Council Policy

11 December 2025

Policy Manual Review Summary	
21/03/2024	CS011 Debt Recovery Processes
12/12/2024	Annual Review – Council Decision – 05 – 1224
11/12/2025	Annual Review – Council Decision 08-1225
26/03/2026	ES001 Code of Conduct for Council Members, Committee Members and Candidates – Council Decision 01-0326
24/09/2026	CS010 Debt Recovery Processes – Council Decision 12-0926

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Introduction

This document provides a reference guide to the Council Policy Manual to assist Council Members, Shire employees and members of the community in the use and interpretation of the Manual.

The *Local Government Act 1995* empowers Council in the determination of policy under section 2.7 Role of Council - "(2) (b) determine the local government's policies."

In simple terms policy provides what can be done, Management practices provide how it is done and delegation provides who can do it. The Shire has Council and Operational policies to guide both its direction and operation, and Planning policies relating to planning and development within Local planning scheme areas.

Council policies set governing principles and guide the direction of the organisation to align with community values and aspirations. These policies have a strategic, external focus and align with the mission, vision and strategic direction of the Shire.

Council Policies are developed to further the achievement of the Shire's strategic goals or contribute to outcomes relating to mandatory obligations. They are defined courses of action related to particular circumstances which guide staff in what is permissible when dealing with related matters.

Operational Policies

Operational policies are developed for administrative and operational requirements. They have an internal focus and form the strategies and actions for policy implementation and provide details of the actions and processes required by staff.

Planning Policies

Planning policies have been prepared in accordance with Clauses 3, 4 and 5 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* which allows Council to prepare local planning policies relating to planning or development within the Scheme area.

Purpose of Council Policies

Council Policies provide guidance for future decisions and behaviour and the achievement of rational outcomes. Council policies show the approach that the Council intents to be taken in a particular issue and:

- Support consistency and equity in decision making,
- Facilitate prompt responses to customer requirements; and
- Promote operational efficiency.

EXECUTIVE SERVICES (ES)

ES001	Code of Conduct for Council Members, Committee Members, and Candidates
Directorate	Executive Services
Adoption Date	22/04/2021
Last Review Date	26/03/2026

ES001 Code of Conduct for Council Members, Committee Members and Candidates

OBJECTIVES
This policy is developed to comply with the *Local Government Act 1995* and to set standards of behaviour for Council Members, Committee Members and Candidates.

POLICY STATEMENT/S
This Code of Conduct for Shire of Exmouth Council Members, Committee Members and Candidates has been adopted in compliance with s5.103, 5.104 of the *Local Government Act 1995*.

Preamble
This is the Shire of Exmouth's Code of Conduct for Council Members, Committee Members and Candidates and (the Code) sets out acceptable standards of professional conduct. The Code provides a guide and a basis of expectations for *Council Member*s, Committee Members and Candidates. It encourages a commitment to ethical and professional behaviour and encourages greater transparency and accountability within the Shire of Exmouth.

Division 1 — Preliminary provisions

1. Citation
This is the Shire of Exmouth Code of Conduct for Council Members, Committee members and Candidates.

2. Terms used
(1) In this code —
Act means the *Local Government Act 1995*;
candidate means a candidate for election as a Council Member;
complaint means a complaint made under clause 11(1);
publish includes to publish on a social media platform.
(2) Other terms used in this code that are also used in the Act have the same meaning as they have in the Act, unless the contrary intention appears.

Division 2 — General principles

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

4. Personal integrity
(1) A Council Member, committee member or candidate should —
(a) act with reasonable care and diligence; and

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

(2) A Council member or committee member should —
(a) act in accordance with the trust placed in Council members and committee members; and
(b) participate in decision-making in an honest, fair, impartial, and timely manner; and
(c) actively seek out and engage in training and development opportunities to improve the performance of their role; and
(d) attend and participate in briefings, workshops and training sessions provided or arranged by the local government in relation to the performance of their role.

5. Relationship with others

(1) A Council member, committee member or candidate should —
(a) treat others with respect, courtesy, and fairness; and
(b) respect and value diversity in the community.

(2) A Council member or committee member should maintain and contribute to a harmonious, safe, and productive work environment.

6. Accountability

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

Division 3 — Behaviour

7. Overview of Division

This Division sets out —
(a) requirements relating to the behaviour of Council members, committee members and candidates; and
(b) the mechanism for dealing with alleged breaches of those requirements.

8. Personal integrity

(1) A Council member, committee member or candidate —
(a) must ensure that their use of social media and other forms of communication complies with this code; and
(b) must only publish material that is factually correct.

(2) A Council member or committee member —
(a) must not be impaired by alcohol or drugs in the performance of their official duties; and
(b) must comply with all policies, procedures, and resolutions of the local government.

9. Relationship with others

A Council member, committee member or candidate —

(a) must not bully or harass another person in any way; and

(b) must deal with the media in a positive and appropriate manner and in accordance with any relevant policy of the local government; and

(c) must not use offensive or derogatory language when referring to another person; and

(d) must not disparage the character of another Council member, committee member or candidate or a local government employee in connection with the performance of their official duties; and

(e) must not impute dishonest or unethical motives to another Council member, committee member or candidate or a local government employee in connection with the performance of their official duties.

10. Council or committee meetings

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

(a) must not act in an abusive or threatening manner towards another person; and

(b) must not make a statement that the member or candidate knows, or could reasonably be expected to know, is false or misleading; and

(c) must not repeatedly disrupt the meeting; and

(d) must comply with any requirements of a local law of the local government relating to the procedures and conduct of council or committee meetings; and

(e) must comply with any direction given by the person presiding at the meeting; and

(f) must immediately cease to engage in any conduct that has been ruled out of order by the person presiding at the meeting.

11. Complaint about alleged breach

(1) A person may make a complaint, in accordance with subclause (2), alleging a breach of a requirement set out in this Division.

(2) A complaint must be made —

(a) in writing in the form approved by the local government (Attachment A); and

(b) to a person authorised under subclause (3); and

(c) within 1 month after the occurrence of the alleged breach.

(3) The local government must, in writing, authorise 1 or more persons to receive complaints and withdrawals of complaints.

(4) A complaint must be dealt with under clauses 12 to 15 unless —

(a) the complaint is referred to the Inspector in accordance with subclause (5); and

(b) the Inspector refers the complaint to be dealt with under Part 8A Division 5 of the Act.

(5) If the *Local Government (Model Code of Conduct) Regulations 2021* regulation 3A applies to a complaint, a person authorised under subclause (3) must refer the complaint to the Inspector under section 5.105(3) of the Act.

(6) A complaint must also be dealt with under clauses 12 to 15 if the Inspector refers the complaint to the local government under the *Local Government (Local Government Inspector) Regulations 2025* regulation 6.

12. Dealing with complaint

(1) After considering a complaint, the local government must, unless it dismisses the complaint under clause 13 or the complaint is withdrawn under clause 14(1), make a finding as to whether the alleged breach the subject of the complaint has occurred.

Note for this subclause:
See also clause 14A in relation to the appointment of a monitor to assist the local government to deal with matters raised by a complaint.

(2) Before making a finding in relation to the complaint, the local government must give the person to whom the complaint relates a reasonable opportunity to be heard.

(3) A finding that the alleged breach has occurred must be based on evidence from which it may be concluded that it is more likely that the breach occurred than that it did not occur.

(4) If the local government makes a finding that the alleged breach has occurred, the local government may —
- (a) take no further action; or
- (b) prepare and implement a plan to address the behaviour of the person to whom the complaint relates.

(5) When preparing a plan under subclause (4)(b), the local government must consult with the person to whom the complaint relates.

(6) A plan under subclause (4)(b) may include a requirement for the person to whom the complaint relates to do 1 or more of the following —
- (a) engage in mediation;
- (b) undertake counselling;
- (c) undertake training;
- (d) take other action the local government considers appropriate.

(7) If the local government makes a finding in relation to the complaint, the local government must give the complainant, and the person to whom the complaint relates, written notice of —
- (a) its finding and the reasons for its finding; and
- (b) if its finding is that the alleged breach has occurred — its decision under subclause (4).

13. Dismissal of complaint

(1) The local government must dismiss a complaint if it is satisfied that —
- (a) the behaviour to which the complaint relates occurred at a council or committee meeting; and
- (b) either —
  - (i) the behaviour was dealt with by the person presiding at the meeting; or
  - (ii) the person responsible for the behaviour has taken remedial action in accordance with a local law of the local government that deals with meeting procedures.

(2) If the local government dismisses a complaint, the local government must give the complainant, and the person to whom the complaint relates, written notice of its decision and the reasons for its decision.

14. Withdrawal of complaint

(1) A complainant may withdraw their complaint at any time before the local government makes a finding in relation to the complaint.

(2) The withdrawal of a complaint must be —
  (a) in writing; and
  (b) given to a person authorised under clause 11(3).

14A. Appointment of monitor

(1) The Inspector may appoint a monitor for the local government to assist the local government to deal with matters raised by a complaint.

(2) If the Inspector appoints a monitor –
(a) the Inspector may direct the local government to defer further dealing with the complaint until the monitor reports to the Inspector on the outcome of the monitoring assignment; and
(b) the local government must comply with the direction

14B. Performance of local government's functions under cl. 12 and 13

(1) The local government's functions under clauses 12 and 13 must be performed by the council.

(2) Despite subclause (1), the council may, by resolution carried with an absolute majority of the council, authorise a committee of the Council comprising Council members only to perform a function for and on behalf of the local government.

(3) Despite subclause (1), the council may, by resolution carried with an absolute majority of the council, authorise a person who is none of the following to perform a function for and on behalf of the local government —

(a) a member of the council of any local government;
(b) a member of the governing body of any regional subsidiary;
(c) an employee of any local government or regional subsidiary;
(d) an employee of WALGA or the Local Government Professionals Australia (WA);
(e) a member of the governing body of, or an employee of, a body corporate the activities of which are, wholly or partly, advocating or otherwise acting for, or on behalf of, 1 or more of the following —
  (i) local governments;
  (ii) members of councils;
  (iii) employees of local governments.

(4) A resolution made under subclause (3) must include the following —
(a) a statement to the effect that the council is satisfied that the person being authorised is suitably qualified and experienced to perform the function.
(b) an explanation as to why the council is satisfied as referred to in paragraph (a);
(c) a statement to the effect that the council is satisfied that the person being authorised is impartial and has no close association with any member of the council or any employee of the local government.

(5) Nothing in this clause prevents an employee of the local government from providing, in relation to the performance of a function, any advice or other assistance to the council, a committee authorised under subclause (2) or a person authorised under subclause (3).

15. Other provisions about complaints

(1) A complaint about an alleged breach by a candidate cannot be dealt with by the local government unless the candidate has been elected as a Council member.

(2) The procedure for dealing with complaints may be determined by the local government to the extent that it is not provided for in this Division.

(3) Clauses 14A and 14B do not apply in relation to a complaint made before 1 January 2026.
Note for this clause:
See also section 5.105(4) and (5) of the Act for restrictions on the activities of a person who makes a complaint or who is alleged to have breached a requirement set out in this Division.

Division 4 — Rules of conduct

Notes for this Division:
1. Under section 5.105(1) of the Act a Council member commits a minor breach if the Council member contravenes a rule of conduct. This extends to the contravention of a rule of conduct that occurred when the Council member was a candidate.
2. A minor breach is dealt with by a standards panel under section 5.110 of the Act.

16. Overview of Division

(1) This Division sets out rules of conduct for Council members and candidates.

(2) A reference in this Division to a Council member includes a Council member when acting as a committee member.

17. Misuse of local government resources

(1) In this clause —
electoral purpose means the purpose of persuading electors to vote in a particular way at an election, referendum or other poll held under the Act, the *Electoral Act 1907* or the *Commonwealth Electoral Act 1918*;
resources of a local government includes —
(a) local government property; and
(b) services provided, or paid for, by a local government.

(2) A Council member must not, directly or indirectly, use the resources of a local government for an electoral purpose or other purpose unless authorised under the Act, or by the local government or the CEO, to use the resources for that purpose.

18. Securing personal advantage or disadvantaging others

(1) A Council member must not make improper use of their office —
(a) to gain, directly or indirectly, an advantage for the Council member or any other person; or
(b) to cause detriment to the local government or any other person.

(2) Subclause (1) does not apply to conduct that contravenes section 5.93 of the Act or *The Criminal Code* section 83.

19. Prohibition against involvement in administration

(1) A Council member must not undertake a task that contributes to the administration of the local government unless authorised by the local government or the CEO to undertake that task.

(2) Subclause (1) does not apply to anything that a Council member does as part of the deliberations at a council or committee meeting.

20. Relationship with local government employees

(1) In this clause —
local government employee means a person —
(a) employed by a local government under section 5.36(1) of the Act; or
(b) engaged by a local government under a contract for services.

(2) A Council member or candidate must not —
(a) direct or attempt to direct a local government employee to do or not to do anything in their capacity as a local government employee; or
(b) attempt to influence, by means of a threat or the promise of a reward, the conduct of a local government employee in their capacity as a local government employee; or
(c) act in an abusive or threatening manner towards a local government employee.

(3) Subclause (2)(a) does not apply to anything that a Council member does as part of the deliberations at a council or committee meeting.

(4) If a Council member or candidate, in their capacity as a Council member or candidate, is attending a council or committee meeting or other organised event (for example, a briefing or workshop), the Council member or candidate must not orally, in writing or by any other means —
(a) make a statement that a local government employee is incompetent or dishonest; or
(b) use an offensive or objectionable expression when referring to a local government employee.

(5) Subclause (4)(a) does not apply to conduct that is unlawful under *The Criminal Code* Chapter XXXV.

21. Disclosure of information

(1) In this clause —
closed meeting
a) means a part of a council or committee meeting that is closed to members of the public under section 5.23(2), (3) or (4) of the Act; and
(b) includes a council or committee meeting held before 1 January 2026, or a part of a council or committee meeting held before 1 January 2026, that was closed to members of the public under section 5.23(2) of the Act as in force before 1 January 2026;
confidential document means a document marked by the CEO, or by a person authorised by the CEO, to clearly show that the information in the document is not to be disclosed;
document includes a part of a document;
non-confidential document means a document that is not a confidential document.

(2) A Council member must not disclose information that the Council member —
(a) derived from a confidential document; or
(b) acquired at a closed meeting other than information derived from a non-confidential document.

(3) Subclause (2) does not prevent a Council member from disclosing information —
(a) at a closed meeting; or
(b) to the extent specified by the council and subject to such other conditions as the council determines; or
(c) that is already in the public domain; or
(d) to an officer of the Department; or

(e) to the Minister; or
(f) to a legal practitioner for the purpose of obtaining legal advice; or
(g) if the disclosure is required or permitted by law.

22. Disclosure of interests

(1) In this clause —
interest —
(a) means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest; and
(b) includes an interest arising from kinship, friendship or membership of an association.

(2) A Council member who has an interest in any matter to be discussed at a council or committee meeting attended by the Council member must disclose the nature of the interest —
(a) in a written notice given to the CEO before the meeting; or
(b) at the meeting immediately before the matter is discussed.

(3) Subclause (2) does not apply to an interest referred to in section 5.60 of the Act.

(4) Subclause (2) does not apply if a Council member fails to disclose an interest because the Council Member did not know —
(a) that they had an interest in the matter; or
(b) that the matter in which they had an interest would be discussed at the meeting and the Council member disclosed the interest as soon as possible after the discussion began.

(5) If, under subclause (2)(a), a Council member discloses an interest in a written notice given to the CEO before a meeting, then —
(a) before the meeting the CEO must cause the notice to be given to the person who is to preside at the meeting; and
(b) at the meeting the person presiding must bring the notice and its contents to the attention of the persons present immediately before any matter to which the disclosure relates is discussed.

(6) Subclause (7) applies in relation to an interest if —
(a) under subclause (2)(b) or (4)(b) the interest is disclosed at a meeting; or
(b) under subclause (5)(b) notice of the interest is brought to the attention of the persons present at a meeting.

(7) The nature of the interest must be recorded in the minutes of the meeting.

23. Compliance with plan requirement

If a plan under clause 12(4)(b) in relation to a Council member includes a requirement referred to in clause 12(6), the Council member must comply with the requirement.

Attachment A

Shire of Exmouth
Complaint About Alleged Breach Form -
Code of Conduct for Council Members, Committee Members and Candidates

Schedule 1, Division 3 of the *Local Government (Model Code of Conduct) Regulations 2021*

NOTE: A complaint about an alleged breach must be made —

(a) in writing in the form approved by the local government
(b) to an authorised person
(c) within one month after the occurrence of the alleged breach.

Name of the person who is making the complaint
Full Name: _____

Contact details of person who is making the complaint
Address: _____ Email: _____ Contact Number: _____

Name of the local government concerned:
Shire of Exmouth

Name of the Council member, committee member, candidate alleged to have committed the breach:

State the full details of the alleged breach. Attach any supporting evidence to your complaint form

Date of alleged breach.
Date: ____/____/____

Signed:
Complainant's signature: _____ Date of signing: ____/____/____

Received by Authorised Officer
Authorised Officer's Name: _____ Authorised Officer's signature: _____ Date of signing: ____/____/____

Signed:
Complainant's signature: _____ Date of signing: ____/____/____

NOTE TO PERSON MAKING THE COMPLAINT

This form should be completed, dated and signed by the person making a complaint of an alleged breach of the Code of Conduct for Council Members, Committee Members and Candidates. The complaint is to be specific about the alleged breach and include the relevant section/subsection of the alleged breach.

The complaint must be made to the authorised officer within one month after the occurrence of the alleged breach.

Signed complaint form is to be marked CONFIDENTIAL and forwarded to:

Chief Executive Officer
Shire of Exmouth
PO Box 21
EXMOUTH WA 6707
or info@exmouth.wa.gov.au

Responsible Officer	Chief Executive Officer
Relevant Legislation	s5.103, 104 *Local Government Act 1995* *Local Government (Model Code of Conduct) Regulations 2021*
Relevant Delegation	N/A
Review History	

Date	Council Decision
22/04/2021	04-0321
30/06/2022	02-0622
15/12/2022	09-1222
14/12/2023	07-1223
12/12/2024	05-1224
11/12/2025	08-1225
26/03/2026	01-0326

ES002	Attendance/Tickets to Events: Council Members and Chief Executive Officer
Directorate	Executive Services
Adoption Date	22/10/2020
Last Review Date	11/12/2025

ES002 Attendance/Tickets to Events: Council Members and Chief Executive Officer

OBJECTIVES

To ensure compliance with s5.90A *Local Government Act 1995* by having a compliant Policy which guides Council Members and the Chief Executive Officer (CEO) in relation to tickets/attendance at events.

This policy is made in accordance with those provisions and addresses attendance at any events, including concerts, conferences, functions, or sporting events, whether free of charge, part of a sponsorship agreement, or paid by the local government.

The purpose of the policy is to provide transparency about the attendance at events of Council Members and the CEO and establish guidelines for the management of acceptance invitations to events or functions

POLICY STATEMENT

Definitions

Event includes the following –

- a concert,
- a conference,
- a function,
- a sporting event,
- an occasion of a kind prescribed for the purposes of this definition.

Key issues to consider

In considering whether a benefit such as an invitation to an event or hospitality given to a Council Member or the CEO is a 'gift' for the purposes of the Act and Regulations, the key issues include:

- Who is a donor, the person who is offering or giving the benefit?
- What is the value of the benefit?
- Do the Council Members or CEO receiving the benefit contribute anything of value to the donor in return for the benefit such as formally opening or speaking at the event or presenting prizes/awards?
- If so, does the value of that contribution outweigh the value of the benefit? If so, it will not be a gift for the purposes of the Act and Regulations.
- the location of the event in relation to the local government (within the district or out of the district).
- whether the event is sponsored by the local government. ie the benefit of local government representation at the event.
- the number of invitations / tickets received, and if the cost to attend the event, including the cost of the ticket (or estimated value of the event per invitation) and any other expenses such as travel and accommodation.

Commercial Entertainment Events

Any tickets accepted by a Council Member or the CEO without payment, for any commercial entertainment event, for which a member of the public is required to pay whether sponsored by the Shire or not will generally be classified as a gift for the purposes of the Act and Regulations.

An exception to this is where the Shire President or his / her representative attends the event in an official capacity to perform a civic or mayoral function.

Where there is a commercial entertainment event that, in the opinion of CEO it is in the interests of the Shire for one or more Council Members to attend to assess and understand first-hand the impacts on the community or business, then one or more tickets for that event may be purchased for the relevant Council Member by the Shire at full cost.

Other commercial (non-entertainment) Events

For other commercial (non-entertainment) events, such as a conference or seminar, for which a member of the public is required to pay, where the CEO is of the opinion that it is in the interests of the Shire for one or more Council Members to attend (such as for their professional development or to undertake a function as a Council Member), then one or more registrations or other benefits for that event will be purchased for the relevant Council Member by the Shire at full cost to enable attendance.

If the Shire does not pay for the event, free registration, or any other benefit (such as hospitality) given to a Council Member or CEO would be classified as a 'gift' unless the contribution of the Council Member or CEO to the event (such as by way of the presentation of a paper or speaking engagement) is reasonably considered to outweigh the value of registration or other benefit given to the Council Member or CEO.

Community/Local Business Events

Acceptance of reasonable and modest hospitality by a Council Member at an unpaid event run by a local community group for local business would not generally be classified as a 'gift' where the contribution by the Council Member to the event is reasonably considered to outweigh the value of the hospitality. This is more likely where the Council Member attends the event in his or her capacity as a Council Member - preferably where the attendance has been specifically authorised by the Shire, but otherwise where the person is performing his or her functions as a Council Member.

Perceived or Actual Conflict

Event attendance may create a perceived or actual conflict, which may preclude Council Members participating at a future meeting. If the amount of an event ticket (gift) is less than $1,000, and relates to a matter before Council, under section 5.68 of the *Local Government Act 1995*, Council may allow the disclosing Council Member to participate on the condition that the interest, the Council's decision, and the reasons for that decision are recorded in the minutes.

If the amount gift is above $1,000 the Council or CEO must apply to the Minister for permission to allow the Council Member or CEO to participate.

The following situations are specifically excluded where the event ticket (gift) is received from one of the following organisations: -

a) Western Australian Local Government Association (WALGA) (but not Local Government Insurance Services),
b) Local Government Professionals Australia (WA),
c) Australian Local Government Association,
d) A department of the public service,
e) A government department of another State, a Territory, or the Commonwealth; and
f) A local government or regional local government.

Provision of tickets to events

Invitations

All invitations of offers of tickets for a Council Member or CEO to attend an event should be in writing and addressed to the CEO.

Any invitation or offer of tickets not addressed to the CEO is not captured by this policy and must be disclosed in accordance with the gift and interest provisions in the Act. (A ticket or invitation provided by a donor to an individual in their capacity as a Council Member or CEO is to be treated as a gift to that person unless the tickets or invitation is referred to the local government to be considered in accordance with the Policy).

The following is a list of pre-approved events, for attendance by a Council Member or the CEO:

- Any free event held in the Shire of Exmouth,
- Australian or West Australian local government events,
- Awards nights/dinners of clubs within the Shire of Exmouth,
- Shire of Exmouth hosted events, ceremonies, and functions,
- Shire of Exmouth run functions or events,
- Events hosted by Clubs or Not for Profit Organisations within the Shire of Exmouth.
- Shire of Exmouth sponsored functions or events,
- Community art exhibitions,
- Cultural events or festivals,
- Events run by a local, state, or federal government,
- Events run by Exmouth District High School and Central Regional TAFE,
- Events run by professional bodies associated with local government,
- Opening or launch of an event or facility within the Shire of Exmouth,
- Recognition of service events,
- RSL events,
- Where a Council Member or CEO representation has been formally requested,
- Political functions and events relevant to the Shire of Exmouth,
- Industry and peak body functions, events, and conferences.

Approval of attendance

In deciding on attendance at an event, the Council will consider:

- who is providing the invitation or ticket to the event,
- the location of the event in relation to the local government (within the district or out of the district),

- the role of the Council Member or CEO when attending the event (participant, observer, presenter) and the value of their contribution,
- whether the event is sponsored by the local government,
- the benefit of local government representation at the event,
- the number of invitations / tickets received, and
- the cost to attend the event, including the cost of the ticket (or estimated value of the event per invitation) and any other expenses such as travel and accommodation

Where an invitation is received to an event that is not pre-approved, it may be submitted for approval no later than three business days prior to the event for approval as follow:

- Events for the Shire President will be approved by the Deputy Shire President,
- Events for Council Members will be approved by the Shire President; and
- Events for the CEO will be approved by the Shire President.

Considerations for approval of the event include:

- Any justification provided by the applicant when the event is submitted for approval.
- The benefit to the Shire of the person attending.
- Alignment to the Shire's Strategic Community Objectives.
- The number of Shire representatives already approved to attend.

Where a Council Member or CEO has an event approved through this process and there is a fee associated with the event, then the cost of the event, is to be paid by the Shire.

Non-Approved Events

Any event that is not pre-approved, is not submitted through an approval process, or is received personally is considered a non-approved event.

If the event is a free event to the public, then no action is required. If the event is ticketed and the Council Member or CEO pays the full ticketed price and does not seek reimbursement, then no action is required.

If the event is ticketed and the Council Member or CEO pays a discounted rate or is provided with a free ticket, then the recipient must disclose receipt of the tickets (and any other associated hospitality) within 10 days.

Payments in respect of attendance

Where an invitation or ticket to an event is provided free of charge, the local government may contribute to appropriate expenses for attendance, such as travel and accommodation, for events outside the district if the council determine attendance to be of public value.

For any events where a member of the public is required to pay, unless previously approved and listed, the council will determine whether it is in the best interests of the local government for a Council Member or the CEO or another officer to attend on behalf of the council.

If the council determines that a Council Member or CEO should attend a paid event, the local government will pay the cost of attendance and reasonable expenses, such as travel and accommodation.

Where partners of an authorised local government representative attend an event, any tickets for that person, if paid for by the local government, must be reimbursed by the representative unless expressly authorised by the Council.

Responsible Officer	Chief Executive Officer
Relevant Legislation	s5.90A *Local Government Act 1995*
Relevant Delegation	N/A
Review History	
Date	Council Decision
20/10/2020	04-1020
26/11/2020	03-1120
30/06/2022	02-0622
15/12/2022	09-1222
14/12/2023	07-1223
12/12/2024	05-1224
11/12/2025	08-1225

ATTACHMENT A

ATTENDANCE AT EVENTS APPLICATION

Council Member Name:

Name of Event* _____

Organisation / Person _____

Event Date/s: _____

Location: _____ Cost:

* Attach any information, flyer etc. you may have How will participation in this event meet the criteria in Council's Policy - Attendance at Events?

_____

_____

Signature: _____ Date: _____

Office Use only Budget Allocation Available: $ COA

- Does the request for attendance at an event meet the criteria in Council Policy – Attendance at Events? In deciding on attendance at an event, the following matters will be considered:
  - who is providing the invitation or ticket to the event,
  - the location of the event in relation to the local government (within the district or out of the district),
  - the role of the Council Member or CEO when attending the event (participant, observer, presenter) and the value of their contribution,
  - whether the event is sponsored by the local government,
  - the benefit of local government representation at the event,
  - the number of invitations/ tickets received; and
  - the cost to attend the event, including the cost of the ticket (or estimated value of the event per invitation) and any other expenses such as travel and accommodation

Yes / No* (*Circle option) If No please provide comment below:

Approved: _____ Date: _____ Shire President/ Deputy Shire President/ CEO Submit completed form to the Executive Services for processing no less than three working days prior to the event.

ES003	Allowances, Professional Development and Support of Council Members
Directorate	Executive Services
Adoption Date	22/10/2020
Last Review Date	11/12/2025

ES003 Allowances, Professional Development, and Support of Council Members

OBJECTIVES

To provide:

- ongoing professional development to achieve best practice governance for Council Members and an opportunity to request consideration to attend a conference or meeting that affords individual development or value to the community.
- allowances of various kinds to support Council Members in representing the community.

POLICY STATEMENT

Fees and Allowances

The *Local Government Act 1995* provides for sitting fees, allowances and entitlements of specific expenses related to or incurred in performing the role of a Council Member for the Shire of Exmouth. The Shire of Exmouth will pay an annual attendance fee to all Council Members who attend Council, committee or prescribed meetings referred to s5.98 of the *Local Government Act 1995*. These are automatically generated each financial year following the adoption of the budget.

Annual Allowance for the Shire President and Deputy Shire President

The Shire President receives the maximum annual local government allowance for a determination in the Band 3 for the Shire of Exmouth in accordance with the Salaries and Allowances Tribunal (SAT).
The Deputy Shire President's Annual Allowance is 25% of the Shire President's Allowance.

Annual Meeting Attendance Fees

The Shire President, Deputy Shire President and Council Members receive the maximum annual local government meeting attendance fee allowance for a Band 3 determination in accordance with the Salaries and Wages Allowances Tribunal (SAT).

ICT Allowance

ICT allowance of $600 per annum is payable to those Council Members who choose to provide their own electronic device.

Payment of Allowances and Fees

Annual allowances and meeting fees will be paid into the Council Member's nominated bank account on a quarterly basis in arrears.

Payments are made on the basis that each Council Member regularly attends Council meetings, briefing session, and meetings as set out in section 5.98(1) and (2A) of the *Local Government Act 1995* and Regulation 30(3A) of the *Local Government (Administration) Regulations 1996*, and carries out other normal duties and responsibilities of the office of a Council Member for the whole year.

Any taxation liability arising from the payment of fees and allowance is the individual responsibility of each Council Member.

Reimbursement of Expenses

Reimbursements of expenses are subject to a statement being certified by the Council Member concerned, and the claim is in respect to costs associated during Shire business including

- Council briefings and workshops,
- Training and conferences; and
- Any meeting whereby the Council Member has been nominated as a Council representative.

Travel Costs (Regulation 31(1)(b) and 32)

a) Council and committee meetings

In accordance with Regulation 31(1)(b) of the *Local Government (Administration) Regulations 1996* (Regulations), Council Members will be reimbursed for travel expenses incurred with respect to the actual cost of travelling from their usual place of residence or work to attend:

- Council meetings; or
- Council appointed committee meetings of which he or she is a member

b) Other meetings

In accordance with Regulation 32(1) of the Regulations, the Chief Executive Officer may authorise the reimbursement of travel expenses incurred with respect to the actual cost of travelling from their usual place of residence or work to attend a meeting outside of the townsite:

- An Annual or Special meeting of Electors;
- Any meeting of a body to which the Council Member has been appointed by Council (e.g. WALGA Zone meetings);
- Any meeting, function or event which they have been asked to attend in their role as Council Member as determined by Council, the Shire President or the Chief Executive Officer.

c) Usual place of residence or work

If the Council Member does not live or work in the local government district, actual travel costs will be reimbursed from the person's usual place of residence or work and back (Clause 8.2(4) Salaries and Allowances Tribunal Determination).

If a Council Member changes their usual place of residence or work during their term, they must immediately notify the Administration.

d) Calculating the mileage allowance

Where a private motor vehicle is used, reimbursement of travelling expenses is calculated on the rate set by the Salaries and Allowances Tribunal.

e) Travel by Commercial flight

In some instances, where the meeting is outside of the Shire of Exmouth (e.g. Perth), it may not be practical or feasible to travel to meetings by private motor vehicle.

In that case, Council Members may choose to travel by commercial flight. A Council Member will be reimbursed for the actual cost of the economy class airfare, in accordance with the Salaries and Allowances Tribunal. Bookings may be made through the Shire.

Frequent flyer points are not to be accrued when travelling on the official business of Council. Once the booking has been confirmed, any changes at the request of the Council Member will be paid for by the Council Member. (e.g. moving flights to another day, or missing a confirmed flight)

f) Accommodation

Accommodation costs will be arranged and paid for by Council if the Council Member is required to travel to attend the meeting.

Incidental expenses such as in-house movies, dry-cleaning and mini-bar will not be covered by Council.

g) Meals

All meals will be included and paid for by Council in accordance with below:

- Evening meal on production of receipts or through the in-house restaurant – maximum up to $52.20 per person per day or where relevant, the equivalent cost of the formal evening dinner function if an annual conference, course or seminar.
- Breakfast on production of receipts or through the in- house restaurant – maximum up to $21.20 per person per day
- Lunch is normally provided by course, however if not provided, Council will pay up to a maximum of $33.20per person per day on production of receipts or through the in-house restaurant.
- Totalling $106.60 per day.

Note: Strictly no alcohol will be paid for by Council.

Professional Development

Induction

Council Members need to develop a clear understanding of their role and responsibilities when first elected to Council. It is important that Council Members understand key processes and deliverables required by statute, especially as with each new Council there will be a requirement to review strategic direction and key long-term planning documents.

An accessible, informative induction program is essential to Council Members being able to understand their roles and to be able to move quickly and easily into their governance responsibilities after being elected to Council.

It is also important that returning members have their understanding refreshed and they are aware of any changes to statutory requirements, organisational direction and issues arising.

It is equally important that new and returning members are provided with the same information. Key to this is the induction process which should be provided for each new Council and/or Council Members elected or appointed to fill extraordinary vacancies when they arise.

Sitting Council Members will support newly elected Council Members by participating in the induction process.

Subjects to be covered in Induction

- Council Members' Responsibilities
- Council Member's Support
- Meeting Procedures and Protocols

- Decision-making Framework
- Integrated Planning and Reporting
- Financial Management Framework
- Professional Risk and Liability of a Council Member
- Land Use Planning
- Advise Members of compulsory training and timeframes

Mandatory Training

All Council Members will need to complete the prescribed training, Councillor Member Essentials course, within 12 months of being elected as per the *Local Government (Administration) Regulations 1996*. The course has been developed to provide members with the skills and knowledge to perform their roles as leaders in their district. The course has five foundational units:

- Understanding Local Government,
- Conflicts of Interest,
- Serving on Council,
- Meeting Procedures and Debating, and
- Understanding Financial Report and Budget.

The Shire supports the ongoing professional development for Council Members, particularly in relation to roles, responsibilities, interests, individual conduct, and meeting procedure.

Council's preferred provider for the training is WALGA (WA Local Government Association).
It is Council's preference that the training is undertaken via the eLearning method which is the more cost-efficient form of delivery.

It is acknowledged however that there may be Council Members who prefer to receive training face-to-face and/or opportunities to attend training which is being delivered in the region or in the Perth metropolitan area.

All other Council Members training must be endorsed by Council in consideration of budgetary constraints.

Following attendance of a conference, the Council Member/s having attended the conference shall present, in person to the Council a summary of the conference deliverables and the relevant benefit to the Shire.

Procedures

Considerations for approval of the training or professional development activity include:

- The costs of attendance including registration, travel, and accommodation, if required,
- The budget provisions allowed and the uncommitted or unspent funds remaining,
- Any justification provided by the applicant when the training is submitted for approval,
- The benefits to the Shire of the person attending,

- Identified skills gaps of Council Members both individually and has a collective,
- Alignment to the Shire's Strategic Objectives; and
- The number of Shire representatives already approved to attend.

Consideration of attendance at training or professional development courses, other than the online Councillor Member Essentials, which are deemed to be approved, are to be assessed as follows:

- The Shire President must be approved by the Deputy Shire President, in conjunction with the CEO and
- Council Members must be approved by either the Council or the Shire President, in conjunction with the CEO.

Any expenditure commitments associated with training or professional development must be performed by and authorised through the CEO.

Register of Professional Development

As required by the *Local Government Act 1995*, the Shire will:

- maintain a Register of Professional Development undertaken by Council Members and display it at the Shire website.
- disclose in the Annual Report the professional development undertaken by Council Members in the relevant period.

Support

All Council Members are entitled to receive:

- An email address in the format of cr.surname@exmouth.wa.gov.au
- A personalised Shire of Exmouth name badge,
- 2 (grey) Shire of Exmouth polo shirts; and
- Provision of a suitable laptop, that will remain the property of the Shire OR receive a monthly allowance.

In addition to the above support, the Shire President will be provided with:

- Personalised Shire of Exmouth business cards; and
- The use of a suitable office with printing facilities, subject to availability.

Responsible Officer	Chief Executive Officer
Relevant Legislation	S5.126, 5.127, 5.128 Local *Government Act 1995* *Local Government (Administration) Regulations 1996* Part 10 Regulation 32
Relevant Delegation	N/A
Review History	
Date	Council Decision
26/11/2020	03-1120
30/06/2022	02-0622
15/12/2022	09-1222
14/12/2023	07-1223
12/12/2024	05-1224
11/12/2025	08-1225

ES004	Chief Executive Officer Standards, Performance and Management
Directorate	Executive Services
Adoption Date	22/04/2021
Last Review Date	11/12/2025

ES004 Chief Executive Officer Standards, Performance and Management

OBJECTIVES

To ensure compliance with the *Local Government Act 1995* by adopting Chief Executive Officer (CEO) Standards to apply to the CEO at the Shire of Exmouth.

To provide guidelines on meeting Council's obligations in relation to s5.36, 5.37, 5.38, 5.39, 5.39A and 5.39B of the *Local Government Act 1995*, and pursuant to the Shire of Exmouth CEO Standards relating to the appointment, appraisal, dismissal, and contractual conditions of the CEO.

POLICY STATEMENT/S

Shire of Exmouth Standards for CEO recruitment, performance and termination

Division 1 — Preliminary provisions

1. Citation

These are the Shire of Exmouth Standards for CEO Recruitment, Performance and Termination.

2. Terms used

(1) In these standards —

Act means the *Local Government Act 1995*;

additional performance criteria means performance criteria agreed by the local government and the CEO under clause 16(1)(b);

applicant means a person who submits an application to the local government for the position of CEO;

contract of employment means the written contract, as referred to in s5.39 of the Act, that governs the employment of the CEO;

contractual performance criteria means the performance criteria specified in the CEO's contract of employment as referred to in s5.39(3)(b) of the Act;

job description form means the job description form for the position of CEO approved by the local government under clause 5(2);

local government means the [*insert name of local government*];

selection criteria means the selection criteria for the position of CEO determined by the local government under clause 5(1) and set out in the job description form;

selection panel means the selection panel established by the local government under clause 8 for the employment of a person in the position of CEO.

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

Division 2 — Standards for recruitment of CEOs

3. Overview of Division

This Division sets out standards to be observed by the local government in relation to the recruitment of CEOs.

4. Application of Division

(1) Except as provided in subclause (2), this Division applies to any recruitment and selection process carried out by the local government for the employment of a person in the position of CEO.

(2) This Division does not apply —

(a) if it is proposed that the position of CEO be filled by a person in a class prescribed for the purposes of s5.36(5A) of the Act; or

(b) in relation to a renewal of the CEO's contract of employment, except in the circumstances referred to in clause 13(2).

5. Determination of selection criteria and approval of job description form

(1) The local government must determine the selection criteria for the position of CEO, based on the local government's consideration of the knowledge, experience, qualifications and skills necessary to effectively perform the duties and responsibilities of the position of CEO of the local government.

(2) The local government must, by resolution of an absolute majority of the council, approve a job description form for the position of CEO which sets out —

(a) the duties and responsibilities of the position; and

(b) the selection criteria for the position determined in accordance with subclause (1).

6. Advertising requirements

(1) If the position of CEO is vacant, the local government must ensure it complies with s5.36(4) of the Act and the *Local Government (Administration) Regulations 1996* regulation 18A.

(2) If clause 13 applies, the local government must advertise the position of CEO in the manner referred to in the *Local Government (Administration) Regulations 1996* regulation 18A as if the position was vacant.

7. Job description form to be made available by local government

If a person requests the local government to provide to the person a copy of the job description form, the local government must —

(a) inform the person of the website address referred to in the *Local Government (Administration) Regulations 1996* regulation 18A(2)(da); or

(b) if the person advises the local government that the person is unable to access that website address —

(i) email a copy of the job description form to an email address provided by the person; or

(ii) mail a copy of the job description form to a postal address provided by the person.

8. Establishment of selection panel for employment of CEO

(1) In this clause —

independent person means a person other than any of the following —

(a) a Council Member;

(b) an employee of the local government;

(c) a human resources consultant engaged by the local government.

(2) The local government must establish a selection panel to conduct the recruitment and selection process for the employment of a person in the position of CEO.

(3) The selection panel must comprise —

(a) Council Members (the number of which must be determined by the local government); and

(b) at least 1 independent person.

9. Recommendation by selection panel

(1) Each applicant's knowledge, experience, qualifications and skills must be assessed against the selection criteria by or on behalf of the selection panel.

(2) Following the assessment referred to in subclause (1), the selection panel must provide to the local government —

(a) a summary of the selection panel's assessment of each applicant; and

(b) unless subclause (3) applies, the selection panel's recommendation as to which applicant or applicants are suitable to be employed in the position of CEO.

(3) If the selection panel considers that none of the applicants are suitable to be employed in the position of CEO, the selection panel must recommend to the local government —

(a) that a new recruitment and selection process for the position be carried out in accordance with these standards; and

(b) the changes (if any) that the selection panel considers should be made to the duties and responsibilities of the position or the selection criteria.

(4) The selection panel must act under subclauses (1), (2) and (3) —

(a) in an impartial and transparent manner; and

(b) in accordance with the principles set out in s5.40 of the Act.

(5) The selection panel must not recommend an applicant to the local government under subclause (2)(b) unless the selection panel has —

(a) assessed the applicant as having demonstrated that the applicant's knowledge, experience, qualifications and skills meet the selection criteria; and

(b) verified any academic, or other tertiary level, qualifications the applicant claims to hold; and

(c) whether by contacting referees provided by the applicant or making any other inquiries the selection panel considers appropriate, verified the applicant's character, work history, skills, performance and any other claims made by the applicant.

(6) The local government must have regard to, but is not bound to accept, a recommendation made by the selection panel under this clause.

10. Application of cl. 5 where new process carried out

(1) This clause applies if the local government accepts a recommendation by the selection panel under clause 9(3)(a) that a new recruitment and selection process for the position of CEO be carried out in accordance with these standards.

(2) Unless the local government considers that changes should be made to the duties and responsibilities of the position or the selection criteria —

(a) clause 5 does not apply to the new recruitment and selection process; and

(b) the job description form previously approved by the local government under clause 5(2) is the job description form for the purposes of the new recruitment and selection process.

11. Offer of employment in position of CEO

Before making an applicant an offer of employment in the position of CEO, the local government must, by resolution of an absolute majority of the council, approve —

(a) the making of the offer of employment to the applicant; and

(b) the proposed terms of the contract of employment to be entered into by the local government and the applicant.

12. Variations to proposed terms of contract of employment

(1) This clause applies if an applicant who is made an offer of employment in the position of CEO under clause 11 negotiates with the local government a contract of employment (the negotiated contract) containing terms different to the proposed terms approved by the local government under clause 11(b).

(2) Before entering into the negotiated contract with the applicant, the local government must, by resolution of an absolute majority of the council, approve the terms of the negotiated contract.

13. Recruitment to be undertaken on expiry of certain CEO contracts

(1) In this clause —

commencement day means the day on which the *Local Government (Administration) Amendment Regulations 2021* regulation 6 comes into operation.

(2) This clause applies if —

(a) upon the expiry of the contract of employment of the person (the incumbent CEO) who holds the position of CEO —

(i) the incumbent CEO will have held the position for a period of 10 or more consecutive years, whether that period commenced before, on or after commencement day; and

(ii) a period of 10 or more consecutive years has elapsed since a recruitment and selection process for the position was carried out, whether that process was carried out before, on or after commencement day, and

(b) the incumbent CEO has notified the local government that they wish to have their contract of employment renewed upon its expiry.

(3) Before the expiry of the incumbent CEO's contract of employment, the local government must carry out a recruitment and selection process in accordance with these standards to select a person to be employed in the position of CEO after the expiry of the incumbent CEO's contract of employment.

(4) This clause does not prevent the incumbent CEO's contract of employment from being renewed upon its expiry if the incumbent CEO is selected in the recruitment and selection process referred to in subclause (3) to be employed in the position of CEO.

14. Confidentiality of information

The local government must ensure that information provided to, or obtained by, the local government during a recruitment and selection process for the position of CEO is not disclosed, or made use of, except for the purpose of, or in connection with, that recruitment and selection process.

Division 3 — Standards for review of performance of CEOs

15. Overview of Division

This Division sets out standards to be observed by the local government in relation to the review of the performance of CEOs.

16. Performance review process to be agreed between local government and CEO

(1) The local government and the CEO must agree on —

(a) the process by which the CEO's performance will be reviewed; and

(b) any performance criteria to be met by the CEO that are in addition to the contractual performance criteria.

(2) Without limiting subclause (1), the process agreed under subclause (1)(a) must be consistent with clauses 17, 18 and 19.

(3) The matters referred to in subclause (1) must be set out in a written document.

17. Carrying out a performance review

(1) A review of the performance of the CEO by the local government must be carried out in an impartial and transparent manner.

(2) The local government must —

(a) collect evidence regarding the CEO's performance in respect of the contractual performance criteria and any additional performance criteria in a thorough and comprehensive manner; and

(b) review the CEO's performance against the contractual performance criteria and any additional performance criteria, based on that evidence.

18. Endorsement of performance review by local government

Following a review of the performance of the CEO, the local government must, by resolution of an absolute majority of the council, endorse the review.

19. CEO to be notified of results of performance review

After the local government has endorsed a review of the performance of the CEO under clause 18, the local government must inform the CEO in writing of —

(a) the results of the review; and

(b) if the review identifies any issues about the performance of the CEO — how the local government proposes to address and manage those issues.

Division 4 — Standards for termination of employment of CEOs

20. Overview of Division

This Division sets out standards to be observed by the local government in relation to the termination of the employment of CEOs.

21. General principles applying to any termination

(1) The local government must make decisions relating to the termination of the employment of a CEO in an impartial and transparent manner.

(2) The local government must accord a CEO procedural fairness in relation to the process for the termination of the CEO's employment, including —

(a) informing the CEO of the CEO's rights, entitlements and responsibilities in relation to the termination process; and

(b) notifying the CEO of any allegations against the CEO; and

(c) giving the CEO a reasonable opportunity to respond to the allegations; and

(d) genuinely considering any response given by the CEO in response to the allegations.

22. Additional principles applying to termination for performance-related reasons

(1) This clause applies if the local government proposes to terminate the employment of a CEO for reasons related to the CEO's performance.

(2) The local government must not terminate the CEO's employment unless the local government has —

(a) in the course of carrying out the review of the CEO's performance referred to in subclause (3) or any other review of the CEO's performance, identified any issues (the ***performance issues***) related to the performance of the CEO; and

(b) informed the CEO of the performance issues; and

(c) given the CEO a reasonable opportunity to address, and implement a plan to remedy, the performance issues; and

(d) determined that the CEO has not remedied the performance issues to the satisfaction of the local government.

(3) The local government must not terminate the CEO's employment unless the local government has, within the preceding 12-month period, reviewed the performance of the CEO under s5.38(1) of the Act.

23. Decision to terminate

Any decision by the local government to terminate the employment of a CEO must be made by resolution of an absolute majority of the council.

24. Notice of termination of employment

(1) If the local government terminates the employment of a CEO, the local government must give the CEO notice in writing of the termination.

(2) The notice must set out the local government's reasons for terminating the employment of the CEO.

Other Matters

CEO Performance Review – Process

The CEO Performance Review process will include all Council Members and be chaired by the Shire President.

This process is to be facilitated by an independent/external person mutually agreed by the Council and the CEO.

As a minimum the Shire President is to undertake the relevant CEO Performance review training course provided by WALGA.

Interview Process

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

CEO Key Performance Indicators (KPI`s):

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

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

Responsible Officer	Chief Executive Officer
Relevant Legislation	S5.36, - 5.39B *Local Government Act 1995* cl 18FA, Schedule 2 *Local Government (Administration) Regulations 1996*
Relevant Delegation	N/A
Review History	
Date	Council Decision
30/06/2022	02-0622
15/12/2022	09-1222
14/12/2023	07-1223
12/12/2024	05-1224
11/12/2025	08-1225

ES005	Chief Executive Officer Leave, Appointment of Acting or Temporary CEO
Directorate	Executive Services
Adoption Date	24/10/2019
Last Review Date	11/12/2025

ES005 Chief Executive Officer Leave, Appointment of Acting or Temporary CEO

OBJECTIVES

The purpose of this policy is to provide clear guidance on the provisions that apply to the appointment of a person as Acting Chief Executive Officer (A/CEO) and to allow for the approval by the Shire President of applications by the Chief Executive Officer (CEO) for extended sick leave, long service leave, annual leave or other extended absences.

BACKGROUND

In accordance with s5.39C of the *Local Government Act 1995* ("the Act"), the Shire must prepare and adopt a policy that sets out the process to be followed in relation to:

a) the employment of a person in the position of CEO for a term not exceeding 1 year; and
b) the appointment of an employee to act in the position of CEO for a term not exceeding 1 year.

POLICY STATEMENT

CEO Leave Entitlements

1. The CEO is contractually entitled to certain leave conditions as outlined in their employment contract and the relevant industrial relations legislation.
2. Approval of the CEO to take leave entitlements is at the discretion of the Shire President, or where the Shire President is on an approved leave of absence, the Deputy Shire President.

   The President/Deputy President cannot unreasonably withhold approval.

3. When the CEO is on leave, an Acting Chief Executive Officer is to take up their duties in accordance with this Policy.

Appointment of an Acting CEO – Expected leave periods up to 3 months

4. Acting arrangements for the position of CEO for leave periods up to 3 months will automatically be delegated to another Chief Officer.
5. The following officers can be appointed to the position of Acting CEO in accordance with the Delegation Register:
   a) Chief Financial Officer
   b) Chief Operations Officer
6. It is intended that Chief Officers will carry out the role of Acting CEO during periods of absence of the CEO due to annual or extended sick leave, as nominated by the CEO.
7. It is intended that a Chief Officer will only be appointed as Acting CEO under the terms of this Policy if:
   a) In the opinion of the CEO the employee is satisfactorily performing his/her duties;
   b) In the opinion of the CEO and the employee, the employee has capacity to perform the duties of Acting CEO along with his/her current duties; and
   c) This Policy does not apply to an employee who is temporarily acting in the role of a Chief Officer.

Appointment of an Acting CEO – leave periods in excess of 3 months

8. Should the CEO be absent for more than 3 months, the authority to appoint an Acting CEO shall be determined by Council.

Appointment of an Acting CEO – unexpected leave or vacancy

9. In the event that the CEO:
   a) takes unexpected leave;
   b) is incapacitated;
   c) is unable to perform their duties as a result of a disaster or crisis event;
   d) the position falls unexpectedly vacant; or
   e) is suspended or terminated, the following shall occur:

10. If the Council has not appointed an Acting CEO, the Shire President shall appoint an interim Acting CEO, from the list specified in clause 5 having regard to the officer's experience and capacity, until the Council can appoint an ongoing Acting CEO.

11. Where it is likely that a person will act as CEO under clause 9 for a period of more than ten (10 working days), a Special Council Meeting shall be convened as soon as possible, so that an ongoing acting appointment can be made.

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

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

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

    Subject to relevant advice, the Council retains the right to terminate or change, by resolution, any Acting or Temporary CEO appointment.

Remuneration and conditions of Acting or temporary CEO

12. Unless Council otherwise resolves, the Acting CEO shall be remunerated pro rata at the following rates:
    a) Up to 1 month – 0% differential
    b) 1-3 months – 50% differential
    c) Over 3 months – 100% differential

Note – the differential being the difference between the officer's base hourly rate and the higher positions current base hourly rate, role but is not entitled to specific allowances and benefits as detailed in the CEO's employment contract.

13. All standard allowances received by relevant employees does not change only the base hourly rate changes.

Notes:

This Policy:

a) Has been prepared on the need to fill the position of CEO for short periods in line with statutory requirements, and in an efficient manner to ensure the fluent operations of the organisation when, or if, the CEO needs, or seeks, to exercise a leave entitlement at short notice.
b) Is subject to review every two (2) years or at the time of change in a Chief Officer position.
c) Does not prevent Council from appointing another person to Act in the CEO position.
d) Requires an absolute majority vote of Council in accordance s5.36(2) of the *Local Government Act 1995*.

Responsible Officer	Chief Executive Officer
Relevant Legislation	s5.39C *Local Government Act 1995*
Relevant Delegation	N/A
Review History	
Date	Council Decision
25/06/2020	02-0620
26/11/2020	03-1120
30/06/2022	02-0622
15/12/2022	09-1222
14/12/2023	07-1223
12/12/2024	05-1224
11/12/2025	08-1225

ES006	Legal Expenses – Council Members and Employees
Directorate	Executive Services
Adoption Date	21/06/2012
Last Review Date	11/12/2025

ES006 Legal Expenses – Council Members and Employees

OBJECTIVES

To make available legal representation to Council Members and Shire employees on matters which may arise during normal duties.

POLICY STATEMENT

Definitions

Approved lawyer means:
a 'certified practitioner' under the *Legal Practice Act 2003* and from a law firm on the Shire of Exmouth panel of legal service providers, or as otherwise determined by Council based on need for a specific skill and/or expertise

Council Member or employee means a current or former commissioner, Council Member, non-*Council Member* of a Council committee or employee of the Shire of Exmouth. Legal proceedings mean civil, criminal, or investigative.

Legal representation means the provision of legal services to or on behalf of a Council Member or employee, by an approved lawyer that is in respect of –

a. a matter or matters arising from the performance of the functions of the Council Member or employee; and
b. legal proceedings involving the *Council Member* or employee that have been or may be commenced.

Legal representation costs mean costs, including fees and disbursements, properly incurred in providing legal representation.

Legal services mean advice, representation or documentation that is provided by an approved lawyer.

Payment means payment by the Shire of Exmouth of legal representation costs either by –

a. a direct payment to the approved lawyer (or the relevant firm); or
b. a reimbursement to the Council Member or employee.

Legal Representation Criteria

There are four major criteria for determining whether the Shire of Exmouth will pay the legal representation costs of a Council Member or employee –

a. the legal representation costs must relate to a matter that arises from the performance, by the Council Member or employee, in fulfilling his or her functions for the Shire of Exmouth,

b. the legal representation cost must be in respect of legal proceedings that have been, or may be, commenced,

c. in performing his or her functions, to which the legal representation relates, the Council Member or employee must have acted in good faith, and must not have acted unlawfully or in a way that constitutes improper conduct; and
d. the legal representation costs do not relate to a matter that is of a personal or private nature.

Examples of legal representation costs that may be approved

If the criteria in this policy are satisfied, the Shire of Exmouth may approve the payment of legal representation costs –

a. 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

b. or involvement in a statutory or other inquiry that requires information to be given, or to which information is given, by a Council Member or Employee in connection with his or her functions; or

c. 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

d. where exceptional circumstances are involved – for example, where a person or organization is lessening the confidence of the community in the local government by publicly making adverse personal comments about Council Members or employees.

The Shire of Exmouth will 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.

Application for payment

A Council Member or employee who seeks assistance under this policy is to make an application(s), in writing, to the Council or the CEO.

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

a. the matter for which legal representation is sought,
b. how that matter relates to the functions of the Council Member or employee making the application,
c. the lawyer (or law firm) who is to be asked to provide the legal representation,
d. the nature of legal representation to be sought (such as advice, representation in court, preparation of a document etc.),
e. an estimated cost of the legal representation; and
f. why it is in the interests of the Shire of Exmouth for payment to be made.

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.

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

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

a. has read, and understands, the terms of this Policy,
b. acknowledges that any approval of legal representation costs is conditional on the repayment provisions of the Policy and any other conditions to which the approval is subject; and
c. undertakes to repay to the Shire of Exmouth any legal representation costs in accordance with the provisions of this Policy.

Where a person is to be in receipt of such monies the person shall sign a document, which requires repayment of that money to the local government as may be required by the local government and the terms of the Policy.

An application is also to be accompanied by a report prepared by the CEO or where the CEO is the applicant by the Shire President.

Legal representation costs – Limit

Unless otherwise determined by Council, payment of legal representation costs in respect of a particular application is not to exceed $10,000.

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

Council's powers

The Council may –
a. refuse,
b. grant; or
c. grant subject to conditions, an application for payment of legal representation costs.

Conditions under the above 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.

In assessing an application, the Council may have regard to any insurance benefits that may be available to the applicant under the Shire of Exmouth's Council Members' or employee's insurance policy or its equivalent.

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

The Council may, subject to this Policy, 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 –
a. not acted in good faith, or has acted unlawfully or in a way that constitutes improper conduct; or
b. given false or misleading information in respect of the application.

A determination may be made by the Council only based on, and consistent with, the findings of a court, tribunal, or inquiry.

Where the Council decides, the legal representation costs paid by the Shire of Exmouth are to be repaid by the Council Member or employee in accordance with this Policy.

Repayment of Legal Representation Costs

A Council Member or employee whose legal representation costs have been paid by the Shire of Exmouth is to repay the Shire of Exmouth –

a. all or part of those costs – in accordance with a determination by the Council,
b. 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 Shire of Exmouth paid the legal representation costs.

The Shire of Exmouth may act in a court of competent jurisdiction to recover any monies due to it under this Policy.

CEO Authorisation

In cases of urgency, the CEO, subject to this Policy, may exercise, on behalf of the Council, any of the powers of the Council, to a limit of $5,000, where a delay in approving an application would be detrimental to the legal rights of a Council Member or employee.

Where the CEO is the applicant, the powers in this policy are to be exercised by the Shire President. An application approved by the CEO is to be submitted to the next meeting of Council which may exercise any of its powers under this Policy.

Responsible Officer	Chief Executive Officer
Relevant Legislation	
Relevant Delegation	N/A
Review History	
Date	Council Decision
19/01/2017	10-0117
22/11/2018	04-1118
25/06/2020	03-1120
30/06/2022	02-0622
15/12/2022	09-1222
14/12/2023	07-1223
12/12/2024	05-1224
11/12/2025	08-1225

ES007	Record Keeping by Council Members and Employees, and Data Migration
Directorate	Executive Services
Adoption Date	28/02/2019
Last Review Date	11/12/2025

ES007 Record Keeping by Council Members and Employees, and Data Migration

OBJECTIVES

To establish a framework for reliable and systematic management of the Shire's records in accordance with legislative requirements. It sets out the recordkeeping principles that identify and protect local government records.

POLICY STATEMENT/S

Definitions

GRDALG means the General Retention and Disposal Authority for Local Government Information. It is a management tool for identifying State Archives which are to be retained permanently. And Temporary Records, which will be retained for a minimum period, to satisfy all requirements before they may be destroyed.

Record a record or significant record may be recorded information (in any form and format) that has been created or received and maintained by the Shire or an officer in the course of public duties and maintained as evidence. This includes anything on which there is writing, maps, plans, diagrams, graphs, drawings, pictorial or graphic work, photograph, or anything from which images, sounds or writings can be reproduced.

Official Record is a record created or received by the Council/employee/Council Member or contractor in the course of the work for the organisation. May be electronic and/or paper based.

EDRMS Council's electronic document and records management system. Currently the Central Records Module within the Synergy Soft Central Records program.

Disposal is the destruction of a record, the carrying out of any process that makes it impossible to reproduce the information in a record, the transferring or delivering ownership or possession of a record, or the selling of a record.

The Shire recognises that its records are a local government owned asset and will ensure that they are managed as such. Ownership and proprietary interest of records created or collected during business (including those from outsourced bodies or contractors) are vested in the Shire.

This Policy applies to all Council records created or received by a Shire employee, contractor or Council Member, or an organisation performing outsourced services on behalf of the Shire of Exmouth, regardless of their physical format, storage location or date of creation.

Principles

a. Retention of records is key to ensuring the transparency and accountability of local government decision-making
b. Retention of records is an important tool in protecting and retaining the heritage and memory of local communities

c. Ensuring the availability of information in a timely way is an important part of the democratic process.
d. A conservative approach should be taken to retention of records: i.e., if in doubt retain the records

Which records should be recorded

a. Communications from residents and ratepayers such as complaints, compliments, correspondence concerning corporate matters, submissions, petitions, lobbying and information on Council's interests relating to local government business activity and functions.
b. Telephone, meetings and other verbal communication between Council Member/employees and another party, regarding specific local government projects or business activities.
c. Work diaries containing information that may be significant to the conduct of the Council Member/employee on behalf of local government.
d. Presentations and speeches delivered as part of a Council Member/employee's official duties.

Which records should not be recorded

a. Duplicate (unmarked) copies of Council meeting agenda, minutes & papers.
b. Draft documents or working papers where a final document has been produced and recorded.
c. Publications such as newsletters, reports, circulars and journals
d. Invitations to community events where Council member/employee is not representing Council
e. Telephone, meetings and other verbal conversations which convey routine information only, or do not relate to local government business or functions.
f. Electioneering or party political information.
g. Personal records not related to local government business.

Roles and responsibilities

Chief Executive Officer (CEO)

The CEO is to ensure that there is a system for the maintenance and management of records that is compliant with records management legislation and State guidelines and procedures.

Council Members

Council Members must create and keep records of communications or transactions relating to their role as Council Member, which convey information relating to the Shire's business or function. Council Members should consult with the CEO if they need assistance in deciding whether a record should be retained.

Chief Officers, Executive Managers and Managers

All chief officers, executives and managers are to ensure that employee members under their supervision comply with the records management policies and procedures in the Record Keeping Plan.

All employees

All employees are to create and retain records relating to the business activities they perform. They are to identify significant and ephemeral records and ensure significant records are registered in the records management system. This requirement will be an integral part of all employee's KPI's.

Appraisal, Retention and Disposal of Records

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

The State Records Office published the updated GRDALG in January 2023 which saw changed to State Archives and retention periods.

"Retain in Organisation" outlines records which are not considered State archives, but are to be retained for the life of the local government for ongoing administrative or reference purposes.
"Retain as State Archives" outlines which records are to be retained permanently due to their value to the State of Western Australia.

Data Migration

Records are a valuable corporate information resource, and the Shire of Exmouth will endeavour to ensure that:

a. All records stored in electronic formats will be integrated through changes in the hardware and software environment so that the records retain their structure, content, and contest for the required retention periods.
b. Links between electronic records and their associated metadata will be captured at the point of migration and be maintained and useable for the life of records.
c. Any migration process used for preserving electronic records will consider both long term accessibility and integrity of these records so that they are distinguishable as unique evidence of business transactions.
d. Electronic records from old systems will be kept active until data in new systems has been fully validated.
e. Integrity checks of electronic records will be carried out by extracting old and new databases and comparing data between the two data sets.
f. Backups of electronic records from old systems will be kept until new systems have proven to be fully operational.
g. Migration of all electronic data, including records of permanent value, will be in accordance with Public Records Policy No. 8 – Policy for the ongoing management of electronic records designated as having archival value.

Responsible Officer	Chief Executive Officer
Relevant Legislation	*State Records Act 2000* *Local Government Act 1995,* *Local Government (Administration) Regs* *Evidence Act 1906* *Financial Management Act 2006* *Freedom of Information Act 1992* *Limitations Act 1935* *Building Act 2011* *Financial Administration and Audit Act 1985* *Criminal Code 1913 (s85)* *Electronic Transactions Act 2003*
Relevant Delegation	N/A
Review History	

Date	Council Decision
19/12/2019	08-1219
25/06/2020	02-0620
26/11/2020	03-1120
30/06/2022	02-0622
15/12/2022	09-1222
14/12/2023	07-1223
12/12/2024	05-1224
11/12/2025	08-1225

ES008	Council Members – Service Award and Gift
Directorate	Executive Services
Adoption Date	15/12/2022
Last Review Date	11/12/2025

ES008 Council Members – Service Award and Gift

OBJECTIVES
To provide guidelines on the appropriate recognition of the voluntary contribution made by Council Members serving on Council.

POLICY STATEMENT
That on retirement, or defeat at an election, a framed Certificate of Appreciation be presented to each Council Member who has completed at least 1 full 4-year term of office, as a Council Member of the Shire of Exmouth.

Where a Council Member completes at least 1 full 4-year term of office, the Shire President (in conjunction with the CEO), or the Deputy Shire President (in conjunction with the CEO) where the proposed recipient is the Shire President may determine an appropriate gift, based on $100 per year of service, up to a maximum value of $1000, as per Reg 34AC *Local Government (Administration) Regulations.*

Responsible Officer	Chief Executive Officer
Relevant Legislation	s5.100 *Local Government Act 1995*, 34AC *Local Government (Administration) Regulations 1996*
Relevant Delegation	N/A
Review History	
Date	Council Decision
15/12/2022	09-1222
14/12/2023	07-1223
12/12/2024	05-1224
11/12/2025	08-1225

ES009	Public Interest Disclosure
Directorate	Executive Services
Adoption Date	15/12/2022
Last Review Date	11/12/2025

ES009 Public Interest Disclosure

OBJECTIVES

Although the CEO is responsible for the employment of all employees of the Shire of Exmouth (except the CEO, who is engaged by the Council), the Council has decided to adopt some policies to indicate its level of commitment to such matters.

This policy outlines the Shire of Exmouth's recognition of its ethical, legal obligations and its commitment to the principles and proper practices of Public Interest Disclosures.

The Shire of Exmouth will receive disclosures of public interest information in accordance with the provisions of the *Public Interest Disclosure Act 2003*.

POLICY STATEMENT

The Shire is committed to the aims and objectives of the *Public Interest Disclosure Act 2003* (PID Act).

It recognises the value and importance of contributions of employees to enhance administrative and management practices and strongly supports disclosures being made by employees as to corrupt or other improper conduct.

The Shire will take all reasonable steps to provide protection to employees who make such disclosures from any detrimental action in reprisal for the making of a public interest disclosure.

The Shire does not tolerate any of its employees or contractors engaging in acts of victimisation or reprisal against those who make public interest disclosures.

Responsible Officer	Chief Executive Officer
Relevant Legislation	*Public Interest Disclosure Act 2003* *State Records Act 2000*
Relevant Delegation	N/A
Review History	

Date	Council Decision
15/12/2022	09-1222
14/12/2023	07-1223
12/12/2024	05-1224
11/12/2025	08-1225

ES010	Freedom of Information
Directorate	Executive Services
Adoption Date	15/12/2022
Last Review Date	11/12/2025

ES010 Freedom of Information

OBJECTIVES

Although the CEO is responsible for the employment of all employees of the Shire of Exmouth (except the CEO, who is engaged by the Council), the Council has decided to adopt some Policies to indicate its level of commitment to such matters.

This policy outlines the Shire of Exmouth's recognition of its ethical, legal obligations and its commitment to the principles and proper practices of Freedom of Information.

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

POLICY STATEMENT

The *Freedom of Information Act 1992* gives individuals, corporations, and businesses the right to apply for access to documents held by Public Sector agencies which including Local Governments.

The Act gives any person the right to:

a. Access copies of documents held by the Shire, except exempt documents

b. Ask for information the Shire holds about you to be changed or annotated if it is incomplete, out of date, incorrect or misleading

c. Seek a review of a Shire decision not to allow you access to a document or not to amend your personal record.

Resident, ratepayers, and stakeholders can ask to see any document that the Shire holds, although it should be noted that the Shire can refuse access to some documents, or parts of documents that are exempt.

For further information contact the FOI Coordinator at the Shire of Exmouth.

Charges may also apply as per the current Shire of Exmouth Fees and Charges.

Responsible Officer	Chief Executive Officer
Relevant Legislation	*Freedom of Information Act 1992*
Relevant Delegation	N/A
Review History	
Date	Council Decision
15/12/2022	09-1222
14/12/2023	07-1223
12/12/2024	05-1224
11/12/2025	08-1225

ES011	Council Briefing Sessions
Directorate	Executive Services
Adoption Date	21/06/2012
Last Review Date	11/12/2025

ES011 Council Briefing Sessions

OBJECTIVES
To constitute a Council briefing session to inform Council Members of relevant and material facts and circumstances pertaining to matters to be considered by the Council or which are otherwise relevant to the good government of persons in the district.

POLICY STATEMENT
Two types of Briefing sessions have been introduced by Council:
- Agenda Briefing Session
- Strategic Briefing Session

Agenda briefing sessions will be chaired by the Shire President or in his/her absence the Deputy Shire President.

In the absence of both the Shire President and Deputy Shire President, the Chief Executive Officer will call for nominations from amongst the remaining Council Members to chair the meeting.

The Chairman has the discretion of invoking the Meeting Procedures Local Law to manage the briefing session if required, but in general Meeting Procedures Local Law do not apply.

Strategic briefing sessions will be chaired by the Shire President or in his /her absence, the Deputy Shire President and in their absence, the Chief Executive Officer.

<u>Agenda Briefing Sessions</u>
Council will conduct an Agenda Briefing Session for Council Members and employees on a regular basis prior to the monthly Ordinary Council meeting (OCM).

Agenda briefing sessions will be held at the prescribed time on the Tuesday prior to the Ordinary Council meeting.

Council agendas will be provided electronically to Council Members a minimum of 48 hours prior to the agenda briefing.

The purpose of the agenda briefing is to:
- advise Council Members about matters due to come before the Council for a decision.
- allow more time for employees to brief Council Members on such matters before the OCM.
- allow Council Members time to ask questions and seek clarification from employees.
- allow all Council Members to receive the same information on each issue at the same time.
- facilitate Council receiving a deputation/presentation from proponents that have an item scheduled for the upcoming OCM.

Council Members attending agenda briefing sessions must be aware that such sessions have no delegated powers or duties and as such, they should not be drawn into debate or attempt to make decisions on Council agenda items raised at the agenda briefing session.

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

Minutes of agenda briefings sessions will not be taken.

The public are not able to attend agenda briefing sessions, and the matters discussed remain confidential matters unless resolved otherwise by Council, or as presented in the public Council Agenda.

Members of the public may be invited to speak on a specific agenda item before Council but will not generally participate in discussion.

Strategic Briefing Sessions

Strategic briefing sessions will be scheduled at the prescribed time on the Thursday prior to the agenda briefing session AND can be scheduled at any time at the request of the Shire President or the Chief Executive Officer and should be scheduled where possible to ensure the most efficient use of officer and Council Members' time.

Strategic briefing sessions will be held for the following purposes:

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

Where information is discussed and presented at a strategic briefing session this information must be made available to all Council Members which may not have been present at the briefing.

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

Responsible Officer	Chief Executive Officer		
Relevant Legislation	N/A		
Relevant Delegation	N/A		
Review History			
Date	Council Decision	Date	Council Decision
22/11/2018	04-1118	11/12/2025	08-1225
25/60/2020	02-0620		
26/11/2020	03-1120		
30/06/2022	02-0622		
15/12/2022	09-1222		
14/12/2023	07-1223		
12/12/2024	05-1224		

ES012	Council Members – Access to Information
Directorate	Executive Services
Adoption Date	15/12/2022
Last Review Date	12/12/2024

ES012 Council Members - Access to information

OBJECTIVES
To outline Council Members rights to information necessary for the exercising of their responsibilities and to provide a process on how Council Members can access Council records and information.

POLICY STATEMENT
Council Members have a right to inspect any record of the Council if it is relevant to the exercising of the member's responsibility in his or her civic office and is not subject to privacy, confidentiality, or legal restraint.

Each request will be treated on its merits but as a rule those records immediately seen as relevant to the exercising of a Council Members' responsibility of civic office are:

a. Matters before a Council Meeting, either currently or within the current term of the Council; and/ or
b. Matters known by the CEO to come before Council soon.

Council Members can request access to other documents of the Council either by a Notice of Motion to the Council or a Freedom of Information (FOI) application.

Council Members who have a personal or pecuniary interest in a document of Council have the same rights of access as any other person.

Access by the Shire President
Access will be provided to documents and files necessary for the Shire President's role.

This includes files relevant to correspondence received directly by the Shire President and is subject to the same viewing rules as other Council Members.

The Shire President is subject to the same requirements of access as apply to other members.

Access to Computer System
Council Members shall have the same access to the content of the Council's computer system as do members of the public.

Members also have access to office productivity tools in the computer system to assist in word processing, email, internet etc. but do not include access to Council records databases.

Notes
The right of Council Members to have access to records is for the purpose of exercising the office of member. It does not carry with it the right to disclose any information obtained by a member to another person unless it is already in the public domain.

A Council Member has no authority to release documents on behalf of Council.

The Shire President shall not cause the by-passing of the general access provisions by providing to another Council Member information made available through the Shire President's role.

Council Members shall not cause the by-passing of FOI provisions by providing to a member of the public information made available to Council Members as an elected representative.

The CEO will provide guidance and assistance to Council Members in determining whether a document is confidential and/or not to be released.

Responsible Officer	Chief Executive Officer
Relevant Legislation	*s.5.92(1)(2) Local Government Act 1995*
Relevant Delegation	N/A
Review History	
Date	Council Decision
15/12/2023	09-1222
14/12/2023	07-1223
12/12/2024	05-1224
11/12/2025	08-1225

ES013	Shire Flora and Fauna Emblems
Directorate	Executive Services
Adoption Date	21/06/2012
Last Review Date	11/12/2025

ES013 Shire Flora and Fauna Emblems

OBJECTIVES

To identify the fauna and flora emblems for the Shire of Exmouth.

POLICY STATEMENT

Council has adopted as its fauna emblem the Whale Shark.

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

Responsible Officer	Chief Executive Officer
Relevant Legislation	N/A
Relevant Delegation	N/A

Review History

Date	Council Decision	Date	Council Decision
22/11/2018	04-1118	12/12/2024	05-1224
25/06/2020	02-0620	11/12/2025	08-1225
26/11/2020	03-1120		
30/06/2022	02-0622		
15/12/2022	09-1222		

ES014	Use of Shire Logo
Directorate	Executive Services
Adoption Date	21/06/2012
Last Review Date	11/12/2025

ES014 Use of Shire Logo

OBJECTIVES
To provide clear and precise guidance on the use of the Shire of Exmouth Logo.

POLICY STATEMENT/S
Council Logo

Council uses its logo on all documentation, signage, and promotional merchandise, except for legal documents of Council, where the crest (common seal) is used under resolution of Council.

Council permits an organisation or individual to use the corporate logo if the organisation or individual is conducting an event or project towards which Council has provided financial or in-kind support by way of sponsorship.

The use of the corporate logo by private enterprise/commercial organisations be only permitted where some advantage could, in the opinion of the Chief Executive Officer, accrue to the Council.

The approval in writing of the Chief Executive Officer shall be required to the use in each case and Council may fix an appropriate fee for that use.

If an organisation obtains permission to use the corporate logo, the following conditions apply:

- The logo remains the property of the Shire of Exmouth and can only be used on approved materials,
- The logo must not be used in conjunction with any merchandise, fundraising appeal or activity, or any product, without prior written approval,
- The logo must be reproduced without alteration or modification and in accordance with the Council's Branding Style Guide.

The elements of design and text are integral components of the logo device and must not be deleted or modified.

Not permitted on private communications, advertising etc.

Final proofs of all materials that contain the logo are to be referred to the Chief Executive Officer, who may delegate this assessment to another employee for final approval of the application of the logo, prior to use.

Council Crest (Coat of Arms)

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

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

Responsible Officer	Chief Executive Officer		
Relevant Legislation	*Local Government Act 1995*, Pt. 5. Div 7 Local Government (Administration) Regulations 1996, Pt. 7		
Relevant Delegation	N/A		
Review History			
Date	Council Decision	Date	Council Decision
22/11/2018	04-1118	11/12/2025	08/1225
25/06/2020	02-0620		
26/11/2020	03-1120		
30/06/2022	02-0622		
15/12/2022	09-1222		
14/12/2023	07-1223		
12/12/2024	05-1224		

ES015	Honorary Freeman of the Shire of Exmouth
Directorate	Executive Services
Adoption Date	21/06/2012
Last Review Date	11/12/2025

ES015 Honorary Freeman of the Shire

OBJECTIVES
To provide guidance on the nomination and awarding of the "Honorary Freeman of the Shire of Exmouth".

POLICY STATEMENT
From time-to-time Council may receive a nomination for the prestigious award of "Honorary Freeman of the Shire of Exmouth".

Council may also wish to nominate any person for the award who have rendered exceptional service to the Shire of Exmouth community.

The nomination and consideration of proposal to award the title of "Honorary Freeman of the Shire of Exmouth" shall be dealt with in the strictness of confidence.

When Council meets to consider the nomination, the meeting shall be closed to the public and reports concerning the nomination procedure shall be deemed to be a confidential item pursuant to s.5.93 of the *Local Government Act 1995.*

A decision by Council to award the title is to be by absolute majority.

Eligibility Criteria for 'Freeman of the Shire'
Nominees should have lived within the Shire of Exmouth for a significant number of years (significant is taken to mean at least 20 years) and who have given extensive and distinguished service to the community (e.g., service to other organisations, voluntary and community groups) in a largely voluntary capacity.

Council may also consider conferring of the title of 'Posthumous Freeman of the Shire'. In this case, the abovementioned eligibility criteria would apply.

Nominees will be assessed on their record of service to the local community.

The selection criteria are to include:
a. length of service in a field (or fields) of activity
b. level of commitment to the field (or fields) of activity
c. personal leadership qualities
d. benefits to the community of the Shire of Exmouth resulting from the nominee's work
e. specific and special achievements of the nominee

Note: Serving Council Members and employees of the Shire are not eligible to be nominated.

Nominators must declare any relationship between the nominee, and Council Member or Shire employee.

Awarding the Titles
The formal conferring of these titles is to be carried out at a civic reception held by Council.

This may be a special reception for this purpose, or the ceremony may form a focal point of any other suitable reception hosted by Council.

The decision on the occasion and format of the ceremony is to rest with the Shire President in consultation with the Chief Executive Officer.

The successful nominee is to receive a certificate (framed in a quality frame) and an official name badge (of a similar design to Council Member badges) which confirms his or her status.

Responsible Officer	Chief Executive Officer
Relevant Legislation	N/A
Relevant Delegation	N/A
Review History	
Date	Council Decision
10/10/2017	06-1017
22/11/2018	04-1118
25/06/2020	02-0620
26/11/2020	03-1120
15/12/2022	09-1222
14/12/2023	07-1223
12/12/2024	05-1224
11/12/2025	08/1225

ES016	Roles and Responsibilities of Shire Delegates to External Bodies
Directorate	Executive Services
Adoption Date	15/12/2022
Last Review Date	11/12/2025

ES016 Roles and Responsibilities of Shire Delegates to External Bodies.

OBJECTIVES
To prescribe how delegates nominated by Council as members of external committees or organisations may fulfil their representative role.

POLICY STATEMENT
The Shire of Exmouth provides delegate representation on a range of external organisations and committees and is endorsed by Council at the first meeting after an ordinary election or as required.

Where a Council Member or employee has been endorsed as Council's nominated representative member on an external committee, body or organisation, the delegate shall:

a. Ensure that no pledges of financial support, or in-kind support are made, unless express decisions to that effect have been made by the Council, or the Chief Executive Officer (CEO) prior.

b. Understand that their appointment/membership is as a representative of the Council and is by right of their position with Council.

c. Ensure their availability to attend scheduled meetings, and where they are unable to do so, provide prior apology to the respective Presiding Member.

d. Be responsible for ensuring that there is a quorum for meetings and the Shire of Exmouth is represented at external group meetings. Where a delegate is unable to attend a meeting in which they have been appointed, they are to advise their deputy (proxy member) to ensure that they will be replaced at the meeting. It is preferable that at least twenty-four (24) hours' notice is afforded.

e. Acknowledge that where a delegate has failed to attend three successive external organisation/committee meetings, with or without an apology, the Council shall consider appointing a replacement delegate at either Council determination or at the next Ordinary Meeting of Council following the ordinary elections, to ensure that the purpose and integrity of Council's participation in the external organisation is maintained.

f. Acknowledge that if they are unable to fulfil their commitment to an external organisation/committee then the delegate must advise the CEO so that Council consideration of appointing a replacement delegate can be facilitated and subsequent formal advice to the external organisation/committee attended to.

g. Ensure that in participating and contributing to decision making of the external organisation the delegate communicates and is cognisant of Council's determined position, if any, determined from:
   - Firstly, resolutions of Council dealing specifically with the matter at hand,
   - Secondly, resolutions of Council dealing generally with the matter at hand,
   - Thirdly, relevant statements of the Council's position contained in adopted Council policies or the Shire's Strategic Community Plan,

- Lastly, if Council has not previously established a position, the delegate should give due consideration to the potential sensitivity and/or risk inherent to the matter, i.e., potential for negative environmental or social impact, or risk of community conflict.

Where the delegate evaluates potential for a significant level of sensitivity or risk then, prior to committing to a position, the CEO is to be requested to prepare a report for Council's consideration. The delegate may provide a position statement for inclusion in the report however, employees must provide professional opinion, advice, and a recommendation for Council determination. Delegates must ensure that this occurs where a decision by the external organisation may require a commitment of Council resources.

h. Voting Rights - A Council Member or employee appointed as a delegate may have to participate in the decision-making process of the external organisation.

- The delegate may also be entitled to vote on matters coming before the external body.
- The delegate will have a fiduciary duty to the external organisation to participate in decision making processes and vote in accordance with the obligations to act in good faith for the purposes for which the external organisation was established.
- Council recognises that whilst it can require a delegate to communicate the Shire's position to the external organisation, it is not appropriate to attempt to bind the delegate's vote on any matter.
- The delegate will have the benefit of discussion around the decision-making table and must vote in accordance with their good faith obligation to the external organisation.
- However, this does not entitle a delegate to substitute their personal beliefs for Council's position. Where it is possible for a delegate aware of their obligations to act in good faith for the purposes of the external body, to vote in accordance with Council's stated position, then Council expects that a delegate will vote accordingly.
- Where a delegate votes in good faith, in a manner which is opposed to a Council position, the delegate must provide a briefing to the next Corporate Information/CEO Briefing Session informing of the decision and the factors which influenced the outcome.

i. Perform the functions and duties of a delegate in accordance with the standards set out in the Shire's Code of Conduct.

j. Ensure that a copy of the minutes is provided to the Shire for record keeping purposes. Where confidentiality requirements exist over either Council or the external organisation's business the delegate must ensure that confidentiality is appropriately maintained and protected.

k. Council Members or employees who attend meetings of external organisations where access is not generally available to the public, attend as observers only and remain representatives of the Shire and therefore shall:

- Act within the meeting protocols as established by the external organisation,
- Communication with the meeting only through Council's nominated delegate or only at the request of the Presiding Member of that meeting, being mindful of not interfering with due process or the role of the Council's nominated delegate,

- Act in accordance with the Shire's Code of Conduct,
- If access to the meeting is generally available to the public, then an employee or Council Member attends only in the capacity of a private person and must make clear to the meeting that opinions or positions stated are their own and not those of Council,

Matters relating to the Development Assessment Panel fall outside the scope of this policy.

Responsible Officer	Chief Executive Officer
Relevant Legislation	N/A
Relevant Delegation	N/A
Review History	
Date	Council Decision
15/12/2023	09-1222
14/12/2023	07-1223
12/12/2024	05-1224
11/12/2025	08-1225

ES017	Fraud and Corruption
Directorate	Executive Services
Adoption Date	15/12/2022
Last Review Date	11/12/2025

ES017 Fraud and Corruption

OBJECTIVES
To confirm that the Shire of Exmouth does not tolerate fraud and corruption.

POLICY STATEMENT
All Council Members and employees of the Shire of Exmouth are required to observe the highest standards of ethics and integrity in undertaking their roles as custodians of the Shire's assets, financial resources, and information.

They are also expected to act in an honest and professional manner that reflects the high standard of the Shire.

Fraudulent activity and corruption are illegal and contrary to the Shire's organisational values.

The Shire will ensure that systems are in place to ensure that the potential for incidences of fraudulent or corrupt activities or behaviours are minimised. (NOTE: Whilst the Shire endeavours to foster a culture which upholds trust [honest and integrity], it must be recognised that not everyone within an organisation may share those values. In responding to this, the Shire will ensure that there is an effective internal control environment, supported by a positive organisational culture and effective leadership that is aimed at the prevention of fraud and corruption).

Council Members, employees and contractors working for the Shire are accountable for and have a role to play in corruption prevention and control. The Shire encourages all parties to disclose actual or suspected corrupt activity to the CEO. When identified, any suspected corrupt activity will be promptly notified and investigated, and where appropriate legal remedies are available under the law, they will be pursued.

All alleged incidences will be investigated thoroughly. Where appropriate, the Shire will protect the anonymity of those responsible for reporting the activity. This protection does not apply in the case of proven vexatious complaints and allegations.

In the event of a significant corrupt act being identified and referred to an external body (CCC, Public Sector Commissioner) both the Auditors and Council will be informed by the CEO in a timely manner through an appropriate mechanism.

Council acknowledges the primary role of employees in the prevention of fraud and corruption. To foster an appropriate fraud and corruption resistant culture, the organisation will implement fraud awareness training and adopt transparent and participative management practices that empower employees in their operational roles.

There will be suitable induction training to enhance fraud and corruption resistance. Awareness of the available reporting mechanisms and Public Interest Disclosure support will also be further reinforced through training programs. Training may be facilitated internally and/or via external providers.

Roles and Responsibilities

Shire President and Council Members

The *Local Government Act 1995* provides the Shire President and Council Members with clear roles and responsibilities. In the context of this policy, the role of the Shire President and Council Members is to ensure that there are appropriate processes in place to reduce the risk of fraud and corruption. The principal mechanism for this is the Audit, Risk and Improvement Committee.

Chief Executive Officer and Executive

The Chief Executive Officer and Executive will lead by example in a manner consistent with the value and principles detailed in Council's Code of Conduct. The Chief Executive Officer is required to notify the Corruption Commission if they reasonably suspect misconduct as defined by s4(a), (b) or (c) of the *Corruption, Crime and Misconduct Act 2003.*

The Executive will assume responsibility for fraud and corruption prevention to ensure that the fraud and corruption control strategies are implemented effectively across all works areas. Consideration of fraud and corruption issues will form part of both annual and longer term operational and business planning processes.

Management

All Managers and Supervisors must recognise that fraud and corruption may occur in their area of responsibility.

Managers are to critically examine their areas of responsibility and business processes to identify and evaluate potential fraud and corruption risk situations. They are to develop and maintain fraud and corruption resistant work practices.

The following matters should be examined:

a. The enforcement of existing financial management standards, policies and practices governing contracts and the supply of goods and services.
b. The collection, storage, dealing, handling and dissemination of information,
c. Segregation of functions especially in regulatory, financial accounting, procurement and cash handling areas,
d. Employment screening and due diligence,
e. Accuracy of timesheets submitted by employees within manager's responsibility,
f. Work activities having limited supervision, or which are open to collusion and manipulation,
g. Work practices associated with compliance and enforcement activities,
h. Formal or structured reviews of accounting and administrative controls,
i. The effectiveness of measures for reporting suspected fraud and corruption,
j. The public interest disclosure protective measures,
k. Workplace grievance practices,
l. The promotion of positive values and the benefits of ethical business practices; and
m. Measures to ensure quick and decisive action on all suspected fraud and corruption situations.

All Shire Employees

All Shire Employees are responsible for the following:

a. Acting appropriately when using official resources and handling and using public funds, whether they are involved with cash or payment systems, receipts or dealing with suppliers,
b. Being alert to the possibility that unusual events or transactions could be indicators of fraud or corruption,
c. Reporting details immediately if they suspect that a fraudulent or corrupt act has been committed,
d. Cooperating fully with whoever is conducting internal checks, reviews, or investigations into possible acts of fraud or corruption.

All Council offices who have any knowledge of fraudulent or corrupt activities/behaviour within Council have an obligation to report such matters to a manager/supervisor or the Chief Executive Officer.

Audit, Risk and Improvement Committee

Fraud related matters will be reported to Council's Audit, Risk and Improvement Committee via the CEO to ensure that a realistic view of Council's exposure and the maturity of its systems to prevent, detect and respond to fraud are understood.

Responsible Officer	Chief Executive Officer
Relevant Legislation	Corruption, Crime and Misconduct Act 2003
Relevant Delegation	N/A
Review History	
Date	Council Decision
15/12/2022	09-1222
14/12/2023	07-1223
12/12/2024	05-1224
11/12/2025	08-1225

ES018	Shire Social Media
Directorate	Executive Services
Adoption Date	15/12/2022
Last Review Date	11/12/2025

ES018 Shire Social Media

OBJECTIVES

The objectives of this policy are to:

a. Communicate and promote the Shire's news, initiatives, events, and profile, and actively listen to the community's views on local government matters.
b. Actively engage with the community and raise the profile and public awareness of Shire business, services, public resources and facilities, and response/recovery actions in relation to natural events and emergencies.
c. Strengthen the Shire reputation as being responsive, consultative, participatory, and transparent.
d. Provide an appropriate framework for use of Social Media that aligns with the Shire's Codes of Conduct.

POLICY STATEMENT

This policy represents authorisation from the Shire President to the Chief Executive Officer pursuant to s5.41(f) of the *Local Government Act 1995* for Shire commentary to be conducted using social media under this policy framework.

Use of the Shire's Social Media shall be limited to:

a. Authorised Shire representative as determined by the Chief Executive Officer in writing.
b. The dissemination of information only unless otherwise approved by the Shire President or the Chief Executive Officer.
c. Information from the Shire of Exmouth or from another agency or organization where the information relates to the response and recovery processes applicable to a natural event or an emergency.

An authorised Shire representative may only disclose publicly available information (excludes confidential, proprietary, private, or legal matters) on social media, and must not cite, post, or reference material from a third party, although applicable to the Shire, without approval from that third party and their Chief Officer.

An authorised Shire representative shall record all social media communications in the Shire central records system.

A Shire representative must not publicly disclose any internal information via social media that may adversely affect the Shire's customer relations or public image.

A Shire representative when using Social Media shall always be accurate and factual, respectful, and courteous, and mindful of:

a. Their obligation of fidelity to the Shire,
b. The Shire's Code of Conduct,
c. Possible implications under other legislation and common law (i.e. not illegal, libellous, discriminatory, defamatory, abusive or obscene); and

d. Not bringing Council's integrity into disrepute or harm the operations or reputation of the organisation.

A Shire representative in using social media in their own personal time, must not refer to or comment on local government business, activities, or other Shire representatives without first having obtained authorisation from the Shire President or Chief Executive Officer.

Note
With social media having blurred the lines between people's personal and professional time and space it is important to understand that the impact of a person's social media presence can have repercussions in both their personal and professional lives.

While active social media interaction by Shire representatives in a personal capacity is accepted as a medium of advocacy and self-expression, it is important the use of social media by Shire representatives does not harm the organisation or its employee's.

It should be noted that a Shire representative found to have breached the provisions of this policy or pertinent legislation (including the Shire's Codes of Conduct) may be subject to disciplinary action by the Shire.

Responsible Officer	Chief Executive Officer
Relevant Legislation	S 5.41 *Local Government Act 1995*
Relevant Delegation	N/A
Review History	
Date	Council Decision
15/12/2022	09-1222
14/12/2023	07-1223
12/12/2024	05-1224
11/12/2025	08-1225

ES019	Public Relations - Media
Directorate	Executive Services
Adoption Date	15/12/2022
Last Review Date	11/12/2025

ES019 Public Relations – Media

OBJECTIVES
To clarify the roles and responsibilities of individuals in relation to public relations/media.

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

When the media does not make direct contact with the Shire President and an employee is asked to respond/comment to the media, the employee should direct the enquiry to the Chief Executive Officer who will liaise with the Shire President, if possible, to determine who will respond/comment depending on the nature of the response/comment.

If the Shire President is unable to be contacted, the Chief Executive Officer will determine who is to respond and the nature of the response.

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

With approval of the Chief Executive Officer, employees may provide information only to the media.

Responsible Officer	Chief Executive Officer
Relevant Legislation	s2.8(10(d) *Local Government Act 1995*
Relevant Delegation	N/A
Review History	

Date	Council Decision
15/12/2022	09-1222
14/12/2023	07-1223
12/12/2024	05-1224
11/12/2025	08-1225

ES020	Council Members' Communications and Social Media
Directorate	Executive Services
Adoption Date	14/12/2023
Last Review Date	11/12/2025

ES020 Council Members 'Communications and Social Media Policy

OBJECTIVES
To establish protocols for communications and the use of social media by Council Members.

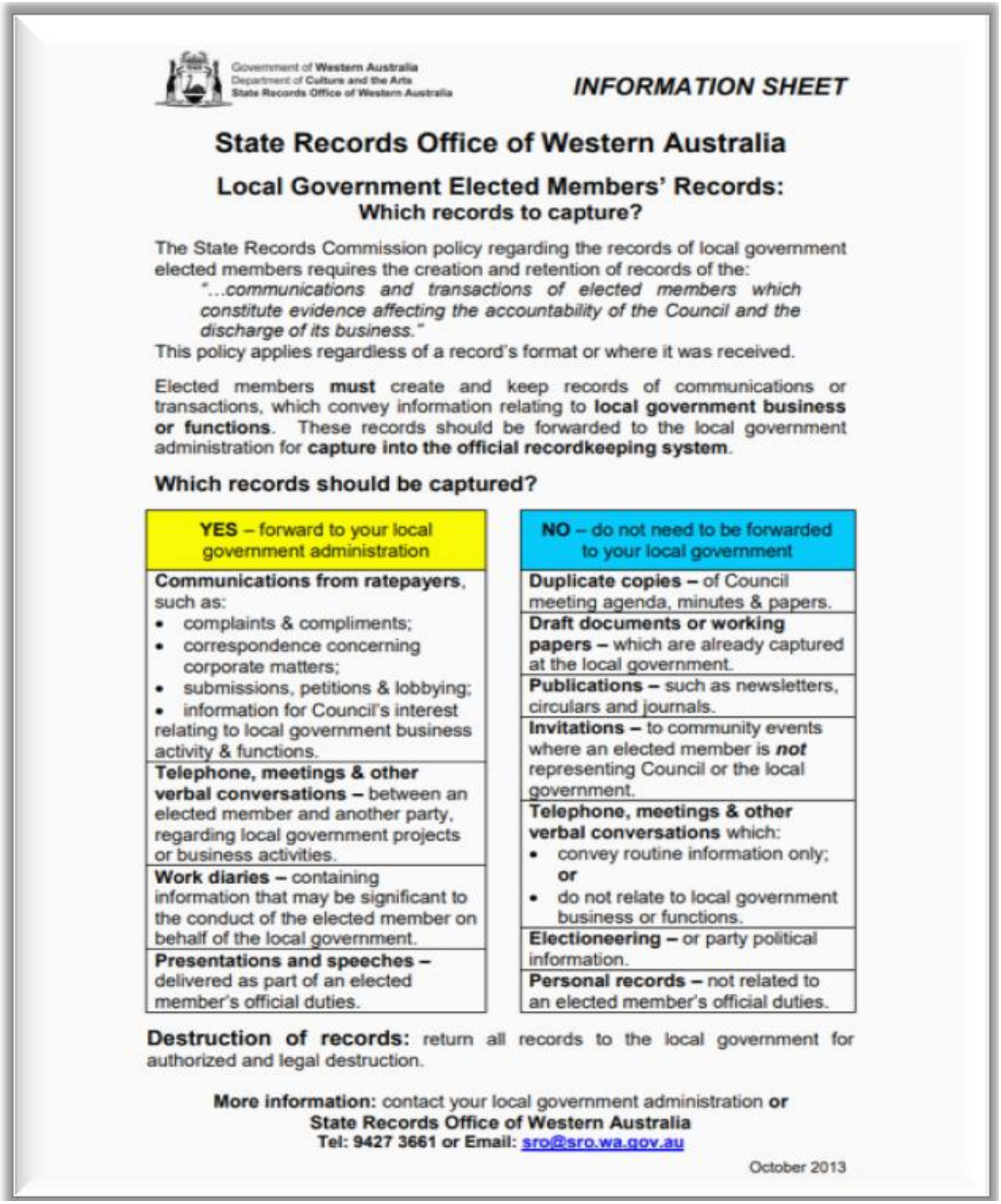
SCOPE

This policy applies to Council Members when making comments in their role as a Council Member of the Shire of Exmouth or in a personal capacity.

PRINCIPLES APPLYING TO THE USE OF SOCIAL MEDIA BY COUNCIL MEMBERS:
Communications by Council Members via social media, whether undertaken in an official capacity or as personal communication, must not:

a. bring the Shire into disrepute;
b. compromise the person's effectiveness in their role as a Councillor;
c. imply the Shire's endorsement of personal views; or
d. disclose, without authorisation, confidential information.

All correspondence generated and received by Council Members that relate to the business of Council is subject to the *State Records Act 2000*, the *Freedom of Information Act 1992*, and the Shire's Record Keeping Plan, and as such, must be retained within the Shire's corporate recordkeeping system.



Government of Western Australia
Department of Culture and the Arts
State Records Office of Western Australia

INFORMATION SHEET

State Records Office of Western Australia

Local Government Elected Members' Records:
Which records to capture?

The State Records Commission policy regarding the records of local government elected members requires the creation and retention of records of the:

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

This policy applies regardless of a record's format or where it was received.

Elected members **must** create and keep records of communications or transactions, which convey information relating to **local government business or functions**. These records should be forwarded to the local government administration for **capture into the official recordkeeping system**.

Which records should be captured?

YES – forward to your local government administration	**NO** – do not need to be forwarded to your local government
Communications from ratepayers, such as: • complaints & compliments; • correspondence concerning corporate matters; • submissions, petitions & lobbying; • information for Council's interest relating to local government business activity & functions.	**Duplicate copies –** of Council meeting agenda, minutes & papers.
Telephone, meetings & other verbal conversations – between an elected member and another party, regarding local government projects or business activities.	**Draft documents or working papers –** which are already captured at the local government.
Work diaries – containing information that may be significant to the conduct of the elected member on behalf of the local government.	**Publications –** such as newsletters, circulars and journals.
Presentations and speeches – delivered as part of an elected member's official duties.	**Invitations –** to community events where an elected member is ***not*** representing Council or the local government.
	Telephone, meetings & other verbal conversations which: • convey routine information only; **or** • do not relate to local government business or functions.
	Electioneering – or party political information.
	Personal records – not related to an elected member's official duties.

Destruction of records: return all records to the local government for authorized and legal destruction.

More information: contact your local government administration **or**
State Records Office of Western Australia
Tel: 9427 3661 or Email: sro@sro.wa.gov.au

October 2013

STATEMENTS BY COUNCIL MEMBERS ON SHIRE MATTERS

The Shire's official communications will be consistent with relevant legislation, policies, standards, and the position adopted by Council, notwithstanding this the following should be noted:

- Council Members may choose to make a personal statement on a matter related to the business of the Shire via social media and this record should be captured.
- Any public statement made by a Council Member, whether made in a personal capacity or in their capacity as a Council Member, must:
  a. Clearly state that the comment or content is a personal view only and does not necessarily represent the views of the Shire and/or Council;
  b. Be factually correct;
  c. Avoid damage to the reputation of the local government;
  d. Not compromise the person's effectiveness in their role as a Council Member;
  e. Not reflect adversely on a decision of the Council;
  f. Not reflect adversely on the character or actions of another Council Member or Employee;
  g. Maintain a respectful and positive tone and not use offensive or objectionable expressions in reference to any Council Member, Employee, or community member;
  h. Must be captured and retained in the Shire's record keeping system.

PERSONAL COMMUNICATIONS

Communications posted on personal social media accounts have the potential to be made public, whether it was intended to be made public or not, as according to the terms and conditions, the content you create is the property of the site where it is posted and so may be re-used in ways which have not been intended. Council Members must ensure that their personal or private communications do not breach the requirements of this policy, the Code of Conduct, and the *Local Government (Rules of Conduct) Regulations 2007.*

Use of Images: When posting images of other people on their social media pages, Council Members should ensure they have the consent, preferably in writing, of those people. In the case of minors, Council Members should ensure they have signed written consent from the child's parent/ guardian prior to posting any images.

Record Keeping: Communications relating to matters affecting the Shire undertaken by Council Members via social media accounts must be created and retained as local government records in accordance with the Shire's Record Keeping Plan, Policy ES007 Record Keeping by Council Members and Employees, and Data Migration and the *State Records Act 2000*. These records are also subject to the *Freedom of Information Act 1992.*

MEDIA RELATIONS

In accordance with section 2.8(1)(d) of the *Local Government Act 1995*, only the Shire President may speak on behalf of the Shire as the official spokesman on Council decisions. If the Shire President is unavailable or unable to speak on behalf of the Shire, the Shire President must nominate another authorised spokesperson such as the Chief Executive Officer, and/or a Council Member.

Note: According to ES019 Public Relations – Media the CEO can speak on the day-to-day management of the Shire, and, on behalf of the Council if approved by the Shire President. If the Shire President is unable to be contacted, the Chief Executive Officer will determine who is to respond and the nature of the response.

A Council Member who wishes to make or has been approached by the media to make a *"personal statement"* relating to a Council decision or a local ward issue, including the use of Council Members portrait photograph, must comply with Council Policy and relevant statutes and receive prior authorisation from the Shire President or unless it is expressly authorised by a Council decision.

All media enquiries, requests for interviews or statements are to be referred to the Chief Executive Officer, or his/her delegate, in the first instance, who will advise the most appropriate response and/or action.

Council Members have a legal duty of fidelity to act in the best interests of the Council and the Shire and must not make public statements that are critical of a Council decision or cause detriment to the Shire or an employee (including the Chief Executive Officer and Chief Officers).

COUNCIL MEMBER CORRESPONDENCE

Correspondence from individual Council Members (other than the Shire President) using their issued letterhead (if issued) is not to be construed as official correspondence of the Shire and only reflects the personal views of the respective Council Member.

The Shire President's letterhead is used by the Shire President in his or her capacity as the elected leader of the Shire. Shire President correspondence and invitations to civic functions will be issued on the Shire of Exmouth's letterhead. When the Shire President is providing technical information to correspondents on behalf of the Shire, the Chief Executive Officer, or delegate will draft the correspondence or that section of the correspondence on behalf of the Shire President.

Where the Shire is responding to correspondence on behalf of a Council Member(s) a copy of that response is to be provided to the Council Member for information. All correspondence generated and received by Council Members that relate to the business of Council is subject to the *State Records Act 2000*, the *Freedom of Information Act 1992*, and the Shire's Record Keeping Plan, and as such must be retained within the Shire's corporate recordkeeping system.

DEFINITIONS

Employee means all employees but does not include the Chief Executive Officer, Chief Officers and Executive Managers.

Record Keeping Plan means the Shire's Recordkeeping Plan in accordance with the *State Records Act 2000.*

Media any company, association, platform where mass communication (broadcasting, publishing, and the internet) is regarded collectively.

Relevant management practices/documents

- Shire of Exmouth Council Policy Manual
- Shire of Exmouth Council Member Code of Conduct for Council Members, Committee Members, and Candidates for Elections
- Shire of Exmouth Employee Code of Conduct

Responsible Officer	Chief Executive Officer
Relevant Legislation	*Local Government Act 1995* *Local Government (Rules of Conduct) Regulations 2007* *State Records Act 2000* *Freedom of Information Act 1992*
Relevant Delegation	N/A

Review History

Date	Council Decision
14/12/2023	07-1223
12/12/2024	05-1224
11/12/2025	08-1225

ES021	Gratuity
Directorate	Executive Services
Adoption Date	15/12/2022
Last Review Date	11/12/2025

ES021 Gratuity

OBJECTIVES
When an employee leaves their employment or is made redundant, they may be given a good or service as a token of appreciation for their commitment and service to the Shire of Exmouth

This Gratuity policy outlines the circumstances in which gratuity payments may be made to an employee. This policy should be read in conjunction with section 5.50 of the *Local Government Act 1995* and *Local Government Administration Regulations 1996*, specifically regulation 19a. A gratuity payment is paid in addition to any amount which an employee is entitled to under a contract of employment or industrial instrument. This policy does not form a contractual entitlement for any employee of the Local Government.

POLICY STATEMENT
The Shire of Exmouth is committed to recognising long serving employees within the parameters set by the *Local Government Act 1995* and the associated regulations.

Eligibility for Gratuity Payments

An employee may be entitled to a gratuity payment as outlined within this policy based on the completed years of service when an employee's services are ceasing with the Local Government for any of the reasons identified below:

- Resignation (not as a result of any performance management or investigation being conducted by the Local Government);
- Retirement; or
- Redundancy.

An employee who has been dismissed by the Shire of Exmouth for any reason other than redundancy, will not be eligible to receive any Gratuity Payment under this policy.

The Chief Executive Officer is authorised to approve payments in accordance with the limits prescribed by this policy. Funds will be allocated as part of the Local Government's budget preparation process and unexpended amounts will be returned to general revenue.

Prescribed Amounts for Gratuity Payments

Number of Years' Service	Amount of Gratuity
Continuous service between 2 years to 5 years	Morning tea (max. value $100) and a contribution of $150 towards a gift will be provided by Council.
Continuous service between 5 years to 10 years	Morning tea (max. value $100) and a contribution of $200 towards a gift will be provided by Council.
Continuous service greater than 10 years	Morning tea (max. value $100) and a contribution of $250 towards a gift will be provided by Council.

After 10 years continuous service, additional funds will be at the discretion of the Chief Executive Officer.

Gift preference to be an item representing the Shire of Exmouth i.e. art, photos etc.

Acknowledgement

The Shire of Exmouth acknowledges that at the time this policy was introduced, employees may be entitled to payments in addition to this policy as a result of accrued unused long service leave benefits, redundancy payments or notice periods as prescribed by legislation or a relevant industrial instrument. The Shire of Exmouth has considered these provisions when setting the prescribed amount of any gratuity payment in this policy.

Determining Service

For the purpose of this policy, continuous service shall be deemed to include:

- Any period of absence from duty on annual leave, long service leave, paid compassionate leave, accrued paid personal leave and public holidays;
- Any period of authorised paid absence from duty necessitated by sickness of or injury to the employee up to a maximum of three months in each calendar year, but not including leave without pay or parental leave; or
- Any period of absence that has been supported by an approved workers compensation claim up to a maximum absence of 12 months.

For the purpose of this policy, continuous service shall not include:

- Any period of unauthorised absence from duty unless Shire of Exmouth determines otherwise;
- Any period of unpaid leave unless the Shire of Exmouth determines otherwise; or
- Any period of absence from duty on parental leave unless the Shire of Exmouth determines otherwise.

Financial Liability for Taxation

The employee accepts full responsibility for any taxation payable on a gratuity payment, and agrees to fully indemnify the Shire of Exmouth in relation to any claims or liabilities for taxation in relation to the gratuity payment.

Payments in addition to this Policy

The Shire of Exmouth agrees not to make any gratuity payment in addition to that contained within this policy until the Policy has been amended to reflect the varied amount and the Shire of Exmouth has caused local public notification to be given in relation to the variation.

Financial Implications

The Shire of Exmouth acknowledges that at the time the policy was introduced, the financial implications to the Shire of Exmouth were understood and that these financial implications had been investigated based on the workforce position current at that time.

The Shire of Exmouth will take reasonable steps to notify employees prior to the variation of this policy or the introduction of any new gratuity policy.

Consequences for Breaching this Policy

The policy constitutes a lawful instruction to anyone involved in administering a gratuity payment. Any breaches of the policy may lead to disciplinary action.

Variations to this Policy

This policy may be cancelled or varied from time to time. All the organisation's employees will be notified of any variation to this policy by the normal correspondence method.

Responsible Officer	Chief Executive Officer
Relevant Legislation	s 5.50 *Local Government Act 1995* *Local Government Administration Regulations 1996* r 19A
Relevant Delegation	N/A
Review History	
Date	Council Decision
15/12/2022	09-1222
14/12/2023	07-1223
12/12/2024	05-1224
11/12/2025	08-1225

CORPORATE AND COMMERCIAL SERVICES (CS)

CS001	Procurement
Directorate	Corporate and Commercial Services
Adoption Date	10/10/2017
Last Review Date	11/12/2025

CS001 Procurement

PURPOSE

To ensure a best practice approach to procurement which promotes transparent, equitable and competitive purchasing practices for the Shire of Exmouth (Shire) and is compliant with the *Local Government Act 1995* (Act) and the *Local Government (Functions and General) Regulations 1996* (Regulations).

OBJECTIVES

The objectives of this policy are to ensure that all purchasing activities:

a. Achieve best value for money outcomes for the Shire.
b. Foster economic development by maximising participation of local businesses in the delivery of goods and services.
c. Use consistent, efficient and accountable purchasing processes and decision-making, including competitive quotation processes, assessment of best value for money and sustainable procurement outcomes for all purchasing activity, including tender exempt arrangements.
d. Commit to probity and integrity, including the avoidance of bias and of perceived and actual conflicts of interest.
e. Comply with the *Local Government Act 1995*, *Local Government (Functions and General) Regulations 1996*, other relevant legislation, Codes of Practice, Standards and the Shire's Policies and procedures.

ETHICS & INTEGRITY

The highest standards of ethics and integrity are to be observed in undertaking all purchasing activities. Employees will act in an honest and professional manner that supports the standing of the Shire and promotes a proud and collaborative community.

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

a. Full accountability shall be taken for all purchasing decision and the efficient, effective and proper expenditure of public monies based on achieving value for money.
b. All purchasing practices shall comply with relevant legislation regulations, and requirements consistent with Council policies, values and Code of Conduct.
c. Purchasing is to be undertaken in a competitive basis in which all potential suppliers are treated impartially, honestly and consistently.
d. All processes, evaluations and decisions shall be transparent, free from bias and fully documented in accordance with applicable policies, record keeping practices and audit requirements.
e. Any actual or perceived conflicts of interest are to be identified, disclosed and appropriately managed.

f. Any information provided to the Shire by a supplier shall be treated as commercial-in-confidence and should not be released unless authorised by the supplier or under relevant legislation.

VALUE FOR MONEY

Value for money is an overarching principle governing purchasing, that allows the best possible outcome to be achieved for the Shire.

Value for money is determined when the consideration of price, risk and quality factors that are assessed to determine the most advantageous outcome to be achieved for the Shire.

As such, purchasing decision must be made with greater consideration than obtaining lowest price, but also to incorporate quality and risk factors into the decision.

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

a. All relevant whole-of-life costs and benefits, whole of life cycle costs (goods) and whole of contract life costs (for services) including transaction costs associated with acquisition, delivery, distribution, as well as other costs, but not limited to; holding costs, consumables, deployment, maintenance and disposal;
b. The technical merits of the goods or services being offered in terms of compliance with specifications, user requirements, quality standards, sustainability, service benchmarks, contractual terms and conditions, value adds offered, warranties, guarantees, repair and replacement policies, ease of inspection, ease of after sales service, and any relevant methods of assuring quality.
c. financial viability and capacity to supply without the risk of default, (competency of the prospective suppliers in terms of managerial and technical capabilities and compliance history);
d. The economic and social benefits arising from the goods, services or works required, including consideration of these benefits in regard to the supplier's operations, in accordance with this Policy and any other relevant Shire Policy including Local Economic Benefit; and
e. A strong element of competition in the allocation of orders or the awarding of contracts. This is achieved by obtaining a sufficient number of competitive quotations consistent with this Policy, where practicable; and
f. Local business capability, capacity, reliability, reputation and previous experience.

REGIONAL PRICE PREFERENCE POLICY

(Refer to Policy CS002): - As much as practicable, the Shire must:

a. Where appropriate, consider buying practices, procedures and specifications that do not unfairly disadvantage local businesses.
b. Consider indirect benefits that have flow on benefits for local suppliers (i.e. servicing and support
c. Ensure that procurement plans address local business capability and local content.
d. 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.
e. Avoid bias in the design and specification for Requests for Quotation and Tenders – all Requests must be structured to encourage local businesses to bid; and
f. Provide adequate and consistent information to potential suppliers.

PURCHASING REQUIREMENTS

6.1 Legislative/Regulatory Requirements

The requirements that must be complied with by the Shire, including purchasing thresholds and processes, are prescribed with the *Local Government (Functions and General) Regulations 1996* and this policy.

6.2 Policy

Purchasing that is $250,000 or below in total value (excluding GST) must be in accordance with the purchasing requirements under the relevant threshold as defined under Section 6.4 of this Procurement Policy.

Purchasing that exceeds $250,000 in total value (excluding GST) must be put to public Tender when it is determined that a regulatory Tender exemption, as stated under Section 6.4.1 of this Procurement Policy is not deemed to be suitable.

6.3 Defining the Purchasing Value

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

Exclusive of GST

The actual or expected value of a contract over the full contract period, including all options to extend; or to the extent to which it could be reasonably expected that the Shire will continue to purchase a particular category of goods, services or works and what total value is, or could be, reasonably expected to be purchased.

Must incorporate any variation to the Scope of purchase and be limited to a 10% tolerance of the original purchasing value.

6.4 Procurement Thresholds and Requirements

The following procedures will be adhered to when purchasing items and other services and goods as per the adopted budget.

Note that purchase orders are not required to be raised for the following items:

a. Fuels – bulk fuel purchases require a Purchase Order
b. Credit Card Purchases
c. Utilities
d. Manual Cheque requests for reimbursements
e. Pre-Employment Medicals
f. Debt Collections expenses
g. Landgate valuation services (excluding 4yearly townsite valuations)
h. Insurance premiums purchased through LGIS.
   The suite of LGIS insurances are established in accordance with S.958(6)(b) of the *Local Government Act 1995* and are provided as part of a mutual, where WALGA Member Local Governments are the owners of LGIS. Therefore, obtaining LGIS insurance services is available as a member-base service and is not defined as a purchasing activity subject to this Policy. Should Council resolve to seek quotations from alternative insurance suppliers, compliance with this Policy is required (i.e. a Tender process to be undertaken)

Note that the following will not be subject to sourcing three quotes or undertaking a Formal RFx process:

a. Legal advice
b. Single proprietary IT Software (Microsoft, Windows)
c. Human Resources recruitment services.

All purchase orders are to be completed as set out below:

Purchase Value Threshold *(ex GST)*	**Purchasing Practice Requirements**
Up to $10,000 *(ex GST)*	Purchase directly from a supplier using a Purchase Order or Corporate Credit Card.
From $10,001 and up to $30,000 *(ex GST)*	Seek a minimum of three (3) written quotations. Confirmed via Purchase Order The purchasing decision is to be based upon assessment of the suppliers' responses to: • a brief outline of the specified requirement for the goods; services or works required; and • Value for Money criteria, not necessarily the lowest quote.
From $30,001 and up to $50,000 *(ex GST)*	A minimum of three (3) written quotations must be requested through Altus with a suitable scope of works as an informal Request for Quotation. Whilst the scope and Altus process may be driven by the project manager, the agreement must be confirmed via a Contract/ Agreement in conjunction with the Shire's Procurement Team. The purchasing decision is to be based upon evaluation of the suppliers' responses to: • a brief outline of the specified requirement for the goods; services or works required; and • Value for Money criteria, not necessarily the lowest quote.
From $50,001 and up to $250,000 *(ex GST)*	Seek a minimum of Three (3) written responses from suppliers by invitation under a formal Request for Quotation. Confirmed via Purchase Order and Contract/Agreement. The purchasing decision is to be based upon evaluation of the supplier's response to: • a detailed written specification for the goods, services or works required; and • pre-determined selection criteria that assesses all best and sustainable value considerations.
Over $250,000 *(ex GST)*	**Conduct a Public Tender process** undertaken in accordance with the *Local Government Act 1995* and relevant Shire Policy and procedures.

Purchase Value Threshold *(ex GST)*	**Purchasing Practice Requirements**
	OR Seek a minimum of three (3) written quotations from suitable suppliers if purchasing from a WALGA PSA, CUA. Council approval is required for procurement over $500,000.
Emergency Purchases *(Within Budget)* Refer to Clause 1.4.3	Where goods or services are required for an emergency response and are within scope of an established Panel of Pre-qualified Supplier or existing contract, the emergency supply must be obtained from the Panel or existing contract using relevant unallocated budgeted funds. If there is no existing Panel or contract, then clause 1.4.2(1) Supplier Order of Priority will apply wherever practicable. However, where due to the urgency of the situation; a contracted or tender exempt supplier is unable to provide the emergency supply OR compliance with this Purchasing Policy would cause unreasonable delay, the supply may be obtained from any supplier capable of providing the emergency supply. However, an emergency supply is only to be obtained to the extent necessary to facilitate the urgent emergency response and must be subject to due consideration of best value and sustainable practice. The rationale for policy non-compliance and the purchasing decision must be evidenced in accordance with the Shire's Record Keeping Plan.
Emergency Purchases *(No budget allocation available)* Refer for Clause 1.4.3	Where no relevant budget allocation is available for an emergency purchasing activity then, in accordance with s.6.8 of the *Local Government Act 1995,* the President must authorise, in writing, the necessary budget adjustment prior to the expense being incurred. The CEO is responsible for ensuring that an authorised emergency expenditure under s.6.8 is reported to the next ordinary Council Meeting. The Purchasing Practices prescribed for Emergency Purchases (within budget) above, then apply.

6.4.1 Procurement Exemptions

The Shire is exempt from publicly inviting tenders when procurement meets any of the requirements outlined under regulation 11(2) of the *Local Government (Functions and General) Regulations* 1996 (WA).

6.4.2 Minor Purchases

Petty Cash
Petty cash is used to meet the need for the procurement of small incidental goods and urgent situations and is limited to $50 per individual transaction.

6.4.3 Standing Orders

Standing orders relate to entering into an agreement with a local supplier to deliver a good or service for a specific time period or till 30 June each financial year. This type of order is issued to cover goods and services required by Council on a continual basis throughout the financial year.

Standing orders should be issued annually and a new order raised at the beginning of the financial year based on an approved budged or short-term contract.

6.4.4 Purchasing Practice and Purchasing Value Thresholds

The Purchasing Value, assessed in accordance with clause 6.4, determines the Purchasing Practice to be applied to the Shire's purchasing activities.

All staff that have purchase order authorisation must successfully complete the WALGA E-Learning Procurement Package or alternative procurement package as stipulated by the Procurement Section. Until such time as this has been completed successfully staff will not have access to authorise purchase orders.

Staff that are in positions that have authority to raise Purchase Orders of $5,000 or over will be required to complete the six modules, the Foundation Knowledge and Practical Knowledge Quiz. Staff that are in positions to raise Purchase Orders of up to $5,000 are required to undertake the first three modules and Foundation Quiz only.

Purchase orders must not be raised retrospectively.

Purchasing Thresholds

The Chief Executive Officer is authorised to approve purchase orders for the purchasing of goods and services and may, at his or her discretion, authorise officers to approve purchase orders for goods and services, together with set expenditure limits and other conditions as deemed necessary for each officer.

A purchase order can only be authorised by the following designated a*uthorised officers* for each Department:

Position	Threshold
Chief Executive Officer	May authorise a purchase order in accordance with the Procurement Thresholds and Requirements set out in 6.4 of this Policy, to the maximum value of $500,000.
Chief Officers	May authorise a purchase order in accordance with the Procurement Thresholds and Requirements set out in 6.4 of this Procurement Policy to the maximum value of $50,000. *****_Only the Chief Executive Officer and Executive Managers are authorised to sign Capital Expenditure Purchase Orders._
Executive Manager and Managers	May authorise a purchase order in accordance with the Procurement Thresholds and Requirements set out in 6.4 of this Procurement Policy to the maximum value of $25,000.

Other Authorised Officers	May raise a purchase order in accordance with the Procurement Thresholds and Requirements set out in 6.4 of this Procurement Policy to the maximum value of $5,000.

6.4.5 Capital Purchases

Capital purchases are defined within the annual budget as endorsed by Council. Capital purchases can only be authorised by the relevant Chief Officer or Chief Executive Officer within their respective financial delegation.

6.4.6 Emergency Purchases

Emergency purchases are defined as the supply of goods or services associated with:

a. A local emergency and the expenditure is required (within existing budget allocations) to respond to an imminent risk to public safety, or to protect or make safe property or infrastructure assets; OR

b. A local emergency and the expenditure is required (with no relevant available budget allocation) to respond to an imminent risk to public safety, or to protect or make safe property or infrastructure assets in accordance with s.6.8 of the *Local Government Act 1995* and *Local Government (Functions and General) Regulation 1996* 11(2)(a); OR

c. A State of Emergency declared under the *Emergency Management Act 2005* and therefore, *Local Government (Functions and General) Regulation 1996* 11(2)(aa), (ja) and (3) apply to vary the application of this policy.

Time constraints, administrative omissions and errors do not qualify for definition as an emergency purchase. Instead, every effort must be made to research and anticipate purchasing requirements in advance and to allow sufficient time for planning and scoping proposed purchases and to then obtain quotes or tenders, as applicable.

6.4.7 Expressions of Interest

Expressions of Interest (EOI) will be considered as a prerequisite to a tender process *[F&G Reg.21]* where the required supply evidences one or more of the following criteria:

a. Unable to sufficiently scope or specify the requirement;
b. There is significant variability for how the requirement may be met;
c. There is potential for suppliers to offer unique solutions and / or multiple options for how the purchasing requirement may be obtained, specified, created or delivered;
d. Subject to a creative element; or
e. Provides a procurement methodology that allows for the assessment of a significant number of potential tenderers leading to a shortlisting process based on non-price assessment.

All EOI processes will be based upon qualitative and other non-price information only.

6.4.7 Unique Nature of Supply (Sole Supplier)

An arrangement with a supplier based on the unique nature of the goods or services required or for any other reason, where it is unlikely that there is more than one potential supplier may only be approved where the:

a. purchasing value is estimated to be over $10,000 and limited to $250,000; and
b. purchasing requirement has been documented in a detailed specification; and
c. specification has been extensively market tested and only one potential supplier has been identified as being capable of meeting the specified purchase requirement; and
d. market testing process and outcomes of supplier assessments have been evidenced in records, inclusive of a rationale for why the supply is determined as unique and why quotations / tenders cannot be sourced through more than one potential supplier.

An arrangement of this nature will only be approved for a period not exceeding one (1) year. For any continuing purchasing requirement, the approval must be re-assessed before expiry, to evidence that only one potential supplier still genuinely exists.

6.4.8 Anti-Avoidance

The Shire will not conduct multiple purchasing activities with the intent (inadvertent or otherwise) of "splitting" the purchase value or the contract value, so that the effect is 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.

Anti-avoidance activities are in breach of the Shire's Code of Conduct and Regulations and reportable to the Public Service Commission.

6.4.9 Contract Renewals, Extensions and Variations

Where a contract has been entered into as the result of a publicly invited tender process, then Functions and General Regulation 21A applies.

For any other contract, the contract must not be varied unless

a. The variation is necessary in order for the goods or services to be supplied and does not change the scope of the contract; or
b. The variation is a renewal or extension of the term of the contract where the extension or renewal options were included in the original contract.

Upon expiry of the original contract, and after any options for renewal or extension included in the original contract have been exercised, the Shire is required to review the purchasing requirements and commence a new competitive purchasing process in accordance with this Policy.

7 SUSTAINABLE PROCUREMENT

The Shire is committed to implementing sustainable procurement by providing a preference to suppliers that demonstrate sustainable business practices.

The Shire will apply Sustainable Procurement criteria as part of the value for money assessment to ensure that wherever possible our suppliers demonstrate outcomes which contribute to improved social and local economic outcomes.

Sustainable Procurement can be demonstrated as being internally or externally focussed.

7.1 Local Economic Benefit

The Shire promotes economic development through the encouragement of competitive participation in the delivery of goods and services by local suppliers permanently located within its District first, and secondly, those permanently located within its broader region. As much as practicable, the Shire will:

a. consider buying practices, procedures and specifications that encourage the inclusion of local businesses and the employment of local residents;
b. consider indirect benefits that have flow on benefits for local suppliers (i.e. servicing and support);
c. ensure that procurement plans, and analysis is undertaken prior to develop Requests to understand local business capability and local content availability where components of goods or services may be sourced from within the District for inclusion in selection criteria;
d. 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;
e. avoid bias in the design and specifications for Requests for Quotation and Tenders – all Requests must be structured to encourage local businesses to bid;
f. consider the adoption of Key Performance Indicators (KPIs) within contractual documentation that require successful Contractors to increase the number of employees from the District first; and
g. provide adequate and consistent information to local suppliers.

To this extent, a weighted qualitative criterion will be included in the selection criteria for Requests for Quotation and Tenders where suppliers are located within the boundaries of the Shire, or substantially demonstrate a benefit or contribution to the local economy.

7.2 Socially Sustainable Procurement

The Shire will support the purchasing of requirements from socially sustainable suppliers such as Australian Disability Enterprises and Aboriginal businesses wherever a value for money assessment demonstrates benefit towards achieving the Shire's strategic and operational objectives.
A qualitative weighting will be used in the evaluation of Requests for Quotes and Tenders to provide advantages to socially sustainable suppliers in instances where the below tender exemptions are not exercised.

a. Aboriginal Businesses

Functions and General Regulation 11(2)(h) provides a tender exemption if the goods or services are supplied by a person on the Aboriginal Business Directory WA published by the Chamber of Commerce and Industry of Western Australian Limited, ABN 96 929 977 985, or a person registered with the Australian Indigenous Minority Supplier Office Limited (trading as Supply Nation), ABN 50 134 720 where the expected consideration under contract is worth $250,000 or less.

This is contingent on the demonstration of value for money.

Where possible, Aboriginal businesses are to be invited to quote for supplying goods and services under the tender threshold. A qualitative weighting may be afforded in the evaluation of quotes and tenders to provide advantages to Aboriginal owned businesses or businesses that demonstrate a high level of aboriginal employment.

b. Australian Disability Enterprises

Functions and General Regulation 11(2)(i) provides a tender exemption if the goods or services are supplied by an Australian Disability Enterprise, as registered on www.ade.org.au.

This is contingent on the demonstration of value for money.

Where possible, Australian Disability Enterprises are to be invited to quote for supplying goods and services under the tender threshold. A qualitative weighting may be afforded in the evaluation of quotes and tenders to provide advantages to Australian Disability Enterprises.

8 RECORD KEEPING

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

9 PURCHASING POLICY NON-COMPLIANCE

The Purchasing Policy is mandated under the *Local Government Act 1995* and Regulation 11A of the *Local Government (Functions and General) Regulations 1996* and therefore the policy forms part of the legislative framework in which the Local Government is required to conduct business.
Where legislative or policy compliance is not reasonably able to be achieved, records must evidence the rationale and decision-making processes that substantiate the non-compliance.

Purchasing activities are subject to internal and external financial and performance audits, which examine compliance with legislative requirements and the Shire's policies and procedures.

If non-compliance with; legislation, this Purchasing Policy or the Code of Conduct, is identified it must be reported to the Chief Executive officer or the Chief Financial Officer.

A failure to comply with legislation or policy requirements, including compliance with the Code of Conduct when undertaking purchasing activities, may be subject to investigation, with findings to be considered in context of the responsible person's training, experience, seniority and reasonable expectations for performance of their role.

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

(a) an opportunity for additional training to be provided;
(b) a disciplinary matter, which may or may not be subject to reporting requirements under the *Public Sector Management Act 1994*; or
(c) where the beach is also identified as potentially serious misconduct, the matter will be reported in accordance with the *Corruption, Crime and Misconduct Act 2003*.

10 PAYMENT OF GOODS & SERVICES

To process efficiently and effect timely payments for goods and services purchased, purchase orders and invoices will be returned to staff and suppliers until satisfying policy and ATO requirements. This includes clearly stating the correct Shire purchase order number on an invoice submitted for payment.

Responsible Officer	Chief Financial Officer
Relevant Legislation	s3.57 of LGA, Regulation 11A of Functions & General Regulations Local Government (Functions and General) Regulations 1996 Regulation 11 and Regulation 18(4) *Local Government Act 1995* ("the Act") and the Local Government Act (Functions and General) Regulations 1996 ("the Regulations"). *State Records Act 2000* (WA) and associated records management practices and procedures of the Shire of Exmouth.

	Relevant legislation, regulations, and requirements consistent with the Shire of Exmouth's policies and Codes of Conduct
Relevant Delegation	N/A
Review History	

Date	Council Decision
22/11/2018	04-1118
19/12/2019	08-1219
25/06/2020	02-0620
26/11/2020	03-1120
30/06/2022	02-0622
15/12/2022	09-1222
14/12/2023	07-1223
12/12/2024	05-1224
11/12/2025	08-1225

CS002	Regional Price Preference
Directorate	Corporate and Commercial Services
Adoption Date	18/06/2014
Last Review Date	11/12/2025

CS002 Regional Price Preference

OBJECTIVES

To maximise the use of competitive local business in the procurement of goods and services and to encourage employment of local people to encourage economic growth within the town and the region.

POLICY STATEMENT

Definitions

A supplier of goods or services who submits a tender is regarded as being a regional tenderer for the purposes of this part if:

(a) That supplier has been operating a business continuously out of premises in the appropriate region for at least 6 months before the time after which further tenders cannot be submitted; or

(b) Some or all the goods or services are to be supplied from regional sources.

Region/Prescribed Area

The local government area of the Shire of Exmouth.

A price preference will apply to quotations of $5,000 value or greater and all tenders invited by the Shire of Exmouth, for the supply of goods and services and construction services, unless the Council resolves that this policy not apply to a particular quotation or tender.

Price Preference

A preference will be given to a regional tenderer/ respondent by assessing their tender/ quotation as if the price bids were reduced by:

a. 10% (up to a maximum of $50,000 excluding GST) for goods and services,

b. 5% (up to a maximum price reduction of $50,000 (excluding GST) for construction (building); or

c. 10% to businesses located within the Shire of Exmouth (Prescribed Area) for the supply of goods or services, including construction (building) services, up to a maximum price reduction of $500,000, if the Council is seeking tenders for the provision of those goods or services for the first time, due to those goods or services having been, until then, undertaken by the Council.

Regional Business Preference

This preference enables businesses/contractors within local governments in the Prescribed Area to claim a price preference for their whole bid, regardless of the origin of the labour or materials, as all labour and materials are deemed to be regional content.

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

Regional Content Preference

This preference provides an incentive for businesses/contractors outside the Prescribed Area to purchase goods, services, and construction from within the Prescribed Area.

The preference applies to the value of the goods, materials or services purchased from within the Prescribed Area and used in the Shire of Exmouth and are referred to as “Regional Content”.

Businesses:

- outside the Prescribed Area, who claim that they will use regional businesses (Regional Content) in the delivery of the contract outcomes, may be required, as part of the contract conditions, to demonstrate that they have used them.
- wishing to claim a price preference must complete a preference questionnaire/response form that is distributed with each quotation of $5,000 value or greater and which is also included in tender documentation.

Eligible businesses must clearly state their full business location and postal address.

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

Seeking Regional Price Preference Consideration and Proof of Eligibility

Regional tenderers or respondents to requests for quotations must indicate in writing that they wish the regional price preference to be considered in any one tender or quotation process.

Suitable proof of eligibility must be submitted with the tender or quotation process.

A supplier of goods or services who submits a tender is regarded as being a regional tenderer for the purposes of this Part if —

a. that supplier has been operating a business continuously out of premises in the appropriate region for at least 6 months before the time after which further tenders cannot be submitted; or

b. some or all the goods or services are to be supplied from regional sources.

Application of the Levels of Preference

The prices for goods and services submitted by an eligible business, contractor or supplier as defined in this policy may be either wholly supplied from within the prescribed area as the region or partly supplied from within the prescribed area as the region.

Only those goods or services supplied from within the prescribed area as the region will be included in the discounted calculations that form part of the assessment of a tender or proposal when this policy is in operation.

Consideration in an RFQ or Tender Process.

The Regional Price preference is an input into a procurement process only and is a part of a wider process of assessing price and performance under qualitative criteria.

The tender/ quotation process overall will determine what is the best procurement outcome for the Shire of Exmouth.

Responsible Officer	Chief Financial Officer
Relevant Legislation	*Local Government (Functions and General) Regulations 1996* Part 4A *s 3.57Local Government Act 1995*
Relevant Delegation	N/A
Review History	
Date	Council Decision
22/02/2018	03-0218
22/11/2018	04-1118
19/12/2019	08-1219
25/06/2020	02-0620
26/11/2020	03-1120
30/06/2022	02-0622
15/12/2022	09-1222
14/12/2023	07-1223
12/12/2024	05-1224
11/12/2025	08-1225

CS003	Risk Management
Directorate	Corporate and Commercial Services
Adoption Date	18/09/2014
Last Review Date	11/12/2025

CS003 Risk Management

OBJECTIVES

To provide evidence of Council's commitment to appropriate and effective risk management, internal controls and legislative compliance and their importance to the organisation.

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

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

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

POLICY STATEMENT

Definitions

Risk: 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.

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

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

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

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

An effect may be positive, negative, or a deviation from the expected.

Risk Management Principles and Framework

The Shire of Exmouth considers risk management to be an essential management function in its operations and is committed to the principles, framework, and process of managing risk. The Shire's Risk Management Policy in conjunction with the components of the Risk Management Framework sets out the Shire's commitment to the identification, assessment, management, reporting and monitoring of risks as outlined in AS/NZS ISO 31000:2018 Risk management – Guidelines.

Risk Management Objectives

The Councils key objectives in relation to risk management include:

- The achievement of organisational goals and objectives,
- The ongoing health and safety of all workers at the workplace,
- Ensuring public safety within the Council's jurisdiction is not compromised,
- Limited loss or damage to property and other assets; (e) Limited interruption to business continuity,
- Positive public perception of Council and the Shire; and
- Application of equal opportunity principles in the workforce and the community.

Responsibilities within the Organisation

The Council is responsible for mandating that a strong risk management framework be implemented to ensure Council objectives are achieved efficiently and effectively and that good governance is present in the organisation.

The CEO is responsible for developing and maintaining a risk management framework and will report regularly to the Audit, Risk and Improvement Committee and Council on the review and improvement to Council's risk management framework.

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

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

The following points provide detail on the objective specifics:

- Aligns with and assist the implementation of all Shire policies.
- Optimises the achievement of the Shire's vision, mission, strategies, goals, and objectives.
- Provides transparent and formal oversight of the risk and control environment enabling effective decision making.
- Enhances risk versus return within the Shire's risk appetite.
- Embeds appropriate and effective controls to mitigate risk.
- Achieves effective corporate governance and adherence to relevant statutory, regulatory and compliance obligations.
- Enhances organisational resilience.
- Identifies and provides for the continuity of critical operations.
- To implement a risk-based approach to addressing and reducing the risk of loss caused by fraud, error, or misstatement.
- To protect the Shire's assets – people, property, reputation, financial sustainability and information.
- Continually audit, identify system gaps and improve internal controls maintained.
- To ensure propriety of transactions, information integrity, compliance with regulations and achievement of Council objectives.
- Develop and maintain a system for identifying the legislation that applies to the Shire's activities.
- Assign responsibilities for ensuring that legislation and regulatory obligations are fully addressed.

- Provide training for relevant employees, Council Members, volunteers, and other relevant people regarding the legislative requirements that affect them.
- Provide people with the resources to identify and remain up to date with new legislation.
- Ensure audits are conducted to guarantee compliance.
- Establish mechanisms for reporting non-compliance.
- Review accidents, incidents, and other situations where there may have been non- compliance.
- Review audit reports, incident reports, complaints, and other information to assess how the systems of compliance can be improved.

Informing Council of Legislative Changes

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

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

Reporting of Non-compliance

All instances of non-compliance shall be reported immediately to the relevant Supervisor/Manager/Executive Manager/Chief Officer.

The Supervisor/Manager/Executive Manager/Chief Officer shall determine the appropriate response and, if necessary, report the matter to the CEO.

The CEO may investigate any reports of significant non-compliance and if necessary, report the non-compliance to the Council and/or the Department of Local Government and Communities. The CEO will then take the necessary steps to improve compliance systems.

Review of Incidents and Complaints of Non-compliance

The Shire shall review all incidents and complaints of non-compliance in accordance with Council Complaints Handling procedures, the Shire's Code of Conduct and where applicable the Shire's Public Interest Disclosure procedure. Such reviews will assess compliance with legislation, standards, policies, and procedures that are applicable.

Risk Acceptance

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

All organisational risks to be reported at a corporate level are to be assessed according to the Shire's Risk Assessment and Acceptance Criteria to allow consistency and informed decision making.

For operational requirements such as projects or to satisfy external stakeholder requirements, alternative risk assessment criteria may be utilised, however these cannot exceed the organisation's risk acceptance criteria and are to be noted within the individual risk assessment.

Responsible Officer	Chief Financial Officer
Relevant Legislation	*Cl 17 Local Government (Audit) Regulations 1996*
Relevant Delegation	N/A
Review History	
Date	Council Decision
22/11/2018	04-1118
19/12/2019	08-1219
25/06/2020	02-0620
26/11/2020	03-1120
30/06/2022	02-0622
15/12/2022	09-1222
14/12/2023	07-1223
12/12/2024	05-1224
11/12/2025	08-1225

CS004	Corporate Credit Cards
Directorate	Corporate and Commercial Services
Adoption Date	10/10/2017
Last Review Date	11/12/2025

CS004 Corporate Transaction Cards

OBJECTIVES
To provide a clear framework to enable the use of corporate credit cards by Shire employees.

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

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

- They reduce the administration required to process and pay for purchases.
- They provide a more flexible payment toll in order to enhance daily purchasing processes.

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

Monthly Credit Card limits:

- Chief Executive Officer $20,000
- Chief Financial Officer $10,000
- Chief Operations Officer $10,000

Corporate credit cards are issued on the following conditions:

1. The corporate credit cards are to be kept secure and within the cardholder's care and control at all times.
2. Corporate credit cards limits are not to be exceeded.
3. No splitting of payments or purchases to avoid compliance with the Procurement Policy or to negate limits or conditions applicable to the cardholder.
4. The corporate credit cards are to be used for official purposes and will not be used for personal expenses.
5. The use of the corporate credit cards shall not personally benefit card holders or be tied to any type of reward systems that provides cardholders with any personal benefit or reward.
6. Any misuse of the corporate credit cards may be withdrawn, and disciplinary action may be instigated. Cardholders must be aware that prosecution may be the consequence of fraudulent misuse of the card.
7. Purchases are to be made in accordance with the Procurement Policy, and associated Procedures.
8. If the corporate credit card is lost or stolen the issuing bank is to be contacted and finance department is to be made aware immediately.
9. Corporate credit cards are not to acquire cash.

10. Inappropriate purchases, even based on them being operationally related, may be recoverable from the cardholder. The cardholder is required to conclude that purchases are fair and reasonable business expenses.
11. Hospitality expenditure may only occur when it is authorised by the Chief Executive Officer.
12. Cardholders responsibilities, as outlined by the card provider are to be met at all times.
13. The cardholder is responsible to pursue and resolve incorrect charges (as due to privacy legislation, only the cardholder can initiate any request for information from the bank).
14. All relevant documentation regarding each transaction is retained by the cardholder and transactions are to be acquitted and reconciled monthly.
15. The Chief Executive Officer has authorisation to increase the value of the corporate credit cards at times where a card is cancelled.

Where a transaction card is used to incur an expense for hospitality, the transaction record must include for the purposes of Fringe Benefits Tax calculations and probity:

- the number of persons entertained,
- the names of any employees in that number; and
- the purpose of providing the entertainment or hospitality.

Cardholder Agreement

- All cardholders are to sign the corporate credit card agreement.
- failure to comply with any of these requirements could result in the card being withdrawn from the employee.
- in the event of loss or theft through negligence or failure to comply with this Policy any liability arising may be passed on to the cardholder.

Misuse, Misconduct and Fraudulent Use

Any alleged misuse of transaction cards will be investigated and may be subject to disciplinary procedures.

Where there is reasonable suspicion of misconduct or fraudulent activity arising from transaction card facilities the matter will be reported to the appropriate regulatory agency, subject to the requirements of the *Public Sector Management Act 1994* and the *Corruption, Crime and Misconduct Act 2003*.

Disputed Transactions

- the Shire is responsible for paying all accounts on the monthly card statement and the bank processes a direct debit from the Shire's operating bank account for such.
- when a Cardholder believes that charges are incorrect, they should first contact the supplier to determine the causes of the discrepancy and if necessary, the Finance Department will notify the bank in writing.
- any amounts in dispute must be highlighted on the copy of the Cardholders statement and a copy of the written notification to the bank attached.

Review of Card Use

All receipts and documentation will be reviewed and any expenses that do not appear to represent fair and reasonable business expenses shall be referred to the Chief Executive Officer for a decision.

Responsible Officer	Chief Financial Officer
Relevant Legislation	*Reg 11(1)(a) Local Government (Financial Management) Regulations 1996*
Relevant Delegation	N/A
Review History	
Date	Council Decision
22/11/2018	04-1118
19/12/2019	08-1219
25/06/2020	02-0620
26/11/2020	03-1120
30/06/2022	02-0622
15/12/2022	09-1222
14/12/2023	07-1223
12/12/2024	05-1224
11/12/2025	08-1225

CS005	Investments
Directorate	Corporate and Commercial Services
Adoption Date	20/09/2012
Last Review Date	11/12/2025

CS005 Investments

OBJECTIVES

To:

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

POLICY STATEMENT

Authorised Institution - means an Australian registered bank in accordance with the Banking Act.

Authority for Investment

All investments are to be made in accordance with:

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

While exercising the power to invest, consideration is to be given in the preservation of capital, liquidity, and the return of investment.

Preservation of capital is the principal objective of the investment portfolio. Investments are to be performed in a manner that seeks to ensure security and safeguard the investment portfolio. This includes managing credit and interest rate risk within identified thresholds and parameters.

The investment portfolio will ensure there is sufficient liquidity to meet all reasonably anticipated cash flow requirements, as and when they fall due, without incurring significant costs due to the unanticipated sale of an investment.

The investment is expected to achieve a predetermined market average rate of return that considers the council's risk tolerance.

Any additional return target set by Council will also consider the risk limitation and prudent investment principles.

Approved Investments

With approvals from Council, investments are limited to:

- State/Commonwealth Government Bonds with a term of maturity not exceeding three years,
- Fixed term deposits placed with an authorised institution not exceeding three years,
- Interest bearing deposits placed with an authorised institution
- Funds managed by fund managers having a credit rating of A2 or higher (Standard & Poor's, (S&P) Australian Ratings).

Prohibited Investments

This Policy prohibits any investment carried out for speculative purposes including the following:

- Derivative based instruments,
- Principle only investments or securities that provide potentially nil or negative cash flow, and
- Stand-alone securities issued that have underlying futures, options, forward contracts, and swaps of any kind,
- The use of leverage (borrowing to invest) of any investment. However short-term investing of loan proceeds where the loan is raised for non-investment purposes and there is a delay prior to the spending occurring.
- Deposits with any institution other than an authorised institution.
- Investment in bonds that are not guaranteed by the Commonwealth Government, or a State or Territory Government.
- Investment in bonds with a term of maturity of more than three years.
- Investment in a foreign currency

Guidelines

Ethics and conflict of interest.

Officers will refrain from personal activities that would conflict with the proper execution and management of Council's investment portfolio. This policy requires officers to disclose any conflict of interest to the CEO.

Diversification/Credit Risk

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

Long term	Short term	Maximum	Counterparty
AAA – AA	A1+	100%	50%
A	A1	75%	50%
BBB	A2	50%	20%

Risk Management Guidelines

Investments are to be considered in light of the following criteria:

- Preservation of Capital – avoiding losses in an investment portfolio
- Credit Risk – Risk of loss that a party or guarantor will fail to fulfil its obligations
- Diversification – requirement to place investments in a broad range of products so as not to be over exposed to a particular investment market
- Liquidity Risk – risk of running out of available cash flow. Unable to redeem investments at a fair price or incurring costs to make cash available.
- Market Risk – the risk that fair value or future cash flows will fluctuate due to changes in market price.
- Maturity Risk – risk relating to the length of the term to maturity of an investment. The longer the term the higher the exposure to market volatilities.

Budget Risk – risk that income from interest will not meet budgeted expectations because interest rates were lower than expected.

Responsible Officer	Chief Financial Officer
Relevant Legislation	s6.14 *Local Government Act 1995* *Trustees Amendment Act 1997* Reg 19 *Local Government (Financial Management) Regulations 1996*
Relevant Delegation	N/A
Review History	
Date	Council Decision
22/11/2018	04-1118
19/12/2019	08-1219
25/06/2020	02-0620
26/11/2020	03-1120
30/06/2022	02-0622
15/12/2022	09-1222
14/12/2023	07-1223
12/12/2024	05-1224
11/12/2025	08-1225

CS006	Asset Management
Directorate	Corporate and Commercial Services
Adoption Date	18/09/2014
Last Review Date	11/12/2025

CS006 Asset Management

OBJECTIVES

To ensure adequate provisions are made for the ongoing maintenance, renewal and upgrades of assets by:

- Ensuring that assets are safe, serviceable, compliant with regulations and capable of servicing the community and visitor's needs;
- Ensuring that assets provide an agreed level of service and risk the community is willing to accept, and that is economically sustainable;
- Ensuring that budgeting priority is given to the maintenance and renewal of assets to deliver on the agreed levels of service;
- Limiting asset expansion without a business case and justification both economically and socially;
- Developing Asset Management Plans which are affordable and appropriately prioritised to smooth budgets over multiple years;
- Ensuring adequate resources are provided to manage and maintain assets within budget, and on time;
- Rationalising underutilised assets;
- Developing and maintaining a culture that understands and practises good asset management through appropriate training;
- Implementing transparent and responsible asset management that aligns with best practice;
- Continuously improving processes and approaches to asset management.

POLICY STATEMENT/S

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

The Shire of Exmouth provides and maintains a large variety of services to the community and our visitors and in doing so must ensure that the assets supporting these services are managed in a way that achieves appropriate service levels and promotes adequate and ''Fit for purpose" performance for the most cost effective" Life Cycle" approach.

The Shire is committed to the responsible management of its assets and to deliver services that meet community and visitor's expectations of safety, time, quality, and value for money. The Shire's assets portfolio includes items such as airport, roads, parking, pathways, drainage, buildings, depots, recycling centre, foreshore, parks and gardens, natural areas, boat ramps and sport's grounds. They represent a substantial investment to support community expectations. It is imperative that the

Shire deploys best practice management, skills and methodology to ensure that Shire asset management is delivered economically and in a sustainable manner.

Adopting these asset management principles will assist the Council in achieving its Strategic Plan and Long-Term Financial objectives.

A strategic approach to Asset Management will ensure that Council delivers the highest appropriate level of service through its assets, which is economically viable, while aiming to achieve the key performance indicators and objectives for asset consumption ratio, asset sustainability ratio and asset renewal funding ratio as defined in the Shire's Asset Management Strategy.

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

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

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

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

Responsible Officer	Chief Financial Officer
Relevant Legislation	N/A
Relevant Delegation	N/A
Review History	
Date	Council Decision
22/11/2018	04-1118
19/12/2019	08-1219
25/06/2020	02-0620
26/11/2020	03-1120
30/06/2022	02-0622
15/12/2022	09-1222
14/12/2023	07-1223
12/12/2024	05-1224
11/12/2025	08-1225

CS007	Related Parties Disclosures
Directorate	Corporate and Commercial Services
Adoption Date	27/06/2019
Last Review Date	11/12/2025

CS007 Related Parties Disclosures

OBJECTIVES

To define the parameters for Related Party Relationships and the level of disclosure and reporting required for the Shire to achieve compliance with the Australian Accounting Standard AASB 124 – Related Party Disclosures.

POLICY STATEMENT

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

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

This Policy provides guidance on:
- the identification of the Shire's related parties,
- management of related party transactions,
- recording such transactions; and
- disclosure of the transactions in the Shire of Exmouth annual financial statements in accordance with AASB 124.

And addresses the four (4) different types of related party that must be considered by the Shire:
- Entities related to the Shire,
- Key Management Personnel,
- Close family members of Key Management Personnel; and
- Entities that are controlled or jointly controlled by either of the above.

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

Entity Related to a KMP - Related Entities to Key Management Personnel are entities that are:
- *controlled or jointly controlled by a KMP,
- apart from Council, where a KMP has significant influence over, or is a member of the key management personnel of the entity or parent of the entity; or
- controlled or jointly controlled by a close family member of a KMP of the Shire.

*A person or entity is deemed to have control if they have:
- power over the entity,
- exposure, or rights, to variable returns from involvement with the entity; or

- the ability to use power over the entity to affect the number of returns.

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

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

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

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

Key Management Personnel for the Shire of Exmouth are:

- Council Members; and
- persons employed under the *Local Government Act 1995* in the capacity of Chief Executive Officer, Chief Officer or Executive Manager.

Close family members of Key Management Personnel (KMP)

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

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

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

Ordinary Citizen Transaction A transaction that an ordinary member of the community would undertake in the ordinary course of business with the Shire of Exmouth.

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

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

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

The disclosure requirements apply to the existence of relationships regardless of whether a transaction has occurred or not.

For each financial year, the Shire of Exmouth must make an informed judgement as to who is considered a related party and what transactions need to be considered, when determining if disclosure is required.

Proper procedure is to be followed to enable an informed judgement to be made from the information requested from related parties.

Local Government (Financial Management) Regulations 1996, Regulation 5A, requires Council to prepare its general financial statements in compliance with the Australian Accounting Standards, this now includes the AASB 124.

Requirements

- All key management personnel are to complete the Related Party Disclosures – Declaration form,
- All Related Party Transactions must be disclosed,
- Ordinary Citizen Transactions (OCTs) are to be reviewed every year by Management,
- Shire of Exmouth has a legal obligation to report on Related Party Disclosures annually,
- Disciplinary action may occur for breach of this policy.

Identification of Related Parties

AASB 124 provides that local governments are to disclose in their Annual Financial reports, related party relationships, transactions, and outstanding balances.

Key Management Personnel (KMP)

All Key Management Personnel (KMP) are responsible for assessing and disclosing their own, their close family members' and their related entities' relationship with the Shire.

All related parties must be included in the self-assessment. A disclosure form is provided as an Attachment to this Policy.

Related Party Transactions

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

The transaction must:

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

This includes for example facility hire, and the payment of rates and dog registrations. There is no obligation to disclose Ordinary Citizen Transactions. Transactions between the Shire and Related Parties that would normally be considered Ordinary Citizen

Transactions but where the terms and conditions differ from normal practice, however, must be disclosed.

Non-ordinary Citizen Transactions
All related party transactions that do not satisfy the definition of an Ordinary Citizen Transaction must be disclosed in accordance with AASB 124.

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

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

Disclosure of Information

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

- the nature of any related party relationships,
- the amount of the transactions,
- the amount of outstanding balances, including commitments, including:
    - their terms and conditions, whether they are secured, and the nature of the consideration to be provided in settlement; and

- details of any guarantees given or received.

- provisions for doubtful debts related to the amount of outstanding balances; and
- the expense recognised during the period in respect of bad or doubtful debts due from related parties.

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

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

Regard must also be given for transactions that are collectively, but not individually significant. All transactions involving related parties will be captured and reviewed to determine materiality or otherwise of such transactions, if the transactions are Ordinary Citizen Transactions (OCTs), and to determine the significance of each of the transactions.

Key Management Personnel disclosure

In accordance with this Policy, KMP must provide a Related Party Disclosure via Attain (the Shire's compliance suite), between 15 June – 30 June.

Review of Related Parties

A review of KMP's and their related parties will be reviewed annually.

Events, such as a change of Council Members, Chief Executive Officer, Chief Officers or Executive Managers or a corporate restructure will also trigger a review of the Shire's related parties immediately following such an event.

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

KMP have a responsibility to identify and report any changes to their related parties as they occur.

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

- transactions occurring via the Shire's accounting and electronic records management systems,
- other transactions not passing through the Shire's electronic accounting / management systems,
- the identification of the associated terms and conditions of the related party transactions,
- declarations in the Financial Interests Register; and

- information provided in Primary and Annual Returns.

If any Council Member or employee believes a transaction may constitute a related party transaction, they must notify the Chief Executive Officer who will, in consultation with the Chief Financial Officer, decide on the matter.

Privacy & Confidentiality

Access to information

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

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

Permitted purposes

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

- assess and verify the disclosed related party transaction,
- reconcile identified related party transactions against those disclosed in the related party disclosure or contained in a register of related party transactions,
- comply with the disclosure requirements of AASB 124; or
- verify compliance with the disclosure requirements of AASB124

Confidentiality

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

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

Responsible Officer	Chief Financial Officer
Relevant Legislation	AASB 124 Related Party Disclosures *Local Government Act 1995* Local Government (Financial Management) Regulations 1996 Corporations Act 2001
Relevant Delegation	N/A
Review History	

Date	Council Decision
22/11/2018	04-1118
19/12/2019	08-1219
25/06/2020	02-0620
26/11/2020	03-1120
30/06/2022	02-0622
15/12/2022	09-1222
14/12/2023	07-1223
12/12/2024	05-1224
11/12/2025	08-1225

CS008	Capitalisation of Assets
Directorate	Corporate and Commercial Services
Adoption Date	20/09/2012
Last Review Date	11/12/2025

CS008 Capitalisation of Assets

OBJECTIVES

To set out the asset capitalisation threshold values.

POLICY STATEMENT/S

An asset must appear in Council's financial statements at fair value.

The criteria for recognising an asset as outlined in AASB116 – Property, Plant and Equipment Accounting standard is:

- The cost of an item of property, plant and equipment shall be recognised as an asset if, and only if:
  a) it is probable that future economic benefits associated with the item will flow to the entity; and
  b) the cost of the item can be measured reliably.

All noncurrent assets having a limited useful life are separately and systematically depreciated over their useful lives in a manner which reflects the consumption of the future economic benefits embodied in those assets.

Assets are depreciated from the date of acquisition or in respect to constructed assets, from the time the asset is completed and ready for use.

Depreciation rates, residual values and impairments are to be assessed on an annual basis.

<u>Capitalisation</u>

An asset shall be capitalised when the expenditure is more than the following thresholds:

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

Responsible Officer	Chief Financial Officer
Relevant Legislation	N/A
Relevant Delegation	N/A
Review History	

Date	Council Decision
22/11/2018	04-1118
19/12/2019	08-1219
25/06/2020	02-0620
26/11/2020	03-1120
30/06/2022	02-0622
15/12/2022	09-1222
14/12/2023	07-1223
12/12/2024	05-1224
11/12/20025	08-1225

CS009	Reserve Funds
Directorate	Corporate and Commercial Services
Adoption Date	22/11/2018
Last Review Date	11/12/2025

CS009 Reserve Funds

OBJECTIVES

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

POLICY STATEMENT

Reserves are part of the Shire's overall equity position.

Reserves are funds which have been set aside for purposes and projects to be undertaken in future years.

Reserves are established by Council to achieve Strategic Community Plan and Corporate Business Plan objectives and are to be extinguished once the Reserve purpose has been achieved.

The retention of obsolete Reserves restricts cash that could be utilised for funding other initiatives and can impact on cash ratios.

To ensure efficient Reserve Management, the Shire will:

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

Responsible Officer	Chief Financial Officer
Relevant Legislation	s6.11 (2) of the *Local Government Act 1995*
Relevant Delegation	N/A
Review History	
Date	Council Decision
22/11/2018	04-1118
19/12/2019	08-1219
25/06/2020	02-0620
26/11/2020	03-1120
30/06/2022	02-0622
15/12/2022	09-1222
14/12/2023	07-1223
12/12/2024	05-1224
11/2/2025	08-1225

CS010	Debt Recovery Processes
Directorate	Corporate and Commercial Services
Adoption Date	20/09/2012
Last Review Date	24/09/2026

CS010 Debt Recovery Processes

OBJECTIVES

To establish guidelines that ensure consistency and transparency in the recovery of outstanding debts and to recover outstanding income in a timely manner.

POLICY STATEMENT

The Shire will exercise its debt recovery powers guided by the principles of:

- Fair and equitable treatment of debtors;
- Consistency in debt collection practices;
- Financial sustainability and responsible stewardship of public funds;
- Recognition of genuine financial hardship;
- Compliance with applicable legislation; and
- Cost-effective debt recovery processes.

Debt recovery activities will be undertaken in a respectful, confidential and professional manner, recognising that debtors may be experiencing circumstances that affect their capacity to pay.

This Policy should be read in conjunction with CS011 Financial Hardship Policy noting:

- No legal action shall proceed whilst a financial hardship application is under assessment
- Debtors identified as experiencing hardship will be referred to the Shire's Financial Hardship Policy and, where appropriate, external financial counselling services.

The Shire will attempt to recover all debts to the extent allowable under legislation with consideration given to the cost of recovering the debt against the net value of the debt.

REPORTING

A summary of rates and sundry debtor overdue balances and recovery status shall be reported to the Audit, Risk and Improvement Committee (ARIC) on a quarterly basis.

DEBT COLLECTION PROCESSES

Rates and Charges: Rate notices are due for payment 35 days from date of issue in accordance with the *Local Government Act 1995*. Payment of rates may be made in full or via two (2) or four (4) instalment options.

Amounts that remain outstanding past each due date will have interest applied. Interest is calculated on the number of days after the due date until the day the payment is received.

Final Notice

Where rates are outstanding for 35 days after the issue date, and no prior written arrangement has been made with authorised Council Officers a Final Notice will be issued and give the ratepayer fourteen (14) days to either pay the outstanding amount in full or enter an alternate payment arrangement which has been agreed by both parties.

Direct Follow-up

Where amounts remain outstanding after the final notice period, the Shire Rates Officer will attempt to directly contact the property owner subject to the contact details listed for the property. Contact will be attempted subject to the contact options available for the property:

- Email
- Phone call
- Postal

Where contact details are not readily available, the Shire may undertake a 'skip-trace' process to obtain.

Letter of Demand

Where rates remain outstanding for 14 days after the final notice has been issued a letter of demand will be issued. The final notice will give the ratepayer fourteen (14) days to either pay the outstanding amount in full or enter an alternate payment arrangement which has been agreed by both parties.

Final notices are not to be issued to eligible persons registered to receive a pensioner or senior rebate under the Rates and Charges (Rebates and Deferments) Act 1992, as such persons have until 30 June of the current financial year to make payment, without incurring any penalty interest.

Reminder and final notices will, however, be issued to registered pensioners or seniors where unpaid charges are not subject to a rebate or deferment.

Payment Arrangements

Where contact has been made with the debtor, and where upfront payment cannot be made, the Shire Rates Officer will discuss the option to enter into an alternative payment arrangement and/or explain that further debt collection may follow if an alternative payment arrangement cannot be agreed and adhered to.

All payment arrangements must be in writing and authorised in accordance with Delegated Authority 1.1.10 *Agreement as to Payment of Rates and Service Charges*.

Failure to comply with an agreed payment arrangement will trigger a review and may result in debt recovery recommencing.

External Debt Collection Provider

Where no contact details are available on the property, outstanding debts may be forwarded directly to the Shires appointed debt collection provider for further investigation.

Debts overdue >21days from the Final Notice due date (and without a suitable payment arrangement in place) may be referred to the Shires appointed debt collection provider subject to Executive review.

Legal Action

Under the guidance of Council's debt collection service provider, legal action may be undertaken to recover outstanding rates and service charges. This action may include General Procedure Claims and Property Seizure and Sale Orders (Goods).

Any costs incurred in undertaking legal action in a Court of Competent Jurisdiction are recoverable from ratepayers under section 6.56 of the *Local Government Act 1995*.

All legal action and recovery of legal costs is to be authorised in accordance with Delegated Authority 1.1.11 *Recovery of Rates or Service Charges*.

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 given to the lessee or tenant under the provision of Section 6.60 of the *Local Government Act 1995* requiring the lessee or tenant to pay to the Shire 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.

Property owners will be informed prior to a notice being given to the lessee or tenant and lessees and tenants will be given a receipt of payment of rent to present to their landlord or property manager as proof of payment.

Recovery of outstanding debts from lessee rent is authorised in accordance with Delegated Authority 1.1.12 *Recovery of Rates Debts – Require Lessee to Pay rent*.

Options to recover rates debt where rates in arrears are more than three (3) years:

- Lodging a Caveat on the Title for Land: If rates and service charges which are due to Council in respect of any rateable land have been unpaid for at least three (3) years a caveat may be registered on the title for the land, under provision of section 6.64 (3) of the *Local Government Act 1995.*

- Sale of Property: If rates and service charges which are due to Council in respect of any rateable land have been unpaid for at least three (3) years, Council 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 either of these actions are undertaken.

Sundry Debtors

Sundry debtor payment terms are 30days from date of invoice.
Debtor Statements will be issued each month.

Reminder Notices

Where amounts remain outstanding after 30 days, and no prior written arrangement has been made with authorised Council Officers, a Reminder Notice will be issued, and the customer will be given seven (7) days (notice period) to either pay the outstanding amount in full or to enter into an alternate payment arrangement which has been agreed by both parties.

Letter of Demand

Where amounts remain outstanding after 60 days, a “Letter of Demand” will be issued. This letter will give the customer a further seven (7) days (final demand period) to pay the outstanding balance in full.

Direct Follow-up

Where amounts remain outstanding after the final demand notice period the Shire Finance Officer will attempt to directly contact the debtor to seek clarification on why the invoice is not paid and when to expect payment.

Contact will be attempted subject to the contact options available for the debtor:

- Email
- Phone call
- Physical Letter

Where amounts remain outstanding after the final notice period, and no prior written arrangement has been made with authorised Council Officers, credit may be suspended, or services limited.

External Debt Collection Provider

Where amounts remain outstanding after 90 days, and direct contact has been attempted to no avail, outstanding debts may be referred to the Shires appointed Debt Collection provider.

Consideration will be given to the cost of recovering the debt against the net value of the debt.

Legal Action

Under the guidance of Council's debt collection service provider, legal action may be undertaken to recover outstanding sundry debtors. This action may include General Procedure Claims.

Any costs incurred in undertaking legal action will be added to the outstanding debt of the customer.

Responsible Officer	Chief Financial Officer
Relevant Legislation	s6.60, 6.64 *Local Government Act 1995* *Rates and Charges (Rebates and Deferments) Act 1992*
Relevant Delegation	N/A
Review History	
Date	Council Decision
22/11/2018	04-1118
19/12/2019	08-1219
25/06/2020	02-0620
26/11/2020	03-1120
30/06/2022	02-0622
15/12/2022	09-1222
14/12/2023	07-1223
21/03/2024	05-0324
12/12/2024	05-1224
11/12/2025	08-1225
24/09/2026	12-0926

CS011	Financial Hardship
Directorate	Corporate and Commercial Services
Adoption Date	23/04/2020
Last Review Date	11/12/2025

CS011 Financial Hardship Policy

OBJECTIVES

This policy is intended to ensure we offer fair, equitable, consistent and dignified support to debtors suffering hardship, while treating all members of the community with respect and understanding at difficult time. The Shire of Exmouth's (Shire) position on allowing flexibility for payments on overdue debtor and rates where extreme financial hardship is recognised and outlines the scope and criteria for assessing applications of financial hardship.

POLICY STATEMENT

The Shire recognises that there are cases of genuine financial hardship where additional charges would cause the debtor or ratepayer further financial hardship. This policy establishes guidelines to ensure all applicants are treated with respect, equality and confidentiality.

The policy is not intended to provide relief to debtors and ratepayers who are not able to evidence financial hardship and the statutory provisions of the *Local Government Act 1995* and *Local Government (Financial Management) Regulations 1996* will apply.

DESCRIPTION OF HARDSHIP

1. Payment difficulties, hardship and vulnerability*

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

Financial hardship occurs where a person is unable to pay rates and service charges without affecting their ability to meet their basic living needs, or the basic living needs of their dependants.

This policy is intended to apply to all ratepayers and debtors experiencing financial hardship regardless of their status, be they a property owner, tenant, business owner etc.

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

2. Financial Hardship Criteria

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

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

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

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

3. Payment Arrangements

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

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

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

4. Interest Charges

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

5. Deferment of Rates

Deferment of rates may apply for ratepayers who have a Pensioner Card, State Concession Card or Seniors Card and Commonwealth Seniors Health Care Card registered on their property in accordance with *Rates and Charges (Rebates and Deferments) Act 1992.* The deferred rates balance:

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

6. Debt Recovery

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

Where a ratepayer has not reasonably adhered to the agreed payment plan, then for any Rates and Service Charge debts that remain outstanding at the end of the financial year, we will offer the ratepayer one further opportunity of adhering to a payment plan that will clear the total debt by the end of the following financial year. Rates and service charge debts that remain outstanding after this, will then be subject to the rates debt recovery procedures prescribed in the *Local Government Act 1995*.

7. Review

We will establish a mechanism for review of decisions made under this policy and advise the applicant of their right to seek review and the procedure to be followed. All applications are to be reviewed and approved by the Chief Financial Officer.

8. Communication and Confidentially

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

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

Responsible Officer	Chief Financial Officer
Relevant Legislation	*S 6.49 Local Government Act 1995* and *Local Government (Financial Management) Regulations 1996* Rates and Charges (Rebates and Deferments) Act 1992
Relevant Delegation	N/A
Review History	

Date	Council Decision
25/06/2020	02-0620
26/11/2020	03-1120
30/06/2022	02-0622
15/12/2022	09-1222
14/12/2023	07-1223
12/12/2024	05-1224
11/12/2025	08-1225

CS012	Interest Free Loans to Clubs and Organisations
Directorate	Corporate and Commercial Services
Adoption Date	27/05/2015
Last Review Date	11/12/2025

CS012 Interest Free Loans to Clubs and Organisations

OBJECTIVES

To provide:

- long-term benefits to the Shire of Exmouth by financially assisting clubs and organisations within the Shire of Exmouth.
- guidelines on the administration of the Shire Community Interest Free Loans Reserve.

POLICY STATEMENT

Community Interest Free Loans Reserve

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

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

An application in the prescribed form (*Community Development Fund Application*) for an interest free loan must be completed in full.

Eligibility

The following criteria will be applied when receiving applications for interest free loans - the applicant must:

- Ineligibility Criteria (general) Use funding for a Capital Purchase i.e., equipment etc,
- Be an Exmouth based community group or sporting club,
- Offer a specific activity (project, program, or event) within the Shire of Exmouth local government boundaries,
- Provide a direct benefit to the wider Exmouth community,
- Satisfy the Loan Eligibility Criteria set out in the below.

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

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

Loan Assessment Criteria

The Chief Financial Officer should undertake assessment of the application with a recommendation to the Council for final approval or otherwise of the loan.

Assessment should as a minimum be based on:

- Perceived ability for the loan to be repaid in full and for repayments to be made on time,
- Ensuring that there is an apparent benefit not only to the club/organisation but also to the wider community from the loan being given,
- Clubs/organisations must have been in existence for 2 years and clearly demonstrated a stabilised or increased membership,
- Prior to an application being lodged, an applicant has used their best endeavours to source grant funding to assist with their purchase,
- Clubs/organisations providing an end of year financial statement for each year of the loan,
- Clubs/organisations must produce on request a current profit and loss statement within three weeks (NB this in addition to the provision of the annual financial statement mentioned above).
- No club/organisation may have more than one interest free loan at one time unless the Council is satisfied that the club/organisation has the financial ability to service the additional loan.
- Total loan funds should not exceed $100,000 however in exceptional circumstances an application can be made for Council consideration.
- 'An application fee of 5% will be charged on any new application and can be paid over the term of the loan'.

Default of Loan

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

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

Responsible Officer	Chief Financial Officer
Relevant Legislation	N/A
Relevant Delegation	N/A
Review History	
Date	Council Decision
22/11/2018	04-1118
19/12/2019	08-1219
25/06/2020	02-0620
26/11/2020	03-1120
30/06/2022	02-0622
15/12/2022	09-1222
14/12/2023	07-1223
12/12/2024	05-1224
11/12/2025	08-1225

CS013	Multiple Dogs
Directorate	Corporate and Commercial Services
Adoption Date	15/11/2012
Last Review Date	11/12/2025

CS013 Multiple Dogs

OBJECTIVES

To ensure that multiple dog applications are treated in a fair and consistent manner having regard to the relevant Acts, Regulations, Local Laws and not to create disharmony in the immediate neighbourhood due to problems that could occur through having multiple dogs on a single property.

POLICY STATEMENT

"Authorised Officer" – means a person appointed by the Shire of Exmouth under the *Dog Act 1976*. "Premise" – means the property or properties owned or occupied by the applicant. Where a property consists of more than one land title, all parcels of land together shall be deemed to be one premise.

The *Dog Act 1976* and the Shire of Exmouth Dog Local Law place a limit on the number of dogs that may be kept on a property.

This limit is 2 dogs over the age of 3 months within the townsite and 4 dogs over the age of 3 months outside the townsite.

Section 26(3) of the *Dog Act 1976* provides for Council to make an exemption to the Local Law and permit a person to keep more than the prescribed number of dogs. Any exemption Council makes may be subject to conditions relating to the dogs in the application.

Council cannot approve more than 6 dogs on a premise and Council may revoke the approval at any time.

Limits on number of dogs

An owner or occupier of land within the Shire of Exmouth shall not be allowed to keep more than:

- two (2) dogs on a premise within the townsite, without the prior written approval of the Council, or a person with delegated authority to so determine.
- four (4) dogs on a premise outside the townsite, without the prior written approval of Council, or a person with delegated authority to so determine.

No person within the Shire of Exmouth will be permitted to keep more than six (6) dogs on a premise under any circumstance. This requirement will not apply to a dog kennel facility approved under the provisions of the relevant Shire of Exmouth Town Planning Scheme.

The Shire will not approve more than two (2) dogs within the townsite or four (4) dogs outside the townsite unless it can be shown to the satisfaction of an authorised officer that:

- the property has sufficient open space capable of housing a 3rd/5th dog; or
- the 3rd / 5th dog is to replace an elderly or sick dog which is likely to die within the next 12 months.

To seek Council's approval to keep between three (3) and six (6) dogs on a property, the owner / occupier must provide a written application advising of the following information: -

- Contact details of the applicant, including their full postal address,
- Complete details on the property on which the dogs will be kept,
- The reasons for which they require the permit; and
- The total number of dogs to be kept on the property

Prior to determination, all applications to keep between three (3) and six (6) dogs on a property will:

a. Be referred to adjoining landowners for comment. Adjoining landowners will have 14 days from the date of referral to lodge a written submission on the proposed application. Where no response is received, Council will take the view that the adjoining owners have no objection to the application.
b. All dogs must be registered to the address in the application
c. The property will be inspected for
   - suitable containment
   - ensure that dog faeces are removed regularly and in an appropriate manner
   - the general health and welfare of the dogs is suitable.

In the case where an application is being made for a dog to replace an old dog, the old dog is in all probability likely to die within the next 12 months.

Following approval to keep three (3) to six (6) dogs on a property, an authorised officer of Council may inspect the subject property at any time to inspect fencing, dog numbers and registration of dogs.

Any application approved by Council shall be an approval only for:

- the dogs named in the application
- the property named in the application.

Council reserves the right to revoke any approval to keep three (3) to six (6) dogs on a property if it is considered that a breach or offence against the Shire of Exmouth Dogs Local Law or the *Dog Act 1976* has been committed. In this circumstance, the Council may require that the number of dogs on the property be reduced to a maximum of two (2) within 14 days.

In accordance with Delegation Keeping Multiple Dogs the Chief Executive Officer is delegated authority to perform the functions of Council in respect to the following:

- The determination of applications to keep between three (3) and six (6) dogs on a property, where the application meets all requirements of this policy, the Shire of Exmouth Dogs Local Law and no written objection has been received from adjoining landowners during the notification period; and
- To refuse applications to keep more than six (6) dogs on a property that are not in connection with a dog kennel facility approved under Council's relevant Town Planning Schemes.
- To place any conditions on the approval which the Chief Executive Officer sees fit.

Any application not considered to fall within the delegation parameters defined in Section 9 will be referred to Council for determination.

Any applicant whose application has been refused or is not satisfied with the conditions placed on an approval is to be advised of their right of appeal to the State Administrative Tribunal. Applicants shall be advised they have a maximum of 28 days from the date of notice to lodge their appeal. All dogs within the Shire of Exmouth must meet the requirements set out in Section 3.1 of the Shire of Exmouth Dogs Local Law – Dogs to be Confined.

Responsible Officer	Chief Financial Officer
Relevant Legislation	*Dog Act 1976 and regulations* *Local Government Act 1995* *Shire of Exmouth Dogs Local Law*
Relevant Delegation	N/A
Review History	

Date	Council Decision
22/11/2018	04-1118
25/06/2020	02-0620
26/11/2020	03-1120
30/06/2022	02-0622
15/12/2022	09-1222
14/12/2023	07-1223
12/12/2024	05-1224
11/12/2025	08-1225

CS014	Australia Day Awards
Directorate	Corporate and Commercial Services
Adoption Date	15/12/2022
Last Review Date	11/12/2025

CS014 Australia Day Awards

OBJECTIVES

To ensure there is a clear process available in guiding decision-making in relation to Australia Day Awards.

POLICY STATEMENT/S

The Shire of Exmouth will make the following awards each year at the formal Australia Day ceremony:

- Premier's Australia Day Active Citizenship Awards
- Premier's Australia Day Active Citizenship Award for a person under 25 years
- Premier's Australia Day Active Citizenship Award for a community group or event
- Locally initiated awards formally approved from time to time by the Council

The nomination process and criteria to be used in selecting award recipients will be:

1. As set out for the WA Premier's Active Citizenship Awards by the Australia Day Council of WA,
2. For locally initiated awards, as approved by the Council.

The Council will review nominations against the relevant criteria set for the Premier's Australia Day Awards and any locally initiated awards and approve final awards under each category.

Note

Australia Day is held annually on the 26th of January and each local government holds a formal ceremony as part of the celebrations.

The Premier's Australia Day Active Citizenship Awards eligibility and criteria are set by the WA State Government however, the selection process is carried out under the auspices of the local government.

Responsible Officer	Chief Financial Officer
Relevant Legislation	N/A
Relevant Delegation	N/A
Review History	
Date	Council Decision
15/12/2022	09-1222
14/12/2023	07-1223
12/12/2024	05-1224
11/12/2025	08-1225

CS015	Drones
Directorate	Corporate and Community Services
Adoption Date	15/12/2022
Last Review Date	11/12/2025

CS015 Drones

OBJECTIVES

To describe the expectations of the Shire of Exmouth in relation to use of drones within the Shire, especially at Shire property.

POLICY STATEMENT/S

Drones are a major part of modern society, and more people are using them every year. Drone operators are discovering many new and creative ways to utilise drones for recreational and business purposes including emergency services.

Drone usage is not regulated by Local Governments.

The Civil Aviation Safety Authority (CASA) Australian is the national authority for the regulation of civil aviation - which includes drone regulations and certifications - and can also provide help and assistance to community members concerned about drone use.

The Shire is not positioned to enforce laws pertaining to drone use unless it is being used in a public area where "remotely controlled aircraft" use is not permitted.

Recreational Use - Flying in Shire of Exmouth Public Space

In accordance with the Civil Aviation Safety Authority:

Drone operators must:

- Only fly one drone at a time.
- Always fly the drone within visual line-of-sight — this means:
  - Flying only during the day.
  - Avoid flying in cloud, fog, or heavy rain.
  - Be able to always see the drone with their own eyes — not by using binoculars or watching a video screen.
  - Ensure the drone is not flying behind trees, buildings, or anything else that interrupts the line of sight.
  - Respect personal privacy. Don't record or photograph people without their consent — this may breach other laws and result in trouble with the Police.

Drone operators must not fly a drone:

- Higher than 120 m (400 ft) above ground level — that's about the height of a 35-storey building or length of a football field.
- Closer than 30 m to people — other than those helping to fly or navigate the drone.
- Over or above people at any time or height.
- Over or near an area affecting public safety.
- In a way that creates a hazard to another person, aircraft, or property.
- Near emergency situations. This could include situations such as a car crash, police operations, a fire or firefighting efforts or search and rescue etc.

- In prohibited or restricted airspace.
- Closer than 5.5 km to a controlled aerodrome or airfield (usually those with a control tower), if the drone weighs more than 100 g.

Operators may operate a drone within 5.5 km of a non-controlled aerodrome or helicopter landing site only if:

- There are no manned aircraft (one or more people inside) flying to or from the aerodrome.
- It lands as soon as safely possible if any manned aircraft flying to or from the aerodrome.
- The operator stays outside the airfield boundary.
- It does not operate in approach or departure paths

Commercial Use - Flying in Shire of Exmouth Public Space

All commercial use of drones must adhere to the CASA regulations in relation to drones.

If it is contemplated using a park or reserve whilst flying a drone for commercial use, then apply to the Shire. Fees may apply.

It is illegal to fly for money or reward unless the operator holds a remote pilot licence (RePL) or is flying in the excluded category (sub-2 kilogram or private landholder).

Reporting Unsafe Flying

Any suspected breaches of the above rules should be reported to CASA.

Fines of up to $1,050 can be issued per offence. If the matter is taken to court, fines of up to $10,500 can be imposed.

Responsible Officer	Chief Financial Officer
Relevant Legislation	N/A
Relevant Delegation	N/A
Review History	
Date	Council Decision
15/12/2022	09-1222
14/12/2023	07-1223
12/12/2024	05-1224
11/12/2025	08-1225

CS016	Temporary Accommodation – Private Residential Property
Directorate	Corporate and Commercial Services
Adoption Date	17/05/2012
Last Review Date	11/12/2025

CS0016 Temporary Accommodation – Private Residential Property

OBJECTIVES

To enable camping on private property on which they own or have the legal right to occupy to temporarily use caravan accommodation for short stays with relatives and friends.

POLICY STATEMENT

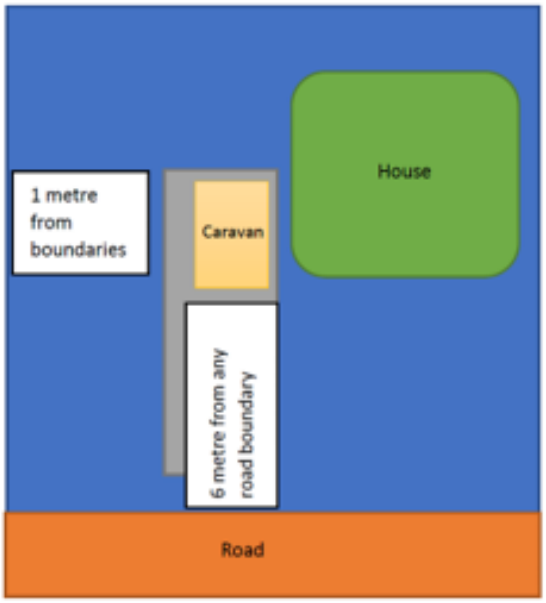
Camp means any portable shed or hut, tent, tent fly, awning, blind or other portable thing used as or capable of being used for habitation and includes a vehicle of a prescribed type or in prescribed circumstances;
Caravan means a vehicle that is fitted or designed for habitation.
Vehicle means a conveyance (other than a train, vessel, or aircraft) capable of being propelled or drawn on wheels.
Camper trailer means a recreational vehicle that is towed behind a behind and provides a comfortable place designed for habitation.

To provide guidance for the approval of camping as per the *Caravan Parks and Camping Ground Act 1995*

- and the *Caravan Parks and Camping Ground Regulations 1997*, in each instance: Permit to camp on Private Residential Property must be obtained and displayed in window of caravan or camper trailer.
- The caravan OR camper trailer is to be maintained in a way that ensure minimal environmental damage.
- Only one (1) caravan OR camper trailer per property will be considered for approval.
- The caravan OR camper trailer shall be maintained in a clean and tidy condition at all times.
- All liquid waste (grey and black water) shall be disposed of at an approved disposal site.
- The Shire of Exmouth can refuse an application should it be deemed the applicant cannot meet the required conditions.
- The caravan or camper trailer is to be located wholly on the property, and be at least 1 meter from the property boundary, at least 1 meter from any vehicle access areas and at least 6 meters from any road boundary, must be located at the front of the property. The caravan OR camper must not be located on road reserve.
- The approved caravan OR camper may be inspected by the Environmental Health Officer or Shire's Rangers at any time to determine compliance with the approved conditions. Up to 5 nights in any period of 28 consecutive days approval required from the property owner only
- Up to 12 months approval required from the property owner and the Shire of Exmouth by completing in full, the Application for temporary Accommodation.
- The duties, approvals and exemptions that may apply are outlined in the *Caravan Parks and Camping Grounds Regulation 1997*
- The dwelling of the premises subject of the application is to have toilet, ablution, and laundry facilities, available for use by the person/people camping that comply with the Building Code of Australia, Council's Local Laws, and Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974. Details of these services are required to be provided as part of the application.
- Tents, swags vehicles (including roof top tents) will not be considered for approval.
- All caravans are to satisfy cyclone safety standards equivalent to those required for caravans in licensed facilities by clause 48 of schedule 7 of the Caravan Parks and Camping Grounds Regulations 1997. It

should be noted for a caravan to safely survive a cyclone it should be housed in a cyclone rated shed.

- Approval, in writing, is to be obtained from adjacent properties will be consulted in relation to the application unless the applicant has done so and provided written responses with the application for consideration by the Shire.
- The Shire of Exmouth reserves the right to withdraw the approval at any stage.



Responsible Officer	Chief Financial Officer
Relevant Legislation	*Caravan Parks and Camping Ground Act 1995* *Caravan Parks and Camping Ground Regulations 1997*
Relevant Delegation	N/A
Review History	

Date	Council Decision
22/11/2018	04-1118
25/06/2020	02-0620
26/11/2020	03-1120
30/06/2022	02-0622
15/02/2022	09-1222
14/12/2023	07-1223
12/12/2024	05-1224
11/12/2025	08-1225

CS017	Temporary Accommodation – (Construction of a Dwelling)
Directorate	Corporate and Commercial Services
Adoption Date	25/06/2020
Last Review Date	11/12/2025

CS017 Temporary Accommodation (Construction of A Dwelling)

OBJECTIVES

To enable people to temporarily use caravan accommodation whilst constructing a dwelling and to provide guidance for the approval of camping in accordance with legislation.

POLICY STATEMENT

Camp means any portable shed or hut, tent, tent fly, awning, blind or other portable thing used as or capable of being used for habitation and includes a vehicle of a prescribed type or in prescribed circumstances;
Caravan means a vehicle that is fitted or designed for habitation.
Vehicle means a conveyance (other than a train, vessel, or aircraft) capable of being propelled or drawn on wheels.
Camper trailer means a recreational vehicle that is towed behind a behind and provides a comfortable place designed for habitation.

In each instance:

- Approval will only be granted to camp on any land within the townsite on residential land as defined in Local Planning Scheme 4, for the purposes of constructing a dwelling.
- Application for approval must be made to the Shire of Exmouth Council by completing in full the Application for Temporary Accommodation.
- Only the property owner and authorised owner builder is eligible for permit.
- Approval may be granted for a maximum of one caravan per property at any one time.
- The caravan is to be located wholly on the property and be at least 1 metre from the property boundary, 1 metre from vehicle access areas and 6 metres from any road boundary.
- All caravans are to satisfy cyclone safety standards equivalent to those required for caravans in licensed facilities by clause 48 of schedule 7 of the *Caravan Parks and Camping Grounds Regulations 1997*. It should be noted for a caravan to safely survive a cyclone it should be housed in a cyclone rated shed.
- Approval, in writing, is to be obtained from owners of the property. Occupiers of adjacent properties will be consulted in relation to the application unless the applicant has done so and provided written responses with the application for consideration by the Shire.
- The plans and specifications for the proposed residence, including details of wastewater treatment/disposal must be approved, a building license issued, and the concrete slab or equivalent works completed. An application to construct or install an Apparatus for the Treatment of Sewerage (e.g., septic system) must be approved and a Permit to Install an Apparatus for the Treatment of Sewerage issued.
- The application for temporary accommodation shall include the following details:
  - A plan of the temporary accommodation depicting the layout of the caravan and ablution facilities indicating the location of the following:
    a. Water Closet
    b. Shower
    c. Wash Trough

d. Kitchen Sink
e. Hot water System

- A drainage plan depicting how the fixtures and fittings are to be connected to the onsite wastewater treatment system or sewerage system.
- A Program of Works specifying progress target dates for the construction of the permanent dwelling including completion of the following milestones: - Floor; Wall Framing/Construction; Roof Framing and Cladding; Completion of required Wet Areas (i.e., kitchen, laundry, and bathroom (or ensuite); and at least one bedroom to habitable standards.

- Should Council give its consent to establish temporary accommodation it would be for an interim initially for a period of 6 to 12 months.
- Should the progress of construction on the permanent dwelling not be meeting the approved target dates, the approval may be cancelled.
- Subject to approval being granted by the Shire in writing, the applicant may proceed to:
  - Assemble/locate the temporary accommodation in compliance with the conditions of approval.
  - Install the on-site sewerage treatment system or sewer connection in accordance with approved plans.
- Upon completion of the above, the Shire's Environmental Health Officer shall be contacted to arrange inspection of the temporary accommodation.
- Upon all conditions being met, a certificate notice shall be issued permitting the temporary accommodation to be occupied.

Responsible Officer	Chief Financial Officer
Relevant Legislation	*Caravan Parks and Camping Ground Act 1995* *Caravan Parks and Camping Ground Regulations 1997*
Relevant Delegation	N/A
Review History	
Date	Council Decision
26/11/2020	03-1120
30/06/2022	02-0622
15/12/2022	09-1222
14/12/2023	07-1223
12/12/2024	05-1224
11/12/2025	08-1225

CS018	Community Events
Directorate	Corporate and Commercial Services
Adoption Date	22/10/2020
Last Review Date	11/12/2025

CS018 Community Events

OBJECTIVES
To ensure that events provide a wide variety of community and economic benefits for residents, as well as additional attractions for visitors. It is important that organisers and patrons respect their surroundings and act in a responsible manner. The control of patrons is the responsibility of the organiser and their demonstrated capacity to successfully achieve this objective will form a major part of the application assessment process.

POLICY STATEMENT/S
Definitions
Event - an occurrence held within the Shire of Exmouth by a person(s)/group/organisation, gathering people together for a common purpose by some prearrangement for entertainment, recreation or community purposes, and shall include but is not limited to:

a) Concerts and events run as a commercial activity;
b) Ceremonies and processions;
c) Sporting and competitor events – marathons, triathlons, organised swims, and other similar events;
d) Shows and fairs including circuses, carnivals, and other customised venue-based events;
e) Festivals, exhibitions and expos; and
f) Community events and fundraisers

Public Place - is defined as:
(a) any thoroughfare or local government property; or
(b) any place which the public is allowed to use, whether the place is or is not on private land, including park lands, squares, reserves, beaches, the intertidal zone and other land designated as being for the use and enjoyment of the public.

Development Control Unit – Internal body within the Shire of Exmouth comprising of relevant officers from multiple service areas brought together by Health Services, to assess, make recommendations and approve permit applications.
Registered Public Building – a premise registered as per the *Health (Public Building) Regulations 1992*

Background
Shire of Exmouth will support a diverse range of events which contribute to community development, enhance the liveability of the region, provide cultural, social, environmental and economic opportunities, and are accessible and safe for the community.

Each event is different, and the specific approvals required will depend upon the type of event. It is recommended organisers consult early in the planning stages with Shire staff to determine the required approvals needed to conduct the event.

In general, if an event is within a facility that has existing public building approval then formal approval may not be required unless there is a variation from the existing approval such as greater numbers or for an expanded area. If the event is not within a permanent building, then an event application must be submitted to the Shire for approval.

Event support and/or delivery will only be considered where there is alignment with the objectives of the Strategic Community Plan Exmouth 2023-2033, and benefits to the Shire are demonstrable.

Objectives

1. This policy applies to all events held on private and public land within the Shire of Exmouth.
2. An event permit application in the prescribed form is required for all events other than Exempted events as per guide in Schedule 1.
3. All events are to be risk assessed by the applicant using the risk assessment form outlined within the information sheet prior to submission.
4. Event permit applications shall be determined by the Development Control Unit to present a sufficient risk to reputation, public safety or amenity, in which case it shall be determined by Council.
5. Applications for events on land that is managed by an entity other than the Shire require a further approval from that entity before the Shire can issue an event permit for the event.
6. All events held within the Shire of Exmouth must be notified to Emergency Service providers regardless of classification.
7. Sponsorships for events will be in accordance with Shire of Exmouth, Sponsorship Policy.
8. Event signage is to be installed in accordance with Shire of Exmouth, Local Planning Policy 5. – Advertising Signs, it is the Event Applicant's responsibility to ensure compliance with this policy.

Classification of Events

Events shall be classified into 4 categories for assessment and policy purposes. The categories are further described as a guide in Schedule 1.

1. Considering and managing risk is an integral part of planning for any event. Event Applicants proposing Category 2 to 4 events are to assess the potential level of risk as part of their event permit application, using the Event Risk Classification Tool in the Shire of Exmouth Event Information Pack.

Assessment of Applications

1. Where the proposed event is to take place on land that is jointly or solely managed by authorities other than the Shire of Exmouth, approval from such authorities is required before the Shire can determine the event permit application.
2. When assessing an event permit application, the Shire will consider the likely impact on residents and the wider community, considering noise or nuisance, alcohol consumption, number of patrons, infrastructure and any additional factors, in accordance with any relevant legislation, regulations, Local Laws and Shire policies.
3. The assessment of an event permit application begins upon receipt of a complete application and event permit fee.
4. Where further information has been requested and not provided by the Event Applicant seven working days prior to the Event, the event permit application may be refused.
5. All events will attract an application fee in accordance with the Shire of Exmouth Schedule of Fees and Charges. Other fees may apply, including but not limited to those associated with noise assessments, food permits and waste removal, which shall be levied in accordance with the Shire of Exmouth Schedule of Fees and Charges.

6. Bonds for events on local government property will apply in accordance with the Shire of Exmouth Schedule of Fees and Charges. Bonds will be refunded in full following the successful completion of the conditions of approval outlined in the event permit. Failure to comply with any of the conditions specified in the event permit may result in all or part of the bond money not being refunded to the applicant.

Development Control Unit

1. The DCU will make one of the following three decisions regarding an event permit application:
   a. No objection – The proposed event can be approved under delegated authority, subject to any relevant conditions.
   b. Further Information – The Event Applicant has not provided all relevant information to enable the DCU to decide. The Event Applicant will be contacted to provide the required documentation. Once provided, the event permit application will be reconsidered by the DCU and approved.
   c. Referral to Council – will occur if the proposed event is considered to present a sufficient level of risk to the Shire, either reputational or to property and public safety, to warrant approval by Council.

Cat.	Location	Attendance	Food	Alcohol	Marquees and stages	Rides	Amusement/ Attractions	Traffic Management	Noise	Camping and Onsite Living
1	Event held in an existing registered Public Building and proposes no alterations to infrastructure over and above any services that are available to the general public	0-50 or as per the maximum occupancy	1 food facility permitted as long as required approvals are met, for example Temporary Food Stall Permit	Nil	Erection <2 simple marquees total not exceeding 18m2.	Nil	Fits within the scope of the facility being used, no impact such as dance recital to families of students.	No closure of vehicle/boat access facilities or impeding on flow of vehicle movement.	No or minimal use of amplified equipment for no more than 2 hours or extraordinary vehicle noise	Nil
2	Event held in an existing registered Public Building /or proposes minor alterations to infrastructure over and above any services that are available to the general public. Held in open unconfined outside area	51-500	Permitted as long as required approvals are met, for example Temporary Food Stall Permit	Nil	Erection <2 simple marquees total not exceeding 18m2.	Nil	Local performance such classic music, theatrical performance fetes/ fundraiser, family concert	No road closures or disruption to traffic	No or minimal use of amplified equipment for no more than 2 hours or extraordinary vehicle noise	Nil
3	Event held in an existing registered Public Building /or proposes minor alterations to infrastructure over and above any services that are available to the general public. Held in open unconfined outside area or spacious inside single level facility	501-2500	Permitted as long as required approvals are met, for example Temporary Food Stall Permit	Yes, low to moderate consumption	3-10, simple structure marquees/stage	1-5 low risk rides ie pony, bouncy castle	Family concert, low consumption of alcohol, agricultural shows, food and wine shows, markets	Small road closure, slight disruption to traffic, local road closure	Amplification of music but not in close proximity to residential area, minimal disruption	Nil
4	Event held in an existing registered Public Building /or proposes major alterations to infrastructure over and above any services that are available to the general public.	2501+	Permitted as long as required approvals are met, for example Temporary Food Stall Permit	Yes, high consumption	>10 or structure >55m2	High risk rides, large amount of amuse ment structur es	Marathons, triathlons, major sports, music festivals, marine, waterways events.	Main road closure, major disruption to traffic	Bands/music festival, Reg 18 required	Yes

Responsible Officer	Chief Financial Officer
Relevant Legislation	*Health (Public Building) Regulations 1992*
Relevant Delegation	1.1.22 Sponsorship; Donations 4.1.2 Designate Authorised Officers
Review History	

Date	Council Decision
26/11/2020	03-1120
30/06/2022	02-0622
15/12/2022	09-1222
14/12/2023	07-1223
12/12/2024	05-1224
11/12/2025	08-1225

CS019	Sponsorships
Directorate	Corporate and Commercial Services
Adoption Date	20/09/2012
Last Review Date	11/12/2025

CS019 Sponsorships

OBJECTIVES

To establish principles for sponsorship agreements entered between the Shire of Exmouth and external parties and to provide guidelines for how the Shire will seek sponsorship as well as the assessment and management of requests for donations and waiver of Shire fees and charges.

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

Sponsorships are undertaken or entered, to help achieve the Shire of Exmouth's community strategic pillars:

1.Social

2. Natural

3. Built Environment

4. Economy

5. Governance and Leadership

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

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

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

- Funding is available to not-for-profit, incorporated organisations, and commercial organisations that can clearly demonstrate their event will deliver significant additional economic benefit to the Exmouth region and is open year-round.
- Council invites sponsorship proposals for significant events staged within the Shire of Exmouth boundary under its **"Major Events Sponsorship Program**" (MESP) up to the value of $5,000 ex GST per event each year.
- The MESP is an annual funding program where eligible applicants can apply for sponsorship support for the delivery of major events that have the potential to deliver significant economic outcomes to Exmouth.

- The MESP is designed to encourage the attraction and delivery of major events that inject increased expenditure into the region.
- Applicants for MESP must demonstrate (explain) how their event has the potential to deliver significant economic outcomes to the Shire of Exmouth.
- A sponsorship agreement outlining the full terms and conditions of the agreement will be recorded in writing and signed by both parties.
- All sponsorship arrangements will be described in the annual report in a manner commensurate with the significance of the sponsorship.
- Applicants to refer to the Major Events Sponsorship Program guidelines.
- Acquittals must be received within six weeks of the event/program/project completion.
- Commercial (for profit) event organisers will be required to submit a formal sponsorship application that will require Council consideration and approval.

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

- Council invites grant applications for selected Shire of Exmouth projects, events, services or activities under its **"Community & Sporting Grants Program"** up to the value of $1,500 ex GST per event.
- The "Community & Sporting Grants Program" (CSGP) funding program offered twice a year in February and September where eligible applicants can apply for grants to deliver non-core events and programs that achieve community and sporting outcomes.
- Local groups may apply for up to two events per funding round.
- The CSGP is designed to assist local community and sporting groups to deliver non-core business activities.
- Applicants to refer to the Community & Sporting Grants Program guidelines.
- Community and Sporting Groups wishing to access funds to undertake capital works should enquire with the Manager Community and Emergency Services for Shire and other third-party grant opportunities including accessing the Shire Community Interest Free Loans Reserve under Shire Policy CS015 *"Interest free loans to clubs and organisations".*
- Acquittals must be received within six weeks of the event/program/project completion.

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

- Requests for donations will only be considered by the Shire President and authorised by the Chief Executive Officer.
- If a formal request for donations is received (must be in writing on proponent letterhead) these are to be directed to the Shire President for consideration.
- A maximum of up to $500 (GST not applicable) formal request per annum from each entity is allowed.
- Activities asking to be supported should be non-core business in nature.

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

- No fee waivers for use of the Shire facilities and services including Ningaloo Centre meeting venues will be considered.
- Proponents requesting fee waivers for the use of Council buildings and venues should be encouraged to seek other third-party funding to cover these costs and/or consider use of other venues.
- Any request for waiver of a Shire fee or charge must be part of a request for sponsorship proposal that clearly outlines the benefits to the Shire and how the project meets Council strategic objectives.
- Applicants may only apply for one of the three funding streams per event or activity.

- Funding benefits or sponsorship do not include implied endorsement by Council of the recipient's goods or services or use of Council's logo to promote their products.
- Sponsorship arrangement that impose or imply conditions that limit the Council's ability to carry out its functions fully and impartially will not be agreed to.
- The Shire of Exmouth Council reserves the right to withdraw funding with an external party when they are considered to have not complied with the spirit of this policy and/or a written agreement entered into as a sponsor or funding arrangement.
- The sponsorship or funding is complementary to Council's vision, values, policies and strategies.
- The Shire reserves the right to withhold some or all of funding payments until a post event report is submitted by the successful applicant.
- There should not be any real or perceived conflict between the objectives and mission of the recipient and Council.
- Ensure funding received by the Shire supports the aims of the other Shire of Exmouth policies and does not promote:
  - the excessive consumption of fast food;
  - the use of tobacco products;
  - gambling; or
  - irresponsible drinking.
- The Shire of Exmouth Council will not enter into sponsorship with external bodies who:
  - Are involved in unlawful activities;
  - Do not share Council's views on promoting a diverse, tolerant and inclusive community;
  - Are political parties and/or promote political agendas;
  - Are considered to be an unsuitable partner by Council for reasons it sees fit to apply in the context of this policy;
  - Offer programs that may present a hazard to the community;
  - Offer programs that do not reflect widely held community views; and
  - Contravene State and Commonwealth legislation, local laws.

- Requests for fee waivers for use of council venues will be considered outside of this policy, delegated to the CEO and limited to the following events;
  - Primary and high school graduation ceremonies
  - Seniors Christmas lunch

Responsible Officer	Chief Financial Officer
Relevant Legislation	*Local Government Act 1995*
Relevant Delegation	N/A
Review History	
Date	Council Decision
27/09/2018	05-0918
22/11/2018	04-1118
02/09/2019	03-0419
25/06/2020	02-0620
26/11/2020	03-1120
30/06/2022	02-0622
15/12/2022	09-1222
14/12/2023	07-1223
12/12/2024	05-1224
11/12/2025	08-1225

CS020	Emergency Overflow Camping Grounds
Directorate	Corporate and Community Services
Adoption Date	15/11/2012
Last Review Date	11/12/2025

CS020 Emergency Overflow Camping Grounds

OBJECTIVES

To provide overflow facilities in the Shire that will accommodate additional numbers of camping tourists when permanent caravan parks and camping grounds facilities within the Shire are operating at or near capacity and to ensure that the operation of overflow sites/facilities within the Shire of Exmouth complies with legislative requirements.

Due regard will be had for the impact on permanent operators and is balanced with the additional economic benefit to the destination from a greater capacity in peak demand periods.

POLICY STATEMENT

Part A
This section relates to the use of overflow camping sites within the existing licenced caravan parks within the Shire of Exmouth. Each caravan park is issued with a limited number of overflow sites in accordance with the Caravan Parks and Camping Grounds Act & Regulations. These are the only sites that may be used as an overflow facility. All such bays will be identified on the caravan parks license and can only be used during the peak holiday periods and in accordance with the conditions detailed on the licence.

Part B
This section relates to the establishment and operation of a self-contained Recreational Vehicles emergency overflow facility. For the purposes of this policy, self-contained Recreational Vehicles includes all buses, over-size motorhomes and large caravans that are completely independent of needing power, water, waste services, sewerage and sullage points. It does not include any trailer or tent.

The Shire may establish an overflow area for self-contained Recreational Vehicles when there are no vacancies for vehicles of this nature available at any caravan park within the Exmouth townsite boundary (as defined in attached map to this policy) of the Shire of Exmouth. A camper is permitted to book for up to 3 consecutive days at the overflow if it is believed that there are no available spaces for the required length of stay in the caravan parks during the 3-day period.

The maximum stay at the Exmouth Shire Council self-contained Recreational Vehicles Overflow Camping facility is to be a maximum of 3 consecutive days. Authorized campground hosts may stay longer than the maximum period at the Overflow Camping grounds.

The self-contained Recreational Vehicle overflow shall be primarily based between the Arboretum and the Tennis courts on Willersdorf Road, although specific circumstances may arise requiring the site to be temporarily relocated e.g., heavy rainfall or increased numbers. Temporary relocation of the Overflow will be at the discretion of the Chief Executive Officer.

Fees for camping at this facility shall be determined in accordance with Shire of Exmouth Schedule of Fees and Charges.

The maximum number of vehicles allowed in self-contained Recreational Vehicles overflow facility area will be determined based on allocated spacing between vehicles, size of vehicles (whether they have trailers), turning circles, and usable space in the allocated area.

Dogs are permitted in this overflow camping area but must always be held on a leash and be under the control of a responsible person.

Part C

This section relates to the Shire of Exmouth Overflow Camping Grounds.

Where there are no vacancies available at all existing Caravan Parks within the Exmouth townsite boundary (as defined in attached map to this policy), including approved overflow sites within the licensed Caravan Parks, the Shire of Exmouth, at the discretion of the Chief Executive Officer, may authorise the operation of Overflow Camping Grounds at the following locations: -

- Designated overflow bays east of Koobooroo Oval – under the supervision of Council's Ningaloo Visitor Centre staff and/or the authorized Camp Host,
- Niblett Park under the supervision of Council's Ningaloo Visitor Centre staff and/or the authorized Camp Host, and
- Any additional areas at the discretion of the Chief Executive Officer including participating local community or sporting group facilities.

Overflow sites are to be identified for use and occupancy levels determined as approved by the Chief Executive Officer.

The maximum stay at the Exmouth Shire Council Emergency Overflow Camping facilities is to be a maximum of 3 consecutive days. Authorised campground hosts may stay longer than the maximum period at the Overflow Camping grounds. A camper is permitted to book for up to 3 consecutive days at the overflow only if it is believed that there are no available spaces for the required length of stay in the caravan parks during the 3-day period.

During the utilisation of the Koobooroo and Niblett oval overflow sites, the Council's Ningaloo Visitor Centre staff are to resolve any unforeseen problems arising except where a campground host has been appointed, in which case the campground host is responsible for day to day supervision and management of the facility. In relation to community/sporting group facilities approved for overflow operations the respective management committees of these groups and/or their appointed campground host are to resolve any unforeseen problems arising and are responsible for day-to-day supervision and management of the facility.

Fees for camping at the overflow facilities (Shire and participating local community and sporting groups) shall be determined in accordance with Council's Annual Schedule of Fees and Charges.

The Ningaloo Visitor Centre will be the booking agency for all Shire and community/sporting group overflow facilities and charge standard booking commissions on transactions at levels as approved in Council's Annual Schedule of Fees and Charges.

Dogs are permitted in the above overflow camping areas but must always be held on a leash and be under the control of a responsible person.

Additional locations may include local community and/or sporting groups that possess all relevant facilities, insurances, and onsite management plan to manage an overflow site.

Use of clothes washing machines are prohibited at overflow sites where sullage disposal facilities are not provided.

Patrons are to use the public laundry in the Central Business District or other approved accessible facility.

Attachment 1 - Exmouth Townsite Map – Local Planning Strategy (Townsite boundaries delineated by red border)

Responsible Officer	Chief Financial Officer
Relevant Legislation	*Local Government Act 1995*
Relevant Delegation	N/A

Review History

Date	Council Decision
22/11/2018	04-1118
23/04/2020	03-0420
25/06/2020	02-0620
26/11/2020	03-1120
30/06/2022	02-0622
15/12/2022	09-1222
14/12/2023	07-1223
12/12/2024	05-1224
11/12/2025	08-1225

CS021	Camping on Exmouth Recreation Ground
Directorate	Corporate and Community Services
Adoption Date	15/11/2012
Last Review Date	11/12/2025

CS021 Camping on Exmouth Recreation Ground

OBJECTIVES

To enable people to camp temporarily on the Exmouth Recreation Ground without obtaining written approval from the Shire.

POLICY STATEMENT

Sideshow operators, stall operators and organisers at festivals/events are only permitted to camp on Talanjee and Koobooroo Ovals on the night before and during the period of the Show and must remove all camping and other gear during the day following the end of the Show.

Any variation to this Policy requires an application to the Shire of Exmouth.

Approval may be given by the Chief Executive Officer where the variation is 1 day either side of the event.

Where a more significant variation is requested, approval of the Council is required.

Responsible Officer	Chief Operations Officer
Relevant Legislation	*N/A*
Relevant Delegation	N/A
Review History	
Date	Council Decision
22/11/2018	04-1118
25/06/2020	02-0620
26/11/2020	03-1120
30/06/2022	02-0622
15/12/2022	09-1222
14/12/2023	07-1223
12/12/2024	05-1224
11/12/2025	08-1225

CS022	Leases and Licences
Directorate	Corporate and Community Services
Adoption Date	12/12/2024
Last Review Date	11/12/2025

CS022 Leases and Licences

PURPOSE

The purpose of this policy is to ensure decisions about the granting of leases and licenses are made transparently and in accordance with established criteria. This policy also aims to ensure that the use of Shire property and facilities is optimised, provides community benefit and meets all legal requirements.

POLICY

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

The Shire, as the asset owner, is responsible for providing safe, and compliant facilities and ensuring that any proposed usage is appropriate to the type and location of facilities.

This policy recognises the variety and diversity of leases and licenses and that no one particular style of lease or licence is appropriate for all purposes. This policy will ensure that all requests for lease or licence for whatever purpose will be treated in a fair and equitable manner using open and accountable methodology and in line with statutory procedures.

Occupancy Arrangements

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

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

Category	Application	Term
Lease Agreement	Exclusive use of whole or portion of a facility or land, at all times (subject to terms set out in lease agreement)	**Commercial Leases** • lessees to be offered a sufficient tenure period to allow a reasonable opportunity to establish a business. • Maximum term - 10years with a further renewal option of up to 10 years. **Community/Not-for-Profit Leases** • only provided when a lease is required to attract funding, or to invest funds for capital improvements. • Maximum term - 5 years with a further renewal option of up to 5 years.

		All Renewal options are at the sole and absolute discretion of the Shire. Length of tenure should be commensurate with level of investment committed or planned by the lessee. Not revocable
Licence Agreement	Non-exclusive continued use of the whole or portion of a facility or land for an agreed amount of time (subject to conditions of licence agreement) Preferred option for community groups/not for profit organisations.	Term - 1 to 5 years may include annual reviews at the Shires discretion Revocable

Land / Facility Types

Category	Application
Land and building assets owned in fee simple or subleased to the Shire under commercial terms	Every effort should be undertaken to ensure a full commercial return is achieved based on market valuations
Land and building assets managed by the Shire under a management order for civic or community purposes	Preference to co-locate appropriate community groups and not-for-profit entities. Encourage multi-use arrangements to maximise the benefit to the community.

Consideration of Occupancy Proposals

Prior to the granting of a lease/licence, a prospective Occupant must present an evidence-based business case proposal to demonstrate that its activities respond effectively to identified community needs and its internal capacity to meet the terms of an Occupancy Arrangement.

The table below outlines the requirements and considerations of such a proposal:

Organisation to Provide	Shire Assessment Factors
Community Benefit	
Provide an evidence-based response to demonstrate how the proposed service or activity will address an identified community need.	• Evidence of demand for the service or activity • Evidence that proposed service or activity will address the identified community need and is not duplicating and existing service or activity in the area • Evidence of consultation with other organisations and/or broader community to identify opportunities for collaboration

	• Implementation plan to demonstrate how the service or activity will become established and sustainable
Strategic Documents	• Do the organisations strategic documents align with the Shire strategies, plans and vision?
Membership and participant information - historical, current and projected • participant numbers • participant profiles (Exmouth residency, age group, other)	• Priority will generally be given to organisations that demonstrate inclusion of, and support to the local residents and community. • Meets needs of specific user groups
Governance, structure and processes of the organisation.	Appropriate organisations constitution and/or similar documents
Proposed Usage times	Is property utilisation realistic? Is property utilisation optimised? Does property have capacity to meet proposed growth?
Proposed spaces to be included in arrangement	Does organisation require exclusive use of the property?
Proposed Usage available to wider community and method to manage	How does the proposal address broad community access?
Financial Asset Management	
Financial positions/statements past, present and future	Evidence of capability to meet financial obligations under an occupancy arrangement Evidence of good financial management and record keeping
Current and proposed fees and charges	Review of fees and alignment with customer capacity to pay
Any property modifications required for the intended purpose and how these are proposed to be funded	Is funding secured for any proposed modifications? Are modifications to be removed at termination of occupancy, returning the building and/or site to its original condition If not removed, does Shire have the capacity to maintain the modifications/improvements
Organisational management structure	Does the organisation have the capacity (human resources) to fulfil its obligations and the proposed services under the occupancy arrangement?
Historical Factors	
History of the organisation (including and financial contributions)	Does the organisation have any history in relation to the facility? Does the organisation have a connection with the surrounding area?
Environmental Impact	
Proposed sustainable practices	Does the organisation offer an environmentally sustainable service?

Leases - Rent

The Shire aims to balance a fair and reasonable contribution from the users of community facilities with the subsidy required from the collection of rates. The Shire may subsidise rent for not-for-profit organisations based on the Shires assessment of their submitted occupancy proposal. The following rent categories will apply:

Category	Annual Rent	Eligibility
Peppercorn Rent	$1.00 per annum	Not-for-profit organisation • Provides significant and extensive community benefit • Has limited revenue raising ability (net cost of services) • Run predominantly by volunteers <u>Non-Standard Peppercorn:</u> • Building fully or substantially funded or constructed by proposed occupant.
Subsidised Rent or Leasing Fee	• Community Facilities: % of market value increasing in line with CPI OR: Leasing fee calculated to recoup a portion of Shire costs such as maintenance and insurance • Land: To be negotiated	Not-for-profit organisation • receives grant funding to provide a community service/s • revenue raising ability (above net cost of services) Council determines that the service/s being provided address community needs in the proposed location.
Commercial Rent	Market Value: Determined by a licensed valuer • Annual Consumer Price Index adjustments or negotiated fixed adjustment • Triennium lease reviews involving an independent valuation • Lease valuations post the initial valuation will not result in a reduction in rent.	Meets eligibility requirements of occupancy proposal.

Variations / Special Considerations

The Shire will consider proposals for variations and special conditions for Occupancy Arrangements on a case by case basis, with the understanding that:

- No basic aspects of the Lease or Licence Policy are to be contravened or subverted
- These are unique to the Occupier, Building / Land or Usage conditions or requirements
- These do not require undue additional cost to the Shire either in the short term or long term
- These are conditional on Council approval

Insurances and Indemnities

The following outlines the standard lease or licence conditions (unless otherwise agreed)

1. The Occupant shall be responsible for:
   1.1. Taking out and maintaining public liability insurance of $20 million **(Public Liability Insurance)**
   1.2. Taking out and maintaining liability for all actions or omissions of the Occupants employees, contractors, invitees and agents **(Liability)**
   1.3. Indemnifying the Shire against all actions, claims and costs made or suffered by the Shire unless caused by the negligent or wrongful act of the Shire **(Indemnity)**
   1.4. Taking out and maintaining workers compensation insurance where the occupant employs persons; and
   1.5. Taking out and maintaining insurance for the occupant's own contents and equipment that may be left on the Premises.
2. The Shire is responsible for:
   2.1. Taking out and maintaining insurance against Shire constructed buildings or structures located on the premises.
   2.2. For Commercial leases, insurance costs may be included for reimbursement as Outgoings.

Maintenance Costs

In negotiation with the Occupier, the Shire will identify where it is more appropriate or where the Occupier requests the Shire to perform/contract maintenance which will be at the Occupiers cost. Where applicable, **ALL** lessees will be responsible as a **minimum** for the following costs:

- Minor Maintenance
  - Replacement keys/access swipes if lost or stolen, including locks if replaced.
    - Replacements must be arranged by the Shire.
  - General cleaning of building and/or premises
  - Air conditioning unit cleaning / inspections
  - Cleaning and removal of debris in gutters – bi-annually
  - Waste removal
  - Repairs and replacement of light bulbs and tubes
  - Replacement of window glass resulting from internal impacts
  - Plumbing repairs such as replacement of washers, leaking taps, blockages, tapware, toilet cisterns.
  - Repair to any fittings, doors, floor coverings, walls, ceilings

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

Outgoings - Other

ALL lessees will be responsible as a **minimum** for the following costs:

- Lease preparation and administration costs
- Utility consumption – Electricity / Gas / Water

Licence Fees

A licence can be issued for no annual fee. As a minimum community groups will be required to reimburse the Shire for an agreed share of utilities, consumables and building insurance costs. The licensee will also be responsible for cleaning and maintaining the facility in a well-presented state.

Delegated Authority

All **new leases and sub-leases** shall require approval of Council. The granting of further terms to lessees and sub-lessees can be done under delegation by the Chief Executive Officer.

The granting of a **licence** can be done under delegation by the Chief Executive Officer.

The Chief Executive Officer has delegated authority to;

- Grant further **lease** and sub-lease term extensions that were previously approved by Council when awarded a new lease or sub-lease,
- Approve any new or extension to licensing agreements,
- Negotiate lease terms within +10% or -10% of the independent valuations. Any variations greater will require Council approval.

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

Capital Improvements and/or Facility Modifications

All improvements and permanent structures erected on Council property remain the property of Council, irrespective of who paid for the structure, unless when the lease is terminated all improvements made or structures erected are removed, returning the building and/or site to its original condition. This includes the removal of all material, debris and services from the site and the restoration of the building and/or site to the original condition when the Lessee took occupancy of the premises (this may involve the replanting of trees and landscaping). The only exception to this requirement is where the Council through the Chief Executive Officer agrees to accept partial restoration and/or financial compensation in lieu of full restoration or Council through the Chief Executive Officer determines there is value in Council retaining the improvements or modifications made to a site, or portion thereof.

DEFINITIONS

Asset Renewal is defined as the replacement or refurbishment of an existing asset (or component) with the same or modern-day equivalent asset (or component) towards the end of its lifecycle to ensure service delivery at the same level as the existing asset.

Capital Improvements are defined as asset upgrades, additions and alterations to a facility.

Commercial Organisation means an organisation that can lawfully distribute their funds in excess of operating expenses (ie. surplus funds or profit), to owners, directors, members or any other stakeholders.

Community based not for Profit Organisation means an entity that provides a service or activity for the benefit of the community and does not operate for the profit, personal gain or other benefit of its members or third parties and which applies all proceeds from its activities to the organisation's purposes.

Community Facility means any building or structure owned or managed by the Shire, and categorised as:

- Halls
- Pavilions
- Clubrooms and change rooms
- Community Centres

- Sheds

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

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

Occupier means the occupant of the community facility

Peppercorn Rent means a nominal or token payment. A symbolic rent amount not intended to generate income for the landlord but rather to fulfil legal requirements to complete a lease agreement.

Shire means the Shire of Exmouth

Responsible Officer	Chief Operations Officer
Relevant Legislation	Local Government Act 1995 Local Government (Functions and General) Regulations 1996 Land Administration Act 1997 Land Administration Regulations 1998 Land Administration (Land Management) Regulations 2006 Commercial (Retail Tenancy) Agreements Act 1985
Relevant Delegation	1.1.23 Execution of Documents
Review History	
Date	Council Decision
15/12/2022	09-1222
14/12/2023	07-1223
12/12/2024	05-1224
11/12/2025	08-1225

OPERATIONAL AND INFRASTRUCTURE SERVICES (OIS)

OIS001	Naming of Roads, Parks, Places and Buildings
Directorate	Operational and Infrastructure Services
Adoption Date	15/12/2022
Last Review Date	11/12/2025

OIS001 Naming of Roads, Parks, Places, and Buildings

OBJECTIVES

The purpose of this Policy is to assist Council to appropriately deal with and assess proposals to name a Shire Road or Shire Asset.

POLICY STATEMENT/S

Shire Asset - any park, garden, reserve, memorial, sporting ground or building or other infrastructure asset owned or under the care, control, or management of the Shire of Exmouth.

Shire Road - any Road or variation of Road, including street, place, boulevard, etc

Naming Considerations
Council may consider naming a Shire Asset in honour of persons considered to be pioneers, persons who have made an outstanding humanitarian contribution or who, in the opinion of the Council, are worthy of such an honour. This may also be in acknowledgement of events of historical, environmental, or cultural significance or collective community action.

Where personal names are used, the person commemorated should preferably be recognised in memoriam.

To facilitate ease of geographical identification and identification of purpose, where possible a locality name and purpose should be associated with the naming of a Shire Asset, even when it is determined that an honorary name will be applied.

In general terms, naming should use the form, spelling and style of contemporary Australian English or a recognised Australian Aboriginal language local to the area of the feature.

Where applicable and always in the first instance, naming guidelines as set out in Policies and Standards for Geographic Naming in Western Australia will be adhered to. The Shire must apply to Landgate for the naming of Shire Roads.

Renaming will only occur in an extraordinary case or where a name is no longer deemed appropriate.

The use of Aboriginal names and words for naming features are a way of recognising the different enduring cultural and language groups.

Names originating from an Australian Aboriginal language local to the area must be written in a standard recognised format and their use shall be endorsed by the recognised local community. Evidence of this endorsement must be included with the naming proposal.

A proposal to name a significant Shire Asset can be put forward to Council for consideration by:

- a Council Member by way of a notice of motion,
- an employee via a report to Council,
- a member of the public via a submission to the CEO; or

- users of a facility via a submission to the CEO.

Any proposal to name a significant Shire Asset will include:

- details of the proposed Shire Asset to be named,
- proposed name; and
- justification for the proposal.

Through its consideration Council may endorse the name or determine that the proposal requires further community consultation, subject to policy statement below:

Criteria for Assessment for Personal Recognition

A request to name a Shire Asset after a person shall be assessed against the following criteria:

- whether the person being honoured has been instrumental in the development of the Shire asset or activities to be undertaken or contributed in a significant way to the Shire asset,
- the views of the community with respect to honouring the person or event after which the Shire asset is proposed to be named,
- the length of residency of the person proposed. For the purposes of guidance, residency of ten (10) years or more in a relevant location is likely to qualify a person for further consideration,
- the contribution made by the person to the local community through areas such as education, representation on Council or another level of government, volunteering, association with local sporting or service club or through business development.

A significant contribution could include:

- two (2) or more terms of office on the local government Council,
- twenty (20) or more years association with a local community, sporting, or service club,
- action by an individual to protect, restore, enhance, or maintain an area that produces substantial long-term improvements for the community of area; or
- evidence of works undertaken being of a pioneering nature for the benefit of the community

Responsible Officer	Chief Operations Officer
Relevant Legislation	*Landgate Policies and Standards for Geographical Naming in Western Australia (V 01:2017)* *Land Administration Act 1997* *Land Information Authority Regulations 2007* *Australian Standard AS/NZS 4819:2001 Rural and urban addressing*
Relevant Delegation	N/A
Review History	

Date	Council Decision
15/12/2022	09-1222
14/12/2023	07-1223
12/12/2024	05-1224
11/12/2025	08-1225

OIS002	Memorials in Road Reserves, Parks, Foreshores
Directorate	Operational and Infrastructure Services
Adoption Date	15/12/2022
Last Review Date	11/12/2025

OIS002 Memorials in Road Reserves, Parks, Foreshores etc

OBJECTIVES

The objective of this Policy is to:

- Provide guidance in relation to the use of public open space in the placement of memorials, monuments, plaques, and the planting of commemorative trees.
- Ensure that applications for memorials, monuments, plaques, and trees are managed on a consistent basis and in accordance with the Council's strategic direction and corporate policies

POLICY STATEMENT

This Policy applies to the placement of memorials, plaques, and monuments as well as the planting of commemorative trees in Shire owned/managed parks, reserves, public open space and streetscapes.

This Policy does not apply to operations of cemeteries. All items instated in accordance with this policy become Shire assets and are therefore owned and under the care, control, and management of the Shire.

The policy applies to memorials, monuments, plaques, and commemorative trees, where the naming is intended to commemorate a (deceased) person, organisation, or significant event. It also includes the placement of such items for community driven projects, where the intent of the project is to raise awareness of a particular community issue.

Requests to recognise a living person/individual does not fall within the scope of this policy.

An artwork or other feature intended primarily to enhance open space and not designed as a commemorative piece, is not considered a memorial for the purpose of this policy.

The Shire recognises that members of the community may wish to use public open space to commemorate a person, group of people or event through a memorial, which adds to the value of the wellbeing of the community.

For the Shire to ensure its public open spaces continue to serve their intended purpose and are not transformed into places of mourning, and that its asset management practices are not impacted negatively, subjects for plaques, monuments, memorials, and commemorative trees in public open space are limited to the criteria and requirements outlined in this policy.

<u>Applications and Base Criteria</u>

Each application will be assessed on its individual merit and must first meet one or more of the following base criteria:

- An individual or association that has contributed significantly to the cultural, political, or social aspects of the Shire. Individual nominees are to be deceased, and demonstrate:
  - They were a local community member,
  - Left a tangible legacy to the community that has resonance with the broader public,
  - Placement benefits the community in acknowledging the deceased.

- An event or occasion to be commemorated:
  - Anniversary or event must be unique and highly significant to the history and development of the Shire of Exmouth; and State of Western Australia and/or Australia

- Reference to historical, social, or culturally significant events must be highly significant to a particular site within the Shire.

- Awareness campaign:
  - Where the intent of a plaque or memorial item is to raise awareness of a particular community issue, the applicant must demonstrate the relevance of the issue to the local community. Further to the base criteria, applications for items outlined in this policy must be received in writing to the Shire.

- All applications relevant to memorialising an individual are to be presented to Council for consideration and approval/refusal.

- Applications for monuments that meet conditions within this policy are to be presented to Council for consideration and approval/refusal.

- All other applications that meet conditions within this policy for memorials, plaques and trees are to be presented to the CEO for consideration and approval/refusal via an internal recommendation process.

- Community requests for infrastructure items such as park benches, picnic tables and plaques, where these are related to heightening the awareness and understanding of a particular community matter need to demonstrate the campaigns relevance to the local Shire of Exmouth community. These applications are to be presented to the CEO for consideration and approval/refusal via an internal recommendation process.

The outcome of applications is to be confirmed with the applicant/s following the relevant process.

Applicant Requirements

All applications must meet the following requirements:

- Commitment to fund the requested memorial item (plaque, memorial, monument, or tree),
- Must bear a relationship with the open space setting proposed and be consistent with any approved masterplans for the site,
- Must not detract from the aesthetic value of the identified location.

Plaque

The Shire will specify the size and design of the plaque.

This will be determined in accordance with the type of furniture or structure (such as raised plinth or stone) on which it will be placed.

The Shire will coordinate the purchase, design, and installation of the plaque. Any requested monument is to be managed, maintained, approved, constructed, and sited in a manner which is consistent with the financial, cultural, environmental, and social aspirations of the Shire.

Further to the above Memorials Criteria, monuments must also meet the following criteria:

- An individual Nominee should have made a highly significant contribution to the shared community history in the Shire that is also significant at a State, National or International level.
- An individual Nominee must have achieved at a high level and contributed over and above what might be reasonably expected through paid employment, or their voluntary contribution to the community and should stand out from others who may have also made a valuable contribution.
- The Shire will commission any approved monument request.

Park furniture

All furniture that is to be installed and/or on which Memorial plaques are to be placed, is at the discretion of the Shire and subject to the conditions of this Policy.

The Shire will coordinate the selection, purchase, installation, and maintenance of the furniture.

Tree selection

The type of tree to be planted is at the discretion of the Shire.

The Shire will have final approval of the exact location of the tree and installation details. The Shire will coordinate the selection, purchase, and planting of the tree.

Memorial trees may be identified by a commemorative plaque or other identification at the discretion of the Shire. The appropriate Shire park, reserve, public open space, or streetscape for the placement of the memorial is to be determined by the Shire in consultation with the applicant.

Cost

Applicants must meet the cost of the purchase and installation of furniture, monuments, plaques (inclusive of any required structure for mounting purposes) and trees.

Costs are to be determined on a case-by-case basis.

Applicants will be advised of the costs prior to the application being presented for approval/refusal purposes. Applicants can advise at this stage if they do not wish to proceed with the application.

Costs are to be paid in full before the Shire will undertake the purchase of the memorial.

Life of the furniture/plaque/ tree/monument

Memorials and plaques have a finite life.

The Shire envisages that infrastructure such as seating/plaques will be located at the site for a period of not less than 10 years from the date of installation.

Should a piece of memorial park furniture be vandalised beyond repair, it will be deemed to be at the end of its useful life and the Shire will use reasonable endeavours to contact the applicant/next of kin to inform them of this.

The Shire reserves the right to remove a memorial if it falls into a state of disrepair or to remove a memorial after the expiry of 10 years.

The Shire will use reasonable endeavours to contact the applicant/next of kin. In the case of a tree, the memorial will be for the life of the tree.

There will be no right to renewal and should the tree die; the applicant/next of kin will need to lodge a new application for a new memorial tree.

Monuments approved and commissioned in line with this policy will be deemed an asset of the Shire of Exmouth and managed in accordance with associated practices.

Memorial Register

The relevant registers are to be updated where a memorial, plaque, monument, or tree is approved.

This may include asset databases and the memorial register.

Responsible Officer	Chief Operations Officer
Relevant Legislation	N/A
Relevant Delegation	N/A

Review History

Date	Council Decision
15/12/2022	09-1222
14/12/2023	07-1223
12/12/2024	05-1224
11/12/2025	08-1225

OIS003	Verge Maintenance and Enhancement
Directorate	Operational and Infrastructure Services
Adoption Date	16/08/2012
Last Review Date	11/12/2025

OIS003 Verge Maintenance and Enhancement

OBJECTIVES

To define responsibilities for verge maintenance and to identify verge enhancement treatments which are applicable for financial assistance.

POLICY STATEMENT/S

The area of land between the property boundary and the road edge within the road reserve of Council managed land is commonly called the verge.

Maintenance of the verge adjacent to residential, commercial and industrial properties is the responsibility of the property owner, or resident, except for street trees. Street trees are the property of the Shire and will be maintained by the Shire as required.

The Shire will also maintain the verge on Murat Rd, Maidstone Crescent and adjacent to all Shire public open space.

When a property owner chooses to carryout works within the verge immediately adjacent their property, certain conditions need to be met to ensure compliance, public safety and access.

All works carried out within the verge must comply with the Shires verge treatment guidelines, available on request through Shire Administration.

Important considerations include:

- Council does not support the installation of lawn on verges for financial assistance. If a lawn is installed, sprinklers shall be located adjacent to the street kerbing facing towards the verge. The spray shall be set to minimize any water wastage on to hardstand or road areas
- Nominated tree and/or plant species will be assessed for suitability as part of the Shires approval process
- Removal of street trees will only be considered in exceptional circumstances. Where approval is given to remove a street tree, the property owner must meet all removal costs and replacement of the tree with an approved species may be requested if a suitable location can be identified.
- The property owner or resident takes all responsibility for the protection of any above ground, or underground services. The cost of any repairs to such services resulting from verge works shall be borne by property owner or resident.

To be eligible for financial assistance related to verge enhancement works, a property owner must install an "approved verge enhancement" which involves either the removal of topsoil and a placement of fines, or the installation of a water wise reticulation system and/or suitable landscaping incorporating at least one of the following specifications:

- Fines Treatment - Removal of 100mm of topsoil, backfill and compaction of 80mm of fines.
- Garden Beds - Planting and maintenance of a garden bed is permitted provided that:
  - Clear sight visibility is maintained at all times for a person using the abutting thoroughfare in the vicinity of an intersection or bend in the thoroughfare; and
  - Where there is no footpath, a pedestrian has safe and clear access of a minimum width of 2.0 metres along that part of the verge immediately adjacent to the kerb.

Property owners or occupiers that carry out approved verge enhancements will be eligible upon presentation of copies of receipts of goods and/or services purchased locally for reimbursement up to an amount of $300 for a single verge and $600 for a corner block where dual verges are enhanced.

If the current or previous owner of the premises immediately adjacent to the verge has already received a reimbursement for such works on the same verge, then no further financial assistance will be made available.

Note: All applicants are advised that should the Shire or other statutory authorities require access to the verge to maintain their infrastructure there is no obligation on their part to carryout reinstatements to enhancements or provide restitution to the property owner for any damage.

Non-compliance with the Shires approved verge treatment guidelines may result in the Shire requesting remediation works be undertaken at the expense of the property owner.

REFERENCE DOCUMENTS

- Shire of Exmouth Verge Treatment Guidelines (contact the Shire Administration Office to obtain a copy)

Responsible Officer	Chief Operations Officer
Relevant Legislation	*Shire of Exmouth Local Planning Scheme No.4* *Planning and Development (Local Planning Schemes) Regulations 2015*
Relevant Delegation	N/A
Review History	
Date	Council Decision
22/11/2018	04-1118
25/06/2020	02-0620
26/11/2020	03-1120
30/06/2022	02-0622
15/12/2022	09-1222
14/12/2023	07-1223
12/12/2024	05-1224
11/12/2025	08-1225

OIS004	Guidelines and Specifications for Storm Water Drainage
Directorate	Operational and Infrastructure Services
Adoption Date	16/08/2012
Last Review Date	11/12/2025

OIS004 Guidelines and Specifications for the design and construction of storm water drainage

OBJECTIVES

To direct civil development and associated storm water impacts, assessment, and mitigation consistently.

POLICY STATEMENT

The Shire shall consider and determine applications for storm water drainage, based on the State Government Planning Policy, Department of Water Management and the Institute of Public Works Engineering Australia Guidelines and Specifications.

This policy comprises of the following documents:

- State Planning Policy 2.9 Water Resources (Government of WA, 2006)
- Government of Western Australia Department of Water Stormwater Management Manual 2007 and amendments.
- Local Government Guidelines for Subdivisional Development. Institute of Public Works Engineering Australia WA Division, Section 4 Drainage Management Guidelines.
- Exmouth Floodplain Study 2007. 5. District Water Management Study V11049.

Responsible Officer	Chief Operations Officer
Relevant Legislation	*Shire of Exmouth Local Planning Scheme No.4* *Planning and Development (Local Planning Schemes) Regulations 2015*
Relevant Delegation	N/A
Review History	

Date	Council Decision
22/11/2018	04-1118
25/06/2020	02-0620
26/11/2020	03-1120
30/06/2022	02-0622
15/12/2022	09-1222
14/12/2023	07-1223
12/12/2024	05-1224
11/12/2025	08-1225

OIS005	Specification for the Design and Construction of Roads, Footpaths and Carparks
Directorate	Operational and Infrastructure Services
Adoption Date	16/08/2012
Last Review Date	11/12/2025

OIS005 Specification for the design and construction of roads, footpaths, and car parks

OBJECTIVES

To ensure that all civil works within the road reserve are constructed to engineered standard and specification consistently.

POLICY STATEMENT

The Shire shall consider and determine applications for the design and construction of roads, footpaths and car parks based on the following guidelines and specifications:

- Main Roads Western Australia Specifications,
- Institute of Public Works Engineering Australia, Local Government Guidelines for Subdivisional Development.

Responsible Officer	Chief Operations Officer
Relevant Legislation	*Shire of Exmouth Local Planning Scheme No.4* *Planning and Development (Local Planning Schemes) Regulations 2015*
Relevant Delegation	N/A
Review History	

Date	Council Decision
22/11/2018	04-1118
19/12/2019	08-1219
25/06/2020	02-0620
06/11/2020	03-1120
30/06/2022	02-0622
15/12/2022	09-1222
14/12/2023	07-1223
12/12/2024	05-1224
11/12/2025	08-1225

OIS006	Private Works and Developments on Road Verges and Shire Managed Land
Directorate	Operational and Infrastructure Services
Adoption Date	16/08/2012
Last Review Date	11/12/2025

OIS006 Private works and developments on road verges and Shire managed land

OBJECTIVES

To provide guidance on what works and developments on road verges, nature strips and Shire Managed Land may be undertaken without a Permit to Undertake Works on Public Land and without Council or Shire Administration Approval.

POLICY STATEMENT/S

Any works on council managed property requires either Shire permission or a Permit to Undertake Works on Public Land other than for the following:

- Planting and maintaining grass including the maintenance of a water reticulation system if installed,
- Maintenance of Shire approved verge enhancement treatments.

Note: The works referred to above do not require a Permit to Undertake Works on Public Land.

Approval must be obtained from the Shire prior to undertaking any works on Shire property, other than those referred to above.
Statutory Authorities undertaking normal maintenance on their own assets do not require prior approval but are requested to notify the Shire of their intended works.

Any development shall not impact on any existing or planned footpaths or any other Shire or other authority's infrastructure without prior consultation with relevant stakeholders and the Shire has agreed to reinstatement works which the proponent may be required to undertake.

Notwithstanding any of the above the Shire may at any time undertake any works on property under its management and control as required.

Reinstatement by the Shire of any development undertaken under this policy will be at the Shire's discretion.

Responsible Officer	Chief Operations Officer
Relevant Legislation	*Cl 17 Local Government (Audit) Regulations 1996*
Relevant Delegation	N/A
Review History	

Date	Council Decision
22/11/2018	04-1118
25/06/2020	02-0620
26/11/2020	03-1120
30/06/2022	02-0622
15/12/2022	09-1222
14/12/2023	07-1223
12/12/2024	05-1224
11/12/2025	08-1225

OIS007	Shire Vehicle Fleet
Directorate	Operational and Infrastructure Services
Adoption Date	26/06/2012
Last Review Date	11/12/2025

OIS007 Shire Vehicle Fleet

PURPOSE

The Shire of Exmouth is committed to ensuring the safety and well being of its employees, contractors and the public by ensuring the safe and efficient operation, maintenance, and management of the Shire's fleet vehicles. This policy is designed to ensure that Council maintains a fleet of vehicles meeting safety, operational demands and contributes positively and effectively to the work performance of the Shire of Exmouth and provides guidelines for the allocation of council vehicles to employees.

POLICY

Allocation of Vehicles

The Chief Executive Officer is responsible for the allocations of a council vehicle to an employee and the Shire President to the Chief Executive Officer.

Vehicle allocation use, including make and model of vehicle/s and the kilometres travelled will ensure the most cost-effective outcome for the Shire whilst recognising provision of private use of motor vehicles under an employee's remuneration package. Vehicles will remain within Council's Fleet unless the Chief Executive Officer (CEO) has resolved that they are excess to Council's operational requirements therefore will be disposed of in accordance with Council's Asset Management Policy.

All light vehicles with the exception of the Chief Officers and the CEO are to be identifiable with Shire of Exmouth stickers on the both sides of the vehicle and all vehicles are the be licenced with Shire of Exmouth licence plates within the 3000 series.

Value of Vehicles

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

- A full economic impact of various vehicle types;
- A comparison of costs between make/model of vehicles;
- Evaluation of options for providing vehicles to staff such as novated leasing or motor vehicle allowance; and
- Estimate of annual whole of life cost, calculated over the life of the vehicle (based on optimum changeover) and include depreciation, fuel, repairs & maintenance, tyres, and Fringe Benefits Tax.

Optimum Replacement Timing

The optimum replacement timing for light fleet changeover will be aligned to industry standards and take into account local conditions on asset consumption/deterioration:

- Passenger cars and Four Wheel Drives – 4 years / 80,000km whichever occurs first;
- Low Kilometre vehicles (2WD and 4WD Utilities) – 1½ years / 20,000km and utilised to replace High Kilometre vehicles; and,
- High Kilometre vehicles (2WD and 4WD Utilities) – 4 years / 80,000km replaced by Low Kilometre vehicles.

Vehicle Selection Criteria

The selection, use and management of light vehicles will maximise productivity, cost efficiency, safety and sustainability.

Vehicle selection will be based on the following criteria

No.	Criteria	Description
1	Fit For Purpose	The vehicle must enable employees to perform the work function to pre-determined standard without increasing the safety risk to employees or the public
2	Safety	• The Work Health and Safety Act 2020 deems vehicles to be a place of work. If a vehicle is not fit-for-purpose this may pose a WHS risk. • The Australian New Car Assessment Program (ANCAP) assesses safety (injury risk) ratings on a scale of 1-5. All vehicles within the light vehicle fleet should have an Australian New Car Assessment Program (ANCAP) rating of Five stars.

Vehicle Options

Additional protective equipment will be fitted to all vehicles to protect the asset, provide for safe operation and defend resale value of the asset. Optional extras include, but are not limited to the following:

- Ultra-High Frequency (UHF) remote-head radio;
- Floor mats, Dashboard Mat and Seat covers;
- Floor mat to the boot area (wagon or sedan);
- Cargo barriers for station wagons/vans;
- 1kg Car Fire Extinguisher and St John WA Off-Road Motoring Kit (Soft Case) (operational vehicles that travel outside the townsite only);
- Tub Liner (utility with style-side tray);
- Headlight and Bonnet Protectors;
- Driving Lights / spot Lights and Tow Pack; and,
- Window Tinting (maximum UV).

Endeavours, where possible, will be made to transfer protective equipment from disposed vehicles to be retained within the depot to replace damaged components or transition to new vehicles if appropriate (e.g. Driving lights, UHF radio, Cargo Barrier, Fire Extinguisher and First Aid Kit, etc.)

Where practical, available and economical, preference will be given to vehicles offering additional safety features, such as dual-front and side Air Bags, Anti-Lock Braking System (ABS), Vehicle Stability Control (VSC) and Traction Control (TCS) however this will not preclude purchase and these items will not be considered for after-market installation.

Vehicle Disposal

Options for disposal should be assessed on a case-by-case basis and where possible, in-bulk (aligned to bulk procurement) as per the Asset Management Policy including and include:

- Transfer of Low Kilometre vehicles of the same configuration transferred to High Kilometre teams to maximise currency and expedite utilisation as opposed to sale;

- Trade-in to the motor-vehicle dealer supplying the new vehicle;
- Disposal by public auction through a reputable auction facility; or
- Disposal by Public Tender.

Categories of Vehicles
When a vehicle is due for purchase or replacement, an assessment will be made of a range of vehicles from the WA State Government Vehicle Acquisition Contract (37804) that are fit for purpose and meet the Shire's requirements.

Consideration shall be given, where appropriate and most importantly practical, to the purchase of Hybrid Electric Vehicles (HEV). Plug-In Hybrid Vehicles (PHEV) may be considered when supporting infrastructure is commissioned in the Shire of Exmouth.

Exclusion of the purchase of Fuel Cell Electric Vehicles (FCEV) and Battery Electric Vehicles (BEV) will be maintained until technology becomes more readily available and extended range afforded.

Recognising the need to provide fit-for-purpose vehicles, at the same time appropriate level vehicles suited to relevant positions, the following use categories and vehicle type will apply:

Position	Use Category	Vehicle Type
Chief Executive Officer	Unrestricted Private Use within Western Australia	Upper Large executive-class full-time Four Wheel Drive Diesel wagon
Chief Officer /Executive Manager	Unrestricted Private Use within Western Australia	Large mid-class full-time Four Wheel Drive Diesel wagon
Managers (as identified as level 9,10 & 11)	Private Use within the Shire of Exmouth	The vehicle must meet the functional requirements of the position for which the vehicle is being acquired.
Coordinators and Supervisors	Commuting use within the Shire of Exmouth	The vehicle must meet the functional requirements of the position for which the vehicle is being acquired.
All other Staff	Operational requirements with commute use only permitted where the position is classified as 'on-call'.	The vehicle must meet the functional requirements of the position for which the vehicle is being acquired.

Private Use Vehicles
<u>Chief Executive Officer / Chief Officer/Executive Managers</u>

- All running costs will be the responsibility of the Shire of Exmouth;
- The vehicle is permitted to be used within the recognised boundaries of the State of Western Australia;
- Private use of the vehicle is extended to their spouse, partner; and,
- Council may negotiate transition to a Motor Vehicle Allowance in-lieu of a Council provided Motor Vehicle.

<u>Managers</u>

- All running costs will be the responsibility of the Shire of Exmouth, except when the officer is on Long Service Leave or extended periods of annual leave;
- The vehicle is permitted to be used within the recognised boundaries of the State of Western Australia;
- Private use of the vehicle is only within the Shire of Exmouth;

- Private use of the vehicle is extended to the designated council officer only; and
- The CEO may negotiate transition to a Motor Vehicle Allowance in-lieu of a Council provided Motor Vehicle.

Restricted Use Vehicles

Officers Granted Commuter use

The Officer is responsible for the vehicle and the vehicle is prohibited to be used for purposes outside of the business of the Shire of Exmouth. Use of the vehicle for private use is not permitted unless it is done so in the process of travelling to and from the workplace (for example shopping and sporting activities).

Other Conditions (Restricted Use Vehicles):

- When the Officer is on annual leave or long-service leave, the vehicle is to be returned to Council for inclusion and use in the car pool and when on prolonged or extended personal leave (via collection by officers on behalf of the responsible employee from their home);
- At all times, the driver of the vehicle must hold a current valid WA driver's license without restriction (or equivalent interstate or international licence of the same class with transition application in progress), appropriate to the vehicle class being driven.

The employee responsible for the vehicle shall ensure that the vehicle is always available for business use and the following guidelines apply:

✓ All vehicles shall be made available for the sole use of the Shire of Exmouth during an Officer's normal time of duty, however not to the detriment of the assigned officer;

✓ All components of the vehicle are to be free from obstructions, obstacles and personal belongings such as luggage and baggage, storage boxes, car seats, clothing (with the exception of safety vests) and discarded food and beverage materials;

✓ Personal hygiene and sanitising facilities are encouraged to be retained in the vehicle and easily accessible for use by the officer and any incumbent staff member utilising the pool-vehicle as part of operational readiness.

✓ The inside and outside of the vehicle is to be maintained in a clean condition on a regular basis;

✓ Liaising with the respective staff member (where applicable) or servicing company for the routine maintenance and repair of the vehicle in accordance with the manufacturer's warranty and servicing requirements.

✓ All manufacturer servicing is carried out in accordance with scheduled servicing timeframes in conjunction with the workshop team, ensuring notice is provided no-less than 1,000km prior to the next scheduled servicing interval being every 10.000kms;

✓ The vehicle shall not be used to assist in a private business or any other forms of employment; and,

✓ The officer shall ensure the vehicle is at all times kept in as safe and secure a place as possible;

✓ Vehicle pre-starts are to be completed in accordance with the relevant vehicle risk assessment;

✓ The safe driving of the vehicle in accordance with all relevant driving acts, regulations, and relevant local laws.

✓ Reporting of any accidents/incidents to their respective supervisor and completion of any insurance or reporting forms as directed by the relevant staff member.

✓ Each Directorate is then responsible for organising/finalising required repairs and replacement vehicles arising from an insurance claim.

- ✓ Smoking is not permitted in Council vehicles.
- ✓ The unlawful consumption of alcohol and/or use of any prohibited substances are strictly prohibited when the Council vehicle is being driven by any person permitted by this Policy to drive that vehicle.
- ✓ Payment of any fines etc. resulting from an infringement will be the responsibility of the person who is driving the vehicle at the time of the infringement.

Failure to comply with these conditions, may result in disciplinary action and or removal of the vehicle.

Responsible Officer	Chief Operations Officer
Relevant Legislation	*Cl 17 Local Government (Audit) Regulations 1996*
Relevant Delegation	N/A
Review History	
Date	Council Decision
10/10/2018	06-1017
22/11/2018	04-1118
25/06/2020	02-0620
26/11/2020	03-1120
30/06/2022	02-0622
15/12/2022	09-1222
14/12/2023	07-1223
12/12/2024	05-1224
11/12/2025	08-1225

OIS008	Vehicle Crossover
Directorate	Operational and Infrastructure Services
Adoption Date	25/06/2020
Last Review Date	11/12/2025

OIS008 Vehicle Crossover

PURPOSE

The purpose of this policy is to ensure that vehicle crossovers are constructed consistently in accordance with the Shires Vehicle Crossover Specification & Standard Details and the requirements of the *Local Government Act 1995* (the Act) and its subsidiary legislation.

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.
Crossover	The portion of a driveway within the verge providing access from the road to the property boundary.
Standard Residential Crossover	A standard residential/group dwelling crossover shall be defined as 3 metres wide, shall be constructed with concrete and exclude stormwater management elements.
Standard Commercial Crossover	A standard commercial/industrial crossover shall be defined as 6 metres wide, shall be constructed with concrete and exclude stormwater management elements.

POLICY OVERVIEW

Vehicle crossovers are required to be constructed prior to the occupation of a residence or clearance of conditions of a development. All crossovers must be approved by the Shire prior to construction. Formal crossover approval may be obtained prior to lodging a Development Application and if so, crossover approval will be considered an accompanying document with the Development Application. The Shire may also request a property owner to construct a crossover within a specified timeframe. A property owner may be eligible for a crossover subsidy in certain circumstances.

This policy should be read in conjunction with the Shires Vehicle Crossover Specification & Standard Details which are designed to assist property owners and contractors to construct an appropriate crossover to the Shires specifications, and to be eligible for a subsidy.

This policy applies to all land developers and property owners, however only applies to Local Government (SoE) gazetted roads. Crossovers for properties that abut State Government Roads require Main Roads WA approval.

LEGISLATION

This policy aligns with the *Local Government Act 1995* and the *Local Government (Uniform Local Provisions) Regulations 1996* and in particular Regulations:

12. Crossing from public thoroughfare to private land or private thoroughfare
13. Requirement to construct or repair crossing
14. Role of the Commissioner of Main Roads in some cases
15. Contribution to cost of crossing

GENERAL CONDITIONS

- The approval of crossover construction is subject to the submission of a SoE Crossover Application form and inspection processes, prior to commencing construction;
- Approved building plans do not include approval for the construction of a crossover.
- The Crossover Application must be accompanied by a site specific design/layout drawing in line with the Shire's Vehicle Crossover Specification & Standard Details;
- The property owner is responsible for contacting Dial Before You Dig (1100) and other service and utility providers prior to commencing construction to ensure that underground services and infrastructure are not damaged and correct clearances are maintained;
- Vehicle crossovers shall be constructed under the supervision and to the satisfaction of the Shire's Officers. Contractors/owners are responsible for notifying the Shire prior to any preparatory or construction works to ensure that the correct inspections are conducted;
- The Shire does not support the removal of vegetation for crossovers, unless there are no uncleared areas that could be used.
- Where vegetation must be removed, disturbance of the vegetation should be kept to a minimum and replanting or replacement vegetation (street trees) may be required.
- Clearing of native vegetation is not permitted in Western Australia, unless a permit is granted by the Department of Water and Environmental Regulation (DWER) or an exemption applies. For more information on this, contact DWER for further information.
- The contractor/owner is responsible for all traffic and pedestrian management during the crossover construction, in accordance with AS1742.3 2009 Code of Practice for Traffic Management at Road Works;
- The contractor shall maintain public liability insurance to the value of five million dollars ($5,000,000) during the crossover construction;
- The contractor/owner is responsible for repairs to any damaged infrastructure occurring during the crossover construction;
- The contractor/owner is responsible for reinstatement and clean-up of the verge immediately after completion of construction;
- The Shire reserves the right to remove a crossover for the purpose of carrying out works. Reinstatement of an approved crossover shall be carried out by the Shire in consultation with the property owner;
- The owner accepts responsibility for removal and reinstatement of a crossover if required by public utility providers;
- A crossover subsidy will only apply to the first crossover installed at the property;
- If a second crossover is required, the contractor/owner will be required to submit a Crossover Application Form and comply with all inspection processes, prior to commencing construction;
- Redundant crossovers, due to redevelopment of a site, are to be removed. Replacement of kerb, backfilling and verge area to be reinstated at the owner's/developer's expense; and
- On completion of construction of all approved crossovers, the owner will be responsible for maintaining the crossover.

CROSSOVERS

<u>Crossover Specification</u>

A vehicle crossover must be designed and constructed in accordance with the Shire's Vehicle Crossover Specification and suited to the development type and vehicle usage requirements.

All new crossovers shall be constructed in accordance with the standard detail drawings and specifications provided by the Shire, unless approval is granted otherwise.

Crossovers over an open drain shall require the installation of culvert/pipes, rock pitching, headwalls or any other element relating to stormwater management necessary to maintain a steady flow through the drain. This must be designed in accordance with drainage guidelines contained within the Shire's Vehicle Crossover Specification.

Crossover Maintenance

The property owner shall be responsible for the maintenance of the crossover to ensure that it remains in a safe and trafficable condition. The Shire may request the owner to undertake repairs to the crossover at the owner's expense.

Crossover Subsidy

In accordance with the Local Government (Uniform Local Provisions) Regulations 1996 (Sch. 9.1, c17):

> *"The local government is obliged to bear 50% of the cost, as estimated by the local government, of a standard crossing, but otherwise the local government is not obliged to bear, nor prevented from bearing, any of the cost."*

The following conditions apply in relation to eligibility of a crossover for a subsidy:

- Only the first crossover for a property is eligible for a subsidy
- The subsidy shall apply to industrial, commercial and grouped dwellings as well as single residential. In the case of strata titles, a subsidy shall apply to each individual crossover up to the number of dwellings.
- The subsidy must be claimed within six months from the date of completion.
- Prior to crossover preparation or concrete pour, the applicant must:
  a) Submit a Vehicle Crossover Application form; and
  b) Carry out inspections with the Shire's officers.
- Should Applicants pour concrete or construct the crossover prior to complying with items a) and b) above their right to claim a subsidy will be void.
- The subsidy application shall be submitted with itemised evidence to support the cost of construction. The cost of implementing stormwater management measures is not eligible for subsidy.

The Shire of Exmouth shall subsidise 50% of the crossover cost based on the dimensions of a standard crossover (as identified in Clause 2 – Definitions) and subject to the crossover complying with the Shire's Vehicle Crossover Specification. Reimbursements will be paid at a rate of $130 per m² for residential crossovers and $160 per m² for commercial crossovers with the following formula to determine the total reimbursement cost:

R = 0.5 x 3 x 130 x Vw for residential crossovers and;

R = 0.5 x 6 x 160 x Vw for commercial crossovers

Where:

R = Reimbursement total

Vw = Verge width

CONSEQUENCES

This policy represents the formal policy and expected standards of the Council. Appropriate approvals need to be obtained prior to any deviation from the policy. Council 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.

Failure of land developers, property owners and contractors to comply with this Policy, the *Local Government Act 1995* and the *Local Government (Uniform Local Provisions) Regulations 1996* can result in an infringement up to $5,000.

REFERENCE DOCUMENTS

- Shire of Exmouth Vehicle Crossover Specification and Standard Details (contact the Shire Administration Office to obtain a copy)

Responsible Officer	Chief Operations Officer
Relevant Legislation	*Local Government Act 1995,* *Local Government (Uniform Local Provisions) Regulations 1996*
Relevant Delegation	N/A
Review History	

Date	Council Decision
26/11/2020	03-1120
30/06/2022	02-0622
14/12/2023	07-1223
12/12/2024	05-1224
11/12/2025	08-1225

OIS009	Refund of Building Fees
Directorate	Operational and Infrastructure Services
Adoption Date	17/05/2012
Last Review Date	11/12/2025

OIS009 Refunds of Building Fees

OBJECTIVES

To ensure that a structured approach is maintained by the Shire when dealing with the issue of building fee refunds.

POLICY STATEMENT/S

This policy is designed to clearly define the different categories of building fee refunds applicable to building permit applications that are cancelled. It is the intent of the policy to allow staff to deal with requests for building permit fee refunds administratively and for such requests to be dealt with in a consistent manner.

The policy places a building permit that is withdrawn into one of three categories for determining the level of refund applicable to the building fees paid.

Where an application is withdrawn and does not reasonably sit within one of the following categories, then it shall be reported to the Chief Executive Officer for determination.

Category 1

Where a building permit application is submitted but is withdrawn prior to any assessment being carried out by the Shire.

In this instance the Shire has receipted the application registered (i.e., given a number and information recorded on the computer system), registered, established a file, and placed any trust monies (e.g., BRB and BCITF levies) into respective accounts.

The minimum fee for an application is prescribed by regulation. In these instances, it is considered that the Shire would have spent at least that amount in administration costs.

Accordingly, in this category an administration fee, being the minimum building permit application fee, shall be retained by the Shire and the balance may be refunded to the applicant upon request.

Category 2

Where a building permit application is submitted but is withdrawn prior to approval being granted or is cancelled/refused due to required information not being provided by the applicant within the timeframe prescribed by the Building Regulations.
That is, the Shire has carried out the administrative function of Category one and undertaken the professional assessment such as site inspection, plan, and specification assessment for compliance with the Building Code of Australia and Health Act assessment.

Formal appraisal has not been completed and may be pending further information or planning approval. In this instance, where preliminary processing has been completed and the application is withdrawn, the Shire would be “out of pocket” if only the minimum permit application fee was retained.

To retain an appropriate amount of the application fee to cover the preliminary assessment and processing costs the following refund structure is adopted by the Council: -

- Where the application fee paid is $150.00 or less no refund will be given,

- Where the application fee paid is greater than $150.00 but less than $300.00, a minimum fee of $150.00 shall be retained by Council and the balance may be refunded to the applicant upon request; and
- Where the application fee paid exceeds $300.00 then 50% of the fee may be refunded upon request.

Responsible Officer	Chief Operations Officer
Relevant Legislation	*Local Government Act 1995*
Relevant Delegation	N/A
Review History	
Date	Council Decision
22/11/2018	04-1118
25/06/2020	02-0620
26/11/2020	03-1120
30/06/2022	02-0622
15/12/2022	09-1222
14/12/2023	07-1223
12/12/2024	05-1224
11/12/2025	08-1225

OIS010	Mobile Trading
Directorate	Operational and Infrastructure Services
Adoption Date	28/05/2020
Last Review Date	11/12/2025

OIS010 Mobile Trading

OBJECTIVES

- Facilitate the opportunities for mobile traders that adds to the public enjoyment and use of the local government area, while not reducing safety or access to publicland,
- Ensure existing local businesses are not significantly disadvantaged through the approving of mobile traders; and
- Provide a consistent and coordinated process for the assessment of applications for mobile traders within the Shire.

POLICY STATEMENT

The Shire encourages improved retail and hospitality vibrancy that reinforces the positioning of Exmouth as the State's premier tourism town.

The Shire values its local business community and recognises that there are business opportunities that can occur on a temporary basis.

It is recognised that mobile traders can:

- Contribute to the vitality of the town,
- Provide a safe, efficient, and accessible food service at peak times to service increased customer demand beyond the supply capabilities and/or outside operating hours of permanent food outlets,
- Provide products and services on a temporary basis not currently on offer,
- Provide an opportunity for seasonal products to be provided, and
- Activate a particular location or precinct that meets the objectives of the local government.

This policy is a tool that will provide Council with a framework for the operation and management of mobile traders within the Shire of Exmouth.

This policy is applicable in instances where businesses and/or individuals seek to use public land to operate a business for financial gain where land is owned or controlled by the local government.

This policy does not apply to the following:

- Where a vendor is part of an event, carnival, market, fete, or the like (this would require an event permit),
- Where the activity is a one-off occurrence such as an opening or open day for a business/premises (this would require an event permit),
- Trading from private property strictly under consent of the landowner (food permit stilled required if selling food and beverage products),
- Community health mobile clinics and other government/community like uses; and
- A 'produce stall' within private property.

DEFINITIONS

Approved Location - The Shire has identified locations from which a obile trader may trade with appropriate approvals. Trading from these locations may occur independently of a Shire approved market, festival, or event. The Approved Locations are identified within this policy and potential traders are to consider these locations in the first instance.

Itinerant Trader – Means a form of mobile trader who sells food from a vehicle parked temporarily on the road to customers who stop them or come to them while they are so parked (for example: ice-cream truck).

Mobile Trader – is any means of transport designed to be moveable and used for the preparation or sale of food and beverages (excluding alcoholic beverages), or other goods and/or services.

Moveable Advertising Sign – Any moveable board, notice, structure, banner, or similar device used for the purposes of notifying of a sale, soliciting sales or notifying people of the presence of an adjacent property where goods and services may be obtained. Includes A-Frame signs. This excludes commercial signage mounted on vehicles and/or trailers.

Permit Application – An application for mobile trading where the applicant has not previously traded within the Shire of Exmouth for a period of 12 months or more.

Public Place – Includes a reserve, public highway, mall, road street, bridge, footway, footpath, court, alley, passage, or thoroughfare, notwithstanding that it may be formed on private property and any other place to which the public may resort.

PROVISIONS

1. All mobile traders are required to apply for the following permits:
   - Activities on Local Government Property; and
   - Food Business Registration Application (if food vendor).
2. Approvals to trade can be granted for periods ranging from 1 day up to 12 months.
3. All mobile traders operating within the Shire must hold a public liability policy of insurance in respect of the activities being undertaken, providing cover of at least $20,000,000.
4. No permanent signage may be erected. A moveable advertising sign may only be displayed during the operating times of the business.
5. As per the local law, permits and licences will not be issued for mobile trading within 300m of a competing static business (does not include other mobile traders) at the same opening times and trading in predominantly similar products unless it is in association with an approved event. For clarity, types of food e.g., pizza, hamburgers, fish and chips are not considered similar products.
6. The trader is responsible for containment and removal of all waste arising from their operations. The site and surrounds must be maintained in a clean manner with all waste removed and legally disposed of.
7. Day time trading shall occur between the hours of 5am – 5pm. Night time trading shall only occur between 5pm – 12pm within the Township.
8. Operators may trade at any of the approved locations on a first come first served basis.

APPLICATION PROCESS

Applications are to be lodged with the Shire a minimum of 14 days prior to the proposed trading commencement date.

Applications must be submitted on the form provided for this purpose and provide all information necessary for officers to determine whether to issue a permit and apply appropriate conditions to the permit.

Shire may request additional information in support of the application.

Incomplete applications or delays in providing additional information upon request may result in delays in the application being processed. This includes failure to pay the required permit application fee or provide evidence of adequate public liability insurance.

Trading must not commence until all required fees are paid in full and the permits are issued.

WHERE MOBILE TRADERS MAY OPERATE

Mobile Traders at Markets, Events and Festivals

Mobile traders may only operate at a market, event or festival when they have received the prior consent of the organiser of the market, event or festival. In seeking the prior consent, the mobile trader should provide evidence of current public liability insurance and Food Act Registration (as appropriate).

When a pre-existing booking between the Shire and the mobile trader conflicts with a festival or one-off event, the event will take precedence.

In these circumstances if the trader chooses to trade during the event the trader must abide by the event organiser terms and conditions and the agreement between the Shire and trader will be suspended for the period of the event.

Approved Locations

Below are the approved locations identified by the Shire where a mobile trader may operate with the appropriate approvals. Locations outside of those described will generally not be permitted however additional locations can be approved by a decision of Council.

A. Federation Park (maximum 4spaces)

B. Town Beach (maximum 8 spaces)

C. Town Beach Area 2 (maximum 2 spaces)

D. Payne Street (maximum 3 spaces)

E. Murat and Yardie Creek Road turnoff (maximum 2 spaces)

F. Tantabiddi Boat Ramp precinct (maximum 2 spaces)

G. Lighthouse precinct (maximum 2 spaces)

H. Dunes carpark (maximum 1 space)

I. Hunters carpark (maximum 2 spaces)

Responsible Officer	Chief Operations Officer
Relevant Legislation	Local Government Act 1995 Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law
Relevant Delegation	N/A
Review History	
Date	Council Decision
25/06/2020	02-0620
26/11/2020	03-1120
22/04/2021	05-0421
30/06/2022	02-0622
15/12/2022	09-1222
14/12/2023	07-1223
12/12/2024	05-1224
11/12/2025	08-1225

OIS011	Town Centre Public Space and Outdoor Eating Permits
Directorate	Operational and Infrastructure Services
Adoption Date	28/05/2020
Last Review Date	11/12/2025

OIS011 Town Centre Public Space & Outdoor Eating Permits

OBJECTIVES

- Assist local businesses, create vibrancy, enhance amenity, and maximize business opportunities whilst reinforcing the positioning of Exmouth as a unique visitor destination.
- Encourage local food businesses to create and manage quality outdoor dining areas without impacting on public safety or access.
- Ensure consistent policy and clearly set out the requirements of the Shire of Exmouth for applicants making an application for town centre public space and outdoor eating areas.
- Decrease bureaucratic procedures, restrictions, and constraints, as well as legal and jargonistic guidelines.

POLICY STATEMENT

The Shire of Exmouth encourages local businesses to partner to create a vibrant and interactive town centre. The Shire of Exmouth actively invites local businesses to create improved retail and hospitality vibrancy through this business-friendly trading permits policy.

This policy sets out the matters the local government will consider when assessing applications for town centre public space and outdoor eating space permits.

Local businesses are required to submit applications for the Town Centre Public Space and Outdoor Eating permits.

This policy is supported and should be read in conjunction with the individual guidelines for:

- Town Centre Public Space Permit Guidelines; and
- Outdoor Eating Guidelines.

PROVISIONS

Town Centre Public Space

Commercial operators within the town centre are provided the opportunity to use the public space immediately in front of their respective tenancy. The “Town Centre Public Space Permit” encourages trader to use the public space immediately in front of their tenancy for advertising, merchandising, or seating as detailed in the Shire’s Town Centre Public Space Permit Guidelines.

Applicants must have and maintain Public Liability Insurance of not less than $20 million.

Outdoor Eating Permit

Food businesses within the local government area that the meet stated qualifying criteria are encouraged to create high quality outdoor dining areas in public spaces via the “Outdoor Eating Permit”.

This policy endorses the Outdoor Eating Guidelines, failure to comply with these guidelines will result in the permit being cancelled or enforcement action taken.

To operate an outdoor eating area the following criteria applies:

- Must be a registered food business with the Shire of Exmouth.
- Must have a tenancy fronting the public place where the outdoor dining will be situated.
- Must have clear and unobstructed access and views of the area.
- All relevant fees have been paid in respect to the permit area.
- Must maintain public liability insurance of not less than $20 million dollars.
- Must comply with the Shire's Outdoor Eating Permit Guidelines.

Responsible Officer	Chief Operations Officer
Relevant Procedures	Advertising Signage Guidelines Town Centre Public Space Permit Guidelines Outdoor Eating Permits Guidelines Booking Temporary Banner Display Guidelines
Relevant Delegation	N/A
Review History	
Date	Council Decision
25/06/2020	02-0620
26/11/2020	03-1120
27/05/2021	05-0521
30/06/2022	02-0622
15/12/2022	09-1222
14/12/2023	07-1223
12/12/2024	05-1224
11/12/2025	08-1225

Council Policy
Shire of Exmouth

OIS012	On-Street (Verge) Parking
Directorate	Operations and Infrastructure Services
Adoption Date	12/12/2024
Last Review Date	11/12/2025

OIS012 On-street (Verge) Parking

OBJECTIVES

The objective of this verge parking policy is to clearly state the circumstances in which Council is prepared to consider proposals for the construction of privately funded on-street parking within a road reserve.

This policy applies to all proposals for the private funding of on-street parking abutting land zoned Service Commercial or General Industrial under the Shires' Local Planning Scheme.

Additionally, the policy seeks to:

Promote the orderly and efficient use of land within established service commercial/industrial areas and within the Shire by allowing for the provision of privately funded on-**street** parking at appropriate locations;

- Provide for additional vehicle parking within established service commercial/industrial areas where a parking shortfall exists, and landowners are willing to fund the provision on-street parking; and
- Facilitate land use changes and minor building alterations without creating a shortfall in the provision of vehicle parking bays, by enabling contributions to be made by landowners towards the construction of on-street parking.

POLICY STATEMENT

Definitions

On-street parking: On-street parking is that provided directly adjacent to and accessed from the road carriageway, in the area that would otherwise be considered the road verge.
Verge: The area of land between the edge of the road carriageway and the boundary of the road reserve, used for the purposes of pedestrian access, drainage, vehicle parking, landscaping etc.

Circumstances in which privately funded on-street parking will be considered.

The Council will only apply this policy in established service commercial zoned Service Commercial under the Shires Local Planning Scheme and may apply it in the case of applications for the change of use of land and for minor building alterations (e.g. installation of mezzanine floors in existing buildings) where a parking shortfall will exist as a result of the proposed change of use or development and there is no scope for additional vehicle parking on site.

In addition to the above defined land use zones, the following conditions will apply:

- Council will not support the private funding of on-street parking as a means of reducing vehicle parking areas already provided on private property.
- All on-street parking provided within a road reserve will be available for the use of the general public and will not be reserved for the use of any particular landowners or associated with any business.
- Parking areas provided for under this policy will be available for use free of charge.
- The provision of on-street parking will only be considered on local roads in locations deemed safe by the Shire's engineering staff.

- Provision of on-street parking will only be considered within the verge directly fronting the property in question.

Design & Construction requirements

All parking provided within the road verge is to be designed and constructed as per Australian Standard 2890.5 Parking Facilities – On Street Parking.

In addition to these design standards, on-street (verge parking) shall also meet the following requirements:

a) parking spaces shall only be located where sufficient sight distances can be maintained for safe intersection operations, pedestrian movements and crossover operations.
b) A minimum of 2.5m shall be maintained from the front property boundary to the edge of the parking bays to maintain clear pedestrian access paths adjacent to the property boundary.
c) Parking areas may be sealed, or unsealed, however shall always provide clear delineation and demarcation of parking bays. For sealed parking areas, this is by way of line marking. For unsealed parking areas, this shall be by way of a combination of wheel stops and on-ground parking markers.
d) Parking bay pavement construction shall consist of minimum 150mm thick road base material, sufficiently wet-mixed and compacted. Finish surface levels shall not adversely impact existing surface drainage paths, including shallow swale drains that exist within the verge.
e) No existing street trees shall be removed to accommodate on-street parking, unless approved by the Shire. Where removal of street trees is supported, additional landscaping may be requested.
f) The provision of ACROD Bays must be on-site and will not be considered within the verge.
g) The location, protection or relocation of all utilities potentially impacted by any works within the verge are the responsibility of the applicant.

Funding arrangements

All costs associated with the provision of parking areas provided under this policy are to be borne by the applicant; including application fees, costs associated with the relocation of services, verge irrigation, street lighting and any traffic management works required as a result of the construction of on-street parking.procurement

Design and construction of all works associated with the provision of on-street parking are to be carried out by suitably qualified engineering consultants and contractors, at the expense of the applicant.

Construction of on-street parking and works within the verge will require a bond to be paid to, and held by the Shire until all works have been completed to the satisfaction of the Shire. Traffic management plans must be submitted 7 days prior to works commencing and an inspection fee will be charged.

All costs associated with the ongoing maintenance of the on-street parking bays and verge areas will be the responsibility of the adjacent landowner. Conditions will be monitored by the Shire and requests to rectify issues may be made where there are safety concerns, or if the condition of the parking areas is likely to impact the pavement condition of the adjacent road.

RATIONALE

The provision of vehicle parking areas is of high importance when considering a development application in established service commercial/industrial areas. Council receives numerous applications for changes to land use and minor additions to existing buildings in which Council is requested to grant reductions to the number

of parking bays required under the scheme, due to the inability to provide parking on site. The provision of privately funded vehicle parking areas within road reserves provides the Shire and landowners with an alternative means of facilitating changes to the use of land and minor alterations to buildings without creating a shortfall in the number of parking spaces available in the immediate vicinity.

The Shire has been approached by a number of landowners who are willing to fund the provision of additional vehicle parking areas within road reserves abutting their land in order to address existing parking shortfalls.

Providing that the location is appropriate after taking into account design and safety issues, and providing that landowners are not using this approach as a means of reducing vehicle parking on site, now or in the future, it is considered appropriate to allow for provision to be made for vehicle parking areas within road reserves.

The provision of vehicle parking areas within road reserves is an appropriate and efficient use of road reserves where the reserve is of a sufficient width to enable properly designed and landscaped parking areas to be constructed.

The provision of additional vehicle parking within areas where a parking shortfall currently exists will benefit the locality by discontinuing the illegal parking of vehicles on the verge, which is both unsightly and invariably results in damage to verges.

This policy is not to be applied in a manner that enables landowners to reduce the number of vehicle parking spaces provided on site, but rather provides an alternative means by which the Council can approve changes of use to uses with greater parking requirements, and minor building alterations including additions and internal alterations (e.g. mezzanine floors) without creating a parking shortfall in the location.

The policy provides a means of facilitating the economic development established areas, by enabling landowners to change the use of land while ensuring that vehicle parking issues are properly addressed in accordance with the principles of proper and orderly planning.

Responsible Officer	Chief Operations Officer
Relevant Legislation	N/A
Relevant Delegation	N/A
Review History	
Date	Council Decision
12/12/2024	05-1224
11/12/2025	08-1225