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**Policy Manual**

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[1. ADMINISTRATION 4](#_Toc55484317)

[1/009 LEGAL REPRESENTATION FOR COUNCIL MEMBERS AND EMPLOYEES 4](#_Toc55484318)

[1/014 EXECUTION OF DOCUMENTS AND APPLICATION OF THE COMMON SEAL 9](#_Toc55484319)

[1/015 RECORDING OF COUNCIL AND COMMITTEE MEETINGS 12](#_Toc55484320)

[1/016 WORKPLACE HEALTH AND SAFETY 16](#_Toc55484321)

[1/017 ORDER OF BUSINESS FOR COUNCIL AND COMMITTEE MEETINGS 19](#_Toc55484322)

[1/019 CONFIDENTIAL BRIEFINGS 21](#_Toc55484323)

[1/020 HONORARY FREEMAN 24](#_Toc55484324)

[1/021 RELATIONSHIP DECLARATION REGISTER 27](#_Toc55484325)

[1/022 RISK MANAGEMENT 34](#_Toc55484326)

[1/023 WHISTLEBLOWER (PUBLIC INTEREST DISCLOSURE) 39](#_Toc55484327)

[1/024 FRAUD AND CORRUPTION PREVENTION 48](#_Toc55484328)

[1/025 MEDIA AND COMMUNICATIONS 50](#_Toc55484329)

[1/026 CUSTOMER FEEDBACK, COMPLAINTS AND SUGGESTIONS 56](#_Toc55484330)

[1/027 SEVERENCE PAYMENT 61](#_Toc55484331)

[1/028 RELATED PARTY DISCLOSURES 64](#_Toc55484332)

[2. FINANCE 68](#_Toc55484333)

[2/004 RATING 68](#_Toc55484334)

[2/005 DEBT MANAGEMENT 73](#_Toc55484335)

[2/007 Purchasing Policy 80](#_Toc55484336)

[2/010 COUNCIL INVESTMENTS 90](#_Toc55484337)

[2/015 NOTICE OF DISCONTINUANCE (RATES AND DEBTORS) 94](#_Toc55484338)

[2/016 REGIONAL PRICE PREFERENCE 96](#_Toc55484339)

[2/017 GRANT FUNDING 100](#_Toc55484340)

[2/018 BORROWINGS 106](#_Toc55484341)

[2/019 FINANCIAL RESERVES 111](#_Toc55484342)

[2/020 CORPORATE CREDIT CARD 118](#_Toc55484343)

[2/022 PANELS OF PRE-QUALIFIED SUPPLIERS 122](#_Toc55484344)

[3. STAFF 126](#_Toc55484345)

[3/003 SUBSIDIES AND ALLOWANCES 126](#_Toc55484346)

[3/007 Senior Employees and Appointing Acting Chief Executive Officer 127](#_Toc55484347)

[3/019 CEO PERFORMANCE REVIEW 129](#_Toc55484348)

[3/024 RECOGNITION OF EMERGENCY SERVICE VOLUNTEER WORK 133](#_Toc55484349)

[4. MEMBERS/COUNCILLORS 136](#_Toc55484350)

[4/006 ELECTIONS – CARETAKER PERIOD 136](#_Toc55484351)

[4/008 ELECTED MEMBERS ENTITLEMENTS 145](#_Toc55484352)

[4/009 SIGNIFICANT DECISION MAKING 149](#_Toc55484353)

[4/010 ELECTED MEMBER TRAVEL AND TRAINING 154](#_Toc55484354)

[6. RECREATION 163](#_Toc55484355)

[6/003 Community Grants Program 163](#_Toc55484356)

[6/006 Consumption of Alcohol on Town of Port Hedland Owned and Managed Property 166](#_Toc55484357)

[6/010 Recreation Reserves and Facilities – Seasonal Hire 170](#_Toc55484358)

[6/011 Recreation Reserves, Facilities and Parks - Casual and Event Hire 177](#_Toc55484359)

[7. CULTURE 184](#_Toc55484360)

[7/002 ACQUISITION AND MANAGEMENT OF ARTWORKS 184](#_Toc55484361)

[8. COMMUNITY SERVICES 196](#_Toc55484362)

[8/002 Public Art 196](#_Toc55484363)

[8/003 ACCESS AND INCLUSION 198](#_Toc55484364)

[8/004 COMMUNITY LEASING 199](#_Toc55484365)

[9. ENGINEERING 205](#_Toc55484366)

[9/004 Pre-Cyclone Green Waste Collection 205](#_Toc55484367)

[9/005 VEHICLE CROSSOVERS 207](#_Toc55484368)

[9/009 VEHICLES 211](#_Toc55484369)

[9/010 ASSET MANAGEMENT 215](#_Toc55484370)

[10. PARKS AND GARDENS 218](#_Toc55484371)

[10/003 LANDSCAPING 218](#_Toc55484372)

[11. AIRPORT, TOURISM AND ECONOMIC DEVELOPMENT 222](#_Toc55484373)

[12. TOWN PLANNING 222](#_Toc55484374)

[12/010 NAMING OF ROADS AND PLACES 222](#_Toc55484375)

[13. HEALTH 226](#_Toc55484376)

[13/006 CAMPING OTHER THAN AT A CARAVAN PARK OR CAMPING GROUND 226](#_Toc55484377)

[13/012 Licencing of Funeral Directors 229](#_Toc55484378)

[13/014 TRADING IN PUBLIC PLACES 235](#_Toc55484379)

[13/016 Waste Collection and Bin Replacement 239](#_Toc55484380)

[14. BUILDING 242](#_Toc55484381)

[15. OTHER 242](#_Toc55484382)

[15/003 ORGANISATIONAL POLICY FOR CCTV OPERATIONS 242](#_Toc55484383)

[16. RESCINDED POLICIES 252](#_Toc55484384)

[17. DOCUMENT CONTROL REGISTER 255](#_Toc55484385)

# 1. ADMINISTRATION

##

## 1/009 LEGAL REPRESENTATION FOR COUNCIL MEMBERS AND EMPLOYEES

Objective

This policy is designed to protect the interests of Council members and Employees (including past members and former employees) of the Town of Port Hedland if they become involved in legal proceedings because of their official functions. In these situations the Town may assist the individual in meeting reasonable expenses and any liabilities incurred in relation to those proceedings.

This policy is necessary to ensure security, equity and consistency for Members and Employees to work for the good government of the district. This policy applies in that respect.

Content

1 Payment criteria

1.1 There are four major criteria for determining whether the Town may pay the legal representation costs of a Council member or employee. These are –

1. the legal representation costs are to relate to a matter that arises from the performance, by the Council member or employee, of his or her functions;
2. the legal representation cost are to be in respect of legal proceedings that have been, or may be, commenced;
3. in performing his or her functions, to which the legal representation relates, the Council member or employee is to have acted in good faith, and is not have acted unlawfully or in a way that constitutes improper conduct; and
4. the legal representation costs do not relate to a matter that is of a personal or private nature.

2 Examples of legal representation costs that may be approved

2.1 If the criteria in clause 1 of this policy are satisfied, the Town may approve the payment of legal representation costs –

1. where proceedings are brought against a Council 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 Council member or employee; or
2. to enable proceedings to be commenced and/or maintained by a Council member or employee to permit him or her to carry out his or her functions – for example, where a Council member or employee seeks to take action to obtain a restraining order against a person using threatening behaviour to the Council member or employee; or
3. 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 Council members or employees.

2.2 The Town may not approve, unless under exceptional circumstances, the payment of legal representation costs for a defamation action, or a negligence action, instituted by a Council member or employee.

3 Application for payment

3.1 A Council member or employee who seeks assistance under this policy is to make an application(s), in writing:

1. in urgent cases under clause 6.1, to the CEO to be determined by CEO; and
2. otherwise to the CEO to be determined by the Council.

3.2 The written application for payment of legal representation costs is to give details of –

1. the matter for which legal representation is sought;
2. how that matter relates to the functions of the Council member or employee making the application;
3. the lawyer (or law firm) who is to be asked to provide the legal representation;
4. the nature of legal representation to be sought (such as advice, representation in court, preparation of a document etc);
5. an estimated cost of the legal representation; and
6. why it is in the interests of the Town for payment to be made.

3.3 The application 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.

3.4 As far as possible, the application is to be made before commencement of the legal representation to which the application relates.

3.5 The application is to be accompanied by a signed written statement by the applicant that he or she –

1. has read, and understands, the terms of this policy;
2. acknowledges that any approval of legal representation costs is conditional on the repayment provisions of clause 7 and any other conditions to which the approval is subject; and
3. undertakes to repay to the Town any legal representation costs in accordance with the provisions of clause 7.

3.6 In relation to clause 3.5(c), when a person is to be in receipt of such monies

the person is to sign a document which requires repayment of those monies to the Town as may be required by the Town and the terms of the policy.

3.7 An application is also to be accompanied by a report prepared by the

CEO or, where the CEO is the applicant, by an appropriate employee.

4 Legal representation costs – limit

4.1 The Council in approving an application in accordance with this policy is to set a limit on the costs to be paid based on the estimated costs in the application.

4.2 A Council member or employee may make a further application to the Council in respect of the same matter.

5. Council’s powers

5.1 The Council may –

1. refuse;
2. grant; or
3. grant subject to conditions,

an application for payment of legal representation costs.

5.2 Conditions under clause 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.

5.3 In assessing an application, the Council may have regard to any insurance benefits that may be available to the applicant under the Town’s Council members ‘or employees’ insurance policy or its equivalent. The Town will pay the excess on any insurance claim.

5.4 The Council may at any time revoke or vary an approval, or any conditions of approval, for the payment of legal representation costs.

5.5 The Council may, subject to clause 5.6, determine that a Council member or employee whose application for legal representation costs has been approved has, in respect of the matter for which legal representation costs were approved –

1. not acted in good faith, or has acted unlawfully or in a way that constitutes improper conduct; or
2. given false or misleading information in respect of the application

5.6 A determination under clause 5.5 may be made by the Council only on the basis of, and consistent with, the findings of a court, tribunal or inquiry.

5.7 Where the Council makes a determination under clause 5.5, the legal representation costs paid by the Town are to be repaid by the Council member or employee in accordance with clause 7.

6 Approval of payment for legal representation costs in exceptional circumstances

6.1 In cases where a delay in the approval of an application will be detrimental to the legal rights of the applicant, the CEO may exercise, on behalf of the Council, any of the powers of the Council under clause 5.1 and 5.2, to a maximum of $10,000 in respect of each application.

6.2 An application approved by the CEO under clause 6.1, is to be submitted to the next ordinary meeting of Council. Council may exercise any of its powers under this policy, including its powers under clause 5.4.

7 Repayment of legal representation costs

7.1 A Council member or employee whose legal representation costs have been paid by the Town is to repay the Town –

1. all or part of those costs – in accordance with a determination by the Council under clause 5.7;
2. as much of those costs as are available to be paid by way of set-off – where the Council member or employee receives monies paid for costs, damages, or settlement, in respect of the matter for which the Town paid the legal representation costs.

7.2 The Town may take action in a court of competent jurisdiction to recover any monies due to it under this policy.

Definitions

***“approved lawyer”*** is to be –

1. a ‘certified practitioner’ under the *Professions Act 2008*;
2. from a law firm on the Town’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
3. approved in writing by the Council or the CEO under delegated authority.

***“Council member or employee”*** means a current or former commissioner, Council member, non-elected member of a Council committee or employee of the Town.

***“legal proceedings”*** may be civil, criminal or investigative.

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

1. a matter or matters arising from the performance of the functions of the Council member or employee; and
2. legal proceedings involving the Council member or employee that have been, or may be, commenced.

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

***“legal services”*** includes advice, representation or documentation that is provided by an approved lawyer.

***“payment”*** by the Town of legal representation costs may be either by –

1. a direct payment to the approved lawyer (or the relevant firm); or
2. a reimbursement to the Council member or employee.

|  |  |
| --- | --- |
| Relevant legislation | Local Government Act 1995 (sections 3.1, 6.7(2) & 9.56) |
| Delegated authority | Nil |
| Business unit | Governance |
| Directorate | Corporate & Performance |
| Governance to complete this section |
| Version Control | Version No. | Resolution No.  | Adoption date |
| V01V02 | 200506/297CM201920/003 | 25 January 200624 July 2019 |
| Review frequency  | 3 Yearly |

## 1/014 EXECUTION OF DOCUMENTS AND APPLICATION OF THE COMMON SEAL

Policy Objective

To establish procedures for:

(a) Affixing the Town’s common seal; and

(b) Determining whether a document is executed by way of common seal or signed by an authorised employee.

Policy Content

***1. Application***

The provisions of this policy apply to all documents requiring the Town’s execution.

***2. Documents Requiring Affixation of the Common Seal***

Documents requiring the common seal to be affixed are those identified in Table 1 of this Policy.

***3. Procedure for affixing the Common Seal***

*(a) Authorised Signatures*

The Mayor and Chief Executive Officer are authorised to affix and sign all documents to be executed under the common seal; however, in the absence of the Mayor and/or the Chief Executive Officer, as the case may be, the Deputy Mayor and the Acting Chief Executive Officer are authorised to affix the common seal.

Should the Chief Executive Officer or Acting Chief Executive Officer be unable to sign the documents the Chief Executive Officer or Acting Chief Executive Officer will authorise a designated senior employee, identified in policy 3/007 ‘Senior Employees and Appointing Chief Executive Officer’, to sign the document in accordance with section 9.49A(3)(b) of the *Local Government Act 1995*. Only designated senior employees that have been appointed as the permanent incumbent to the position of a senior employee are able to be authorised to sign the document.

*(b) Witnessing of Signature*

The common seal may only be affixed in the presence of both the Mayor and the Chief Executive Officer (or the Deputy Mayor and/or the Acting Chief Executive Officer or designated senior employee, as the case may be), each of whom is to sign the document to attest that the common seal was so affixed.

*(c) Register to be Maintained*

Details of all transactions where the common seal has been affixed shall be recorded in a register, with such register to record each date on which the common seal was affixed to a document, the nature of the said document, and the parties to any agreement to which the common seal was affixed. The register is to record each transaction with a record number that may be retrieved in the Town’s Records Management System.

***4. Authority to Sign documents on Behalf of the Town***

There is no legal requirement for the common seal to be affixed in order for a document to be executed where Council has resolved to authorise the CEO or any other employee to sign a document pursuant to section 9.49A of the *Local Government Act 1995*.

Employees authorised under section 9.49A of the *Local Government Act 1995* may sign the documents identified for that purpose in Table 1 of this Policy. Despite the authorisation, the common seal may still be affixed in the following circumstances:

(a) if the authorised officer is of the opinion the document carries a high level of financial risk, legal complexity or political sensitivity that the document should be executed by way of common seal; or

(b) the other party has reasonably requested the document be executed by way of common seal.

**Table 1 – Execution of Documents**

|  |  |  |
| --- | --- | --- |
| Document Type | Common seal required | Authorised employee  |
| Local laws | Yes | None |
| Planning Schemes  | Yes | None  |
| Mortgages, Loans and Debentures  | Yes  | None  |
| State or Commonwealth Government Funding Agreements  | Yes | None  |
| Any document requiring the common seal pursuant to a statutory obligation  | Yes | None  |
| Council has resolved that the document be executed by way of common seal | Yes | None  |
| Power of Attorney to act for the Town  | No | CEO |
| Grants and Funding Agreements with private agencies  | No | CEO  |
| Land Transaction documents including sale, purchase, vesting, leases, licences, transfers, contributed assets, easements, restrictive covenants, caveats, memorials, notifications, deeds and withdrawal of instruments.  | No  | CEO |
| Memorandum of Understanding  | No  | CEO |
| Ceremonial Certificates | No (but Mayor must sign) | CEO  |
| All other documents that were the subject of a Council decision including, but not limited to, procurement contracts, service agreements, non-disclosure agreements, enterprise bargaining agreement and employment contracts. | No | CEO  |
| All other documents that are not the subject of a Council decision, but are part of the ordinary operations of the local government including, but not limited to, casual hire agreements, procurement contracts (no Council decision), short term lease and sponsorship agreements.  | No | CEO Directors where the document concerns subject matter wholly within their Directorate  |

The execution requirements in Table 1 apply to the making, varying or discharge of documents pursuant to section 9.49B of the *Local Government Act 1995.*

|  |  |
| --- | --- |
| Council Adoption Date and Resolution No.  | 25 July 2012 201213/038  |
| Date of adoption of amendment and Resolution Number  | 31 August 2016 - CM201617/04223 May 2018 – CM201718/202 |
| Relevant Legislation  | *Local Government Act 1995*s 2.5(2), 9.49, 9.49A and 9.49B |
| Delegated Authority  |  |
| Directorate  | Corporate and Performance  |
| Review Frequency  | As required  |

## 1/015 RECORDING OF COUNCIL AND COMMITTEE MEETINGS

Policy Objective

The objective of this policy is to set out how audio and live streaming recordings of Council and Committee meetings are created, stored, used, accessed and disposed of in accordance with legislative and policy requirements.

Policy Content

1. Purpose of Audio Recordings of Meetings

Audio recordings of Council and Committees meetings will be made for the purpose of:

* assisting in the preparation of minutes
* ensuring decisions are accurately recorded
* verifying the accuracy of minutes prior to their confirmation

2. Purpose of Recording Council Meetings via web live streaming

Live streaming of Council meetings will be made for the purpose of:

* ensuring that a true and accurate account of the debate and discussions at the meetings is available
* providing an opportunity for any interested individuals to watch Council Meetings live online where they are unable to attend
* providing an opportunity for residents to keep up to date with Council decisions
* verifying the accuracy of minutes prior to their confirmation

3. Public Notification of Recording of Meetings

Council Meetings:

Advice will be provided to the members of the public attending meetings that an audio and live streaming recording of the meeting will be made and that their voice and details may be released to a third party other than people in the room. The wording of the advice will be as follows:

‘This meeting is being recorded on audio tape and streamed live online as an additional record of the meeting and to assist with minute-taking purposes which may be released upon request to third parties. If you do not give permission for recording your participation please indicate this at the meeting. The public is reminded that in accordance with Section 6.16 of the Town of Port Hedland Local Law on Standing Orders nobody shall use any visual or vocal electronic device or instrument to record the proceedings of any meeting unless that person has been given permission by the chairperson to do so. Members of the public are also reminded that in accordance with section 6.17(4) of the Town of Port Hedland Local Law on Standing Orders mobile telephones must be switched off and not used during the meeting.’

Committee Meetings:

Advice will be provided to the members of the public attending meetings that an audio recording of the meeting will be made and that their voice and details may be released to a third party other than people in the room. The wording of the advice will be as follows:

‘This meeting is being recorded on audio tape as an additional record of the meeting and to assist with minute-taking purposes which may be released upon request to third parties. If you do not give permission for recording your participation please indicate this at the meeting. The public is reminded that in accordance with Section 6.16 of the Town of Port Hedland Local Law on Standing Orders nobody shall use any visual or vocal electronic device or instrument to record the proceedings of any meeting unless that person has been given permission by the chairperson to do so. Members of the public are also reminded that in accordance with section 6.17(4) of the Town of Port Hedland Local Law on Standing Orders mobile telephones must be switched off and not used during the meeting.’

The advice will be displayed in the following manner:

* On the notice of agenda for meetings of Council, Electors and Committees
* On notices at the entry to the Council Chambers or place where meetings are held
* On paperwork associated with Public Question and Public Statement Time
* On the Town of Port Hedland website
* Verbally by the Chairperson at the commencement of the ordinary, special and committee meeting of Council and Annual General Meeting of Electors

4. Storage of Recordings and requests for recordings

Audio and live streaming recordings of the entire meeting will be stored in accordance with *State Records Act 2000* and General Disposal Authority (GDA) 2010.

Any request for audio recordings of Council or Committee meetings made available to members of the Council, or the public will be maintained in Council’s records.

Any request for live streaming recordings of Council meetings made available to members of the Council, or the public will be maintained in Council’s records.

5. Access to Recordings

Council Members may obtain a copy of the recorded proceedings of the business of the Council or Committee Meeting, upon request to the Chief Executive Officer, free of charge.

Access to audio recordings:

Members of the public may access an audio recording of the Council or Committee Meeting that reflects the written record of the business of the meeting. This will exclude recording of discussion of items that are considered behind closed doors.

Audio copies of Council and Committee Meetings available to the public will be provided on the Town’s website together with the written record of that meeting, free of charge.

This will be within 10 working days of the relevant Council or Committee meeting.

Access to live streaming:

Members of the public may access a live streaming recording of the Council Meeting that reflects the written record of the business of the meeting. This will exclude recording of discussion of items that are considered behind closed doors.

Live streaming recordings of Council Meetings will be available to the public via a link published on the Town’s website together with the written record of that meeting, free of charge.

This will be within 10 working days of the relevant Council or Committee meeting.

Costs of providing any recordings of Council and Committee Meetings available to the public will be advertised in the Town’s Schedule of Fees and Charges each year.

Definitions

Audio Recording

Means any recording made by any electronic device capable of recording sound. This includes but is not limited to recordings made by video camera, cassette recorder, or DAT recorder, and stored on compact disc (CD), Digital Audio Tape (DAT), or in any other format (such as WAV, MP3, etc).

Live Streaming

Means any recording made by any electronic device capable of transmitting or receiving video and audio coverage of an event over the internet.

This policy does not impinge on any person’s access to public records under the Freedom of information Act.

|  |  |
| --- | --- |
| Council Adoption Date and Resolution No. | OCM 28 November 2012 (201213/189) |
| Date of adoption of amendment and Resolution Number *Do not delete previous dates* | OCM 25 May 2016 (201516/236)OCM 22 November 2017 (CM201718/093) |
| Relevant Legislation | [*State Records Act 2000*](http://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_924_homepage.html)[*General Disposal Authority (GDA) 2010*](http://www.sro.wa.gov.au/sites/default/files/revisedgdalg-rd2010046-final_000.pdf)[*Local Government Act 1995*](http://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_551_homepage.html)[ToPH Local Law on Standing Orders](http://www.porthedland.wa.gov.au/Assets/Documents/Document-Centre/Public_Documents/Local_Laws/StandingOrdersGazetted20141009.pdf) |
| Delegated Authority | N/A |
| Business Unit | Corporate Information |
| Directorate | Corporate Services |
| Review Frequency | Annual |

## 1/016 WORKPLACE HEALTH AND SAFETY

**1. Objective**

The Town of Port Hedland (Town) will provide, so far as reasonably practicable, a safe work environment for all its employees, Elected Members, contactors, volunteers, customers and visitors, in accordance with its legislative requirements.

This commitment further extends to all employees, managers and contractors, who have responsibility to work safely, along with customers to take all reasonable care for their own health and safety, and to consider the health and safety of other people who may be affected by their actions.

**“People are our most important priority and their health and safety is our greatest responsibility”.**

**2. Principles**

The Town strives, through a process of continuous improvement, to integrate workplace health and safety (WHS) into all aspects of its operations. In order to achieve this, measurable objectives have been established, with the aim of eliminating work-related injury and illness.

The Town achieves these objectives by:

* providing and maintaining a safe workplace, comprising of safe plant, equipment and safe systems of work;
* the provision of appropriate information, training and supervision for all employees, contractors and customers;
* complying with all relevant legislation, regulations, standards and guidance notes and where practicable, applying responsible standards, where no laws exist;
* implementing suitable risk management strategies which identify, promote and continuously improve health and safety performance;
* encourage the reporting of hazards, accidents (injuries) and incidents (near misses) in the workplace, seeking the commitment and involvement of all employees;
* actively responding to investigating all incidents, and ensuring timely effective injury management of employees;
* engaging contractors and suppliers who adopt the same values, and work with those to meet the company’s health and safety expectations; and
* recognising and celebrating those who contribute to excellence in workplace health and safety.

The Town is committed to the development, implementation, maintenance and continuous improvement of a Workplace Health and Safety Management System (WHSMS) that complies with or exceeds legislative requirements, including the Occupational Safety and Health Act, Regulations, Codes of Practice, Guidance Notes and Australian Standards.

**3. Consequences**

This policy represents the formal policy and expected standards of Council. Appropriate approvals need to be obtained prior to any deviation from the policy. Elected members and employees are reminded of their obligations under the Council’s Code of Conduct, to give full effect to the lawful policies, decisions and practices of the Council.

**4. Roles and Responsibilities**

The **Chief Executive Officer** is ultimately responsible for the leadership of the safety culture and successful administration of workplace health and safety.

All **Directors, Managers and Supervisors** have the direct responsibility to instil a safety culture, ensure the workplace is safe and that all staff are following a safe system of work and are not exposed to hazards while at work.

The **Senior Workplace Health and Safety Advisor** has the responsibility for proactively driving and supporting a safety culture across the organisation and coordinating the efforts relating to the minimisation of risk and accidents in the workplace.

**All staff** must take reasonable care of, and cooperate with actions taken to protect the health and safety of both themselves and others, in line with the Town’s safety culture and values.

**5. Review**

This policy will be reviewed at regular intervals, as deemed necessary (at least once every three years) and at other times, if any significant new information, legislative update or organisational change warrants an amendment in this document.

**6. Definitions**

***hazard***, in relation to a person, means anything that may result in:

1. injury to the person; or
2. harm to the health of the person;

***risk***, in relation to any injury or harm, means the probability of that injury or harm occurring;

***practicable*** means reasonably practicable having regard, where the context permits, to:

1. the severity of any potential injury or harm to health that may be involved, and the degree of risk of it occurring; and
2. the state of knowledge about:
3. the injury or harm to health referred to in paragraph (a); and
4. the risk of that injury or harm to health occurring; and
5. means of removing or mitigating the risk or mitigating the potential injury or harm to health; and
6. the availability, suitability, and cost of the means referred to in paragraph (b) (iii).

**7. References to Related Documents**

Where applicable the Town of Port Hedland will comply with the relevant Codes of Practice, Regulations, Australian Standards and Guidance Notes some of which are listed below:

|  |  |
| --- | --- |
| Relevant legislation | * *Occupational Safety and Health Act 1984*
* *Occupational Safety and Health Regulations 1996*
* *Town of Port Hedland Enterprise Agreement 2019 and any successor agreement*
 |
| Delegated authority | Nil |
| Business unit | Human Resources |
| Directorate | Corporate Services |
| *Governance to complete this section* |
| Version Control | Version No. | Resolution No. | Adoption date |
| V01V02V03 | 201414/035CM201718/027CM201920/232 | 28 August 201423 August 201727 May 2020 |
|  Review frequency | 3 Yearly – or as deemed necessary |

***Document Control Statement*** *– The electronic reference copy of this Policy is maintained by the Governance Team. Any printed copy may not be up to date and you are advised to check the electronic copy at* [*http://www.porthedland.wa.gov.au/documents/public-documents/policies*](http://www.porthedland.wa.gov.au/documents/public-documents/policies) *to ensure that you have the current version. Alternatively, you may contact the Governance Team.*

## 1/017 ORDER OF BUSINESS FOR COUNCIL AND COMMITTEE MEETINGS

Policy Objective

The Town of Port Hedland Standing Orders Local Law 2014 clause 5.2 allows for the order of business of all Council and Committee meetings to be determined by Council from time to time. The order of business outlines how the agenda for the meeting will be structured and in what order all meeting will be run.

All Council and Committee meetings shall follow the same order of business.

Policy Content

The order of business at all Council and Committee meetings of the Town of Port Hedland shall be as follows and may be altered by a Council decision.

Item 1 Opening of the Meeting

Item 2 Acknowledgment of Traditional Owners and Dignitaries

Item 3 Recording of Attendance

Item 3.1 Attendance

Item 3.2 Attendance by Telephone / Instantaneous Communications

Item 3.3 Apologies

Item 3.4 Approved Leave of Absence

Item 3.5 Disclosure of Interests

Item 4 Applications for Leave of Absence

Item 5 Response to Previous Questions

Item 6 Public Time

Item 6.1 Public Question Time

Item 6.2 Public Statement Time

Item 6.3 Petitions/Deputations/Presentations/Submissions

Item 7 Questions from Elected Members without Notice

Item 8 Announcements by Presiding Member without Discussion

Item 9 Declarations of all Members to have Given Due Consideration to all matters Contained in the Business Paper before the Meeting

Item 10 Confirmation of Minutes of Previous Meeting

Item 11 Reports of Officers

Item 12 Reports of Committees

Item 13 Motions of Which Previous Notice has been given

Item 14 New business of an urgent nature

Item 15 Matters for which Meeting may be Closed

Item 16 Closure

Item 16.1 Date of Next Meeting

Item 16.2 Closure

Definitions

***Council meeting***means an Ordinary or Special meeting of the Town of Port Hedland Council.

***Presiding Member***means the Mayor of the Town of Port Hedland.

***Teleconference*** means a suitable place and meeting must be specified. A suitable place is defined as a townsite or other residential area within the State of Western Australia only. Approval to attend via teleconference cannot be granted for more than half of the meetings in a financial year.

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| --- | --- |
| Council adoption date and resolution no. | 26 November 2014 OCM 201415/116 |
| Date of adoption of amendment and resolution number  | 25 May 2016 201516/24624 January 2018 CM201718/121 |
| Relevant legislation | Local Government Act 1995Local Government (Administration) Regulations 1996ToPH Standing Orders Local Law 2014 |
| Delegated authority | N/A |
| Business unit | Governance |
| Directorate | Corporate and Performance |
| Review frequency  | As required |

## 1/019 CONFIDENTIAL BRIEFINGS

Policy Objective

The modern role of a local government Council is to set policy and strategy, and provide goals and targets for the local government. The Town of Port Hedland (ToPH) officers, through the Chief Executive Officer, have the task of implementing the decisions of the Elected Council.

The object of this policy is to set up a well-structured framework that will provide the Council and Town officers the opportunity to:

* Share information on upcoming projects linked to the Town’s Strategic Community Plan and associated vision
* Discuss future Town strategies and associated projects implementation
* Clarify outstanding matters

This will ensure that all Elected Members have the opportunity to make the best possible decision for the community, whilst maintaining a high level of accountability, openness, transparency and integrity.

Policy Content

Confidential Briefings will involve Elected Members, ToPH officers and, where appropriate, external advisors. This will provide the opportunity to exchange information and ideas for the development of the Town of Port Hedland.

Confidential Briefings will generally involve projects or matters that are in the early planning stages. This may result in discussed matters being presented to a future Council meeting for a formal decision.

No decision making

The input through open and free-flowing exchange of ideas and the willingness to contribute to the Confidential Briefings will provide invaluable direction to the Chief Executive Officer for the research and eventual reports on the matter, however no debate or decision making will be allowed to take place.

Town of Port Hedland Code of Conduct and Values

All participants at Briefings are expected to abide by the Town’s values, these being:

* Quality
* Unity
* Integrity

ToPH officers and Elected Members are also expected to abide by the Town of Port Hedland Code of Conduct.

Confidentiality

Confidential Briefings will be closed to the public. All agendas, matters discussed during the meeting and outcomes will be treated as confidential.

Breaches of confidentiality will be treated in accordance with section 6 ‘Use of Information’ of the *Local Government (Rules of Conduct) Regulations 2007.*

Disclosures of interest

In accordance with the *Local Government Act 1995* sections 5.65, 5.70 and 5.71, and *Local Government (Administration) Regulation* 34C, Elected Members, Town officers and relevant consultants must declare any impartiality, proximity and financial interests and the reason for the interest at the commencement of the meeting.

A disclosure of interest form is to be completed, and given to the Town’s Governance team as soon as practicable.

Should any person(s) declare a proximity or financial interest, they must leave the room whilst the item is being discussed.

Timeframes

Confidential Briefings are held in accordance with the Town’s Council meeting framework as adopted by Council.

Special briefings or workshops shall be arranged as required.

Presiding Member

The Mayor is to be the Presiding Member at Confidential Briefings. If the Mayor is unable to assume the role of Presiding Member, then the Deputy Mayor may preside at the meeting. If the Deputy Mayor is unable, those Elected Members present may select one from amongst themselves to preside at the meeting.

Record Keeping

A public record shall be kept of all Confidential Briefings. As no decisions are made at a briefing, the record need only be a general record of attendance and any disclosure of interests as declared by individuals. A copy of the record is published on the Town’s website here <http://www.porthedland.wa.gov.au/documents/?categoryId=505>

Confidential Briefings are not audio recorded.

Elected Members not in attendance at the Confidential Briefing will be presented with all information tabled at the forums.

DEFINITIONS

Nil.

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| --- | --- |
| Council adoption date and resolution no. | 25 February 2015 OCM 201415/177 |
| Date of adoption of amendment and resolution number  | 28 October 2015 OCM 201516/06822 February 2017 OCM CM201617/1421 November 2017 OCM CM201718/061 |
| Relevant legislation | Local Government Act 1995Town of Port Hedland Standing Orders Local Law 2014Local Government Operational Guidelines Number 05Town of Port Hedland Code of ConductTown of Port Hedland Vision and Values |
| Delegated authority | N/A |
| Business unit | Corporate Information |
| Directorate | Corporate Services |
| Review frequency  | Annually |

## 1/020 HONORARY FREEMAN

**1. Objective**

To provide guidelines for conferral of the honour of Honorary Freeman of the Town of Port Hedland and the administration of Honorary Freeman Entitlements.

**2. Content**

Honorary Freeman of the Town of Port Hedland (Town) is a high honour which may be conferred by the Council. The honour conveys no legal right.

**3. Nomination Criteria**

3.1 All residents of the Town are eligible to be nominated as Honorary Freeman provided they have served the community with distinction or excelled in their field or endeavour and met the criteria specified in (4);

3.2 A Mayor of the Town who has served continuously for eight (8) years and has demonstrated exceptional service to the Town of Port Hedland is considered eligible for the honour.

3.3 A Councillor who has served continuously for 12 years and has demonstrated exceptional service to the Town of Port Hedland is considered eligible for the honour.

3.4 Any successful candidate for the honour must be a person:

* Of the highest personal integrity;
* Who has a distinguished record of service;
* Who has at all times acted lawfully;
* Who has treated other citizens with respect and fairness;
* Who is not a current sitting Elected Member or an existing staff member.

3.5 A person who has a criminal conviction, or who has been the subject of a finding or an opinion of misconduct by a properly constituted body, or has been declared bankrupt is considered ineligible to become an Honorary Freeman; and

3.6 The honour may be bestowed on a non-resident who has served the community with distinction or excelled in their field or endeavour for the Town of Port Hedland and whose conduct meets the criteria specified in 3.4.

**4. Nomination Process**

4.1 A nomination may be made by any citizen but must be countersigned by at least three serving members of Council;

4.2 The nomination must be made to the Chief Executive Officer who will notify all Elected Members (in writing) of the nomination, with a request that the Chief Executive Officer be advised of any objections to the nomination before the Agenda Briefing preceding the Council meeting where the nomination will be considered;

4.3 The Chief Executive Officer is to report on the nomination to the next Meeting of Council;

4.4 The full Council will discuss the report as a confidential item to consider the views expressed by Elected Members and vote by absolute majority to either:

* Take no further action; or
* Bestow the title of Honorary Freeman of the Town of Port Hedland upon the nominee.

**5. Rights, Entitlements and Obligations**

5.1 The conferral of the status of Honorary Freeman of the Town carries no legal rights and entitlements. However, the bearer of the honour will be:

5.1.1 Presented with a Certificate of Honorary Freeman;

5.1.2 The subject of a photograph commissioned by the Town; and

5.1.3 Invited to appropriate civic events by any three Council members, or two Council members and the Chief Executive Officer, having advised the Mayor, Deputy Mayor and Chief Executive Officer of their intent.

**6. Code of Conduct of the Honorary Freeman**

6.1 Honorary Freeman of the Town attending events or functions at the invitation of the Mayor will behave in a manner befitting the honour bestowed and will at all times:

6.1.1 refrain from making critical or disparaging remarks about Council or past and present Councillors; and

6.1.2 refrain from any behaviour that may embarrass Council or bring it into disrepute.

6.2 Being the Honorary Freeman of the Town obliges the holder to conduct themselves in a manner befitting that honour. Council will be entitled to withdraw the honour, by absolute majority, in the following circumstance:

6.2.1 where the individual is the subject of a criminal conviction or a finding or opinion of misconduct by a properly constituted body or declared bankrupt.

6.2.2 where the individual is, whether due to a medical condition or for any other reason, incapable to act as Freeman of the Town.

Definitions

Nil.

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| --- | --- |
| Relevant legislation | Nil |
| Delegated authority | Nil |
| Business unit | Governance |
| Directorate  | Corporate |

|  |
| --- |
| *Governance to complete this section* |
| Version Control | Version No. | Resolution No.  | Adoption date |
| V01 V02 | 201415/210CM202021/004 | 25 March 201522 July 2020 |
| Review frequency  | 3 Yearly |

## 1/021 RELATIONSHIP DECLARATION REGISTER

Policy Objective

To establish a confidential Relationship Declaration register as a means of recognising the relationship status of couples, irrespective of gender.

Policy Content

The Town of Port Hedland supports the establishment of a Relationship Declaration Register as a means of recognising the relationship status of couples, irrespective of gender. Under the scheme:

1. Couples living in Western Australia will be able to declare that they are partners and have this declaration recorded in the Town of Port Hedland Relationship Declaration Register;

2. Couples will be required to sign a statement stating that they are making a relationships declaration in good faith and the information they provide is true and accurate;

3. Couples who make a relationship declaration will receive a copy of their declaration in the form of a Certificate from the Town of Port Hedland;

4. Couples who wish to make a declaration and have this declaration recorded in the Town of Port Hedland Relationship Declaration Register shall agree to comply with the requirements specified in this Policy and Policy Procedure and Guidelines and pay the prescribed fee;

5. Only Couples over the age of eighteen (18) years may participate in the Town of Port Hedland Relationship Declaration Scheme.

This Policy is to be also read in conjunction with the attached Town’s Policy Procedures and Guidelines.

Guidelines

1. Introduction

1.1 The Town of Port Hedland Council has adopted the Town of Port Hedland Relationship Declaration Register as a means of recognising the relationship status of couples, irrespective of gender.

1.2 Under the program, two people may declare that they are partners and have this declaration recorded in the Town of Port Hedland Relationship Declaration Register.

1.3 Applicants will be required to complete an Application form and sign a Statement stating that they are making a relationship declaration in good faith and the information they provide is true and accurate.

1.4 The Town of Port Hedland Council reserves the right to cease the keeping of the Relationship Declaration Register at any time.

1.5 While making a relationship declaration does not confer legal rights in the way marriage does, it may be used in legal proceedings that involve the interpretation or application of legislative provisions.

2. The Relationship Declaration

2.1 Couples who participate in this program will be able to make the following written declarations before a witness or witnesses:

They are a couple or are partners; and/or

The length of time they have been a couple or partners; and/or

They are mutually committed to sharing their lives together.

2.2 Couples who make a relationship declaration will receive a copy of their declaration in the form of a Certificate from the Town of Port Hedland.

2.3 The relationship declaration will be recorded in the Town of Port Hedland Relationship Declaration Register and issued with a registration number.

3. Confidentiality of Data

3.1 If the applicants consent, the Town of Port Hedland may use the information provided on an Application Form to produce anonymous statistics. By providing this information, applicants consent to it being held and used for this purpose.

3.2 Couples may obtain copies of their own register entry upon presentation of identification, as specified in Clause 5, and payment of the Prescribed Fee.

3.3 Should couples wish to make their individual entry available to a third party, they must submit a written request to the Chief Executive Officer.

3.4 All information provided to the Town of Port Hedland in relation to the relationship declaration process is subject to disclosure under the Freedom of Information Act and might also be disclosed to third parties such as by way of legal proceedings, including discovery proceedings in courts and tribunals.

4. Conditions for making a Relationship Declaration and Recording the Declaration

4.1 The making of a relationship declaration is by appointment only and subject to the Town of Port Hedland receiving the completed Application Form with the required documentation and receipt of payment of the Prescribed Application Fee.

4.2 Applicants must complete and sign the Application Form to confirm that there are no reasons why they should not make a relationship declaration and have the declaration recorded in the Register.

4.3 All documents provided in a foreign language must be translated into English by an authorised translation service.

4.4 The Town of Port Hedland reserves the right to:

4.1.1 Refuse an application to make a relationship declaration where the documentation is found not to be in order; and

4.1.2 Subsequently note on its records of a relationship declaration any information it receives stating that false or misleading information has been provided.

4.5 Applicants who are already legally married or have registered a relationship with another person are not eligible to make a relationship declaration at the Town of Port Hedland.

4.6 All records relating to applicants will be recorded as shown in the documents provided as identification.

5. Proof of Identity

5.1 There are number of key documents which Applicants must supply to apply for making a Relationship Declaration. Identification documents are required to be presented before approval can be granted to make a Relationship Declaration, as shown below. One document must show each applicants’ signature. Only original documents will be accepted - certified copies will not be accepted. Acceptable documents of evidence are any two (2) of the following:

Birth certificate (not extract);

Passport;

Driver licence;

Citizenship certificate.

6. Age

6.1 Persons applying to register must be aged 18 years or over on the date of application.

7. Related Persons

7.1 Relationships will not be registered if the partners are related, as specified in Section 7.2.

7.2 For the purpose of the Town of Port Hedland Relationship Declaration, a person is related to another person if:

They are the ancestor or descendant of that person;

They are the brother, sister, half-brother or half-sister of that person; or

They are, or have been at any time, the adopted parent or adopted child of that person under any law of any place, whether in or out of Australia, relating to the adoption of children.

8. Previous Relationship Declarations

8.1 A person who has previously made a relationship declaration on the Town of Port Hedland Register shall not be permitted to make a relationship declaration without first having requested in writing that the termination of the previous relationship be recorded in the Register.

9. Recording the Termination of a Relationship

9.1 The Town of Port Hedland will amend the relationship declarations that individuals have made. Either or both parties to a relationship declaration may request the Town of Port Hedland to record on the Register that the relationship has terminated.

9.2 Upon receiving such a request in writing, the Chief Executive Office shall record in the register that it has received notification of the termination of the relationship. Where the notification has been received from one party only, the Applicant shall contact and provide a copy of the Notice of Termination to the other party and provide a copy of such information to the Town.

9.3 The Chief Executive Office will only amend the details in the Relationship Register, when he/she is satisfied that both parties have consented or been notified of an intention to terminate.

10. Legal Consequences of Making a Relationship Declaration

10.1 Making a relationship declaration does not change the legal status of the persons making the declaration. However, the fact that two people have made a relationship declaration may be presented as evidence of the existence of that relationship in some legal proceedings.

10.2 People contemplating making a relationship declaration should be aware that legal proceedings involving domestic relationships may be commenced under the laws of Western Australia or the Commonwealth.

10.3 The Town of Port Hedland recommends that individuals who want more information about the legal consequences of making a relationship declaration and having it recorded in the Town of Port Hedland Relationship Declaration Register should obtain their own independent legal advice.

11. Procedure for Making A Relationship Declaration

11.1 Making an Application

Couples wishing to make a relationship declaration can apply to do so by obtaining a copy of the Town of Port Hedland Relationship Declaration Register Application Form.

11.2 Submitting an Application Form

The Application Form must be completed and signed by both partners making the application and lodged in person at the Town of Port Hedland, together with the required original proof of identity documents, as specified in Section 5. Please telephone Governance to make an appointment to have your application processed and documents of proof verified. Once the Application Form has been accepted the Prescribed Fee is required to be paid.

11.3 Making an appointment

A Town Officer will contact the parties within 10 working days of the Application Form being lodged and accepted to schedule an interview. A letter will be sent to confirm an appointment for the ceremony.

11.4 Making a Payment

Prior to the Declaration being made, proof of payment of the Prescribed Fee must be provided.

11.5 Pre-Declaration Interview

During the interview, the Town of Port Hedland Chief Executive Officer (or delegate) will ascertain Application Form and all the documentation is in order.

11.6 Pre-Declaration Documentation

The Chief Executive Officer shall;

* Arrange for the necessary documentation to be prepared;
* Check the documentation and sign the Certificate; and
* Liaise with the Mayor for the scheduling of the Declaration

11.7 Making the Declaration

11.7.1 The making of the relationship declaration will be short (less than 10 minutes), after which the couple will each receive a signed copy of the Certificate.

11.7.2 At the Declaration, the Mayor or the Chief Executive Officer or delegate (as applicable) shall;

* Request that each person sign the Relationship Declaration Certificates
* Witness their signing the Relationship Declaration Certificates

11.7.3 The officiating person shall sign the Relationship Declaration Certificate at the time of reading the Declaration. The Mayor, or their delegate, shall officiate in the first instance, however, the Chief Executive Officer, or their delegate, may officiate where the Mayor is unavailable or when requested to do so by the Mayor.

11.7.4 Where appropriate, the Declarations will be carried out on a specific date, each month as this will allow multiple declarations to be done at the same time and will be easier to co-ordinate.

Ceremonies

11.8 The Town does not conduct ceremonies in association with the making of relationship declarations.

11.9 Post-Declaration Administration

The Chief Executive Officer shall:

* Arrange for all documentation to be filed in the Confidential Register and file to be held in the Chief Executive Officers office; and
* Arrange for all electronic records to be securely maintained.

12. Prescribed Fees

12.1 Any person wishing to make a relationship declaration and having the declaration recorded in the Town of Port Hedland Relationship Declarations Register shall pay the Prescribed fee, as determined by the Council. The cost of a replacement copy of a Relationship Declaration Certificate shall be as prescribed by the Council.

12.2 No refund will be made if either person applying to make a relationship declaration decides not to proceed with making the declaration more than thirty (30) days after applying to make the declaration or fails to make the declaration.

12.3 Following an application, if a couple fails to make a relationship declaration, the original Application Form will be retained for a period of sixty (60) days, thereafter will be destroyed by the Chief Executive Officer (or authorised delegate).

12.4 The cost of a replacement Declaration Certificate or a Certified Copy of an entry in the Relationship Declaration Register shall be as prescribed by the Council.

12.5 The Council shall review and adopt their fees on an annual basis.

13. Town of Port Hedland Website

13.1 The Town will provide information, including an on-line application form, on the Town’s website.

Further information

For further information on this program or the application process, persons may contact the Town of Port Hedland – Governance on (08) 9158 9300 or email: council@porthedland.wa.gov.au

Definitions

Nil

|  |  |
| --- | --- |
| Council adoption date and resolution no. | 26 August 2015 OCM201516/031 |
| Date of adoption of amendment and resolution number  |  |
| Relevant legislation | Nil |
| Delegated authority | Nil |
| Business unit | Corporate Information |
| Directorate | Corporate Services |
| Review frequency  | As required |

## 1/022 RISK MANAGEMENT

Policy Objective

The Town of Port Hedland is committed to organisation wide risk management principles, systems and processes that ensure consistent, efficient and effective assessment of risk in all planning, decision making and operational processes.

Definitions

Definition of “Risk”: AS/NZS ISO 31000:2009 defines risk as “the effect of uncertainty on objectives”.

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative, or a deviation from the expected. An objective may be financial, related to health and safety, or defined in other terms.

Definition of “Risk Management”: The application of coordinated activities to direct and control an organisation with regard to risk.

Policy Content

The Town of Port Hedland considers risk management to be an essential management function in its operations. It recognises that the risk management responsibility for managing specific risks lies with the person who has the responsibility for the function, service or activity that gives rise to that risk.

Council is committed to the principles, framework and process of managing risk as outlined in AS/NZS ISO 31000:2009.

The Town will manage risks continuously using a process involving the identification, analysis, evaluation, treatment, monitoring and review of risks. It will be applied to decision making through all levels of the organisation in relation to planning or executing any function, service or activity.

In particular it will be applied to:

* Strategic planning
* Expenditure of large amounts of money
* New strategies and procedures
* Management of projects, tenders and proposals
* Introducing significant change, and
* The management of sensitive areas

Risk Management Objectives:

* The achievement of organisational goals and objectives
* The ongoing health and safety of all employees at the workplace
* Ensuring public safety within the Council’s jurisdiction is not compromised
* Limited loss or damage to property and other assets
* Limited interruption to business continuity
* Positive public perception of Council and the Town of Port Hedland
* Application of equal opportunity principles in the workforce and the community.

Responsibilities:

* Executives, managers and supervisors have the responsibility and accountability for ensuring that all staff manage the risks within their own work areas. Risks should be anticipated and reasonable protective measures taken.
* All managers will encourage openness and honesty in the reporting and escalation of risks.
* All staff will be encouraged to alert management to the risks that exist within their area, without fear of recrimination.
* All staff will, after appropriate training, adopt the principles of risk management and comply with all policies, procedures and practices relating to risk management.
* All staff and employees will, as required, conduct risk assessments during the performance of their daily duties.
* The level of sophistication of the risk assessment will be commensurate with the scope of the task and the associated level of risk identified.
* Failure by staff to observe reasonable directions from supervisors regarding the management of risks and/or failure of staff to take reasonable care in identifying and treating risks in the workplace may result in disciplinary action.
* It is the responsibility of every department to observe and implement this policy in accordance with procedures and initiatives that are developed by management.
* Council is committed morally and financially to the concept and resourcing of risk management.

Monitor and Review:

The Town will implement a robust reporting and recording system that will be regularly monitored to ensure closeout of risks and identification of ongoing issues and trends.

Risk management key performance indicators, relating to both organisational and personal performance will be developed, implemented and monitored, by the Town.





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| Council adoption date and resolution no. | 16 December 2015 OCM 201516/109 |
| Date of adoption of amendment and resolution number  | 27 April 2016 OCM 201516/226 |
| Relevant legislation | Nil |
| Delegated authority | Nil |
| Business unit | N/A |
| Directorate | Office of the CEO |
| Review frequency  | As Required |

## 1/023 WHISTLEBLOWER (PUBLIC INTEREST DISCLOSURE)

Policy Objectives

To encourage employees, elected members, contractors and consultants to report unlawful unethical, or undesirable conduct (“Misconduct”) that they genuinely believe has been committed by a person or persons in breach of the Town of Port Hedland’s Code of Conduct, policies or the law.

To demonstrate the Town’s commitment to a fair workplace and outline the process for managing matters of Misconduct.

To protect individuals who in good faith report conduct which they reasonably believe to be Misconduct, on a confidential basis, without fear of reprisal, dismissal or discriminatory treatment.

To assist in ensuring that matters of Misconduct and / or unethical behaviour are identified and dealt with appropriately.

To state the Town of Port Hedland’s commitment to the aims and objectives of the *Public Interest Disclosure Act 2003*, the purpose of which is to facilitate the disclosure of information in the public interest, and to provide protection to those who make a disclosure or who are the subject of a disclosure.

Policy Content

The Town of Port Hedland (“the Town”) is committed to the aims and objectives of the *Public Interest Disclosure Act 2003*. It recognises the value and importance of employees and others to enhance administrative and management practices, and strongly supports disclosures being made as to alleged Misconduct.

The Town will not tolerate Misconduct and has developed its Whistleblower Policy and Whistleblower Procedures to assist elected members, employees, contractors, consultants and members of the public to raise concerns through a constructive and safe process.

The Town will achieve this through the creation of an open working environment in which elected members, employees (whether they are full-time, part-time or casual), contractors and consultants, as well as members of the public, are able to raise concerns regarding actual or suspected Misconduct.

The Town recognises that any genuine commitment to detecting and preventing Misconduct must include a mechanism whereby employees and others can report their concerns freely and without fear of reprisal or intimidation. The Whistleblower Policy and Procedure (“the Policy”) provides such a mechanism, and encourages the reporting of such conduct.

The Town will endeavour to provide protection to “Whistleblowers” from any detrimental action in reprisal for the making of a public interest disclosure.

The Town’s Code of Conduct (“the Code”) requires elected members and employees to observe high standards of business and personal ethics in the conduct of their duties and responsibilities.

As elected members and employees and representatives of the Town, everyone has a responsibility to practice honesty and integrity in fulfilling their responsibilities and to comply with all applicable laws and regulations.

All information, documents, records and reports relating to the investigation of reported Misconduct will be confidentially stored and retained in an appropriate and secure manner, in accordance with the *Public Disclosure Act 2003*.

Purpose

To encourage employees, elected members, contractors and consultants to report unlawful unethical, or undesirable conduct (“Misconduct”) that they genuinely believe has been committed by a person or persons in breach of the Town of Port Hedland’s Code of Conduct, policies or the law.

To demonstrate the Town’s commitment to a fair workplace and outline the process for managing matters of Misconduct.

To protect individuals who in good faith report conduct which they reasonably believe to be Misconduct, on a confidential basis, without fear of reprisal, dismissal or discriminatory treatment.

To assist in ensuring that matters of Misconduct and / or unethical behaviour are identified and dealt with appropriately.

To state the Town of Port Hedland’s commitment to the aims and objectives of the Public Interest Disclosure Act 2003, the purpose of which is to facilitate the disclosure of information in the public interest, and to provide protection to those who make a disclosure or who are the subject of a disclosure.

Definitions

For the purposes of this Procedure, the definitions listed below apply.

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| --- | --- |
| Term | Definition |
| Investigation | A search of evidence connecting or tending to connect a person (either a natural person or a body corporate) with conduct that infringes the criminal law or the policies and standards set by the Town. |
| Misconduct | A breach of the Town of Port Hedland’s Code of Conduct, policies or the law. Matters which should be reported under this Policy, whether actual or suspected may include:* Dishonest, fraudulent, corrupt or unlawful conduct or practices.
* Misleading or deceptive conduct, including conduct or representations which amount to improper or misleading accounting or financial reporting practices.
* Conduct or any proposed conduct, bid, proposal, offer, contract, product or other aspect of the Town’s business that breaches the provisions of the Trades Practices Act 1974, all associated legislation in all States and Territories in Australia.
* Coercion, harassment or discrimination by, or affecting, any member of the Town or its affiliates.
* A breach of Town policies or Code of Conduct.
* Conduct within the Town’s control which is a significant danger to the environment.
* Conduct endangering the health and safety of any person or persons which has been reported to management but not acted upon.
* Any action taken against, or harm suffered by a person as a result of making a report under this Policy.
* Any other conduct or act which may cause loss to the Town or which may otherwise be detrimental to its interests.
 |
| Public Interest Disclosure Officer (“PID Officer”) | A designated representative tasked with the responsibility of:* Protecting and safeguarding the interests of Whistleblowers within the meaning of this Policy.
* Conducting preliminary investigations into reports received from a whistle blower.
* The PID Officer is to investigate the substance of the complaint to determine whether there is evidence in support of the matters raised or, alternatively, to refute the report made. The PID Officer will have access to independent financial, legal and operational advisers as required.
* The PID Officer is the specified position appointed under section 23(1)(a) of the Act, currently the Coordinator Governance.

  |
| Whistleblower | Any person who, whether anonymously or not, makes, attempts to make or wishes to make a report in connection with Misconduct and where the Whistleblower wishes to avail themselves of protection against reprisal for having made the report. |

Detail

Reporting Responsibility

It is the responsibility of all elected members and employees to comply with the Code and to report violations or suspected violations in accordance with the Whistleblower Policy.

Reporting Misconduct

If a person becomes aware of an issue or behavior believed to constitute a breach of the Town’s Code of Conduct, policies or the law, then the following reporting mechanisms are available.

Internal Reports

Whistleblowers may wish to discuss the matter informally with their direct manager or the Manager People and Culture first, to determine whether an incident of Misconduct has occurred. This is an opportune time to clarify the incident, ask questions and become familiar with the process. At all times, discussions will remain confidential.

Where this is not appropriate, or where the Whistleblower does not feel comfortable in doing so, or where the Whistleblower has previously done so and believes no action has been taken, the Whistleblower may contact the Town’s PID Officer directly to discuss the incident or complete a PID Lodgment Form (“PIDLF”) and submit it to the PID Officer.

There are procedures in place for disclosures made under the protection of the PID Act – the PID Officer must determine whether the report is being made under that Act, and if so, ensure that the disclosure is treating appropriately and according to those procedures.

Refer to Attachment 1 for a sample PIDLF.

External Reports

It is the Town’s aim to ensure that employees, elected members, contractors and consultants do not feel the need to discuss Town related concerns outside of the Town. However, nothing in this Policy should be interpreted as restricting an employee, elected member, contractor or consultant from raising issues or providing information to an external party, in accordance with any relevant law, regulation or prudential standard.

Therefore, a Whistleblower may report Misconduct (anonymously if preferred) to an external independent Whistleblower service. Depending on the type of Misconduct, this could include the Corruption and Crime Commission, Ombudsman, the Police or the Auditor General.

It may also be appropriate to report irregularities relating to accounting matters to the Town’s External Auditor.

Members of the public who wish to make a disclosure of public information, as defined in the Public Interest Disclosure (PID) Act, are to contact the PID Officer directly.

All reports under this Policy are treated very seriously and will be investigated appropriately.

Misconduct Involving the PID Officer

If the issue of Misconduct involves the actions of the PID Officer, then the reporting of such matters should be directly to the Chief Executive Officer.

Confidentiality

Violations or suspected violations may be submitted on a confidential basis by the complainant or may be submitted anonymously. Reports of violations or suspected violations will be kept confidential to the extent possible, consistent with the need to conduct an adequate investigation.

If the report is made under the PID Act, the confidentiality requirements in relation to information which might identify or tend to identify a discloser or a person in respect of whom a public interest disclosure has been made must be complied with at all times. The disclosure of this identifying information, except in accordance with the PID Act, is an offence.

Handling of Reported Violations

The Town’s PID Officer is responsible for investigating and resolving (where possible) all reported complaints and allegations concerning alleged violations of the Code, as well as disclosures made under the PID Act.

The Town’s PID Officer has responsibility for protecting and safeguarding the interests of whistleblowers within the meaning of this Policy. The PID Officer will have access to independent financial, legal and operational advisers as required.

The PID Officer is the specified position appointed under section 23(1)(a) of the Act, currently being the Coordinator Governance.

The PID Officer has direct access to the Audit, Risk and Governance Committee and is required to report to the Committee at least annually or more often if the PID Officer deems if necessary on compliance activity related to this Policy.

The PID Officer will notify the sender and acknowledge receipt of the reported violation or suspected violation within five business days. All reports will be promptly investigated and appropriate corrective action will be taken if warranted by the investigation.

Accounting and Auditing Matters

The PID Officer shall immediately notify the Audit, Risk and Governance Committee of any outcomes related to corporate accounting practices, internal controls and auditing (within the constraints of any legislated confidentiality requirements) and work with the Committee until the matter is resolved.

Investigation

All reports of Misconduct will be treated seriously and be the subject of a thorough investigation with the objective of locating evidence that either substantiates or refutes the claims / allegations made by the Whistleblower. Investigations are to be undertaken by the PID Officer. The PID Officer will cause an investigation to be carried out, this may require referring the matter to another person or agency.

Following a report of Misconduct, either internally or externally, the following procedure is to be followed:

* The completed PIDLF is to be forwarded to the PID Officer.
* The PID Officer is to review the report and determine the appropriate manner of investigation, and then inform the Whistleblower of how the investigation will proceed.
* The PID Officer is to determine what resources are needed and secure access to those resources, including where necessary the assistance of other employees or external professional help (including lawyers, accountants, forensic analysts or operational experts).
* The PID Officer plans and conducts the investigation.
* The PID Officer is to consider process / control improvements (risk assessments, audits, etc).
* The PID Officer prepares an Investigation Report.
* The PID Officer advises and debriefs the Whistleblower.

Reporting of Investigation Outcomes

At the end of the investigation, the PID Officer will report the outcomes and improvement opportunities to the Audit, Risk and Governance Committee who will, in conjunction with the Chief Executive Officer, determine the appropriate response. This report must take into account the confidentiality requirements of the PID Act.

The Chief Executive Officer will address any unacceptable conduct and take remedial action required to prevent any future occurrences of the same Misconduct. In the event of the Chief Executive Officer being the subject of an investigation or allegation, the Committee is to request that Council seek independent advice on possible corrective or remedial actions.

Where issues of discipline arise the response will be in line with the Town’s Disciplinary Procedure. Where allegations of unacceptable conduct made against another person cannot be substantiated, that person will be advised accordingly and will be entitled to continue in their role as if the allegations had not been made.

Acting in Good Faith

Anyone filing a complaint concerning a violation or suspected violation of the Code must be acting in good faith and have reasonable grounds for believing the information disclosed indicates a violation of the Code. Any allegations that prove not to be substantiated and which prove to have been made maliciously or knowingly to be false will be viewed as a serious disciplinary offence and in some cases may result in termination of employment.

Where a disclosure is made under the PID Act, the discloser is only protected if they believe on reasonable grounds that the information to be disclosed is or may be true. They will commit an offence, and lose the protection of the Act, if they know the information to be false or misleading in a material particular or are reckless about whether the information is false or misleading in a material particular.

False Misconduct Reports

Where it is established by the PID Officer that the Whistleblower is not acting in good faith, or has made a false report of Misconduct (including where the allegation has been made maliciously, vexatiously or without any basis), then he or she will be subjected to disciplinary proceedings, including the possibility of summary dismissal.

Whilst not intending to discourage Whistleblowers from reporting matters of genuine concern, Whistleblowers must ensure as far as possible, that reports are factually accurate, complete, from firsthand knowledge, presented in an unbiased fashion (and any possible perception of bias of the Whistleblower is disclosed), and without material omission.

Where the report has been made under the PID Act, the provisions in that Act relating to making false or misleading disclosures apply.

Whistleblower Anonymity

The identity of the Whistleblower will be kept strictly confidential unless:

* The person making the report consents to the disclosure.
* The disclosure is required by law.
* The disclosure is necessary to prevent or lessen a serious threat to a person’s health or safety.
* It is necessary to protect or enforce The Town’s legal rights or interests.
* It is necessary to defend any claims.

Whistleblower Protection

A Whistleblower who reports matters in good faith, and provided he or she has not been involved in the Misconduct reported, will not be penalised or personally disadvantaged because they have reported a matter. The Whistleblower Policy is intended to encourage and enable employees and others to raise serious concerns within the organisation prior to seeking resolution outside the Organisation.

The Town will not tolerate any instances of legitimate Whistleblowers being:

* Dismissed.
* Demoted.
* Subjected to any form of harassment and persecution.
* Discriminated against.

A Whistleblower who believes he or she, or his or her family, has been the victim of any of the above by reason of their status as a Whistleblower, should immediately report the matter to the PID Officer. Where an incident of this nature occurs, the Town’s Code of Conduct will apply, as well as the provisions of the PID Act.

Any employee, elected member, contractor or consultant who is found to have dismissed, demoted, harassed, or discriminated against a Whistleblower by reason of their status as a Whistleblower, may be subjected to disciplinary measures.

A Whistleblower who has been involved in the reported Misconduct may be provided with immunity or due consideration from Town initiated disciplinary proceedings by agreement, however, the Town has no power to provide immunity from criminal prosecution.

Where victimisation or reprisals are reported, a record of the report and the action taken must be placed on the file relating to the public interest disclosure. Steps taken to prevent acts of victimisation or reprisal should be recorded in a manner that they will be accessible for reference, should legal action be taken against the Town.

The Town will ensure that the same protection offered to the Whistleblower is offered to the PID Officer.

Feedback and Communication with the Whistleblower

Where possible, and assuming the identity of the Whistleblower is known, the Whistleblower will be kept informed of the outcome of the investigation of his or her report, subject to privacy and confidentiality considerations.

All Whistleblowers must maintain confidentiality of all such reports, and not disclose details to any person.

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| Council adoption date and resolution no. | 31 August 2016CM201617/046 |
| Date of adoption of amendment and resolution number do not delete the previous dates |  |
| Relevant legislation | This policy has been drafted to comply with:[Town of Port Hedland PID Fact Sheet](http://www.porthedland.wa.gov.au/public-interest-disclosure.aspx)[AS 8004–2003 (Whistleblower Protection Programs for Entities)](https://infostore.saiglobal.com/store/PreviewDoc.aspx?saleItemID=396587)[AS 8001–2008 (Fraud and Corruption Control)](https://www.google.com.au/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&cad=rja&uact=8&ved=0ahUKEwiAwbG3-aHOAhWFJ5QKHQirDucQFgggMAA&url=https%3A%2F%2Fwww.saiglobal.com%2FPDFTemp%2FPreviews%2FOSH%2FAS%2FAS8000%2F8000%2F8001-2008.pdf&usg=AFQjCNG_SzXBIt7mmFuaJ7mqM07AwU6HLA&bvm=bv.128617741,d.dGo)[*Public Interest Disclosure Act 2003*](https://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_767_homepage.html)[*Corruption and Crime Commission Act 2003*](https://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_207_homepage.html)[Public Sector Commission Website](https://publicsector.wa.gov.au/) |
| Delegated authority | Nil |
| Business unit | Corporate Information |
| Directorate | Corporate Services |
| Review frequency  | The Whistleblower Policy and Procedures will be reviewed periodically by the Audit, Risk and Governance Committee. A report will be made to the Council on the outcome of each review and all recommended changes to the Policy. |

## 1/024 FRAUD AND CORRUPTION PREVENTION

Policy Objective

The objectives of this Policy are to –

* Articulate that the Town of Port Hedland is intolerant of fraud and corruption;
* Prevent fraud or corruption occurring at the Town of Port Hedland.

Policy Scope

This policy applies to all Employees, Elected Members, Committee Members, Consultants and Contractors’ working for the Town of Port Hedland as fraud and corruption control is the responsibility of everyone in or associated with the Town.

Policy Content

1. The Town of Port Hedland is committed to good governance and ethical behaviour as a key ingredient of responsible, effective and accountable Local Government.

2. The Town of Port Hedland recognises that fraud and corruption is illegal and contrary to the Town’s organisational values. In view of this, a proactive stance is taken to ensure incidences of fraudulent or corrupt activities or behaviours do not occur.

3. Whilst the Town aims to foster a culture which upholds trust and honesty as part of its core values, it is acknowledged that from time to time, instances of misconduct, corruption, fraud or dishonesty occur throughout the organisation. As such, the Town will ensure that the effective prevention of fraud and corruption is an integral part of its operating activities.

4. All employees are accountable for and have a role to play in fraud and corruption prevention and control. The Town encourages employees to disclose actual or suspected fraudulent or corrupt activity, to the Chief Executive Officer (Complaints Officer).

5. If the suspected fraudulent or corrupt activity concerns the Chief Executive Officer, the matter is to be referred to a secondary Complaints Officer (a designated senior employee appointed as a Complaints Officer by Council), the Mayor, or the Corruption and Crime Commission.

6. When identified, any suspected fraudulent or corrupt activity will be promptly investigated, and where appropriate, legal remedies available under the law will be pursued. All alleged incidences will be thoroughly investigated. Wherever possible, the Town will protect the anonymity of those responsible for reporting the activity. The matter will also be reported to the Corruption and Crime Commission.

7. The Town will ensure that systems and procedures are in place to prevent, detect, report and investigate incidents of fraudulent or corrupt behaviour or activities and will ensure that employees are made aware of their responsibilities in respect to the prevention, detection, reporting and investigation of fraudulent or corrupt behaviour.

8. The success of this policy will be determined by the employees and Council Members (where appropriate) at the Town of Port Hedland being aware of their responsibilities in relation to:

a. fraud and corruption prevention and control;

b. the identification of treatment and recording of fraud or corruption risks;

c. fraud or corruption auditing and detection processes;

d. reporting;

e. responsibilities; and

f. obligations and investigation procedures.

Definitions

For the purpose of this policy:

“Misconduct” shall have the same meaning as prescribed by the *Corruption and Crime Act 200*3.

“Corruption” is defined as:

“An act done with an intent to give or receive some advantage or benefit inconsistent with official duty and the rights of others. It includes bribery.”

Australian Standard 8001–2003 defines fraud as:

‘dishonest activity causing actual or potential financial loss to any persons or entity including theft of moneys or other property by employees or persons external to the entity and whether or not deception is used at the time, immediately before or immediately following the activity. This also includes the deliberate falsification, concealment, destruction or use of falsified documentation used or intended for use for a normal business purpose or for improper use of information or position.’

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| Council adoption date and resolution no. | 31 August 2016 CM201617/046 |
| Date of adoption of amendment and resolution number  |  |
| Relevant legislation | Corruption and Crime Act 2003 |
| Delegated authority | Nil |
| Business unit | Office of CEO |
| Directorate | Office of CEO |
| Review frequency  | Biennial |

## 1/025 MEDIA AND COMMUNICATIONS

1. Policy Statement

The Town of Port Hedland encourages the use of traditional and digital communications to improve community awareness of initiatives and improve service delivery.

It is recognised that the role of the Mayor is to speak on behalf of the Local Government and accordingly the Mayor is the official spokesperson for the Council.

The principles that are outlined in this policy are included in the Town of Port Hedland’s Code of Conduct and the *Local Government Act 1995.*

2. Scope

This policy provides guidelines on responsible engagement with the community through traditional and digital communication platforms, including but not limited to advertisements, media interactions (interviews, releases etc), website, social media, online forums, blogs and online surveys/polls.

It outlines the standards and expectations the Town of Port Hedland has of its staff members and elected members, who are representatives of the Town at all times.

This policy applies to all officers, consultants, contractors and outsourced service providers performing work for the Town of Port Hedland. It also applies to elected members.

3. Definitions

* Digital Communication: any means of exchange of information that takes place using digital technology or tools, such as website, Facebook, Instagram, Twitter, YouTube
* Engagement: refers any form of communication where opinion, comment and feedback is exchanged and used for organisational purposes
* Media: refers to methods of communication with media outlets such as media releases, media responses, interviews, photo opportunities
* The community: refers to any individual, community group, business, government department and agency, not-for-profit and non-government organisation, who has an interest in the Town of Port Hedland and its activities
* Traditional communication: refers to communication methods such as print advertisements, radio advertisements, brochures, posters, community notices

4. Principles

Communications are to be used in a way that is consistent with the following guiding principles:

* Open – to share and promote access to information and services and be transparent and accountable
* Collaborative – to create opportunities to listen to and engage with the public, local communities and industry
* Responsive – to empower the use of social media to respond quickly to customers and emerging issues
* Reliable – to support a consistent and quality experience.
* Appropriate – to be consistent with the Town of Port Hedland values, related policies, code of conduct and legislative requirements

5. Media

The *Local Government Act 1995* provides that the role of the Mayor is to speak on behalf of the Local Government and accordingly, the Mayor is the official spokesperson for the Council.

Without express authority from the Mayor, Councillors and staff are not to offer a Council view, on any issue; this clearly being the function of the Mayor.

A Councillor’s right to express a personal opinion on any issue of public interest is recognised. Councillors are at liberty to express personal views on any matter which is pertinent to the business of the Town, including Council decisions, provided they do not purport to represent Council. Councillors and Staff will refrain from making any negative comments publicly regarding a resolution of Council.

There shall not be any adverse reflection on Elected Members, Community Members, staff or a Council /Committee decision.

If approached by the media for formal comment on any matters relating to Council, Councillors and staff are in the first instance, to suggest that the media make direct contact with the Town of Port Hedland’s communications department who will liaise with the media and coordinate an appropriate response.

The Mayor may authorise the Chief Executive Officer or other staff members to respond or comment.

Elected Members may make public statements to the media relating to their own personal matters provided their comments do not purport to represent Council or bring the Council to disrepute.

All Elected Members of the Council shall be able to inspect and/ or obtain a copy of any press release so filed, at any time. Media releases will be made available to Elected Members and the general public by publishing on the Town’s website on the day of release.

Media Statements and press releases must not include information of an electioneering or personal promotional purpose. This policy does not negate Elected Members responsibilities that are outlined under 4/006 Elections – Caretaker Period Policy.

6. Traditional communication

The Town of Port Hedland utilises a number of communication methods to promote its initiatives and improve service delivery. These include print and radio advertisements, videos, brochures, posters and community notices.

Communication materials are coordinated through the Town’s communications department and must be authorised by the department prior to publication.

Generally traditional communication does not quote the Mayor or officer, however if so, the Mayor may authorise the Chief Executive Officer or other staff members to comment. As an example this would apply to videos.

7. Digital communication

7.1 Conduct

All elected representatives and employees should be cognisant that their conduct when using digital communications, in either a personal or official capacity, reflects upon them and their position.

All elected representatives and employees should be cognisant that online content is recorded by a number of search engines and that the content of posts and discussions may be publicly available and searchable into the future.

7.2 Guidelines for the Mayor

The Mayor is entitled to establish a Facebook fan page that identifies them as the Mayor. This page may be administered by the Mayor and/or delegated to Town of Port Hedland staff as appropriate.

On the information tab of the Mayor’s fan page, the following disclaimer must be included:

This page is administered by the Mayor of Port Hedland and the contributions reflect the views of the Mayor, in their official capacity.

The Mayoral Facebook page will allow the community and stakeholders to make enquiries about information posted on the Mayor’s Facebook. These postings will be considered a public record and will therefore be monitored, recorded and responded to accordingly.

An official response will be posted on the Mayoral Facebook page in accordance with the Town of Port Hedland Customer Service Charter.

**Acceptable contributions** to be posted to the Mayor’s official Facebook fan page include:

* information about Council decisions, activities, events which are within the boundaries of the position and open for comments/feedback; and
* information about Council agenda items after the respective OCM and a decision has been made.

**Unacceptable contributions** to be posted to the Mayor’s official Facebook fan page include:

* opinions or information about Council decisions, expressed as official statements;
* information in relation to the administrative functions and activities of Council; and
* personal opinions or comments on any topic or issue.

7.3 Guidelines for Councillors

Councillors are not permitted to establish official social media tools for communications with the community.

Councillors are authorised to establish and maintain personal social and digital media tools however must not use the title of “Councillor” in the name of any account, profile or page established.

Councillors should not make comments about the Town of Port Hedland, its elected representatives and staff or its partners and stakeholders on their personal social media tools.

7.4 Guidelines for Employees

Town of Port Hedland employees will use social media for the following purposes:

* disseminating time-sensitive information as quickly as possible (example: emergency information)
* increasing the Town’s ability to broadcast its messages to the widest possible audience
* promoting a specific issue/topic information where appropriate for community consultation

The CEO will determine the authorised contributors for the Town of Port Hedland account.

Town of Port Hedland employees may maintain their own personal social media accounts and tools.

It is the preference of the Town of Port Hedland that employees do not initiate social media discussions on work related matters. If personally approached online in regards to a work matter, employees should immediately inform their supervisor and seek advice on how to reply in a way that positively reflects the Town of Port Hedland.

If employees choose to reply, they should include the following disclaimer:

“The views expressed on this site are my own and do not necessarily reflect the view of the Town of Port Hedland”.

In the event that employees respond to a work related query or comment, they should:

* not comment on information that is meant to be private or internal to the Town of Port Hedland;
* ensure all comments do on conflict with the Town’s mission or official positions;
* do not comment on areas you are not familiar with; and
* do not discuss partners, sponsors or contractors without prior approval.

In using social media in a way that identifies their employment with the Town of Port Hedland, employees should be conscious that their online conduct reflects upon them and the Town of Port Hedland.

***7.5 Authorised statements***

Posts and statements should be in line with the guiding principles and actively promote Town initiatives.

Prohibited posts and statements are ones that:

* are in support of or opposition to political campaigns
* use profane language or content
* use content that promotes, fosters, or perpetuates discrimination on the basis of race, colour, age, religion, gender, marital status, status with regard to public assistance, national origin, physical or mental disability or sexual orientation’
* contain sexual content or links to sexual content
* include solicitations of commerce
* conduct or encourage illegal activity
* include information that may compromise the safety or security of the public or public systems
* include content that violates a legal ownership interest of any other party

8. Supporting guidelines

The implementation of this policy is supported through relevant internal operating procedures and the Town’s Code of Conduct.

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| Council adoption date and resolution no. | 1/004 media policy (Amended at the 22 February 2006 council meeting – 200506/297)1/013 social media policy (Adopted at the 30 November 2011 Council Meeting – 201112/236. Amended at the 25 July 2012 Council Meeting – 201213/046  |
| Date of adoption of amendment and resolution number  | 23 August 2017 OCM (CM201718/028) |
| Relevant legislation | *Local Government Act 1995* |
| Delegated authority | N/A |
| Business unit | Communications |
| Directorate | Development, Sustainability and Lifestyle |
| Review frequency  | As required |

## 1/026 CUSTOMER FEEDBACK, COMPLAINTS AND SUGGESTIONS

1. Objective

This Policy provides a guideline for processing customers’ feedback, complaints and suggestions to improve the Town’s customer service. In addition, this policy is to be read in conjunction with the Customer Service Charter which will ensure that all internal and external requests and enquiries are acknowledged promptly and courteously as well as investigated efficiently, effectively and comprehensively.

The Town is dedicated to ensuring all customers’ concerns are handled in a manner which is fair and courteous, and respects the privacy of the person.

2. Content

The Town is committed to providing quality customer service. Should any customer be dissatisfied with the provision of services or products by the Town and/or its contractors or actions of employees, there is a process to resolve the customers concern at the first point of contact. Feedback is always welcomed, whether positive or negative, to enable service improvement.

All Town employees are required to treat customers politely and professionally. When customers contact the Town, they should expect:

* To be heard and listened to;
* To be informed;
* To be understood and taken seriously;
* To be treated with respect;
* To be given an explanation or reason for a decision;
* To get action or resolution as soon as possible; and
* To be given an apology, where appropriate.

3. Customer Feedback, Complaints and Suggestion Handling Procedure

The Town of Port Hedland recognises the right of customers to discuss matters when feeling dissatisfied with services of the local government and, wherever possible, to resolve these issues and to prevent similar occurrences.

There are three different levels of escalation that the Town uses to process customers feedback, complaints and suggestions.

Level 1 – Initial Assessment of the Customer’s feedback and suggestions:

This process promotes the instant resolution of a customer request. A Town employee will process details into the Town’s system and direct the customer to discuss the matter with a responsible officer. The responsible officer will endeavour to resolve customer concerns wherever possible and discuss with the customer what he/she would like to happen to resolve the issue. The customer will receive a follow-up call or email from the responsible officer to acknowledge the customers concern within 48 business hours of lodging their feedback or suggestion.

Level 2 – Customer Complaints\*:

This process provides an opportunity for a customer to lodge an official complaint and a review is carried out within 10 business days. If a complaint requires extensive investigation, an extension of time will be discussed with the complainant.

All complaints must be lodged in writing and include the complainants contact details. Each complaint will be acknowledged and responded to in a timely manner with objectivity and fairness. Complainants are required to provide sufficient information for their complaint to be investigated otherwise it will be deemed unsubstantial. A responsible manager will provide an appropriate response to the complaint on the Town’s behalf.

Level 3 – Chief Executive Officer Internal Review:

Where a customer is unhappy with the findings of the initial complaint, he/she has a right to request the Chief Executive Officer (CEO) to carry out an internal review on their complaint. The CEO will review all actions that has taken place and will determine a course of action to resolve the complaint. The CEO will inform the customer of the outcome of the final review by letter, or discuss the possible resolution of the complaint by telephone or in a meeting, within 15 business days of being assigned to the CEO.

The complaint will be closed detailing all action taken to resolve the complaint.

4. Elected Member Complaints

Elected Member complaints should be referred to the Chief Executive Officer in the first instance.

The Town is committed to investigating and addressing any complaints made against Elected Members, including compliance with any statutory requirements of the *Local Government Act 1995, Local Government (Rules of Conduct) Regulations 2007* or any other relevant Act or Regulation, applicable to Elected Members in the performance of their role and responsibilities.

Whether complaints be of minor or serious misconduct, the Town will refer these complaints to the relevant agencies; for example, allegations of corruption will be referred to the Corruption and Crime Commission; allegations of other illegal behaviour may be referred to Western Australian Police or to the State Government Department responsible for Local Government.

5. Unreasonable or Unacceptable Complainants

The Town is required to manage unsuitable customer conduct and unreasonable or excessive demands placed upon Town employees, Elected Members and resources. This will include the Town having options to redress and identify circumstances that could enable the Town to limit its communications with complainants.

There are four categories determining whether a complainant is being unreasonable or using unacceptable behaviour;

a) Complainants who are being unreasonably persistent and who:

i. Make excessive phone calls; or

ii. Seek to exercise excessive personal contact; or

iii Engage in lengthy correspondence.

b) Complainants who cannot be satisfied – i.e. people who demonstrate an unreasonable lack of co-operation as they:

i. Cannot or will not accept that the Town is unable to assist them; or

ii. Cannot or will not accept that the Town is unable to provide any further level of service, other than that provided already; or

iii. Disagree with the action the Town has taken in relation to that complaint or concerns.

c) Complainants who make unreasonable demands – i.e. people who make unreasonable demands on the Town whether by:

i. The amount of information; or

ii. The value and scale of services they seek; or

iii. The number of approaches they make.

d) Complainants who are rude and abusive – i.e. people who:

i. Engage in personal abuse; or

ii. Make inflammatory statements or comments; or

iii. Make statements or comments clearly intended to intimidate.

Managing unacceptable or unreasonable complaints

There are very few customer complaints which the Town considers unacceptable or unreasonable. How the Town aims to manage these complaints will depend on the nature and extent of the complaint. If it adversely affects the Town employee’s ability to do work and provide a service to others, the Town may need to restrict a person’s contact in order to manage the unacceptable or unreasonable complaint or action.

Guiding principles on limiting access to unreasonable or unacceptable complainants

The Town will limit the nature and scope of access in the following circumstances:

a) Where full access would be likely to compromise Town's obligations as an employer;

b) Where full access would be likely to compromise any statutory obligations to which Town is subject;

c) Where full access would be likely to be wasteful of Town's resources whether through excessive contact or use of services; or

d) Where full access would be likely to encourage or allow rude and abusive behaviour.

When someone repeatedly telephones, visits the Town’s offices without appointment, sends irrelevant or duplicate documents or raises the same issues already considered, the Town may decide to:

* Only take phone calls from the user at set times on set days, or put arrangements into place for only one employee to deal with calls or correspondence from the complainant in future;
* Require the person to make an appointment to see a named employee before visiting the Town’s offices, or that the user only contacts the Town’s offices in writing;
* Take other action that the Town consider appropriate, however, the Town will always disclose what action they are taking and why;
* Where a complainant continues to correspond on a wide range of issues and this action is considered excessive, then the Town will communicate that only a certain number of issues will be considered in a given period and ask them to limit or focus their requests accordingly; and
* Issue a response stating that the Town will cease communication and will no longer issue correspondence going forward.

Action may be considered unreasonably persistent if all internal review mechanisms have been exhausted and the complainants continues to dispute the decisions the Town have made – be it in the determination of a complaint or the manner in which the case was handled.

The Town will report customers to the Western Australia Police in circumstances where they are verbally or physically aggressive, threatening or harass a Town employee.

6. External Agencies

The Town is confident it can resolve a majority of all customer complaints received, however the Town may not be able to satisfy every customer on every occasion. A customer may contact external agencies if dissatisfied with the Town’s processes. There are several external agencies that investigate complaints made in relation to local governments which can include but are not limited to the following:

* Ombudsman Western Australia;
* Department of State Government Department responsible for Local Government;
* Western Australia Police Force
* Crime and Corruption Commission

Definitions

***\** Complaint** A complaint is an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the Town of Port Hedland, its employees or contractors, affecting an individual customer or group of customers.

**Complainant**A complainant is a person, organisation or its representative making a complaint.

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| Relevant legislation | N/A |
| Delegated authority | N/A |
| Business unit | Customer Service |
| Directorate  | Development, Sustainability and Lifestyle |

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| Governance to complete this section |
| Version Control | Version No. | Resolution No.  | Adoption date |
| V01V02 | CM201617/162CM201819/063 | 22 March 201726 September 2018 |
| Review frequency  | 3 Yearly |

## 1/027 SEVERENCE PAYMENT

1. Policy Objective

This Severance Policy outlines the circumstances and manner of assessment upon which the Town of Port Hedland (Town) at the discretion of the Chief Executive Officer (CEO) may pay an employee an amount (**severance payment**) in addition to any amount to which they are entitled under a contract of employment or award relating to the employee. This policy shall not be considered as a contractual entitlement under the employment relationship.

2. Policy Content

This policy relates to all Town employees and should be read in conjunction with section 5.50 of the *Local Government Act 1995* and regulation 19A of the *Local Government (Administration) Regulations 1996* as to the maximum value of payment that can be approved for an employee whose employment is finishing with the Town.

3. Circumstances for Severance Payment

Subject to the CEO’s approval, the Town may pay a severance payment in circumstances whereby an employee is made redundant or accepts voluntary severance by resigning from the organisation.

The Town may pay severance payment under one the following criteria:

* Settlement of a claim

 In settlement of a claim or dispute where the employee has or proposes to take action under industrial relations legislation, up to a maximum of 52 week’s pay.

* Illness or impairment

 To facilitate a situation where an employee is unable to perform their role due to illness or impairment and there has been mutual agreement that the employment must end, up to a maximum of 26 week’s pay.

* Outstanding Service

 An employee who has provided outstanding service or contribution to the Town, up to maximum of 12 week’s pay.

* Reimbursement of relocation expenses

 An employee on contract may receive a reimbursement of relocation expenses and this amount is at the discretion of the CEO.

Under section 5.50 (2) of the *Local Government Act 1995*, the Town may pay an additional amount to what is set out under section 3 of this policy, however a public notice must be given in relation to the payment made.

Severance payments to the CEO must be approved by the Council.

The legislation for determining the above criteria is set out under the Local Government (Administration) Regulations 1996 19A as follows:

(1) The value of a payment or payments made under section 5.50(1) and (2) to an employee whose employment with a local government finishes after 1 January 2010 is not to exceed in total —

(a) the value of the person’s final annual remuneration, if the person —

(i) accepts voluntary severance by resigning as an employee; and

(ii) is not a CEO or a senior employee whose employment is governed by a written contract in accordance with section 5.39;

or

(b) in all other cases, $5 000.

Exclusions:

A severance payment will not be made to an employee who-

(a) is redeployed within the Town;

(b) is dismissed for serious misconduct;

(c) is employed on either a temporary or casual basis;

(d) has less than one year’s service with the Town; or

(e) is classified as a trainee or apprentice or is under probation.

4. Manner of Assessment of the Severance Payment

Where the severance payment is based on the weekly pay, this is the normal ordinary pay (excluding overtime, vehicle allowance or superannuation). In assessing the severance payment, the following will be considered:-

* The amount recommended by a Court or Tribunal to settle a matter;
* The exposure to litigation and the strength of the respective cases;
* The cost of legal services;
* Disruption to operations;
* Length of service and personal circumstances of the employee;
* Position held by the employee.

5. Definitions

**Senior Employee** means employees holding the position of Chief Executive Officer or Director in accordance with Section 5.37 of the *Local Government Act 1995.*

|  |  |
| --- | --- |
| Council adoption date and resolution no. | 22 March 2017 CM201617/163 |
| Date of adoption of amendment and resolution number  |  |
| Relevant legislation/policies | Local Government Act 1995Local Government (Administration) Regulations 19963/007 Senior Employees and Appointing Chief Executive Officer |
| Delegated authority | N/A |
| Business unit | Governance |
| Directorate | Corporate and Performance |
| Review frequency  | Bi-annual |

## 1/028 RELATED PARTY DISCLOSURES

Policy Objective

The scope of Australian Accounting Standard Board 124 (‘AASB 124’) *Related Party Disclosures* was extended in July 2015 for application to not-for-profit entities, including local governments. The operative date for Local Government is 1 July 2016, with the first disclosures to be made in the Financial Statements for the financial year ending 30 June 2017. Disclosures to be recorded in its Annual Financial reports, related party relationships, transactions and outstanding balances. This procedure outlines required mechanisms to meet the disclosure requirements of AASB 124.

Policy Content

1. Background

The objective of the standard is to ensure that an entity’s financial statements contain disclosures necessary to draw attention to the possibility its financial position and profit or loss may have been affected by the existence of related parties and transactions.

Related party disclosure differs from a conflict of interest in that a conflict need not exist for a related party relationship to be present. That is, the presence of the relationship alone warrants its disclosure and is regardless of whether a transaction has occurred or not. This is to foster transparency and accountability.

For each financial year, the Town must make an informed judgement to identify who it considers to be key management personnel. It is these personnel who are then required to complete the disclosure of related parties and transactions.

The purpose of this procedure is to identify key management personnel, related parties and transactions in the assessment process of AASB 124*.*

2. Identification of Key Management Personnel

The Western Australian Department of Local Government and Communities define Key Management Personnel (‘KMP’) as personnel who have the authority and responsibility to plan, direct, control and influence the activities of Council, either directly or indirectly. The KMP need not necessarily be a member of the executive team of Council.

The Town of Port Hedland has identified the following persons as meeting the definition of a KMP:

* An elected member of Council or a Committee
* Persons employed under section 5.36 of the Local Government Act 1995 in the capacity of the Chief Executive Officer or a Director of the Town of Port Hedland

All local government entities are required to capture the related party disclosure of all identifiable KMPs for the previous financial year reporting period. This is irrespective if the personnel are no longer a current employee or elected member.

3. Identification of Related Parties

The KMP must identify related parties with whom their relationship may have an element of significant influence that mayimpact the reporting entity (Council), a KMP, or a close friend or family member of the KMP. The impact may be real, perceived or potential. The extent of the influence must be significant and not minor.

The Town of Port Hedland has identified the following parties as meeting the definition of a related party:

* Close members of family include the person’s child, spouse or domestic partner and the children or dependents of a spouse or domestic partner.
* Entities that are controlled or jointly controlled by an elected member of a Committee or Council, KMP or their close family members, such as companies, trusts, joint ventures, partnerships and non-profit associations such as sporting clubs.

Any declarations involving these related parties will have any associated transactions assessed.

4. Identification of transactions

*Related Party Transactions*

A related party transaction is a transfer of resources, services or obligations between the Town of Port Hedland (reporting entity) and the related party, regardless of whether a price is charged.

For the purposes of determining whether a related party transaction has occurred, the following transactions or provision of services have been identified as meeting this criteria:

* Paying rates
* Fines
* Use of Town owned facilities such as [Recreation Centre, Civic Centre, library, parks, ovals and other public open spaces (whether charged a fee or not)]
* Attending council functions that are open to the public
* Employee compensation whether it is for KMP or close family members of KMP
* Application fees paid to the Town for licences, approvals or permits
* Lease agreements for housing rental (whether for a Town owned property or property sub-leased by the Town through a Real Estate Agent)
* Lease agreements for commercial properties
* Monetary and non-monetary transactions between the Town and any business or associated entity owned or controlled by the related party (including family) in exchange for goods and/or services provided by/to the Town (trading arrangement)
* Sale or purchase of any property owned by the Town, to a person identified above.
* Sale or purchase of any property owned by a person identified above, to the Town
* Loan Arrangements
* Contracts and agreements for construction, consultancy or services

Some of the transactions listed above, occur on terms and conditions no different to those applying to the general public and have been provided in the course of delivering public service objectives. These transactions are those that an ordinary citizen would undertake with council and are referred to as an Ordinary Citizen Transaction (OCT). Where the Town can determine that an OCT was provided at arm’s length, and in similar terms and conditions to other members of the public and, that the nature of the transaction is immaterial, no disclosure in the annual financial report will be required.

*Ordinary Citizen Transactions (OCTs)*

Transactions with related parties of Council which are of a nature that any ordinary citizen would undertake will not be captured and reported. These transactions are not material transactions because of their nature. However, if the OCT occurs on terms and conditions that are different to those offered to the general public the transaction may become material and subsequently disclosed.

Ordinary Citizen Transactions shall include:

* Paying rates
* Fines
* Use of Town owned facilities such as Recreation Centre, Civic Centre, library, parks, ovals and other public open spaces (whether charged a fee or not)
* Attending council functions that are open to the public

Where these services were not provided at arm’s length and under the same terms and conditions applying to the general public, Elected Members and KMP will be required to make a declaration in the *Related Party Disclosures - Declaration* form about the nature of any discount or special terms received.

5. Disclosure Requirements

KMPs are required to complete the ‘AASB Related Party Disclosures Declaration form’ at the end of each financial year, commencing for the 2016/2017 financial year. KMPs may additionally be required to complete the declaration form at other intervals, such as elections coinciding with a change in elected members and the employment cessation of senior management.

The form will be assessed by the financial services business unit of the Town of Port Hedland.

OCT transactions involving a related party and all non-OCT transactions must be specified on the declaration form.

*Confidentiality*

All information contained in a disclosure form will be treated in confidence. All data stated in the annual financial reports will be described in an aggregate, non-identifiable manner. Management has discretion to request additional information from a KMP in regards to the disclosure of a transaction to determine materiality.

6. Materiality

The financial services business unit of the Town of Port Hedland will determine the materiality of disclosed transactions. Consideration will be given to both the size and nature of the transaction, individually and collectively. Assessing materiality of transactions as OCT are to be completed in consultation with the Audit, Risk and Governance Committee.

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| --- | --- |
| Council adoption date and resolution no. | OCM 22/11/2017 CM201718/090 |
| Date of adoption of amendment and resolution number  |  |
| Relevant legislation | Australian Accounting Standard Board 124 (AASB 124) |
| Delegated authority |  |
| Business unit | Financial Services |
| Directorate | Corporate & Performance  |
| Review frequency  | Every financial year  |

# 2. FINANCE

## 2/004 RATING

Objective

This policy will provide an administrative framework to outline the principles and methodology used in respect to rates raised and waived under the *Local Government Act 1995.*

Content

Property Rates and associated charges (including instalment arrangements and interest charges) will be as disclosed in the Annual Budget as resolved by Council, and determined by the *Local Government Act 1995* (as amended).

Collection

The due date determined by the Town will not be earlier than 35 days after the date noted on the rate notice as the date the rate notice was issued. Should rates remained unpaid post the due date as prescribed on the notice, a copy of the rate assessment marked “Final Notice” shall be issued 45 (forty five) days after issue of the original assessment, allowing a further 14 (fourteen) days for payment of the account.

Outstanding rate accounts for which satisfactory arrangements to pay have not been made within 69 (sixty nine) days after issue of the original assessment, shall then be forwarded to a debt collection agency appointed by the Chief Executive Officer, or relevant appointed Officer.

All payment arrangements: must be received in writing stating the amount proposed to pay, the frequency and the method of payment. All payment plans are subject to approval with interest continuing to calculate daily on the outstanding balance until the outstanding balance is cleared.

Payment plans will require that all outstanding rates will be recovered by the Town of Port Hedland by 30 June of the year in which the agreement is entered into.

At the discretion of Chief Executive Officer, a payment arrangement term may be extended beyond the 30 June, but not exceed 2 successive financial years.

Rates remaining unpaid shall be recovered by Council’s debt collection agency by issuing of “Notices of Intent to issue a Court Summons”.

The debt collection agency will proceed on behalf of Council to recover the outstanding rate or service charges as well as the recovery costs, by way of Summons issued in a court of competent jurisdiction if the Notice of Intent to issue a Court Summons remains outstanding.

Should the Rates and Charges remain outstanding after issue of summons within limitations of the court system, the debt collection agency shall proceed to enter into Judgement and then to recover the debt by the issue of a warrant of execution through local court. This shall be executed by the instruments of the court system by initiating a Goods and/or Lands Warrant as required to recover the debt. (Note: local court is local to debt collection agency not the local authority).

In cases where the owner of a leased or rented property on which Municipal Rates are outstanding cannot be located or refuses to settle rates owed, notices may be served on the lessee or tenant under the provisions of Section 6.60 of the Local Government Act, requiring the lessee or tenant to pay to the Council the rent due under the lease/tenancy agreement as it becomes due, until the amount in arrears has been paid in full.

Rating of Council Facility Leases

All Council lease agreements shall be subject to the application of municipal rates as per the conditions included within the lease agreement.

Rates Concession (Rateable Land)

All rate concessions will be considered by Council during the budget process. Rate concessions will not be proposed to Council outside of the budget process, unless due to extraordinary circumstances and authorised by the Chief Executive Officer.

A concession under this policy will be assessed in accordance with section 6.47 of the *Local Government Act 1995*.

All applications for concession under s6.47 of the *Local Government Act 1995* must be in writing on the prescribed form and contain a declaration as to the accuracy of the information contained therein.

An application will be required to be lodged every year prior to 31 March and is to be assessed in accordance with this policy.

Council may request additional information from an organisation making an application if it considers it necessary to do so. Information requested is not limited to, but typically include copies of the Constitution of the organisation, recent financial statements of the organisation and information demonstrating precisely how any land the subject of the application is used, Council is only able to grant a concession from rates under section 6.47.

It is the policy of the Town of Port Hedland that any concession of rates in respect of any rateable land in the Council area will be available only when the applicant satisfies the requirement of this Policy.

Rates concessions will only be provided to community groups or associations that operate as a body corporate or an Incorporated Association or at the discretion of Council in extraordinary circumstances. Concessions will not be provided to an individual. The Town of Port Hedland will determine what is of benefit to the community for the purpose of this policy.

Rates concessions for residential properties not used in the primary service delivery of the community group or association’s activities or services will not be eligible for a concession.

The percentage ranges from 50% to 100% of the rates that are payable. Whether a concession is granted in response to an application or, if a concession is granted, the percentage of the rates that may be waived, is entirely at the discretion of Council and the granting of a concession in any year, will not guarantee that any future concessions will be granted.

Rates Exemption (Non Rateable Land)

An exemption under this policy will be assessed in accordance with section 6.26 of the *Local Government Act 1995.*

As per the *Local Government Act 1995* (as amended), charitable status of any organisation, must be applied for by an organisation prior to the status being evaluated.

To qualify for recognition as charitable organisation, an organisation must meet general guidelines for recognition as identified by the Department of Local Government and Regional Development and/or the West Australian Local Government Association.

All applications for exemption under s6.26 of the *Local Government Act 1995* must be in writing on the prescribed form and contain a declaration as to the accuracy of the information contained therein.

An application will be required to be lodged every year prior to March 31 and is to be assessed in accordance with this policy.

Council may request additional information from an organisation making an application if it considers it necessary to do so. Information requested is not limited to, but typically include copies of the Constitution of the organisation, recent financial statements of the organisation and information demonstrating precisely how any land the subject of the application is used, Council is only able to grant an exemption from rates under section 6.26.

Late applications submitted after the due date may be reviewed and adopted by Council under exceptional circumstances.

Non Rated Land

Non Rated land will be determined based on law, by way of Act or Agreement, during the budget process, or by the Chief Executive Officer (by way of application). Council is to be advised of any change in the status of Non Rated Land, with two (2) months of the change occurring.

Back Rating of Properties

Where a property settlement has occurred and the vendor and purchaser are not aware that a valuation adjustment is pending (advice has not been given to the Agent or the owner that a revaluation/interim rate is pending), back rates raised shall only be backdated to the date of settlement, thus not affecting the previous owners.

Those ratepayers subjected to back rates of more than two financial years are to be given the option to pay by instalments over an extended period, other than the standard instalment option.

The fee for instalments would not apply in this instance however penalty interest would be calculated on any alternative instalment payment that remains unpaid after the due date as per the agreement made with Council, and continue to accrue until such time as the instalment is paid.

Interim Rates

Interim valuations shall only be applied where additional levies of at least $20.00 result in the year in which the new valuation takes effect. Where additional levies of less than $20.00 would otherwise result, the interim valuation is to be applied from 1 July in the next financial year.

When a subdivision or strata title has occurred resulting in the creation of new assessments receipt credits resulting from a valuation adjustment will be transferred to the new assessments.

State Agreements

State Agreements that have a rate exemption clause contained within them do not promote fairness and equity amongst all ratepayers within the Town’s boundaries. They reduce the capacity of the Town to raise revenue to achieve a balanced budget, maintain service delivery and ensure long term financial sustainability.

State Government Policy is determined by strategic outcomes that are subject to change based on the priorities of the Government of the day. As State Agreements are dependent on this policy, rates revenue relating to State Agreements is considered a high risk to rely on from a long term financial perspective.

As State Agreements are complex and are more likely to be challenged, a percentage of the rate revenue raised in any one year that is directly dependent on State Government Policy, excluding mining tenements, must be held in the Financial Risk Reserve until the following financial year to mitigate risks.

Definitions

Nil.

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| --- | --- |
| Relevant legislation | *Local Government Act 1995*  |
| Delegated authority |  |
| Business unit | Financial Services |
| Directorate | Corporate and Performance |

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| --- |
| *Governance to complete this section* |
| Version Control | Version No. | Resolution No.  | Adoption date |
| V01 | - | 26 April 2006 |
|  | V02 | CM201819/120 | 13 February 2019 |
| Review frequency  | Annually |

## 2/005 DEBT MANAGEMENT

Policy Objective

The object of the Debt Management Policy is to provide a framework for the efficient and effective collection of outstanding debts; and fulfil statutory requirements in relation to the recovery of rates, charges, fees and other debts.

The Town has a responsibility to ensure monies owed to it are recovered in a timely, effective and efficient manner to finance its operations and ensure effective cash flow management. The Town recognises that individual financial circumstances differ across the community and that, as a government organisation, it has a fiscal responsibility to meet the community’s service expectations with regard to flexible options for the payment of rates and charges that it establishes.

Whilst carrying out this responsibility, the Town will:

* Treat all people fairly and consistently under this policy; and
* Treat all matters under this policy confidentially; and
* Treat people with respect and sensitivity in considering their circumstances.

Policy Content

Non Rates Debtors

1. Application for Credit

Sundry debtor credit accounts will not be routinely established for the following services:

* Private Works
* Facilities Hire
* Cemetery Fees

The provision of these services requires payment in advance and or upon delivery of the service, except in limited circumstances where prior approval has been obtained from The Manager Financial Services.

The minimum credit amount for all Landfill accounts shall be $1,000 per month, otherwise cash/EFTPOS/cheque terms will apply.

Prior to extending credit, applicants are required to complete a Credit Application Form (Annexure 1) and return to the Accounts Receivable department for processing.

If the applicant is a corporation (as defined in the *Corporations Act 2001*), the Town may require from all the directors of the applicant company personal guarantees in support of an application for such credit.

Credit Application Forms will not be accepted unless all necessary information has been provided, including nomination of credit referees, and consent for the Town to use the information disclosed in the submitted forms to make such enquiries. The information may be disclosed, but not limited to:

* a credit reporting agency;
* a debt collector; or
* a legal services provider.

All Landfill customer application forms (Annexure 2) are to be supported by documentation of all vehicle registrations that are authorised to use the South Hedland Landfill Facility.

Once submitted, the forms will be reviewed and assessed by the Manager Financial Services. The review and assessment of the application may include

* An evaluation of the applicant’s previous payment history with the Town; and
* The Town making enquiries as to the credit and financial status of the applicant via nominated credit referees or Credit Ratings Agencies.

The Manager Financial Services has delegation to approve or decline applications for credit. Credit will be refused where an evaluation of an application is deemed to be unsatisfactory. The Manager Financial Services has the discretion to impose an appropriate credit limit on all accounts and impose a 60 day probationary period on any new Debtor account for the purpose of establishing a trading history.

The applicant will be advised in writing of the outcome of their application, including the maximum credit limit and trading terms approved by the Town, and any applicable probation periods.

It is a condition of the granting of any Credit facility, that the Debtor is responsible for immediately advising the Town of Port Hedland of any change of account details or financial circumstances that would affect their credit worthiness.

2. Standard Payment Terms

The Town’s standard payment terms for credit trading accounts is 30 days from date of invoice.

Regardless of standard credit trading terms, all bookings shall be paid for in accordance with the Town of Port Hedland’s Terms and Conditions of Hire.

3. Debt Collection Process

The Town will undertake all efforts to collect outstanding monies. All contact and attempted contact will be recorded as a Memo against the Debtor account in Synergy. The process of collection will be as follows:

**Stage 1**

***Outstanding debts over 30 days*** will have their statements marked with a reminder that the account is now overdue and stop credit will be enforced if the debt remains unpaid after 42 days from date of invoice. Accounts Receivable shall make contact with the Debtor.

**Stage 2**

**Outstanding debts over 60 days** will have their statements marked with a Final Notice stamp advising payment is required within 7 days or legal action will commence. Accounts Receivable shall make contact with the Debtor.

**Stage 3**

**7 days after Stage 2** if payment has not been received or a payment arrangement entered into, a standard letter, allowing a further 10 days to settle the account or make alternative arrangements.

**Stage 4**

The Director Corporate and Performance and Manager Financial Services are authorised to commence legal action to collect debts outstanding over 90 days from date of invoice.

This may include, but is not limited to the following:

* Letter of Demand
* General Procedure Claim
* Seizure and Sale of Goods

Exemptions to the aforementioned Debt Collection Process are as follows:

1) Rebates or recoups from tiers of government and funding bodies

2) Grants and subsidies

3) Donations

The Town may elect to utilise the services of a Debt Collection Agency, duly licenced under the *Debt Collectors Licencing Act 1964*.

4. Stop Credit

Where debtors do not make payment within the Town’s nominated payment terms, or enter into an approved payment arrangement, the Manager Financial Services is authorised to impose Stop Credit on the account. The appropriate business unit shall be notified and will be responsible for ensuring no further credit is provided to the Debtor. The Debtor will receive written notification from the Town to their last known address of the Stop Credit.

5. Provision for Doubtful Debts

Where the recovery of debt is unlikely, a provision for doubtful debts shall be made in accordance with Australian Accounting Standards. A bad debts register shall be maintained and reviewed on a regular basis.

6. Write Off of Bad Debts

The Chief Executive Officer and the Director Corporate and Performance Services have the authority to write-off bad debts up to $500.

All write-offs above this threshold will be reported to Council on a quarterly basis and will include:

* Name of Debtor\*
* Amount to be written off
* Description of invoice
* Reason for write-off

For a debt to be written off one of the following conditions must be satisfied:

* The debtor cannot be located
* Uneconomical to pursue the debt
* The hardship circumstances of the debtor do not warrant the taking or continuation of recovery action
* Legal proceedings through the courts have proved, or on legal advice would prove, unsuccessful

\*Where a debt is recommended for write-off as a result of hardship circumstances, the name of the Debtor will be reported to Council in confidence.

Rates & Service Charges

The recovery of outstanding rates will be collected in a fair and timely manner. Rate notices are due for payment 35 days from date of issue in accordance with the *Local Government Act 1995*.

Overdue accounts, which remain outstanding past the due date, will have interest applied at the prevailing interest rate as set out in the adopted Fees & Charges.

Interest is calculated on the number of days from the due date of payment until the day the payment is received by the Town of Port Hedland. This includes overdue amounts where the ratepayer has elected the instalment option.

Alternative payment arrangement via Direct Debit is available. An administration fee is payable on alternative payment arrangements. The Administration Fee is set in the Town’s adopted Fees & Charges. Interest on overdue amounts accrues at the prevailing interest rate as set out in the adopted Fees & Charges.

1. Accounts 35 days in arrears after the initial invoice

Where payment is not received within thirty five (35) days of the rate notice issue date, a Final Notice is issued seven days after the due date requesting full payment within fourteen (14) days, unless the Ratepayer has agreed to enter into a special repayment arrangement or is able to catch-up to the instalment option as per the Rate Notice.

Final Notices are not to be issued to Pensioners or Seniors registered to receive a rates rebate with the Town of Port Hedland. Under the *Rates and Charges (Rebates and Deferments) Act 1992* Eligible Pensioners and Seniors have until 30 June of the financial year in which the Rates were levied to make payment, without incurring any late payment penalties.

2. Accounts 60 days or more in arrears after the initial invoice

Where amounts remain outstanding for sixty (60) days or more after the due date for payment listed on the original Rate Notice, the Rates Department will make their best effort to contact the Ratepayer using available methods before commencing further debt recovery action.

Following a risk management approach as determined by the value and nature of the debt, further debt recovery action may include referral to a debt collection agency, including a General Procedure Claim and Court Proceedings.

3. Seizure of Rent for Non Payment of Rates

Where the property owner of a leased or rented property on which Rates and Service Charges are outstanding cannot be located or refuses to settle Rates and Service Charges owed, a Notice may be served on the lessee or tenant under the provisions of Section 6.60 of the Local Government Act 1995 requiring the lessee or tenant to pay to the Town the rent due that they would otherwise pay under the lease/tenancy agreement as it becomes due, until the amount in arrears has been paid.

4. Options to recover rates debt where rates are in arrears for in excess of three (3) years

i) Lodging a Caveat on the Title for Land

Where Rates and Service Charges owed to the Town in respect of any rateable land remain unpaid for at least three (3) years, a caveat may be registered on the title for the land, under the provisions of Section 6.64 (3) of the *Local Government Act 1995*.

ii) Sale of Land

Where Rates and Service Charges owed to the Town in respect of any rateable land have been unpaid for at least three (3) years, the Town may take possession of the land under the provisions of Section 6.64 of the *Local Government Act 1995*.

The approval of Council is required to be obtained before this course of action is undertaken.

Financial Hardship

Financial Hardship may apply to individuals who are experiencing circumstances that have caused disruption and stress to the typical financial operations of their household.

The Town recognises its responsibility in responding to the needs of residents experiencing severe financial hardship by the ensuring that they are treated with respect, dignity, fairness, equity and confidentiality.

This Policy enables a person (liable for rates and other charges) experiencing financial hardship to make application to Council for assistance relating to any unpaid rates or charges levied on a property under the Local Government Act 1995. The Town may provide relief to those experiencing financial hardship by offering a repayment arrangement and will determine the financial contribution an applicant may contribute to the reduction of the debt.

The level of relief applicants may receive will be based on the evidence of genuine hardship as a result of trauma/tragedy, level of income, reliance on social security, illness/disability, business failure or other factors considered relevant by the Chief Executive Officer.

If the Chief Executive Officer is satisfied that the contribution will exacerbate the level of hardship, then consideration may be given to writing off all or part of the late payment interest. In the case of severe financial hardship, as determined by the Chief Executive Officer, the Town will not impose additional charges and interest.

As a general principle, Hardship assistance should only be granted to individuals experiencing hardship, with regard to the rates on their primary residence. Applications for hardship assistance for residential investment, commercial or industrial properties may be considered under exceptional circumstances.

Applications for Financial Hardship Assistance must be made on the Financial Hardship Rate Relief Application form and submitted to the Town.

Authority is delegated to the Chief Executive Officer to determine alternative payment options based on individual circumstances.

Related policies and legislation

* *Local Government Act 1995*
* Part 6, Division 4, Clause 6.13 – Interest on money owing to local governments
* Part 6, Division 6, Subdivision 4, Clause 6.45 – Options for payment of rates and service charges
* Part 6, Division 6, Subdivision 4, Clause 6.51 - Accrual of interest on overdue rates or service charges
* Part 6, Division 6, Subdivision 5, Clause 6.56 - Rates or service charges recoverable in court
* Part 6, Division 6, Subdivision 5, Clause 6.60 - Local government may require lessee to pay rent
* Part 6, Division 6, Subdivision 6, Clause 6.64 - Actions to be taken
* *Rates and Charges (Rebates and Deferments) Act 1992*
* *Debt Collectors Licencing Act 1964*

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| --- | --- |
| Council Adoption Date and Resolution No. | 26 April 2006 OCM |
| Date of adoption of amendment and Resolution  | 26 November 2014 OCM 201415/12024 January 2018 OCM CM201718/124 |
| Relevant Legislation | *Local Government Act 1995* |
| Delegated Authority | Chief Executive Officer |
| Directorate | Corporate Services |
| Review Frequency | As Required |

## 2/007 Purchasing Policy

1. Objective

The objectives of this Policy are to:

* Demonstrate that best value for money is attained for the Town of Port Hedland (Town);
* Ensure best practice management procedures are followed in relation to all purchasing undertaken on behalf of the Town;
* Ensure compliance with all relevant legislation including, but not limited to, *Local Government Act 1995* (Act), *Local Government (Functions and General) Regulations 1996* (Regulations), *the State Records Act 2000*, Code of Conduct;
* Demonstrate probity and integrity, including the avoidance of bias and of perceived and actual conflicts of interests;
* Mitigate probity risk, by establishing consistent and demonstrated processes that promotes openness, transparency, fairness and equity to all potential suppliers;
* Ensure sustainable benefits, such as environmental, social and local economic factors are considered in the overall value for money assessment; and
* Achieve fair and equitable, competitive processes that engage potential suppliers impartially, honestly and consistently.
1. Ethics, Integrity and Probity

In order to ensure the selection process is fair and objective for all requests (RFXs), the Town shall observe the highest standards of integrity. This will be achieved by ensuring that:

* Processes, procedures and documentation demonstrates fairness, openness and accountability;
* Tenders are undertaken on a competitive basis, in which the Town seeks to attract a wide range of tender respondents that are treated impartially, honestly and consistently so that no individual respondent is either advantaged or disadvantaged;
* Actual or perceived conflicts of interest are identified, disclosed and dealt with according to local government obligations;
* Recommendations are made and decision-making is undertaken in a manner that is transparent, free from bias and fully documented; and
* ‘Commercial-In-Confidence' information provided by Tender Respondents shall be treated in confidence, unless authorised for publication by the Tender Respondent or relevant legislation.
1. Value for Money

Value for money is achieved through the critical assessment of criteria including, but not limited to, factors such as: price, whole of contract life costs, safety & risk, timeliness, environmental, social, economic and qualitative factors. These qualitative factors can include efficiency, availability, demonstrated understanding, relevant experience and technical knowledge. This assessment determines the most advantageous supply outcome that contributes to the Town achieving its strategic and operational objectives.

Whilst it is necessary to ensure purchasing is conducted within budget, the Town acknowledges that lowest price does not necessarily present the best value for money.

1. Purchasing Thresholds and Practices
	1. Purchasing Value Definition

Determining purchasing value is to be based on the following considerations:

* The values listed are exclusive of Goods and Services Tax (GST);
* Where a contract is in place, the actual or expected value of expenditure over the fill contract period, including all options to extend specific to a particular category of goods, services or works; and
* Where there is no existing contract arrangement the Purchasing Value will be the estimated total expenditure for a category of goods, services or works over a minimum three year period.

The calculated estimated purchasing value will be used to determine the applicable threshold practice to be undertaken.

When planning the purchase, the Town must consult its Contracts Register in the first instance. Where the Town has an existing contract in place, it must ensure that goods and services required are purchased under these contracts to the extent that the scope of the contract allows.

* 1. Purchasing Thresholds

|  |  |
| --- | --- |
| **Purchase Value Threshold** | **Purchasing Requirement** |
| **Up to $5,000** | Goods and Services of a low risk and occasional nature may be purchased without the need for multiple quotes. These Purchases can be made directly from a supplier using a Corporate Credit Card issued by the Town, or after obtaining at least one verbal or written quotation from a suitable supplier. |
| **Over $5,000 and up to 50,000\*** | Seek at least three written quotations from suppliers. |
| **Over $50,000 and up to $250,000\*** | Seek at least three written quotations from suppliers by invitation under a formal Request for Quotation. |
| **Over $250,000** | Tenders are to be publicly invited as per requirements of the Act, unless exempt (see part 4.4 of this policy). |

\*Quotation requests between the value of $5,000 and $ 250,000 are to be obtained utilising the Town’s online procurement portal, from:

• An existing Panel of Pre-Qualified Suppliers administered by the Town (See Policy ‘Panels of Pre-Qualified Suppliers’); or

• A pre-qualified supplier on the WALGA Preferred Supply Program; or

• The open market.

Quotations can also be received from State Government Common User Arrangements (CUAs).

When reviewing the different options, for seeking quotes, Town officers are to consider which will provide the Town best value for money whilst still promoting the Town’s purchasing principles. Town officers are to refer to the Internal Operating Procedure (IOP) and associated flowcharts for detailed procurement processes.

* 1. Publicly Inviting Tenders

Prior to entering into a contract for goods and/or services where the consideration is over $ 250,000, public tenders are to be invited in accordance with Part 4 of the Regulations, unless a tender exempt option has been utilised (see part 4.5 of this policy).

Town officers are to refer to the Procurement Internal Operating Procedure (IOP) and associated flowcharts for detailed procurement processes.

* 1. Exemptions from Publically Inviting Tenders

In accordance with r11(2) of the Regulations, an exemption to publicly invite Tenders may apply in the following instances:

* At least three (3) written quotations have been sought from WALGA Preferred Supply Arrangements, unless the CEO determines otherwise;
* Written quotation/s have been sought from pre-qualified suppliers panel administered by the Town, in accordance with the conditions of the panel;
* The purchase is acquired from a person registered on the WA Aboriginal Business Directory, as published by the Small Business Development Corporation, where the consideration under contract is worth $250,000 or less and represents value for money;
* The purchase is acquired from an Australian Disability Enterprise and represents value for money;
* The goods or services are to be supplied by or obtained through the government of the State (including Common Use Agreements) or the Commonwealth or any of its agencies, or by a local government or a regional local government;
* The goods or services are to be supplied in an emergency situation whereby it is authorised in advance by the Mayor;
* The contract is for petrol, oil, or other liquid or gas used for internal combustion engines; and
* The purchase is covered by any of the other tender exempt procurement options listed in r11 of the Regulations.

* 1. Exemptions from Purchasing Thresholds (under $250,000)

The following are further exemptions where the Town is not required to undertake a competitive purchasing process. These only apply where the total value of the purchase does not exceed $250,000.

A purchasing decision is exempt from the purchasing thresholds of this policy (as stipulated in section 4.2) where the costs are:

* Fixed (eg. state wide and local advertising, memberships and subscriptions, taxi / cab charges and some industry based training);
* Available only through a sole source of supply (e.g some utilities);
* Acts / Entertainers / Artists for festivals and events where it can be demonstrated that the act has appropriate artistic merit and the decision is consistent with the purpose and intent of the event, and have no conflicts of interest;
* Legal Charges, where the purchase is made using a WALGA preferred supplier; and
* Regular Stationary Supplies where the purchase is made using a WALGA preferred supplier.

In addition to the above, where it has not been possible or feasible to obtain multiple quotes, a Director or CEO, may, at his/her discretion, waive the requirements to obtain multiple quotes.

1. Other Procurement Activities
	1. Inviting Tenders Under the Tender Threshold

Where considered appropriate and beneficial, the Town may consider publicly advertising Tenders in lieu of undertaking a Request for Quotation for purchases under the $ 250,000 tender threshold. The decision should consider the benefits of this approach in comparison with the costs, risks, timeliness and compliance requirements, and whether the purchasing requirement can be met through the WALGA Preferred Supply Program or State Government CUA.

In accordance with r13 of the Regulations, if a decision is made to undertake a public tender for contracts expected to be $ 250,000 or less in value, the complete tendering procedures must be adhered to.

* 1. Expressions of Interest

Expressions of Interest (EOI) are typically considered in situations where the goods or services are anticipated to be of a significant value, or contain complex deliverables that may solicit responses from a considerable range of industry providers.

In these cases, the Town 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 must follow the same advertising processes as RFTs. An EOI should seek qualitative and other relevant information exclusive of the suppliers pricing to complete the requested EOI works. All EOI processes should be subsequently followed by a Request for Tender through an invited process of those shortlisted under the EOI.

* 1. Request for Proposal

As an alternative to a Request for Tender, the Town may consider conducting a Request for Proposal (RFP) where the requirements to fulfil the project are less known, or less prescriptive and detailed. The RFP would still be conducted under the same rules as stipulated in Part 4.2 of this policy but would seek responses from the market that are outcomes based or that outline solutions to meet the requirements of the Town.

* 1. Emergency Procedures

An emergency purchase is defined as an unanticipated purchase which requires an immediate response to an emergency situation as provided for in section 6.8(1)(c) of 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.

Dependent on the nature of the emergency, it may be determined that only a portion of the required goods or services will be obtained via emergency expenditure. The remainder of expenditure will be required to comply with the purchasing threshold requirements stipulated in this Policy.

* 1. Sole Source of Supply

A Sole Source of Supply arrangement may only be approved in accordance with the Delegation register where:

* The purchasing requirement has been documented in a detailed specification;
* The 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. Anti-Avoidance

The Town will not conduct multiple purchasing activities with the intent (inadvertent or otherwise) of splitting the purchase value or the contract value, in order to avoid 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.

The Town will conduct regular periodic analysis of purchasing activities within supply categories and combining expenditure values in order to identify purchasing activities which can be more appropriately undertaken within the purchasing threshold practices detailed in Part 4.2 of this policy.

1. Purchasing from Aboriginal Businesses

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

* the contract value is worth $250,000 or less; and
* a best and sustainable value assessment demonstrates benefits for the Town’s achievement of its strategic and operational objectives.

Where not directly contracted, a qualitative weighting may be used in the evaluation of Quotations and Tenders to provide advantages to businesses registered in the current Aboriginal Business Directory WA.

1. Purchasing from Aboriginal 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 Town’s achievement of its strategic and operational objectives.

Where not directly contracted a qualitative weighting may be used in the evaluation of Quotations and Tenders to provide advantages to Australian Disability Enterprises.

1. Sustainable Procurement and Corporate Social Responsibility

The Town will endeavour to implement sustainable procurement by providing a preference to suppliers that demonstrate sustainable business practices (social advancement, environmental protection and local economic benefits) when appropriate.

The Town will embrace Sustainable Procurement by applying the value for money assessment to ensure that wherever possible our suppliers demonstrate a contribution to improved environmental, social and local economic outcomes. The Town supports the procurement of products and services that create a universally accessible community for people with disability, diverse backgrounds and cultures.

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 may include a request for information from suppliers regarding their sustainable practices and/or demonstrate that their product or service offers enhanced sustainable benefits.

The Town shall endeavour (within budgetary considerations) to identify and purchase products and services that:

* 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.
1. Buy Local

The Town encourages the development of competitive local businesses within its boundary first, and second within its broader region. A key goal in this policy is open and fair competition to ensure that local businesses are provided with opportunities to bid for work. It is recognised that not every category of goods, services or works that is purchased by the Town will lend itself to supply by local businesses.

As much as practicable, the Town must:

* 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;
* 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; and
* Provide adequate and consistent information to potential suppliers.

To this extent, a qualitative weighting may be afforded in the evaluation of quotes and tenders where suppliers are located within the municipal boundary of the Town of Port Hedland.

A regional price preference will be applied to qualifying businesses as detailed within the Town’s Policy 2/016 Regional Price Preference.

1. Authorisations and Contractual Arrangements

All authorisations associated with any procurement process will be conducted in accordance with the Town’s Delegation Register and Delegation Register with non-statuary powers.

All contracts and agreements must be executed in accordance with policy 1/014 ‘Execution of Documents and Application of the Common Seal’ and the Town’s Delegation Register.

1. Contract Variations
	1. Pre- Contract Variations

Pre-contract variations are permitted pursuant to r20 of the regulations. If after a Tender has been publicly advertised and a preferred tenderer has been chosen, but before the Town and tenderer have entered into a contract, a minor variation may be made by the Town. A minor variation will not alter the nature of the goods or services, nor will it materially alter the specification provided for by the initial Tender.

In the event the chosen tenderer is unable or unwilling to enter into a contract that contains a minor variation, or if the tenderer and the Town are unable to agree on any other variation to be included in the contract as a result of the minor variation, then that tenderer ceases to be the preferred tenderer. The Town may then choose the tenderer who submitted the next most advantageous submission.

A minor variation is to be approved in accordance with the Town’s Delegation Register.

* 1. Post Contract Variations

As per r21A of the Regulations, if a local government has entered into a contract for the supply of goods and/or services with a successful tenderer, the contract must not be varied unless —

1. The variation is necessary in order for the goods or services to be supplied and does not change the scope of the contract; or
2. The variation is a renewal or extension of the term of the contract as described in r11(2)(j) of the Regulations.

Variations can be approved by Town officers where the total project cost is within the approved budget.

Should the total project cost exceed the approved budget, council approval is required to approve the additional funds to allow for the approval of the variation.

1. Payment Methods

Where the Town holds an account with a supplier a purchase order should be issued to authorise the purchase of goods and/or services.

If the purchase is a one off purchase or the supplier does not accept Purchase Orders the following payment methods may be used in limited circumstances:

* Request for Payment (must provide detailed justification for why a purchase order was not completed prior to completion of works); or
* Corporate Credit Card (the requirements can be found in policy 2/020 Corporate Credit Card); or
* Reimbursements.

The commitment of expenditure using any of the above payment methods must comply with the relevant delegation of authority as detailed within the Delegation Register with non-statuary powers.

1. Purchasing Non-Compliance

The Town shall continue to:

* Implement processes to facilitate this Policy and associated management procedures, and will implement processes to report departures, non- compliance and/or exceptions;
* On a quarterly basis report to the Town's Audit and Risk Committee any identified non- compliance with this Policy and associated management procedures, and any occurrence of the CEO exercising his/her discretion to undertake any policy exempt procurement; and
* Review, and if appropriate, seek to revise this Policy and associated management procedures to ensure ongoing relevance.

A failure to comply with the requirements of this policy will be subject to investigation. Findings will be considered in context of the code of conduct, and reasonable expectations for the officer’s 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* and other relevant legislation; and
* Misconduct in accordance with the *Corruption, Crime and Misconduct Act 2003*.
1. Records Management

All records and documents associated with the RFX process must be recorded and retained as defined within the *State Records Act 2000* and the Town’s Records Keeping Plan.

1. Definitions

***“Regional Price Preference”*** involves assessing the Quotation or Tender as if the proposed price were discounted in accordance with the Regional Price Preference Policy.

***“RFX”*** is a generic term for a request to suppliers. It can therefore stand for Request for Information (RFI), Request for Tender (RFT), Request for Proposal (RFP), Expression of Interest (EOI) and / or Request for Quote (RFQ).

|  |  |
| --- | --- |
| Relevant legislation | [*Local Government Act 1995*](https://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_551_homepage.html)[*Local Government (Financial Management)*](https://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_1752_homepage.html)[*Regulations 1996*](https://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_1752_homepage.html)[*Local Government (Functions and General*](https://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_1753_homepage.html)[*Regulations) 1996*](https://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_1753_homepage.html)[*State Records Act 2000*](https://www.slp.wa.gov.au/pco/prod/filestore.nsf/FileURL/mrdoc_29661.pdf/%24FILE/State%20Records%20Act%202000%20-%20%5B01-f0-00%5D.pdf?OpenElement)*Corruption, Crime and Misconduct Act 2003*.Public Sector Management Act 1994Policy 2/016 ‘Regional Price Preference’ Policy 2/020 ‘Corporate Credit Card’Records Keeping Plan |
| Delegated authority | Delegation Register with non-statuary powers |
| Business unit | Governance |
| Directorate (choose one) | Corporate Services |

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| --- |
| Governance to complete this section |
| Version Control | Version No. | Resolution No.  | Adoption date |
| V01V02V03V04V05V06V07V08 | 200809/357201011/413201314/222CM201617/012CM201718/020CM201718/140CM201920/143CM201920/229 | 27 May 2009 8 June 2011 29 January 2014 27 July 2016 23 August 2017 28 February 20185 February 202027 May 2020 |
| Review frequency  | 2 Yearly |

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## 2/010 COUNCIL INVESTMENTS

Objective

To provide a framework for the investment of Council funds that seeks to maximise the return to Council whilst having due consideration for the risk and security of each investment; and ensures that Council’s liquidity requirements are being satisfied.

Policy Statement

* The principal objective is to guide investment of surplus funds in the preservation of capital and investment decisions must align to this;
* The maximisation of returns within the confines of this policy is encouraged in order to capitalise return on investment;
* The funds available for investment includes reserves, other restricted funds and general revenue funds surplus to liquidity requirements;
* Factors that guide investment decisions:
	+ The use of Rating Agency credit ratings (Security);
	+ The maintenance of adequate levels of diversification (Security);
	+ The ability to have ready access to funds for day-to-day requirements (Liquidity); and
	+ Compliance with appropriate legislative requirements (Compliance).

Legislative Requirements

All investments are to comply with the following:

* *Local Government Act 1995* - Section 6.14;
* *The Trustees Act 1962* - Part III Investments;
* *Banking Act 1959* – Part I;
* *Local Government (Financial Management) Regulations 1996* – Regulations 8, 19, 19C, 28 and 49; and
* Australian Accounting Standards.

Strategic Context

This policy links to the Council’s Strategic Community Plan Outcome 4.b.2.1 to ensure the Town’s finances are managed efficiently and effectively in line with legislated requirements.

Delegation of Authority

Authority for implementation of the Investment Policy is delegated by Council to the Chief Executive Officer in accordance with the *Local Government Act 1995.*

The Chief Executive Officer may sub-delegate the implementation of the Investment Policy to other Town officers, in writing and keep a register of these appointments.

Prudent Person Standard

All investments will be managed with the care, diligence and skill that a prudent person would exercise. As trustees of public monies, officers are to safeguard the portfolio in accordance with the spirit of this Investment Policy, and not for speculative purposes.

Ethics and Conflicts of Interest

Officers shall refrain from personal activities that would conflict with the proper execution and management of Council’s investment portfolio. The Department of Local Government and Communities Guidelines No.1 ‘Disclosure of Interests Affecting Impartiality’ and No. 21 ‘Disclosure of Financial Interests in Returns’ provide guidance for recognising and disclosing any conflicts of interest.

Any independent advisors are required to disclose any actual or perceived conflicts of interest.

Investment Guidelines

Authorised Investments shall be limited to Australian currency denominated institutions permitted by the appropriate legislation:

* Deposits with Authorised Deposit Taking Institutions (ADIs) as defined in section 5 of the *Banking Act 1959 (Commonwealth)* and based on an appropriate Rating Agency classification of S&P’s BBB and higher or equivalent Moody’s rating (subject to overall limits) and the Western Australian Treasury Corporation (WATC).
* Bonds that are guaranteed by the Commonwealth Government or a State or Territory.
* Exposure to an individual counterparty/institution will be restricted by its credit rating so that single entity exposure is limited, as detailed in the table below:

|  |  |  |  |
| --- | --- | --- | --- |
| Long Term Credit Ratings  | Short Term Credit Ratings  | Individual Institution Direct Investment Maximum % | Portfolio Direct Investment Maximum % |
| AAA to AA-  | A-1+  | 50%  | 100% |
| A+ to A-  | A1  | 40%  | 60% |
| BBB+ to BBB-  | A-2  | 20%  | 30% |

If any of the investments within the portfolio are subject to a credit rating downgrade, or maturing investments are redeemed, such that counterparty portfolio percentages are no longer compliant with the Investment Policy, the relevant investments will be divested as soon as practicable.

Legislation restricts the investment portfolio term to maturity for deposits to the following terms:

|  |  |
| --- | --- |
| Investment Type  | Term to Maturity  |
| ADI Deposits  | ≤ 12 months  |
| State/Commonwealth Government Bonds  |

Prohibited Investments

This investment policy prohibits any investments carried out for speculative purposes including:

* Derivative based instruments; and
* Principal only investments or securities that provide potentially nil or negative cash flow; and
* Stand-alone securities issued that have underlying futures, options, forwards contracts and swaps of any kind.

The leveraging of investments (borrowing to invest) is prohibited.

Professional Advice

The Town may from time to time retain the services of suitably qualified investment professionals to provide assistance in investment strategy formulation, portfolio implementation and monitoring.

Any such advisor must be approved by Council and licensed by the Australian Securities and Investment Commission. The advisor must be an independent person who has no actual or potential conflict of interest in relation to investment products being recommended and is free to choose the most appropriate product within the terms and conditions of this Investment Policy.

Any independent advisor engaged by the Town is required to provide written confirmation that they do not have any actual or potential conflicts of interest in relation to the investments they are recommending or reviewing, including that they are not receiving any commissions or other benefits in relation to the investments being recommended or reviewed.

Reporting and Performance Monitoring

Council will receive a monthly report on the investment portfolio detailing the performance of the investment portfolio and Counterparty percentage exposure of total portfolio. A summary of the composition of the investment portfolio by credit rating and institution will also be included.

Definitions

Nil

|  |  |
| --- | --- |
| Relevant legislation  | *Local Government Act 1995* *Local Government (Financial Management) Regulations 1996* *The Trustees Act 1962* *Banking Act 1959* |
| Delegated authority  | Yes  |
| Business unit  | Financial Services  |
| Directorate  | Corporate Services  |

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| --- | --- | --- |
| *Governance to complete this section*  |  |  |
| Version Control | Version No.  | Resolution No.  | Adoption date  |
| V01 V02 V03 V04 V05V06 | 200708/160 200809/396 201112/008 201314/338 201516/012 CM202021/040 | 1. April 2008
2. June 2009

13 July 2011 1. May 2014
2. July 2015

23 September 2020 |
| Review frequency  | Annually  |  |  |

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## 2/015 NOTICE OF DISCONTINUANCE (RATES AND DEBTORS)

Objective

The objective of this Policy is to outline how the Town of Port Hedland (Town) processes a request for a Notice of Discontinuance.

Content

If rates or general debts remain unpaid after they become due and payable, the Town will commence debt collection proceedings, in accordance with the *Local Government Act 1995*, which may result in the issuing of a General Procedure Claim.

If subsequently, rates or general debts are paid in full the ratepayer or debtor at their request will be issued with a letter confirming that overdue amounts relating to this claim have now been paid. A Notice of Discontinuance will not be issued.

In the event that a General Procedure Claim is issued in error, upon notification of the error, the Town will promptly issue a Notice of Discontinuance.

The Town will not supply private credit agencies with information regarding legal action it has taken in the recovery of overdue amounts. The Town does recognise that judgement details are accessed via public records through the Courts.

Definitions

Nil.

|  |  |
| --- | --- |
| Relevant legislation | *Local Government Act 1995* |
| Delegated authority | Yes  |
| Business unit | Financial Services |
| Directorate | Corporate Services |

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| *Governance to complete this section* |
| Version Control | Version No. | Resolution No.  | Adoption date |
| V01 | 201213/396 | 22 May 2013 |
|  | V02 | CM201920/158 | 26 February 2020 |
| Review frequency  | Annually |

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## 2/016 REGIONAL PRICE PREFERENCE

1. Objective

To promote local business partnerships within the Town of Port Hedland (Town) by giving preferential consideration to regional suppliers in the procurement of goods or services via tender or quotation.

1. Content

Regional is defined as all businesses located within the Town’s municipal boundary (level 1 suppliers), or in a neighbouring municipality (level 2 suppliers) including:

* + Shire of Ashburton
	+ City of Karratha
	+ Shire of East Pilbara
	+ Shire of Broome

To claim level 1 regional price preference, a supplier must demonstrate that:

1. it has continually operated a business within the Town for at least 6 months; or
2. some or all of the goods or services are to be supplied from Town sources; or

To claim level 1 regional price preference, a supplier must demonstrate that:

1. it has continually operated a business for at least 6 months within a neighbouring municipality; or
2. some or all of the goods or services are to be supplied from a neighbouring municipality.

Regional Price Preference will be applied to all quotes and tenders over $50,000 which have been administered by the Town’s Procurement Team, however only to the goods or services that are being supplied by a relevant regional supplier.

Regional suppliers that intend to claim a regional price preference under this Policy may be required to submit suitable proof of eligibility with their tender/quotation.

If, in the opinion of the Town, a supplier has deliberately provided false or misleading information so as to benefit from this policy, their tender/quotation may be considered non-conforming and as such may be excluded from evaluation.

1. Price Preference

When a regional price preference is applied to tenders and requests for proposals, in accordance with the *Local Government (Functions and General) Regulations 1996.* The following levels of preference will be applied:

**Level 1 – Suppliers located within the Town’s municipal boundary**

1. Goods and Services

A 10% price preference to a supplier of *Goods and Services to a maximum price reduction of $50,000.*

1. Construction (building)

A 5% price preference to a supplier of *Construction (building) services up to a maximum price reduction of $50,000.*

1. *Competitive Tendering*

A 10% price preference to a supplier of any goods and services (including construction (building) services) that have been, previously undertaken by the Town. This preference applies up to a maximum price reduction of $500,000.

**Level 2 – Suppliers located within neighbouring municipalities**

1. Goods and Services

A 5% price preference to a supplier of *Goods and Services to a maximum price reduction of $25,000.*

1. Construction (building)

A 2.5% price preference to a supplier of *Construction (building) services up to a maximum price reduction of $25,000.*

1. *Competitive Tendering*

A 5% price preference to a supplier of any goods and services (including construction (building) services) that have been, previously undertaken by the Town. This preference applies up to a maximum price reduction of $250,000.

1. Reporting

The Town will demonstrate the benefits obtained through the application of the Regional Price Preference in the annual report each year.

1. Definitions

***“Competitive Tendering”*** seeking submissions to outsource goods or services which were previously completed / provided by the Town.

***“Construction (building)”***is the carrying out of any works that are construction, reconstruction, renovation or alteration to any structure where there is a design element that has been initiated by the Town. This includes but is not limited to residential buildings, commercial buildings, shelters and civil construction including roadworks and kerbing.

|  |  |
| --- | --- |
| Relevant legislation and policies | *Local Government Act 1995**Local Government (Functions and General) Regulations 1996*2/007 Purchasing Policy |
| Delegated authority | Nil |
| Business unit | Governance |
| Directorate | Corporate Services |

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| --- |
| Governance to complete this section |
| Version Control | Version No. | Resolution No. | Adoption date |
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## 2/017 GRANT FUNDING

Policy Objective

The objective of the *External Grant Funding Policy* is to provide a framework for correct and consistent applications, acceptance and acquittals of grant funding within the Town of Port Hedland.

The Town has a responsibility to ensure that grant funding is identified and applied for in a timely manner, all communications are undertaken in a professional manner and that the acquittal process is completed accurately.

Grant funding assists in financing the Town’s operations and capital works.

Policy Content

The Town of Port Hedland encourages the application for funds that will result in a direct benefit to the Community or satisfy the general requirements of the Town of Port Hedland.

Grant Applications:

The Chief Executive Officer or delegate has authority to make submissions for grant funding subject to their purpose falling within the Community Strategic Plan and Corporate Business Plan, or those which provide a positive impact for the community as a whole.

Acceptance of Grants:

A Director can accept grant funding to their delegated authority level, except when explicitly stated in the funding agreement that the Chief Executive Office is required to execute the contract.

The following circumstances require council approval for the acceptance of grants:

* Grants that result in expenditure not identified and authorised as part of the budget process will require a Quarterly Budget Review item, except;
* Grants that require more than a $50,000 unbudgeted co-payment of funds from the Town of Port Hedland; or Grants where the amount varies significantly from that which has been identified and authorised as part of the budget process. Both these require a standalone agenda item.

If a grant application is successful and there is no existing budget for either the income or proposed expenditure; Council will need to approve the budget amendment, which it may do so after considering a report on the proposal either separately or if appropriate as part of a general budget review. Any Funding Agreement that requires an unbudgeted own source contribution of more than

$50,000 needs to be presented to Council for endorsement and approval of the budget variation. If a signed funding agreement is in place, for grants less than $50,000 expenditure is allowable on the provision of a budget adjustment in the next presented quarterly budget review.

Competing Grant Applications

Where more than one fund application is being submitted under a particular grant program, the grants administration officer and management accountant financial reporting will coordinate a meeting with relevant business units to review and prioritise grant applications. This review panel will comprise of managers of each Directorate. The final project order will be at the discretion of the Chief Executive Officer.

Auspicing On Behalf Of Community Organisations

The Town will generally not consider auspicing funding on behalf of community organisations due to the following reasons:

1. The significant vulnerabilities faced by the Town of Port Hedland in regards to control, compliance and accountability;

2. The increased administrative burden placed upon the town to manage the reporting and funding requirements of auspicing;

3. The perceived inequitable and unfair presentation of the Town of Port Hedland to the wider community.

A thorough review of risks associated with auspicing on behalf of the community has been completed by staff and remains an internal control document. In limited circumstances only; under discretion from the Chief Executive Officer Auspicing may be considered.

Grant Application Cover Sheet

All grant applications are to be provided to the Finance Officer – Grants Administration accompanied by the Grant Funding Cover Sheet.

Workflow Diagram

The ‘Workflow Diagram’ details the process involved in Grant Funding from the identification stage through to the acquittal.

Definitions

Nil

|  |  |
| --- | --- |
| Council adoption date and resolution no. | 27 May 2015 OCM (201415/254) |
| Date of adoption of amendment and resolution number |  |
| Relevant legislation |  |
| Delegated authority |  |
| Business unit | Finance |
| Directorate | Corporate Services |
| Review frequency | As required |

Grant Funding Cover Sheet

In accordance with the *Grant Funding Policy* all grant applications and acquittals must be reviewed and signed off by Finance.

If the application and acquittal require CEO approval then it must be reviewed by Finance prior to being submitted to the CEO.

Grant Name:

Funding Body:

Project:

Grant Amount ($):

Expected Delivery Date:

Responsible officer:

Town contribution ($):

Has this been budgeted for?

Please provide the account numbers:

(Income & Expenditure)

Grant Application

Finance Approval:

Name Signature

Date:

Grant Acquittal Grant Not Pursued Grant Unexpended

Finance Approval:

Name Signature

Date:



## 2/018 BORROWINGS

Policy Objective

The policy has been drafted to provide a framework for Town of Port Hedland Council borrowings, so that there is a controlled and disciplined approach to the borrowing of funds for the purpose of:

* Funding new infrastructure
* Renewal or upgrading of existing infrastructure

The policy will ensure that all transactions are in accordance with legislative requirements, whilst minimising the cost of debt. The policy will also safeguard the Town’s ability to meet its liabilities and budgetary obligations, and also increase awareness of issues concerning debt management.

Policy Content

Legislative requirements

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

Delegation of Authority

Authority for implementation of the Borrowings Policy is delegated by Council to the Chief Executive Officer in accordance with the *Local Government Act 1995.* The Chief Executive Officer may sub-delegate the implementation of the Borrowings Policy to other Town Officers.

Prudent person standard

All loan borrowings will be managed with care, diligence and skill that a prudent person would exercise. As trustees of borrowed monies, officers are to safeguard the loan portfolio in accordance with legislative requirements.

Ethics and Conflicts of Interest

Officers shall refrain from personal activities that would conflict with proper execution and management of the Council’s loan portfolio. The Department of Local Government and Communities Guideline No 1 “Disclosure of Interest Affecting Impartiality” provide guidance for recognising and disclosing any conflict of interest.

Principle

The following principles will reinforce the measure of control for the Town with reference to borrowings:

* Under no circumstance will operating expenditure be funded by borrowings.
* Replacement or renewal of existing assets that are expected to occur on an annual (or similar) basis (i.e. recurrent capital works such as road resealing, plant replacement etc) will generally not be funded by loan borrowings.
* The economic life of the asset being funded should be greater than the agreed term of the loan. Generally, loans will be paid over a term no longer than 20 years to maintain inter-generational equity so as not to over burden the present ratepayers with the majority of the debt. Any loans less than $1 million will have a term of no longer than 5 years, with loans greater than $1 million but equal to or less than $5 million having a term of no longer than 10 years.
* The nature of any borrowings and the interest rate if applicable, will take into account the purpose of the borrowings and seek to minimise interest rate exposure.
* All borrowings will be considered in line with Council’s Long Term Financial Plan and forward program of capital works; and should be in the current adopted Budget. Any variations will be presented to Council for consideration.
* Any unspent loans will be declared in the Annual Financial Statements of that particular Financial Year as part of statutory obligations. If the project being financed has reached completion stage, the unspent portion will be used to pay back the lender, leading to refinancing of the loan or allocated to other projects at the discretion of Council.
* In the event that capital expenditure is deferred from one Financial Year to the next, the timing of the drawdown of the approved loan will be reviewed in order to minimise interest expense.

Lenders and Interest Rates

The Town will undertake a Request for Quotation process to get the best rate and terms possible when intending to borrow funds. The RFQ process will be limited to the major banks and WATC.

Refinancing of Loans

It is generally known that market interest rates are volatile and the cost of borrowing periodically fluctuates. Therefore, if these changes bring a distinct economic advantage to the Town of Port Hedland; whereby the cost of borrowing significantly declines, the Town will reserve the right to refinance the loan portfolio. Council will make the final decision on any change to the loan portfolio or refinancing options.

According to Section 6.20(2)(a) of the *Local Government Act*:

A local government is not required to give local public notice of a proposal to exercise a power to borrow when the power is to be exercised to re-finance a loan or to continue other financial accommodation (whether with the same or another bank or financial institution) except where the re-financing or continuation is a major variation.

major variation means a variation in the terms of a loan or other financial accommodation which is —

(a) a capitalisation of interest accruals; or

(b) an increase in the term of the loan or other financial accommodation;

re-finance in relation to a loan or other financial accommodation (the existing loan), means to borrow an amount (the new loan) which is, at the date of the new loan —

(a) equal to the principal amount owing on the existing loan; or

(b) not more than $5 000 more or less than the principal amount owing on the existing loan, for the principal purpose of paying out the existing loan or preserving the credit originally provided by the existing loan.

Paying off debt

Any loan can be paid off in full where it can be demonstrated that there is a significant benefit to the Town. Any retirement of debt will not occur without approval from Council. The final payment will include the principal outstanding, interest accrual to date and the premium cost for breaking the loan contract. The decision to pay off a loan will be based on economic viability and will be analysed on a case to case basis.

Financial Controls and Sustainability Indicators

The Town will manage its debt within the minimum and maximum targets set for the two ratios listed below.

1. Debt Service Cover Ratio

This ratio is the measurement of a local government’s ability to repay its debt including lease payments. The higher the ratio is, the easier it is for a local government to obtain a loan.

The DSCR is calculated as follows:

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| --- |
| DSCR = Annual Operating Surplus BEFORE Interest & Depreciation Principal & Interest |

The Town will maintain a Debt Service Cover Ratio (DSCR) of 200% as a basic standard, as stated in the Department of Local Government Operational Guidelines 18. An advanced standard is achieved if the ratio is greater than 500%.

2. Net Debt to Revenue Ratio

The Net Debt to Revenue ratio measures a Local Government’s overall debt situation by netting the value of a Council's liabilities and debts with its cash and other similar liquid assets.

The Net Debt Ratio is calculated as follows:

|  |
| --- |
| Net Debt Ratio = Net Debt  Operating Revenue |

The Department of Local Government recommends a maximum of 50%. The Town’s maximum target (debt ceiling) for this ratio will be 50%.

|  |  |
| --- | --- |
| Council adoption date and resolution no. | OCM 23 March 2016 (201516/194) |
| Date of adoption of amendment and resolution number  |  |
| Relevant legislation | *Local Government Act 1995* Part 6 Division 5 Subdivision 3 – Borrowings s. 6.20 – 6.24. |
| Delegated authority |  |
| Business unit | Finance |
| Directorate | Corporate Services |
| Review frequency  | As required |

## 2/019 FINANCIAL RESERVES

Objective

The objective of the Financial Reserves Policy is to provide a framework for the establishment and ongoing management of financial reserves.

Content

The Town has established a number of reserves for the purpose of setting aside funds for specific purposes with clear linkages to the adopted strategies and plans of the Town.

Reserves may be utilised only for the purpose for which they were created. As part of the ongoing management of the Financial Reserves, each Reserve will be reviewed on an annual basis as part of Budget preparation to ensure that the purpose of the Reserve is still current and maintains clear linkages with the adopted strategies and plans of the Town. The Local Government Act 1995 and Regulations prescribe the necessary steps should the Town seek to change the purpose of a Reserve or expend Reserve funds for an alternative purpose.

Reserves may be externally restricted (external funding requirement to restrict funds in a Reserve) or internally restricted (Town funds). As a general rule, interest earnings from investments will only be applied to externally restricted funds. All other interest will be applied to general purpose municipal revenue.

Prior to the creation of a Reserve, Council shall adopt operating parameters in relation to the Reserve which are to set out:

* The purpose of the reserve;
* The basis of calculation for any transfer to and from the reserve; and
* The proposed allocation of any unexpended balance remaining in the reserve following completion of the project.

Reserve funds may only be expended by an absolute majority resolution of Council, typically encompassed by the adoption of the budget or subsequent half yearly budget reviews.

Each month the financial report presented to Council is to include a schedule of Reserves, showing:

* Opening balance at 1 July;
* Budgeted transfer to reserves;
* Budgeted transfer from reserves;
* Estimated closing balance at 30 June; and
* Current balance.

**Authorised Reserves of the Town of Port Hedland**

|  |  |  |  |
| --- | --- | --- | --- |
| Reserve name | Purpose | Calculation Funding/Basis | Target Balance |
| Employee Leave | To ensure that adequate funds are available to finance employee leave entitlements such as annual leave, long service leave, sick leave and redundancies.  | Transfers to and from the Reserve will be based upon projected end of year non-current liabilities relating to employee leave entitlements. | 100% of non-current employee leave liabilities as reported in Town of Port Hedland’s Annual Financial Statements (Provisions Note). |
| Spoilbank | To fund the Port Hedland Spoilbank development. | Transfer to and from the Reserve are based on the contributions to and the expenditure associated with the Spoilbank development. | The Reserve will be depleted as the Spoilbank development is completed.  |
| Asset Management – Infrastructure | To fund the ongoing maintenance, refurbishment, renewal, replacement and development of Council owned infrastructure assets within the Town of Port Hedland. | Transfers to the Reserve are dependent upon the level of rate revenue generated, contributions received, savings identified and additional income achieved.Council can also make decisions to direct specific income to the Asset Management Infrastructure reserve. The current council decisions that have this direction are specific lease proceeds (CM201415/032) and proceeds from the sale of Kingsford Smith Business Parks lots (as per adopted budget).Transfers from the Reserve are based upon meeting the annual renewal requirements for the year in line with Council’s Asset Management Plans (excluding Plant).  | Sufficient to ensure adequate funding of annual renewal requirements set out in Council’s Asset Management Plans. Target: To facilitate, on average, the attainment of a 110% Asset Sustainability Ratio every year.  |
| Waste Management | To fund the development, operation, maintenance and capital expenditure for the Council’s waste management facilities including the landfill and waste collection operations.” | Transfer to and from the Reserve will represent any surplus or deficit generated from the Council’s waste management facilities including landfill and waste collection operations and a return to the Municipal Fund for the return on investment.  | The Reserve balance should be modelled to ensure sufficient funds are available in Reserve to meet future capital expenditure requirements as per the Landfill masterplan. |
| Plant  | To fund the plant replacement program. | Where there are sufficient funds available, transfer an amount up to the annual plant depreciation to the Reserve. This should be adequate to meet future plant replacement funding requirements.Transfers from the Reserve will replenish the municipal fund for purchases as per the approved Plant Replacement Program. | No more than the annual depreciation of the Town’s major and minor plant. |
| Unfinished Works and Committed Works | To transfer unspent municipal funded expenditure on specific projects to enable identification of carryover expenditure into the next financial year. | Transfers to and from the Reserve will be based upon the unspent Municipal funded expenditure on specific projects identified at year end to enable the identification of carryover expenditure into the next financial year. | N/A |
| Strategic | To fund strategic projects as included in the Town's Strategic Community Plan and Corporate Business Plan. | Transfers to the reserve are dependent upon the level of rate revenue generated, contributions received, savings identified, additional income achieved. Transfers from the reserve will occur to fund strategic projects as included in the Town's Strategic Community Plan and Corporate Business Plan and identified in the Long Term Financial Plan and the annual budget.  | The reserve balance will diminish as projects are completed. |
| Unspent Grants, Loans and Contributions  | To restrict unspent grants, loans and contributions at the end of the financial year. | Transfers to and from there reserve will be based on the identification of unspent grants, loans and contributions at year end and the associated expenditure in the following financial year. | N/A |
| Airport | To fund the future Port Hedland International Airport Capital Works commitments. | Transfer to or from the reserve will represent any surplus or deficit generated from the Port Hedland International Airport Capital Works Program being completed. | The reserve balance will diminish as capital works are completed, with any remaining balance to be transferred to the Asset Management Reserve. |
| Housing Reserve | To fund the maintenance, refurbishment, redevelopment and construction of Local Government provided housing. | Transfers to the reserve  | A minimum, if not more than the annual depreciation of the Town’s buildings – non-specialised. |
| Cyclone Response | To fund cyclone and emergency related projects. | Transfer to and from the Reserve are based on the contributions to and expenditure relating to Cyclone emergency response and projects that will improve the Town’s ability to respond to cyclone emergencies. | The Reserve will be depleted and not replenished. |
| Financial risk reserve | To provide funds to mitigate against financial risks including legal cases with penalties awarded against the Town, SAT rulings upholding valuation objections on high value properties likely to cause significantly large refunds and other unknown events potentially resulting in financial loss to the Town.  | Transfers to the reserve are as budgeted each financial year. Transfers to the reserve will be ratable assessments that the Town deem as “at risk “of falling with in the reserves purpose (subject to legal cases, SAT rulings, valuation objections and may potentially result in a refund). Transfers to the reserve will not include the additional fees and charges included on the rates notice (eg. ESL levy). Transfers from the reserve will be on all assessments the Town deem as no longer at risk and will be return to the municipal funds. | No more than enough to cover any potential rate refunds that materially impact the Town’s budget. The ideal balance will change on a yearly basis and is subject to an annual review.  |

Definitions

Nil.

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| --- | --- |
| Relevant legislation | *Local Government Act 1995* Part 6 Division 4 s. 6.11 Reserve Accounts |
| Delegated authority |  |
| Business unit | Financial Services |
| Directorate  | Corporate Services |

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| *Governance to complete this section* |
| Version Control | Version No. | Resolution No.  | Adoption date |
| V02 | CM201920/199 | 22 April 2020 |
| Review frequency  | Annually |

## 2/020 CORPORATE CREDIT CARD

Policy Objective

Corporate Credit Cards deliver significant benefits to the Town of Port Hedland through improved administrative practices and more effective cash management. Efficiency of operational activities is increased by reducing the cost, paperwork and time associated with purchasing goods and services.

This policy sets out the guidelines and principles that need to be followed by the Credit Card holders at the Town of Port Hedland. The objective of this policy is to:

1. Provide a distinct framework to enable the use of Corporate Credit Cards;

2. Provide Corporate Credit Card holders precise and concise guidelines outlining its use; and

3. Minimise or eliminate the risk of fraud and misuse of the Corporate Credit Card.

Legislation

The following provisions of the *Local Government Act 1995* (the Act) and associated regulations impact on the use and control of corporate credit cards:

* Section 2.7(2) (a) and (b) of the Act requires the council to oversee the allocation of the local government’s finances and resources and to determine the policies of the local government.
* Section 6.5(a) of the Act requires the Chief Executive Officer (CEO) to ensure that proper accounts and records of the transactions and affairs of the local government are kept in accordance with regulations.
* Local Government (Financial Management) Regulation 11(1)(a) requires local governments to develop procedures for the authorisation and payment of accounts to ensure that there is effective security and appropriate authorisations in place for the use of credit cards.

Guidelines for Credit Card Usage

* The card must be used for Council business expenditure only, within the limit assigned for the use of that card and within the approved budget;
* The card must not be used for personal use or personal transaction;
* The card cannot be used for the withdrawal of cash through any facility, whether it is a Bank, ATM or EFTPOS facility;
* The card must not be used by officers other than the cardholder unless the cardholder has given prior written approval for each and every specific transaction;
* Under no circumstances is the cards pin to be disclosed to another person and no other person other than the cardholder may utilise the card for pay pass or transactions that require use of the pin;
* The card must only be used for fuel purchases in instances where a Fuel Card facility is unavailable;
* The cardholder must retain all tax invoices and/or receipts and maintain any other records of their transactions to facilitate reconciliation and costing of transactions for that card;
* The cardholder must practice due diligence and strict care to maintain the security of their card, ensuring that it is kept in their possession at all times and not left in any place from which it may be taken;
* The card must be returned to the Manager Financial Services (or his/ her delegate), prior to periods of extended leave (any periods in excess of four weeks). The card must also be returned if the cardholder is reassigned to a new position where the use is not required or where their employment is terminated with the Town of Port Hedland;
* Cards must not be used to purchase travel insurance and cardholders must not obtain personal rewards such as frequent flyer points or Woolworths rewards;
* The card shall not be used for payment of fines, for example a parking fine or a speeding offence which was incurred whilst on Town business;
* No “tips” shall be paid using a Corporate Credit Card; and
* The card shall not be used for purchases on trading websites (for example eBay, Gumtree etc).

Responsibilities

Cardholders

The individual cardholder is responsible for:

* The safe keeping of the card and the prompt reporting to their respective Manager and the Manager Financial Services (or his/ her delegate), if the card is mislaid or stolen
* Ensuring that the card is only used within approved limits attributed to that particular purchase card and within approved budget
* Returning the card to the Manager Financial Services (or his/ her delegate), during periods of leave (periods in excess of four weeks), upon transfer to a position not requiring a credit card or upon termination of employment with the Town of Port Hedland
* Registering all tax invoices, dockets and other supporting documentation in Synergy under their respective folder and maintain these documents in accordance to the Council procedures
* Completing the Credit Card reconciliation process to facilitate prompt costing and authorisation of credit card transactions with an accurate description of goods and services purchased
* Reporting any disputed transactions to their Manager and the Manager Financial Services (or their authorised officer) to allow for prompt resolution of any errors or misuse; and
* Completion of the “Corporate Credit Card Acknowledgement and Conditions of Use” declaration form on the issuing of the card and/or amendments of conditions or the policy.

Managers, Directors and CEO are responsible for:

* The initial approval of applications for Credit Cards by employees within their area of responsibility;
* Ensuring that each employee is made aware of and understands their individual responsibility associated with holding a Credit Card;
* Ensuring that all issues pertaining to disputed transactions are brought to the attention of the Manager Financial Services (or his/ her delegate); and
* Ensuring that on at least a monthly basis a credit card reconciliation statement for each credit card is signed by the cardholder and countersigned by the officer’s supervisor which, in the case of the CEO, is the Mayor or Acting Mayor
* Ensuring that on at least a monthly basis a copy of the credit card statement from the issuing bank, with the credit card number blanked out, is presented to Council to accompany the accounts due and paid.

Finance Department

The Manager Financial Services (or his/ her delegate) is responsible for

* Ensuring that the credit card register with National Australia Bank is maintained and accurate at all times;
* Safe custody of cards surrounded by employees during extended periods of leave; and
* Coordination of annual “Corporate Credit Card Acknowledgement and Conditions of Use” declarations.

Termination of Use

Once it has been established that the cardholder no longer requires a card, relevant steps as listed in the Corporate Credit Card IOP shall be followed. Payroll shall not release any termination payments until appropriate clearances in respect of a cardholder’s card have been obtained from the Manager Financial Services (or their authorised officer).

Unauthorised Use

Unauthorised use means any instance of non-compliance with this policy, whether by the cardholder or another person and can involve:

* Unauthorised or inappropriate transactions made on a card; or
* Any other non-compliance with any direction or rules for card use, including use that, from the public perspective, has the potential to cause reputational risk to Council.

Unauthorised use will be subject to disciplinary action including the requirement for reimbursement of the expense by the employee.

Definitions

**Council Business Expenditure**- bona fide business transactions that are required by a cardholder undertaking normal duties in the course of their employment with the Town of Port Hedland and would otherwise be undertaken by Purchase Order or petty cash

**Corporate Credit Cards**- will be a credit card identified by the words “Town of Port Hedland”. The card will be personalised and issued to the user to provide a clear audit trail. The name of the card-holder is on the card.

**Cardholder**- is any officer of the Town of Port Hedland receiving authorisation to have a Corporate Credit Card issued in his or her name

**Personal Use/ Personal transaction**- any purchase intended for the personal benefit of the cardholder. Purchase of any items not normally provided to a staff member in the course of their employment with the Town of Port Hedland.

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| --- | --- |
| Council adoption date and resolution no. | 31 August 2016 CM201617/046 |
| Date of adoption of amendment and resolution number  |  |
| Relevant legislation |  |
| Delegated authority |  |
| Business unit | Financial Services |
| Directorate | Corporate Services |
| Review frequency  | As required |

## 2/022 PANELS OF PRE-QUALIFIED SUPPLIERS

1. Objective

In accordance with Regulation 24AC of the *Local Government (Functions and General) Regulations 1996*, a Panel of Pre-qualified Suppliers (“Panel”) may be created where the following factors apply:

* A range of similar goods and services are required to be purchased on a continuing and regular basis;
* There are numerous potential suppliers in the local area, that would 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 improve procurement processes; and
* The Town of Port Hedland (the Town) has the capability to establish, manage the risks and achieve the benefits expected of the proposed panel.

2. Content

* 1. Establishing a Panel

Panels may be established for one supply requirement, or a number of similar supply requirements under defined categories within the panel. They are to be established for a maximum term of three (3) years, inclusive of any options to extend or renew the contract.

Where a panel is to be established, the Town will endeavour to appoint suppliers to the panel or each category within the panel, on the basis that best value for money is demonstrated. A minimum of three (3) suppliers are required to establish a panel, or for appointment to a category within the panel.

In the event that a panel member leaves a panel and this results in the panel being reduced to just two (2) panel members and the Town is unable to replace the panel member, then that panel may be disbanded. This should be documented in the request document and any subsequent agreements/contracts.

* 1. Distributing Work Amongst Panel Members

To satisfy Regulation 24AC (2), the distribution of work between the suppliers will be dependent on the unique nature of the goods or services. The detailed information associated with each invitation to apply to join the panel (the request document) will prescribe one of the following options:

1. **The Town will obtain quotations from each pre-qualified supplier on the panel with respect to all purchases.**

This will ensure each panel member will have the opportunity to bid for each item of work under the panel, with pre- determined criteria forming part of the invitation to quote to assess the suitability of the supplier for particular items of work.

OR

1. **The Town will purchase goods and services exclusively from any pre- qualified supplier appointed to that panel.**

The Town will endeavour to distribute the goods or services required between each panel member evenly, subject to the operational requirements of the Town at the time those goods and/or services are required. Care will be taken to ensure that no one contactor is overloaded at any particular time by keeping accurate records of the timelines of each job;

OR

1. **The Town will develop a ranking system for selection to the panel.**

The Town 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 Town may then invite suppliers that are not pre-qualified under the panel, in accordance with the Purchasing Thresholds stated Purchasing Policy As per Regulation 24AD (5) (f) the request document must clearly stipulate that the Town does not intend to purchase exclusively from the panel.

When a ranking system is established, the panel is not to operate for a period exceeding 12 months.

* 1. Purchasing from a Panel

The invitation to apply to be considered to join a panel of pre-qualified suppliers must state the functionality of the panel, and the distribution method to be used.

As per Regulation 24AJ, in every instance, a contract for an item of work with a pre-qualified supplier is not to exceed 12 months, or include any options to renew or extend.

Quotes obtained through a panel of pre-qualified suppliers can be authorised in accordance with the Town’s Delegation Register.

3. Compliance & Reporting

The Town shall:

* Implement processes to facilitate this Policy and associated management procedures, and will implement processes to report departures, non- compliance and/or exceptions;
* On a quarterly basis report to the Town's Audit and Risk Committee any identified non-compliance with this Policy and associated management procedures, and any occurrence of the CEO exercising his/her discretion to undertake any policy exempt procurement; and
* Review, and if appropriate, seek to revise this Policy and associated management procedures to ensure ongoing relevance.

A failure to comply with the requirements of this policy will be subject to investigation. Findings will be considered in context of the code of conduct, and reasonable expectations for the officer’s 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.*

4. Record Keeping

All records and documents associated with the panel process must be recorded and retained as defined within the *State Records Act 2000* and the Town’s Records Keeping Policy.

Definitions

Nil.

|  |  |
| --- | --- |
| Relevant legislation | *Local Government Act 1995**Local Government (Functions and General) Regulations 1996**State Records Act 2000* |
| Delegated authority | The Town’s Delegation Register is to outline any requirements of this policy. |
| Business unit | Governance (Procurement) |
| Directorate | Corporate Services |

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| --- |
| *Governance to complete this section* |
| Version Control | Version No. | Resolution No. | Adoption date |
| V01V02 | CM201718/140CM201920/055 | 28 February 201825 September 2019 |
| Review frequency | Bi-Annually |

# 3. STAFF

## 3/003 SUBSIDIES AND ALLOWANCES

Objective

The objective of this policy is to ensure that due regard is provided to the Town’s employees for cost of living considerations associated with living in a remote regional area of Western Australia.

Content

Employees of the Town of Port Hedland are to be paid a Port Hedland Allowance, which is detailed in the current Enterprise Agreement (EBA) as registered with the Australian Industrial Relations Commission.

The Chief Executive Officer is granted further authority to increase the allowance within budgetary limitations, by way of an over award/EBA payment to prospective employees during contract negotiations.

Definitions

Nil.

|  |  |
| --- | --- |
| Relevant legislation | - |
| Delegated authority | - |
| Business unit | Human Resources |
| Directorate  | Corporate and Performance |

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| --- |
| Governance to complete this section |
| Version Control | Version No. | Resolution No.  | Adoption date |
| V01V02 | -CM201920/027 | -28 August 2019 |
| Review frequency  | 3 Yearly |

**Document Control Statement** – The electronic reference copy of this Policy is maintained by the Governance Team. Any printed copy may not be up to date and you are advised to check the electronic copy at <http://www.porthedland.wa.gov.au/documents/public-documents/policies> to ensure that you have the current version. Alternatively, you may contact the Governance Team.

## 3/007 Senior Employees and Appointing Acting Chief Executive Officer

Objective

The objective of this policy is to:

1. identify ‘Senior Employees’ positions within the Town of Port Hedland pursuant to section 5.37 of the *Local Government Act 1995*;
2. to provide for the appointment of one of the Town’s senior employees to perform the role of Acting Chief Executive Officer during limited absences of the Chief Executive Officer; and
3. in the absence of any appointment of an Acting Chief Executive Officer or the absence of both the Chief Executive Officer and the appointed Acting Chief Executive Officer, the Director Corporate Services is deemed to be the Acting Chief Executive Officer.

Content

For the purposes of section 5.37 of the Act the Council shall designate the following employees to be ‘Senior Employees’:

• Director Corporate Services

• Director Community Services

• Director Infrastructure Services

* Director Regulatory Services

In accordance with the requirements of the *Local Government Act 1995*, section 5.36(2)(a), the Council has determined that the persons appointed as the permanent incumbent to the position of a Senior Employee are suitably qualified to perform the role of Acting Chief Executive Officer.

The Town’s Senior Employees will be appointed to perform the role of Acting Chief Executive Officer during limited absences of the Chief Executive Officer due to annual leave, extended sick leave or other type of leave up to a maximum of three (3) months.

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

Any one of the Senior Employees may be appointed to the role of Acting Chief Executive Officer at the discretion of the Chief Executive Officer, subject to:

• Nature and type of decisions having regard to the operational requirements of the role of the Chief Executive Officer during the period of absence; and

* Performance and availability of the Senior Employee.

In the event that (a) no Senior Employee has been appointed or (b) both the Chief Executive Officer and the appointed Acting Chief Executive Officer is unavailable during a period of acting, the role of Acting Chief Executive Officer shall, by default, be performed by the role of the Director Corporate Services.

Definitions

Nil

|  |  |
| --- | --- |
| Relevant legislation | *Local Government Act 1995* |
| Delegated authority |  |
| Business unit | Governance  |
| Directorate  | Corporate Services  |

|  |
| --- |
| *Governance to complete this section* |
| Version Control | Version No. | Resolution No.  | Adoption date |
| 01020304050607 | -201415/143201516/012CM201617/176CM201920/058CM201920/105CM202021/042 | 24 November 200417 December 2014 29 July 201530 March 2017 25 September 201927 November 2019 23 September 2020 |
| Review frequency  | 3 Yearly |

**Document Control Statement** – The electronic reference copy of this Policy is maintained by the Governance Team. Any printed copy may not be up to date and you are advised to check the electronic copy at <http://www.porthedland.wa.gov.au/documents/public-documents/policies> to ensure that you have the current version. Alternatively, you may contact the Governance Team.

## 3/019 CEO PERFORMANCE REVIEW

Policy Objective

This policy provides a framework and guidance for the Chief Executive Officer (CEO) performance agreement and performance review. It is designed to ensure a consistent and fair approach is used where the format and assessment criteria are known in advance.

Policy Content

Timing

The CEO performance review is to be conducted in alignment with the CEO’s contract each year. The report of the Review Working Group is to be presented to Council at the Council Meeting immediately following the CEO review.

Delegation

The task of conducting the CEO performance review is delegated to the Working Group with the assistance and support of an external consultant. The external consultant will provide the Review Working Group and all Councillors with the opportunity to provide input into the evaluation prior to the compilation of the Report

Review Working Group

The Review Working Group shall comprise the Mayor, Deputy Mayor, one other Councillor elected by the Council each year, and the External Consultant.

Outside Assistance

The Manager Human Resources will provide a short list of experienced and qualified consultants each year to the Council. The selection of the External Consultant is by the simple majority of the Council.

CEO Performance Agreement

The Review Working Group is to use the CEO Performance Agreement as developed with the assistance of the external consultant as the basis for the assessment. The Review Working Group is to draw up the CEO Performance Agreement for the year following as part of its task. The CEO Performance Agreement is to contain the following:

• Performance Indicators

• Performance Targets

• Timeframe

• Performance Measure

For ease of assessment the Review Working Group shall break down the performance indicators into Key Result Areas. These key result areas may be consistent each year or amended by the Review Working Group with the agreement of the CEO.

CEO Report

The CEO is required to submit a report against each performance indicator using the performance measure as evidence. The report is to say whether the performance targets have been reached within the specified timeframe and the effect these have had on the performance of the organisation. If the performance targets have not been reached the report is to include an explanation.

Review Working Group Report

The Review Working Group is to use the CEO Report as the basis for its assessment and give consideration to any Councillor evaluations also submitted.

For each Performance Indicator the Review Working Group shall:

* Accept the report of the CEO;
* Reject the report of the CEO and include an alternative report; or
* Amend the report in part.

The report of the CEO, together with any alternative reports or amendments made by the Review Working Group shall be submitted to Council.

Appraisal Interview

At the appraisal interview the Review Working Group is to consider the report of the CEO against each of the Performance Indicators. The Review Working Group will use its judgment to decide whether it considers that the CEO Report is an accurate reflection of whether the CEO has reached the performance targets.

If the Review Working Group is not satisfied on the basis of the evidence and the report that the performance targets have been reached, the Review Working Group shall discuss this with the CEO. The discussions shall have regard to the “Description” of the Key Result Area and the “Dominant Skills/Expertise” requirements for that particular Key Result Area contained in the Performance Agreement.

After it has discussed each Performance Indicator with the CEO, the Review Working Group should conclude its findings by accepting the CEO report, or rejecting the CEO report and providing an alternative report or by amending the report in part to reflect the Review Working Group’s view.

Satisfaction Measure

When all Performance Indicators have been considered and any adjustments have been made to the CEO Report, the Review Working Group is to use the result to record its view of satisfaction with the performance of the CEO.

In using its judgement the Review Working Group shall take the view of whether a “reasonable person” would be satisfied that the performance targets have been reached. It is open to the Review Working Group to make recommendations to the CEO regarding his or her performance and any improvement that are required for the forthcoming review period.

Report to Council

Once the performance appraisal has been completed the Review Working Group is to provide its report to the Council for information.

At the same time the Review Working Group is to submit to Council the draft of a Performance Agreement for the forthcoming review period. The Performance Agreement is required to be adopted by Council. It is open to the Council to make changes to the draft performance agreement before adoption provided that the CEO agrees to the changes and the minutes of the meeting record this.

Definitions

Nil

|  |  |
| --- | --- |
| Relevant legislation | Local Government Act 1995 |
| Delegated authority | N/A |
| Business unit | Human Resources |
| Directorate  | Corporate & Performance |

|  |
| --- |
| Governance to complete this section |
| Version Control | Version No. | Resolution No.  | Adoption date |
| V01V02 | -CM201819/042 | 24 November 200426 September 2018 |
| Review frequency  | 3 Yearly |

## 3/024 RECOGNITION OF EMERGENCY SERVICE VOLUNTEER WORK

Policy Objective

To recognise the valuable work performed by Town of Port Hedland (ToPH) employees who volunteer their time and efforts to the emergency services organisations; encourage the participation by ToPH employees in emergency services volunteer organisations; and provide support for ToPH staff who undertake emergency service volunteer roles.

This policy relates specifically and only to ToPH employees who are registered and perform work as Emergency Service Volunteers for organisations as named in this policy.

Policy Content

The Town of Port Hedland values and acknowledges the importance of the service provided to the community by volunteer organisations such as Volunteer Fire and Rescue Services (VFRS), the Hedland Bush Fire Brigade (HBFB), State Emergency Service (SES) and St. Johns Ambulance Service. Integral to the success of these organisations is that there are adequate volunteer numbers to call upon during an emergency.

To support ToPH employees currently enrolled as volunteers with the above listed agencies, and to encourage others to volunteer. ToPH will provide in the event of a recognised emergency incident occurring within the district and during working hours:

* Release from duties with ToPH where possible and at the discretion of the relevant Director for a ToPH employee who registered as a volunteer and is requested to attend a Recognised Emergency Incident – note casual employees; contractors and labour hire engaged at ToPH are not eligible for the provisions of this policy; and
* A payment up to the equivalent of ordinary time wages for up to 5 hours of emergency volunteer service in a recognised emergency incident that is performed during normal work hours in any fortnight pay period, with a maximum potential payment to the value of fifty (50) hours per calendar year.

Overtime will not be considered for volunteer work performed out of normal hours.

Time taken for volunteer attendance at a recognised emergency incident is unpaid leave and the support payment of up to five hours of ordinary time wages will only be paid when supported by documented evidence proving attendance at a recognised emergency incident. Should reasonable evidence of attendance at a recognised emergency incident not supplied within 72 hours of the absence, the hours spent away from the employees standard duties will treated as leave without pay in accordance with the ToPH Enterprise Agreement 2017 and the National Employment Standards (NES).

* Attendance at extended incidents/emergencies is subject to the discretion of the CEO.

Definitions

Recognised Emergency Services

* DFES Volunteer Fire and Rescue Service (VFRS)
* Hedland Bush Fire Brigade (HBFB)
* State Emergency Service (SES)
* St Johns Ambulance Service

Relevant Supervisor

* Coordinator
* Manager
* Director
* CEO

Recognised Emergency Incident

* An incident requiring an emergency response from a Recognised Emergency Service within the geographical boundaries of the Town of Port Hedland governance jurisdiction; and
* Training events, exercises, meetings etc. will not be recognised.

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| --- | --- |
| Council adoption date and resolution no. | 13 December 2017 OCM (CM201718/104) |
| Date of adoption of amendment and resolution number  |  |
| Relevant legislation | Fair Work Act 2009Town of Port Hedland Enterprise Bargaining Agreement 2017 |
| Delegated authority | Nil |
| Business unit | Environmental Health & Community Safety  |
| Directorate | Development, Sustainability and Lifestyle |
| Review frequency  | 2 Yearly |

# 4. MEMBERS/COUNCILLORS

## 4/006 ELECTIONS – CARETAKER PERIOD

Policy Objective

To ensure the Town’s activities and Elected Members are undertaken in a manner that supports a high standard of integrity during local government election periods.

The primary objective of this Policy is to avoid the Council of the Town of Port Hedland making major decisions, prior to election, that would bind an incoming Council, prevent the use of public resources in ways that are seen as advantageous to, or promoting, the sitting Elected Members who are seeking re-election, or new candidates, and ensuring the Town of Port Hedland administration acts impartially in relation to candidates.

This Policy applies during a ‘Caretaker Period’ (see below for definition) to cover:

a. Decisions that are made by the Council;

b. Materials published by the Council;

c. Attendance and participation in functions and events;

d. Use of the Town’s resources;

e. Access to Council information.

Policy Content

Part 1 – Introduction

1.1 Application

This Caretaker Policy applies to Elected Members, electoral candidates and employees of the Town of Port Hedland.

1.2 Scheduling Consideration of Major Policy Decisions

So far as is reasonably practicable, the Chief Executive Officer should avoid scheduling major policy decisions for consideration during a Caretaker Period, and instead ensure that such decisions are either:

a. Considered by the Council prior to the Caretaker Period; or

b. Scheduled for determination by the incoming Council.

Where extraordinary circumstances prevail, the Chief Executive Officer may submit a major policy decision to the Council in accordance with Part 3 of this policy.

1.3 Decision Made Prior to a Caretaker Period

This Policy only applies to actual decisions made during a Caretaker Period, not the announcement of decisions made prior to the Caretaker Period. Whilst announcement of earlier decisions may be made during a Caretaker Period, as far as practicable any such announcements should be made before the Caretaker Period begins.

All documentation prepared for Council meetings will be carefully vetted by the Chief Executive Officer to ensure that no agenda item is included that could potentially influence voters’ intentions at the election of could encourage Mayor or Councillor candidates to use the item as part of their electioneering.

Elected Members commit to refraining from moving motions or raising matters at a meeting that could potentially be considered an electoral matter.

Part 2 – Implementation of Caretaker Practices

2.1 Role of the Chief Executive Officer in Implementing Caretaker Practices

The role of the Chief Executive Officer in implementing the caretaker practices outlined in this policy is as follows:

a. The Chief Executive Officer will ensure as far as possible, that all Elected Members and Town officers are aware of the Caretaker Policy and practices 30 days prior to the start of the Caretaker Period.

b. The Chief Executive Officer will ensure, as far as possible, that any major policy or significant decisions required by the Council are scheduled for Council resolution prior to the Caretaker Period or deferred where appropriate for determination by the incoming Council.

c. The Chief Executive Officer will endeavour to make sure all announcements regarding decisions made by the Council, prior to the Caretaker Period, are publicised prior to the Caretaker Period.

Part 3 – Extraordinary Circumstances Requiring Exemption

3.1 Extraordinary Circumstances

The Chief Executive Officer may, where extraordinary circumstances prevail, permit a matter defined as a ‘major policy decision’ to be submitted to the Council. The Chief Executive Officer is to have regard to a number of circumstances, including but not limited to:

a. Whether the decision is ‘significant’;

b. The urgency of the issue (that is - can it wait until after the election);

c. The possibility of legal and/or financial repercussions if it is deferred;

d. Whether the decision is likely to be controversial; and

e. The best interests of the Town of Port Hedland.

3.2 Appointment or Removal of the Chief Executive Officer

Whilst the definitions of this policy establishes that a Chief Executive Officer may not be appointed or dismissed during a Caretaker Period, in the case of an emergency, the Council may act to appoint an Acting Chief Executive Officer, or suspend the current Chief Executive Officer (in accordance with the terms of their contract), pending the election, after which date a permanent decision can be made.

Part 4 - Caretaker Statement

To ensure the Council complies with the commitment to appropriate decision making during the Caretaker Period a Caretaker Statement will be included in every report submitted to the Council for a decision. The Caretaker Statement will specify one of the following:

a. “The recommended decision is not a ‘Major Policy Decision’ within the context of Council Policy 4/006 ‘Elections - Caretaker Policy’.”

b. “The recommended decision is a ‘Major Policy Decision’ within the context of Council Policy 4/006 ‘Elections – Caretaker Policy’ however; an exemption should be made due to extraordinary circumstances (insert the circumstances for making the exemption)”.

Part 5 – Town Of Port Hedland Publications

5.1 Prohibition on Publishing Local Government Electoral Material

The Town shall not print, publish or distribute, or cause, permit or authorise others to print, publish or distribute on behalf of the Town any advertisement, handbill, pamphlet or notice that contains ‘electoral material’ during the Caretaker Period.

5.2 Electoral Material Relevant to Prohibition

Without limiting the generality of the definition of ‘electoral material’, material will be considered to be intended or likely to affect voting in the election if it contains an express or implicit reference to, or comment on:

a. The election; or

b. A candidate in the election; or

c. An issue submitted to, or otherwise before, the voters in connection with the election.

5.3 Candidate and/or Elected Member Publications

Candidates and/or Elected Members are permitted to publish campaign material on their own behalf but cannot claim for that material to be originating from or authorised by the Town. For example, use of the Town of Port Hedland crest or logo is prohibited as is use of any of the Town’s photographs or images.

5.4 Election Announcements

This policy does not prevent publications by the Town which merely announce the holding of the election or relate only to the election process itself.

5.5 Town of Port Hedland Publications

Any reference to Elected Members in the Town’s publications printed, published or distributed during the Caretaker Period must not include promotional text. Any of the Town’s publications that are potentially affected by this policy will be reviewed by the Chief Executive Officer to ensure that any circulated, displayed or otherwise publicly available material during the Caretaker Period does not contain material that may be construed as ‘electoral material’.

5.6 Town of Port Hedland Website

During the Caretaker Period the Town’s website will not contain any material which is precluded by this policy. Any references to the election will only relate to the election process. Information about Elected Members will be restricted to names, contact details, titles, membership of special committees and other bodies to which they have been appointed to by the Council. Information about candidates on the Town’s website will be restricted to their candidate profiles only.

Part 6 - Public Consultation during the Caretaker Period

6.1 Prohibition

It is prohibited under this policy for public consultation to be undertaken during the Caretaker Period (either new consultation or existing) on an issue which is contentious, unless the consultation is a mandatory statutory process or prior approval is given by the Chief Executive Officer.

Part 7 - Attendance and Participation at Events / Functions / Meetings

7.1 Public Events Hosted by External Bodies

Elected Members may continue to attend events and functions hosted by external bodies during the Caretaker Period.

7.2 Town of Port Hedland Organised Civic Events/Functions

Civic events/functions organised by the Town and held during the Caretaker Period will be reduced to only those essential to the operation of the Town, and should not in any way be associated with any issues considered topical and relevant to the election. All known candidates are to be invited to civic events/functions organised by the Town during the Caretaker Period, however, only sitting Elected Members will be formally acknowledged at such events/functions.

7.3 Addresses by Elected Members

Elected Members that are also candidates should not, where possible, be permitted to make speeches or addresses at events/functions organised or sponsored by the Town during the Caretaker Period. Elected Members may make short welcome speeches at events and functions organised or sponsored by the Town during the Caretaker Period subject to prior approval of the Chief Executive Officer.

7.4 Delegates to Community and Advisory Groups

Elected Members appointed to community groups, advisory groups and other external organisations as representatives of the Town shall not use their attendance at meetings of such groups to either recruit assistance with electoral campaigning or to promote their personal or other candidates’ electoral campaigns.

7.5 Questions and Statements at Council or Committee Meetings

All candidates, whether current Elected Members or not, are required to declare that they are a candidate for the upcoming election prior to asking questions or making a statement at Council or Committee Meetings.

Part 8 - The Use of Town Of Port Hedland Resources

The *Local Government (Rules of Conduct) Regulations 2007* provide that the Town’s resources are only to be utilised for authorised activities (for example – prohibits the use of employees for personal tasks and prohibits the use of equipment, stationery, or hospitality for non-Council business). This includes the use of resources for electoral purposes. It should be noted that the prohibition on the use of the Town’s resources for electoral purposes is not restricted to the Caretaker Period.

The Town’s staff must not be asked to undertake any tasks connected directly or indirectly with an election campaign and should avoid assisting Elected Members in ways that could create a perception that they are being used for electoral purposes.

In any circumstances where the use of Town resources might be construed as being related to a candidate’s election campaign, advice is to be sought from the Chief Executive Officer.

Photos, videos or images taken by or provided by the Town are not to be used by Elected Members for the purposes for electioneering or in support of their election campaign. This applies equally to images on the Town’s website that may be able to be copied.

General correspondence addressed to Elected Members will be answered as usual. However, Elected Members will only sign necessary minimum correspondence during the caretaker period. Correspondence in respect to significant, sensitive or controversial matters should be forwarded to the Chief Executive Officer for consideration and signing.

Part 9 - Access to Council Information and Assistance

9.1 Elected Members Access to Information

During a Caretaker Period, Elected Members are able to access Council information relevant to the performance of their functions as an Elected Member. However, this access to information should be exercised with caution and limited to matters that the Council is dealing with within the objectives and intent of this policy. Any Council information so accessed must not be used for election purposes.

9.2 Electoral Information and Assistance

All candidates will have equal rights to access public information, such as the electoral rolls (draft or past rolls) and information relevant to their election campaigns from the Town administration. Information, briefing material and advice prepared or secured by Town officers for an Elected Member must be necessary to the carrying out of the Elected Member’s role and must not be related to election issues that might be perceived to be of an electoral nature (refer to Part 8 of this policy).

Any assistance and advice provided to candidates as part of the conduct of the local government election will be provided equally to all candidates. The types of assistance that are available will be documented and communicated to candidates in advance. Types of assistance may include advice on manipulation of electoral roll data and interpretation of legislative requirements, amongst other matters.

Candidates may obtain advice or assistance from the Western Australian Electoral Commission (WAEC) as they are responsible for managing the Town of Port Hedland elections.

9.3 Information Request Register

An Information Request Register will be maintained by the Chief Executive Officer during the Caretaker Period. This Register will be a public document that records all requests for information made by Elected Members and candidates, and the response given to those requests, during the Caretaker Period. Town officers will be required to provide details of requests to the Chief Executive Officer for inclusion in the Register.

9.4 Media Advice

Any requests for media advice or assistance from Elected Members during the Caretaker Period will be referred to the Chief Executive Officer. No media advice will be provided in relation to election issues or in regard to publicity that involves specific Elected Members. If satisfied that advice sought by an Elected Member during the Caretaker Period does not relate to the election or publicity involving any specific Elected Member(s), the Chief Executive Officer may authorise the provision of a response to such a request.

9.5 Publicity Campaigns

During the Caretaker Period, publicity campaigns, other than for the purpose of conducting (and promoting) the election will be avoided wherever possible. Where a publicity campaign is deemed necessary for a Town activity, it must be approved by the Chief Executive Officer. In any event, the Town’s publicity during the Caretaker Period will be restricted to communicating normal Town activities and initiatives.

9.6 Media Attention

Elected Members will not use their position as an elected representative or their access to Town officers or resources to gain media attention in support of their or any other candidate’s election campaign.

9.7 Town of Port Hedland Employees

During the Caretaker Period no Town employee may make any public statement that relates to an election issue unless the statements have been approved by the Chief Executive Officer.

9.8 Election Process Enquiries

All election process enquiries from candidates, whether current Elected Members or not, will be directed to the Returning Officer or, where the matter is outside of the responsibilities of the Returning Officer, to the Western Australian Electoral Commission.

Definitions

**‘Caretaker Period’** means the period of time when the caretaker practices are in place prior to the election.

The caretaker practices will apply from the close of nominations being 37 days prior to the Election Day in accordance with Section 4.49(a) of the *Local Government Act 1995*, until 6pm on Election Day.

**‘Election Day’** means the day fixed under the *Local Government Act 1995* for the holding of any poll needed for an election.

**‘Electoral Material’** means any digital communications, advertisement, handbill, pamphlet, notice, letter or article that is intended or calculated to affect the result in an election but does not include:

(a) An advertisement in a newspaper announcing the holding of a meeting in accordance with Section 4.87(3) of the *Local Government Act 1995.*

(b) Any materials exempted under Regulation 78 of the *Local Government (Elections) Regulations 1997.*

(c) Any materials produced by the Town relating to the election process by way of information, education or publicity, or materials produced by or on behalf of the Returning Officer for the purposes of conducting an election.

**‘Events and Functions’** means gatherings of internal and external stakeholders to discuss, review, acknowledge, communicate, celebrate or promote a program, strategy or issue which is of relevance to the Town and stakeholders and may take the form of conferences, workshops, forums, launches, promotional activities, social occasions such as dinners and receptions.

**‘Local Government Election’** means all ordinary and extraordinary Councillor and Mayoral elections.

‘Major Policy Decision’ means any:

(a) Decisions relating to the employment, termination or remuneration of the Chief Executive Officer or any other designated senior officer, other than a decision to appoint an Acting or Deputy Chief Executive Officer, or suspend the current Chief Executive Officer (in accordance with the terms of their contract), pending the election.

(b) Decisions relating to the Town entering into a sponsorship arrangement with a total Town contribution value exceeding $10,000 (excluding GST).

(c) Irrevocable decisions that commit the Town to substantial expenditure or significant actions, such as that which might be brought about through a Notice of Motion by an Elected Member.

(d) Irrevocable decisions that will have a significant impact on the Town of Port Hedland or the community.

(e) Reports requested or initiated by an Elected Member, candidate or member of the public that, in the Chief Executive Officer’s opinion, may be perceived within the general community as an electoral issue that reflects upon the Council’s decision-making process, and has the potential to call into question whether decisions are soundly based and in the best interests of the community.

**‘Public Consultation’** means a process which involves an invitation to individuals, groups or organisations or the community generally to comment on an issue, proposed action or proposed policy.

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| Council Adoption Date and Resolution No. | 28 August 2013 OCM |
| Date of adoption of amendment and Resolution Number | 24 May 2017 OCM CM201617/203 |
| Relevant Legislation | *Local Government Act 1995* Part 4*Local Government (Elections) Regulations 1996* |
| Delegated Authority | N/A |
| Directorate | Office of the CEO |
| Review Frequency | Annual |

## 4/008 ELECTED MEMBERS ENTITLEMENTS

1. Objective

Elected Members are required to perform a number of functions to fulfil their civic duties. This policy sets out the level of fees, allowances and reimbursements available to Elected Members to ensure they are able to effectively carry out these functions and ensure that they are not financially disadvantaged when performing their duties.

2. Content

2.1. Fees and Allowances

In the absence of Council determining the fees and allowances each year the below percentages will prevail.

2.1.1 Annual Meeting Attendance Fees

The Mayoral Annual Meeting Attendance Fee is 100% of the yearly maximum Salaries and Allowances Tribunal (SAT) determination.

The Councillors’ Annual Meeting Attendance Fee is 100% of the yearly maximum Salaries and Allowances Tribunal (SAT) determination.

2.1.2 Mayoral Allowance

The Mayoral Allowance is 100% of the yearly maximum SAT determination.

2.1.3 Deputy Mayoral Allowance

The Deputy Mayoral Allowance is 25% of the Mayoral Allowance as determined under point 1.2.

2.1.4 Information and Communication Technology (ICT)

The ICT Allowance is 100% of the yearly maximum SAT determination.

The ICT Allowance is for costs relating to telephone and facsimile usage and other expenses that relate to information and communications technology i.e. telephone/fax call charges, consumables and internet service provider fees (must be of sufficient capability to download Town documents).

Elected Members are encouraged to utilise this allowance for the purchase of mobile device as Members will be supplied with electronic copies of meeting papers and will be requested to bring their device to meetings.

2.1.5 Conditions Relating to Payment of Fees and Allowances

All Allowances and Fees shall be paid automatically unless an Elected Member has advised the Chief Executive Officer in writing that he/she does not want to claim any or part of those.

The taxation liability arising from these payments is the individual responsibility of each Elected Member.

All the above fees and allowances are to be paid monthly in arrears, in the third week of each month.

2.1.6 Acting Role

If the Deputy Mayor has taken leave of absence for a period in excess of one month and another Elected Member is acting in that capacity then that Elected Member shall be entitled to the higher pro rata annual meeting fee and allowance.

2.2. Reimbursements

2.2.1 Childcare

Elected Members are entitled to be reimbursed for childcare costs incurred because of a Member’s attendance at a Council or Committee meeting as per section 31 of the *Local Government (Administration) Regulations 1996* within the parameters stipulated by the SAT.

In accordance with section 32(1)(c) of the *Local Government (Administration) Regulations 1996* Elected Members may be reimbursed for the following informal meetings:

* Weekly Elected Members and CEO catch ups;
* Confidential Briefings;
* Agenda Feedback Sessions;
* Public Agenda Briefings;
* Community conversations; and
* Training and Conferences.

2.3. Items to be provided to Elected Members

2.3.1 Corporate Items

In order to assist Elected Members in the performance of their duties they will be provided with the following items:

* Business cards
* Name badge
* Corporate wear (Elected Members have the option to receive $700 worth of corporate wear upon commencement of their office to be purchased through the Town’s endorsed catalogue and to be worn when undertaking Council business)
* Professional Membership fees up to $500 per annum at the discretion of the CEO and Mayor
* Reasonable administrative support to the satisfaction of the CEO, which does not extend to:
* Supply of stationary (excluding the office of the Mayor with the approval of the CEO);
* Mail outs;
* Photocopying;
* Secretarial duties (letter drafting, meeting organisation on behalf of an Elected Member, phone calls);
* Directing Town employees; or
* Assistance for Elected Members personal commitments, e.g. serving on external committees or community groups not representing the Town of Port Hedland Council.

2.3.2 Recognition of Elected Members

Retiring Elected Members are recognised at the last Ordinary Council meeting before the election or at an official function recognising past Elected Members. Retiring Elected Members are presented with:

* A name plaque
* A certificate of service
* A gift up to the value of $100 per year of service with a maximum value of $1,000, subject to the minimum length of service being one full four year term of office.

2.3.3 Office of the Mayor

The Town is to provide to the Mayor, at the Town’s cost, the following within the Town’s Civic Centre:

* the use of a suitable office; and
* access to administrative support with the required allocation to be negotiated with the CEO notwithstanding the points under section 2.3.1.

2.4. Dispute Resolution

Any disputes in regard to this policy will be referred to the Chief Executive Officer in the first instance. In the event that the Elected Member and the Chief Executive Officer cannot reach an agreement, the matter will be reported to the Council for a decision.

Definitions

***“Allowance”*** *– as defined in the Local Government Act 1995*

***“Reimbursement”*** *- as defined in the Local Government Act 1995*

***“Committee Meeting”*** *– as defined under section 5.98A(7) of the Local Government Act 1995*

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| Relevant legislation | [*Local Government Act 1995*](https://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_551_homepage.html)[*Local Government (Administration) Regulations 1996*](https://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_1744_homepage.html)[*Salaries and Allowances Act 1975*](https://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_873_homepage.html) |
| Delegated authority | N/A |
| Business unit | Governance |
| Directorate  | Corporate & Performance |

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| Governance to complete this section |
| Version Control | Version No. | Resolution No.  | Adoption date |
| V01V02V03V04V05V06V07 | 201314/360201415/206201516/241CM201617/204CM201718/110CM201819/034CM201819/208 | 25 June 201425 March 201525 May 201624 May 201713 December 201726 September 201822 May 2019 |
| Review frequency  | Annually |

## 4/009 SIGNIFICANT DECISION MAKING

Policy Objective

The Town of Port Hedland’s Council has duties and commitments to the community of Port Hedland when making decisions that substantially affect the lives or future of Port Hedland. The purpose of this policy is to strongly articulate Council’s intent to support public involvement in significant decision-making, which will ensure good decision-making.

This policy should be read in conjunction with the principles outlined in the Town of Port Hedland – Community Engagement Strategy.

Policy Content

This Policy identifies how and when Port Hedland’s community can expect to be engaged in, or specifically consulted on prior to a decision of a significant nature being made at a Council meeting. This will be done through a process of engagement with the community.

Significant Decision Making

Council will consider the significance of every issue requiring a decision and the level of engagement on a case by case basis.

Significance means the importance of an issue, proposal, decision, or matter, as assessed by the Council, in terms of its likely impact on, and likely consequences for:

a) Port Hedland as a whole.

b) The parties and communities who are likely to be particularly affected or interested in the issue, proposal, decision or matter.

c) The financial and non-financial costs and implications, or the capacity of the Council to perform its role/ functions.

Significance and engagement will be considered in the early stages of a proposal before decision making occurs and, if necessary, reconsidered as the proposal develops.

The more significant a matter or decision the more likely Council will need to:

1. Consider the long term implications of the decisions.

2. Consider the impact on the Strategic Community Plan and the Corporate Business Plan.

3. Consider the consistency of the decision with adopted strategies and plans.

4. Consider engagement and consultation with the community on their view.

Factors to be considered include:

a) The number of individuals, organisations, groups and sectors within the community that are affected.

b) The extent of the impact on affected individuals, organisations, groups and sectors within the community.

c) The level of public interest, or the potential for the issue to generate interest or controversy.

d) The extent to which community opinion is divided on the matter.

e) The impact of the decision on the Towns ability to deliver on actions that contribute to the Strategic Community Plan and Corporate Business Plan.

Determining the significance of a matter is an exercise of judgment. Council must assess how a proposal, decision, issue or matter may affect people, services, facilities and infrastructure in Port Hedland.

Engagement

It is essential that Council has a consistent approach to community engagement and that it uses effective engagement practices. Any engagement undertaken by the Town of Port Hedland (Town) needs to be conducted in a meaningful way so that it encourages community members to increase their trust in Council generally and maintain their involvement in future Town engagement activities.

Engagement provides an opportunity for the public to debate and discuss their views on a decision or proposal being considered by the Council that is deemed a significant issue. The community views expressed through an engagement process will be considered and taken into account, along with other information, when decisions are made.

Engagement may not necessarily result in consensus. However, engagement should allow for an exchange and examination of information and points of view between affected and interested people and decision-makers before a decision is made. Engagement ensures that decisions are informed and improved by the community’s involvement.

Before the Council makes a significant decision, the Town’s administration will consult the public. In practice, this means that the Town will:

* identify people who will be affected by or have an interest in the decision;
* provide them with reasonable access to relevant information in an appropriate format on the process and scope of the decision;
* encourage people to give their views;
* give people a reasonable opportunity to give their views in an appropriate way;
* listen to, and consider those views, with an open mind; and
* after the decision, provide access to the decision and any other relevant material.

Thresholds

When undertaking a process to determine which issue, proposal, decision or other matter is significant, Council will recognise the following thresholds. If any of these thresholds are triggered the matter will be significant.

1. If the cost of a proposal or decision is estimated at 5% or more of the total rates of the Council as shown in the Corporate Business Plan or Strategic Community Plan for the financial year.

2. If the proposal or decision will incur unbudgeted capital expenditure exceeding 5% of the total value of Council’s assets, or where spent on a strategic asset as a whole, exceed 5% of that assets value.

3. Entry into partnership with the private sector to carry out a significant activity.

Where any issue, proposal, decision or other matter does not trigger one or more of the above thresholds, significance shall be considered against the criteria contained in this policy.

Criteria

The more tangible the impact or consequence of the issue, proposal, decision or other matter is, the higher the likelihood of significance. If an issue, proposal, decision or other matter satisfies one or more of the following criteria, the matter is likely to be significant.

1. Any transfer of ownership or control or the constructions, replacement or abandonment of a strategic asset.

2. A decision that will significantly affect the capacity of the Council to carry out any activity identified in the strategic plan.

3. A decision that will significantly affect the cost to Council to carry out any activity identified in the strategic plan.

4. Any issue, proposal, decision or other matter that will substantially affect a wide range of people who reside in Port Hedland.

5. The extent to which the decision flows logically and consequently from a significant decision already made or from a decision in the strategic or annual corporate plans.

6. The degree to which a decision or issues are difficult to reverse.

7. The matter will have implications for the present and future social, economic, environmental and cultural well-being of Port Hedland

Exceptions

The Council acknowledges there are times when it is not necessary, appropriate or possible to engage the community on a proposal or decision. The Council may also choose not to engage on a proposal or decision, but will only decide this in accordance with at least one of the criteria below:

a) The proposal or decision is not of a nature or significance that requires engagement.

b) The Council already has a sound understanding of the views and preferences of the people likely to be affected by, or interested in, the proposal or decision.

c) There is a need for confidentiality or commercial sensitivity.

d) The costs of engagement outweigh the benefits of it.

e) The proposal or decision has already been addressed by the Council’s strategies, policies or plans, which have recently been consulted on.

f) The opinion of the Council, failure to make a decision urgently would result in unreasonable or significant damage to property, or risk to people’s health and safety.

g) Any physical alterations to strategic assets that are required to:

- prevent an immediate hazardous situation arising

- repair an asset to ensure public health and safety due to damage from an emergency or unforeseen situation.

Whenever the Council does not formally engage, community views will still be considered before a decision is made and as much information will be provided to the public as possible.

Procedures

In achieving this policy, the following procedures will be as follows:

1. Every report to Council on any issue, proposal, decision or other matter will include a statement indicating that the issue of significance has been considered.

2. Where the issue, proposal, decision or other matter triggers the thresholds or criteria of this policy and is therefore likely to be significant, the report to Council will also include a statement relating to recommended level of consultation.

3. In receiving the report, Council may accept the report writer’s assessment of significance made in the report and the recommended level of consultation. Where Council does not accept the report writer’s assessment and recommendation, a separate resolution will be made to that effect.

Definitions

Nil

|  |  |
| --- | --- |
| Council adoption date and resolution no. | 23 August 2017 (CM201718/024) |
| Date of adoption of amendment and resolution number  |  |
| Relevant legislation | N/A |
| Delegated authority | N/A |
| Business unit | Governance and Policy |
| Directorate | Corporate and Performance |
| Review frequency  | Annually |

## 4/010 ELECTED MEMBER TRAVEL AND TRAINING

1. Objective

The purpose of this policy is to provide clear guidelines to Elected Members in relation to training and development programs they may access that will enhance and improve the skills necessary to perform their role and function as an Elected Member. The policy also sets out parameters associated with the booking of travel and accommodation arrangements.

2. Content

2.1 Professional Development

2.1.1 Commitment to professional development

Elected Members play an integral leadership role in the development, communication and representation of the Town’s Strategic Plan, policies, and programs. Professional development for Elected Members contributes towards a positive presentation of Council for the betterment of the organisation and the community.

2.1.2 Personal development

Elected Members are encouraged to identify individual and group personal development needs to enhance their effectiveness. As the needs of individual members may vary, each member is encouraged to seek the assistance of the Chief Executive Officer (CEO) in analysing his or her particular requirements and in identifying appropriate courses, seminars and training to meet those needs.

2.1.3 Conferences, seminars, forums or delegations

An Elected Member who is funded by Council to attend a conference, seminar, forum, delegation or similar event, shall participate as a representative of Council, not as an individual.

Elected Members may participate in conferences, seminars, forums, delegations or similar events where it can be demonstrated that attendance will:

* Provide information on a contemporary issue, so that Council can contribute to discussion or debate;
* Put forward Council's viewpoint during formation of a collaborative policy, or stance on an issue;
* Meet community expectations that Council representation is necessary for the benefit of the community;
* Provide development to the Elected Member in his/her role; or
* Provide improvements to the built, social, economic and natural well-being of the community.

2.1.4 Funding

Council makes an annual allocation in the Town’s budget to provide the opportunity for Elected Members to participate in appropriate training, conferences and events**.** Elected Members are permitted to attend these in accordance with this policy up to an amount not exceeding the annual budget allocation per Elected Member without further approval from Council.

The following training/conferences are identified as examples relevant to Elected Members’ role and responsibilities:

a) WALGA or Australian Institute of Management (AIMWA) or Australian Institute of Company Directors;

b) WALGA’s Annual Local Government Week Conference and associated courses;

c) Pilbara Kimberley Joint Forum;

d) Team building exercises; or

e) Any training session, conference or event considered by the CEO and the Mayor to be directly relevant to the performance for the Town of its functions including leadership, planning, financial management, corporate governance and social infrastructure.

To maximise the effectiveness of allocated resources, Council will only meet the cost of professional development outlined in this policy, subject to approval of the Mayor or Deputy Mayor.

If a request for professional development cannot be accommodated within the budget allocation, the Mayor, in conjunction with the CEO, will determine if additional funding may be available from another area of the budget.

Applications to attend any interstate and overseas conferences, seminars, forums, delegations or similar events under this Policy must be discussed with the Mayor or Deputy Mayor prior to arrangements being made.

2.1.5 Training Caretaker period and after Local Government Elections

During the caretaker period training and conferences will not be booked for those Elected Members seeking re-election.

Upon commencement of office an Elected Member will be provided with the opportunity to attend WALGA introductory training sessions. This will also be offered to all other Elected Members as refresher training should the training be held in Port Hedland.

2.2. Travel

2.2.1 Travel within Western Australia

Elected Members may attend events within Western Australia during their term of office upon the following conditions:

* The travel falls within the definitions for conference, professional development or delegation;
* Prior approval has been granted by the Mayor or Deputy Mayor as applicable;
* In deciding whether approval is to be granted the Mayor or Deputy Mayor should take into consideration the Elected Members remaining term of office; and
* There is sufficient budget allocation for the Elected Members travel.

2.2.2 Travel outside of Western Australia

Elected Members may attend Town Representation events held outside WA and overseas during their term of office upon the following conditions:

* The travel falls within the definitions for conference, professional development or delegation;
* An item has been presented to Council specifying:
* the benefit to the Town of the attendance at the conference, professional development or delegation;
* whether, if applicable, there is a necessity to send more than one Elected Member; and
* whether the information to be discussed at the conference or professional development can be sourced from within Western Australia.
* Approval has been granted by Council resolution;
* There is sufficient budget allocation for the Elected Members travel.

2.3. General conditions of travel

2.3.1 Bookings

All bookings associated with Elected Members’ travel will be arranged by a Town’s officer nominated by the CEO and will include:

* Registration fees;
* Travel to and from conference, study, seminars, conventions, etc.;
* Accommodation;
* Meals and incidentals where required.

The Town will endeavour to seek any discount possible to minimise the cost to the Town, whilst ensuring that an appropriate standard is obtained. All travel will be booked at economy rates, and any upgrade will be made at the Member’s expense.

Accommodation is to be arranged at an appropriate standard in reasonable proximity to where the majority of the purpose for the visit is to occur (i.e. hotel where conference is being presented). Should an Elected Member choose not to stay at the relevant hotel, a daily allowance of $150 will be paid in lieu of accommodation.

In the eventuality that meals are not provided at the accommodation, training session or conference, Elected Members will be given an allowance as prescribed by the Australian Taxation Office in Taxation Determinations as amended from time to time.

2.3.2 Bookings changes and cancellations

Any amendments or cancellations to bookings resulting from a change in Elected Members’ personal circumstances should be undertaken by Elected Members at their own cost. Elected Members should inform the CEO prior to the changes taking place. Any other change or cancellation resulting from the Town’s operations will be communicated to Elected Members, undertaken by relevant Town officers and paid for by the Town.

2.3.3 Rewards Program

Elected Members must not benefit from corporate bookings for travel undertaken in their role as Elected Member that is paid for by the Town of Port Hedland. This includes frequent flyer programs and accommodation loyalty schemes. In accordance with the *Local Government (Rules of Conduct) Regulations 2007* and the *Corruption, Crime and Misconduct Act 2003* Elected Members must not have any personal gain from acting in their role as a representative of the Town of Port Hedland.

2.3.4 Partners accompanying Elected Members on civic duties

Any costs associated with partners or spouses accompanying Elected Members whilst they are on official Town business will not be covered by the Town. Payment for such persons will be at the cost of the Elected Member or accompanying person.

2.4. Dispute Resolution

Any disputes in regard to this policy will be referred to the CEO in the first instance. In the event that the Elected Member and the CEO cannot reach an agreement, the matter will be reported to the Council for a decision.

2.5. Reimbursements

2.5.1 Travel

Elected Members are entitled to be reimbursed for travel costs incurred whilst using their own private vehicle to attend a Council or Committee meeting within the Town of Port Hedland district as per regulation 31 of the *Local Government (Administration) Regulations 1996* within the parameters stipulated by the SAT and section 30.6 of the Local Government Officers’ (Western Australia) Interim Award 2011. The reimbursement for the fuel being on a cents per kilometre basis.

Where Elected Members are representing the Town of Port Hedland Council at meetings outside the Town’s district they are required to utilise a Town vehicle and its fuel card where available. Where a Town of Port Hedland vehicle is not available and the Elected Member has to utilise his/her personal vehicle, he/she will be entitled to be reimbursed on a cents per km basis in accordance with the Public Service Award 1992. Where a Town of Port Hedland vehicle is available and he/she chooses to use their own vehicle, then costs will be reimbursed on actual fuel costs supported by appropriate tax invoices.

Where Elected Members require the use of a taxi whilst they are attending a conference, seminar, forum, delegation or similar event as a representative of the Town, the fare will be reimbursed upon the presentation of a receipt in accordance with section 2.5.3 of this policy.

2.5.2 Incidentals

Where meals and incidentals are not provided at the training session, conference or as part of booked accommodation, Elected Members will be reimbursed up to a pre-determined limit associated with each meal or incidental.

The maximum amounts for each meal/incidental including GST per day is set out below. These rates are based on the ATO Taxation Determination TD 2017/19 document in correlation with Taxation Ruling TR 2004/06:

* Breakfast $27.05
* Lunch $30.45
* Dinner $51.85
* Incidentals $19.35

Itemised tax receipts/invoices will be required to be submitted along with a completed expense claim for reimbursement in accordance with section 2.5.2 below.

Alcohol consumption will not be reimbursed.

2.5.3 Claims Procedure and Time Limit

Claims for reimbursement must be submitted no later than 14 days of returning from travel in the prescribed form required by the Town.

Under no circumstances is any reimbursement to be made in connection with costs incurred for re-election to office.

Definitions

***“Allowance”*** *– as defined in the Local Government Act 1995*

***“Reimbursement”*** *- as defined in the Local Government Act 1995*

***“Committee Meeting”*** *– as defined under section 5.98A(7) of the Local Government Act 1995*

|  |  |
| --- | --- |
| Relevant legislation | [*Local Government Act 1995*](https://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_551_homepage.html)[*Local Government (Administration) Regulations 1996*](https://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_1744_homepage.html)[*Salaries and Allowances Act 1975*](https://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_873_homepage.html)[*Town of Port Hedland Code of Conduct*](http://www.porthedland.wa.gov.au/documents/1653/code-of-conduct-2016) |
| Delegated authority | N/A |
| Business unit | Governance |
| Directorate | Corporate & Performance |

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| Governance to complete this section |
| Version Control | Version No. | Resolution No.  | Adoption date |
| V01V02V03 | CM201718/110CM201819/007CM201819/034 | 13 December 201725 July 201826 September 2018 |
| Review frequency  | Annually |

# 6. RECREATION

## 6/003 Community Grants Program

Objective

This policy aims to ensure Council allocates financial support to the community in the most effective manner. This allows Council to be transparent about the types and levels of funding provided to the community.

The objectives of this policy are to ensure:

• An equitable, transparent and consistent process to distribute funding;

• All applications received which fall within the policy and its associated guidelines are equally considered for support;

• The Town supports the community to deliver essential events, programs, projects and services that meet the objectives of the current Strategic Community Plan and identified community needs; and

• Acknowledge the contribution of community groups and volunteers in the community and the Council’s vision for the future.

Content

Community Funding Program

This program is divided into four streams to encourage activities, projects and programs which support the whole community.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | **Grant name** | **Purpose** | **Maximum value** | **Funding rounds** |
| **Annual** | Community Development Grant | Supports not-for-profit organisations to design, implement and complete projects that respond to local issues in Port Hedland. | $10,000  | Annual |
| Community Collaboration Grant | Supports groups working together on community-focused projects.  | $10,000 | Annual |
| **Arts and Culture** | Community Arts and Culture Grant | Encourage participation in the arts and activation of public spaces with cultural and creative initiatives. | $3,000 | Quarterly |
| Artist Development Grant | Support artists in their professional and creative development (fine arts, music and performance). | $2,000 | Ongoing |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | **Grant name** | **Purpose** | **Maximum value** | **Funding rounds** |
| **Sport and Recreation** | Community Sport Grant | Support projects, programs and activities that contribute to the health and wellbeing of the community. | $3,000 | Ongoing |
| Athlete Development Grant | Provide assistance to athletes, coaches and officials in achieving their potential and excelling in their chosen sport. | $2,000 | Ongoing |

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| --- | --- | --- | --- | --- |
| **Community Activation** | Special Events Grant | Support organisations in delivering events to benefit the whole community | $2,000 | Quarterly |
| Seed Funding | Supports new or struggling not-for-profit organisations in Port Hedland to establish or re-establish themselves. | $1,000 | Biannual |
| Business and Tourism Innovation Grant | Supports projects, events or activities that advance and encourage increased visitation, participation and contribute to the presentation or marketing of Port Hedland as a place to stay. | $2,000 | Biannual |
| Public Space Activation | Supports individuals, groups and businesses to develop projects in their local community to activate public spaces through strengthening connections between people and places they share. | $1,000 | Ongoing |
| Youth Leadership and Development Grant | Supports young people to increase their leadership, participation and skill development. | $2,000 | Ongoing |
| Friendly Neighbourhood Program | Supports individuals and groups to host initiatives that help connect the local community. | $250 | Ongoing |

Definitions

***“Not-for-profit”*** An organisation which uses monetary surplus solely for the purposes of its objectives and not to financially benefit its members in any way.

***“Grant funding”*** Provision of a set amount of funds for a period to achieve a specific identified outcome, agreed to in a formal contract with Council.

***“Support*”** Cash and in-kind contributions

***“In-kind contributions*”** The provision of equipment and services available through the Town of Port Hedland. Funding will be calculated in accordance with the Town’s adopted schedule of fees and charges.

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| --- | --- |
| Relevant legislation | [*Local Government Act 1995*](https://www.legislation.wa.gov.au/legislation/statutes.nsf/main_mrtitle_551_homepage.html)[*Local Government (Financial Management) Regulations 1996*](https://www.legislation.wa.gov.au/legislation/statutes.nsf/main_mrtitle_1753_homepage.html) |
| Delegated authority | Yes |
| Business unit | Community Development |
| Directorate  | Community Services |

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| *Governance to complete this section* |
| Version Control | Version No. | Resolution No.  | Adoption date |
| V01V02V03V04V05V06 | --201415/050201516/265CM201819/068CM202021/20 | 27 January 20118 May 201324 September 201422 June 201624 October 201826 August 2020 |
| Review frequency  | Annually |

**Document Control Statement** – The electronic reference copy of this Policy is maintained by the Governance Team. Any printed copy may not be up to date and you are advised to check the electronic copy at <http://www.porthedland.wa.gov.au/documents/public-documents/policies> to ensure that you have the current version. Alternatively, you may contact the Governance Team.

## 6/006 Consumption of Alcohol on Town of Port Hedland Owned and Managed Property

Objective

This policy works towards achieving the following outcomes for the consumption and sale of alcohol at Town of Port Hedland owned and managed property:

• Safe consumption of alcohol;

• Responsible service of alcohol; and

• Minimise harm and alcohol related damaged and violence.

Content

Under the *Liquor Control Act 1988* it is an offence to consume liquor on a Council reserve, facility or public open space without approval by the Local Government Authority.

Written permission must be granted from the Town of Port Hedland for the consumption or sale of alcohol at any of the following property:

• Recreation reserves and associated facilities;

• Parks;

• Leased facilities;

• Contract managed facilities; and

• Town of Port Hedland managed facilities.

All applications must be made to the Town by submission of an ‘[Application to Consume Alcohol on Council Facility or Reserve’](https://www.porthedland.wa.gov.au/forms/?formid=1). The application will specify:

• Contact details of the applicant;

• Proposed type of alcohol being sold or supplied;

• Type of event;

• Areas where alcohol will be served and consumed;

• How alcohol will be served; and

• Dates and times for alcohol consumption.

The Town will assess all applications against the following criteria:

• Nature of the function or activity;

• Venue suitability;

• Public safety;

• Documented history of the applying individual or group; and

• Number of applications per year of the applying individual or group.

If approval is granted, the following terms and conditions will apply for the consumption and sale of alcohol at Town of Port Hedland owned and managed property:

• No alcohol consumption is permitted before 11.00am or after 11.00pm unless approved by the Chief Executive Officer or their delegated authority;

• Glass containers are not permitted on any Town of Port Hedland owned recreation reserve or park, without approval from the Chief Executive Officer or their delegated authority. Products in glass containers may be served into plastic containers by staff at the bar service area;

• The permit holder must comply strictly with any relevant provisions of the *Liquor Control Act 1988* (as amended) and *Liquor Control Regulations 1989* (as amended);

• In the event of a cyclone, approval to consume liquor may be revoked for safety reasons;

• The permit holder listed on the ‘Application to Consume Alcohol on Council Facility or Reserve’ is responsible for the safety and wellbeing of all people involved in the event and managing the activity, to ensure other users and residents are not impacted;

• The permit holder must develop a risk management policy or plan to ensure that alcohol is served in a responsible manner; and

• If alcohol is being sold, the Town of Port Hedland must be provided with a copy of the liquor license as approved by the Department of Racing, Gaming and Liquor, prior to the license period commencing.

Depending on the nature and location of the event or function, the Town of Port Hedland may also place additional terms and conditions on the ‘Application to Consume Alcohol on Council Facility or Reserve’.

The Town will only grant permission to consume and sell alcohol at the Town’s recreation reserves, facilities and parks when they have been booked in accordance with the following policies and procedures:

• Recreation Reserves and Facilities – Seasonal Hire; and

• Recreation Reserves and Parks – Casual Hire and Events.

Leased Facilities

The Town must grant permission to consume alcohol at the Town of Port Hedland’s leased facilities. Permission must be sought by the completion of an ‘Application to Consume Alcohol on Council Facility or Reserve’ at the beginning of each calendar year.

If and when there are special events at the Premises held outside the permit hours, the Lessee will be required to apply for a singular ‘Application to Consume Alcohol on Council Facility or Reserve’ for the occasion. The Lessee can apply for these permits by contacting the Town of Port Hedland’s Recreation Services.

Definitions

***“Recreation reserves and associated facilities”*** Provide a setting for formal structured sporting activities ie. Kevin Scott Oval, Colin Matheson Oval.

***“Parks”*** Public space which can be used for informal play, relaxation, physical activity and social interaction ie. Cemetery Beach Park, Civic Centre Gardens.

***“Leased facilities”*** The Town of Port Hedland has a number of leased facilities within the municipality. A lease is a right granted by the Town of Port Hedland for an occupant to have exclusive use of a facility or area for a specified period of time in exchange for an agreed rental payment.

***“Contract managed facilities”*** Town of Port Hedland owned facilities which are managed by an external contractor ie. Courthouse Gallery.

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| --- | --- |
| Relevant legislation | *Liquor Control Act 1988* *Liquor Control Regulations 1989**Health Act 1911**Health (Public Building) Regulations 1997**Food Act 2008* *Food Regulations 2009* Town of Port Hedland Policies:* Recreation Reserves and Facilities – Seasonal Hire
* Recreation Reserves and Parks – Casual Hire and Events

Marquee Park Management PlanSouth Hedland Town Square Management PlanLocal Law – Aquatic and Recreation CentreGuidelines for Concerts Events and Organised Gatherings – WA Department of Health 2009Food Safety Standards |
| Delegated authority | Yes |
| Business unit | Sport and Facilities |
| Directorate  | Community Services |

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| *Governance to complete this section* |
| Version Control | Version No. | Resolution No.  | Adoption date |
| 01020304 | --201314/306CM202021/21 | 24 November 200427 February 200830 April 201426 August 2020 |
| Review frequency  | 3 Yearly |

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## 6/010 Recreation Reserves and Facilities – Seasonal Hire

Objective

The purpose of this policy is to provide the Town of Port Hedland (Town) with guidelines for the seasonal usage of the Town’s recreation reserves and facilities by sporting groups.

The intent of this policy is to:

• Ensure appropriate management of the Town’s recreation reserves and facilities by local sporting groups;

• Provide local sporting groups with the opportunity to hire the Town’s recreation reserves and facilities; and

• Ensure shared and equitable usage of the Town’s recreation reserves and facilities by all local sporting groups.

This policy will work towards achieving the following outcomes:

• Clear guidelines for the use and seasonal hire of the Town’s recreation reserves and associated facilities;

• Appropriate management of the Town’s recreation reserves and associated facilities; and

• Provide equitable seasonal usage for sporting clubs and associations of the Town’s recreation reserves and associated facilities.

Application

This policy covers the following recreation reserves within the municipality of the Town of Port Hedland:

Port Hedland

a) Colin Matheson Oval and associated facilities;

b) McGregor Street Reserve and associated facilities (Including Tennis and Hockey Club);

c) Town Oval; and

d) Race Track and associated facilities.

South Hedland

a) Kevin Scott Oval and associated facilities;

b) Marie Marland Reserve and associated facilities;

c) Faye Gladstone Netball Courts;

d) Hedland Senior High School Oval (out of school hours usage only); and

e) Cassia, Baler and South Hedland Primary School Ovals (out of school hours usage only).

Content

1. Shared Usage of Recreation Reserves and Facilities

The Town supports the shared usage of all the Town’s recreation reserves and facilities. Where appropriate, the Town will favour the usage of recreation reserves and facilities by multiple user groups.

2. Application Process

All sporting groups must submit all necessary booking application forms and supporting documentation to the Town within the required booking timeframes.

The following documentation may also be required:

• Site map;

• Provision of Public Liability Insurance Certificate of Currency;

• Trading in Public Places form, ie. food application;

• Application to Consume Alcohol on Council Facility or Reserve;

• Public Health Event Classification Assessment;

• Risk Management Plan;

• Traffic Management Plan;

• Relevant financial information;

• Certification for all temporary structures;

• Form 1 Application to Construct, Extend or Alter a Public Building; and

• Form 5 Electrical Certification.

3. Booking Timeframes

The summer season operates from 1 October to 31 March and the winter season operates 1 April to 30 September. All summer seasonal applications must be received by the end of August, each calendar year and winter seasonal application received by the end of February, each calendar year.

The Town will host season bookings information sessions prior to the commencement of each summer and winter season, to outline the season hire process and assist clubs with applications.

4. Assessment of Ground Allocation

The Town will assess applications for seasonal use of recreation reserves and facilities, in accordance with the following criteria:

• The nature and sustainability of the proposed activity in relation to the facility;

• The availability of the facility, giving consideration to all applications from other seasonal users;

• The impact of the activity on the recreation reserves and surrounding residents;

• The condition of the reserve, maintenance requirements and the availability of alternative venues; and

• Submission of the seasonal booking form, within the required timeframes.

Where possible, preference will be given to the following:

• Historical user groups;

• In season sports, over pre-season training;

• Competition match play over training;

• Incorporated sporting clubs and associations; and

• Applications submitted by the seasonal allocation closing date (over late submissions).

5. Seasonal Hire Fees and Charges

All fees and charges are adopted by Council as part of the annual budget process.

Season hire fees and charges represent a discount on casual hire fees and charges. To be eligible for seasoned hire fees and charges, applications must meet the following criteria:

a) Using the recreation reserves and facilities for sporting competitions (match play and / or training);

b) Hold current Public Liability Insurance for the primary purpose of the hire;

c) Be an Incorporated body or working towards incorporation in the next 12 months; and

d) Affiliated with a State or National sporting association, relevant to the sport or activity.

If groups do not meet the criteria outlined above, special permission can be sought from the Town to qualify for seasonal hire fees and charges.

Seasonal hire fees and charges provide sporting groups with the following services:

a) Access to the Town’s recreation reserves facilities (ie. toilets, change rooms);

b) Provision of bins equivalent to 1 bin per 20 users, for alcohol related bookings;

c) Provision of bins equivalent to 1 bin per 40 users, for non-alcohol related bookings; and

d) Pre-season cleaning of the sporting reserve toilet and change room facilities.

Hirers that do not meet the criteria outlined above will be charged casual hire fees and charges.

6. Bonds

The Town will charge a bond for the use of the Town’s recreation reserves, facilities and keys. Bonds will be determined by the Bond Matrix and must be paid prior to the commencement of the season.

7. Public Liability Insurance

All seasonal hiring groups are required to hold current Public Liability Insurance in the name of the club / association, for an amount of no less than $10,000,000.

The Town does not provide contents insurance for any equipment or furniture stored at the Town’s recreation reserves or facilities. Contents insurance is the responsibility of the sporting club and / or association.

8. Recreation Reserve Maintenance, Cleaning and Security

**Town of Port Hedland Responsibility**

a) Maintenance:

i. Pre-season facility inspections will be carried out at all sporting reserves and facilities. Users will be invited to attend these inspections with the Town’s Officer/s; and

ii. All sporting reserves and facilities may be subject to scheduled maintenance.

b) Cleaning:

i. The Town will clean each facility prior to the commencement of each season.

c) Use by Casual Hirers and Events:

i. The Town will advise seasonal users of other casual hirers and events that have hired facilities at their reserve during their season. Casual hirers and events do not have permission to access any furniture or equipment owned by sporting groups that is stored in the venue. Permission may be sought from the sporting group that owns the furniture or equipment.

**Sporting Club and Association Responsibility**

a) Maintenance:

i. Clubs and associations must notify the Booking Officer in writing of any maintenance issues;

ii. All seasonal users are required to report any theft or break-ins to the Booking Officer at the earliest convenience, including the Police incident report number; and

iii. Clubs and associations will be invoiced the cost of repairs, if the Town deems the damage as a direct result of the clubs’ and / or associations’ activity.

b) Cleaning:

i. Cleaning of the facility during the season is the responsibility of the user groups. If required, the Town will arrange any cleaning deemed necessary and will on charge associated costs to the hirer;

ii. Clubs and associations are responsible for the removal of all litter associated with each booking, including the reserves, car park and within the facilities; and

iii. Reserves and facilities need to be cleaned by the hiring group by 10.00am on the day following each booking.

c) Security:

i. Clubs and associations are responsible for ensuring all facilities are fully secured and locked after each use; and

ii. Clubs and associations must inform the Town’s Bookings Officer at the earliest opportunity, of all broken or missing locks and any damage which may present a risk to faulty security.

9. Consumption of Alcohol

All sporting clubs and associations must comply with the Consumption or Sale of Alcohol at Town of Port Hedland Owned or Managed Property policy and Department of Racing Gaming and Liquor requirements.

10. Vehicles on Recreation Reserves

a) A maximum of two (2) vehicles are permitted on the recreation reserves for equipment set up and pack down. All other vehicles must be parked in the designated car parking areas. Players and spectators cars must not park on the recreation reserves during training or competitions; and

b) Subject to approval, equipment trailers may be driven on to recreation reserves to set up for training and competitions. Where possible, these must be parked outside the boundary lines of the recreation reserve.

11. Provision on Bins

a) The number of rubbish bins provided for seasonal hirers at recreation reserves or facilities is to be calculated in accordance with the application form submitted and will be worked out on a ratio of 1 bin per 20 users, for alcohol related bookings and 1 bin per 40 users, for non-alcohol related bookings; and

b) Requests for additional rubbish bins can be made to the Town and will be assessed on a case by case basis. Fees apply for additional bins, as per current fees and charges.

12. Line Marking

a) Clubs and Associations are responsible for all line mark ups associated with training and competitions;

b) Grounds must be marked in accordance with the standards set out by the Department of Sport and Recreation in its nationally adopted publication (<http://www.dsr.wa.gov.au/sportsdimenions>);

c) Water base paint is the approved paint to be used for all line marking. For safety reasons, the following products are not permitted for marking reserves:

i. Lime;

ii. Round Up and other herbicides and chemicals;

iii. Oil; and / or

iv. Any growth retardants.

d) Line marking must not be carried out while the reserve is being used by another club and / or group; and

f) If inappropriate marking materials are used, additional charges may be incurred to rectify any damage. Repairs will be carried out by the Town’s Parks and Reserves business unit and all associated costs will be on-charged.

13. Conduct

The club and / or association is responsible at all times, for the conduct of its members, spectators and guests; and must comply with all Federal, State and Local Laws, whilst on Town property. Inappropriate conduct of a clubs’ and / or associations’ members, may result in restricted access to the Town’s facilities or legal action.

14. Outstanding Accounts

All outstanding accounts must be settled by the hiring group prior to approvals being granted, for use of the Town’s recreation reserves and facilities.

Definitions

***“Seasonal Users”***

a) Incorporated sporting clubs and / or associations; and

b) New sporting groups that are working towards incorporation within a 12 month period.

***“Sporting Seasons”***

a) Summer = October to March (inclusive); and

b) Winter = April to September (inclusive).

|  |  |
| --- | --- |
| Relevant legislation | *Health Act 1911**Food Act 2008* *Liquor Control Act 1988* *Liquor Control Regulations 1989**Food Regulations 2009* *Health (Public Building) Regulations 1997**Environmental Protection (Noise) Regulations 1997*Recreation Reserves and Parks – Casual Hire and Events.Guidelines for Concerts Events and Organised Gatherings – WA Department of Health 2009 and other health related guidelines.Food Safety StandardsConsumption and Sale of Alcohol at Town of Port Hedland Owned and Managed Property.Recreation Reserves and Parks – Casual Hire and Events. |
| Delegated authority |  |
| Business unit | Sports and Facilities |
| Directorate  | Community Services |

|  |
| --- |
| *Governance to complete this section* |
| Version Control | Version No. | Resolution No.  | Adoption date |
| V01V02V03 | -201314/306CM202021/21 | 9 May 201230 April 201426 August 2020 |
| Review frequency  | 2 years |

**Document Control Statement** – The electronic reference copy of this Policy is maintained by the Governance Team. Any printed copy may not be up to date and you are advised to check the electronic copy at <http://www.porthedland.wa.gov.au/documents/public-documents/policies> to ensure that you have the current version. Alternatively, you may contact the Governance Team.

## 6/011 Recreation Reserves, Facilities and Parks - Casual and Event Hire

Objective

The Town of Port Hedland (Town) will ensure its recreation reserves, facilities and parks are available to the community for casual and event hire.

The intent of this policy is to:

* Provide individuals, businesses, schools, sporting and community groups with the opportunity to hire the Town’s recreation reserves, facilities and parks for approved purposes on a casual basis;
* Ensure appropriate management of the Town’s recreation reserves, facilities and parks; and
* Ensure bookings comply with all relevant statutory requirements.

This policy will work towards achieving the following outcomes:

* Clear guidelines for the use and hire of the Town’s recreation reserves, facilities and parks; and
* Appropriate management of the Town’s recreation reserves, facilities and parks.

Application

Types of bookings covered in this policy include:

• Casual bookings;

* Events; and

• Personal training.

This policy covers recreation reserves, facilities and parks within the municipality of the Town of Port Hedland.

Content

1. Booking guidelines

(a) Casual Hire and Events

Individuals, businesses and community groups are required to have confirmed bookings for the Town’s recreation reserves, facilities and parks for the following uses:

i. Sporting fixtures and training;

ii. Events with over 50 attendees;

iii. When events are either open to or advertised to the public;

iv. When any entertainment is included or structures erected (ie. Bouncy Castles etc);

v. All vehicle access is required;

vi. When food or goods will be sold;

vii. When alcohol will be consumed or sold;

viii. When personal training sessions or fitness classes will be conducted; and

ix. When access to facilities e.g. change rooms, kiosks or overhead lighting.

(b) Personal Training and Fitness Classes

All personal training and fitness class hire bookings must adhere to the following guidelines:

i. Provide a copy of current public liability insurance certificate of currency;

ii. Provide evidence of current membership/affiliation with a peak body (ie. Fitness Australia);

iii. Bookings limited to 20 participants; and

iv. Activities cannot include formal/structured sporting games.

Please note – Personal training and fitness classes will not be granted exclusive or priority usage of the Town’s recreation reserves, facilities and parks.

2. Application Process

An application form must be submitted for all new bookings.

The following documentation may also be required for some bookings:

• Site map;

• Provision of Public Liability Insurance Certificate of Currency;

• Trading in Public Places form, ie. food application;

• Application to Consume Alcohol on Council Facility or Reserve;

• Public Health Event Classification Assessment;

• Risk Management Plan;

• Traffic Management Plan;

• Noise Management Plan;

• Emergency Plan;

• Fireworks Permit;

• Certification for all rides;

• Certification for all seating;

• Certification for all temporary structures;

• Form 1 Application to Construct, Extend or Alter a Public Building; and

• Form 5 Electrical Certification.

All events with 1,000 people and over must adhere to the guidelines outlined in the Western Australian Department of Health, Guidelines for Concerts, Events and Organised Gatherings.

3. Booking Assessment Process

The Town will assess all applications against the following criteria:

* The availability of the facility, taking into account all other hire applications;
* The condition of the reserve, maintenance requirements and alternative venues;
* The impact on seasonal users when the application is for a recreation reserve or associated facility;
* Adherence to all relevant statutory requirements;
* The suitability of the event to the venue including:
	+ Impact of the activity / event on the recreation reserve or park;
	+ Neighbouring properties and tenants;
	+ Parking facilities;
	+ Facility able to meet the needs of the proposed numbers;
	+ Buffer zones between noise sources and noise-sensitive neighbouring properties;
	+ Absence of toxic industries in close proximity to the event; and
	+ Adequate toilet facilities.

All approved booking applications will receive written confirmation from the Town. The Town reserves the right cancel or change all bookings of recreation reserves, facilities and parks. Where a booking is cancelled, the Town will endeavour to offer an alternate equivalent venue for the booking.

4. Creating an Accessible Event

Event organisers must consider and comply with the Department of Disability Services ‘Creating Accessible Events’ guidelines. A copy of these guidelines can be found on the Town of Port Hedland’s website [www.porthedland.wa.gov.au](http://www.porthedland.wa.gov.au).

5. Booking Timeframes

The following time frames apply when submitting an application for use of a recreation reserve or park:

• Two (2) weeks’ requests with less than 50 people;

• Four (4) weeks’ requests with 51 to 500 people;

• Six (6) weeks’ requests with 500 and 1,000; and

• Twelve (12) weeks’ requests with over 1,000 people.

Applications that fail to demonstrate compliance with the above timeframes may attract late bookings fees or be refused.

6. Provision of Toilets

Event organisers are responsible for the provision of adequate ablution facilities for participants.

The table below outlines the number of toilets required at events.

Please note the figures below are for events where alcohol is available. If alcohol is not available, then reduce the requirements in the table below by 50%.

|  |  |  |  |
| --- | --- | --- | --- |
| Total Attendance | Male Facilities | Female Facilities | Hand Basins |
| WC’s | Urinal Meters | Urinals | WCs | Male | Female |
| 1,000 | 2 | 1.5 | 3 | 5 | 1 | 1 |
| 1,000 – 2,000 | 3 | 3 | 6 | 10 | 2 | 2 |
| 2,000 – 3,000 | 4 | 4.5 | 9 | 15 | 3 | 3 |
| 3,000 – 4,000 | 5 | 6 | 12 | 20 | 4 | 4 |
| 4,000 – 5,000 | 6 | 7.5 | 15 | 25 | 5 | 5 |
| 5,000 – 6,000 | 7 | 9 | 18 | 30 | 5 | 6 |
| 6,000 – 7,000 | 8 | 10.5 | 21 | 35 | 6 | 7 |
| 7,000 – 8,000 | 9 | 12 | 24 | 40 | 7 | 8 |
| 8,000 – 9,000 | 10 | 13.5 | 27 | 45 | 8 | 9 |
| 9,000 – 10,000 | 11 | 15 | 30 | 50 | 9 | 10 |

Adjusting the required number of toilets at an event.

|  |  |
| --- | --- |
| Duration of Event | Percentage of the table values (using Table Above) |
| More than 8 hours | 100% |
| 6 – 8 hours | 80% |
| 4 – 6 hours | 75% |
| Less than 4 hours | 70% |

The requirements outlines above are extracted from the Department of Health Guidelines for Concerts, Events and Organised Gatherings. Event organisers must comply with all amendments to these guidelines.

7. Fees and Charges

All fees and charges for the Town’s recreation reserves, facilities and parks are adopted by Council as part of the annual budget process.

Fees and charges for hire of the Town’s recreation reserves, facilities and parks include the following services:

* Use of the hired area;
* Booking administration;
* Approval for the provision of Consumption or Sale of Alcohol at Town of Port Hedland Owned or Managed Property;
* Rescheduling of irrigation systems; and
* Written confirmation for approved usage from the Town of Port Hedland.

8. Maintenance, Security and Cleaning

Town of Port Hedland Responsibility:

* Pre hire inspections will be conducted to ensure reserves and facilities are in reasonable and clean condition.

Hiring Group Responsibility:

* Ensuring that the reserve, facility or park is left in a clean and reasonable condition at the conclusion of their hire;
* Any damage caused during the booking is reported to the Town’s Bookings Officer As soon as practical following the event;
* The hirers will be invoiced for the cost of repairs or additional cleaning required if the Town deems the damage to be direct result of the hirer’s activity;
* Are responsible for ensuring the facilities are locked and secured at the completion of their hire; and
* Hiring groups do not have permission to access any furniture or equipment stored in facilities by sporting group unless permission is given from the sporting group that owns the equipment.

9. Bonds

The Town of Port Hedland will charge a bond for the use of the Town’s recreation reserves, facilities, parks and keys. Bonds will be determined by the Bond Matrix and must be paid prior to the booking.

10. Public Liability Insurance

Public Liability Insurance Certificate of Currency for an amount no less than $10,000,000 is required for the following hirers:

* Incorporated bodies;
* Companies;
* Associations;
* Corporate entities; and
* Casual hirers which use a Town of Port Hedland facility more than twelve (12) times per annum in total.

The Town has an insurance policy arranged through the Local Government Insurance Services (LGIS), which provides public liability insurance protection for casual hirers of Town owned and operated facilities. This policy covers hirers of venues for events such as weddings, parties and meetings.

Some activities are not covered under the Casual Hirers Policy. Each hire will be assessed on an individual basis and the applicant advised of the insurance requirements for their booking.

11. Provision of Alcohol at Recreation Reserves, Facilities and Parks

All hirers must comply with the Consumption or Sale of Alcohol at Town of Port Hedland Owned or Managed Property policy and Department of Racing Gaming and Liquor requirements.

A Trading in Public Places application must also be submitted for the consumption and sale of alcohol at all of the Town of Port Hedland’s parks and sporting reserves.

12. Provision of Bins

Provision of bins is not included in the hiring fees for any casual hire of the Town’s recreation reserves, facilities and parks. For events with over 100 people bins must be provided at the following ratios:

• Alcohol (1 x 240 litre bin per 20 users); and

• No Alcohol (1 x 240 litre bin per 40 users).

13. Conduct

The group hiring a recreation reserve, facility or park is responsible at all times for the conduct of its members, spectators and guests. Hirers must comply and seek necessary approvals with all federal, state and local laws whilst on Town property. Inappropriate conduct of individuals associated with any booking may result in restricted access to the Town’s facilities or legal action.

14. Outstanding Accounts

All outstanding accounts must be settled by the hiring group prior to confirmation being granted for use of the Town’s recreation reserves, facilities and facilities.

Definitions

***“Event”*** Means a gathering of people brought together for a common purpose by some prearrangement.

|  |  |
| --- | --- |
| Relevant legislation | *Health Act 1911**Food Act 2008**Liquor Control Act 1988**Health (Public Building) Regulations 1997**Environmental Protection (Noise) Regulations 1997**Food Regulations 2009* *Liquor Control Regulations 1989*Food Safety StandardsGuidelines for Concerts Events and Organised Gatherings – WA Department of Health 2009 (and other relevant health related guidelines)Consumption and Sale of Alcohol at Town of Port Hedland Owned and Managed Property.Recreation Reserves and Parks – Casual Hire and Events.Marquee Park Management PlanSouth Hedland Town Square Management Plan |
| Delegated authority | - |
| Business unit |  Sport and Facilities |
| Directorate  |  Community Services |

|  |
| --- |
| *Governance to complete this section* |
| Version Control | Version No. | Resolution No.  | Adoption date |
| V01V02V03 | -201314/306CM202021/21 | 9 May 201230 April 201426 August 2020 |
| Review frequency  | As required |

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# 7. CULTURE

## 7/002 ACQUISITION AND MANAGEMENT OF ARTWORKS

Policy Objective

To provide a framework for the development and expansion of the Town of Port Hedland Art Collection. To implement procedures for the acquisition of artworks. To provide a framework for the management of the Art collection

Policy Content

Acquisition Guidelines

Most pieces in the current collection have a local theme, that is either the artists or the subject is relevant to the Port Hedland region.

The Town of Port Hedland aims to collect and to maintain pieces of excellence which:

* Have a relationship to the heritage, culture, people and environment of the Pilbara region.
* Are by local artists.
* Are of a high calibre and should accrue in value.

In acquiring a piece consideration will be given to:

* Condition of the piece.
* Cost of preserving and maintaining the piece.
* Its relationship to other pieces in the Collection

Indigenous and multicultural pieces in particular will be considered for acquisition.

Method of Acquisition

Acquisition can be made through donation, bequest, sponsorship, commission or purchase. Recommendations for purchase of pieces for the collection will be presented to the Mayor and Chief Executive Officer for approval within budget allocation. The Town of Port Hedland may refuse any items that fall outside this Collections Management Policy. Indigenous cultural/historical artefacts are only to be acquired following liaison and agreement with relevant Indigenous individuals and organisations.

Port Hedland Art Award

Council will sponsor an acquisitive category in the Port Hedland Art Award – Best Work by a Local Artist.

Display of the Collection

In order to generate interest in the Town of Port Hedland Collection and for the community to value its development the Collection will be periodically rotated within appropriate Council facilities including:

* South Hedland Library
* Port Hedland International Airport
* Port Hedland Courthouse Arts Centre

Catalogue of the Collection

Catalogue Number

The works will be allocated a catalogue number according to three defining factors

1. the type of work

2. The year it was acquired

3. the number of works acquired in that year

Key to Type of Artwork

PR Print (i.e. screen print, linoprint, etching, collograph)

PH Photograph

OA Oil or acrylic painting

WC Watercolour Painting

M.M Mixed Media Work

SC Sculpture

CE Pottery, Ceramics

IN Installation

FB Fibre Work (i.e. patchwork, weaving, silk painting)

Attaching Catalogue Number

The Catalogue Number should be attached to the artwork in an appropriate manner according to the type of work.

Framed Works

The Catalogue Number should be written on the back of the frame in the top right hand corner in pencil.

Sculpture/Pottery/Ceramics

The Catalogue Number should be written on the bottom surface of the artwork, where this is not a visible surface, in pencil. Where the surface is too dark or not practical to be written on, a small line of white acrylic paint should be painted onto the bottom surface and the number written on that surface.

Fibre

The Catalogue Number should be written on a piece of unbleached calico and sewn on the back of the artwork in a way that is not visible from the front of the work.

Other

Where it is impractical to permanently attach the number onto the works a removable tag should be tied onto the work or placed inside or aside the work when it is in storage and removed when on display.

Photographic Record

A photographic record of all artworks should be taken at the time of acquisition in the Town of Port Hedland collection. This record should e both electronic and a colour hardcopy. The Catalogue number should be written on the back of the photograph in pencil and filed with the Catalogue Form.

The electronic photographic copy should be filed on the computer under the Catalogue Number and should include all data regarding the artwork as per the hard copy.

Catalogue Form

The Town of Port Hedland should complete the Catalogue Form on receipt of the work. Additional information related to the artists and the artwork should be attached to the Catalogue Form.

Register of Artwork

The Register of Artwork outlines the works in the Town of Port Hedland Art Collection. The Register details the current location of each work and should be regularly updated to include new acquisitions and register the removal or relocation of any artwork.

Procedure for New Acquisitions

1. Receive new work into the Town of Port Hedland Collection

2. Complete Catalogue Form – request CV Material from Artists if not included

3. Allocate Catalogue Number

4. Photograph Work

5. Attach Catalogue Number to Artwork and Photograph

6. File Catalogue Form/Photograph together

7. Complete register of Artwork – ensuring location of artwork is detailed

8. Display new artwork

Valuation of the Collection

Council shall contract a valuer who is registered as an Approved Valuer in Western Australia to periodically value the collection.

Conservation of the Collection

To prevent permanent damage to pieces they shall be properly displayed in an air-conditioned, pest free environment with adequate security.

Works requiring conservation work will be assessed on an individual basis to ensure that there is value in undertaking any conservation work. A qualified conservator will undertake conservation work.

Loan of the Collection

Outgoing Loans Conditions

1. Costs

a) All costs associated with the shipping of the Work(s) including any special mounting, the Borrower will meet framing, packing and transportation (or supervision thereof).

b) All costs associated with the Installation and the Borrower will meet de-installation (including supervision thereof).

2. Transport

a) All packing, transportation and installation formalities will be arranged by the Borrower through companies or organisations acceptable to the Town of Port Hedland.

b) All glass must be taped for transportation.

c) Perspex should not be taped for transportation.

d) All Work/s should be wrapped in bubble wrap and transported in a covered vehicle.

3. Purpose of Loan

a) The Borrower shall only exhibit the Work(s) for the purpose specified, at the places specified and for the duration specified in this Agreement.

b) Works borrowed for touring exhibitions must travel to the exhibition venues as part of the touring exhibition. The Borrower shall be responsible for ensuring that staff at the receiving venues receives full instructions for the correct handling of the Work(s) such that they will be informed about the correct handling of the Work(s) prior to being required to do so.

c) The Borrower shall not lend the Work(s) to any other person whomsoever without prior written approval of the Town of Port Hedland.

4. Period of Loan

a) Subject to these conditions, the Work(s) shall continue on loan to the Borrower until the date specified in this Agreement.

b) The period of loan may be extended or reduced by further agreement in writing between the Town of Port Hedland and the Borrower.

c) The Town of Port Hedland reserves the right to recall the Work(s) subject to giving three (3) days’ notice to the Borrower. The Borrower must return the Work(s) to the Town of Port Hedland within fourteen (14) days of the date of notice from the Town of Port Hedland.

5. Insurance

The Borrower will insure the work for the amount specified, against all risks of physical loss or damage while in transit and on location for the duration of the loan.

6. Damage to Work

a) The Borrower shall report any damage or loss immediately to the Town of Port Hedland. Unless it is necessary to move the Work(s) for protection from further damage, the Borrower shall wait for instructions from the Town of Port Hedland. The Borrower, if possible, should undertake photographic documentation of damage before any movement.

b) In the event of damage occurring during transit, the Borrower shall forthwith also notify the carrier and will retain all packing materials until the Town of Port Hedland and the carrier have had an opportunity to inspect the Work(s), the materials and the damage.

7. Protection of Work

a) The Borrower shall at all times ensure that the Work(s) are treated with all due care to ensure protection against loss, damage, or deterioration and should loss, damage or deterioration occur, the Borrower shall forthwith provide a detailed report to the Town of Port Hedland.

b) The Borrower shall not permit the Work(s) to be unframed or removed from mounts or bases for any purpose whatsoever except with the prior written approval of the Town of Port Hedland.

c) The cost of any repairs or conservation required as a result of damage or deterioration, not covered by insurance, shall be the responsibility of the Borrower.

8. Exhibition of Work

a) The Work(s) shall not be displayed in an outdoor exhibition.

b) The Borrower shall at all times during the period of the loan be responsible for ensuring that the Work is protected from direct sunlight, rain excessive humidity, excessive temperature differentials and excessive dry conditions, and from the hazards of fire, theft, insects, dirt, foodstuffs, drink, smoking or handling by unauthorised persons or members of the public.

c) The Borrower shall be responsible for ensuring that proper care is taken to protect all watercolours, drawings, prints, fabrics and photographs against fading, scorching and buckling caused by direct or reflected sunlight, artificial light, fluorescent light or proximity to heat sources. Appropriate light levels for these works must be achieved.

9. Condition Report

a) The Borrower shall make a condition report of the Work(s) upon receipt of the Work(s) from the Town of Port Hedland.

b) The Town of Port Hedland may from time to time request the Borrower to provide it with a condition report in relation to the Work(s) and the Borrower shall comply with any such reasonable request.

10. Credit

a) The Borrower will acknowledge the Town of Port Hedland Art Collection in the following form "Town of Port Hedland Art Collection" on exhibition labels, in exhibition catalogues and in any publicity or permitted reproduction of the Work(s).

b) The Borrower shall provide the Town of Port Hedland with a free copy of any exhibition catalogue or associated material and with a copy of any publicity or media material in reference to the Work(s).

11. Copyright and Reproduction

The Borrower shall not permit the Work(s) to be photographed (except for the Borrower's record purposes or for condition reports for the Town of Port Hedland or reproduced without the prior written approval of the Town of Port Hedland.

12. Return of Work to the Town of Port Hedland

The Borrower shall return the Work(s) to the Town of Port Hedland Art Collection within fourteen (14) days of the conclusion of the exhibition and within the period of the loan.

Definitions

The term “collection” as used in this Collections Acquisition and management Policy is understood to mean the acquisition of pieces. Local Artist is defined as a person born in the Pilbara region, or a person living in the Port Hedland region. Pieces is defined as Art Works including prints, photographs, oils or acrylic paintings, watercolour paintings, mixed media work, sculpture, pottery, ceramics, installation and fibre works

(Adopted at the 24 November 2004 Council Meeting)

Town of

PORT HEDLAND

ART PURCHASE RECOMMENDATION

ARTIST ……………………………………………………………………………………………

LOCAL ARTIST YES…………………………NO………………………………….

TITLE OF WORK…………………………………………………………………………

MEDIUM…………………………………………………………………………………

PRICE………………………………………………………………………………………

THE WORK IS FRAMED………………………UNFRAMED…………………………

 REQUIRES FRAMING…………………………………………

THE WORK IS AVAILABLE TO BE VIEWED AT……………………………………

ADDRESS…………………………………………………………………………………

PHONE NUMBER……………………………….FAX…………………………………

OPENING HOURS………………………………………………………………………

DATES WORK IS ON VIEW……………………………………………………………

THE WORK IS WITHIN THE PURCHASING GUIDELINES?

 YES………………………………NO………………………………

THE PURCHASE FALLS WITHIN THE COUNCILS BUDGET?

 YES………………………………NO…………………………………..

If ‘NO’, on what grounds is a purchase recommendation being made?

………………………………………………………………………………………………

………………………………………………………………………………………………

RATING OF VALUE OF THE WORK FOR THE COLLECTION

I I I I I I

Critical/vital Promising/relevant

 work work

OUTLINE OF REASONS FOR RECOMMENDATION OF ART WORK PURCHASE

………………………………………………………………………………………………

………………………………………………………………………………………………

………………………………………………………………………………………………

………………………………………………………………………………………………

COST: PURCHASE PRICE………………………………………………………………

DELIVERY/PACKING…………………………………………………………………….

CONSERVATION…………………………………………………………………………

FRAMING………………………………………………………………………………..

TOTAL ……………………………………………………………………………………

**APPROVED: Chief Executive Officer:**

**SIGNATURE**

**DATE:**

**APPROVED: Mayor:**

**SIGNATURE**

**DATE:**

# 8. COMMUNITY SERVICES

## 8/002 Public Art

Objective

The objective of this policy is to allow residents and visitors to discover and to enjoy a unique natural and urban environment that offers a strong sense of local place. In particular to:

* Invigorate the town by increasing its artistic profile, making it a vibrant place in which to live, work and visit.
* Promote the works of artists living in or coming from the Port Hedland region.
* Contribute to the growth of cultural tourism.
* Improve the visual and social amenity of the Town of Port Hedland.
* Encourage a greater understanding and appreciation of our cultural heritage.
* Create employment and training opportunities for local people in this field.
* Create a framework for the conservation and care of Council’s public art.
* Create passive recreation opportunities for the community.

Content

New Works

The Town of Port Hedland Public Arts Projects will focus on:

* Integrating public art into the streetscape.
* Enhancing the natural environment.
* Reflecting the diverse cultural heritage of our community in a reflective and responsive way.
* Imaging the unique environmental features of our town and region.

In developing Public Art works the Town of Port Hedland will:

• Demonstrate a commitment to innovation, excellence and diversity.

• Establish partnership projects between the Town of Port Hedland, the private sector, community groups and government agencies.

• Give priority to local artists for public arts projects.

• Create opportunities for employment, training and mentoring of local artists through public arts projects.

• Promote Civic pride by involving the community in the creative planning process.

• Create opportunities for passive recreation.

• Place emphasis on works having relevance to the site.

• Incorporate public art as an integral component in capital works projects instigated by Council.

• Involve artists from the early stages of planning of capital works projects instigated by Council.

• Encourage artists to collaborate with town planners, architects, urban designers, business and industry in Council capital works projects and private sector development.

• Provide criteria, guidelines and a Contract for artists for all public artwork projects, based on contracts developed by the Arts Law Centre of Australia.

Criteria for public art selection

• The excellence and innovation of the work.

• The ability and skills of the artist to undertake the work.

• The involvement of local artists in the work.

• Opportunities for employment, training and mentoring of local artists through the work.

• An understanding of the diverse cultural heritage of our community in a reflective and responsive way.

• The historical, cultural or social significance of work to the Port Hedland region.

• The relevance of work to the site.

• The relevance to Council strategic, cultural, heritage, planning or environmental policies.

• The safety, maintenance and durability of the artwork.

• Community involvement in the creative process and community support for the work.

• The enhancement and vitalization of public areas.

• The development of a partnership with the private sector, community groups and government.

• The ability to attract external funding for the project.

Definitions

***“Public Art”*** Is defined in the broadest sense as artistic works or activities created for, located in, or developed as part of a public facility or space. Public Art includes any planning or conceptual contribution of an artist to the design of public facilities and spaces.

|  |  |
| --- | --- |
| Relevant legislation | - |
| Delegated authority | - |
| Business unit | Marketing, Events and Communications |
| Directorate  | Development, Sustainability & Lifestyle |

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| *Governance to complete this section* |
| Version Control | Version No. | Resolution No.  | Adoption date |
| V01 | - | 24 November 2004 |
| Review frequency  | - |

## 8/003 ACCESS AND INCLUSION

Policy Objective

To provide context for the Town of Port Hedland’s commitment to supporting a welcoming, accessible and inclusive community.

Policy Content

Access and inclusion focuses on providing the same opportunity to people with or without disability, to enter or use community services, premises and facilities, and be able to participate and be included in the community.

The common elements of addressing access and inclusion are the removal or reduction of barriers to participation in the activities and functions of a community, by ensuring that information, services and facilities are accessible to people with disability.

The Town’s vision is to become a nationally significant friendly city that people are proud to call home. The Town is committed to providing equitable access to services, facilities, buildings and information in a way that facilitates increased independence, opportunities and inclusion within the community for all community members.

The Town will achieve this by maintaining and actioning its Disability Access and Inclusion Plan. This includes taking all practicable measures to ensure that the plan is implemented by its officers, employees, agents or contractors (Section 29B in the *Western Australian Disability Services Act 1993*).

Definitions

Definitions for the purpose of this policy are as defined in the *Western Australian Disability Services Act 1993*.

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| Council adoption date and resolution no. | 24 November 2004 |
| Date of adoption of amendment and resolution number  | 23 March 2016 (201516/195) |
| Relevant legislation and documentation | Disability Services ActTown of Port Hedland Disability Access and Inclusion Plan  |
| Delegated authority | N/A |
| Business unit | Community Development |
| Directorate | Community and Development Services |
| Review frequency  | Five yearly |

## 8/004 COMMUNITY LEASING

Policy Objective

The Town of Port Hedland is committed to meeting the current and emerging need of the Community seeking the long term use of Council owned or controlled properties and land.

The objectives of this policy is to:-

* Establish a framework of reference to ensure there is an equitable and consistent approach in providing lease/ licensing arrangements for community and sporting groups
* Establish lease and licence fees and access granted to Council property is in accordance with community needs and expectations
* Ensure organisations value, protect and preserve the community assets for the ongoing benefit of the community.
* Ensure fair and consistent leasing and licensing conditions are provided to organisations

This policy does not apply to the occasional use or hiring of the Town of Port Hedland’s facilities or sporting grounds.

Types of Tenure

The Town will use two types of agreements under this Policy, being a Lease or a License. These will be assigned based on the community need and the facility accessibility requirements by the general public.

Leases – Exclusive Use of Building/s or Facilities

Where the exclusive use of a building or facility supports the Council’s Plan and/or Master Plans and addresses the priority needs of the community as determined through a Council plan or strategy.

A lease provides the lessee with exclusive use of a defined areas for a specified purpose and term. Leases areas will generally be defined by building footprints, but will include access ramps, stair cases and gardens which bound the buildings/s.

Lease areas will also include dedicated non-turf activity space (eg Tennis/ netball courts/ BMX tracks) where those areas are to be exclusively used by the organisations.

In all cases, Council reserves the right to determine how a lease and the appropriate lease area is characterised, but will take into considerations the future development plans of the Town and the Lessee.

License– Shared Use

Where the shared use of a building or facility supports the Council’s Plan and/or Master Plans and addresses the priority needs of the community as determined through a Council plan or strategy.

A license provides the occupant with nonexclusive use of a defined license area for a specified purpose and term. License or permit areas will generally be defined by building footprints and surrounds where the Town determines that exclusive use is not required, or where a facility or space within a facility is shared between two or more organisations.

Policy Content

Terms of Lease

Lease terms will be in accordance with the Management Order held over the Reserve and no more than 21 years.

All leases will have a common expiry date of 30 June in each year.

Incoming leases will not pay less than the current year rental (a full annual lease fee will be applied regardless of lease commencement date).

Approval Process

All leases require Ministerial approval prior to final execution.

Process enquiries and application for Lease

All enquiries for the lease of land under council’s control for all uses including but not limited to; sporting, community, educational, and commercial organisations shall be referred to Leasing Officer for consideration against the management order held over that Reserve.

Maximum utilisation of Council Property is promoted with consideration given to community demand and capacity of facilities to cater for use.

* ‘Community Group’ use of Council Property is given priority over other uses particularly where:

Local community groups do not have ready access to any other types of facilities in which to conduct their activities;

A Council strategic objective/s is achieved by supporting such use; or

There is a clear social benefit to be achieved by the use/activity, including access for multi-cultural groups, aged people, family groups and other population groups.

* ‘Community Agency’ use is granted to organisations and groups who can demonstrate:

Clear relevance with Council’s strategic objectives as expressed through Council plans, strategies or policies; or

A clear social benefit for the community and in particular demographic groups identified as being in need.

* ‘Commercial’ use is granted on a lower priority basis in relation to community groups and agencies to ensure utilisation of a facility and where:

There is a demonstrated benefit to the community from the commercial activity that is being conducted;

The use complements other uses of a facility at a time when the facility would otherwise be vacant;

Building business sector partnerships has a benefit to the facility in potential sponsorship and increased revenue; or

Commercial use does not displace community group or agency use.

JD Hardie Centre

All occupants entering into a Lease with Council for space at the JD Hardie Centre will be categorised into one of three occupancy categories:-

1. Community Groups – Non-for-Profit or Voluntary groups that receive minimal or no funding to run group activities or programs. Includes groups deemed to be providing services and hobby clubs, cultural and social clubs

2. Community Agencies – Non-for-profit organisations that receive funding to provide services. Includes Government departments, agencies, schools, non-for-profit organisations and churches, as well as community groups that are based outside of Council

3. Commercial / Government – For Profit organisations. Includes businesses, instructors, corporation, political groups and training organisations

Area of Lease

Lease boundaries will be based on the area granted exclusively to a Lessee, not limited to the footprint of the building on the parcel.

Leased area will include all structures on the parcel, not limited to Town owned assets.

Rates and Charges

Any lease granted under the conditions of this policy will incur an annual leasing fee as per the approved schedule of fees and charges, which are determined by Council.

Lessees will be responsible for the payment of rates and charges against the lease based on both general and specific terms as set out in the lease documentation.

The net community benefit of any organisation seeking to lease Town of Port Hedland asset will be measured in order to consider any financial subsidies, grants or discounts that Council offers in respect of that use.

A standard terms document will be used for all leases in an endeavour to ensure transparency and equity for all groups.

Maintenance of Lease Premises

The Lessee shall, at the Lessee’s cost, maintain all premises to Town asset maintenance standards as per Leasing Officer, to ensure ongoing effectiveness of the premises, inclusive of any improvements made within the leased area.

Ownership of Improvements

All fixed improvements constructed or installed upon the leased premises within the leased area will vest to the Town upon the time they are constructed or installed.

The removal of any fixed improvements by a Lessee at the expiry or sooner determination of the lease will be subject to the consent of the Town being obtained prior to any removal occurring.

Insurances to be effected

Lessees will be responsible for the procuring, at their own cost, such insurances as are required by the Town in respect of their occupation and use of the leased premises and in accordance with the specific conditions of any lease issued.

Reporting

Lessees will be required to supply relevant documentation as per lease terms which may include but not be limited to:

* Annual General Meeting minutes
* Audited annual financial statements and reports
* A list of office bearers and contact details

Termination

The Town reserves the right to terminate the lease or license prior to the expiry of the term if the land is required for the Council’s infrastructure planning or construction requirements. In the event of an agreement being terminated for this reason, the Town will provide appropriate notification to the organisation and if possible, will make reasonable attempts to relocate the tenant to a suitable alternative facility.

Compliance with Tenure Agreements

By entering into a tenure agreement over Council owned or controlled land, Organisations accept and agree to all conditions of the lease or license. Organisations acknowledge that access to community land is offered to enhance the physical activity, social interaction and cultural development of the community. Accordingly, lessees and occupants must not conduct, nor permit to occur, any illegal, immoral or offensive acts on Council owned or controlled land.

Failure to comply with the conditions of the lease, licence or permit to occupy may result in Council terminating or not offering renewal of the tenure arrangement. All existing agreements will be transitioned in accordance with review mechanisms within the Lease or by application.

Definitions

***“Asset”*** are the future economic benefits controlled by the Town of Port Hedland as a result of a past transaction or event whereby;

* Its value can be measured reliably;
* Its value must exceed a stated materiality threshold being $5,000 or form part of a network asset group; and
* It must be probable that future economic benefits of the asset will eventuate (i.e the asset acquired supports the delivery of Council services to the community in line with Councils

***“Lease”*** is a written contract by which an owner (the lessor) of a specific asset grants a second party (the lessee) the right to its exclusive possession and use for a specific period and under specified conditions, in return for specified periodic rental or lease payments.

***“Maintenance Costs”*** are the costs associated with regular ongoing day to day work necessary to keep am asset operating in order to achieve its optimum life expectancy.

***“Net Community Benefit”*** is a measure of the level of community benefit offered to the citizens, residents, ratepayers, groups or organisations of the town by a group, organisation or individual.

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| Council adoption date and resolution no. | 23 July 2014 OCM 201415/008 |
| Date of adoption of amendment and resolution no. | 22 February 2017 OCM CM201617/142 |
| Relevant Legislation | *Local Government Act 1995,* *Land Administration Act 1997,* *National Competition Policy,**Interpretations Act 1984* |
| Delegated Authority | Nil |
| Last Date of Review | February 2017 |
| Review Frequency | Biennial electoral cycle |
| Responsible Officer/Directorate | *Investment and Business Development, Engineering* |

# 9. ENGINEERING

## 9/004 Pre-Cyclone Green Waste Collection

Objective

The objective of this policy is to ensure that residents and business located within the Town of Port Hedland (Town) are adequately prepared for the annual cyclone season by ensuring that the opportunity has been given for all vegetation located on private property to be pruned and disposed.

Content

The Town of Port Hedland will offer residents and businesses located in Port Hedland, Pretty Pool, Cooke Point, Wedgefield, South Hedland, South Hedland Rural Estate, Redbank and Turner River a green waste collection before each cyclone season commences.

The collection will commence in September each year and will be completed by October each year, it will be undertaken by Town of Port Hedland staff or contracted to an external contractor as per the Town’s 2/007 Policy Purchasing.

Collection dates and conditions will be advertised at least one month prior to the commencement in the local newspaper, on the local radio, on signage placed in strategic locations around the Town and updates will be given via social media.

The conditions that residents and businesses must follow are as follows:

* No prunings longer than 1.5 metres (5ft);
* Place cut ends toward the street;
* Prunings must not obstruct footpath or shared walkways;
* Prunings must not be placed within 2m of existing infrastructure such as water meters, power boxes, power poles, Telstra pits, letter boxes, fences and driveways to ensure accessibility for bobcats/loaders;
* Loose material such as leaves and other vegetation should be suitably wrapped, tied or placed in bags to prevent litter spread and aid collection;
* Council will not enter private property to collect waste.

The Town will remove a maximum of two cubic meters of green waste per property.

This policy provides equitable access and inclusion for people with disabilities by ensuring that green waste is not placed on footpaths or shared paths.

Town staff or any external contractor (that has been contracted to undertake a collection) will not enter private property to collect waste.

Non-compliance with the included conditions will result in the waste material not being collected and possible compliance action in line with the provisions of the Town of Port Hedland Waste Local Laws 2018 and the *Western Australian Litter Act 1979.*

Definitions

***“Cyclone season”***1 November through to 30 April.

***“Prunings”***the selected removal of parts of a plant such as buds, branches, flowers and stumps.

***“Litter”***(a) all kinds of rubbish, refuse, junk, garbage or scrap; and

(b) any articles or material abandoned or unwanted by the owner or the person in possession thereof, but does not include dust, smoke or other like products emitted or produced during the normal operations of any mining, extractive, primary or manufacturing industry.

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| Relevant legislation | Emergency Management Act 2005 Litter Act 1979 |
| Delegated authority | Manager infrastructure Operations |
| Business unit | Infrastructure Operations |
| Directorate  | Infrastructure Services |

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| *Governance to complete this section* |
| Version Control | Version No. | Resolution No.  | Adoption date |
| V01 V02V03 | - 201415/120201920/254 | 24 November 200426 November 201424 June 2020 |
| Review frequency  | 3 Yearly |

**Document Control Statement** – The electronic reference copy of this Policy is maintained by the Governance Team. Any printed copy may not be up to date and you are advised to check the electronic copy at <http://www.porthedland.wa.gov.au/documents/public-documents/policies> to ensure that you have the current version. Alternatively, you may contact the Governance Team.

## 9/005 VEHICLE CROSSOVERS

Objective

The objective of this policy is to ensure that both new and existing vehicle crossovers are constructed/renewed in accordance with the Town of Port Hedland Vehicle Crossover Specifications/designs to:

1. Minimise the number of vehicle crossovers per Lot.
2. Ensure safe vehicle access from properties and promote safety for cyclists and pedestrians.
3. Minimise any impact on existing verge infrastructure and streetscapes.
4. Provide a consistent framework to assist contractors and owners to meet the Town of Port Hedland standard crossover requirements.
5. Provide information required to be complied with by the property owners to be eligible for the Town of Port Hedland crossover subsidy.

Content

1.0 General

1.1 All crossovers which have access from Town of Port Hedland gazetted roads shall be constructed as per the Town’s vehicle crossover specifications. The owner/agent shall submit a crossover application to the Town prior to the occupation of the residence or prior to clearance of condition of the development.

 The owner/agent shall obtain approval in writing from Main Roads Western Australia with regard to the construction and location of the crossover *(Role of Commissioner of Main Roads in some cases)* for all crossovers from roads controlled by Main Roads Western Australia.

1.2 The crossover shall be constructed in concrete, brick paving or in asphalt as per Town specifications.

1.3 All crossovers are to be approved by the Town prior to construction commencement, and shall be constructed to the satisfaction of the Town. The owner/contractor is responsible for notifying Town staff prior to the preliminary stage of the construction commencement.

1.4 The Town may request a property owner to construct a crossover within a specific timeframe.

1.5 If the footpath has been constructed at the crossover with plain grey concrete, the footpath shall be replaced with reinforced concrete through the crossover, with appropriate construction joints, to ensure uniformity of the pathway.

1.6 If a new shared path is proposed at an existing crossover, a section of the crossover will be removed to ensure uniformity of the pathway construction. The cost of removal and reinstatement will be borne by the Town in this instance.

1.7 Requirement to construct or repair crossing *- Local Government (Uniform Local Provisions) Regulations 1996 - Regulation 13*

 A local government may give a person, who is the owner or occupier of private land, a notice in writing requiring the person to construct or repair a crossing from a public thoroughfare to the land or a private thoroughfare serving the land. If the person fails to comply with the notice, the local government may construct or repair the crossing as the notice required and recover 50% of the cost of doing so as a debt due from the person. Penalty: a fine of $5,000

1.8 An owner requiring a crossover over an open drain shall contact the Town Technical Officer to determine the size of drainage pipe, culvert/headwall, stone pitching and other requirements for the crossover. This crossover shall be constructed to the Town of Port Hedland specifications and at the owner’s expense.

1.9 The owner/contractor shall protect underground services. The owner is responsible for contacting utility providers and *Dial Before You Dig (1100)* prior to commencement of construction works.

1.10 The owner/contractor is responsible for repairs to any infrastructure damaged during construction.

1.11 Redundant crossovers, due to development of the property, are to be removed and kerb/verge/seal shoulders are to be reinstated at the owner’s/developer’s expense.

1.12 The owner/contractor is responsible for reinstatement of the verge, removal of all surplus material from the verge and clean-up of the verge immediately after completion of the crossover construction.

1.13 Contractor shall maintain Public Liability Insurance of twenty million dollars ($20,000,000) during the crossover construction.

1.14 Owner/contractor is responsible for all traffic management and redirection of pedestrians during crossover construction in accordance with Australian Standard current practice.

2.0 Maintenance

The property owner shall be responsible for maintenance of the crossover to ensure that it remains safe, free of dust and in trafficable condition. The Town of Port Hedland may request the owner to undertake repairs to the crossover at the owner’s cost.

3.0 Claim Crossover Subsidy

3.1 Contribution to cost of crossing - *Local Government (Uniform Local Provisions) Regulations 1996 - Sch. 9.1 cl. 7(4) 15*

If stormwater drainage is not applicable;

A crossover subsidy of 50% of the cost of a standard crossover per Lot, up to a maximum of $1,000, will apply only to the first crossover installed at a residential property according to the Town specifications.

A crossover subsidy of 50% of the cost of a standard crossover per Lot, up to a maximum of $5,000, will apply only to the first crossover installed at a commercial property according to the Town specifications.

If stormwater drainage is applicable;

A maximum of an additional $5,000 subsidy payment will apply for the first crossover requiring stormwater drainage components installed to the Town specifications. Owner shall attach supporting invoices to prove that the stormwater drainage components have been installed in accordance with the Town of Port Hedland specifications.

3.2 Requirements for claiming subsidy

1. Submit crossover application prior to commencement of construction.
2. Follow Vehicle Crossover Specifications and carry out inspections with Town officers.
3. Submit subsidy application and supporting invoices within six months from the date of completion of the crossover.

4.0 Roles and Responsibilities

Vehicle Crossover Policy 9/005 is designed to be applied to land developers and property owners/contractors.

Definitions

***“Act”*** *Local Government (Uniform Local Provisions) Regulations 1996*

***“Town of Port Hedland (Town)”*** is the Local Government Authority.

***“Road Reserve (Verge)”*** is the section of land between the edge of the road carriageway and the front property boundary.

***“Crossover (Vehicle Crossing)”*** is the portion of the driveway within the road reserve providing vehicle access to the property. A standard residential crossover shall be defined as 3.0 metres wide; a standard commercial crossover shall be defined as 6.0 metres wide. Residential and commercial crossovers shall be constructed in concrete, brick paving or asphalt.

***“Infrastructure and Town Services (ITS)”*** is the Engineering Services unit appointed by the Town of Port Hedland for crossover inspection and authorisation of subsidy contribution.

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| Relevant legislation | *Local Government (Uniform Local Provisions) Regulations 1996 - Sch. 9.1 cl.7(3) 13 - Sch. 9.1 cl.7(4) 15 - Sch. 9.1 cl.7(2) 12 & Sch. 9.1 cl.7(2) 14* |
| Delegated authority | Nil |
| Business unit | Engineering Services |
| Directorate  | Infrastructure & Town Services |

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| Governance to complete this section |
| Version Control | Version No. | Resolution No.  | Adoption date |
| V01V02V03 | -201415/210CM201819/207 | 24 November 200425 March 201522 May 2019 |
| Review frequency  | 3 Yearly |

## 9/009 VEHICLES

Objective

The objective of this policy is to ensure Council's vehicles, plant and equipment is replaced at a time that optimises its use and minimises the whole of life cost.

Content

In order to enable this policy to be implemented effectively and to eliminate the requirement to amend this policy each time vehicles, plant or equipment is replaced, Council’s current list of plant has been separated into various categories and a replacement strategy for each category.

This Policy is intended to be the basis for the ongoing review of Council’s annual and five-year replacement programme.

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| Plant Category | Type & Description | Replacement Strategy |
| Category A1 | 4WD Executive Vehicle Allocated to Chief Executive Officer | 80,000 kms/ 3 yrs |
| Category A2 | 4WD Wagon Vehicle Allocated to Directors | 80,000 kms/ 3 yrs |
| Category A3 | 4WD Vehicle Allocated to Managers who require a 4WD to undertake duties OR 4 Cylinder Sedan / Hatch back | 100,000 kms/ 3 yrs  |
| Category A4 |  Utilities According to Organisational requirements for staff OR4 Cylinder Sedan / Hatch backAccording to Council’s requirements for staff | 100,000 kms/ 3 yrs  |
| Category A5  | UtilitiesAccording to Council’s requirements for staff | 100,000 kms/ 3 yrs  |
| Category A6 |  UtilitiesAccording to Organisational requirements for staff OR4 Cylinder Sedan / HatchbackAccording to Organisational requirements for staff | 100,000 kms/ 3 yrs  |
| Category A7 | UtilitiesAccording to Organisational requirements for staff OR4 Cylinder Sedan / Hatch backAccording to Organisational requirements for staff | 100,000 kms/ 3 yrs  |
| Category B | Heavy Plant including Loaders, Tractors, Water Trucks, Rollers | 8,000 hrs/ 8 yrs |
| Category C | Heavy Trucks Trucks with greater than 6 tonne carrying capacity | 200,000 kms/ 8 yrs  |
| Category D | Medium Trucks Trucks with greater than 4 tonne carrying capacity but less than 6 tonne carrying capacity | 150,000 kms/ 8 yrs |
| Category E | Light Trucks & Street SweeperTrucks with less than 4 tonne carrying capacity | 100,000 kms/ 5 yrs |
| Category F | Refuse Vehicles Side loaders, rear loaders and front-loading compactor trucks  | Side loaders replaced every 4 years (Body & Cab Chassis) Rear & Front Loader cab chassis every 4 yrs, body every 8 yrs  |
| Category G | Medium Equipment Trailers, Slasher, spay rig, firefighting unit etc | 10 yrs |
| Category H | Minor Equipment Including Generators, high pressure cleaners, ride on mowers, plate compactors, brush cutters, edgers, chainsaws, small mowers, etc. | 1,000 hrs / 3yrs |

The above replacement strategy identifies the maximum expected life of the various vehicles, plant and equipment within each category.

There may be, on occasion, opportunities to change items earlier or later, which would result in a saving to Council. Any such opportunities will be assessed on an individual basis by condition, usage and fitness for purpose.

Vehicle Category “A” Usage Policy

Council recognises the need for a vehicle policy which reflects current industry practice, is flexible, and provides benefits to employees which are competitive with both the private and public sector.

Acquisition Methods:

The following acquisition methods for fleet items may be used in line with the procurement process overview and 2/007 Purchasing Policy:

Request for Quote (RFQ)

Request for Tender (RFT)

Environmental:

The Australian Government provides a Green Vehicle Guide which provides information on fuel consumption and the air pollution standard to which vehicles have been certified. As part of the acquisition process the Town will consider green vehicle ratings when procuring new vehicles in line with IOP HR15 – Motor Vehicle use.

Safety:

The Australian Government operates the Australian New Car Assessment Program (ANCAP) and allocates each tested vehicle a rating from zero (0) to five (5) stars. As part of the acquisition process the Town will consider vehicle safety ratings when procuring new vehicles in line with IOP HR15 – Motor Vehicle Use.

Disposal Methods:

Disposal of replaced fleet items can be completed by a trade-in as part of the acquisition process of a new fleet item, or via public auction once the new fleet item has been received. This will be determined by the Responsible Officer on a case by case basis.

Definitions

For definitions and applicable category of vehicle refer to Internal Operating Procedure HR IOP – Motor Vehicle Usage.

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| Relevant legislation |  |
| Delegated authority |  |
| Business unit | Depot Operations |
| Directorate | Infrastructure & Town Services |

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| Governance to complete this section |
| Version Control | Version No. | Resolution No.  | Adoption date |
| V01V02 | -CM201920/036 | 22 February 200628 August 2019 |
| Review frequency  | Choose an item. |

## 9/010 ASSET MANAGEMENT

Objective

The objective of this policy is to ensure a disciplined, integrated and sustainable approach to the management of the Town of Port Hedland’s (the Town’s) assets through their life cycle: from acquisition, throughout their useful life and to final disposal.

Content

This policy applies to Council, Councillors, Executive Management, Staff, Committees of Management and the Community involved in the operations, maintenance, refurbishment, renewal, upgrading and development of the Town’s existing and new fixed and mobile assets.

This policy applies to all of the Town’s fixed and mobile assets which includes: parks, playgrounds, reserves and boardwalks; pathways, sealed and unsealed roads and drainage; sports, recreation and cultural facilities and fields, and; community care and the fixed and mobile assets used by Council in the performance of its duties.

The Town is to manage the portfolio of fit-for-purpose assets required to meet its objectives as set out in the Strategic Community Plan and the Corporate Business Plan. These objectives have been determined through community consultation. Budgeting priority is to be given to the maintenance and renewal of existing assets in a cost effective and timely manner.

To achieve the objective of this policy the following key principles define the Town’s approach to asset management:

1. Asset management is a multi-disciplinary process that involves all directorates.
2. Optimisation of asset utilisation and identify under-utilised or redundant assets for alternative use or disposal.
3. Long-term asset acquisition planning that incorporates planned asset retirements and renewals, changing compliance standards and any associated master plans.
4. Total cost of ownership cost estimates are used in asset acquisition decisions. This includes acquisition, implementation, whole of life operation and maintenance costs and refurbishment, disposal and restoration costs.
5. Proper consideration of alternative options in asset acquisition decisions.
6. Formal financial and qualitative justification of material asset acquisition decisions. Approval of asset acquisitions are to be in accordance with the Town’s delegation register.
7. Maintenance of administrative asset controls including: asset register, insurance policies, risk management, geographic information system and storage of contracts, technical documents, drawings and warranties.
8. Systems and processes that enable whole of life maintenance planning, asset based recording of maintenance performed, and support informed decision making.
9. Performance of maintenance activities and refurbishments in accordance with maintenance plans. Maintenance plans incorporate condition monitoring and inspections.
10. Asset retirement decisions reviewed in a timely manner. Financial and qualitative justification of material asset retirement decisions with proper consideration of alternative options.
11. Prompt redeployment, decommissioning, or dismantling and disposal of assets and site restoration once retirement decision made.

Definitions

***Asset*** means an individual or group of physical objects, that has value, enables a function to be performed and has an economic life of greater than 12 months.

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| Relevant legislation | *Local Government Act 1995**Local Government (Financial Management) Regulations 1996*Australian Accounting Standard AASB116 Property, Plant and Equipment |
| Delegated authority | Please refer to the Town’s delegation register for any limits imposed for asset acquisitions or disposals under this policy |
| Business unit | Financial Services |
| Directorate  | Corporate Services |

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| *Governance to complete this section* |
| Version Control | Version No. | Resolution No.  | Adoption date |
| V01V02 | 201213/211 CM201920/070 | 12 December 201223 October 2019 |
| Review frequency  | 3 Yearly |

# 10. PARKS AND GARDENS

## 10/003 LANDSCAPING

Objective

The objective of this policy is to provide requirements and identify benchmarks for the planning, design and installation of landscaping on Town owned or managed properties, including public open spaces (POS), urban landscape areas, and facilities. This policy will deliver the following outcomes:

* Encourage and support the development of aesthetically pleasing landscapes that enhance the unique elements of the Town whilst maintaining a level of consistency and sustainability;
* Encourage the use of plant species that will endure the Pilbara environment whilst providing an element of shade and sustenance;
* Ensure the development of landscaping treatments that provide (or don’t inhibit) access to service corridor for the public utilities located within the verge area;
* Encourage a landscaping form which is economical in its water and maintenance requirements;
* Provide a means for minimising soil erosion;
* Establish a safe landscaping environment by applying Crime Prevention Through Environmental (CPTED) principles;
* Ensure equitable access and inclusion for people with disabilities by applying principles included in the Town’s Disability Access and Inclusion Plan (DAIP).

This policy will also provide guidance for the landscaping development of private properties.

Content

Landscaping on urban landscape areas, in public open spaces and facilities provides an opportunity to enhance the aesthetics of the Town and improve the outdoor lifestyle of the community. It is the Town’s responsibility to ensure that these areas are developed to a safe, sustainable and maintainable standard.

1. Application Process

Developers and property owners must submit an application to the Town for approval of landscaping treatments prior to commencing any work. Applications can be submitted to the Town via submission of a Verge Treatment Application form or Application for Vehicle Crossover Form, located on the Town of Port Hedland website, or by request from (08) 9158 9700.

All applications must include a plan showing the layout and location of landscaping, irrigation and information on plant species.

Applications will be assessed in accordance with this Policy, relevant Local Laws and supporting documentation. Applicants will be advised of any known work scheduled by the Town that may affect their application.

Applicants must not commence any landscaping works until the Town grants approval in writing.

2. General Conditions

1. In terms of verge treatments, the property owner agrees to maintain the area free from hazards. Failure to comply may result in removal of the hazard and/or treatment by the Town at the owner’s expense.
2. In terms of verge treatments, the property owner agrees to indemnify the Town against all claims which may arise as a result of the treatment.
3. The Town reserves the right to remove any verge treatment for the purpose of carrying out works. Reinstatement of approved verge treatments shall be carried out by the Town in consultation with the property owner.
4. The owner accepts responsibility for removal and reinstatement of landscaping if required by public utility providers.
5. No assistance shall be provided by the Town for development, ongoing operation, or maintenance costs, unless specified otherwise during the approval process.
6. The property owner shall be responsible for repairs to any damaged infrastructure occurring during the installation of landscaping.

3. Maintenance

The property owner shall be responsible for maintenance of all landscaping on the verge, unless agreed otherwise during the approval process.

Developers of landscaping treatments on Town owned or managed properties, including urban landscape areas, public open space and facilities, shall be responsible for the maintenance of the landscaping for a period of 18 months, unless negotiated otherwise. A maintenance schedule shall be submitted to the Town for approval. Handover of maintenance to the Town after this period shall be conditional upon coordinated inspections, approvals, training and supply of all as constructed and warranty information.

4. Guiding documents

The *Parks Strategy* is used as a basis for strategic planning of the management, provision and investment in current and future POS.

The *Landscape Guidelines* document has been developed to provide a clear framework for the design, construction and maintenance of POS and Verge Treatments.

The *Irrigation Specifications* have been developed to ensure appropriate equipment and materials are used to design, install and maintain the Town’s irrigation systems.

The *Weed Management Strategy* has been developed to provide a strategy for integrated weed management within the Town’s POS and urban landscape areas.

The Landscape Guidelines, Irrigation Specifications and Weed Management Strategy will be reviewed yearly under the direction of the Manager Parks, Gardens & Engineering.

5. Verge Treatments

The following treatments are permitted to be installed on verges:

* Lawn
* Irrigation
* Gardens
* Street trees
* Hardstands
* Compacted material
* Crossovers

Refer to the Landscape Guidelines and Irrigation Specifications for conditions and advice on the installation of verge treatments.

For information on the construction of crossovers refer to Policy 9/005.

6. Irrigation

All applicable verge treatments must be irrigated through a connection to the property owner’s water supply. The following points should be considered when irrigating within the verge:

* Contact Dial Before You Dig (1100) and other service and utility providers prior to commencing installation to ensure that underground services and infrastructure are not damaged and correct clearances are maintained.
* Design and operation must comply with Water Corporation guidelines and water restrictions current at the time of development.
* Irrigation design shall apply principles to ensure sustainable use of water and adhere to the Town’s Irrigation Specifications.
* Irrigation design and operation must not impact upon road pavements, footpaths or other infrastructure on the verge.

Refer to the relevant Local Laws, Landscaping Guidelines and Irrigation Specification for further information.

7. Public Open Space, Urban Landscape Areas and Facilities Landscaping

All public open space, urban landscape areas and landscaping at facilities owned or managed by the Town must be developed in accordance with the objectives of this Policy.

The relevant Local Laws, Landscaping Guidelines, Irrigation Specifications and the Weed Management Strategy will provide information to developers to ensure that the Town’s requirements are met. The landscaping design must not impact on the functionality of the relevant space, specifically for the open stormwater drainage network.

Each application will be assessed in consultation with these guidelines, relevant stakeholders, the developer and the Town’s officers.

Definitions

|  |  |
| --- | --- |
| ***Road Reserve*** | The portion of land between the front property boundaries that contains both verges and the road carriageway. |
| ***Verge*** | The section of the road reserve between the property boundary and the road kerb line. |
| ***Verge Treatment*** | Any soft or hard landscaping installed within the area of the verge excluding street trees. |
| ***Street Tree*** | A tree installed within the road reserve. |
| ***Crossover*** | The portion of a driveway within the verge providing access from the road to the property boundary. |
| ***Hazard*** | The source of potential damage, harm or adverse effects on something or someone. |
| ***Public Open Space (POS)*** | Recreational spaces which include local, neighborhood, district and regional parks as per *The Town of Port Hedland Open Space Strategy.* |
| ***Urban Landscape Areas***  | Landscape areas which include roads or along road reserves and thoroughfares including carparks.  |

|  |  |
| --- | --- |
| Relevant legislation | *Town of Port Hedland Local Laws* |
| Delegated authority | - |
| Business unit | Parks, Gardens and Engineering Services |
| Directorate  | Infrastructure and Town Services |

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| --- |
| *Governance to complete this section* |
| Version Control | Version No. | Resolution No.  | Adoption date |
| V01V02 | 201415/210CM201920/077 | 25 March 201523 October 2019 |
| Review frequency  | 3 Yearly |

# 11. AIRPORT, TOURISM AND ECONOMIC DEVELOPMENT

Nil.

# 12. TOWN PLANNING

## 12/010 NAMING OF ROADS AND PLACES

Policy Objective

The objectives of this policy are to:

1. Outline the factors to be considered and the procedure to be undertaken when naming geographic features within the Port Hedland local government area, through either Town initiation or community application; and
2. Provide additional guidelines for commemorative and Aboriginal language naming, and the procedure to be undertaken for the submission of a naming application and community consultation.

Policy Content

All naming shall be undertaken in accordance with Landgate’s *Policies and Standards for Geographical Naming in Western Australia.*

***Scope***

This policy applies to the following geographic features:

* Roads;
* Reserves;
* Topographic features, located on both private and/or public land; and
* Buildings, including bridges

A geographic feature may be named based on the following:

* Commemorative naming, after a person, organisation or group;
* An appropriate Aboriginal name
* Logical description of location;
* Logical description of purpose or function;

Preference is given to proposed names based on logical descriptions of location, or purpose or function. Variation from this will require additional justification and/or broader community support.

***Process***

An application may be made at any point by a community member or organization, or initiated by the Town of Port Hedland. The application must be submitted in writing, and include an application form, reason for the proposed name, evidence of significance of proposed name, and evidence of community support.

Evidence of significance may include, but not be limited to:

* Description of relevance to the Port Hedland region and/or community;
* Record of service with community groups or clubs;
* Record of contribution to community as a whole;
* Record of association with the location or feature proposed to be named;
* Record of national or international reputation.

Evidence of community support may include, but not be limited to:

* Written support from members of the family, if relevant;
* Written support from members of the club or association;
* Written support from residents or businesses surrounding the feature proposed to be named.

Upon receipt and initiation of an application to apply a proposed name, the Town shall initiate community consultation. Following the completion of the required consultation, the application shall be assessed by the Town against the requirements of Landgate’s *Policies and Standards for Geographical Naming in Western Australia* and any submission received to determine the suitability of the name. The application shall be presented to Council for support prior to addition to the Register or any submission being made to Landgate to apply the name formally.

Should Council resolve not to support the application, the assessment shall cease and the proposed name will not be progressed. Naming of features that do not require Landgate’s approval (i.e. naming of community buildings) will occur immediately following Council’s decision.

***Community Consultation***

Following initiation of a naming application, the Town shall:

* Publish notification of the proposed naming in the relevant local newspaper for a period not less than 28 days;
* Publish notification of the proposed naming on the Town’s website for a period not less than 28 days; and
* Notify surrounding and/or affected residents, ratepayers, businesses and community groups generally in accordance with the example contained at Appendix 1, for a period not less than 28 days.

The Town will endeavour to notify each person who made a submission in relation to the proposed name of the decision, once made.

***Reserve Road and Place Name Register***

Should Council support a proposed name without application to a road or place, the name shall be placed on the Reserve Road and Place Name Register. Following identification of a need to apply a name, Council may select a preferred name from the register or commence consultation for the identification of an alternate name. Any name selected from the Register shall be presented to Council for specific support prior to any submission being made to Landgate to apply the name formally.

***Aboriginal names***

Aboriginal names may be selected to recognise the importance and contribution of local Aboriginal language groups. Aboriginal names:

* Shall be selected in the language that the place is located in, in accordance with Appendix 2;
* Shall be important to Port Hedland or the relevant language group, including but not limited to local flora and/or fauna or geographic locations;
* Shall be considered only following consultation with and approval by the relevant local Aboriginal community and Council.
* Require a description of the historical origins of the name in the form of written or oral tradition. The description must demonstrate verified research and authenticity, including sources.
* Shall include an example of the correct pronunciation to be provided to Landgate and included on signage and other relevant infrastructure to encourage and support the adaption and usage of Aboriginal names.

***Dual Naming***

Dual naming is the application of both an Aboriginal and European name to a place. Both will be official place names, and both names will be used together. Dual names can be applied to topographical features (e.g. islands, mountains, ranges, rivers, lakes) and cannot be adopted for constructed features such as roads, highways or bridges etc.

*Commemorative names*

Commemorative naming can be used to recognise a person, group, or organisation of significant importance to Port Hedland and its community.

Commemorative naming:

* May be a person, group or association;
* Must have an ongoing or significant association with the feature proposed to be named;
* If a person, shall only be considered if the person being honoured made significant community contribution in more than one field;
* If a person, must be posthumous and with the consent of the family;
* The following will generally not be considered as appropriate grounds for a commemorative name:
	+ Commemoration of victims of, or the location of accidents or tragedies;
	+ Current or past ownership of the land;
	+ Past or ongoing service within all levels of government;
	+ Commercial grounds, including sponsorship or marketing;

***Theming***

When considering the naming of multiple roads or places in a general area, such as with a new subdivision, all proposed names shall follow a determined theme for the area. The proposed theme shall be relevant to Port Hedland, and may or may not be taken from:

* Local flora and/or fauna;
* Commemorative names, in accordance with the relevant provisions of this policy;
* Entities, places or events of historical significance related to the Port Hedland or Pilbara area, excluding those related to a tragedy.

***Renaming of existing geographic features***

Renaming of existing geographic features is generally not supported, except as required for the application of a dual name.

***Variations***

The Town will consider variations to this policy in extenuating circumstances where the proposed naming demonstrates significant community support and is able to be supported by Council and/or Landgate (where relevant).

Definition

***“Port Hedland”*** means the Town of Port Hedland local government area.

|  |  |
| --- | --- |
| Relevant legislation | [Geographic Names Committee Policies and Standards for Geographical Naming in Western Australia](https://www0.landgate.wa.gov.au/docvault.nsf/web/PS_LD/%24file/1574-Geographic-names-policies.pdf)[*Land Administration Act 1997*](https://www.legislation.wa.gov.au/legislation/statutes.nsf/law_a1828.html) |
| Delegated authority |  |
| Business unit | Town Planning and Development |
| Directorate | Regulatory Services |
| *Governance to complete this section* |
| Version Control | Version No. | Resolution No.  | Adoption date |
| V01 | CM201920/126 | 19 December 2019 |
| Review frequency  | 2 Yearly |

# 13. HEALTH

## 13/006 CAMPING OTHER THAN AT A CARAVAN PARK OR CAMPING GROUND

Objective

The objective of this policy is to provide guidance about the regulation of camping on land that is not a licensed caravan park or camping ground.

Content

1. Application to camp at a location that is not a licensed caravan park or camping ground

An application to camp on land that is not a licensed caravan park or camping ground shall be made in writing to the Town’s Environmental Health department.

All applications shall be processed in accordance with the *Caravan Parks & Camping Grounds Regulations 1997.*

Camping on land other than a caravan park or camping ground must be conducted according to requirements of regulation 11 of the *Caravan Parks and Camping Grounds Regulations 1997.*

The proposed location shall be assessed for its suitability for camping in relation to access to services, safety and health.

Applications will only be considered on land that is zoned Rural, Rural Residential and Residential.

Applications for camping on land that is zoned Residential will only be considered if there is an existing dwelling on the lot or a building licence has been issued for construction of a dwelling or associated structure and the construction work has commenced.

2. Requirements for temporary camping accommodation applications

Temporary camping accommodation must:

* Contain laundry, kitchen, shower and toilet facilities and be contained within a caravan or other accommodation considered appropriate by the Manager Environmental Health and Community Safety;
* Be connected to a potable water source, reticulated mains power supply and an approved method of sewage, effluent and liquid waste disposal by the Manager Environmental Health and Community Safety; and
* Ensure that any pet animals are restrained within the property and do not cause a public nuisance.

All applications are to be processed and assessed by the Town’s Environmental Health department to ensure that minimum structural and hygiene requirements are able to be achieved and maintained.

The land used for camping must be deemed suitable and maintained so as to not create a hazard to health.

3. Licence requirements

A licence to camp on land that is not a licensed caravan park or camping ground is to be temporary only. Temporary licences may be granted for temporary camping accommodation for a period of no longer than 3 months in any period of 12 consecutive months.

Not more than one caravan is permitted to be used to camp at an undesignated location at one time, unless otherwise approved by the CEO.

If a building licence has been issued for a dwelling on a lot and construction has commenced, approval for temporary accommodation on the same lot may be granted for an initial period of 6 months. The approval period may be extended to a maximum period of 12 consecutive months.

Definitions

Nil.

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| --- | --- |
| Relevant legislation | *Caravan Parks and Camping Grounds Act 1995**Caravan Parks and Camping Grounds Regulations 1997* |
| Delegated authority | See section 18 of the Town's Delegation Register |
| Business unit | Environmental Health |
| Directorate  | Regulatory Services |

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| --- |
| *Governance to complete this section* |
| Version Control | Version No. | Resolution No.  | Adoption date |
| V01V02 | -CM201920/105 | 22 July 200927 November 2019 |
| Review frequency  | 3 Yearly |

**Document Control Statement** – The electronic reference copy of this Policy is maintained by the Governance Team. Any printed copy may not be up to date and you are advised to check the electronic copy at <http://www.porthedland.wa.gov.au/documents/public-documents/policies> to ensure that you have the current version. Alternatively, you may contact the Governance Team.

## 13/012 Licencing of Funeral Directors

Objective

The purpose of this policy is to outline Council’s commitments for managing and issuing of Funeral Director’s Licences.

Content

In pursuance of its responsibilities under the *Cemeteries Act 1986* the Council adopts the following procedures for issuing a Funeral Director’s Licence and the Standard Requirements it will consider when assessing an application.

Before the issue of a new licence or renewal of existing licence

In accordance with clause 2.1 of the Town of Port Hedland Cemetery Local Law 2015, the Chief Executive Officer will assess applications received on the following items:

1. The applicant has complied with the requirements of the *Cemeteries Act 1986* and the Town of Port Hedland Cemeteries Local Law 2015;

2. The applicant has completed and submitted an application in the form specified in the appropriate Schedule of the Town of Port Hedland Cemeteries Local Law 2015;

3. The applicant has certified in writing that all standard requirements, as contained in this policy, have been met;

4. The results of any enquiries made pertaining to the three (3) character and/or professional referees submitted by the applicant;

5. The results of any enquiries made pertaining to the opinion supplied by the financial authority;

6. The results of any enquiries made of the authorities that all facilities, premises and equipment conform to appropriate Public Health and Local Government authority requirements, including zoning approvals;

7. The results of any inspections made of the applicant’s premises; and

8. A recommendation regarding the issue of the Funeral Director’s Licence.

Standard Requirements

1. All applicants shall submit a written application, to the Council, in the form specified in the appropriate Schedule of the Town of Port Hedland Cemeteries Local Law (Attachment 1).

2. All applicants shall comply with the requirements of the *Cemeteries Act 1986* and the Town of Port Hedland Cemeteries Local Law;

3. All applicants must have a well presented hearse or other vehicle presented as a hearse, with efficiently operating roller device and coffin clamping facility;

4. All applicants must have a transfer vehicle suitable for that purpose. That vehicle must have blinds, treated windows, curtains or other screening to ensure vision into the body storage area is blocked from all external angles;

5. All applicants must provide a dignified viewing area for public access;

6. All applicants must have appropriate office space and/or suitable space in which to make funeral arrangements;

7. All applicants must provide or have access to:

i) Refrigerated body storage facilities;

ii) Body preparation facilities including:

iii) A ready supply of hot and cold running water;

iv) Easily cleansed surfaces;

v) Ventilation;

vi) Waste disposal;

vii) Lighting;

viii) Basic mortuary equipment;

vii) Hygiene – total environment; and

ix) Safe and dignified handling procedures and equipment.

8. An applicant for a new licence shall meet with the Chief Executive Officer and familiarise himself with the standards of conduct required by the Council in its cemetery;

9. An applicant for a new licence shall provide three (3) recent character and/or professional references;

10. An applicant for a new licence shall supply an opinion from a reputable financial authority that the funeral director is soundly based to operate such a business;

11. An applicant for a new licence shall provide evidence from relevant authorities that all facilities, premises and equipment conform to appropriate Public Health and Local Government authority requirements, including zoning approvals;

12. All applications shall be accompanied by a statement of the applicant that the Standard Requirements appropriate to the application have been met.

13. All applicants must be a member of the Australian Funeral Directors Association and/ or National Funeral Directors Association; and

14. All applicants must submit a comprehensive Code of Conduct, endorsed by the Australian Funeral Directors Association and/or National Funeral Directors Association and to the satisfaction of the Town’s Manager Governance.

Definitions

‘***Council’*** refers to the Town of Port Hedland.

‘***Funeral***’ means a ceremony or service held after a person’s death, including the person’s burial or cremation.

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| Relevant legislation | *Cemeteries Act 1986*Cemeteries Local Law 2015 |
| Delegated authority | - |
| Business unit | Governance |
| Directorate | Corporate Services |

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| *Governance to complete this section* |
| Version Control | Version No. | Resolution No.  | Adoption date |
| V01V02V03 | --CM202021/018 | 25 September 200525 January 200626 August 2020 |
| Review frequency  | - |

**Document Control Statement** – The electronic reference copy of this Policy is maintained by the Governance Team. Any printed copy may not be up to date and you are advised to check the electronic copy at <http://www.porthedland.wa.gov.au/documents/public-documents/policies> to ensure that you have the current version. Alternatively, you may contact the Governance Team.

1. **APPLICANT**

|  |  |
| --- | --- |
| Title: | [ ] Mr [ ] Mrs [ ] Ms [ ] Dr |
| Surname: |  |
| First name: |  |
| Trading Name of Business: |  |
| Business Address(es): |  |
| Postal Address: |  |
| Work Phone: |  |
| Email |  |
| Mobile Phone: |  |
| Home Phone: |  |

1. **SPECIFIC FUNERAL DIRECTOR INFORMATION:**

|  |  |
| --- | --- |
| For Annual Period: | From: To: |
| Number of years Applicant has held a Funeral Directors Licence: | Years |
| Have you been convicted of any offence, anywhere? | [ ] Yes [ ] No |
| If ‘yes’ provide details: |  |
|  |
| Have you ever been declared bankrupt or placed in receivership? | [ ] Yes [ ] No |
| If ‘yes’ provide details: |  |
|  |

1. **BUSINESS INFORMATION:**

|  |
| --- |
| **COMPANIES:** |
| Full Name and Addresses of: |
| Director/s: |  |
|  |
| Manager/s: |  |
|  |
| Registered Office: |  |
|  |
| **PARTNERSHIPS:** |
| Full Name and Addresses of Partners: |  |
|  |

1. **ATTACHMENTS:**

|  |
| --- |
| **COMPANIES:** |
| Please attach documentation that will assist the Town of Port Hedland in determining that you meet the requirements of Section 17(2) of the *Cemeteries Act 1986*, namely: |
| 1. | A letter outlining how the applicant satisfies the Board that it: (a) Is of good repute and is fit to hold a funeral director’s licence; and (b) Has suitable facilities and equipment for handling and storing deceased persons and conducting funerals; Shall be entitled to be issued with a Funeral Director’s Licence. |
| 2. | Insurance Certificates of Currency (specify insurance requirements) |

1. **CERTIFICATION BY APPLICANT:**

|  |
| --- |
| I hereby certify that the Town of Port Hedland’s standard requirements, appropriate to this application and supporting documents in accordance with Policy **13/012 Licencing of Funeral Directors**, have been met. |
| **Full Name and Capacity of Person Completing this Application:** |
| Full Name (Print): |  |
| Position Title: |  |
| Applicant signature: |  |
| Date (DD/MM/YY): |  |

1. ***OFFICE USE ONLY*:**

|  |  |  |  |
| --- | --- | --- | --- |
| Received on: |  / / | Referred to Council: |  / / |
| Approved on: |  / / | Licence Issued on: |  / / |
| Licence Fee Paid on: |  / / | Receipt Number: |  |

## 13/014 TRADING IN PUBLIC PLACES

Objective

The objective of this policy is to provide guidance to event organisers, mobile and temporary food vendors about the processes required for the assessment and licensing of applications to trade in streets and public places and provide goods and services to the public.

Content

1. *Approval of Trading in Public Places (TPP) Applications*

Applications for a 12 month TPPs Licence may be assessed at any time during the financial year.

New applications for annual and temporary TPPs Licences are to be processed by authorised officers.

Licences are subject to conditions, including compliance with requirements of this Policy, the Town’s *Public Places and Local Government Property Local Law 2016*, the *Food Act 2008* and the *Food Regulations 2009*.

1. *Registration under the Food Act 2008*

In order to trade within the Town under this Policy, all food vendors, including mobile and temporary food premises, must be registered with the Town under the *Food Act 2008,* unless eligible for an exemption under the *Food Regulations 2009.*

Where food is provided or sold to the public, including at local events, the TPPs application form must be submitted and approved in addition to the registration certificate where required.

1. *Temporary food premises (i.e. stalls)*

Due to the potential for environmental contamination of food within a temporary food premises, they are not permitted to trade roadside under an annual TPPs licence at the locations listed in section 6. The trading locations create potential for food contamination from environmental contaminants including dust, smoke and flying insects. However, temporary applications may be considered separately, according to the proposed location of trading and the physical set-up of the temporary premises.

Temporary food premises must comply with requirements of the Town’s Guidelines for Temporary Food Stalls, in addition to this Policy at all times.

1. *Food vendors that are not registered with the Town*

Prior to approving any TPPs applications from food vendors that are not registered with the Town, copies of the following documentation may be requested by an authorised officer:

* Certificate of Registration under the *Food Act 2008* with local government authority;
* Evidence of public liability insurance (minimum value of $20 million); and
* Evidence of electrical compliance.
1. *Events*

*Special considerations for registered charities, not-for-profit organisations, community groups and free community events*

Any individual applicant that represents a not-for-profit, community group may seek a waiver of TPPs fees as per the Delegated Authority Register. Any other applicant may be eligible for a waiver of fees and charges associated with Trading in Public Places (TPPs), where it can be demonstrated that they are operating under a ‘blanket’ food licence held by the organiser of a free community event; or a registered charity, not-for-profit (NFP) organisation, or community group that is organising the event.

When applying for the ‘blanket’ licence, the Town must be provided with the following:

* A compilation of all TPPs applications that detail all relevant information about the stallholders and food vendors that are proposed to trade at the event at least 2 weeks prior to the event; and
* Evidence of public liability insurance of a minimum value of $20 million that is current for the event.

Where the purpose of a private food vendor trading is to raise funds for a charitable cause, or are of a fundraising nature, a waiver of fees may be sought provided that all proceeds are donated and written evidence is received from the recipient of funds during the application process.

For any free community event, a blanket food licence may be issued to the event organiser and all fees associated with vendors trading under this Policy may be waived as per the Delegation Register.

Traders holding an Annual License are not to trade at an event unless they have the permission of the event organiser. No additional fees will be charged by the Town for traders holding a valid Annual License who are invited to trade at events.

*Private events*

Private events held on private or local government property that are have no public access are exempt from requiring TPPs approval.

1. *Roadside trading*

Mobile vendors must only trade between 5.00am and 10.00pm at the following locations:

* Don Rhodes Museum – Wilson Street Port Hedland;
* Dreamers Corner – Hamilton Road South Hedland;
* Marapikurrinya Park, Port Hedland;
* Port Hedland Boat Ramp – Richardson Street Port Hedland;
* Yikara Park, Port Hedland; and
* Wheelbarrow entrance of Wedgefield.

Where food vendors intend to trade at a location that is not listed above, a separate application must be submitted to the Town of Port Hedland (Town) for assessment. Each application will be considered separately according to the suitability of the proposed location and the proposed duration of trading. Successful applicants that hold an annual food registration with the Town will not be charged application and licensing fees for the temporary location.

The maximum number of mobile food vendors that are permitted to be located at an approved trading location at any one time is at the discretion of the CEO.

Any vendors identified to be trading in the absence of a TPPs Licence may be required by to cease trading and submit an application form with payment of prescribed fees before a Licence is granted.

1. *Renewal of 12-month Trading in Public Places licences*

All 12 month TPPs Licences expire at the end of each financial year and are to be renewed before 30 June. The licence renewals are processed by authorised officers. Payment of the annual licensing fee prescribed under the financial budget of that year must be paid prior to a new TPPs Licence certificate being issued. Where provided in the annual budget, pro-rata charges for annual TPP Licenses will be considered for the initial license issued, thereafter annual TPPs Licences expire at the end of each financial year (30 June) and the trader charged the annual rate.

Definitions

Nil.

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| --- | --- |
| Relevant legislation | *Food Act 2008**Food Regulations 2009**Town of Port Hedland Public Places & Local Government Property Local Law 2016* |
| Delegated authority | Nil |
| Business unit | Environmental Health |
| Directorate  | Regulatory Services |

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| --- |
| Governance to complete this section |
| Version Control | Version No. | Resolution No.  | Adoption date |
| V01V02V03V04V05 | 201213/107 201314/354 201415/227 CM201718/208CM202019/151 | 26 September 2012 25 June 2014 22 April 2015 23 May 2018 5 February 2020 |
| Review frequency  | Annually |

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## 13/016 Waste Collection and Bin Replacement

Objective

The purpose of this policy is to provide details and clear guidelines to residents and businesses located within the Town of Port Hedland around the three (3) waste service types that are available:

1. Classic,

2. Premium, and

3. Additional Assistance Service (DAIP) Collection

This policy also provides an administrative framework to outline the criteria by which categorisation of a Bin Service is determined and the manner the Town imposes a Service Charge for the proper disposal of waste in respect of premises provided with a Bin Service, pursuant to the Waste Avoidance and Resource Recovery Act 2007.

Content

The Town of Port Hedland provides residential and commercial properties located within the Town boundaries three (3) service options depending on the nature of the collection and the circumstances of the applicant. The three service options are as follows:

1. Classic Collection Service

A Classic Collection Service is the standard Bin Service, where a charge is applied to each bin at a residential or commercial property, provided that it meets the following criteria:

* Emptied on a set day, once per week;
* Bins are placed on the kerbside in a manner that can accommodate collection without the driver exiting the truck; and
* The resident or property does not have multiple occupancies.

It is possible for a residential or commercial property to purchase additional Classic Collection Bin Services and pay an additional Classic Collection fee for each additional Bin Service.

2. Premium Collection Service

A Premium Collection Service Charge is applied for one or more of the following reasons:

* Those residential or commercial properties requiring a number of bins to be collected from within the property, emptied, and returned back to the property. For example a unit or complex with multiple residences;
* Residential or commercial properties with insufficient verge space; thus requiring the driver to exit the vehicle to wheel the bin to the truck; and
* A resident who qualifies for this service under the Town’s Disability Access and Inclusion Plan (DAIP).

It is possible for a residential or commercial property to purchase additional Premium Collection Bin Services and pay an additional Premium Collection fee for each additional Bin Service

3. Additional Assistance Service (DAIP) Collection

The Additional Assistance Service (DAIP) is a Premium Collection service that is charged at a Classic Collection rate. As part of the Town of Port Hedland Disability Access and Inclusion Plan 2017 – 2022, this service can be requested by residents if all of the following are applicable:

* An individual is in receipt of an ongoing disability or aged pension; and
* An individual has a permanent or long term impairment preventing the resident from wheeling a bin from their residence to the kerbside; and
* There is no one else residing with the individual who is capable of putting the bin out on collection days.

(Note: a Medical Certificate and application form is required in order to qualify for this service; medical certificate must evidence permanent or long-term disability preventing the person from wheeling a bin from their residence to the kerbside).

4. Application of Bin Replacement Fees

Bin Replacement Fees shall apply where a bin is stolen, burnt or otherwise damaged from nuisance. The Bin Replacement Fee shall be waived if a Police Report Number is produced.

Bin Replacement Fees shall not apply when damage to the bin is attributable to the collection truck or normal wear and tear, or upon new occupancy of a property where there is no bin onsite.

Bin replacement requests will only be granted to an Authorised Person. Assessments of individual cases may be made by a person duly authorised by Council to make such assessments.

5. Request to Commence a Bin Service

Where a property wishes to commence a Bin Service, an application must be completed in writing by an Authorised Person. The Service Charge will be applied from the date of delivery. Service Charges will cover the full financial year on a pro-rata basis.

6. Request for Additional Bin Service/Removal of a Bin Service

Where a ratepayer wishes to organise an additional Bin Service or a removal of a Bin Service, a request must be submitted in writing by an Authorised Person. The Service Charge will be applied from the date of delivery or removal of the bin. Service Charges will cover the full financial year on a pro-rata basis.

7. Dispute in Collection Charges Applied

A request for an amendment to a Service Charges must be submitted in writing by an Authorised Person where a discrepancy is noted between the Service Charge applied to a record and the bin count held at a property. The bin count at the property will be confirmed by way of inspection by Waste Operations or a contractor engaged by the Town with any necessary charges adjusted from the date of the inspection. Service Charges will cover the full financial year on a pro-rata basis.

Definitions

***“Authorised Person”*** the title holder, ratepayer or persons to which authority has been delegated in writing e.g. managing agent.

***“Bin Replacement Fee”*** the fee charged to replace a bin where a bin had previously been purchased as part of a Bin Service.

***“Bin Service”*** provision of one 240L bin and a weekly service to empty the contents of the bin.

***“Service Charge”*** the annual fee charged for a Bin Service.

|  |  |
| --- | --- |
| Relevant legislation | *Waste Avoidance and Resource Recovery Act 2007**Local Government Act 1995*Town of Port Hedland Waste Local Law 2018Town of Port Hedland Disability Access and Inclusion Plan 2017–2022 |
| Delegated authority | Not Applicable |
| Business unit | Waste Operations |
| Directorate  | Regulatory Services |

|  |
| --- |
| Governance to complete this section |
| Version Control | Version No. | Resolution No.  | Adoption date |
| V02 | CM201920/201 | 22 April 2020 |
| Review frequency  | 3 Yearly |

# 14. BUILDING

Nil.

# 15. OTHER

## 15/003 ORGANISATIONAL POLICY FOR CCTV OPERATIONS

1. Policy Objective

The Town is committed to community safety and identifies the role CCTV has within the Port Hedland community. The revision of the CCTV Policy is to ensure the Town acknowledges and practices up to date legislation that guides best practice of use, monitoring and dissemination of CCTV material. The proposed CCTV policy informs the Port Hedland community that the Town practices within these guidelines to ensure transparency, accountability and best ethical practice.

2. Introduction

This policy document provides guidance on operation, management and reporting protocols for Closed Circuit Television (CCTV) leased, owned, controlled or managed by the Town of Port Hedland.

* Within, on or around the Town facilities
* In public places and open spaces within the Town of Port Hedland.
* On roads, access-ways and carparks within the Town of Port Hedland.

CCTV Policy was previously adopted at the Ordinary Council Meeting 26 September 2012.

3. Principles & Purpose

The Town of Port Hedland conducts CCTV operations in order to:

* Assist in detecting, deterring and responding to criminal offences occurring against people and or property within the Town of Port Hedland.
* Provide quality recorded evidence to support investigations and prosecutions by Town of Port Hedland Ranger Services, promote the relationship with WA Police in relation to offences committed within the Town.
* To address the community safety and crime prevention concerns of residents, business proprietors, visitors and workers within the Town of Port Hedland.

Due to public concern surrounding a surveillance society, the use of CCTV surveillance must be consistent with respect for individuals’ privacy. Other methods of achieving the objectives of a CCTV surveillance system will therefore be considered before installation of any CCTV camera in the Town of Port Hedland jurisdiction.

3.1 Camera Locations

The Town of Port Hedland currently has 120 camera’s installed in Port and South Hedland. Please find the list of CCTV camera’s below:

3.1.1 TOPH Public Facilities CCTV

|  |  |  |
| --- | --- | --- |
| **Location** | **Number of Cameras** | **Total Days Recording** |
| Gratwick Pools | 5 | 8 |
| Landfill | 7 | 30 days minimum |
| Civic Centre | 8 | 30 days minimum |
| Marquee Park | 21 | 60 days |
| Wanangkura Stadium | 44 | 24 days |
| Towns CCTV [South + Port + Wedgefield] | 35 | 46 days |

*3.1.2 Public Spaces CCTV Location*

|  |  |
| --- | --- |
| Location Description  | Coordinates (GDA94 Lat/Long) |
| South Hedland  |
| Koombana Street and Park  |
| 1 | Koombana Avenue and Captains Way | Corner of  | -20.415144, 118.609035 |
| 2 | Koombana Avenue and Daylesford |  | Corner of  | -20.416461, 118.602777 |
| 3 | Captains Way and Steamer Avenue | Corner of  | -20.419827, 118.609453  |
| 4 | Captains Way and Steamer Avenue | Corner of  | -20.419827, 118.609453  |
|  South Hedland Shopping Centre | CBD  |
| 5 | Thossell Road and Wise Terrace | Corner of  | -20.409686, 118.601741 |
| 6 | Thossell Road and Wise Terrace | Corner of  | -20.409686, 118.601741 |
| 7 | Thossell Road and Wise Terrace | Corner of  | -20.409686, 118.601741 |
| 8 | Thossell Road and Wise Terrace | Corner of  | -20.409686, 118.601741 |
| 9 | Leake Street and McLarty Bvd | Corner of | -20.411503, 118.602034 |
| 10 | Leake Street and McLarty Bvd | Corner of | -20.411503, 118.602034 |
| 11 | Leake Street and McLarty Bvd | Corner of | -20.411503, 118.602034 |
|  South Hedland Residential  |
| 12 | Acacia Way | Cul-de-sac | -20.407733, 118.607814 |
| 13 | Acacia Way and Banksia Road | Corner of | -20.410195, 118.610296  |
| 14 | Brodie Crescent | -20.400707, 118.609429 |
| 15 | Cone Place | -20.402992, 118.611791 |
| 16 | Cottier Drive and Kennedy Street | Round-a-bout | -20.406012, 118.605423  |
| 17 | Godrick Place  | Cul-de-sac | -20.407536, 118.601884 |
| 18 | Gregory Street and Byass Street | Corner of  | -20.412780, 118.605552 |
| 19 | Limpett Crescent and Stronds Way | Corner of | -20.405439, 118.610774  |
| 20 | Paton Road and Cottier Drive | Corner of | -20.400629, 118.614770 |
| 21 | Somerset Crescent and Godrick Place | Corner of | -20.405693, 118.601439 |
| 22 | Brodie Crescent | Shay Gap Park | -20.396361, 118.607150 |
| 23 | Steamer Avenue and Daylesford Road | Corner of | -20.421211, 118.604399 |
| 24 | Weaver Place and Ahtow Way | Corner Way | -20.402866, 118.602994 |

|  |
| --- |
|  Port Hedland  |
| 25 | Anderson Street and The Esplanade | Corner of | -20.313945, 118.576002 |
| 26 | Richardson Street and Richardson Street | Corner of | -20.311470, 118.575112  |
| 27 | Thompson Street and Athol Street | Round-a-bout | -20.304979, 118.624206 |
| 28 | Anderson Street and Wedge Street | Corner of | -20.313095, 118.577046 |
| 29 | Richardson Street | Boat Ramp | -20.309545, 118.578136 |
| 30 | Richardson Street | Boat Ramp | -20.309545, 118.578136 |
| Wedgefield  |
| 31 | Cajarina Road and Harwell Way | Corner of  | -20.379673, 118.595102 |
| 32 | Pinga Street and Hematite Drive | Corner of | -20.376494, 118.595734  |
| 33 | Steel Loop | -20.381035, 118.594098 |
| 34 | Tailings Elbow | -20.377936, 118.599378 |
| 35 | Phosphorusand Street | -20.378715, 118.602003 |

Please note: the Town is investigating surveillance options for Ranger’s car fleet.

3.2 Signage

The Town of Port Hedland will install prominent and appropriate signage to be displayed in the general location of the camera coverage advising of the presence of the CCTV cameras. This will be assessed annually by a delegated officer.

3.3 Requests for stored and or recorded information.

CCTV footage may be disclosed for the purposes of criminal law enforcement and in some civil legal proceedings. In that regard, a request for stored or recorded information may be made:

* By the WA Police in accordance with clause 3.4 of this Policy;
* By another government agency for the purposes of law enforcement, in accordance with the *Policy Framework and Standards for the Information Sharing Between Government Agencies*; and
* Pursuant to a summons, subpoena or other court order.

Any other request for stored or recorded information must be made by way of a formal application under the *Freedom of Information Act 1992* (‘FOI Act’). CCTV Footage will only be disclosed where the requirements of the FOI Act have been satisfied. Relevantly, image of another person in CCTV footage constitutes ‘personal information’ under the FOI Act. Personal information cannot be disclosed to the public, unless an exemption in the FOI Act is demonstrated to apply.

CCTV recordings are available for thirty (30) days as per state CCTV Strategy guidelines.

3.4 Partnering Arrangements Western Australia Police

Members of Western Australia Police (South Hedland Police Station) have access to live monitoring and have the ability to record and download recorded material from the Town of Port Hedland CCTV network.

The monitoring of, recording, downloading and use of recorded material by WA Police is conducted in accordance with a signed Memorandum of Understanding (MOU) between WA Police and Town of Port Hedland.

These partnering arrangements are in accordance with the State CCTV Strategy and Western Australia Closed Circuit Television (CCTV) Guidelines.

3.5 Complaints Handling

Any complaints regarding the Town of Port Hedland CCTV operations are to be directed to the Town of Port Hedland, Chief Executive Officer in written format.

3.6 Audit and Review

The delegated officer will monitor compliance with these procedures and the operational effectiveness of the Town of Port Hedland’s CCTV system, reporting to the Governance Team. The Town of Port Hedland CCTV Operations will be monitored and evaluated to verify compliance and effectiveness, with a report provided to Council on an annual basis.

4. Assessment

In determining CCTV camera location and placement in public places, the following factors will be considered:

4.1 Camera Selection

Areas proposed for the installation of new CCTV will be risk assessed for the public area’s environmental and lighting conditions, mounting options, the type of and incidence of criminal activity, experienced or expected, the resolution of cameras and retention of recorded image rates.

The selection criteria for each camera placement and location will be documented and the effectiveness of the installation should be measurable and reviewed annually. An objective measurement is the camera’s purpose, either to detect, recognise or identify, overall value to the network and the logistical requirements.

The effectiveness of the camera should directly attribute to safety, perception of safety, control of crime or assist the Town. This design base will allow documented design, commissioning, performance and monitoring of each camera and subsequently, the whole system.

The location of the cameras will be clearly apparent to the public with CCTV signage in the near vicinity of each camera.

Cameras and associated hardware and applications will be replaced or upgraded as required within budgetary restraints and after a thorough cost benefit analysis.

4.2 Camera Risk Assessment

Risk Management describes how the objectives of analysis are to separate acceptable risks from major risks.

Risk analysis involves the consideration of the sources of risk, their consequences and the likelihood that those consequences may occur.

The Town will recognise how the CCTV camera will influence the consequences of any particular risk event and its impact on the target area.

Financial costs, personal harm (physical and psychological), legal consequences and damage to the Towns reputation may all result from a single incident.

4.3 Control and Operation of Cameras

Fixed Cameras

Fixed cameras will be selected for defined fields of view which have a designated and defined purpose, either to detect, recognise or identify.

4.4 Day and Night mode (low light capabilities) Cameras

The operation and use of cameras will be in accordance with the Towns Code of Conduct, and the Western Australia Closed Circuit Television (CCTV) Guidelines.

Cameras will not be used to look into or monitor adjacent or nearby premises or buildings, unless it is explicitly for following (in real time) participants in a 'situation of concern', which originated in the public domain.

Any misuse is to be treated as a breach of the Towns Code of Conduct and subject to appropriate disciplinary action.

No audio will be recorded in public places. Only those authorised personnel, as documented, will have access to camera operating controls.

The Towns authorised personnel will be aware that any recordings are subject to routine audit and Freedom of Information requests. As required, personnel maybe required to justify their interest in a particular member of the public or premises.

5. Roles and Responsibilities

The Town of Port Hedland, Chief Executive Officer is responsible for the application of authorised officer delegations in accordance to this policy.

The Manager Technology, is responsible for addressing any technical aspects for CCTV owned, operated, leased or managed by the Town of Port Hedland, including equipment maintenance and upgrades, access to recorded data and training requirements for Town employees.

The Community Safety Advisor is responsible for the reviewing and monitoring operations of the policy and administering the day to day operations of the CCTV network in accordance with the MOU with WA Police and other external parties.

6. Appendix

Best practice CCTV Operation guidelines refer to the following:

* AS 4806.1–2006 – Closed circuit television (CCTV) – Part 1: Management and operation. Principles and management of the CCTV system, procedures, personnel, CCTV control room, effective response, privacy and disclosure issues, recorded material management, documentation, licences and CCTV signage.
* AS 4806.2–2006 – Closed circuit television (CCTV) – Part 2: Application guidelines.

Provides advice on installation, commissioning and handover, preventative maintenance, licences and signage.

* AS 4806.3–2006 – Closed circuit television (CCTV) – Part 3: PAL signal timings and levels. Provides technical planning guidelines and video signal level variables for CCTV systems.
* AS 4806.4–2008 – Closed circuit television (CCTV) – Part 4: Remote video. Details the requirements and recommendations for the design, installation, commissioning, operation, remote monitoring, interactive video management and remotely monitored CCTV surveillance systems.
* AS/NZS 1158:2005 - Lighting for Roads and Public Spaces. Defines Category P lighting which is applicable to roads on which the visual requirements of pedestrians are dominant, e.g. local roads and to local area traffic management devices (LATMS) installed on such roads.
* AS 2201.1:2007 Security Installations
* AS/ACIF S009:2008 Cabling Provider Rules
* AS/NZS 1768:2007 Lightning protection
* ISO 31000:2009 Risk Management (Supersedes AS/NZ 4360:2004)
* HB 167: 2004 Security Risk Management Handbook
* AS 2342:1992 Development, testing and implementation of information and safety symbols and symbolic signs
* AS2416:2002 Provides examples and the display of multiple hazard signage.
* ANZPAA’s Police Recommendations for CCTV Systems (‘the ANZPAA Recommendations’).<https://www.police.wa.gov.au/Our-Community/Western-Australian-State-CCTV-Strategy>

7. Definitions

Nil

|  |  |
| --- | --- |
| Council adoption date and resolution no. | 19 October 2011 OCM (201112/166) |
| Date of adoption of amendment and resolution number  | 26 September 2016 OCM (201213/108)28 March 2018 OCM (CM201718/172) |
| Relevant legislation | Surveillance Devices Act 2004Freedom of Information Act 1982Australian Closed Circuit Television GuidelinesEqual Opportunity Act 1984Human Rights and Equal Opportunity Commission Act 1986Criminal Investigation Act 2006Occupational Health and Safety Act 1984Surveillance Devices Act 1998Security and Related Activities (Control) Act 1996Security and Related Activities (Control) Regulations 1997Local Government Act 1995Town of Port Hedland Code of Conduct |
| Delegated authority | N/A |
| Business unit | Community Safety |
| Directorate | Development, Sustainability and Lifestyle |
| Review frequency  | 3 Yearly |

# 16. RESCINDED POLICIES

|  |  |  |
| --- | --- | --- |
| **Policy Number** | **Policy Title** | **Date Rescinded** |
| 2/006 | Investment Policy | Superseded by policy 2/010 |
| 3/011 | Community Group Rating Policy | Superseded by policies 2/011 and 2/012 at OCM 22 June 2011 |
| 3/001 | Defence Forces Active Reservists | OCM 27 September 2006 |
| 3/002 | Council Contribution to Staff Functions | OCM 27 September 2006 |
| 3/005 | Staff – Protection from the Sun for Outdoor Work | OCM 27 September 2006 |
| 3/006 | Staff Uniforms | OCM 27 September 2006 |
| 3/008 | Staff Housing | OCM 27 September 2006 |
| 3/009 | Training of Council Employees | OCM 27 September 2006 |
| 3/010 | Equal Opportunity and Harassment Policy | OCM 27 September 2006 |
| 3/011 | Employee Assistance Program | OCM 27 September 2006 |
| 3/012 | English as Second Language Courses | OCM 27 September 2006 |
| 3/013 | Safety, Health and Environmental Policy | OCM 27 September 2006 |
| 3/014 | Paid Leave on Voluntary Service | OCM 27 September 2006 |
| 3/015 | Payment of Relocation Expenses – Staff Recruited From Local Area | OCM 27 September 2006 |
| 3/016 | Redundancy/Severance payments | OCM 22 February 2006 |
| 3/017 | Christmas/New Year Close of Council Offices | OCM 27 September 2006 |
| 3/018 | Superannuation | OCM 27 September 2006 |
| 3/020 | Employee Home Ownership Scheme | OCM 26 October 2005 |
| 3/021 | Prescription Safety Glasses | OCM 27 September 2006 |
| 3/022 | Terminating Employee Payments Policy | OCM 27 September 2006 |
| 5/002 | Library Membership | OCM 13 October 2010 |
| 5/003 | Library Loans | OCM 13 October 2010 |
| 5/004 | Public Use of Personal Computers | OCM 13 October 2010 |
| 7/003 | Community Cultural Celebrations and Events | OCM 27 January 2011 |
| 12/001 | Home Occupation Policy | OCM 24 March 2010 |
| 5/001 | Variations to Hours of Opening | OCM 16 November 2011 |
| 14/002 | Preferred Contractor Register | OCM 14 December 2011 |
| 6/001 | Commercial or Non Sporting use of Recreation Reserves | OCM 9 May 2012 |
| 6/002 | Sponsorship, Community and Club Signage on Council Recreation Reserves and Aquatic Centre | OCM 9 May 2012 |
| 6/005 | General Conditions of Use of Aquatic Centres | OCM 9 May 2012 |
| 6/007 | General Conditions of Use of Aquatic Centres | OCM 9 May 2012 |
| 1/003 | Execution of Documents | OCM 25 July 2012 |
| 13/009 | Trading in Public Places – Community Events | OCM 26 September 2012 |
| 13/013 | Trading in Public Places Policy | OCM 26 September 2012 |
| 4/003 | Annual Attendance Fee for Council Members | OCM 13 March 2013 |
| 3/023 | Electoral Code of Conduct | OCM 28 August 2013 |
| 6/004 | Occasional Licences and Consumption of Liquor on a Recreation Reserve or Council Owned or Managed Facilities | OCM 30 April 2014 |
| 6/008 | Number of Rubbish Bins to be Supplied at Each Sporting Reserve | OCM 30 April 2014 |
| 4/002 | Councillors’ Traveling Expenses | OCM 25 June 2014 |
| 4/005 | Members Professional Development and Associated Travel and Accommodation | OCM 25 June 2014 |
| 1/012 | Administration of Council’s Working Groups | OCM 11 December 2013 |
| 1/007 | Travel and Accommodation | OCM 22 October 2014 |
| 2/001 | Significant Accounting Policies | OCM 22 October 2014 |
| 2/002 | Budget Strategy | OCM 22 October 2014 |
| 2/003 | Financial Statements – Copies for Councillors | OCM 22 October 2014 |
| 2/009 | Salary Sacrifice | OCM 22 October 2014 |
| 3/004 | Conferences – Study Tours | OCM 22 October 2014 |
| 4/004 | Photograph of Councillors | OCM 22 October 2014 |
| 9/003 | Dwellings Facing Roadway | OCM 22 October 2014 |
| 13/001 | Appointment of Council’s Medical Officer of Health | OCM 22 October 2014 |
| 13/002 | Pesticides | OCM 22 October 2014 |
| 13/003 | First Aid Kits | OCM 22 October 2014 |
| 13/004 | HIV/AIDS and Hepatitis | OCM 22 October 2014 |
| 13/005 | Smoking – in the Workplace | OCM 22 October 2014 |
| 13/007 | Waste Collection Services | OCM 22 October 2014 |
| 15/002 | Fly-In-Fly-Out Policy Position | OCM 22 October 2014 |
| 1/001 | Civic Receptions – Approval/Rejections of Requests | OCM 26 November 2014 |
| 2/008 | Fines Enforcement | OCM 26 November 2014 |
| 1/005 | Political Posters | OCM 25 February 2015 |
| 9/001 | Bollards and Barriers | OCM 25 March 2015 |
| 9/002 | Access to Persons with Disabilities – Footpath and Kerb Height | OCM 25 March 2015 |
| 9/008 | Verge Treatment | OCM 25 March 2015 |
| 10/001 | Landscaping Policy for Industrial and Commercial Areas | OCM 25 March 2015 |
| 10/002 | Street Tree | OCM 25 March 2015 |
| 7/005 | Civic Centre  | OCM 23 March 2016 |
| 8/001 | Community Services Provisions | OCM 23 March 2016 |
| 12/003 | Valuation of Land  | OCM 23 March 2016 |
| 12/004 | Road names and Street Numbering | OCM 23 March 2016 |
| 12/005 | Ancillary Accommodation  | OCM 23 March 2016 |
| 12/006 | South Hedland Rural Estate – Covenant and Design Policy | OCM 23 March 2016 |
| 12/008 | Family Day Care Policy - Planning -  | OCM 23 March 2016 |
| 12/009 | Domestic Satellite Dish Policy | OCM 23 March 2016 |
| 13/008 | Air Quality Control  | OCM 23 March 2016 |
| 13/011 | Alfresco Dining  | OCM 23 March 2016 |
| 14/001 | Signs Placed on Council Controlled Land  | OCM 23 March 2016 |
| 15/001 | Environment – Council Recognition  | OCM 23 March 2016 |
| 11/001 | Tourism  | OCM 23 March 2016 |
| 6/009 | Regional Championship Support | OCM 22 June 2016 |
| 1/004 | Media | OCM 28 September 2016  |
| 1/013 | Social Media | OCM 28 September 2016  |
| 4/001 | Elections – Promotion | OCM 22 February 2017 |
| 1/002 | Complaints Against Third Parties | Superseded by Policy 1/026 at OCM 22 March 2017 |
| 7/001 | Matt Dann Cultural Centre | OCM 22 March 2017 |
| 2/011 | Tender Evaluation | OCM 28 February 2018 |
| 2/021 | Fee Waiver for Not-for-Profit and Non-Government Organisations and Groups | OCM 25 July 2018 |
| 2/012 | Rates Incentive Program | OCM 13 February 2019 |
| 2/013 | Rates Exemption (Non Rateable Land) | OCM 13 February 2019 |
| 2/014 | Rates Concession (Rateable Land) | OCM 13 February 2019 |
| 1/006 | Insurance - Professional Indemnity Insurance - Use of Disclaimers | OCM 30 April 2019 |
| 9/006 | Community Facility Name Signs | OCM 25 September 2019 |
| 4/007 | Elected Member Representation with External Organisations | OCM 27 November 2019 |
| 13/010 | Application of Bin Replacement Charges | OCM 27 November 2019 |
| 13/015 | Waste Collection Service Charges | OCM 27 November 2019 |
| 1/008 | Vandalism - Reward for Conviction | OCM 5 February 2020 |
| 1/010 | Flying of the Aboriginal and Torres Strait Islander Flags | OCM 5 February 2020 |
| 7/004 | Cultural Affirmation | OCM 5 February 2020 |
| 12/007 | Shipping and / or Sea Containers | OCM 26 February 2020 |
| 12/002 | Off Site Car Parking | OCM 26 February 2020 |
| 9/007 | Roadside, Verge & Reverse Parking | OCM 26 February 2020 |
| 1/011 | Queen’s Birthday Holiday | OCM 22 July 2020 |
| 1/018 | Public Agenda Briefings | OCM 4 November 2020 |

# 17. DOCUMENT CONTROL REGISTER

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Policy No** | **Description** | **Action** | **Council Resolution No and Date of Meeting** | **Current Policy Version Number** |
| 1/018 | Public Agenda Briefings | Rescinded | 4 November 2020 CM202021/079 | 202010 |
| 6/011 | Recreation reserves and parks casual and events hire | Amended | 26 August 2020CM202021/021 | 202009 |
| 6/010 | Recreation reserves and facilities seasonal hire | Amended | 26 August 2020CM202021/021 | 202009 |
| 6/006 | Consumption of Alcohol on Town of Port Hedland owned and managed properties | Amended | 26 August 2020CM202021/021 | 202009 |
| 6/003 | Community Grants Program | Amended | 26 August 2020CM202021/020 | 202009 |
| 13/012 | Licencing of Funeral Directors | Amended | 26 August 2020CM202021/018 | 202009 |
| 1/020 | Honorary Freeman | Amended | 22 July 2020CM202021/004 | 202008 |
| 1/011 | Queen’s Birthday Holiday | Rescinded | 22 July 2020CM202021/003 |
| 9/004 | Pre-cyclone Green Waste Collection | Amended | 24 June 2020CM201920/254 | 202007 |
| 1/016 | Workplace Health and Safety | Amended | 27 May 2020CM201920/232 | 202006 |
| 2/007 | Purchasing | Amended | 27 May 2020CM201920/229 | 202006 |
| 8/002 | Public Art | Reinstated | 22 April 2020CM201920/204 | 202005 |
| ~~12/011~~ | Local Planning Policy - 04 Percent for Public Art | Deleted(Local Planning Departmental Policy) | 22 April 2020CM2019/204 | 202005 |
| 2/019 | Financial Reserves | Amended | 22 April 2020CM201920/199 | 202005 |
| 13/016 | Waste Collection and Bin Replacement | Amended | 22 April 2020CM201920/201 | 202005 |
| 8/002 | Public Art | Rescinded | 22 April 2020CM201920/204 | 202005 |
| 12/011 | Local Planning Policy - 04 Percent for Public Art | New | 22 April 2020CM201920/204 | 202005 |
| 12/002 | Off Site Car Parking | Rescinded | 22 April 2020CM201920/206 | 202005 |
| 9/007 | Roadside, Verge & Reverse Parking | Rescinded | 22 April 2020CM201920/206 | 202005 |
| 2/007 | Purchasing | Amended | 5 February 2020CM201920/143 | 202003 |
| 2/016 | Regional Price Preference | Amended | 5 February 2020CM201920/143 | 202003 |
| 1/008 | Vandalism - Reward for Conviction | Rescinded | 5 February 2020CM201920/146 | 202003 |
| 1/010 | Flying of the Aboriginal and Torres Strait Islander Flags | Rescinded | 5 February 2020CM201920/149 | 202003 |
| 7/004 | Cultural Affirmation | Rescinded | 5 February 2020CM201920/150 | 202003 |
| 13/014 | Trading in Public Places Policy | Amended | 5 February 2020CM202019/151 | 202003 |
| 2/015 | Notice of Discontinuance (Rates and Debtors) Policy | Amended | 26 February 2020CM201920/158 | 202003 |
| 12/007 | Shipping and / orSea Containers | Rescinded | 26 February 2020CM201920/168 | 202002 |
| 6/012 | Naming of the Town’s Parks, Reserves, Bridges and Buildings | Rescinded | 19 December 2019CM201920/126 | 202001 |
| 12/010 | Naming of Roads and Places | New |
| 13/016 | Bin Service and Replacement | New | 27 November 2019CM201920/110 | 201908 |
| 3/007 | Senior Employees and Appointing Acting CEO | Amended | 27 November 2019CM201920/105 |
| 13/006 | Camping other than at a Caravan Park or Camping Ground | Amended | 27 November 2019CM201920/107 |
| 9/010 | Asset Management | Amended | 23 October 2019CM201920/070 | 201907 |
| 10/003 | Landscaping | Amended | 23 October 2019CM201920/077 |
| 2/022 | Panels of Pre-Qualified Suppliers | Amended | 25 September 2019CM201920/055 | 201906 |
| 3/007 | Senior Employees and appointing acting CEO | Amended | 25 September 2019CM1920/058 |
| 3/003 | Subsidies and Allowances | Amended | 28 August 2019CM201920/027 | 201905 |
| 9/009 | Vehicles | Amended | 28 August 2019CM201920/036 |
| 1/009 | Policy Update 1/009 Legal Representation for Council Members and Employees | Amended | 24 July 2019CM201920/003 | 201904 |
| 9/005 | Vehicle Crossovers | Amended | 22 May 2019CM1819/207 | 201903 |
| 4/008 | Elected Member Entitlements | Amended | 22 May 2019CM1819/208 |
| 2/004 | Rating  | Amended | 13 February 2019CM201819/120 | 201901 |
| 6/003 | Community Grant Program (Formerly called Funding and Donations) | Amended | 24 October 2018CM201819/068 | 201809 |
| 4/008 | Elected Members Entitlements | Amended | 26 September 2018 CM201819/034 | 201808 |
| 4/010 | Elected Member’s Travel and Training | Amended |
| 3/019 | CEO Performance Review | Amended | 26 September 2018CM201819/042 |
| 1/026 | Complaints | Amended | 26 September 2018 CM201819/036 |
| 4/007 | Elected Member Representation  | Amended | 22 August 2018 CM201819/016 | 201807 |
| 13/015 | Waste Collection Service Charges | New | 22 August 2018 CM201819/019 |
| 4/010 | Elected Member Travel and Training | Amended | 25 July 2018 CM201819/007 | 201806 |
| 2/021 | Fee Waiver for Not-for-Profit and Non-Government Organisations and Groups | Rescinded | 25 July 2018 CM201819/011 |
| 1/014 | Execution of Documents and Application of the Common Seal | Amended | 23 May 2018 CM201718/202 | 201805 |
| 13/014 | Trading in Public Places | Amended | 23 May 2018 CM201718/208 |
| 15/003 | Organisational Policy For CCTV Operations | Amended | 28 March 2018 CM201718/172 | 201804 |
| 2/011 | Tender Evaluation | Rescinded | 28 February 2018 CM201718/140 | 201803 |
| 2/007 | Purchasing  | Amended | 28 February 2018 CM201718/140 |  |
| 2/016 | Regional Price Preference | Amended  | 28 February 2018 CM201718/140 | 201802 |
| 2/022 | Panel Pre-Qualified Suppliers | New | 28 February 2018 CM201718/140 |  |
| 2/005 | Debt Management | Amended | 24 January 2018 CM201718/124 | 201801 |
| 2/021 | Fee Waiver for Not for Profit and Community Groups | Amended | 24 January 2018CM201718/123 |
| 1/018 | Order of Business for Council and Committee Meetings | Amended | 24 January 2018CM201718/121 |
| 4/008 | Elected Members Entitlements | Amended | 24 May 2017CM201617/204 |
| 4/010 | Elected Members Travel and Training | New | 13 December 2017 CM201718/110 | 201710 |
| 4/008 | Elected Members Entitlements | Amended | 13 December 2017 CM201718/110 |
| 3/024 | Recognition of Emergency Service Volunteer Work | New | 13 December 2017CM201718/104 |
| 1/015 | Recording of Council and Committee Meetings | Amended | 22 November 2017 | 201709 |
| 1/028 | Related Party Disclosures | New | 22 November 2017CM201718/090 | 201708 |
| 1/019 | Confidential Briefings | Amended | 1 November 2017 CM201718/061 | 201707 |
| 4/007 | Elected Member Representation with External Organisations | Amended | 1 November 2017 CM201718/069 |
| 6/012 | Naming of Parks, Reserves, Bridges and Buildings | New | 1 November 2017 CM201718/074 |
| 1/025 | Media and Communications | Amended | 23 August 2017 CM201718/028 | 201706 |
| 1/016 | Workplace Health and Safety | Amended | 23 August 2017 CM201718/027 |
| 4/009 | Significant Decision Making | New | 23 August 2017 CM201718/024 |
| 2/007 | Purchasing | Amended | 23 August 2017CM201718/020 |
| 2/021 | Fee Waiver for Not-for-Profit and Non-Government Organisations and Groups | New | 28 June 2017CM201617/238 | 201705 |
| 4/008 | Elected Member Entitlements | Amended | 24 May 2017CM201617/204 | 201704 |
| 4/006 | Caretaker Period  | Amended | 24 May 2017CM201617/203 | 201704 |
| 1/027 | Severance Payment | New | 22 March 2017CM201617/163 | 201703 |
| 7/001 | Matt Dann Cultural Centre | Rescinded | 22 March 2017CM201617/162 |  |
| 1/002 | Complaints Against Third Parties | Rescinded |
| 1/026 | Complaints | New |
| 3/007 | Senior Employees and Appointed Acting Chief Executive Officer | Amended | 30 March 2017CM201617/176 | 201702 |
| 4/001 | Elections – Promotion | Rescinded | 22 February 2017 CM201617/142 | 201701 |
| 1/019 | Confidential Briefings | Amended | 22 February 2017 CM201617/142 |
| 8/004 | Community Leasing | Amended | 22 February 2017CM201617/142 |  |

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