments and not-for-profit entities and to the extent they are not in-consistent with the *Local Government Act 1995* and accompanying regulations), Australian Accounting Interpretations, other authoritative pronouncements of the Australian Accounting Standards Board, the *Local Government Act 1995* and accompanying regulations. Accounting policies which have been adopted in the preparation of this financial report have been consistently applied unless stated otherwise.

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

THE LOCAL GOVERNMENT REPORTING ENTITY

All Funds through which the Council controls resources to carry on its functions have been included in this statement. In the process of reporting on the local government as a single unit, all transactions and balances between those funds (for example, loans and transfers between Funds) have been eliminated. All monies held in the Trust Fund are excluded from the statement, but a separate statement of those monies appears at Note 14.

SIGNIFICANT ACCOUNTING POLICES

GOODS AND SERVICES TAX

Revenues, expenses and assets are recognised net of the amount of GST, except where the amount of GST incurred is not recoverable from the Australian Taxation Office (ATO). Receivables and payables are stated inclusive of GST receivable or payable. The net amount of GST recoverable from, or payable to, the ATO is included with receivables or payables in the statement of financial position. Cash flows are presented on a gross basis. The GST components of cash flows arising from investing or financing activities which are recoverable from, or payable to, the ATO are presented as operating cash flows.

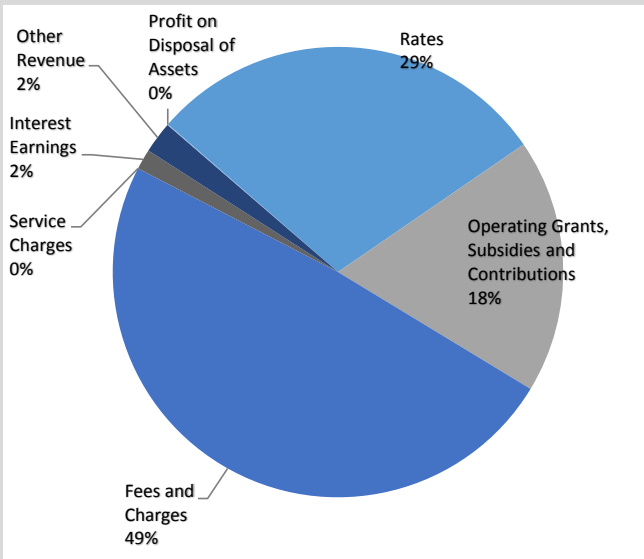
CRITICAL ACCOUNTING ESTIMATES

The preparation of a financial report in conformity with Australian Accounting Standards requires management to make judgements, estimates and assumptions that effect the application of policies and reported amounts of assets and liabilities, income and expenses. The estimates and associated assumptions are based on historical experience and various other factors that are believed to be reasonable under the circumstances; the results of which form the basis of making the judgements about carrying values of assets and liabilities that are not readily apparent from other sources. Actual results may differ from these estimates.

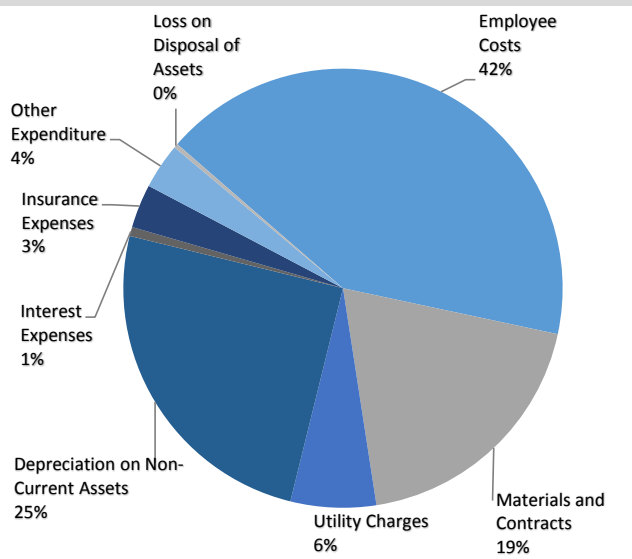
ROUNDING OFF FIGURES

All figures shown in this statement are rounded to the nearest dollar.

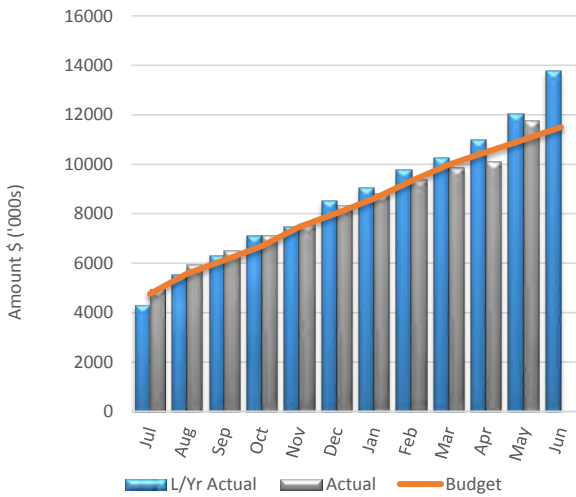
OPERATING REVENUE



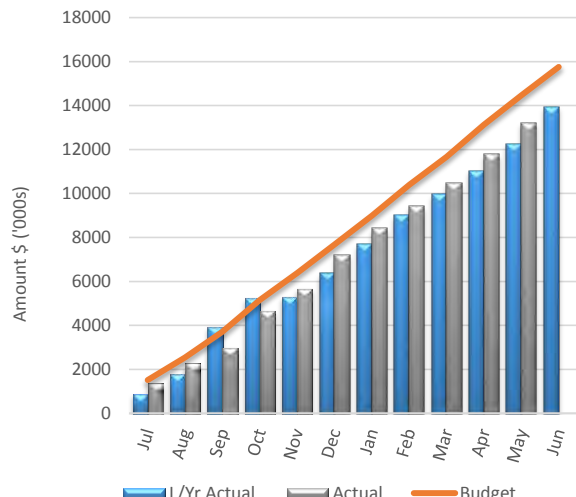
OPERATING EXPENSES



Operating Revenue -v-YTD Budget

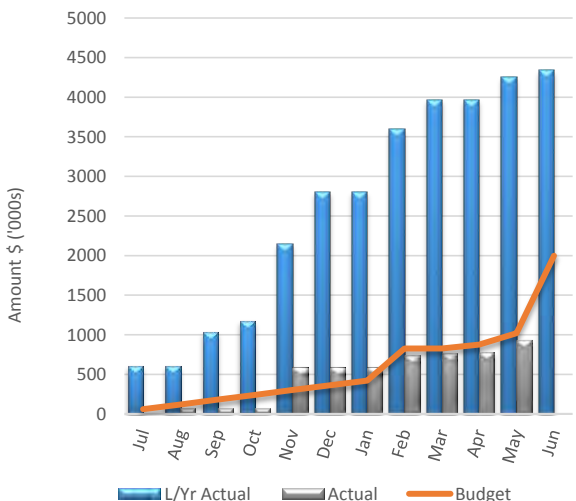


Operating Expenses -v-YTD Budget



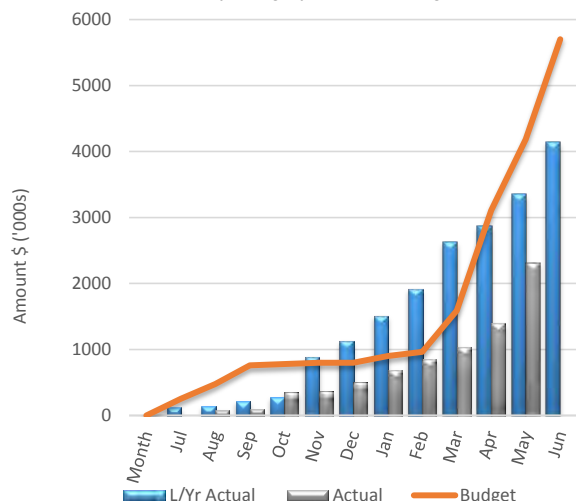
CAPITAL REVENUE

Non-Operating Revenue -v-YTD Budget



CAPITAL EXPENSES

Non-Operating Expenses -v-YTD Budget



This information is to be read in conjunction with the accompanying Financial Statements and Notes.

**KEY TERMS AND DESCRIPTIONS
FOR THE PERIOD ENDED 31 MAY 2020**

STATUTORY REPORTING PROGRAMS

Shire operations as disclosed in these financial statements encompass the following service orientated activities/programs.

	ACTIVITIES
GOVERNANCE To provide a decision making process for the efficient allocation of resources.	Includes the activities of members of council and the administrative support available to the council for the provision of governance of the district. Other costs relate to the task of assisting elected members and ratepayers on matters which do not concern specific council services.
GENERAL PURPOSE FUNDING To collect revenue to allow for the provision of services	The collection of rate revenue and the maintenance of valuation and rating records to support the collection process. General purpose government grant and interest revenue.
LAW, ORDER, PUBLIC SAFETY To provide services to help ensure a safer and environmentally conscious community.	The provision of bushfire control services, animal control and support for emergency services, as well as the maintenance and enforcement of local laws.
HEALTH To provide an operational framework for environmental and community health.	Maternal and infant health, preventative service and environmental health.
EDUCATION AND WELFARE To provide services to disadvantaged persons, the elderly, children and youth.	Maintenance of playgroup and senior citizens buildings.
HOUSING To provide housing to staff members.	Administration and operation of residential housing for council staff.
COMMUNITY AMENITIES To provide services required by the community.	Maintenance of rubbish service to residents and maintenance of sanitary landfill sites. Town planning and regional development, maintenance of cemeteries and other community amenities.
RECREATION AND CULTURE To establish and effectively manage infrastructure and resources which will help the social well being of the community.	Maintenance of public halls, centres, swimming pool, beaches, recreation centres and various sporting facilities. Provision and maintenance of parks, gardens and playgrounds. Operation of library and radio re-broadcasting facilities.
TRANSPORT To provide safe, effective and efficient transport services to the community.	Construction and maintenance of roads, streets, footpaths, depots, cycleways, parking facilities and traffic control. Cleaning of streets and maintenance of street trees, street lighting etc. Administration and operation of airport and aerodrome.
ECONOMIC SERVICES The promotion of the district to increase economic activities and the provision of building control within the shire.	Tourism, area promotion and building control.
OTHER PROPERTY AND SERVICES To monitor and control Council's overheads operation accounts.	The provision of private works to the public and the maintenance of cost pools for plant operating, public works overheads and administration costs.

**STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 31 MAY 2020**

STATUTORY REPORTING PROGRAMS

	Ref Note	Adopted Budget	Amended Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)	Var. % (b)-(a)/(a)	Var.
		\$		\$	\$	\$	%	
Opening Funding Surplus / (Deficit)	1(c)	3,040,153	3,716,619	3,716,619	3,716,619	0	0.00%	
Revenue from operating activities								
Governance		0	0	0	14,841	14,841	0.00%	▲
General Purpose Funding - Rates	7	3,387,225	3,397,225	3,397,225	3,396,666	(559)	(0.02%)	
General Purpose Funding - Other		1,157,151	2,053,151	1,133,197	1,995,646	862,449	76.11%	▲
Law, Order and Public Safety		16,020	24,720	22,616	36,069	13,453	59.48%	▲
Health		46,222	53,722	49,203	43,580	(5,623)	(11.43%)	
Education and Welfare		1,600	1,600	1,600	2,155	555	34.69%	
Housing		44,200	49,700	45,507	59,791	14,284	31.39%	▲
Community Amenities		1,242,442	1,252,242	1,230,881	1,226,262	(4,619)	(0.38%)	
Recreation and Culture		709,450	704,680	674,846	600,838	(74,008)	(10.97%)	▼
Transport		4,624,579	3,610,202	3,312,384	3,726,469	414,085	12.50%	▲
Economic Services		613,577	246,583	238,263	445,459	207,196	86.96%	▲
Other Property and Services		16,900	104,900	100,442	202,641	102,199	101.75%	▲
		11,859,366	11,498,725	10,206,164	11,750,417	1,544,253		
Expenditure from operating activities								
Governance		(780,925)	(791,925)	(726,432)	(800,589)	(74,157)	(10.21%)	▼
General Purpose Funding		(96,330)	(99,830)	(91,454)	(81,539)	9,915	10.84%	
Law, Order and Public Safety		(335,438)	(314,261)	(289,233)	(297,088)	(7,855)	(2.72%)	
Health		(301,351)	(313,351)	(287,367)	(216,878)	70,489	24.53%	▲
Education and Welfare		(69,998)	(71,498)	(67,293)	(69,725)	(2,432)	(3.61%)	
Housing		(87,547)	(87,547)	(85,791)	(124,141)	(38,350)	(44.70%)	▼
Community Amenities		(1,893,296)	(1,780,873)	(1,634,081)	(1,306,872)	327,209	20.02%	▲
Recreation and Culture		(4,853,077)	(5,173,724)	(4,792,388)	(4,316,989)	475,399	9.92%	
Transport		(5,476,930)	(5,878,708)	(5,445,104)	(4,879,386)	565,718	10.39%	▲
Economic Services		(1,326,842)	(1,237,195)	(1,040,854)	(808,499)	232,355	22.32%	▲
Other Property and Services		25,279	(6,721)	(5,006)	(287,488)	(282,482)	(5642.87%)	▼
		(15,196,455)	(15,755,633)	(14,465,003)	(13,189,191)	1,275,812		
Non-cash amounts excluded from operating activities	1(a)	3,196,907	3,718,806	3,261,764	3,649,718	387,954	11.89%	▲
Amount attributable to operating activities		(140,182)	(538,102)	(997,075)	2,210,944	3,208,019		
Investing Activities								
Proceeds from non-operating grants, subsidies and contributions	13(b)	722,332	1,997,832	875,402	936,595	61,193	6.99%	
Proceeds from disposal of assets	8	80,500	307,500	137,283	137,283	0	0.00%	
Purchase of property, plant and equipment	9	(4,173,270)	(5,701,770)	(2,359,742)	(2,311,324)	48,418	2.05%	
Amount attributable to investing activities		(3,370,438)	(3,396,438)	(1,347,057)	(1,237,446)	109,611		
Financing Activities								
Transfer from Reserves	11	1,329,300	1,803,500	0	0	0	0.00%	
Proceeds from community loans		0	23,000	17,000	17,000	0	0.00%	
Repayment of Debentures	10	(223,637)	(223,637)	(138,413)	(138,413)	0	0.00%	
Transfer to Reserves	11	(587,049)	(142,049)	(100,900)	(100,900)	0	0.00%	
Amount attributable to financing activities		518,614	1,460,814	(222,313)	(222,313)	0		
Closing Funding Surplus / (Deficit)	1(c)	48,147	1,242,893	1,150,175	4,467,806			

KEY INFORMATION

▲ ▼ Indicates a variance between Year to Date (YTD) Actual and YTD Actual data as per the adopted materiality threshold. Refer to Note 2 for an explanation of the reasons for the variance.

The material variance adopted by Council for the 2019-20 year is \$10,000 or 10.00% whichever is the greater.

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

KEY TERMS AND DESCRIPTIONS FOR THE PERIOD ENDED 31 MAY 2020

REVENUE

RATES

All rates levied under the *Local Government Act 1995*. Includes general, differential, specific area rates, minimum rates, interim rates, back rates, ex-gratia rates, less discounts offered. Exclude administration fees, interest on instalments, interest on arrears and service charges.

OPERATING GRANTS, SUBSIDIES AND CONTRIBUTIONS

Refer to all amounts received as grants, subsidies and contributions that are not non-operating grants.

NON-OPERATING GRANTS, SUBSIDIES AND CONTRIBUTIONS

Amounts received specifically for the acquisition, construction of new or the upgrading of non-current assets paid to a local government, irrespective of whether these amounts are received as capital grants, subsidies, contributions or donations.

PROFIT ON ASSET DISPOSAL

Profit on the disposal of assets including gains on the disposal of long term investments. Losses are disclosed under the expenditure classifications.

FEES AND CHARGES

Revenues (other than service charges) from the use of facilities and charges made for local government services, sewerage rates, rentals, hire charges, fee for service, photocopying charges, licences, sale of goods or information, fines, penalties and administration fees. Local governments may wish to disclose more detail such as rubbish collection fees, rental of property, fines and penalties, other fees and charges.

SERVICE CHARGES

Service charges imposed under *Division 6 of Part 6 of the Local Government Act 1995*. *Regulation 54 of the Local Government (Financial Management) Regulations 1996* identifies these as television and radio broadcasting, underground electricity and neighbourhood surveillance services. Exclude rubbish removal charges. Interest and other items of a similar nature received from bank and investment accounts, interest on rate instalments, interest on rate arrears and interest on debtors.

INTEREST EARNINGS

Interest and other items of a similar nature received from bank and investment accounts, interest on rate instalments, interest on rate arrears and interest on debtors.

OTHER REVENUE / INCOME

Other revenue, which can not be classified under the above headings, includes dividends, discounts, rebates etc.

NATURE OR TYPE DESCRIPTIONS

EXPENSES

EMPLOYEE COSTS

All costs associate with the employment of person such as salaries, wages, allowances, benefits such as vehicle and housing, superannuation, employment expenses, removal expenses, relocation expenses, worker's compensation insurance, training costs, conferences, safety expenses, medical examinations, fringe benefit tax, etc.

MATERIALS AND CONTRACTS

All expenditures on materials, supplies and contracts not classified under other headings. These include supply of goods and materials, legal expenses, consultancy, maintenance agreements, communication expenses, advertising expenses, membership, periodicals, publications, hire expenses, rental, leases, postage and freight etc. Local governments may wish to disclose more detail such as contract services, consultancy, information technology, rental or lease expenditures.

UTILITIES (GAS, ELECTRICITY, WATER, ETC.)

Expenditures made to the respective agencies for the provision of power, gas or water. Exclude expenditures incurred for the reinstatement of roadwork on behalf of these agencies.

INSURANCE

All insurance other than worker's compensation and health benefit insurance included as a cost of employment.

LOSS ON ASSET DISPOSAL

Loss on the disposal of fixed assets.

DEPRECIATION ON NON-CURRENT ASSETS

Depreciation expense raised on all classes of assets.

INTEREST EXPENSES

Interest and other costs of finance paid, including costs of finance for loan debentures, overdraft accommodation and refinancing expenses.

OTHER EXPENDITURE

Statutory fees, taxes, provision for bad debts, member's fees or State taxes. Donations and subsidies made to community groups.

**STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 31 MAY 2020**

BY NATURE OR TYPE

	Ref Note	Adopted Budget	Amended Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)	Var. % (b)-(a)/(a)	Var.
Opening Funding Surplus / (Deficit)	1(c)	\$ 3,040,153	3,716,619	3,716,619	3,716,619	\$ 0	% 0.00%	
Revenue from operating activities								
Rates	7	3,387,225	3,397,225	3,397,225	3,396,665	(560)	(0.02%)	
Specified area rates	7	47,081	47,081	47,081	48,140	1,059	2.25%	
Operating grants, subsidies and contributions	13(a)	976,000	1,861,900	958,390	2,137,843	1,179,453	123.07%	▲
Fees and charges		7,165,610	5,818,269	5,456,270	5,725,675	269,405	4.94%	▲
Interest earnings		195,051	195,051	178,783	171,065	(7,718)	(4.32%)	
Other revenue		88,399	113,199	107,915	264,847	156,932	145.42%	▲
Profit on disposal of assets	8	0	66,000	60,500	6,181	(54,319)	(89.78%)	
		11,859,366	11,498,725	10,206,164	11,750,417	1,544,253	15.13%	▲
Expenditure from operating activities								
Employee costs		(6,713,128)	(6,525,728)	(5,929,616)	(5,535,310)	394,306	6.65%	▲
Materials and contracts		(3,664,652)	(3,759,429)	(3,401,736)	(2,533,210)	868,526	25.53%	▲
Utility charges		(799,314)	(829,914)	(819,517)	(829,677)	(10,160)	(1.24%)	
Depreciation on non-current assets		(2,905,447)	(3,615,447)	(3,313,695)	(3,293,679)	20,016	0.60%	▲
Interest expenses		(81,595)	(123,595)	(113,267)	(88,077)	25,190	22.24%	▲
Insurance expenses		(462,594)	(423,932)	(423,902)	(424,499)	(597)	(0.14%)	
Other expenditure		(437,779)	(468,229)	(453,911)	(443,909)	10,002	2.20%	▲
Loss on disposal of assets	8	(131,946)	(9,359)	(9,359)	(40,828)	(31,469)	(336.24%)	
		(15,196,455)	(15,755,633)	(14,465,003)	(13,189,191)	1,275,812	(8.82%)	▲
Non-cash amounts excluded from operating activities	1(a)	3,196,907	3,718,806	3,261,764	3,649,718	387,954	11.89%	▲
Amount attributable to operating activities		(140,182)	(538,102)	(997,075)	2,210,944	3,208,019		▲
Investing activities								
Non-operating grants, subsidies and contributions	13(b)	722,332	1,997,832	875,402	936,595	61,193	6.99%	▲
Proceeds from disposal of assets	8	80,500	307,500	137,283	137,283	0	0.00%	
Payments for property, plant and equipment	9	(4,173,270)	(5,701,770)	(2,359,742)	(2,311,324)	48,418	(2.05%)	▲
Amount attributable to investing activities		(3,370,438)	(3,396,438)	(1,347,057)	(1,237,446)	109,611		▲
Financing Activities								
Transfer from reserves	11	1,329,300	1,803,500	0	0	0	0.00%	
Proceeds from community loans		0	23,000	17,000	17,000	0	0.00%	
Repayment of debentures	10	(223,637)	(223,637)	(138,413)	(138,413)	0	0.00%	
Transfer to reserves	11	(587,049)	(142,049)	(100,900)	(100,900)	0	0.00%	
Amount attributable to financing activities		518,614	1,460,814	(222,313)	(222,313)	0		
Closing Funding Surplus / (Deficit)	1(c)	48,147	1,242,893	1,150,175	4,467,806			

KEY INFORMATION

▲ ▼ Indicates a variance between Year to Date (YTD) Actual and YTD Actual data as per the adopted materiality threshold.

Refer to Note 2 for an explanation of the reasons for the variance.

This statement is to be read in conjunction with the accompanying Financial Statements and Notes.

(a) Non-cash items excluded from operating activities

The following non-cash revenue and expenditure has been excluded from operating activities within the Statement of Financial Activity in accordance with Financial Management Regulation 32.

	Notes	Adopted Budget	Amended Budget	YTD Budget (a)	YTD Actual (b)
Non-cash items excluded from operating activities					
Adjustments to operating activities					
Less: Profit on asset disposals		0	(66,000)	(60,500)	(6,181)
Movement in inventory (non-current)					321,392
Movement in employee benefit provisions (non-current)		160,101	160,000		
Add: Loss on asset disposals		131,359	9,359	8,569	40,828
Add: Depreciation on assets		2,905,447	3,615,447	3,313,695	3,293,679
Total non-cash items excluded from operating activities		3,196,907	3,718,806	3,261,764	3,649,718

(b) Adjustments to net current assets in the Statement of Financial Activity

The following current assets and liabilities have been excluded from the net current assets used in the Statement of Financial Activity in accordance with *Financial Management Regulation* 32 to agree to the surplus/(deficit) after imposition of general rates.

		Last Year Closing 30 Jun 2019	This Year Opening 01 Jul 2019	This Time Last Year 31 May 2019	Year to Date 31 May 2020
Adjustments to net current assets					
Less: Reserves - restricted cash	10	(9,352,157)	(9,352,157)	(7,443,780)	(9,453,057)
Less: Community loans		(23,000)	(23,000)	(19,250)	(6,000)
Add: Borrowings	9	223,637	223,637	87,882	85,224
Add: Provisions - employee	11	958,906	958,906	779,782	958,906
Total adjustments to net current assets		(8,192,614)	(8,192,614)	(6,595,366)	(8,414,927)

(c) Net current assets used in the Statement of Financial Activity

Current assets					
Cash and cash equivalents	2	12,165,340	12,165,340	11,504,946	13,271,551
Rates receivables	3	328,807	328,807	410,718	523,584
Receivables	3	1,453,221	1,453,221	1,348,176	892,053
Other current assets	4	96,445	96,445	46,727	21,535
Less: Current liabilities					
Payables	5	(952,037)	(952,037)	(231,451)	(781,861)
Borrowings	9	(223,637)	(223,637)	(87,882)	(85,224)
Provisions	11	(958,906)	(958,906)	(779,782)	(958,906)
Less: Total adjustments to net current assets	1(c)	(8,192,614)	(8,192,614)	(6,595,366)	(8,414,927)
Closing Funding Surplus / (Deficit)		3,716,619	3,716,619	5,616,086	4,467,805

CURRENT AND NON-CURRENT CLASSIFICATION

In the determination of whether an asset or liability is current or non-current, consideration is given to the time when each asset or liability is expected to be settled. Unless otherwise stated assets or liabilities are classified as current if expected to be settled within the next 12 months, being the Council's operational cycle.

**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 31 MAY 2020**

**NOTE 2
EXPLANATION OF MATERIAL VARIANCES**

The material variance thresholds are adopted annually by Council as an indicator of whether the actual expenditure or revenue varies from the year to date Actual materially.

The material variance adopted by Council for the 2019-20 year is \$10,000 or 10.00% whichever is the greater.

Reporting Program	Var. \$	Var. %	Timing/ Permanent	Explanation of Variance
	\$	%		
Revenue from operating activities				
Governance	14,841	0.00%	▲ Permanent	Covid-19 Donation
General Purpose Funding - Other	862,449	76.11%	▼ Timing	Decreased Interest Earnings and budgetted Operating Road Grant allocated to Transport. Advanced payment of 20/21 FAGS received in May.
Law, Order and Public Safety	13,453	59.48%	▲ Timing	Increased reimbursement of expenditure by DFES
Housing	14,284	31.39%	▲ Timing	Utility reimbursements offset by housing allocations.
Recreation and Culture	(74,008)	(10.97%)	▼ Timing	Decreased revenue for Ningaloo Centre after closure in March due to COVID19. Community Engagement funding not received.
Transport	414,085	12.50%	▲ Timing	Movement between Transport and General Purpose Funding for roads portion of FAGS grant. Increase in chartered flights and heliport.
Economic Services	207,196	86.96%	▲ Permanent	Visitor Centre transition funds received
Other Property and Services	102,199	101.75%	▲ Permanent	Reimbursement for consultant expenditure and LGIS rebates. Increased reimbursement Workers Compensation offset by expenditure. Profit for disposal of Heron Way Lot
Expenditure from operating activities				
Governance	(74,157)	(10.21%)	▼ Timing	COVID 19 expenditure and employee costs offset by Transport.
Health	70,489	24.53%	▲ Timing	Reduced expenditure for sentinel and mosquito management program. Overhead allocations under budget.
Housing	(38,350)	(44.70%)	▼ Timing	Overhead allocations under budget.
Community Amenities	327,209	20.02%	▲ Timing	Reduced maintenance and employee costs for sanitation, cemetery and urban storm water. Overhead allocations under budget. Town Planning consultant under budget.
Recreation and Culture	475,399	9.92%	▲ Timing	Reduced maintenance and employee costs for foreshore, beach and boat ramps. Community programmes, events and Ningaloo Centre operations. Reduced employee costs for pool and library.
Transport	565,718	10.39%	▲ Timing	Aviation, road and footpath maintenance under budget. Overhead allocations under budget.
Economic Services	232,355	22.32%	▲ Timing	Ningaloo Visitors Centre and Tourism expenditure below budget due to closure to the public in March due to COVID19
Other Property and Services	(282,482)	(5642.87%)	▼ Timing	Overhead allocations recovery under budget. Increased Workers Compensation expenditure offset by revenue

KEY INFORMATION

- ▲ increase in surplus
- ▼ decrease in surplus

Description	Classification	Unrestricted	Restricted	Trust	Total YTD Actual	Institution	Interest Rate	Maturity Date
		\$	\$	\$	\$			
Cash on hand								
Petty Cash and Floats	Cash and cash equivalents	5,048			5,048			
Municipal Fund	Cash and cash equivalents	3,813,446			3,813,446	Westpac		At Call
Reserve Fund	Cash and cash equivalents	0	9,453,057		9,453,057	Westpac		At Call
Trust Fund	Cash and cash equivalents	0		300,240	300,240	Westpac		At Call
		0						
Total		3,818,494	9,453,057	300,240	13,571,791			
Comprising								
Cash and cash equivalents		3,818,494	9,453,057	300,240	13,571,791			
Financial assets at amortised cost		0	0	0	0			
		3,818,494	9,453,057	300,240	13,571,791			

KEY INFORMATION

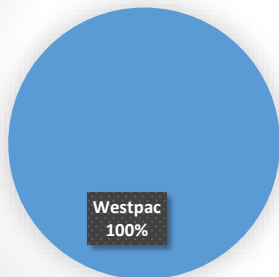
Cash and cash equivalents include cash on hand, cash at bank, deposits available on demand with banks and other short term highly liquid investments highly liquid investments with original maturities of three months or less that are readily convertible to known amounts of cash and which are subject to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

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

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

Financial assets at amortised cost held with registered financial institutions are listed in this note other financial assets at amortised cost are provided in Note 4 - Other assets.

Investment Diversification



■ Westpac

Total Cash	Unrestricted
\$13.57 M	\$3.82 M

**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 31 MAY 2020**

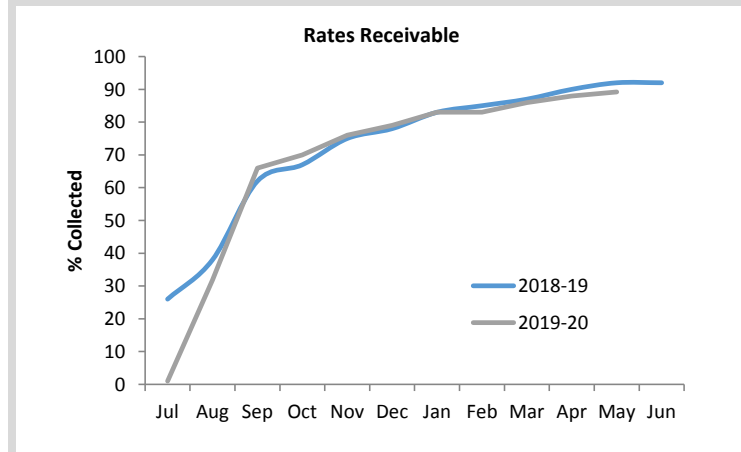
**OPERATING ACTIVITIES
NOTE 4
RECEIVABLES**

Rates Receivable	30 June 2019	31 May 20
	\$	\$
Opening Arrears Previous Years	302,096	328,807
Levied this year	4,401,647	4,542,982
Plus Interim Rates	(9,150)	(6,914)
Plus Back Rates	10,701	1,687
Less - Collections to date	(4,332,954)	(4,342,978)
Equals Current Outstanding	370,789	523,584
Less - Deferred Pensioners	(41,981)	(41,981)
Less - Credit Balances		39,974
Net Rates Collectable	328,807	521,577
% Collected	92.1%	89.2%

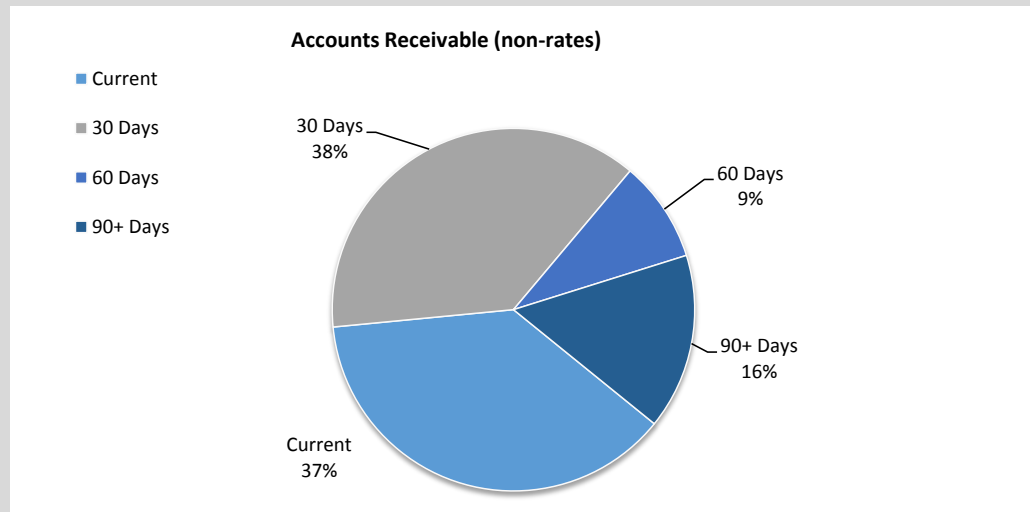
Receivables - General	Credit	Current	30 Days	60 Days	90+ Days	Total
	\$	\$	\$	\$	\$	\$
Receivables - General	(9,231)	267,537	267,689	64,204	111,391	701,590
Percentage	-1.3%	38.1%	38.2%	9.2%	15.9%	
Balance per Trial Balance						
Sundry receivable						701,590
GST receivable						184,463
Allowance for impairment of receivables						0
Community Loans						6,000
Other receivables [describe]						0
Total Receivables General Outstanding						892,053
Amounts shown above include GST (where applicable)						

KEY INFORMATION

Trade and other receivables include amounts due from ratepayers for unpaid rates and service charges and other amounts due from third parties for goods sold and services performed in the ordinary course of business. Receivables expected to be collected within 12 months of the end of the reporting period are classified as current assets. All other receivables are classified as non-current assets. Collectability of trade and other receivables is reviewed on an ongoing basis. Debts that are known to be uncollectible are written off when identified. An allowance for doubtful debts is raised when there is objective evidence that they will not be collectible.



Collected	Rates Due
89.2%	\$521,577



Debtors Due
\$892,053
Over 30 Days
63%
Over 90 Days
15.9%

Other Current Assets	Opening Balance 1 July 2019	Asset Increase	Asset Reduction	Closing Balance 31 May 2020
	\$	\$	\$	\$
Inventory				
Inventories - Stock on Hand	55,830	98,785	(133,080)	21,535
Total Other Current assets				21,535
Amounts shown above include GST (where applicable)				

KEY INFORMATION

Other financial assets at amortised cost

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

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

Inventory

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

Net realisable value is the estimated selling price in the ordinary course of business less the estimated costs of completion and the estimated costs necessary to make the sale.

Land held for resale

Land held for development and resale is valued at the lower of cost and net realisable value. Cost includes the cost of acquisition, development, borrowing costs and holding costs until completion of development.

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

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

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

CONTRACT ASSETS

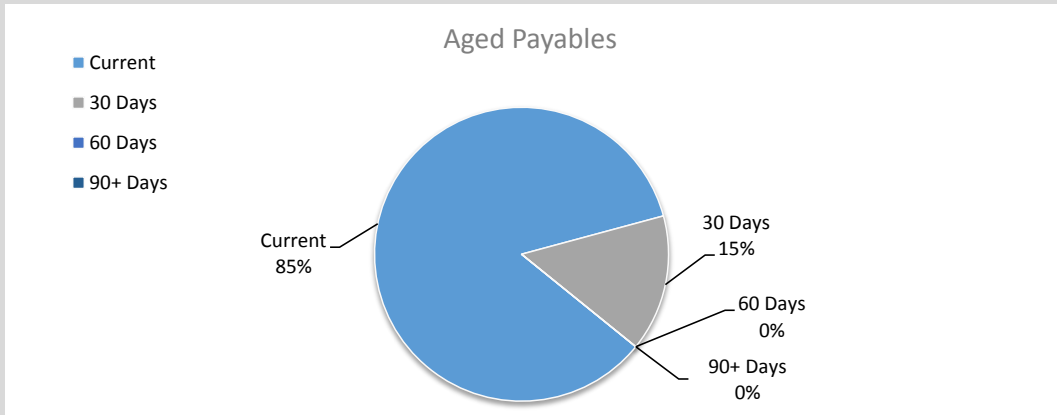
A contract asset is the right to consideration in exchange for goods or services the entity has transferred to a customer when that right is conditioned on something other than the passage of time.

Payables - General	Credit	Current	30 Days	60 Days	90+ Days	Total
	\$	\$	\$	\$	\$	\$
Payables - General	0	500,339	88,514	0	0	588,852
Percentage	0%	85%	15%	0%	0%	
Balance per Trial Balance						
Sundry creditors						588,852
ATO liabilities						45,333
Bonds, Retentions & Advanced Payments						124,547
ESL Liability						23,129
Total Payables General Outstanding						781,861

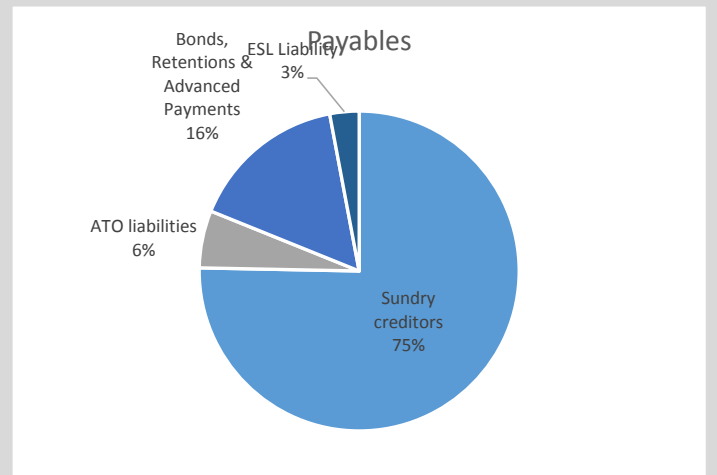
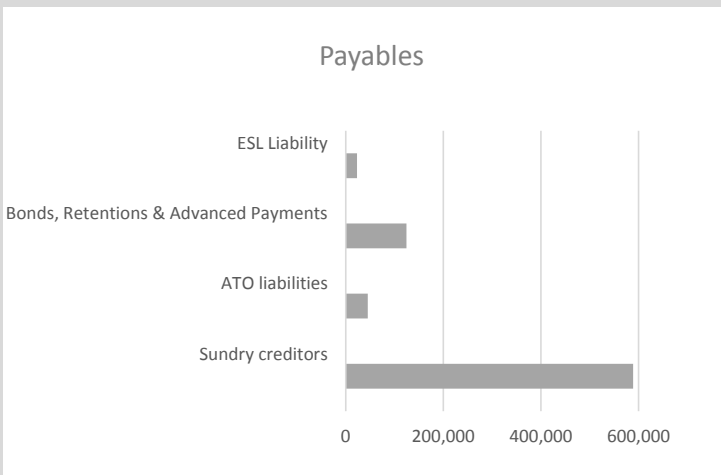
Amounts shown above include GST (where applicable)

KEY INFORMATION

Trade and other payables represent liabilities for goods and services provided to the Shire that are unpaid and arise when the Shire becomes obliged to make future payments in respect of the purchase of these goods and services. The amounts are unsecured, are recognised as a current liability and are normally paid within 30 days of recognition.



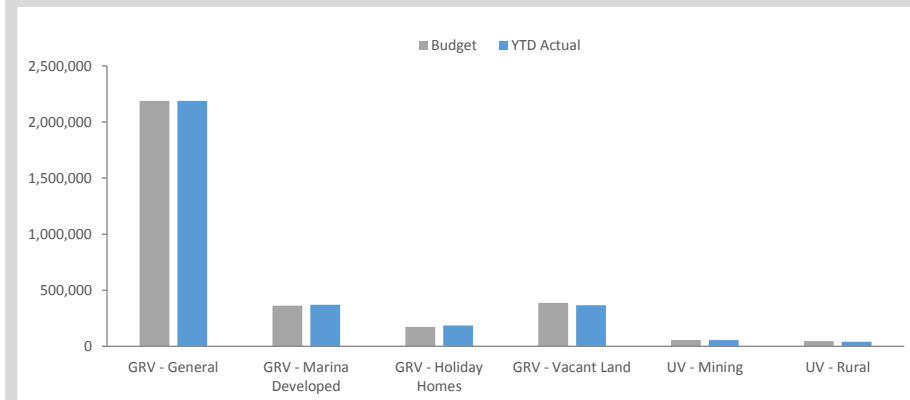
Creditors Due
\$781,861
Over 30 Days
15%
Over 90 Days
0%



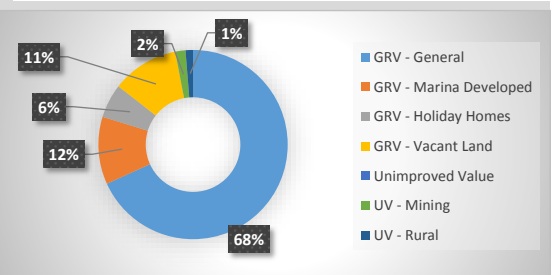
General Rate Revenue	Amended Budget							YTD Actual			
	Rate in \$ (cents)	Number of Properties	Rateable Value	Rate Revenue	Interim Rate	Back Rate	Total Revenue	Rate Revenue	Interim Rates	Back Rates	Total Revenue
RATE TYPE				\$	\$	\$	\$	\$	\$	\$	\$
Differential General Rate											
Gross Rental Value											
GRV - General	0.075100	1,182	29,077,947	2,183,754	5,000	0	2,188,754	2,193,071	(5,294)	(328)	2,187,449
GRV - Marina Developed	0.101300	98	3,515,907	356,161	6,000	0	362,161	360,994	7,659	1,105	369,758
GRV - Holiday Homes	0.104100	62	1,643,460	171,084	1,000	0	172,084	183,719	2,539	0	186,258
GRV - Vacant Land	0.150100	245	2,557,848	383,933	3,000	0	386,933	364,382	2,453	(113)	366,722
Unimproved Value											
UV - Mining	0.159900	15	334,135	53,908	1,000	0	54,908	56,498	(444)	0	56,054
UV - Rural	0.080000	8	568,380	45,470	0	0	45,470	43,070	0	(2,352)	40,718
Sub-Total		1,610	37,697,677	3,194,310	16,000	0	3,210,310	3,201,734	6,913	(1,688)	3,206,959
Minimum Payment											
Gross Rental Value											
GRV - General	930	84	842,002	78,120	0	0	78,120	78,120	0	0	78,120
GRV - Marina Developed	930	1	0	930	0	0	930	1,665	0	0	1,665
GRV - Holiday Homes	930	0	0	0	0	0	0	0	0	0	0
GRV - Vacant Land	735	142	476,176	104,370	0	0	104,370	106,425	0	0	106,425
Unimproved Value											
UV - Mining	230	12	8,925	2,760	0	0	2,760	2,760	0	0	2,760
UV - Rural	735	1	5,800	735	0	0	735	735	0	0	735
Sub-Total		240	1,332,903	186,915	0	0	186,915	189,705	0	0	189,705
Amount from General Rates							3,397,225				3,396,664
Total General Rates							3,397,225				3,396,664
Specified Area Rates											
GRV Marina	0.013100		3,609,199	46,471	0	0	46,471	47,359	781	0	48,140
Total Specified Area Rates			3,609,199	46,471	0	0	46,471	47,359	781	0	48,140
Total							3,443,696				3,444,804
									Difference to RSS		- 2

KEY INFORMATION

Rates, grants, donations and other contributions are recognised as revenues when the local government obtains control over the assets comprising the contributions. Control over assets acquired from rates is obtained at the commencement of the rating period or, where earlier, upon receipt of the rates.

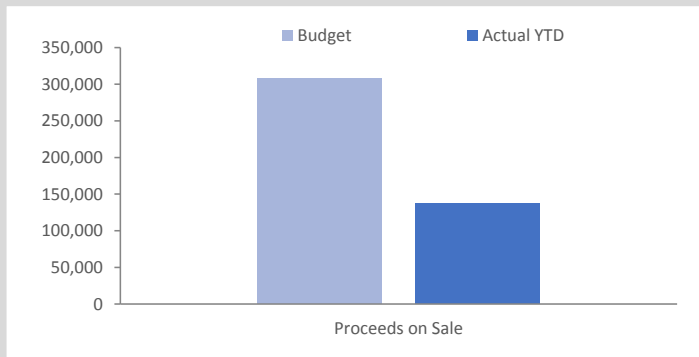


General Rates		
Budget	YTD Actual	%
\$3.4 M	\$3.4 M	1.00



Asset Ref.	Asset Description	Amended Budget				YTD Actual			
		Net Book		Profit	(Loss)	Net Book		Profit	(Loss)
		Value	Proceeds			Value	Proceeds		
\$	\$	\$	\$	\$	\$	\$	\$		
	Plant and equipment								
	Transport								
	Kubota Mower (P045)	2,800	2,800	0	0		0	0	0
PE00081	Fuso Canter (P054)	6,400	6,400	0	0	25,000	19,100	0	(5,900)
PE00214	Mitsubishi Fuso (P076)	6,450	6,000	0	(450)	32,190	21,820	0	(10,370)
	Ford Ranger Crew Cab (P005)	5,780	5,780	0	0	6,546	8,182	1,636	0
PE00091	Toyota Hiace Bus (P064)	6,800	6,800	0	0	20,195	4,545	0	(15,649)
PE00203	Toyota Hilux Dual Cab (P065)	5,499	4,590	0	(909)	15,000	14,091	0	(909)
	Toyota Hilux Dual Cab (P069)	4,590	4,590	0	0	15,000	17,045	2,045	0
	Toyota Hilux Dual Cab (P070)	6,800	6,800	0	0	15,000	16,818	1,818	0
	Toyota Hilux (P073)	5,780	5,780	0	0	15,000	15,682	682	0
PE00251	Holden Colorado (P096)	23,480	15,480	0	(8,000)	28,000	20,000	0	(8,000)
	Holden Colorado (P097)	15,480	15,480	0	0			0	0
	Other property and services								
	Land Held for Resale - Lot 1	161,000	227,000	66,000	0				0
		250,859	307,500	66,000	(9,359)	171,931	137,283	6,181	(40,828)

KEY INFORMATION



Proceeds on Sale		
Annual Budget	YTD Actual	%
\$307,500	\$137,283	45%

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 31 MAY 2020

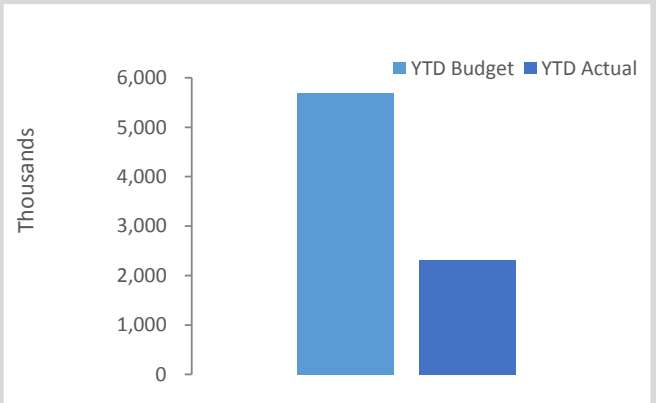
INVESTING ACTIVITIES
NOTE 9
CAPITAL ACQUISITIONS

Capital Acquisitions	Amended		YTD Actual	YTD Actual Variance
	Budget	YTD Budget		
	\$	\$	\$	\$
Land - freehold land	750,000	0	42,500	42,500
Buildings - non-specialised - level 2	104,000	104,000	112,330	8,330
Buildings - specialised - level 3	1,621,600	871,576	130,235	(741,341)
Plant and equipment	1,298,000	612,815	661,504	48,689
Infrastructure - Roads	808,782	427,195	910,262	483,067
Infrastructure - Other	1,119,388	344,156	454,493	110,337
Capital Expenditure Totals	5,701,770	2,359,742	2,311,324	(48,418)
Capital Acquisitions Funded By:				
	\$	\$	\$	\$
Capital grants and contributions	722,332	1,997,832	936,595	(1,061,237)
Other (Disposals & C/Fwd)	80,500	137,283	137,283	0
Cash Backed Reserves				
Aviation Reserve	121,500		0	0
Building Infrastructure Reserve	375,000		0	0
Land Acquisition & Disposal Reserve	425,000		0	0
Ningaloo Centre Reserve	75,000		0	0
Plant Reserve	807,000		0	0
Contribution - operations	3,095,438	224,627	1,237,446	1,012,819
Capital Funding Total	5,701,770	2,359,742	2,311,324	(48,418)

SIGNIFICANT ACCOUNTING POLICIES

All assets are initially recognised at cost. Cost is determined as the fair value of the assets given as consideration plus costs incidental to the acquisition. For assets acquired at no cost or for nominal consideration, cost is determined as fair value at the date of acquisition. The cost of non-current assets constructed by the local government includes the cost of all materials used in the construction, direct labour on the project and an appropriate proportion of variable and fixed overhead. Certain asset classes may be revalued on a regular basis such that the carrying values are not materially different from fair value. Assets carried at fair value are to be revalued with sufficient regularity to ensure the carrying amount does not differ materially from that determined using fair value at reporting date.

KEY INFORMATION



Acquisitions	Annual Budget	YTD Actual	% Spent
	\$5.7 M	\$2.31 M	41%
Capital Grant	Annual Budget	YTD Actual	% Received
	\$.72 M	\$.94 M	130%

Account Description	Account Number	Amended		YTD Actual	YTD Variance (Under)/Over
		Budget	YTD Budget		
Land		750,000	0	42,500	
Purchase Lot 1416 and Reserve 28158	A125006	750,000	0	42,500	42,500
Buildings - Non Specialised		104,000	104,000	112,330	
Staff Housing Buildings - Painting/Flooring/Window Treatments	A125001	104,000	104,000	112,330	8,330
Buildings - Specialised		1,621,600	871,576	130,235	
Municipal Buildings - Old Admin, Library and Hall	A125006	75,000	17,000	24,772	7,772
Ningaloo Centre (18/19)	A119003	20,000	18,326	0	(18,326)
Ningaloo Centre - Solar Power and Aquarium Exhibits	A119004	1,287,000	707,000	69,119	(637,881)
Recreation Hall - Paving and replace staircase	A125009	50,000	0	17,057	17,057
Learmonth Building - Upgrade arrivals and lighting	A126800	141,000	129,250	18,988	(110,262)
Depot - Relocate server and crib room	A125051	48,600	0	300	300
Plant & Equipment		1,298,000	612,815	661,504	
Waste Site Recycling Equipment	A101005	53,000	48,576	0	(48,576)
Plant & Equipment	A123200	674,000	52,826	257,389	204,563
Vehicle Replacement	A123201	268,000	245,663	236,371	(9,292)
Swimming Pool Equipment (18/19)	A113001	0	0	0	0
Water Truck (18/19)	A125105	0	0	0	0
Learmonth Airport - Full Body Scanner	A126009	255,000	221,750	127,500	(94,250)
Learmonth Airport - Towable Belt Loader	A126201	48,000	44,000	40,244	(3,756)
Infrastructure - Roads		808,782	427,195	910,262	
Beach Access Carpark Upgrades	A115150	10,000	9,163	0	(9,163)
Yardie Creek Road - Road shoulder and seal edge works	A125203	147,300	147,300	183,769	36,469
Murat Road - includes drainage works	A125209	304,050	243,232	316,548	73,316
Road Sealing	A125213	267,432	0	240,867	240,867
Street Lights	A124001	30,000	27,500	24,060	(3,440)
Mortiss Street & Neale Cove Road upgrade (DOT)	A125210	0	0	13,261	13,261
Learmonth Airport - Reseal carpark (18/19)	A126009	50,000	0	131,757	131,757
Infrastructure - Other		1,119,388	344,156	454,493	
Dog Pound - Relocation to Depot	A052002	15,000	13,750	300	(13,450)
Irrigation Sewerage Ponds - Upgrade Chorination Plant	A101012	77,000	77,000	80,862	3,862
Waste Water Treatment Ponds - Rehabilitation of old ponds	A101012	45,388	35,167	0	(35,167)
Waste Site Weighbridge	A125304	0	0	0	0
Waste Site Hybrid Solar Power Batteries	A125304	0	0	17,684	17,684
Waste Site Recycling Shed	A125021	15,000	0	0	0
Ningaloo Centre - Disabled ramp and gardens	A119006	69,000	0	49,846	49,846
Multi purpose bike facility	A112001	200,000	0	0	0
Crevalle Way - Public Open Space	A114100	30,000	30,000	76,947	46,947
Federation Park - Facility upgrade	A114101	157,000	0	19,454	19,454
Town Mall - Digital signage	A117003	0	0	0	0
Mildura Wreck - Interpretive	A125319	22,000	20,163	8,840	(11,323)
Town Beach - Gazebo lighting	A115152	12,000	11,000	8,302	(2,698)
Tantabiddi Boat Ramp - Solar lighting	A125315	10,000	9,163	504	(8,659)
Bundegi Boat Ramp - Solar lighter and Toilet upgrade	A115107	45,000	41,250	25,841	(15,409)
Footpaths/Kerbing - upgrade	A125321	100,000	91,663	45,082	(46,581)
Footpaths - new	A121002	100,000	0	75,872	75,872
Learmonth Airport - Landside remodelling and remedial work	A126009	50,000	0	11,294	11,294
Learmonth Airport - Apron fuel mitigation treatment 18/19	A126009	0	0	0	0
Learmonth Airport - Paid Parking Signage	A126010	13,000	0	12,584	12,584
Learmonth Airport - RADS Masterplan	A126010	40,000	0	0	0
Exmouth Aerodrome - Entrance gate, remedial work and fencing	A125331	0	0	0	0
Exmouth Aerodrome - RADS Masterplan	A125330	47,000	0	0	0
Water dispensing unit	A134201	50,000	0	0	0
NBN changeover - Shire properties	A125149	22,000	15,000	21,080	6,080
Grand Total		5,701,770	2,359,742	2,311,324	(48,418)

Repayments - Borrowings

Information on Borrowings Particulars	1 July 2019 \$	New Loans		Principal Repayments		Principal Outstanding		Interest Repayments	
		Actual \$	Budget \$	Actual \$	Budget \$	Actual \$	Budget \$	Actual \$	Budget \$
Housing									
Loan 80 - Staff Dwellings	614,540	0	0	59,975	65,557	554,565	548,983	25,473	27,659
Community amenities									
Loan 81 - Rubbish Truck	251,868	0	0	40,731	81,953	211,137	169,915	3,035	5,579
Recreation and culture									
Loan 81 - Ningaloo Centre	893,498	0	0	27,743	55,948	865,755	837,550	14,877	29,292
Other property and services									
Loan 76 - 1 Bennett Street	239,053	0	0	9,964	20,179	229,089	218,874	6,024	11,797
	<u>1,998,959</u>	<u>0</u>	<u>0</u>	<u>138,413</u>	<u>223,637</u>	<u>1,860,546</u>	<u>1,775,322</u>	<u>49,409</u>	<u>74,327</u>
Total	1,998,959	0	0	138,413	223,637	1,860,546	1,775,322	49,409	74,327
Current borrowings	223,637					85,224			
Non-current borrowings	<u>1,775,322</u>					<u>1,775,322</u>			
	<u>1,998,959</u>					<u>1,860,546</u>			

All debenture repayments were financed by general purpose revenue.

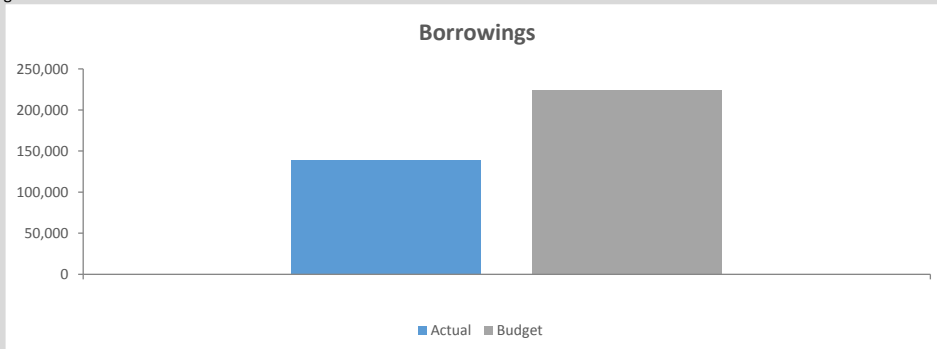
Unspent Borrowings

Particulars	Date Borrowed	Unspent	Borrowed	Expended	Unspent
		Balance 30-06-2019	During Year	During Year	Balance 31/05/2020
Loan 81 - Rubbish Truck	20/06/2017	\$ 410,000	\$ 0	\$ 0	\$ 410,000
		<u>410,000</u>	<u>0</u>	<u>0</u>	<u>410,000</u>

KEY INFORMATION

All loans and borrowings are initially recognised at the fair value of the consideration received less directly attributable transaction costs. After initial recognition, interest-bearing loans and borrowings are subsequently measured at amortised cost using the effective interest method. Fees paid on the establishment of loan facilities that are yield related are included as part of the carrying amount of the loans and borrowings.

Community loans are funded by the Community Interest Free Reserve Fund for the provision of interest free loans to Exmouth clubs and organisations to assist in the provision of facilities and equipment for the betterment of the club or organisation and its members. Applications are subject to the eligibility and criteria outlined in Council Policy 2.2 - Interest Free Loans to Clubs & organisations.

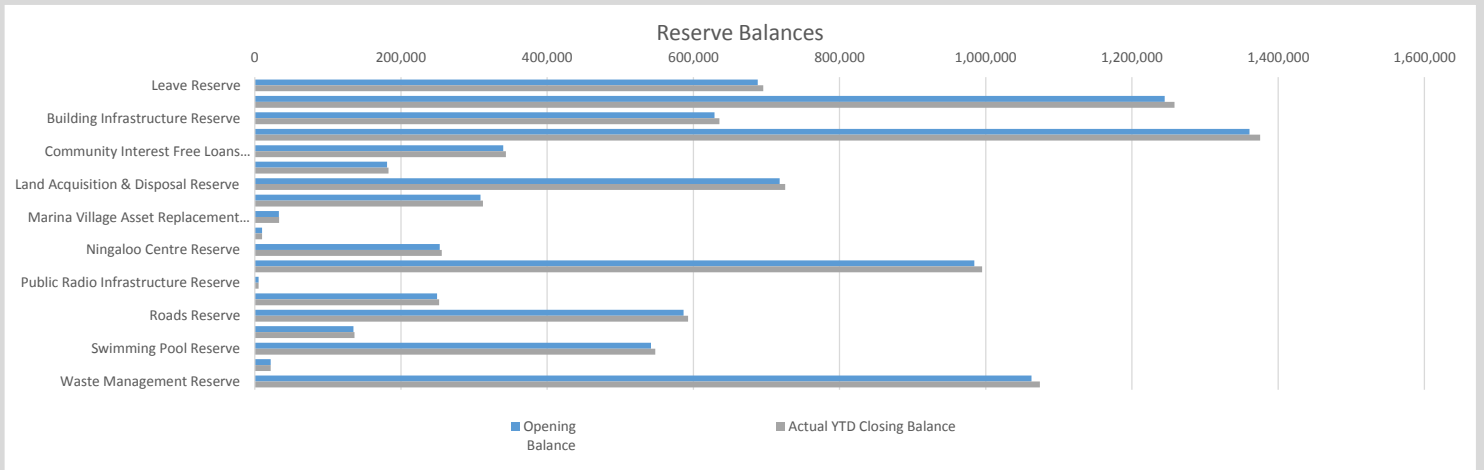


Principal Repayments	\$138,413
Interest Earned	\$171,065
Interest Expense	\$49,409
Reserves Bal	\$9.45 M
Loans Due	\$1.86 M

Cash Backed Reserve

Reserve Name	Opening Balance	Amended Budget Interest Earned	Actual Interest Earned	Amended Budget Transfers In (+)	Actual Transfers In (+)	Amended Budget Transfers Out (-)	Actual Transfers Out (-)	Amended Budget Closing Balance	Actual YTD Closing Balance
	\$	\$	\$	\$	\$	\$	\$	\$	\$
Leave Reserve	688,110	9,462	7,424	0	0	0	0	697,572	695,534
Aviation Reserve	1,244,600	17,988	13,428	0	0	(121,500)	0	1,141,088	1,258,028
Building Infrastructure Reserve	628,949	6,307	6,786	0	0	(375,000)	0	260,256	635,735
Community Development Reserve	1,360,721	27,281	14,681	0	0	0	0	1,388,002	1,375,402
Community Interest Free Loans Reserve	339,770	5,585	3,666	0	0	0	0	345,355	343,436
Insurance/Natural Disaster Reserve	181,056	3,013	1,953	0	0	0	0	184,069	183,009
Land Acquisition & Disposal Reserve	717,892	0	7,745	0	0	(425,000)	0	292,892	725,637
Marina Canal Reserve	308,782	5,139	3,331	0	0	0	0	313,921	312,113
Marina Village Asset Replacement Reserve	32,912	548	355	0	0	0	0	33,460	33,267
Mosquito Management Reserve	10,000	0	108	0	0	0	0	10,000	10,108
Ningaloo Centre Reserve	253,095	2,548	2,731	0	0	(75,000)	0	180,643	255,826
Plant Reserve	984,318	12,106	10,620	0	0	(807,000)	0	189,424	994,938
Public Radio Infrastructure Reserve	5,103	85	55	0	0	0	0	5,188	5,158
Rehabilitation Reserve	249,415	3,485	2,691	0	0	0	0	252,900	252,106
Roads Reserve	586,492	4,614	6,328	0	0	0	0	591,106	592,820
Shire Staff Housing Reserve	134,917	562	1,456	0	0	0	0	135,479	136,373
Swimming Pool Reserve	541,961	7,118	5,847	0	0	0	0	549,079	547,808
Town Planning Scheme Reserve	21,621	348	233	0	0	0	0	21,969	21,854
Waste Management Reserve	1,062,443	10,860	11,463	0	0	0	0	1,073,303	1,073,906
Shire President COVID-19 Relief Fund	0	0	0	25,000	0	0	0	25,000	0
	9,352,157	117,049	100,900	25,000	0	(1,803,500)	0	7,690,706	9,453,057

KEY INFORMATION



Other Current Liabilities	Note	Opening Balance 1 July 2019	Liability Increase	Liability Reduction	Closing Balance 31 May 2020
		\$	\$	\$	\$
Provisions					
Annual leave		496,084			496,084
Contract Liabilities					
Lease liability		0			0
Amounts shown above include GST (where applicable)					

A breakdown of contract liabilities and associated movements is provided on the following pages at 11(a) and 11(b)

KEY INFORMATION

PROVISIONS

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

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

EMPLOYEE BENEFITS

Short-term employee benefits

Provision is made for the Shire's obligations for short-term employee benefits. Short-term employee benefits are benefits (other than termination benefits) that are expected to be settled wholly before 12 months after the end of the annual reporting period in which the employees render the related service, including wages, salaries and sick leave. Short-term employee benefits are measured at the (undiscounted) amounts expected to be paid when the obligation is settled.

The Shire's obligations for short-term employee benefits such as wages, salaries and sick leave are recognised as a part of current trade and other payables in the calculation of net current assets.

Other long-term employee benefits

The Shire's obligations for employees' annual leave and long service leave entitlements are recognised as provisions in the statement of financial position.

Long-term employee benefits are measured at the present value of the expected future payments to be made to employees. Expected future payments incorporate anticipated future wage and salary levels, durations of service and employee departures and are discounted at rates determined by reference to market yields at the end of the reporting period on government bonds that have maturity dates that approximate the terms of the obligations. Any remeasurements for changes in assumptions of obligations for other long-term employee benefits are recognised in profit or loss in the periods in which the changes occur. The Shire's obligations for long-term employee benefits are presented as non-current provisions in its statement of financial position, except where the Shire does not have an unconditional right to defer settlement for at least 12 months after the end of the reporting period, in which case the obligations are presented as current provisions.

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 31 MAY 2020

NOTE 13(a)

OPERATING GRANTS AND CONTRIBUTIONS

Provider	Unspent Operating Grant, Subsidies and Contributions Liability					Unspent Operating Grants, Subsidies and Contributions Revenue					
	Liability 1-Jul	Increase in Liability	Liability Reduction (As revenue)	Liability 30-Jun	Current Liability 30-Jun	Adopted Budget Revenue	YTD Budget	Annual Budget	Budget Variations	Expected	YTD Revenue Actual
	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
Operating Grants and Subsidies											
Governance											
COVID-19 Donations										0	15,000
General purpose funding											
Grants Commission - <i>General Purpose / Untied Road Grant</i>							920,000	920,000	900,000	1,820,000	1,787,080
Health											
Exmouth CLAG								0	5,000	5,000	5,011
Recreation and culture											
DSCI - Regional Every Club	8,320			8,320				0		0	0
BHP - Sport & Rec Community Program	225,000			225,000				0		0	
DSR - Support Club Development Officer							0	40,000	(30,000)	10,000	10,000
State Library of WA								0	900	900	887
Meerilinga Young Childrens - Messy Play Day								0		0	1,000
Various Sponsors - Sports Award								0	10,000	10,000	0
Transport											
Main Roads WA - Direct Grant								0		0	101,772
Economic services											
DPIRD - Tourism Program	30,000			30,000				0		0	0
Ningaloo Visitor Centre										0	200,000
Other property and services											
ATO - Diesel Fuel Subsidy							14,663	16,000	0	16,000	17,092
	263,320	0	0	263,320	0	0	934,663	976,000	885,900	1,861,900	2,137,842
TOTALS	263,320	0	0	263,320	0	0	934,663	976,000	885,900	1,861,900	2,137,842

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 31 MAY 2020

NOTE 13(b)

NON-OPERATING GRANTS AND CONTRIBUTIONS

Provider	Unspent Non Operating Grants, Subsidies and Contributions Liability					Non Operating Grants, Subsidies and Contributions Revenue					
	Liability 1-Jul	Increase in Liability	Liability Reduction (As revenue)	Liability 30-Jun	Current Liability 30-Jun	Adopted Budget Revenue	YTD Budget	Annual Budget	Budget Variations	Expected	YTD Revenue Actual (b)
	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
Non-Operating Grants and Subsidies											
Community amenities											
DWER - Recycling Program	67,300			67,300				0	77,000	77,000	77,168
Recreation and culture											
R4R - Ningaloo Centre							265,826	290,000		290,000	0
Woodside - Exmouth Bike Facility								0	150,000	150,000	0
Trust - Public Open Space								0	170,000	170,000	154,545
Minderoo Foundation - Solar Panels									580,000	580,000	0
Transport											
MRWA - Murat Road SIF	240,000			240,000			0	0		0	0
MRWA - Murat Road							61,138	66,700		66,700	66,700
MRWA - Yardie Creek Road							90,013	98,200		98,200	115,750
RTR - Roads to Recovery Program							245,146	267,432		267,432	267,432
Regional Airport Security Screening Fund									255,000	255,000	255,000
RADS - Learmonth Airport Masterplan									20,000	20,000	0
RADS - Exmouth Aerodrome Masterplan									23,500	23,500	0
	307,300	0	0	307,300	0	0	662,123	722,332	1,275,500	1,997,832	936,595
Total Non-operating grants, subsidies and contributions	307,300	0	0	307,300	0	0	662,123	722,332	1,275,500	1,997,832	936,595

**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 31 MAY 2020**

**NOTE 14
TRUST FUND**

Funds held at balance date over which the Shire has no control and which are not included in this statement are as follows:

Description	Opening Balance 1 July 2019	Amount Received	Amount Paid	Closing Balance 31 May 2020
	\$	\$	\$	\$
BCITF	1,589	14,361	(10,270)	5,680
BSL Levy	2,400	17,935	(14,893)	5,442
Cash in Lieu POS	378,887	3,600	(170,000)	212,488
Key Bonds	1,150	200	(1,350)	0
Hire Facility Bonds	8,350	5,950	(14,300)	0
Councillor Nomination Fees	0	480	(480)	0
Bond Deed Exmouth Marina Holdings	18,186	0	0	18,186
Donations for other Organisations	135	0	(135)	0
Exmouth Volunteer Fire & Rescue	50,828	0	0	50,828
Sundries	700	0	0	700
Unclaimed Monies	6,916	0	0	6,916
Lease, Licence & Contract Bonds	0	4,114	(4,114)	0
	469,143	46,640	(215,542)	300,240

MONTHLY LIST OF PAYMENTS - MAY 2020

The following schedule of accounts have been paid under delegation by the CEO since the previous Council meeting. Checks have been carried out to verify prices, computations and costing.

Municipal Account:

Cheque numbers 13693-13696	\$	49,695.63
Direct Debits and EFT Payments EFT17092-EFT17240	\$	1,217,478.02
Credit Card Purchases	\$	4,886.57
Total Municipal Account	\$	1,272,060.22

Trust Account:

Cheque number	\$	-
EFT Payments	\$	-
Total Trust Account	\$	-

TOTAL PAYMENTS - MAY 2020 \$ **1,272,060.22**

Reference	Date	Name	Description	Municipal Account	Trust Account
13693	26/05/2020	PIVOTEL SATELLITE PTY LTD	SATELLITE PHONE APRIL 2020	\$ 62.00	
13694	26/05/2020	TELSTRA CORPORATION	UTILITES	\$ 69.95	
13695	26/05/2020	WATER CORPORATION	UTILITIES	\$ 40,974.55	
13696	29/05/2020	TELSTRA CORPORATION	UTILITIES	\$ 8,589.13	
			TOTAL CHEQUES	\$ 49,695.63	\$ -
DD5646.1	06/05/2020	SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	\$ 33,859.40	
DD5648.1	01/05/2020	WESTNET PTY LTD	UTILITIES	\$ 69.99	
DD5648.2	01/05/2020	HP FINANCIAL SERVICES	EQUIPMENT LEASE	\$ 4,367.00	
DD5648.3	01/05/2020	WESTPAC BANKING CORPORATION	BANK FEES	\$ 625.02	
DD5662.1	20/05/2020	SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	\$ 32,870.18	
DD5667.1	25/05/2020	WESTNET PTY LTD	UTILITIES	\$ 49.99	
DD5684.1	13/05/2020	FLIGHT GSE LTD	TOWABLE BELT LOADER FINAL PAYMENT	\$ 19,761.23	
			TOTAL DIRECT DEBIT PAYMENTS	\$ 91,602.81	\$ -
EFT17092	01/05/2020	WESTERN AUSTRALIAN TREASURY CORP.	LOAN PAYMENT	\$ 7,768.00	
EFT17093	07/05/2020	ASM ECLIPSE PTY LTD	MERCHANDISE VISITOR CENTRE	\$ 3,670.90	
EFT17094	07/05/2020	AUSTRALIA POST	MARCH ACCOUNT	\$ 1,510.32	
EFT17095	07/05/2020	BLACKWOODS (J.BLACKWOOD & SON PTY LTD)	DEPOT PPE	\$ 466.49	
EFT17096	07/05/2020	BRUCE PITTARD	ENGINEERING CERTIFICATION	\$ 275.00	
EFT17097	07/05/2020	CENTRAL REGIONAL TAFE	TRAINING	\$ 219.60	
EFT17098	07/05/2020	COMISKEY'S CONTRACTING PTY LTD	EARTHWORKS AND DRAINAGE	\$ 174,691.43	
EFT17099	07/05/2020	ERA CONTRACTORS	NINGALOO CENTRE WORKS	\$ 372.12	
EFT17100	07/05/2020	EXMOUTH CAPE REAL ESTATE	STORAGE RENTAL	\$ 333.66	
EFT17101	07/05/2020	EXMOUTH DISTRICT HIGH SCHOOL	COMMUNITY COURTS ELECTRICITY APRIL 20	\$ 157.34	
EFT17102	07/05/2020	EXMOUTH GYMNASIAC CLUB	COMMUNITY & SPORTING GRANT	\$ 1,500.00	
EFT17103	07/05/2020	EXMOUTH HARDWARE & BUILDING SUPPLIES	BUILDING HARDWARE ACCOUNT APRIL 20	\$ 2,129.05	
EFT17104	07/05/2020	EXMOUTH WHOLESALERS	CONSUMABLES	\$ 69.84	
EFT17105	07/05/2020	FIRE SERVICES AUSTRALIA (WA) PTY LTD	FIRE EQUIPMENT MAINTENANCE	\$ 673.94	
EFT17106	07/05/2020	GROUND CONTROL AND GARDENS	AIRPORT GROUNDS WORK	\$ 495.00	
EFT17107	07/05/2020	HORIZON POWER - ACCOUNTS	UTILITIES	\$ 12,725.88	
EFT17108	07/05/2020	IXOM OPERATIONS PTY LTD	CHLORINE GAS	\$ 4,068.90	
EFT17109	07/05/2020	JAKE GILL T/AS OUTBACK AQUATICS	AQUARIUM STOCK	\$ 1,111.00	

Reference	Date	Name	Description	Municipal Account	Trust Account
EFT17110	07/05/2020	KCTT (KC TRAFFIC AND TRANSPORT PTY LTD)	MURAT RD WORKS	\$ 3,120.90	
EFT17111	07/05/2020	KLEENIT PTY LTD	CLEANING CONTRACT AND ADDITIONAL CLEAN	\$ 28,190.80	
EFT17112	07/05/2020	MARKETFORCE	ADVERTISING	\$ 262.99	
EFT17113	07/05/2020	MESSAGE4U PTY LTD	MONTHLY ACCOUNT	\$ 88.00	
EFT17114	07/05/2020	EMPLOYEE	STAFF REIMBURSEMENT	\$ 245.00	
EFT17115	07/05/2020	MIRCO BROS PTY LTD	CHICKEN FOOD	\$ 276.00	
EFT17116	07/05/2020	McLEODS BARRISTERS AND SOLICITORS	LEGAL FEES	\$ 15,720.80	
EFT17117	07/05/2020	NGT LOGISTICS PTY LTD	FREIGHT	\$ 210.37	
EFT17118	07/05/2020	PERITUS TECHNOLOGY PTY LTD	MARCH TRANSACTION FEES	\$ 129.25	
EFT17119	07/05/2020	PLANNING INSTITUTE OF AUSTRALIA	ADVERTISING	\$ 330.00	
EFT17120	07/05/2020	R&L COURIERS	FREIGHT	\$ 176.00	
EFT17121	07/05/2020	R.M. FINK & A.I. FINK T/AS LUNA EVENTS	MERCHANDISE	\$ 2,217.56	
EFT17122	07/05/2020	RIVERSIDE BUILDING APPROVALS	CERTIFICATE OF DESIGN COMPLIANCE	\$ 220.00	
EFT17123	07/05/2020	EMPLOYEE	STAFF REIMBURSEMENT	\$ 35.00	
EFT17124	07/05/2020	SAFE4 ALL (AUST) PTY LTD	AQUARIUM CLEANING PRODUCTS	\$ 862.90	
EFT17125	07/05/2020	SUPER SIGNS SINUSS PTY LTD T/A SUPER SIGNS	SIGNAGE FOR TERRARIUMS	\$ 8,118.00	
EFT17126	07/05/2020	SYNERGIES ECONOMIC CONSULTING	TANTABIDDI BOAT RAMP STUDY	\$ 17,765.00	
EFT17127	07/05/2020	TACKLE WORLD EXMOUTH (BLUE WATER)	AQUARIUM CONSUMABLES	\$ 300.69	
EFT17128	07/05/2020	WALGA	ONLINE TRAINING	\$ 215.00	
EFT17129	15/05/2020	AERODROME MANAGEMENT SERVICES PTY LTD (AMS)	EXMOUTH LIGHT AIRCRAFT STRIP PLANS	\$ 26,299.87	
EFT17130	15/05/2020	AMPAC DEBT RECOVERY	DEBT COLLECTION	\$ 251.97	
EFT17131	15/05/2020	AUSTRALIAN COMMUNICATIONS AND MEDIA AUTHORITY	LICENCE RENEWAL	\$ 46.00	
EFT17132	15/05/2020	AUSTRALIAN TAX OFFICE (PAYG)	PAYROLL DEDUCTIONS	\$ 47,748.49	
EFT17133	15/05/2020	AUTOPRO/NINGALOO CAR BOAT HIRE	DEPOT PARTS	\$ 24.95	
EFT17134	15/05/2020	BENARA NURSERIES	DEPOT PLANTS	\$ 10,005.60	
EFT17135	15/05/2020	BIG FISH GRAPHICS NT	UNIFORMS	\$ 1,764.62	
EFT17136	15/05/2020	BIG SKY REPTILES	REPTILE FOOD	\$ 577.50	
EFT17137	15/05/2020	BLACKWOODS (J.BLACKWOOD & SON PTY LTD)	PPE	\$ 466.49	
EFT17138	15/05/2020	BOOEASY PTY LTD	MONTHLY BOOKINGS FEE APRIL 2020	\$ 330.00	
EFT17139	15/05/2020	CARNARVON PEST CONTROL	QUARTERLY PEST SPRAY	\$ 709.50	
EFT17140	15/05/2020	EMPLOYEE	STAFF REIMBURSEMENT	\$ 505.50	
EFT17141	15/05/2020	DISTINCTLY TRAVEL MANAGEMENT PTY LTD	NINGALOO CENTRE SALES MANAGEMENT PLAN	\$ 1,100.00	
EFT17142	15/05/2020	DIVE NINGALOO	REFUND OF OPERATOR CANCELLATION FEE	\$ 44.00	
EFT17143	15/05/2020	ECO ENVIRONMENTAL HOLDINGS PTY LTD	EQUIPMENT HIRE	\$ 797.50	
EFT17144	15/05/2020	ENVIROLAB SERVICES WA PTY LTD	BORE MONITORING APR20	\$ 733.70	
EFT17145	15/05/2020	ERA CONTRACTORS	AIRPORT TAG & TEST AND LINK GENSET	\$ 10,761.11	
EFT17146	15/05/2020	EXMOUTH BITUMEN SERVICES CRAIG REGAN	AIRPORT CYCLONE TIE DOWN POINTS TO GSE APRON	\$ 5,777.20	
EFT17147	15/05/2020	EXMOUTH CIVIL PTY LTD	LANDSCAPE ROCK SUPPLY	\$ 3,999.92	
EFT17148	15/05/2020	EXMOUTH CULTURAL ARTS CENTRE	MAJOR EVEN GRANT FUNDING - ARTQUEST 2019	\$ 3,500.00	
EFT17149	15/05/2020	EXMOUTH ENGINEERING	DEPOT PARTS	\$ 521.10	
EFT17150	15/05/2020	EXMOUTH INDUSTRIAL SERVICES	DEPOT PARTS	\$ 188.09	
EFT17151	15/05/2020	EXMOUTH NEWSAGENCY & TOYWORLD	STATIONARY	\$ 674.90	
EFT17152	15/05/2020	EXMOUTH SQUASH CLUB	CSRFF SHIRE FUNDING GRANT	\$ 22,000.00	

Reference	Date	Name	Description	Municipal Account	Trust Account
EFT17153	15/05/2020	EXMOUTH WHOLESALERS	CONSUMABLES	\$ 1,316.51	
EFT17154	15/05/2020	EXY PLUMBING & CONTRACTING	AIRPORT ANNUAL SERVICE WATER SOFTNERS AND PLUMBING REPAIRS	\$ 2,170.24	
EFT17155	15/05/2020	GHD	PROGRESS CLAIM AIRPORT DRAFT MASTERPLAN	\$ 26,195.62	
EFT17156	15/05/2020	FIRE SERVICES AUSTRALIA (WA) PTY LTD	NVC FIRE EQUIPMENT MAINTENANCE APR20	\$ 673.95	
EFT17157	15/05/2020	GREEN & GROOVY PTY LTD	MERCHANDISE	\$ 3,524.13	
EFT17158	15/05/2020	GRONBEK SECURITY	DEPOT PARTS	\$ 526.80	
EFT17159	15/05/2020	HEMPFIELD SMALL ENGINE SERVICES	DEPOT PARTS	\$ 580.60	
EFT17160	15/05/2020	HORIZON POWER - ACCOUNTS	UTILITIES	\$ 97.05	
EFT17161	15/05/2020	IXOM OPERATIONS PTY LTD	CHLORINE SERVICE FEE APR20	\$ 773.39	
EFT17162	15/05/2020	JOHN HUGHES PARTS	DEPOT PARTS	\$ 25.95	
EFT17163	15/05/2020	KENNARDS HIRE	GENERATOR HIRE	\$ 16,696.00	
EFT17164	15/05/2020	LANDGATE	EXMOUTH AERODROME PLANS	\$ 1,320.37	
EFT17165	15/05/2020	LOCAL GOVT RACING & CEMETERIES EMP UNION	PAYROLL DEDUCTIONS	\$ 19.40	
EFT17166	15/05/2020	EMPLOYEE	STAFF REIMBURSEMENT	\$ 350.00	
EFT17167	15/05/2020	McLEODS BARRISTERS AND SOLICITORS	LEGAL FEES	\$ 2,311.85	
EFT17168	15/05/2020	NETWORK POWER SOLUTIONS PTY LTD	QUARTERLY AIRCON MAINTENANCE AND REPLACE HELIPORT AIRCON	\$ 9,397.00	
EFT17169	15/05/2020	NGT LOGISTICS PTY LTD	FREIGHT	\$ 883.25	
EFT17170	15/05/2020	NINGALOO CARAVAN & HOLIDAY RESORT	REFUND OF OPERATOR CANCELLATION FEE	\$ 597.50	
EFT17171	15/05/2020	NINGALOO DISCOVERY	REFUND OF OPERATOR CANCELLATION FEE	\$ 50.00	
EFT17172	15/05/2020	NINGALOO ECOLOGY CRUISES (GLASS BOTTOM BOAT)	REFUND OF OPERATOR CANCELLATION FEE	\$ 290.00	
EFT17173	15/05/2020	NINGALOO WATER & ICE	CONSUMABLES	\$ 60.00	
EFT17174	15/05/2020	NORCAPE HANDY HIRE STARGAZE INVESTMENT PTY LTD	NINGALOO CENTRE WORKS	\$ 270.00	
EFT17175	15/05/2020	NORWEST CRANE HIRE #2 PTY LTD	AIRPORT SKIP BIN COLLECTION APRIL 2020	\$ 2,491.50	
EFT17176	15/05/2020	NINGALOO AQUARIA	STOCK FISH AQUARIUM	\$ 774.40	
EFT17177	15/05/2020	OFFICEWORKS	STATIONARY MARCH 2020	\$ 3.55	
EFT17178	15/05/2020	OLIVIA ROBINSON	MERCHANDISE	\$ 774.00	
EFT17179	15/05/2020	PISCES ENTERPRISES PTY LTD	REPTILE FOOD	\$ 109.84	
EFT17180	15/05/2020	SALTY SCALLYWAGS	WHOLESALE COMMISSION ON SOLD MERCHANDISE	\$ 1,239.14	
EFT17181	15/05/2020	SEROLO PTY LTD FRESH BY DESIGN	AQUARIUM PARTS	\$ 2,062.50	
EFT17182	15/05/2020	SHOPFITTINGS DIRECT PTY LTD	NINGALOO CENTRE MERCHANDISE DISPLAY TABLES	\$ 702.85	
EFT17183	15/05/2020	SIGNS PLUS	NAME BADGES	\$ 101.10	
EFT17184	15/05/2020	SKYZALIMIT DESIGN PTY LTD	NINGALOO CENTRE SANITIZER PRODUCTS	\$ 4,840.00	
EFT17185	15/05/2020	SPYKER BUSINESS SOLUTIONS	MONTHLY IT SUPPORT FEB-APR 2020	\$ 6,521.63	
EFT17186	15/05/2020	SRB LEGAL	LEGAL FEES	\$ 6,068.70	
EFT17187	15/05/2020	ST JOHNS AMBULANCE	FIRST AID KIT SERVICE FEES	\$ 144.00	
EFT17188	15/05/2020	EMPLOYEE	STAFF REIMBURSEMENT	\$ 35.00	
EFT17189	15/05/2020	STIHL SHOP (CSP INDUSTRIES PTY LTD)	DEPOT PARTS	\$ 54.49	
EFT17190	15/05/2020	T-QUIP	AIRPORT PARTS	\$ 207.50	
EFT17191	15/05/2020	TACPRO BY MRC	TACTILE INDICATORS	\$ 2,096.05	
EFT17192	15/05/2020	TENNANT AUSTRALIA PTY LTD	DEPOT PARTS	\$ 1,924.99	
EFT17193	15/05/2020	THE JESSEN GROUP PTY LTD T/AS SLIMLINE WAREHOUSE DISPLAY SHOP	SOCIAL DISTANCING SIGNS	\$ 841.37	
EFT17194	15/05/2020	WESTRAC PTY LTD	DEPOT PARTS	\$ 164.92	
EFT17195	19/05/2020	WESTERN AUSTRALIAN TREASURY CORPORATION	LOAN PAYMENT	\$ 7,768.00	

Reference	Date	Name	Description	Municipal Account	Trust Account
EFT17197	22/05/2020	ATROMILL PTY LTD T/AS THE AUSTRALIAN TRELIS DOOR CO	TRELIS BARRIERS FOR NINGALOO CENTRE	\$ 4,990.00	
EFT17198	22/05/2020	AUSTRALIA POST	POSTAGE APRIL 2020	\$ 325.26	
EFT17199	22/05/2020	AUSTRALIAN TAX OFFICE (PAYG)	PAYROLL DEDUCTIONS	\$ 40,084.00	
EFT17200	22/05/2020	BENARA NURSERIES	PLANTS FOR AIRPORT LANDSCAPING	\$ 4,056.47	
EFT17201	22/05/2020	BUCHER MUNICIPAL PTY LTD	DEPOT PARTS	\$ 2,290.56	
EFT17202	22/05/2020	CHADSON ENGINEERING PTY LTD	AQUARIUM WORKS	\$ 5,500.00	
EFT17203	22/05/2020	DAIMLER TRUCKS PERTH	DEPOT PARTS	\$ 281.39	
EFT17204	22/05/2020	ERA CONTRACTORS	BOLLARDS / REPLACE CTS / AQUARIUM EXHAUST FAN	\$ 11,356.11	
EFT17205	22/05/2020	EXMOUTH BITUMEN SERVICES CRAIG REGAN	FOOTPATHS CONCRETE PAVEMENT & CROSSOVER WORKS	\$ 81,580.40	
EFT17206	22/05/2020	EXMOUTH INDUSTRIAL SERVICES	DEPOT PARTS	\$ 57.20	
EFT17207	22/05/2020	EXMOUTH PHARMACY	PHARMACY CONSUMABLES	\$ 59.38	
EFT17208	22/05/2020	EXY PLUMBING & CONTRACTING	TOWN DRINK FOUNTAIN WORKS	\$ 2,566.07	
EFT17209	22/05/2020	GROUND CONTROL AND GARDENS	STUMP GRINDING	\$ 330.00	
EFT17210	22/05/2020	HORIZON POWER - ACCOUNTS	UTILITIES	\$ 46,055.81	
EFT17211	22/05/2020	HT CLEANING SERVICES PTY LTD	CLEANING CONTRACT MAY 2020	\$ 12,886.20	
EFT17212	22/05/2020	JASON SIGNMAKERS	DEPOT SIGNS	\$ 790.56	
EFT17213	22/05/2020	LIVE NINGALOO	REFUND OF ADVERTISING	\$ 165.00	
EFT17214	22/05/2020	LOCAL GOVT RACING & CEMETERIES EMP UNION	PAYROLL DEDUCTIONS	\$ 19.40	
EFT17215	22/05/2020	NINGALOO BUILDING AND RENOVATIONS	SWIMMING POOL WORKS	\$ 15,824.00	
EFT17216	22/05/2020	PEBBLE BEACH CONSTRUCTION	REFUND OF CANCELLED BUILDING APPLICATION	\$ 3,225.60	
EFT17217	22/05/2020	SCENT AUSTRALIA PTY LTD	MONTHLY AMBIANT SCENTING FOR NVC - APRIL 2020	\$ 143.00	
EFT17218	22/05/2020	TALIS CONSULTANTS PTY LTD	SEPTAGE POND DESIGN - PROGRESS PAYMENT 1	\$ 2,354.00	
EFT17219	22/05/2020	THE HONDA SHOP	DEPOT PARTS	\$ 995.00	
EFT17220	22/05/2020	THE JESSEN GROUP PTY LTD T/AS SLIMLINE WAREHOUSE DISPLAY SHOP	CUSTOM CAFE BARRIER	\$ 4,535.03	
EFT17221	22/05/2020	THE TRUSTEE FOR THE NIKKULA FAMILY TRUST T/AS EXMOUTH BETTA HOME LIVING	DISHWASHER PURCHASE	\$ 987.00	
EFT17222	22/05/2020	TOTAL EDEN PTY LTD	RETICULATION AIRPORT LANDSCAPING	\$ 2,417.91	
EFT17223	22/05/2020	WALGA	ONLINE TRAINING COURSE	\$ 215.00	
EFT17224	22/05/2020	WESFARMERS KLEENHEAT GAS PTY LTD	ANNUAL GAS BOTTLE HIRE FEE	\$ 237.60	
EFT17225	22/05/2020	WORKWEAR GROUP PTY LTD	UNIFORMS	\$ 530.38	
EFT17226	29/05/2020	BAY BEANS PTY LTD	CONSUMABLES	\$ 648.00	
EFT17227	29/05/2020	CUSTOMER	REFUND OF RECREATION CENTRE HIRE	\$ 600.00	
EFT17228	29/05/2020	COLAS WEST AUSTRALIA PTY LTD	BITUMEN SEALING WORKS	\$ 332,553.86	
EFT17229	29/05/2020	DEPARTMENT OF TRANSPORT	ANNUAL JETTY RENEWAL FEE	\$ 41.40	
EFT17230	29/05/2020	DEPARTMENT OF WATER AND ENVIRONMENTAL REGULATION	INFRINGEMENT FOR BREACH OF BORE LICENCE	\$ 521.90	
EFT17231	29/05/2020	EXMOUTH FUEL SUPPLIES	FUEL PURCHASES APRIL 2020	\$ 269.50	
EFT17232	29/05/2020	EXMOUTH HARDWARE & BUILDING SUPPLIES	HARDWARE ACCOUNT APRIL 2020	\$ 3,089.20	
EFT17233	29/05/2020	EXMOUTH WHOLESALERS	CONSUMABLES	\$ 22.32	
EFT17234	29/05/2020	EXY PLUMBING & CONTRACTING	RECREATION CENTRE WORKS	\$ 608.43	
EFT17235	29/05/2020	NGT LOGISTICS PTY LTD	FREIGHT	\$ 92.81	
EFT17236	29/05/2020	PEBBLE BEACH CONSTRUCTION	REFUND OF PERMIT FEES	\$ 304.83	
EFT17237	29/05/2020	SEEK LIMITED	RECRUITMENT ADVERTISEMENT	\$ 654.50	
EFT17238	29/05/2020	TOTALLY WORKWEAR MIDLAND	UNIFORMS	\$ 3,946.42	
EFT17239	29/05/2020	TR HOMES (MURRAY RIVER NORTH PTY LTD)	REFUND OF PERMIT FEES	\$ 842.83	

Reference	Date	Name	Description	Municipal Account	Trust Account
EFT17240	29/05/2020	WALGA	WALGA GOVERNANCE STAFF TRAINING COURSE	\$ 215.00	
			TOTAL EFT PAYMENTS	\$ 1,125,875.21	\$ -
			TOTAL CREDIT CARD CEO	\$ -	
	27/04/2020	MAILCHIMP	IT SUBSCRIPTION	\$ 90.09	
	01/05/2020	WA NEWS	IT SUBSCRIPTION	\$ 84.00	
	04/05/2020	APPLE	SUBSCRIPTION	\$ 17.99	
	07/05/2020	EXMOUTH IGA	REPTILE FOOD	\$ 43.97	
	10/05/2020	REZDY	IT SUBSCRIPTION	\$ 273.90	
	11/05/2020	CDC LASER	SNEEZE BARRIERS	\$ 330.00	
	14/05/2020	PBH AQUATICS	AQUARIUM ITEMS	\$ 673.95	
	14/05/2020	REDUCTION REVOLUTION	TERRARIUM FLOODLIGHT	\$ 971.84	
	19/05/2020	STATEWIDE APPLIANCES	ELECTRICAL PART	\$ 242.59	
			TOTAL CREDIT CARD EMCC	\$ 2,728.33	
	07/05/2020	CDC LASER	SNEEZE BARRIERS	\$ 544.50	
	21/05/2020	DELL AUSTRALIA	VIDEO CONFERENCE EQUIPMENT	\$ 1,239.29	
	23/05/2020	DRI	IT SUBSCRIPTIONS	\$ 23.05	
			TOTAL CREDIT CARD EMCS	\$ 1,806.84	
	11/05/2020	LOCKER GROUP	RECREATION CENTRE STAIRCASE PARTS	\$ 224.40	
	22/05/2020	DEPARTMENT OF HEALTH	CHLORINE PERMIT	\$ 127.00	
			TOTAL CREDIT CARD EMDS	\$ 351.40	
			TOTAL CREDIT CARD PURCHASES	\$ 4,886.57	\$ -
			TOTAL PAYMENTS - MAY 2020	\$ 1,272,060.22	\$ -