

# OFFICE OF THE CHIEF EXECUTIVE OFFICER

## Elected Members

1.1.1

**TITLE:** ELECTED MEMBERS ENTITLEMENTS

**ADOPTED:** OMC..... – Pages

**REVIEWED:**

**ASSOCIATED LEGISLATION:** Sections 5.98, 5.98A, 5.99, 5.99A and 5.100A of the *Local Government Act 1995*.  
Regulations 30, 31, 32 and 34AC of the *Local Government (Administration) Regulations 1996*

**ASSOCIATED DOCUMENTS:**

**REVIEW RESPONSIBILITY:** Chief Executive Officer

**DELEGATION:**

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Previous Policy Number Nil

### Objective:

The Shire of Broome's Elected Members are required to carry out certain functions and responsibilities under the *Local Government Act 1995* (the Act). In order to assist in the facilitation of their roles there are entitlements that they must/or may be provided with in order to be effective in their role.

This objective of this policy is to provide a clear outline and guidance for the support and payment of all entitlements, including meeting/attendance fees, allowances, and conference and training expenses to elected members

### Policy:

In recognition of the complexity and demands on Elected Members in undertaking their role, the Shire of Broome is committed to ensuring adequate funding is included in the Annual Budget so that elected members are provided with appropriate facilities, equipment, material and information to support them in performing their duties of office and to enable attendance at Conferences or Professional Development training that has relevance to that role.

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This policy has been prepared to conform with the provisions relevant to elected member entitlements under the *Local Government Act 1995* and *Local Government (Administration) Regulations 1996*

### **Legislative Provisions**

Sections 5.98, 5.98A, 5.99, 5.99A and 5.100A of the *Local Government Act 1995* provides that a Local Government is to pay certain fees and allowances and may reimburse expenses.

Regulations 30, 31, 32 and 34AC of the *Local Government (Administration) Regulations 1996* prescribe the level and circumstances of the payment or reimbursement of fees, allowances and expenses.

### **Policy Content**

| <b>Part</b> | <b>Title</b>   |
|-------------|--|
| 1.          | Payment of Fees and Allowances                                   |
| 2.          | Access to Shire Buildings, Administrative Support and Technology |
| 3.          | Attendance at Conferences and Training within Australia          |
| 4.          | Reimbursement of Expenses  |

## **PART 1**

### **1. Payment of Fees and Allowances**

#### **1.1 Objective**

To detail the amount of fees and allowances to be paid to Elected Members and the conditions under which those fees and allowances shall be paid.

#### **1.2 Annual Meeting Attendance Fees in lieu of Council Meeting and Committee Meeting Attendance Fees:**

(a) In lieu of paying the President and Councillors a meeting attendance fee for each prescribed meeting, the Shire will pay an amount within the range set by the Salaries and Allowances Tribunal through a determination published in the *Government Gazette* from time to time that may be paid annually for Meeting Attendance Fees for the President and Councillors. The amount to

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be paid will be set by Council as part of the adoption of the Annual Budget.

(b) Payments will be made monthly in advance on a pro-rata basis throughout the annual period.

### **1.3 Annual Local Government Allowances — President and Deputy President:**

(a) The Shire will pay an Annual Local Government Allowance within the range set by the Salaries and Allowances Tribunal through a determination published in the *Government Gazette* from time to time that may be paid to the President and Deputy President. The amount to be paid will be set by Council as part of the adoption of the Annual Budget.

(b) Payments will be made monthly in advance on a pro-rata basis throughout the annual period.

### **1.4 Annual Allowance for ICT Expenses**

(a) The Shire will pay all Elected Members the maximum Annual Allowance for ICT expenses as set by the Salaries and Allowances Tribunal through a determination published in the *Government Gazette* from time to time that may be paid to Elected Members.

**ICT expenses** means –

- (a) rental charges in relation to one telephone and one facsimile machine, as prescribed by regulation 31(1)(a) of the *Local Government (Administration) Regulations 1996* (Regulations); or
- (b) any other expenses that relate to information and communications technology (for example, telephone call charges and internet service provider fees) and that are a kind of expense prescribed by regulation 32(1) of the Regulations.

(b) Payments will be made monthly in advance on a pro-rata basis throughout the annual period.

### **1.5 Annual Allowance for Travel and Accommodation Expense**

(a) The Shire will pay all Elected Members the maximum Annual Allowance for Travel and Accommodation expenses as set by the Salaries and Allowances Tribunal through a determination

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published in the *Government Gazette* from time to time that may be paid to Elected Members.

**Travel and Accommodation expenses** means –

- (a) travel costs, as prescribed by regulation 31(1)(b) of the *Local Government (Administration) Regulations 1996* (Regulations); or
- (b) any other expenses that relate to travel or accommodation and that are a kind of expense prescribed by regulation 32(1) of the

(b) Payments will be made monthly in advance on a pro-rata basis throughout the annual period.

### **1.6 Conditions of Payment**

(a) All allowances and fees shall be paid automatically into a nominated bank account unless an Elected Member has advised the Chief Executive Officer (CEO), in writing, that he/she does not want to claim any or part of those fees and allowances.

(b) If an Elected Member advises that he/she does not want all or part of the fees and allowances to which he/she is entitled, any subsequent request for full or additional payment will not be back-paid but accrue from the date of the CEO receiving such a request.

### **1.7 Claims in Excess of Annual Allowances**

Any claims by Elected Members for expenses incurred over the maximum Annual Allowance for ICT or Travel are to be submitted on the form provided for the purpose. Additional claims above the maximum limit must be supported by receipted invoices for the maximum limit plus the additional amounts claimed. Where an Elected Member reaches the limit, all claims for reimbursement shall be referred to Council for approval.

### **1.8 Taxation Implications**

The taxation liability arising from these payments is the individual responsibility of each Elected Member.

## **PART 2**

### **2. Access to Shire Administration Centre, Administration Support and Equipment**

## **2.1 Shire President's Office**

The Shire President will have access to a suitable office within the Civic Function area allocated by the CEO.

The Shire President will have access to secretarial support including management of diary and emails, photocopying, drafting official Shire business related responses and for following up on outstanding matters with the CEO.

## **2.2 Function Room**

The Function Room is available to all elected members for use in hosting guests or holding Shire related meetings. The Elected Members should advise the CEO by email that a meeting room is required to determine availability and to enable the room to be booked.

## **2.3 Administration Support**

Elected Members will have access to:-

- (a) Shire Presidents office during business hours when available.
- (b) Conference/meeting rooms within the Civic Function area during business hours when available.
- (c) Internet and telephone facilities within the Administration Centre.

## **2.4 Information, communication and technology (ICT) equipment & Use**

The following equipment will be issued to Elected Members over and above the annual ICT Allowance detailed in Item 1.4:

- A mobile device with keyboard or equivalent technology.

### **Conditions**

- (i) Any damage or loss of the equipment during that time is the responsibility of the Elected Member to repair and fund.
  - (ii) The equipment is strictly to be used for Shire purposes only including, researching Council related matters, Shire approved social media, Shire related pictures or filming, receiving and despatching email correspondence, diary requests and Council meeting agendas.
  - (iii) Any issue relating to the equipment that requires technical support will only be provided if the issue relates to the usage types listed in 2.4 (ii).
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- (iv) The CEO, if requested, may provide assistance to Elected Members with user training and support.
- (v) All information on Shire issued equipment is subject to Freedom of Information requests.
- (vi) A Councillor email address will be created in the form of Councillor.Name@broome.wa.gov.au.
- (vii) All emails received and sent through the Councillor.Name@broome.wa.gov.au email account are captured in the Shire's Email Archive System.
- (viii) Any costs associated with upgrades or additional requirements over and above the standard equipment being offered should be met by the Elected Member.

## **2.5 Shire Office Access**

All Elected Members will be issued with a security card for the Civic Function areas of the Shire Offices providing access during business hours. Elected members are not permitted to enter the Administration Office (excluding reception) without permission of the CEO.

The Shire President will be issued with a security code providing 24-hour access to the Civic Function area (including the Shire Presidents Office).

Elected members are not permitted to request staff to provide them with access into the Administration Office, and all meetings with staff should be pre-booked through the CEO or a Director's Office and held in the meeting rooms provided in the Civic Function area.

## **2.6 Documentation**

Access to the following publications will be provided to Elected Members either via the Hub or online publications:-

- *Local Government Act 1995 and associated regulations*
  - *Strategic Community Plan, Corporate Business Plan and associated documents*
  - *Shire of Broome Annual Report*
  - *Shire of Broome Local Laws (including Standing Orders)*
  - *Local Planning Scheme No 6*
  - *Policy Manual (including Local Planning Policies)*
  - *Register of Delegations of Power or Duty*
  - *Code of Conduct*
  - *Council Agendas and Minutes*
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- *Department of Local Government, Sport and Cultural Industries publications*
- *Councillor's Manual by WA Local Government Association (WALGA)*
- *Annual Budget*

#### **Access to Information**

*Section 5.92 of the Local Government Act 1995, provides:-*

*A person who is a council member or a committee member can have access to any information held by the local government that is relevant to the performance by the person of any of his or her functions under this Act or under any other written law.*

### **2.7 Other Items**

The following items will be issued to Elected Members:

- Two name badges
- Business cards.

On request a Shire of Broome branded shirt may be issued for use when representing the Shire at Conferences.

### **2.8 Gifts and Donations**

From time to time Elected Members may wish to provide stakeholders or community organisations and members with gifts or donations for various reasons. Any request for a gift or donation must be submitted to the CEO in writing stating the purpose of the gift or donation and provide justification as to why the gift or donation is warranted.

The CEO is responsible for approving any such requests for gifts or donations within budget limits and reasonable justification being provided.

### **2.9 Election Campaigns Excluded**

All Shire resources, equipment and facilities subject of this Policy are provided on the absolute understanding that they will not be used for any election purposes.

## **PART 3**

### **3. Attendance at Conferences, Study Tours, Community Consultation and Training**

### **3.1 Objective**

To enable Elected Members to develop and maintain skills and knowledge relevant to their role as a representative of the Shire.

To further develop Councillors awareness of undertakings by other Local Authorities and to improve their knowledge by way of networking, visiting surroundings districts and consulting with the wider Broome community and to ensure they are not financially disadvantaged in doing so.

### **3.2 Statement**

The role of an Elected Member is complex and demanding and the Shire supports and encourages Elected Members to attend appropriate Conferences, Study Tours and Training to enable them to be more informed and better able to fulfil their duties of Office.

### **3.3 Conferences and Training that May be Attended**

The Conferences and Training to which this Policy applies shall generally be limited to the following:

- West Australian Local Government Association and Australian Local Government Association conferences.
- Special 'one off' conferences called for or sponsored by the West Australian Local Government Association and/or Australian Local Government Association on important issues.
- Annual conferences of the major professions in local government and other institutions of relevance to local government activities.
- Australian Sister Cities Conferences.
- Municipal Training Service's Councillor Induction Program.
- West Australian Local Government Association Elected Member Training and Development.
- Training relating to the role of Elected Members.
- Other local government-specific training courses, workshops and forums, relating to such things as understanding the roles/responsibilities of Elected Members, meeting procedures, etc.

### **3.4 Approval**

The CEO is authorised to approve all requests for each Elected Member per annum to attend any locally provided Conference or Training within the categories outlined at clause 3.3 providing it is within the funds allocated in the Annual Budget.

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All overseas requests will require Council approval.

### **3.5 Study Tours**

A study tour is designed to enable Elected Members (and staff) to travel intrastate, interstate and/or overseas to research and study specific issues fronting Council.

Wherever possible, details of study tours are to be arranged in advance so that suitable provision can be made in each year's budget. When no details of study tours have been arranged, or arrangements are incomplete, an appropriate amount may be included in the budget to cover the cost of an annual study tour.

The CEO in consultation with the Shire President may approve attendance at study tours subject to budget and in accordance with the following guidelines:-

- The maximum attendance at any study tour is to be two Elected Members (and two staff).
- Attendance at a study tour shall only take place where there are appropriate funds provided in the annual budget
- A detailed report including recommendations on each study tour is to be submitted to Council

### **3.6 Community and other Consultation**

In order for Councillors to consult with communities outside the Broome townsite, the Shire will reimburse associated vehicle costs in accordance with Part 47(4) Schedule (F) of the *Public Service Award 1992*, where a Council vehicle is not available and a Councillor utilises their own vehicle. Additionally, accommodation and meals will be reimbursed at cost.

Elected members are required to prepare a report for presentation to Council, detailing the purpose of the visit and a summary of the outcomes achieved during the consultation process.

### **3.7 Special Provision**

To provide an opportunity to network with Federal Ministers, Members of Parliament and/or Senior Departmental Officers on issues affecting this Council, the Shire President (and the Chief Executive Officer) are

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to attend an appropriate interstate conference that can incorporate a visit to Canberra on an annual basis.

### **3.8 Booking Arrangements**

Registration, travel and accommodation for Elected Members will be arranged through the Office of the CEO. In general, all costs including airfares, registration fees, and accommodation will be paid direct by the Shire.

### **3.9 Travel Insurance**

The Shire's Travel Insurance Policy provides indemnification any personal loss an Elected Member may experience when travelling on Shire related business. The Elected Members must immediately upon return provide details of the loss to the CEO and complete an insurance claim form.

The following items are covered under the policy:

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|--|--|
| Personal Accident & Sickness                   | Rental Vehicle Excess                            |
| Overseas Medical & Evacuation                  | Kidnap, Ransom, Extortion, Hijack & Detention    |
| Chubb Response 24/7                            | Personal Liability & Identity Theft              |
| Loss of Deposits, Cancellation & Curtailment   | Alternative Employee or Resumption of Assignment |
| Luggage, Money & Portable Electronic Equipment | Missed Transport Connection & Overbooked Flights |
| Extraterritorial Workers' Compensation (ETWC)  | Search and Rescue Expenses                       |
| Political Unrest & Natural Disaster Evacuation |  |

### **3.10 Support Activities**

The Shire will pay all costs for Elected Members that are charged by organisers for support activities, including those costs relating to official luncheons, dinners and tours/inspections that are relevant to the conference and training event.

### **3.11 Accommodation**

The Shire will pay reasonable accommodation costs for Elected Members including the night before and/or after the Conference and Training event where this is necessary because of travel and/or the Conference and Training event timetables which make it unreasonable to arrive at or return home in normal working hours.

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Accommodation shall normally be booked at the Conference and Training venue or, where unavailable, at a similar-rated accommodation in the vicinity of the Conference and Training venue.

### **3.12 Mode and Class of Travel**

Where travel is involved, the travel is to be undertaken with all due expedition, by the shortest most practical route, to and from the Conference and Training venue. All reasonable travel costs for Elected Members to and from the venue/accommodation will be met by the Shire.

Where air travel is involved, approval to attend should ideally be sought two months prior to departure to facilitate booking arrangements. All air travel must be **economy class**, any upgrades to other classes must be paid by the elected member

If accommodation is at the Conference or Training venue, or in close proximity, taxis should be used for reasonable travel requirements. Where necessary, a hire car may be arranged for the conduct of Council business. Costs of taxi fares, vehicle hire and parking, which are reasonable, required and incurred in attending Conferences and Training, will be reimbursed by the Shire.

Where, in particular circumstances, Elected Members desire to travel interstate or intrastate by private motor vehicle, they will be reimbursed for vehicle costs in accordance with the local government kilometre allowance up to an equivalent amount that would have been expended had arrangements been made to travel by air.

### **3.13 Extent of Expenses to be reimbursed**

(a) An Elected Member attending a Conference and Training event is entitled to be reimbursed for 'normally accepted' living costs while travelling. Such living costs would include, but are not limited to:

- meals and refreshments for the Elected Member (that are not covered by the conference and Training registration costs);
  - dry-cleaning and laundry expenses; and
  - reasonable telephone, internet and facsimile charges.
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(b) Elected Members will generally not be reimbursed for the cost of meals or refreshments for other people. The main exception is where it is indicated that the meal or refreshment provided to another person is in response to a meal or refreshments previously received.

(c) Expenses will generally be reimbursed from the time an Elected Member leaves home to attend an event to the time the Elected Member returns home. Should an Elected Member extend a visit by leaving prior to the time necessary to arrive for the event or return after the time at which the Elected Member could have returned following the event, reimbursements will be paid:

- for the days of the Conference and Training event only; and
- for the cost of travel to and from the airport to the accommodation to be used for the Conference and Training.

(d) Where a visit is extended, as discussed in paragraph (c), an Elected Member may stay for the period of the extension in different accommodation to that used for the attendance at the Conference and Training event. In such situations, the reimbursement of taxi fares will be to the estimated cost of travel between the Conference and Training event's accommodation and the airport.

The Elected Member will be required to pay any greater amount.

(e) Where an Elected Member attends two Conference and Training events and there is a gap of no more than three days between the conclusion of the first event and the start of the second event, the Elected Member shall be entitled to reasonable accommodation expenses and the reimbursement of 'normally accepted' living costs during that 'gap' period. If the gap is greater than two days, only two days reimbursement can be claimed.

### **3.14 Payment of Expense Reimbursements**

The extent to which an Elected Member can be reimbursed for intrastate and interstate travel and accommodation costs incurred in any of the circumstances referred to in regulation 32(1) of the Regulations is set by the Salaries and Allowances Tribunal through a

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determination published in the *Government Gazette* from time to time.

Nothing prevents an Elected Member from being reimbursed for any reasonable expense incurred whilst attending conferences or training where an Elected Member produces receipts or other sufficient information for the total cost to support their claim.

Reasonable expense may include but are not limited to:

- Meals and drinks for the elected member only
- Transport travel – taxi, Uber or public transport.
- Entry fees

### **3.15 Cash Advances**

The Shire does not pay cash advances to elected members.

### **3.16 Elected Member/Delegate Accompanying Person**

Where an Elected Member is accompanied at a Conference and Training event, all costs for or incurred by the accompanying person, including, but not limited to, travel, breakfast, meals, registration and/or participation in any event programs, are to be borne by the Elected Member/ accompanying person and not by the Shire.

An accompanying person's registration, or accompanying person's program fee, is to be paid to the conference organiser, at time of registration. The Shire will administer the registration and payment process for the accompanying person if the relevant forms and payment are made to the Shire in advance for the accompanying person.

Where the Shire meets an account containing any expenditure or cost incurred on behalf of an accompanying person attending, such expenditure must be repaid to the Shire by the elected Member/accompanying person within 30 days of being invoiced for such expenditure following the conclusion of the Conference and Training event.

### **3.17 Guidelines for Conference and Training Attendance**

Generally, no more than two Elected Members may attend a particular Conference or Training event outside Western Australia at the same time. The CEO or Council may, however, approve attendance by more than two Elected Members if a particular purpose or need arises.

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### **3.18 Attendance at Overseas Conferences**

An Elected Member may, with Council approval, attend an overseas conference. The Council approval must include a specific Council resolution indicating that the conference attendance will be of benefit to the Shire and the Elected Member and detailing any conditions that may apply.

### **3.19 Report**

Upon return from any Conference and Training event as detailed within this policy, where registration and other associated costs are met by the Shire of Broome, the attending Elected Member is required to provide a written or verbal report on their attendance and the benefits to them and the Shire, at the next available workshop.

## **PART 4**

### **4. A Reimbursement of Expenses**

#### **4.1 Objective**

To provide for the reimbursement of expenses necessarily incurred by Elected Members while performing their duties so that no Elected Member should be unreasonably disadvantaged financially due to meeting the requirements of their office.

#### **4.2 Child Care:**

In accordance with Regulation 31 of the *Local Government (Administration) Regulations 1996*, child care costs will be paid at the rate set by the Salaries and Allowances Tribunal through a determination published in the *Government Gazette* from time to time for an Elected Member's attendance at a Council Meeting or a meeting of a committee of which he or she is a member and the expense is to be claimed on the form provided.

Where an Elected Member attends any other meeting, reception, citizenship or other Council function, or Council-related activity and incurs child care costs, such costs may be claimed at the rate set by the Salaries and Allowances Tribunal through a determination published in the *Government Gazette* from time to time, provided they are substantiated with details of the date, activity attended, the actual costs incurred and original receipts being provided and attached to the claim form.

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Child care costs are applicable for children, either of natural birth or guardianship determined by legal process.

Child care costs will not be paid for where the care is provided by a member of the immediate family or relative living in the same premises as the Elected Member.

#### **4.3 Time Limit on Claims and Approval Process**

Elected Members requiring reimbursement of expenses in accordance with the provisions of this Policy should submit the appropriate claim form to the CEO, together with supporting documentation, within two calendar months after the month in which the expenses were incurred, and by 15 July of the next financial year, in order to facilitate the finalisation of the Shire's annual financial statements.

#### **4.4 Allowances and Limits are exclusive of G.S.T**

Unless otherwise specified in this Policy, all allowances and limits set out in this Policy are exclusive of G.S.T.

#### **4.5 Supporting Documentation**

Documentary evidence is required for all expenses claimed. Tax Invoices and receipts are required for audit purposes and to enable G.S.T. to be claimed.

#### **4.6 Other Entitlements**

##### **(a) Elected Member Dinners**

The Shire will provide a meal for all Council meetings and briefing sessions held in the evening.

##### **(b) Attendance at Shire Christmas Party**

Elected Members and partners are invited to attend the annual Shire Christmas party held in late December each year.

##### **(c) Acknowledgement of Service**

On retirement, Council will acknowledge the service of Elected Members through the provision of an appropriate gift.

The value of any gift provided to a retiring Elected Member is limited to the prescribed amount set out in Regulation 34AC of the *Local Government (Administration) Regulations 1996*.

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## Elected Members

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|--------------------------------|---|
| <b>TITLE:</b>                  | <b>FORMAL COMMUNICATION– ELECTED MEMBERS AND STAFF</b>  |
| <b>ADOPTED:</b>                | OMC 18 December 2001 – Page 39  |
| <b>REVIEWED:</b>               | OMC 15 February 2007 – Pages 129 - 133<br>OMC 9 April 2002 – Pages 16 – 17<br>OMC 25 November 2003 – Pages 17 – 19<br>OMC 20 November 2008 – Pages 83 – 85<br>OMC 15 March 2012 – Pages 96 – 103<br>OMC 27 March 2014 – Pages 94 – 99<br>OMC 17 December 2015 – Pages 110 - 121                               |
| <b>ASSOCIATED LEGISLATION:</b> | <i>Local Government Act 1995</i><br><i>Local Government (Rules of Conduct) Regulations 2007-Regulation 10(1)(a)</i>   |
| <b>ASSOCIATED DOCUMENTS:</b>   | Shire of Broome Code of Conduct for Council Members, Committee & Working Group Members and Employees<br>Shire of Broome Standing Orders Local Law 2003 (or as amended)<br><del>Policy 1.1.4 – Councillor Fees</del><br><del>Policy 1.1.8 – Councillor Information Technology Provision, Service and Use</del> |
| <b>REVIEW RESPONSIBILITY:</b>  | Chief Executive Officer   |
| <b>DELEGATION:</b>             |   |

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Previous Policy Number 1.1.5

## Part A

### Objective:

To ensure that appropriate protocols and guidelines are in place to:

- Provide clearly defined communications and contact channels between Elected Members and shire staff.

- Ensure that duplication and loss of productive time is minimised.
- Facilitate Elected Members performing their role effectively.

## **Policy:**

The Council and Shire are committed to establishing a respectful, harmonious and effective working relationship between the Elected Members and staff of the Shire through open communications between each party.

Whilst the provisions of the *Local Government Act 1995* provide that the Chief Executive Officer is the contact point for contact between Elected Members and the administration, this is impractical on a day to day operational efficiency basis and therefore all communications between Elected Members and the Administration are to be channelled through the Chief Executive Officer, Directors, by utilising the Elected Member enquiries email system COUHELP or by completing a Councillor Memo form. The preferred means for Councillors to make enquiries is via the COUHELP email.

Where the request entails the use of Shire resources (human or physical) to an extent which a Director believes may impact on the effective management or day to day activities of the Directorate, the request is to be referred to the Chief Executive Officer for determination. The Chief Executive Officer will discuss such requests with the originating Elected Member to determine the extent of information or action required.

The Chief Executive Officer may subsequently refer the matter to Council for determination should a resolution not be achieved. Elected Members are to be kept informed of progress towards the resolution of any matter they have requested the Administration to attend to.

## **1. Requesting Information or a Service**

- 1.1 Any Elected Member wishing to make an enquiry or obtain any information regarding an operational/strategic issue shall contact the Shire through the established Elected Member enquiries process. (COUHELP or Councillor Memo form).
  - 1.2 Where the Elected Member enquiries email system (COUHELP) or Councillor Memo form is used, requests are to include sufficient detail to enable an investigation of the request to occur. Responses will be copied to all Elected Members.
  - 1.3 Responses will be issued within 72 hours of receipt, and a record of the response saved within the Shire's record systems.
  - 1.4 If the matter is deemed confidential in accordance with clause 1.8, only the referring Elected Member shall receive the response.
  - 1.5 Should the matter not be resolved within the nominated timeframe of 72 hours, the Chief Executive Officer or Director (as appropriate) shall provide an update report every ten working days (10) (or as otherwise agreed with the Elected Member) on the matter until resolved.
  - 1.6 Telephone communication shall be to the Chief Executive Officer, or the relevant Director.
  - 1.7 Any Shire officer contacted directly either verbally or in writing by an Elected Member regarding a Shire matter shall refer them to their Director or the Chief Executive Officer.
  - 1.8 Where an Elected Member is seeking information or advice via telephone, without any action being required, there will be no requirement
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for recording such conversations unless the Chief Executive Officer or the Director determine it is necessary.

- 1.9 In addition to the process outlined above, any Elected Member who wishes to raise a matter on a confidential basis is to send the request direct to the Chief Executive Officer only, with a specific request that the matter be dealt with in confidence and a reason/s outlining why. Where there is conjecture as to the sensitivity or otherwise of such matters raised, the Chief Executive Officer will consult with the President to ascertain whether the request should be dealt with as a confidential matter. The Chief Executive Officer will prepare a response and provide this back to the individual Elected Member in line with the parameters stipulated in clauses 1.3 and 1.5.

## **2. Elected Members Undertaking Personal Business transaction with the Shire**

- 2.1 Where an Elected Member wishes to pay rates, dog or cat registration, apply for a building approval or licence or any other service offered by the Shire the Elected Members may use the Customer Service Team to facilitate these transactions.
- 2.2 Where a personal business transaction becomes complex and queries arise this will be referred to the relevant Director.

## **3. Staff Contacting Elected Members**

- 3.1 All staff other than the Chief Executive Officer and Directors are not permitted to contact Elected Members unless:
- (i) They have been requested to do so by the Chief Executive Officer or Director.
  - (ii) They are dealing with an ongoing matter and the Chief Executive Officer or Director was aware of the ongoing contact.
- 3.2 Where a personal business transaction becomes complex and queries arise this will be referred to the relevant Director.
- 3.3 All staff contact with Elected Members when approved should be via email so appropriate records can be kept otherwise file notes may be required.
- 3.4 It is acknowledged that the Executive Assistant to the CEO, Manager Governance and Senior Administration and Governance Officer are required to contact Elected Members for specific matters.

## **4. Staff Contact for Committees, Working and Reference Groups of Council**

- 4.1 Elected Members who are delegates of a Committee, Working or Reference Group of Council may contact officers who have been nominated to support the Committee, Working or Reference Group.
- 4.2 Any contact to these officers must be directly related to the matters pertaining to the business of the Committee, Working or Reference Group.
- 4.3 If a matter is raised that is complex, strategic in nature or requiring resources the Officer will refer such matters to the Chief Executive Officer or relevant Director for determination.

## **5. Appointments with the Chief Executive Officer and Directors**

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Elected Members in acknowledging the everyday pressures placed on the Chief Executive Officer and Senior Staff Directors, will wherever possible make appointments in advance, to meet with the Chief Executive Officer or Directors, Senior Staff member, at the Chief Executive Officer's discretion, stating the nature of the request for a meeting.

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## **Part B**

### **Management Procedures**

#### **Objective:**

~~To establish communication parameters between Elected Members and Employees of the Shire of Broome and for access to information by Elected Members:~~

~~To ensure:~~

- ~~• Effective provision of information at all times for Elected Members and staff, with measurable response times.~~
- ~~• Efficient time management to meet critical competing needs of Elected Members and staff.~~
- ~~• The appropriate medium is utilised for the provision of different levels of information.~~

#### **Definitions:**

|                   |  |
|-------------------|--|
| CEO               | The Chief Executive Officer of the Shire of Broome, or the person appointed to act in that capacity.   |
| COUHELP           | Centralised email address for Councillors to forward enquiries. This address is restricted to Councillors, <b>CEO</b> and <del>Senior Staff</del> <b>Directors</b> , and is monitored by the Manager Governance <b>and the Senior Administration and Governance Officer</b> . In the majority of instances replaces hand written Councillor Memos. |
| Directors         | Includes the Director Corporate Services, Director Development <b>and Community and Services</b> the Director Infrastructure, or the person appointed to act in that capacity.   |
| Elected Member    | Councillor   |
| Staff             | Are all employees of the Shire of Broome who are not the CEO or <del>Senior Employees</del> <b>a Director</b> .  |
| Service Delivery  | This relates to a specific occurrence or instance of work, of a minor and general nature, that has already been carried out  |
| Requests for Work | This relates to specific instances where a request for works of a minor general maintenance nature, which may be relayed from members of the public. It does not relate to any administrative functions of Council (Policies, Reports etc).  |
| Correspondence    | Means all forms of written correspondence:   |

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|  |  |
|--|--|
|  | <ul style="list-style-type: none"> <li>• facsimile</li> <li>• letter</li> <li>• digital information (email)</li> <li>• memo</li> <li>• works request</li> <li>• forms</li> </ul> |
|--|--|

## Policy:

The *Local Government (Rules of Conduct) Regulations 2007* and the Shire of Broome Code of Conduct guide Council on ways in which Councillors can communicate with Shire staff. Predominantly this method is through electronic means to the CEO, Senior Employees **Directors** and COUHELP.

### Communication Mediums

Digital information (email) is the prime medium for distributing information to Elected Members.

(a) — Email

- In utilising email, specific attention must be drawn to Equal Employment Opportunity (EEO) legislation which has a direct impact on the use of email and may constitute an official record subject to disclosure under the Freedom of Information Act or other laws.

The policy provides for stored electronic messages derived from the Shire of Broome's business transactions to be regarded as official records and, as such, professionally managed. Procedures are defined covering the requirement to retain electronic messages in record keeping systems for as long as required under the terms of the State Records Act 2000.

- Users of email must respect the law and the legal rights of others. Transmission of any material by email in violation of any Australian law is prohibited. This includes, but is not limited to, copyright material, threatening or obscene material, material contrary to the EEO principles or material protected by trade secret. Copyright applies to information transmitted via email.
- Email is inherently insecure. A message is not "deleted" from the system until all recipients of the message, and recipients of any forwarded or attached copies, have deleted their copies. All emails sent and received are also archived according to Record keeping policy so may not be deleted for a number of years.
- Mail sent to outside organisations will be subject to the policies of those organisations. These policies may differ from those of the Shire of Broome, especially in relation to privacy. While it is not the practice of the Shire of Broome's records department to read or to discuss the content of any message, it may be necessary to read an email message that has failed to reach its destination. This may be required to assist with the determination of the intended addressee and to redirect the message to the correct address.
- All email communications between Councillors that raise particular issues or items for debate shall be forwarded to all Councillors, without exception. This

~~ensures all Councillors are aware of current issues and have the opportunity to express views where considered appropriate and applicable.~~

- ~~• Unless authorised by the author of the original email, all digital information sent from the Shire of Broome is for the intended person(s) only and not for dissemination to third parties; it is to be considered as confidential information. Breach of this protocol may result in the repercussions as per the Local Government Act 1995 s5.91-5.93 and the Shire of Broome Code of Conduct 6.2(e).~~

### **COUHELP and Councillor Memos**

COUHELP has been developed to provide a centralised email address for Councillor enquiries – this email address is not for the general public. The emails are monitored by the Manager Governance **and Senior Administration and Governance Officer**, recorded on a Register and referred to the responsible ~~Senior Staff member~~ for a response.

Councillor Memos (in triplicate) were developed ~~so that~~ **to enable** Councillors **not utilising email** ~~can~~ **to** write to the CEO and enquire as to a particular matter at any time and provide a tracked process that may be answered by the CEO or **relevant Director**. ~~by another officer as directed by the CEO.~~

The preferred means for Councillors to make enquiries is via the COUHELP email.

**The Chief Executive Officer or Director** ~~Staff~~ will endeavour to respond to a Councillor enquiry within 72 hours of receipt of the COUHELP email or Councillor Memorandum. ~~Councillors must use their judgement in deciding to submit a COUHELP email or Councillor Memorandum as each question may take several hours to prepare a response and recognise that staff resources will be directed away from other operational matters.~~

~~A response from staff may be to at least recognise the question raised and respond to an elected member that the matter requires further investigation, or is not within the resource capability of the Shire of Broome at that time.~~

~~(b) — Telephone~~

~~Telephone communication shall be to the Chief Executive Officer, or the Senior Staff of the Shire of Broome being:~~

~~Deputy Chief Executive Officer~~

~~Director of Corporate Services~~

~~Director of Infrastructure~~

~~(The above list may be changed at the discretion of the Chief Executive Officer from time to time).~~

~~(c) — Facsimile~~

~~Some Elected Members may have facsimile machines though these have tended to be unreliable as a means of communication. Primary communications will be through the digital information system (email).~~

~~(e) — Hard Copy (paper or similar)~~

~~A hard copy of information circulated via digital information (email) shall be printed and placed in a Councillor's "in tray" at the office of the Shire of Broome if so requested by an Elected Member.~~

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~~All other hard copy information not able to be transmitted by email shall be provided to Elected Members in their "in-tray". Councillors will be responsible for collection of material from their "in-tray".~~

~~Hard Copy information stamped "Confidential – Councillor Information Only (not for dissemination)" shall not be provided to any third party.~~

~~(f) Computer & Information Technology~~

~~An allowance is paid to elected members in accordance with Section 5.99A of the Local Government Act 1995 provides for an allowance to be paid to Elected Members for Information Communication Technology expenses. Elected Members may reference the Councillor Information Technology Provision, Service and Use Policy (1.1.8) and Councillor Fees Policy (1.1.4) for further details.~~

### **Communication Procedures - General**

- Enquiries and complaints from Elected Members regarding service delivery and requests for work are to be delivered to the Administration Office, or directed by email to COUHELP or memo to the Manager Governance. Emails shall be directed to COUHELP for distribution by the Manager Governance **or Senior Administration and Governance Officer**.
  - Confidential complaints or comments in relation to staff and other matters are to be in writing and directed to the Chief Executive Officer ([ceo@broome.wa.gov.au](mailto:ceo@broome.wa.gov.au)) and will be handled in accordance with the Shire of Broome Complaints Policy.
  - All other non confidential Information forwarded via email (with the exception of those indicated in dot point one above) should be sent to the Shire address [shire@broome.wa.gov.au](mailto:shire@broome.wa.gov.au) This information will then be recorded in the electronic records system and forwarded to the CEO **or relevant Director** for attention, who may further delegate. Under no circumstances should any emails relating to formal or confidential Council business be forwarded to staff without the express permission of the CEO.
  - All written correspondence from Elected Members, other than requests for works or enquiries as indicated in the first dot point, will be forwarded to the CEO in the first instance.
  - ~~Any Elected Member who wishes to raise a grievance in relation to the Code of Conduct, the Local Government Act, or any matter of Council business, shall first raise the matter with the Chief Executive Officer and/or the President and/or the Deputy President.~~  
~~It should be noted that this does not override the requirements of Corruption and Crime Commission of Western Australia. Issues which are referred to the CCC will remain confidential.~~
  - When an Elected Member forwards correspondence from a member of the public, staff will arrange a response if required. A copy of the response will be forwarded to the Elected Member for their information. In meeting the objectives of this policy, it is appropriate that Shire staff respond to all correspondence on related Council or Shire matters.
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- ~~Elected Members, in acknowledging their role is one of leadership, also acknowledge they have no capacity to speak with staff individually, with the exception of the CEO and **Directors** Senior Staff, on matters of Shire or Council business.~~

~~However, under some circumstances, the CEO may give permission for an Elected Member to discuss a matter with a staff member. This conversation should be recorded as a file note, by the staff member, and forwarded to the CEO for perusal and filing. It is acknowledged that liaison of a general nature is required between Elected Members, Senior Staff, Personal **Executive** Assistant to CEO, Manager Governance and Senior Administration and Governance Officer on a regular basis.~~

#### ~~Communication Procedures – Ordinary Council Meetings~~

- ~~Matters requiring consideration at an Ordinary Council Meeting should be submitted to the Chief Executive Officer, in accordance with the Shire of Broome Standing Orders Local Law 2003, via email or facsimile.~~
- ~~Notices of Motion should be submitted directly to the Chief Executive Officer via email. Once received, the Chief Executive Officer will arrange for the matter to be researched and included on the agenda of the next appropriate Council Meeting. Should it be considered more appropriate that the matter be dealt with administratively, the Councillor will be contacted and advised of this.~~

#### ~~Access to Information~~

- ~~Elected Members have information access rights that are additional to those given to the general public. Members can access the following information held by a local government:~~
  - ~~All written contracts of the local government;~~
  - ~~All documents relating to written contracts which local government proposes to enter into; and~~
  - ~~Any information that is relevant to their functions.~~
- ~~Elected Members should be able to demonstrate that any information sought is relevant to the performance of a function. Access arrangements should be made through the Chief Executive Officer.~~
- ~~Access to information will be in accordance with requirements under the *Local Government Act 1995* and Freedom of Information Legislation.~~
- ~~Members will not use confidential information to gain advantage for themselves or for any other person or body, in ways which are inconsistent with their obligation to act impartially, or to improperly cause harm or detriment to any person or organisation (Shire of Broome Code of Conduct Clause 3.1).~~

#### **NOTE:**

~~This Policy does not abolish the right of Councillors to contact the Chief Executive Officer or Senior Staff (**Directors**) by telephone to informally discuss Shire or Council business.~~

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BOP 1.3.5 COUHELP provides detailed internal procedures for staff.

## OFFICE OF THE CHIEF EXECUTIVE OFFICER Elected Members

### 1.1.4

**TITLE:** LIQUOR ACCORD COMMITTEE

**ADOPTED:** OMC 15 March 2012 – Pages 96 – 103

**REVIEWED:** OMC 27 March 2014 – Pages 94 – 99  
OMC 17 December 2015 – Pages 110 - 121

**ASSOCIATED  
LEGISLATION:**

**ASSOCIATED  
DOCUMENTS:**

**REVIEW  
RESPONSIBILITY:** ~~Director Corporate Services~~ Chief Executive Officer

**DELEGATION:**

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Previous Policy Number 1.2.12

### Objective:

The objective of this Policy is to ensure that the Liquor Accord continues to hold regular meetings. These meetings provide valuable consultation with stakeholders within the Shire of Broome including Western Australia Police (WAPOL), liquor licence holders, associated community groups and other relevant stakeholders as determined.

### Policy

Council and the Shire of Broome are committed to the principals and objectives of the Broome Liquor Accord and its positive impacts on the Community.

To achieve these objectives the Council supports the Shire President being appointed as Chairperson to preside at the Liquor Accord meetings in an impartial non-voting capacity.

In addition the Shire of Broome will provide:

- The Council Function Room for the purpose of holding these meetings, and
- Secretarial services for the purpose of minute taking and agenda distribution.

### Definitions:

Nil.

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## **Policy:**

~~The Shire President be appointed as Chairperson to preside at the Liquor Accord meetings in an impartial non-voting capacity.~~

In addition the Shire of Broome will provide:

- ~~• The Council Function Room for the purpose of holding these meetings, and~~
  - ~~• Secretarial services for the purpose of minute taking and agenda distribution.~~
-

**Organisational**

|                                |  |
|--------------------------------|--|
| <b>TITLE:</b>                  | <b>EXECUTION OF DOCUMENTS AND APPLICATION OF COMMON SEAL</b>   |
| <b>ADOPTED:</b>                | OMC 14 June 2005   |
| <b>REVIEWED:</b>               | OMC 19 March 2009 – Pages 26 – 31<br>OMC 15 March 2012 – Pages 96 – 103<br>OMC 27 March 2014 – Pages 94 – 99<br>OMC 17 December 2015 – Pages 110 – 121 |
| <b>ASSOCIATED LEGISLATION:</b> | Shire of Broome Standing Orders Local Law 2003 (or as amended)   |
| <b>ASSOCIATED DOCUMENTS:</b>   | CA1 Execution of Documents   |
| <b>REVIEW RESPONSIBILITY:</b>  | Chief Executive Officer  |
| <b>DELEGATION:</b>             |  |

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Previous Policy Number 1.1.1

**Objective:**

To clarify the authority given by Council for the **execution of documents and the affixing of the Common Seal when required**, by the President and the Chief Executive Officer under Clause 19.1(2) of the Shire of Broome Standing Orders Local Law 2003 (or as amended).

**Definitions:**

N/A

**Policy:**

The Shire of Broome has a Common Seal that is to be affixed to certain documents as proof that the document in question has been attested to by the Shire.

Documents that require the Common Seal are to be presented to Council for consideration within the Reports of Officers section at the appropriate meeting of Council. The report recommendation is to include the following or similar wording *“That Council approves the affixation of the Common Seal of the Shire of Broome to*

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the said document and authorises the Shire President and Chief Executive Officer to ~~sign~~ ~~engross~~ all documentation as required".

The attachment of the Common Seal requires attesting by both the Shire President, or in their absence the Deputy Shire President, and Chief Executive Officer or the person acting in that position.

Clause 19.1(4) of the Shire of Broome Standing Orders Local Law 2003 (or as amended) requires the Chief Executive Officer maintain a register of documents where the Common Seal has been affixed.

### Guidelines

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

- ~~• Local Laws~~
- ~~• Documents of a ceremonial nature~~
- ~~• Land transactions, including but not limited to sale, leases, assignments, subleases, consent to mortgage, surrenders, transfers, lodgement and withdrawals of caveats and amalgamations as resolved by Council.~~
- ~~• Town Planning Schemes and Scheme Amendments~~
- ~~• Any document stating that the Common Seal of the Shire of Broome is to be affixed.~~

The Local Government Act 1995 (the Act) was amended to clarify the requirements for the valid execution of documents on behalf of a local government. The relevant provisions of the Act are:

#### **9.49A. Execution of documents**

- (1) A document is duly executed by a local government if —
    - (a) the common seal of the local government is affixed to it in accordance with subsections (2) and (3); or
    - (b) it is signed on behalf of the local government by a person or persons authorised under subsection (4) to do so.
  - (2) The common seal of a local government is not to be affixed to any document except as authorised by the local government.
  - (3) The common seal of the local government is to be affixed to a document in the presence of —
    - (a) the mayor or president; and
    - (b) the chief executive officer or a senior employee authorised by the chief executive officer,each of whom is to sign the document to attest that the common seal was so affixed.
  - (4) A local government may, by resolution, authorise the chief executive officer, another employee or an agent of the local government to sign documents on behalf of the local government, either generally or subject to conditions or restrictions specified in the authorisation.
  - (5) A document executed by a person under an authority under subsection (4) is not to be regarded as a deed unless the person executes it as a deed and is permitted to do so by the authorisation.
-

#### 9.49B. Contract formalities

- (1) Insofar as the formalities of making, varying or discharging a contract are concerned, a person acting under the authority of a local government may make, vary or discharge a contract in the name of or on behalf of the local government in the same manner as if that contract was made, varied or discharged by a natural person.
- (2) The making, variation or discharge of a contract in accordance with subsection (1) is effectual in law and binds the local government concerned and other parties to the contract.
- (3) Subsection (1) does not prevent a local government from making, varying or discharging a contract under its common seal.

#### 9.49. Documents, how authenticated

*A document, is, unless this Act requires otherwise, sufficiently authenticated by a local government without its common seal if signed by the CEO or an employee of the local government who purports to be authorised by the CEO to so sign.*

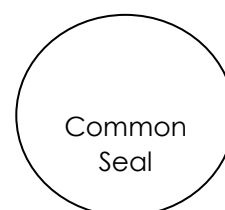
To facilitate the effective utilisation of the Act's provisions, Council at its Ordinary Council Meeting of 7 September 2017 adopted authorisations to the CEO, Directors and a number of Managers for the execution of documents on behalf of the Shire of Broome, without the requirement to affix the seal. Full details of the authorisations are detailed in **CA1 – Execution of Documents on Behalf of the Shire of Broome**.

As a consequence of the adoption of the Authorisations by Council there are less documents that now are required to have the Common Seal of the Shire of Broome affixed. The following documents are required to have the Common Seal affixed (other documents may have the seal affixed at the discretion of the CEO):-

|          | Document Description                     |          | Document Description  |
|----------|--|----------|---|
| <b>1</b> | New or Revised Town Planning Schemes     | <b>4</b> | C/Wealth or State Government documents where legislation specifically requires the seal or CEO signature. |
| <b>2</b> | Amendments to Town Planning Schemes      | <b>5</b> | Documents of a Ceremonial Nature – such as Sister City agreements   |
| <b>3</b> | New, Revised or Amendments to Local Laws |          |   |

The sealing clause shall be:

The COMMON SEAL of the SHIRE OF BROOME )  
by the authority of a resolution of the Council )



was hereunto affixed in the presence of: )

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(Insert Name of Shire President)

Shire President

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(Insert Name of CEO)

Chief Executive Officer

It should be noted that some matters that may be dealt with under delegated authority may require the Common Seal to be affixed.

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**Organisational**

**TITLE:** **USE OF COUNCIL CHAMBERS AND ADMINISTRATION BUILDING**

**ADOPTED:** OMC 28 April 1998 – Page 12

**REVIEWED:** OMC 21 November 2000 – Page 30  
OMC 9 April 2002 – Page 15  
OMC 14 October 2003 – Pages 15 – 17  
OMC 19 March 2009 – Pages 26 – 31  
OMC 15 March 2012 – Pages 96 – 103  
OMC 27 March 2014 – Pages 94 – 99  
OMC 17 December 2015 – Pages 110 - 121

**ASSOCIATED  
LEGISLATION:**

**ASSOCIATED  
DOCUMENTS:**

**REVIEW  
RESPONSIBILITY:** Chief Executive Officer

**DELEGATION:** LGA12 Council Chambers

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Previous Policy Number 1.2.2

**Objective:**

To provide guidance on the use of the Council Chambers and other meeting rooms within the Shire of Broome Administration Building.

**Policy:**

The Council and the Shire of Broome are committed to ensuring that the Administration Building, including the Council Chambers and associated meeting rooms, are treated with respect and dignity in recognition of the status of this facility.

~~It is Council Policy that the Council Chambers and the Administration Building be used only for Council functions and meetings.~~ The Chief Executive Officer is authorised to approve the use of the Council Chambers for other functions and meetings when special circumstances exist, however, it is Council's Policy that community groups and

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organisations should not use the Council Chambers but should be directed to other Council owned public buildings.

**Definitions:**

Nil

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## Organisational

**TITLE:** LEGAL REPRESENTATION – COSTS INDEMNIFICATION

**ADOPTED:** OCM 10 June 2003, Pages 20 – 24

**REVIEWED:** OCM 19 March 2009 – Pages 26 – 31  
OMC 15 March 2012 – Pages 96 – 103  
OMC 27 March 2014 – Pages 94 – 99  
OMC 17 December 2015 – Pages 110 - 121

**ASSOCIATED  
LEGISLATION:**

**ASSOCIATED  
DOCUMENTS:**

**REVIEW  
RESPONSIBILITY:** Chief Executive Officer

**DELEGATION:** LGA26 Operational – Legal Representation, Costs  
Indemnification

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Previous Policy Number 1.2.7

## **Part A**

### **Objective:**

- a) This policy is designed to protect the interests of Council members and employees (including past members and former employees) where they become involved in civil legal proceedings because of their official functions. In most situations the ~~local government~~ **Shire** may assist the individual in meeting reasonable expenses and any liabilities incurred in relation to those proceedings.
- b) In each case it will be necessary to determine whether assistance with legal costs and other liabilities is justified for the good government of the district. This policy applies in that respect.

### **Policy:**

The Council and the Shire of Broome are committed to ensuring that in performing their duties in a fair and objective manner, the interests of council members and staff are protected from civil legal proceedings.

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### To achieve the objectives the Shire:

- a) ~~The local government~~ may provide financial assistance to members and employees in connection with the performance of their duties provided that the member or employee has acted reasonably and has not acted illegally, dishonestly, against the interests of the local government or otherwise in bad faith.
- b) ~~The local government~~ may provide such assistance in the following types of legal proceedings:
  - i) Proceedings brought by members and employees to enable them to carry out their local government functions (e.g. where a member or employee seeks a restraining order against a person using threatening behaviour);
  - ii) Proceedings brought against members or employees (this could be in relation to a decision of Council or an employee which aggrieves another person (e.g. refusing a development application) or where the conduct of a member or employee in carrying out his or her functions is considered detrimental to the person (e.g. defending defamation actions); and
  - iii) Statutory or other inquiries where representation of members or employees is justified.
- c) ~~The local government~~ Will not support any defamation actions seeking the payment of damages for individual members or employees in regard to comments or criticisms levelled at their conduct in their respective roles. Members or employees are not precluded, however, from taking their own private action. Further, the local government may seek its own advice on any aspect relating to such comments and criticisms of relevance to it.
- d) **Ensure** the legal services the subject of assistance under this policy will usually be provided by the ~~local government's~~ **Shire's** solicitors. Where this is not appropriate for practical reasons or because of a conflict of interest then the service may be provided by other solicitors approved by the ~~local government~~ **the Shire**.

### Definitions:

N/A

## **Part B**

### **Management Procedures**

1. Applications for Financial Assistance
    - a) Subject to item (e), decisions as to financial assistance under this policy are to be made by the Council.
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- b) A member or employee requesting financial support for legal services under this policy is to make an application in writing, where possible in advance, to the Council providing full details of the circumstances of the matter and the legal services required.
- c) an application to the Council is to be accompanied by an assessment of the request and with a recommendation which has been prepared by, or on behalf of, the Chief Executive Officer (CEO).
- d) A member or employee requesting financial support for legal services, or any other person who might have a financial interest in the matter, should take care to ensure compliance with the financial interest provisions of the *Local Government Act 1995*.
- e) Where there is a need for the provision of urgent legal services before an application can be considered by Council, the CEO has authorisation to the value of \$10,000 with that the power to make such an authorisation delegated to the CEO in writing under section 5.42 of the *Local Government Act 1995*. Council shall be advised immediately should the delegation be exercised.
- f) Where it is the CEO who is seeking urgent financial support for legal services the Council shall deal with the application.

## 2. Repayment of Assistance

- a) Any amount recovered by a member or employee in proceedings, whether for costs or damages, will be off set against any moneys paid or payable by the ~~Shire local government~~ **Shire**.
- b) Assistance will be withdrawn where the Council determines, upon legal advice, that a person has acted unreasonably, illegally, dishonestly, against the interests of the local government or otherwise in bad faith; or where information from the person is shown to have been false or misleading.

Where assistance is so withdrawn, the person who obtained financial support is to repay any moneys already provided. The ~~local government~~ **Shire** may take action to recover any such moneys in a court of competent jurisdiction.

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# OFFICE OF THE CHIEF EXECUTIVE OFFICER

## Organisational

1.2.4

**TITLE:** APPOINTMENT OF ACTING CHIEF EXECUTIVE OFFICER

**ADOPTED:** OMC..... – Pages

**REVIEWED:**

**ASSOCIATED  
LEGISLATION:**

*Local Government Act 1995* section 5.36 (1) & (2) – refers to the appointment of a Chief Executive Officer by a Local Government and the Council being satisfied that the person is suitably qualified for the position.

**ASSOCIATED  
DOCUMENTS:**

**REVIEW  
RESPONSIBILITY:**

Chief Executive Officer

**DELEGATION:**

Nil

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Previous Policy Number: Nil

### Objective:

To allow the proper appointment of an Acting Chief Executive Officer in accordance with the *Local Government Act 1995*.

### Definitions:

Nil.

### Policy:

The Council recognises that it is imperative for the continued efficient operations of the Shire administration that during periods of absence of the Chief Executive Officer a suitable person can be appointed as the Acting Chief Executive Officer.

The Chief Executive Officer will nominate a person who holds a position of Director of the Shire of Broome; all of whom the Council is satisfied, are suitably qualified to act as Chief Executive Officer.

In the event that no other Director has been selected, then the permanent Director Development and Community (DDC) is deemed to be the Acting Chief Executive Officer. If DDC becomes unavailable during a period of acting the acting will default to the permanent Director Corporate Services. However, in the event of exceptional circumstances, arrangements for an Acting Chief Executive Officer will be referred to Council.

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**Advice Note:**

*The Department of Local Government has advised that the selection of an officer for higher duties as Acting Chief Executive Officer is a function of the Chief Executive Officer.*

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# OFFICE OF THE CHIEF EXECUTIVE OFFICER

## Organisational

## 1.2.5

|                                |  |
|--------------------------------|--|
| <b>TITLE:</b>                  | <b>POLICY ON MINING, PETROLEUM AND GEOTHERMAL ENERGY RESOURCE EXTRACTION</b>       |
| <b>ADOPTED:</b>                | OMC 17 December 2015 – Page 39-64  |
| <b>REVIEWED:</b>               | -  |
| <b>ASSOCIATED LEGISLATION:</b> | <i>Petroleum and Geothermal Energy Resource Act 1967</i><br><i>Mining Act 1978</i> |
| <b>ASSOCIATED DOCUMENTS:</b>   |  |
| <b>REVIEW RESPONSIBILITY:</b>  | Director Development and Community   |
| <b>DELEGATION:</b>             |  |

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Previous Policy Number: 1.2.14

### Background:

The Shire of Broome does not approve or regulate mining, petroleum or geothermal energy resource projects, however at times may be requested to provide comment or engage with proponents or the State in this regard. The Policy has been prepared to guide the Shire's response and position in the event proponents or the State request comment or engagement with the Shire or Council.

### Objective:

- To support the expansion of industry, and sustainable industry, that helps deliver economic prosperity to its residents, whilst ensuring every effort is undertaken to make sure that the initial assessment as well as compliance and monitoring of any Mining, Petroleum and Geothermal activities carried out are at a level that is compatible with the amenity of the natural and built environment and that of the Shire's residents.
  - To promote that any activities associated with mining or the extraction of petroleum and geothermal energy resources are to be thoroughly assessed, monitored and managed effectively by the appropriate agencies and to ensure local economic, environmental and social values are enhanced and developed.
  - To provide for the Shire to undertake an advocacy role on behalf of the community when being consulted by the State Government and resource companies with regard to future proposals within the Shire and potential
-

benefit to the community. This advocacy role includes encouraging proponents to be as transparent as possible with the project information.

## **Definitions:**

Nil

## **Policy:**

- 1.1 The Shire of Broome supports the extraction of natural resources including mining and petroleum and geothermal energy resources where:
    - a.) Measures are implemented to deliver positive economic benefits to the local economy and programs that would deliver positive outcomes to the community;
    - b.) The impacts on Shire Infrastructure are adequately compensated for in the immediate and future life of that infrastructure and that any additional infrastructure required is adequately provided by the proponent;
    - c.) Due regard is given to the purpose and objectives of the relevant zone/reserve under Local Planning Scheme No 6 and aims to ensure the proposal is compatible with these and surrounding uses;
    - d.) The potential impacts on the public health and drinking water areas have been considered by the relevant authorities and related approvals granted for the activities to be conducted; and
    - e.) Environmental and cultural matters have been taken into account by the relevant authorities and related approvals granted for the activities to be conducted.
    - f.) Proponents fully disclose environmental and groundwater data to the community.
  - 1.2 The Shire of Broome accepts the process undertaken by the Department of Mines and Petroleum and/or the proponent with respect to consultation with the relevant people directly affected with regards to land use rights and or compensation.
  - 1.3 The Shire of Broome accepts the positions and assessment processes of the relevant regulatory bodies including the Department of Mines and Petroleum, Environmental Protection Authority, Department of Health, Department of Water and Environmental Regulation, Department of Environment and Energy (Federal), Department of Primary Industries and Regional Development and Department of Aboriginal Affairs with regard to the following aspects of the proposals:
    - i). potential impacts on the public health (as considered in 1.1 d.));
    - ii). potential impacts on drinking water areas (as considered in 1.1 d.));
    - iii). potential environmental implications have been taken into account and best practice mitigation strategies adopted (as considered in 1.1 e.));
    - iv). potential impacts upon agricultural land and food production; and
    - v). potential impacts on areas of Aboriginal heritage and cultural significance (as considered in 1.1 e.)).
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- 1.4 The Shire of Broome seeks annual presentations from the Department of Mines and Petroleum, including a questions and answer session, on its monitoring and compliance of onshore gas, oil and mining operations in the Shire. These presentations will be open to the public.
  - 1.5 The Shire of Broome requests a full environmental impact assessment by the EPA of onshore gas proposals which includes assessment of impacts to surface and groundwater.
-

# OFFICE OF THE CHIEF EXECUTIVE OFFICER

## Organisational

1.2.6

**TITLE:** CONSULTATION - ABORIGINAL HERITAGE

**ADOPTED:** OMC 23 February 2017 – Pages 189 - 219

**REVIEWED:**

**ASSOCIATED LEGISLATION:** *Aboriginal Heritage Act 1972 (WA)*

**ASSOCIATED DOCUMENTS:** Policy 3.4.6 – Community Engagement

**REVIEW RESPONSIBILITY:** Director Development and Community

**DELEGATION:**

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Previous Policy Number: 1.2.15

### Background:

The Shire of Broome undertakes a number of functions which could potentially interact with Aboriginal heritage, this includes:

- Preparation of strategic land use plans or development strategies (Development Strategies);
- Undertaking of Public Works; and
- Undertaking development.

The Shire of Broome acknowledges the importance of Aboriginal heritage and therefore proposes to have a clear policy to guide the Shire while performing the above functions.

### Objectives:

- Guide where the Shire will consult with the Aboriginal community to gauge whether a Development Strategy, Public Works or Shire Development proposal may impact upon Aboriginal heritage.
  - Establish the process the Shire will follow when a Public Works or Shire Development proposal is to be referred for consultation and how comments received will be considered.
-

- Detail the requirements for consultation based on the level of interaction with Aboriginal heritage.

## **Definitions:**

**‘Aboriginal Cultural Significance’** means an area that displays aesthetic, historic, scientific, social or spiritual value for past, present or future generations of Aboriginal people.

**‘Aboriginal Heritage Due Diligence Guidelines’** means the guidelines published by the Department of Premier and Cabinet of WA and amended from time to time.

**‘Aboriginal Heritage Site’** means a place to which the Aboriginal Heritage Act applies by operation of section 5 of the Aboriginal Heritage Act.

**‘Consultation’** is the open exchange of information between the Shire and the person/s being consulted, to promote awareness of the Shire’s activities and to enable the person/s to have meaningful input in the Shire’s decision-making process.

**‘DAA’** means the WA Department of Aboriginal Affairs administered by the Minister of Aboriginal Affairs.

**‘Development Strategy’** means a land use strategy, development strategy or other land use planning document that identifies aspirations for future land use or development for an area/precinct. Examples of documents that would be considered Development Strategies for the purposes of this definition include:

- Local Planning Strategy;
- Old Broome Development Strategy;
- Chinatown Development Strategy;
- Tourism Strategy;
- Recreation Strategies.

**‘Government Standard Heritage Agreement’** means the Government Standard Heritage Agreement published by the Department of Premier and Cabinet of WA.

**‘Low Discretion Works’** are Public Works or Shire Development in which there is limited discretion available to the Shire as to how or where the works can be carried out (for example, the extension of a footpath, road or drain).

**“Low Ground Disturbance Activity”** means any activity that is undertaken on land which has previously been disturbed or an activity that does not involve major or significant ground disturbance, including the following:

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- (a) field mapping, including cadastral surveys, not involving the permanent disturbance of soil and vegetation;
- (b) sampling, including removing soil, rock and flora samples using hand methods (including hand augering) from the natural surface;
- (c) remote sensing, biological, environmental or conservation surveys, including installing monitoring plots and marker posts;
- (d) establishing temporary lay-down areas, where the establishment of the lay-down area does not require the removal of trees or shrubs and does not require any earthworks in areas which have not previously been disturbed;
- (e) reconnaissance and patrol in light vehicles;
- (f) drilling using hand held rig or rig mounted on 4 wheel vehicle, using existing access and without the construction of new roads and tracks (and where use of the existing roads or tracks involves no disturbance to plant roots);
- (g) digging pitfall traps and temporary trenches for small animals
- (h) baiting and installation of temporary fences and nest boxes;
- (i) collecting and removing loose rocks, firewood, flora or fauna;
- (j) conducting tests for water, site contamination, or other scientific or conservation purposes;
- (k) maintaining and refurbishing existing facilities, including recreation and camping facilities, water points, signs and other structures;
- (l) maintaining existing roads, drains, culverts, bridges, trails, tracks, fence lines and firebreaks;
- (m) erecting signage and barriers using hand and mechanical augers;
- (n) revegetating of degraded areas, including fencing areas of vegetation;
- (o) rehabilitating previously disturbed areas, including ripping, scarifying, matting, brushing, seeding and planting;
- (p) carrying out species recovery programs;
- (q) erosion control activities around existing roads, infrastructure or facilities;
- (r) weed control using hand, mechanical and chemical methods of control;
- (s) any other use of hand-held tools, not referred to in the preceding paragraphs;
- (t) the laying of temporary water pipelines across the ground where no excavation is required; and
- (u) electrical works associated with existing infrastructure in previously disturbed areas.

**‘Public Work’** has the meaning given in the *Public Works Act 1902*.

**‘Section 18 Notice’** means a notice lodged in accordance with section 18 of the *Aboriginal Heritage Act 1972* (WA) for consent to use land which may impact an Aboriginal heritage site.

**‘Shire Development’** means a development, other than public works, that is undertaken by the Shire which involves the carrying out on the land of any excavations or other ground disturbing works.

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## **Policy:**

### **1.0 Preparation of Development Strategies**

While Development Strategies themselves do not propose to undertake works, they do identify future development opportunities or concepts to improve an area.

The most important element of undertaking consultation at this stage is to inform the preparation of the Development Strategy and to ensure that an Aboriginal Heritage Site or areas of Aboriginal Cultural Significance are identified and considered.

- 1.1 The Shire of Broome (or consultants engaged by the Shire) prior to preparing a Development Strategy will forward details of the land area proposed to be covered by the Development Strategy and a copy of the key objectives to the following organisations:

- a) Determined Native Title Holders for the area; or
- b) Registered Native Title claimants for the area.

The Shire will also review any heritage reports previously prepared and that are publicly available for the Development Strategy area.

- 1.2 The Shire will arrange a workshop with representatives of the above organisations, to discuss the project and any Aboriginal Heritage Sites or areas of Aboriginal Cultural Significance that may exist within the area of the Development Strategy.

- 1.3 In undertaking this consultation, the Shire will request information on:

- a) any Aboriginal Heritage Sites;
- b) particular areas within the proposed Development Strategy area boundaries that are known to have Aboriginal Cultural Significance; and
- c) a description of the significance (if culturally appropriate).

The Shire will provide a minimum 30 day period in which the above information can be provided and the workshop is to be held. Following this period, the Shire will progress with the preparation of the Development Strategy.

- 1.4 The outcomes from the consultation (both written and verbal) will be incorporated into the Development Strategy as far as practicable and will identify ways to avoid impacts upon Aboriginal Heritage Sites or areas of Aboriginal Cultural Significance.
-

- 1.5 As these planning instruments do not involve ground disturbing works or activities, the Shire will not undertake an Aboriginal heritage survey. However, the Shire will review and incorporate any relevant considerations for an identified Aboriginal Heritage Site that may exist in the Development Strategy area.
- 1.6 Following a draft of the Development Strategy being adopted, organisations consulted with in accordance with clause 1.1 of this policy will be forwarded a copy of the draft and invited to provide comments.
- 1.7 A further opportunity will be provided for a workshop to be held between the Shire and representatives of the organisations mentioned in clause 1.1.
- 1.8 Any comments or submissions received will be tabled as a part of a report seeking the final adoption of the Development Strategy.

## **2.0 Shire of Broome Public Works or Shire Development**

For the Shire of Broome to be able to deliver services to the community the Shire is required to undertake a number of different Public Works or Shire Development. This could include (but is not limited to) items such as:

- Road construction and maintenance;
- Installation of drainage;
- Footpaths and development of public recreation facilities;
- Bridges;
- Cemeteries;
- Redevelopment of Shire owned/managed land or buildings;
- Quarries or works for procuring stone, earth or any other material required for the construction of a public work.

The Crown, the Governor, or the State government may also undertake Public Works including works such as railways, public housing, court houses, provision of water, public schools, etc.

Public Works and Shire Development can have the potential to impact upon Aboriginal Heritage Sites. The provisions below will establish the Shire's procedure for determining whether a Public Work or Shire development may impact upon Aboriginal Heritage Sites.

- 2.1 The Shire of Broome will not undertake consultation on behalf of other government authorities or agencies undertaking Public Works. This is the responsibility of the government authority or agency undertaking the works.
  - 2.2 The provisions below apply to the Shire of Broome's activities only.
-

- 2.3 The Shire will not undertake any consultation or notification for activities or works which meet the definition of Low Ground Disturbance Activity.

#### Concept Phase

- 2.4 For Public Works or Shire Development which is not Low Discretion Works, at the concept design phase of the project the Shire will refer the proposal to:

- a) Determined Native Title Holders for the area; or
- b) Registered Native Title claimants for the area,

and provide a 30 day period in which comments are to be provided on any Aboriginal Heritage Sites or Aboriginal Heritage Significance that exists within the area.

For any works which are Low Discretion Works, the consultation will be undertaken in accordance with clause 2.6.

- 2.5 From the comments received the Shire will:

- a) If the concept plan has been identified as impacting upon an Aboriginal Heritage Site(s), as far as practicable the concept plan will be amended to avoid impacts upon the Aboriginal Heritage Site(s); and
- b) Subject to design and budgetary considerations, attempt to:
  - (i) alter the design of the proposed works or activity to avoid impacts on elements of Aboriginal Cultural Significance that exists within the area of the works or activity; and/or
  - (ii) incorporate interpretative or design elements to promote awareness of elements of Aboriginal Cultural Significance that exists within the area of works or activity.

#### Design Phase

- 2.6 If a proposed Public Work or Shire Development which is not a Low Ground Disturbance Activity falls within an Aboriginal Heritage Site, the Shire of Broome will forward a copy of the proposal to the DAA to enquire if:

- a) the Public Work or Shire Development proposed will disturb an Aboriginal Heritage Site;
  - b) whether a Section 18 Notice is required; and
  - c) who should be consulted prior to the lodgment of the section 18 Notice.
-

2.7 If the DAA advises that the proposed Public Works or Shire Development does fall within the area the subject of an Aboriginal Heritage Site, the Shire of Broome will consult with those persons or organisations advised by the DAA.

2.8 In undertaking this consultation, the Shire will:

- a) Forward to the persons or organisations advised by the DAA in accordance with clause 2.7:
  - (i) written notification advising of the proposed Public Works or Shire Development;
  - (ii) details of estimated commencement and completion dates; and
  - (iii) copies of the designs of the proposed works (if available); and
- b) Request that comments be provided within 30 days on whether the proposed works would impact upon any Aboriginal Heritage Sites and if the proposed works could be modified to avoid or minimise impacts upon Aboriginal Heritage Sites.

2.9 If the DAA advises that there is 'insufficient information' to determine if the *Aboriginal Heritage Act 1972* applies, the Shire of Broome will:

- a) forward the information outlined in clause 2.8 a) to any determined native title holders or any registered native title claimant groups; and
- b) provide a 30 day period in which any comments are requested to be forwarded to the Shire.

*Please refer to **Attachment No 1 – Public Works or Shire Development Flow Chart** which provides a visual representation of the above processes.*

2.10 For all other land which does not fall within a registered Aboriginal Heritage Site, the Shire of Broome will follow the principles and process set out in the Aboriginal Heritage Due Diligence Guidelines.

2.11 If consultation is deemed to be required following a review of the Due Diligence Guidelines, then it will be carried out in accordance with clause 2.6.

*Please refer to **Attachment No 2 – The Aboriginal Heritage Risk Matrix** which provides a summary of the risk assessment process provided within the Due Diligence Guidelines.*

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- 2.12 As part of the consultation carried out in accordance with clauses 2.8, 2.9 and 2.11, the Shire will only adjust how it intends to undertake the proposed Public Works or Shire Development if comments are received that the works would impact upon an Aboriginal Heritage Site. Any other comments received that do not relate directly to Aboriginal Heritage Site(s) will be considered as part of any wider community engagement process, if required in accordance with Policy 5.1.10 – Community Engagement.

#### Aboriginal Heritage Monitors

- 2.13 If the Shire receives comments following consultation under clauses 2.8, 2.9 or 2.11 requesting that a heritage monitor is engaged, the Shire will agree to engage a heritage monitor in the following circumstances:

- a) the works are being undertaken in an area which has previously not been subject to ground disturbing activities; and
- b) the comments received following consultation demonstrate reasonable grounds exist to conclude that the presence of a heritage monitor is required to mitigate the risk of harm to Aboriginal heritage;

- 2.14 If doubt exists as to whether the engagement of a heritage monitor is required or regarding the selection of an appropriate heritage monitor for a particular location, then the Shire will seek advice from the DAA.

- 2.15 If:
- a) the Shire engages a heritage monitor in accordance with Clause 2.13; or
  - b) consent to proceed with the works granted in accordance with Section 18 of the *Aboriginal Heritage Act 1972* is conditioned on a heritage monitor being required while the ground disturbing works are being undertaken,

the Shire of Broome adopts the principles contained within the Department of Premier and Cabinet's Guidelines for the Engagement of Aboriginal Heritage Monitors.

#### Aboriginal Heritage Surveys

- 2.16 Aboriginal heritage surveys will be undertaken for proposed Public Works or Shire Development in the following circumstances:

- a) A person or an organisation consulted under clauses 2.8, 2.9 or 2.11 can demonstrate that an Aboriginal heritage survey is required to identify an Aboriginal Heritage Site; or
-

- b) Advice is received from the DAA that a survey is required to support the Section 18 Notice application.

Notwithstanding the above, the Shire may decline to undertake an Aboriginal heritage survey if a survey has previously been prepared for the area or the works.

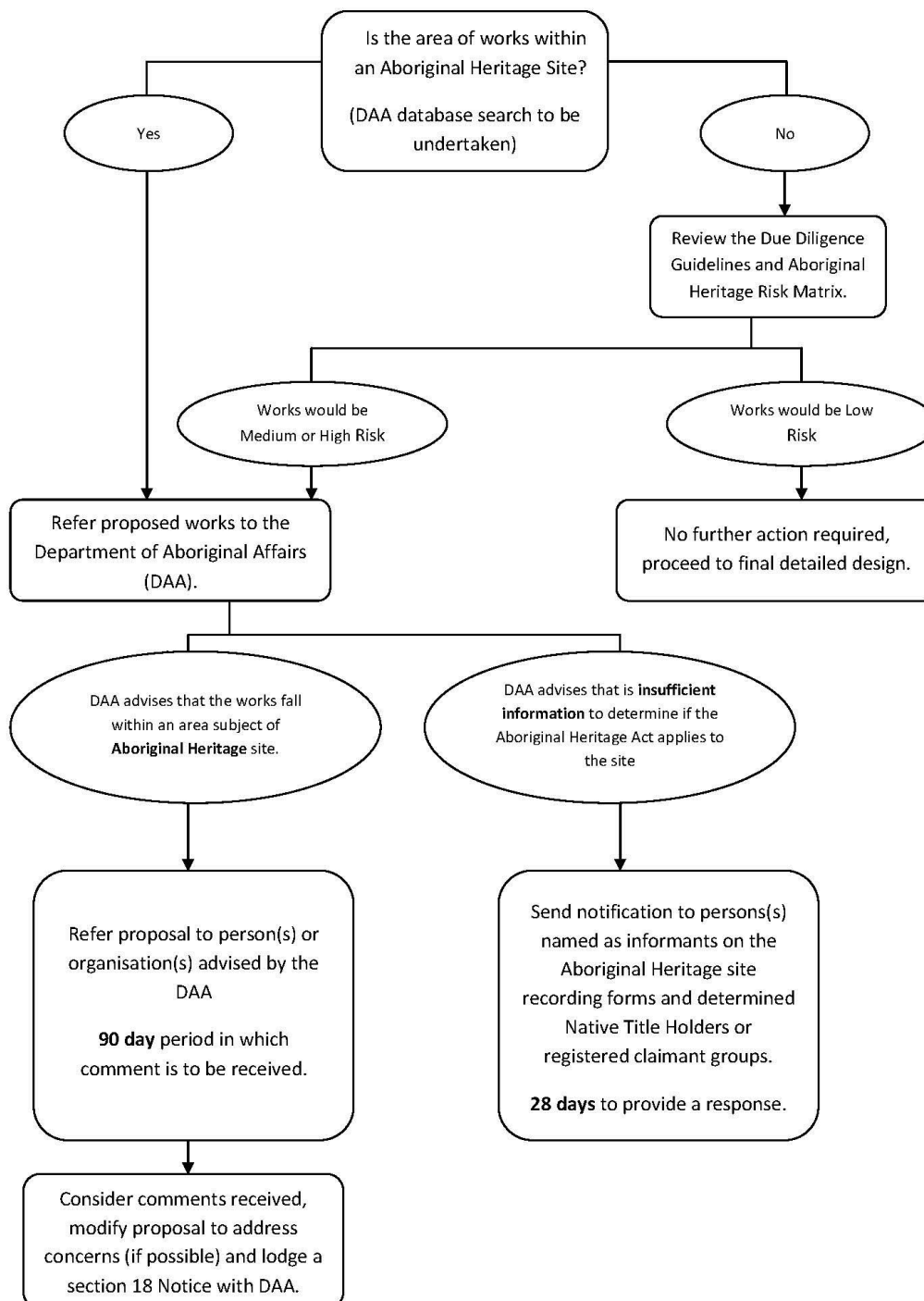
2.17 When undertaking an Aboriginal heritage survey, the Shire adopts the principles contained within the Government Standard Heritage Agreement and will request that the registered Native Title claimants or determined Native Title holders enter into such agreement with the Shire.

**Links:**

|  |   |
|--|---|
| <u>Aboriginal<br/>Heritage<br/>Inquiry<br/>System:</u>               | <a href="http://www.daa.wa.gov.au/heritage/place-search/">http://www.daa.wa.gov.au/heritage/place-search/</a>   |
| <u>Aboriginal<br/>Heritage<br/>Due<br/>Diligence<br/>Guidelines:</u> | <a href="http://www.daa.wa.gov.au/globalassets/pdf-files/ddg">http://www.daa.wa.gov.au/globalassets/pdf-files/ddg</a>   |
| <u>Government<br/>Standard<br/>Heritage<br/>Agreement:</u>           | <a href="https://www.dpc.wa.gov.au/lantu/MediaPublications/Documents/Government%20Standard%20Heritage%20Agreement%20-%20Draft%207%20-%20Master%20Copy%20-%2017%20October%202014.pdf">https://www.dpc.wa.gov.au/lantu/MediaPublications/Documents/Government%20Standard%20Heritage%20Agreement%20-%20Draft%207%20-%20Master%20Copy%20-%2017%20October%202014.pdf</a> |

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## Attachment No 1 – Public Works and Shire Development Flow Chart



**Attachment No 2 - The Aboriginal Heritage Risk Matrix****SCHEDULE 2 – THE ABORIGINAL HERITAGE RISK MATRIX**

| Previous Land Use  | LAND ACTIVITIES – CATEGORIES 1-5   |   |                        |                         |                            |                      |
|--|--|---|------------------------|-------------------------|----------------------------|----------------------|
|  |  | 1. Negligible disturbance   | 2. Minimal disturbance | 3. Moderate disturbance | 4. Significant disturbance | 5. Major disturbance |
|  | Built Environment - e.g. urban environment, towns, metropolitan region.                | Low   | Low                    | Low                     | Low                        | Medium               |
|  | Significantly Altered Environment - e.g. cultivated and cleared land.                  | Low   | Low                    | Low                     | Medium                     | High                 |
|  | Moderately Altered Environment - e.g. partially cleared lands, re-vegetated landscape. | Low   | Low                    | Medium                  | Medium                     | High                 |
|  | Minimally Altered Environment - e.g. urban bush land, regrowth areas                   | Low   | Medium                 | Medium                  | High                       | High                 |
|  | Unaltered Environment - e.g. protected areas or pristine environment.                  | Low   | Medium                 | High                    | High                       | High                 |
| Risk Assessment  |  | Actions   |                        |                         |                            |                      |
| Low Risk (Review)  |  | Review the landscape and proposed activity (see sections 2.4 - 2.8 - assessing the landscape and the activity). Refer to the AHIS.  |                        |                         |                            |                      |
| Medium Risk (Review /Exercise Caution)   |  | Review the landscape and proposed activity (as above). The precautionary principle (see page 2) applies. Refer to the AHIS and contact the DAA. A range of actions may be recommended, including: no action, consultation with the relevant Aboriginal people, an Aboriginal heritage survey or modification of the proposed activity to avoid or minimise site impact.   |                        |                         |                            |                      |
| High Risk (Consult / Survey / Approvals)   |  | Refer to the AHIS. Consult with the DAA and the relevant Aboriginal people. Dependent on consultation outcomes you may need to include: an Aboriginal heritage survey, modification of the proposed activity to avoid or minimise (see sections 2.24 - 2.28) impact to the site and/or other heritage management strategies. The land user may also need to apply for approval or consent (see section 2.26) to the activity. |                        |                         |                            |                      |
| For major development projects refer to sections 2.10 - 2.12 for further advice. |  |   |                        |                         |                            |                      |

*These Guidelines and the Aboriginal Heritage Risk Matrix are for general assistance only. Land users should always obtain independent advice on the application of the AHA to their particular circumstances and if doubt exists the land user should contact the DAA.*

## OFFICE OF THE CHIEF EXECUTIVE OFFICER Human Resources

### 1.3.1

**TITLE:** **STAFF PROFESSIONAL DEVELOPMENT, CONFERENCES & STUDY TOURS**

**ADOPTED:** OMC 28 April 1998 – Page 12

**REVIEWED:** OMC 19 December 2000 – Page 29  
OMC 9 April 2002 – Page 15  
OMC 14 October 2003 – Pages 15 – 17  
OMC 19 March 2009 – Pages 26 – 31  
OMC 15 March 2012 – Pages 96 – 103  
OMC 27 March 2014 – Pages 94 – 99  
OMC 17 December 2015 – Pages 110 - 121

**ASSOCIATED  
LEGISLATION:**

**ASSOCIATED  
DOCUMENTS:**

**REVIEW RESPONSIBILITY:** ~~Chief Executive Officer~~ **Manager Human Resources**

**DELEGATION:**

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Previous Policy Number 1.2.4

### **PART A**

#### **Objective:**

~~To provide guidance for the attendance of staff and elected members at conferences or on study tours.~~

To encourage and support employees in their professional and career development as part of their employment with the Shire of Broome (the Shire) and to provide administrative guidelines to facilitate fairness and equity in the application of these general principles.

#### **~~Definitions:~~**

~~Nil.~~

#### **Policy:**

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The Shire acknowledges that professional development is an important factor in personal job satisfaction, workplace productivity, reward and recognition, and plays an essential part in continuous improvement of the quality of its programs and services.

The Shire is committed to providing a supportive and rewarding environment for its employees and recognises that the quality, responsiveness, and professionalism of its workforce are linked to the further development of their skills and competencies.

This commitment will include providing employees with:

- The opportunity to plan and develop skills, knowledge and attributes that complement organisational and service area goals.
- The opportunity to participate in career development activities that extend and enhance their capabilities and capacity for advancement within the organisation.
- The opportunity to attend relevant professional organisation conferences.
- The opportunity to participate in relevant study tours
- Equity of access to professional development opportunities.

Professional Development opportunities and requirements are an integral component of the annual Performance Review process. Employees are encouraged as part of the performance review process to take an active role in their own ongoing professional and career development and to apply their learning to its most effective use.

## **PART B**

### **Management Procedures**

#### **1. Application**

This Policy and Management Procedure applies to all Shire staff.

#### **2. Definitions:**

For the purposes of the Policy and these Management Procedures:

|                                     |  |
|-------------------------------------|--|
| Conference/Professional Development | is defined as an activity conducted by a professional body or legitimate interest group to provide professional interaction and networking designed to improve work related knowledge and skills |
| Staff                               | refers to individuals employed by the Shire at officer, managerial and executive   |

|   |   |
|---|---|
|   | management level, including the Chief Executive Officer (CEO)   |
| Continuing Professional Development (CPD) | refers to a process of ensuring continual professional and relevant-skills related development. Certain professional societies and associations have a formal CPD system, requiring recording of events attended and activities undertaken as evidence of mandatory CPD |

### 3. Eligibility

Except where an Employment Contract provides otherwise for a particular staff member, the following eligibility criteria shall apply:-

- All members of staff, other than casuals, employed on a continuing or fixed-term basis are eligible to apply for conference and seminar attendance, provided they have been employed by the Shire for a continuous period of greater than twelve months.
- Attendance at conferences/seminars should have been identified as a learning and development requirement as part of the annual performance review.
- Approval shall be withdrawn should a member of staff tender their resignation from the Shire subsequent to approval being granted but prior to the attendance at the Conference / Seminar.

Members of staff who are due to retire from the Shire will not normally be entitled to apply for approval to attend a conference or seminar.

#### **Interstate Conferences**

Attendance at interstate conferences and/or seminars shall be limited to Managers, Directors and the CEO, unless extenuating circumstances apply.

### 4. Attendance at State and Federal Professional Conferences

- 4.1 Members of the Senior Staff and Managers are encouraged to attend the Annual State Conference relating to their profession.
- 4.2 Members of the Senior Staff are encouraged to attend bi-annually, the Federal Conference relating to their profession. (Note: where the officer's professional organisation does not convene a State Conference the officer is encouraged to attend the organisations Federal Conference, annually).
- 4.3 The Chief Executive Officer is authorised to approve the attendance of staff at State and Federal Professional Conferences subject to budget and in accordance with the following guidelines:
  - a. The Chief Executive Officer is to ensure that attendance at the conference will be beneficial to the officer and/or the Council.
  - b. The officer is to provide a report on the issues, outcomes, etc. of the conference with recommendations as appropriate and the report is to be submitted to Council through the Information Bulletin.

- c. Senior staff will not be precluded from attending a Federal Conference solely because the conference is to be held ~~overseas~~ **at an international location**.
  - d. If it is considered beneficial for a Councillor or Councillors to accompany the senior staff member to any State or Federal Conference, such attendance is to be at the discretion of the Chief Executive Officer in consultation with the Shire President and will only occur if adequate funds are available.
  - e. Budget authority and funding arrangements are to be considered.
- 4.4 Funds for attendance at State and Federal Professional Conferences may be provided in each annual budget under the provision for staff training.

## **~~2. Other Conferences~~**

- ~~2.1 Every year, the Shire President and the Chief Executive Officer are to attend the annual Local Government Managers Australia National Congress or some other interstate conference that can incorporate a visit to Canberra. This is to enable the Shire President and the Chief Executive Officer to network with Federal Ministers, Members of Parliament and/or Senior Departmental Officers on issues affecting this Council.~~
- ~~2.2 Provision may be made on each year's budget for an appropriate sum to cover Council representation (Councillors and staff) at other conferences (ie. in addition to State and Federal Professional Conferences). The Chief Executive Officer may approve or decline to approve staff attendance at other conferences and, if attendance involves a Councillor or Councillors, the Chief Executive Officer is to consult with the Shire President.~~

## **5. International Conferences**

Attendance at international conferences and/or seminars shall be limited to Directors and the CEO, unless extenuating circumstances apply.

Any such request for attendance at an international event will require Council approval. The proposal to Council should include:

- the proposed participant(s);
- the objectives for attending the event, including the anticipated quantifiable benefits for the Shire;
- details of the funds available in the budget to cover the anticipated expenses associated with attendance at the event; and
- the overall total cost of accommodation, travel, registration, and any other costs associated with the specific conference/seminar.

## **6. Presentations by Shire Staff at Conferences**

From time to time Shire staff may be invited to present at a conference/seminar. In such an event staff members must contact the conference/seminar organisers to discuss the monetary contribution that the organisers will make towards the cost of presenting at the conference (including but not limited to travel, accommodation and registration costs). Any attendance by Shire staff for the purposes of presenting at conferences/seminars will require the CEO's approval prior to any papers of

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applications etc being submitted for consideration. Any such request will require the submission of a proposal to the CEO which includes:

- the objectives for attending the event and, including the anticipated quantifiable benefits for the Shire;
- the proposed participant(s);
- the presentation topic;
- details of the monetary contribution that the conference organisers will make;
- details of the funds available in the budget to cover the anticipated expenses associated with attendance at the event; and
- the overall total cost of accommodation, travel, registration, and any other costs associated with the specific conference.

## **7. Annual Study Tours**

7.1 A study tour is designed to enable ~~Councillors and~~ staff to travel intrastate, interstate and/or overseas to research and study specific issues fronting Council.

7.2 Details of study tours are to be arranged in advance so that suitable provision can be made in each year's budget. When no details of study tours have been arranged, or arrangements are incomplete, an appropriate amount may be included in the budget to cover the cost of an annual study tour.

7.3 The Chief Executive Officer in consultation with the Shire President may approve attendance at study tours subject to budget and in accordance with the following guidelines:

7.3.1 The maximum attendance at any study tour is to be ~~two Councillors and~~ two staff

7.3.2 Attendance at a study tour shall only take place where there are appropriate funds provided in the annual budget.

7.3.3 A detailed report including recommendations on each study tour is to be submitted to Council.

7.3.4 Budget authority and funding arrangements are to be considered.

## **8. Special Provision**

To provide an opportunity to network with Federal Ministers, Members of Parliament and/or Senior Departmental Officers on issues affecting this Council, the Chief Executive Officer (and the Shire President) are to attend an appropriate interstate conference that can incorporate a visit to Canberra on an annual basis.

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## Human Resources

**TITLE:** ~~STAFF~~ **SENIOR EMPLOYEES**

**ADOPTED:** OMC 21 December 2004, Pages 20 - 21

**REVIEWED:** OMC 19 March 2009 – Pages 26 – 31  
OMC 15 March 2012 – Pages 96 – 103  
OMC 27 March 2014 – Pages 94 – 99  
OMC 17 December 2015 – Pages 110 - 121

**ASSOCIATED LEGISLATION:** *Local Government Act 1995*

**ASSOCIATED DOCUMENTS:**

**REVIEW RESPONSIBILITY:** ~~Chief Executive Officer~~ **Manager Human Resources**

**DELEGATION:**

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Previous Policy Number 1.3.2

### Objective:

Section 5.37 of the *Local Government Act 1995* states that:

1. A local government may, designate employees or persons belonging to a class of employee to be senior employees.
2. The CEO is to inform the Council of each proposal to employ or dismiss a senior employee, other than a senior employee referred to in section 5.39(1a), and the Council may accept or reject the CEO's recommendation but if the Council rejects a recommendation, it is to inform the CEO of the reasons for its doing so.
3. Unless subsection (4A) applies, if the position of a senior employee of a local government becomes vacant, it is to be advertised by the local government in the manner prescribed, and the advertisement is to contain such information with respect to the position as is prescribed.

### Policy:

The Shire of Broome designates the following positions as Senior Employees for the purpose of section 5.37

- Chief Executive Officer
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- ~~Deputy Chief Executive Officer~~
- Director Corporate Services
- Director Development and Community Services
- Director Infrastructure

## **Definitions:**

N/A

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## OFFICE OF THE CHIEF EXECUTIVE OFFICER Media and Promotions

### 1.4.1

|                                |   |
|--------------------------------|---|
| <b>TITLE:</b>                  | <b>MEDIA</b>  |
| <b>ADOPTED:</b>                | OMC 28 April 1998 – Page 12   |
| <b>REVIEWED:</b>               | OMC 17 October 2000 – Page 11<br>OMC 25 February 2003 – Pages 12 – 14<br>OMC 10 May 2007 – Pages 19 - 20<br>OMC 19 March 2009– Pages 25 - 31<br>OMC 16 December 2009 – Pages 17 – 18<br>OMC 15 March 2012 – Pages 96 – 103<br>OMC 27 March 2014 – Pages 94 – 99<br>OMC 17 December 2015 – Pages 110 - 121 |
| <b>ASSOCIATED LEGISLATION:</b> | <i>Local Government Act 1995</i><br><i>Local Government (Functions and General) Regulations 1996</i>  |
| <b>ASSOCIATED DOCUMENTS:</b>   | Media Release Form  |
| <b>REVIEW RESPONSIBILITY:</b>  | Media and Promotions Officer  |
| <b>DELEGATION:</b>             |   |

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Previous Policy Number 1.3.1

## Part A

### Objective:

To provide a framework for Council and staff when liaising with the media and provide consistency of messages.

The objective of all media liaison should be to promote the positive image of the Shire, to provide effective media communication with the community and to provide a mechanism for the role of Council as the 'entity' and individual Councillors when requested to make media comment.

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The Shire aims to provide timely, accurate information to the community through the media and to be open and transparent in its operations.

The value of the media to local government cannot be underestimated. This organisation should maintain a good working relationship with journalists and editors and endeavour to address media enquiries promptly.

## Policy:

The Shire of Broome (the Shire) and the Council are committed to ensuring that it regularly communicates with the community by providing timely, accurate information through the media with respect to the undertakings and achievements of the organisation.

To achieve this objective:

- The Shire will provide regular media releases to all media outlets;
- Encourage Shire staff to incorporate the use of the media as part of their strategic plans to promote the efforts of their departments and ultimately the Shire of Broome.

The Media and Promotions Officer will manage all media liaison to ensure maximum impact, enhanced presentation of photo opportunities, radio and television coverage.

## Part B

### Definitions:

|                      |   |
|----------------------|---|
| <u>Media</u>         | Means all electronic and print media organisations including: <ul style="list-style-type: none"><li>• Newspapers</li><li>• Television</li><li>• Radio</li><li>• Magazines</li><li>• Professional Journals</li><li>• Freelance Journalists</li><li>• News Websites</li><li>• <i>Social Media</i></li></ul> |
| <u>Media release</u> | Means a document intended for media to inform or promote any aspect or activity of the Shire  |

### Media Spokesperson

In accordance with the *Local Government Act 1995* the Shire President is the principal spokesperson for the Shire and Council. The Shire President may choose to delegate the commentary position to a designated staff member or Councillor.

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## **Media Releases**

The principal method for the Shire to notify the media of events and activities is through a written media release. A media release request form is to be completed by staff and co-ordinated through the Media and Promotions Officer.

After a media release has been drafted it will proceed through the following approval process:

1. Relevant officer to check factual components;
2. Relevant Director to check context;
3. CEO to check from a potential liability and strategic context;
4. Shire President to have final approval;
5. Copies of media releases to be emailed to Councillors for their information; and
6. Copies of media releases to be emailed to all staff for their information.

## **Media Enquiries**

The response will depend on the inquiry. The response may be in the form of a formal media statement, supplying quotes via email, an organised media briefing or direct interview by telephone response or in person.

## **Shire Staff**

On occasion, media representatives may contact Shire staff directly for comment. This is to be discouraged. The Media and Promotions Officer is the sole contact for all media enquiries and is responsible for co-ordinating all media contact. If media contacts a Shire officer directly, the officer must inform the journalist that it is Shire policy for the journalist to approach the Media and Promotions Officer.

Staff are not authorised to give comments on behalf of the Shire to media unless they are the contact on a media release or have been authorised by the Shire President or Chief Executive Officer.

If a staff member is approached to make a personal comment to the media they need to ensure that no connection with the Shire is evident within the interview. For example staff expressing a personal view should not be wearing a Shire uniform or be filmed or photographed near a Shire vehicle.

Staff members who use social media in their own free time are not permitted to appear to represent views of the Shire or to act as spokesperson on behalf of the Shire.

## **Councillors**

The Shire President is the principal spokesperson for the Shire and Council as expressed in the *Local Government Act 1995*. Councillors are not to express a Council view, attitude or stance on any issue without approval from the Shire President.

A Councillor's right to express a personal opinion on any issue of public interest is recognised and it should always be made clear to the journalist that they are expressing a personal opinion.

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Councillors should advise the Shire President of any comments made to the media to ensure a consistent, co-ordinated approach to media management is maintained at all times. The Shire President will then inform the Media and Promotions Officer.

The Media and Promotions Officer is to keep a record of all media enquiries.

**Media and Promotions**

|                                |  |
|--------------------------------|--|
| <b>TITLE:</b>                  | <b>LOCAL GOVERNMENT ELECTIONS - PROMOTION</b>  |
| <b>ADOPTED:</b>                | OCM 28 April 1998 – Page 12  |
| <b>REVIEWED:</b>               | OCM 20 June 1999 – Page 15<br>OCM 17 October 2000 – Page 11<br>OCM 9 April 2002 – Page 15<br>OCM 14 October 2003 – Pages 15 – 17<br>OCM 19 March 2009 – Pages 26 – 31<br>OMC 15 March 2012 – Pages 96 – 103<br>OMC 27 March 2014 – Pages 94 – 99<br>OMC 17 December 2015 – Pages 110 - 121 |
| <b>ASSOCIATED LEGISLATION:</b> | <i>Local Government Act 1995</i><br><i>Local Government (Elections) Regulations 1997</i>   |
| <b>ASSOCIATED DOCUMENTS:</b>   | Returning Officer Manual   |
| <b>REVIEW RESPONSIBILITY:</b>  | <del>Chief Executive Officer</del> <b>Media and Promotions Officer/Manager Governance</b>  |
| <b>DELEGATION:</b>             |  |

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Previous Policy Number 1.3.2

**Objective:**

- To provide guidance to the Chief Executive Officer when considering the promotion of Local Government elections;
- To encourage nominations for Council; and
- To increase voter turnout at Local Government elections with the aim to advertise earlier and wider than as provided for in the Local Government Elections Regulations.

**Definitions:**

Nil

**Policy:**

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The Chief Executive Officer is authorised, at his discretion, to involve the Broome Shire Council in any electoral promotional advertising campaign including campaigns organised by the Western Australian Electoral Commission, Western Australian Local Government Association or the Department of Local Government, Sport and Cultural Industries and Communities.

In addition to any statutory requirements, the Chief Executive Officer will arrange promotion of any election to appear in the edition of the local newspaper issued during the week immediately prior to the election or through other Shire communications channels including media releases, radio advertising, website and Facebook.

There shall be no storage or display of candidate election material within the Shire Office.

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# CORPORATE SERVICES

## Governance and Administration

2.1.1

**TITLE:** LEGISLATIVE COMPLIANCE

**ADOPTED:** OMC 26 May 2016 – Pages 162 -177

**REVIEWED:**

**ASSOCIATED LEGISLATION:** *Local Government (Audit) Regulations 1996*

**ASSOCIATED DOCUMENTS:**

**REVIEW RESPONSIBILITY:** ~~Chief Executive Officer~~ **Manager Governance**

**DELEGATION:**

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Previous Policy Number: 1.1.11

### **Part A**

#### **Objective:**

To ensure that the Shire of Broome complies with legislative requirements.

The Shire of Broome and the Council are committed to ensuring integrity and ethics are uppermost for all elected members and staff whilst fulfilling their obligations to ensure compliance with all legislation applying to local government.

#### **Background:**

A fundamental principle of good public administration is that public officials comply with both the letter and the spirit of the law.

The Shire of Broome has an obligation to ensure that legislative requirements are complied with. The community and those working at the Shire have a high expectation that the Shire will comply with applicable legislation and that the Shire should take all appropriate measures to ensure that this expectation is met.

This policy shall be supported by other documents including operational policies, procedures and processes.

Regulation 14 of the *Local Government (Audit) Regulations 1996* requires local governments to carry out a compliance audit for the period 1 January to 31

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December each year. The Compliance Audit is structured by the Department of Local Government and Communities (DLGC) and relates to key provisions of the *Local Government Act 1995*.

Regulation 17 of the *Local Government (Audit) Regulations 1996* also requires local governments to undertake a review of appropriateness and effectiveness of systems and procedures in relation to legislative compliance at least once every two calendar years and report to the Audit Committee on the results of that review.

**Policy:**

Council shall have appropriate processes and structures to ensure that legislative requirements are achievable and are integrated into the everyday running of the Shire.

These processes and structures will aim to:-

- a) Develop and maintain a system for identifying the legislation that applies to the Shire's activities.
- b) Assign responsibilities for ensuring that legislation and regulatory obligations are fully addressed.
- c) Provide training for relevant staff, Councillors, volunteers and other relevant people regarding the legislative requirements that affect them.
- d) Provide people with the resources to identify and remain up-to-date with new legislation.
- e) Ensure audits are conducted to guarantee compliance.
- f) Establish mechanisms for reporting non-compliance.
- g) Review accidents, incidents and other situations where there may have been non-compliance.
- h) Review audit reports, incident reports, complaints and other information to assess how the systems of compliance can be improved.

**Roles and Responsibilities**

- a) Councillors and Committee Members

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

- b) Senior Management

Senior Management should ensure that directions relating to compliance are clear and unequivocal and that legal requirements which apply to each activity for which they are responsible are identified.

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Senior Management should have systems in place to ensure that all staff are given the opportunity to be kept fully informed, briefed and/or undertake training about key legal requirements relative to their work within the Shire's financial capacity to do so.

c) Employees

Employees have a duty to seek information regarding legislative requirements applicable to their area of work and to comply with legislation.

Employees shall report through their supervisors to Senior Management any areas of non-compliance that they become aware of.

### **Implementation of Legislation**

The Shire will have a system in place (legislative compliance procedures) to ensure that when legislation changes steps are taken to ensure that future actions comply with the amended legislation. A Legislative Compliance Procedure has been prepared and is an attachment to this policy.

### **Resources**

*Local Government Act 1995*

*Local Government (Audit) Regulations 1996*

*Australian Standard AS3806-2006: Compliance programs*

## **Part B**

### **Management Procedures**

#### **~~LEGISLATIVE COMPLIANCE PROCEDURES~~**

##### **1. Identifying Current Legislation**

a. Electronic Versions of legislation

The Shire accesses up to date electronic versions of legislation through the Western Australian State Law Publisher website at [www.slp.wa.gov.au](http://www.slp.wa.gov.au)

Direct access to this site is provided from the Shire's networked computers.

b. Hard copy versions of legislation

All Councillors, Executive Management are provided with a hard copy version of the *Local Government Act 1995* and associated legislation.

Hard copy versions all include a statement similar to the following:

*"Current legislation including the Local Government Act and Regulations is available from the State Law Publisher website."*

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*To ensure that you are referencing the most recent versions of the Act and Regulations, it is essential that you access the State Law Publisher website using the following link:*

<http://www.slp.wa.gov.au/legislation/statutes.nsf/default.html>

## **2. Identifying New or Amended Legislation**

### **a. Western Australian Government Gazette**

The Shire of Broome provides website access for staff to the Government Gazette via the State Law Publisher website.

### **b. Department of Local Government and Communities**

The Shire receives regular circulars from the Department of Local Government and Communities on any new or amended legislation. Such advice is received and processed through the Shire's Records Department and is distributed to the relevant staff.

### **c. Department of Planning**

The Shire receives Planning Bulletins from the Department of Planning regarding any new or amended legislation. Such advice is received and processed through the Shire's Records Department and is distributed by the Records staff to the relevant Council officers for implementation.

Australian Local Governments Association (ALGA)

The Shire receives regular issues of the ALGA News. Such information is received and processed through the Shire's Records Department and distributed by Records staff to the relevant Council officers for information.

### **d. Western Australian Local Government Association (WALGA)**

The Shire receives regular issues of the Local Government News from WALGA. Such information is received and processed through the Shire's Records Department and distributed by Records staff to the relevant Council officers for information.

## **3. Obtaining Advice on Legislative Provisions**

The Shire will obtain advice on matters of legislation and compliance where necessary. Contact can be made with the DCLG, WALGA or the relevant initiating government department for advice.

## **4. Informing Council of Legislative Changes**

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

The Shire's format for all reports to Council meetings provides that all reports have headings **"Statutory Environment"** and **"Policy Implications"** which shall detail the

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current sections of any Act, Regulation or other legislation and any current Policy that is relevant to the report before Council.

## **5. Review of Incidents and Complaints of Non-compliance**

The Shire shall review all incidents and complaints of non-compliance in accordance with Council Policy 1.2.6 – Complaint Resolution, the Shire of Broome Code of Conduct and where applicable the Shire of Broome Public Interest Disclosure Procedure.

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

## **6. Reporting of Non-compliance**

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

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

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

### **Review**

~~In accordance with Policy 1.2.1, this policy is to be reviewed at least every two years following the Ordinary local government election.~~

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## CORPORATE SERVICES

### Governance and Administration

## 2.1.4

|                                |  |
|--------------------------------|--|
| <b>TITLE:</b>                  | <b>RISK MANAGEMENT</b>   |
| <b>ADOPTED:</b>                | OMC 28 October 2010 – Page 60 - 63   |
| <b>REVIEW DATE:</b>            | OMC 15 March 2012 – Pages 96 – 103<br>OMC 27 March 2014 – Pages 94 – 99<br>OMC 17 December 2015 – Pages 110 - 121      |
| <b>ASSOCIATED LEGISLATION:</b> | <i>Occupational Safety and Health Act WA 1984</i>  |
| <b>ASSOCIATED DOCUMENTS:</b>   | Risk Management Strategy and Risk Management Framework<br>AS/NZS 31000:2009 – Australian Standard for Risk Management. |
| <b>REVIEW RESPONSIBILITY:</b>  | <del>Chief Executive Officer</del> <b>Manager Governance/Manager Human Resources</b>                                   |
| <b>DELEGATION:</b>             |  |

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Previous Policy Number 1.2.11

### **Part A**

#### **Introduction:**

The Shire of Broome recognises that as a local government authority it is exposed to a broad range of risks, which if not managed, could adversely impact on the organisation achieving its strategic objectives. Therefore the Shire will implement an enterprise-wide risk management framework and system to identify and address areas of potential risk, where appropriate and practical, within the Shire.

The intent of this policy is to create an environment where Council, management and staff assume responsibility for risk management, through consistent risk management practices.

#### **Objective:**

1. To protect the Shire of Broome's assets – people, property, reputation, financial sustainability and information.
  2. Promote Risk Management principles and practices as a tool to achieve the Shire's strategic goals.
  3. Capitalise on opportunities presented and minimise adverse effects of risks.
  4. Continually improve the services provided by the Shire of Broome.
-

**Policy:**

1. The Shire of Broome is committed at all levels to managing risk in accordance with the principles, framework and guidelines as detailed in the AS/NZS Risk Management Standard; 31000:2009.
2. The Shire will implement a Risk Management system, via a comprehensively planned and consistent enterprise-wide program and approach.
3. The Shire will prioritise identified Strategic, Operational and Project-based risks across the organisation and implement treatments, as practicable, based on the level of risk and the effectiveness of the current risk treatments.
4. Ensure Risk Management processes are integrated with current strategic and operational planning processes.
5. Ensure relevant contexts are considered when managing risk, including legislation, political, social and economic factors.
6. Create and promote a culture of risk awareness and ensure adequate resources and operational capacity are provided and the responsibility for Risk Management is clarified and allocated.
7. The Shire of Broome will follow the process as suggested in the AS/NZS 31000:2009 standard for Risk Management when implementing a risk management framework.

**Part B****Management Procedures****Definitions:**

For the purpose of the Policy the following definitions apply:

|                        |  |
|------------------------|--|
| <b>Risk</b>            | The effect of uncertainty on objectives. An 'effect' is a deviation from the expected (either positive or negative). Objectives can have different aspects (such as financial, health and safety and environmental) and can be strategic, organisation-wide, project based or procedural. Risk is often characterised by reference to potential events and consequences or a combination of these. Risk is often expressed in terms of a combination of the consequences of an event (including changes in circumstances) and the associated likelihood of occurrence. |
| <b>Risk Management</b> | Coordinated activities to direct and control an organisation with regard to risk, which may include a policy (outlining the overall intentions and direction of an organisation related to risk management), and a framework - a set of components that provide the foundations and organisational arrangements for designing, implementing monitoring, reviewing and continually improving risk management throughout the organisation. (Refer ISO Guide 73: 2009 - AS/NZS 31000: 2009 - Risk Management Standard).   |

**Responsibility/Accountability:**

Risk Management is the responsibility of all employees. All employees are accountable for managing risk in their own area of responsibility and will play a part in the risk management process to differing degrees.

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After risk management training is implemented across the organisation, all staff are required to comply with Risk Management principles, framework and practices.

Executive Management Group will create a risk aware environment where managers are accountable for managing risks within their work areas. In each area, risks should be anticipated and reasonable proactive protective measures / risk treatments should be taken.

Management and supervisory staff will create a work environment for staff which encourages openness and honesty ensures there is no hesitation of reporting identified risks or escalations of risks, for fear of recrimination.

### **Monitoring, Reviewing and Reporting:**

A monitoring and reporting process / system ~~will be~~ **has been** implemented which ~~will~~ provides 6 monthly reports to the Executive Management Group, ~~Middle~~ Management **Coordination** Group, **Audit Committee** and Council on the status of Risk Management within the Shire of Broome. ~~and which will identify the need for specific areas for review.~~

### **~~Policy Accountability and Review~~**

~~The CEO is accountable for this policy.~~

~~This policy is to be reviewed every two years.~~

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### Governance and Administration

|                  |  |
|------------------|--|
| <b>TITLE:</b>    | <b>FLAGS - FLYING AND HALF MASTING</b>   |
| <b>ADOPTED:</b>  | OMC 1 December 2005 - Pages 27 - 28  |
| <b>REVIEWED:</b> | OMC 19 March 2009 – Pages 26 – 31<br>OMC 15 March 2012 – Pages 96 – 103<br>OMC 27 March 2014 – Pages 94 – 99<br>OMC 17 December 2015 – Pages 110 - 121 |

#### **ASSOCIATED LEGISLATION:**

**ASSOCIATED  
DOCUMENTS:** Australian Flags Booklet

**REVIEW  
RESPONSIBILITY:** ~~Chief Executive Officer~~ **Manager Governance**

#### **DELEGATION:**

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Previous Policy Number – 1.2.3

### **PART A**

#### **Objective:**

To provide protocol on flying of flags at the Shire of Broome Administration Office.

#### **Policy:**

The Shire of Broome is committed to ensuring that:-

- the Australian National Flag is displayed in a manner befitting the national emblem.
- appropriate flags are flown to recognise significant events or the passing of prominent community members, councillors or staff.

### **PART B**

#### **Management Procedures**

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## Definitions:

Nil.

## Flying the Flag

In accordance with Australian flag flying protocols, the Australian National Flag should be displayed in a manner befitting the national emblem. It should not be subjected to indignity or displayed in a position inferior to any other flag or ensign. The Flag normally takes precedence over all other national flags when flown in Australia. It should always be flown aloft and free and should not be allowed to fall or lie upon the ground.

The Australian flag may only be displayed at night if illuminated.

The Shire of Broome Administration Office has the capacity to fly three (3) flags at any one time. As such, and in accordance with protocols, the Australian flag should: ~~be flown on the left as viewed by a person facing the flag.~~

- when flown alone, be on the centre flag pole
- when flown with other flags, be on the left as viewed by a person facing the flag.

## Responsibility for Flying Flags

Customer Service Officers are responsible for raising and lowering the flag in the morning and evening.

## Half-Masting of the Flag

### When to Half-Mast the Flag

The Shire of Broome will observe federal and state instruction with regard to half masting the Australian flag on days of significance or in remembrance of persons or events.

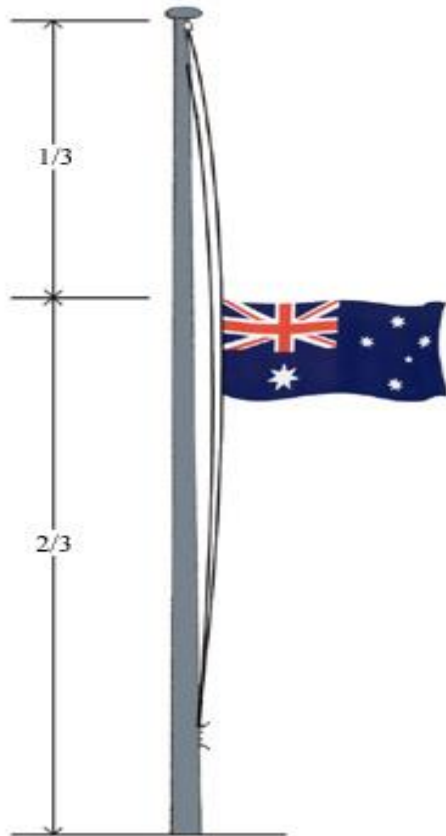
In addition to this, the Shire of Broome will half-mast the Australian flag to recognise the death of current or former Councillors and current employees of the Shire of Broome, on the day of their funeral.

The Chief Executive Officer is authorised to make the final determination with respect to half-masting the flag for local circumstances.

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## Half-Masting of the Flag

The Shire of Broome will observe federal and state instruction with regard to half-masting the Australian flag on days of significance or in remembrance of persons or events.



In addition to this, the Shire of Broome will half-mast the Australian flag to recognise the death of current or former Councillors and current employees of the Shire of Broome, on the day of their funeral.

The image to the left shows the correct position for the flag to be when flown at half-mast.

It should be noted that when the Australian Flag is half-masted no other flag shall be flown higher than it (all other flags must be half-masted or not flown at all).

## OFFICE OF THE CHIEF EXECUTIVE OFFICER Governance and Administration

### 2.1.6

**TITLE:** COMPLAINT RESOLUTION

**ADOPTED:** OMC 21 November 2000 – Pages 21 - 29

**REVIEWED:** OMC 16 October 2001 – Pages 17 – 20  
OMC 10 June 2003 – Pages 21 – 24  
OMC 27 March 2014 – Pages 94 – 99  
OMC 17 December 2015 – Pages 110 - 121

**ASSOCIATED  
LEGISLATION:**

**ASSOCIATED  
DOCUMENTS:** Shire of Broome Code of Conduct for Elected Members &  
Staff  
Customer Service Charter

**REVIEW  
RESPONSIBILITY:** ~~Chief Executive Officer~~ Manager Governance

**DELEGATION:**

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Previous Policy Number 1.2.6

### **Part A**

#### **Objective:**

The Shire of Broome recognises the value of complaints as an important tool in monitoring and responding to customer expectation. Our objective is to streamline the processing of complaints in order to improve the Shire of Broome's services and resolve grievances in an efficient and timely manner.

#### **Policy:**

The Shire of Broome is committed to the fair and efficient resolution of complaints to ensure quality customer service and the continual enhancement of our services. Accordingly, this Policy is intended to resolve most complaints at the initial point of contact where possible.

### **Part B**

#### **Management Procedures**

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## Definitions:

|                        |  |
|------------------------|--|
| <b>Complaint</b>       | An expression of dissatisfaction, however made, about the standards of service provided, or an action or inaction by the Shire of Broome or its Employees, Agents or Elected Members. It is not a service request. |
| <b>Service Request</b> | A persons request or demand, however made, for a service to be provided or an action to be undertaken by the Shire of Broome as part of its normal operations.   |

For the purpose of processing and recording it is important to recognise a complaint as differentiated from a service request.

A complaint may be about:

- (i) The standard or quality of a Shire service, product, action or lack of action.
- (ii) Inappropriate behaviour of employees, agents or Elected Members.
- (iii) Confusing or incorrectly advertised information.

A complaint is not:

- (i) A first request for action or service (e.g. to slash a verge, to repair a footpath, the reporting of a nuisance dog)
- (ii) A request for information or explanation of Council decisions, practices or procedures made in accordance with due process.
- (iii) A request for action or service which is outside the Shire's jurisdiction or provided by other agencies.

### Lodgement of a Complaint

Complaints can be made;

- a) In writing, including via fax and email. Emails are to be directed to the generic shire address: [shire@broome.wa.gov.au](mailto:shire@broome.wa.gov.au)
- b) Via the shire website
- c) In person, by completing customer feedback form
- d) By telephone. Complainants should be encouraged to lodge their complaint in writing, however if they insist on lodging the complaint verbally, it must be recorded by the employee upon receiving the complaint and the complainant must provide their name and contact details in order to take appropriate action to resolve the issue.

All complaints must be recorded by the officer receiving the complaint at the first point of contact.

Front line staff are responsible for receiving, registering and ensuring the resolution of all straight forward, minor complaints as speedily as possible. Where there is no cost or liability, they have the authority to resolve problems on the spot, and should endeavour to do so. If required the receiving officer may refer complaints directly to an appropriate technical officer for resolution.

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The majority of complaints can be resolved immediately by acknowledging the customer's dissatisfaction, making an apology where appropriate, and taking corrective action.

It is important that all complaints are recorded, even if the complaint is resolved at the initial contact. In this case it should be clearly noted on the customer feedback form that a resolution has been reached.

#### Complaints made to Councillors

Complaints are often made directly to Councillors rather than to Shire staff. Councillors are requested to:

- Ask the complainant if they have previously made the complaint to Shire staff. If not, Councillors should advise them to contact Shire customer service staff so that the complaint may be addressed; or
- Lodge the complaint on behalf of the customer.

Upon request, the Councillor may be advised of the resolution.

#### Anonymous Complaints

No action will be taken when a complainant declines to provide their name and/or contact details.

The following guidelines must be followed for anonymous complaints:

- a) An anonymous complaint must be recorded;
- b) Anonymous complaints will be reviewed to determine if the complaint will be investigated further. Anonymous complaints that must be investigated include:
  - (i) The matter being brought to the attention of the Shire of Broome is in breach of statutory provisions or the Shire's Code of Conduct; or
  - (ii) The matter could be considered life threatening, a "serious risk", or create a health hazard or has a legal or financial implication for the Shire.

#### Complaints that will not be considered

A complaint will not be considered if the Chief Executive Officer considers the complaint to contain offensive language or be discriminatory in nature. The complainant will be advised accordingly.

#### Withdrawal of a Complaint

A complaint may be withdrawn at any time. Complaints that warrant investigation may be pursued even though the complaint has been withdrawn.

#### Investigation and Referral

Where the complaint cannot be resolved at the initial contact the complaint will be referred to the appropriate officer for investigation.

The complaint may be referred to a relevant Manager or Director when:

- a) The complaint is outside the authority or area of expertise of the receiving officer;
-

- b) The officer is unable to reach a resolution;
- c) The customer remains dissatisfied;
- d) The nature of the complaint warrants higher authority.

Employees responsible at each level are to ensure that complainants are advised of the progress of their complaint:

- a) All complainants will be provided with an initial reply or acknowledgement, detailing likely action, within **five working days** of receipt;
- b) If the complaint is referred to a second or third Level employee for further investigation, the complainant will be advised within **two working days** of the referral;
- c) All complainants are to be informed of action taken (and/or progress) within **ten working days** of receipt of the original complaint; and
- d) If the complaint requires extended investigation, the complainant is to be advised and kept informed of progress at least every **ten working days**.

### Resolution

In many cases an apology is sufficient to resolve the complaint. The apology may be written or verbal and the type of apology issued depends on the situation and nature of the complaint.

If investigation of the complaint reveals that there is a problem with Shire procedures or service provided by the Shire corrective action should be taken to ensure the issue does not reoccur.

The complainant will be notified of the resolution either verbally or in writing, depending on the nature of the complaint.

The resolution of the complaint must be recorded including details of any corrective action taken and communication with the complainant.

### Unresolved Complaints

The majority of complaints will be resolved within the above procedure; however the Shire of Broome may not be able to satisfy every customer on every occasion.

Sometimes Local Government has to make difficult and complex decisions involving many people and individual customers may not get the outcome they want.

If a complaint remains unresolved or a customer is dissatisfied with the process of complaint resolution, other avenues remain for the customer to explore, which include:

- Make a written request for a review of the complaint at a more senior level.
  - The Ombudsman of Western Australia is an independent officer of the Parliament who investigates complaints about state government departments, most statutory authorities and local government. The Ombudsman can be contacted at:  
Level 2, Albert Facey House, 469 Wellington Street, Perth WA 6000.  
Ph (08) 9220 7555
  - Other legal advice or remedy
-

Whilst a customer is entitled to refer a complaint directly to these bodies at any time, customers are encouraged to allow the Shire of Broome to investigate the complaint first.

## CORPORATE SERVICES

### Financial Services

## 2.2.1

|                                |   |
|--------------------------------|---|
| <b>TITLE:</b>                  | <b>INTERNAL CONTROL</b>   |
| <b>ADOPTED:</b>                | OMC 2 June 2015 – Pages 104 – 109<br>–  |
| <b>REVIEWED:</b>               | OMC 17 December 2015 – Pages 110 – 121  |
| <b>ASSOCIATED LEGISLATION:</b> | <i>Local Government (Financial Management) Regulations 1996 – Regulation 5</i><br><i>Local Government (Audit) Regulations 1996 – Regulation 17</i>  |
| <b>ASSOCIATED DOCUMENTS:</b>   | Policy 1.2.11 Risk Management<br>Section 7 – Internal Control Framework Western Australian<br>Local Government Accounting Manual –<br>Risk Profiles |
| <b>REVIEW RESPONSIBILITY:</b>  | Manager Financial Services  |
| <b>DELEGATION:</b>             |   |

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Previous Policy Number 1.1.10

### PART A

#### Introduction:

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

This policy provides a framework for the establishment of documented internal controls that are based on risk management policies and principles. Internal control covers areas such as governance, strategic management, business development, project management and finance.

The purpose of this policy is to assist Council in carrying out its activities in an efficient and effective manner in order to achieve its strategic objectives, to ensure compliance to legislation and policies, to safeguard the Council's assets, and to secure the accuracy and reliability of Council financial records.

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

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Council meets its obligation under the *Local Government Act 1995*, associated Regulations and other legislation.

**Objective:**

1. To implement a risk-based approach to addressing and reducing the risk of loss caused by fraud, error or misstatement.
2. To protect the Shire of Broome's assets – people, property, reputation, financial sustainability and information.
3. Continually audit, identify system gaps and improve internal controls maintained at the Shire of Broome.
4. To ensure propriety of transactions, information integrity, compliance with regulations and achievement of Council objectives.

**Definitions:**

Internal Control

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

**Policy:**

Council is committed to a culture that emphasises integrity, ethical values and competence.

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

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

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## **PART B**

### **Elements of an Internal Control Framework:**

The essential elements and examples of an effective internal control framework includes:

1. Control environment
  - Structure and culture of Council
  - Senior management compliance
  - Proper tone at the top
2. Risk Assessment
  - Risk identification and evaluation
  - Assessment of impact and likelihood
  - Implementing safeguards to treat risks
3. Control activities
  - Delegations of Authority
  - Policies and procedures
  - Trained and properly qualified staff
4. Information and communication
  - IT controls
  - Liaising with auditors and legal advisors
  - Consultation and organisational communication
5. Monitoring
  - Review process e.g. internal audits
  - Self-assessment and continuous improvement
  - Evaluation and reporting

### **Monitoring, Reviewing and Reporting:**

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

In line with Regulation 17 of the *Local Government (Audit) Regulations 1996*, the Chief Executive Officer is required to report on a review of the above three areas biennially. This is in addition to the four yearly review required by Regulation 5(2)(c) of the *Local Government (Financial Management) Regulations 1996* which also includes a review of Council's financial internal controls.

### **Policy Accountability and Review**

The Chief Executive Officer is accountable for this policy.

This policy is to be reviewed every two years. The Council may alter this policy or substitute a new policy at any time.

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## CORPORATE SERVICES

### Financial Services

## 2.2.2

|                                |   |
|--------------------------------|---|
| <b>TITLE:</b>                  | <b>MATERIALITY IN FINANCIAL REPORTING</b>   |
| <b>ADOPTED:</b>                | OMC 7 June 2007 – Pages 130 - 132   |
| <b>REVIEWED:</b>               | OMC 19 March 2009 – Pages 26 – 31<br>SMC 30 July 2009 – Pages 37 – 39<br>SMC 30 July 2010 – Pages 36 – 39<br>SMC 17 August 2011 – Pages 37 – 40<br>OMC 15 March 2012 – Pages 96 – 103<br>OMC 9 August 2012 –Pages 104 – 107<br>SMC 28 August 2013 – Pages 45 – 48<br>SMC 27 June 2014 – Pages 43 – 46<br>SMC 13 August 2015 – Pages 53 – 58<br>OMC 17 December 2015 – Pages 110 - 121 |
| <b>ASSOCIATED LEGISLATION:</b> | <i>Local Government (Financial Management) Regulations 1996 – Regulation 34(5).</i>   |
| <b>ASSOCIATED DOCUMENTS:</b>   | Australian Accounting Standards Board (AASB) 1031   |
| <b>REVIEW RESPONSIBILITY:</b>  | Manager Financial Services  |
| <b>DELEGATION:</b>             |   |

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Previous Policy Number 2.1.1

### Objective:

1. To give application to Australian Accounting Standards Board standard (AASB 1031) on materiality in financial reporting.
2. To comply with regulation 34(5) of the *Local Government (Financial Management) Regulations 1996* (FMR).
3. To clarify the Council's view on the tolerable threshold of material variances and to limit the volume of variance reporting to significant information.

### Definitions:

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|                 |   |
|-----------------|---|
| Materiality -   | Information is material if its omission, misstatement or non-disclosure has the potential, individually or collectively, to; <ul style="list-style-type: none"> <li>a) Influence the economic decisions of users taken on the basis of the financial statements; or</li> <li>b) Affect the discharge of accountability by the management or governing body of the entity.</li> </ul> <i>(AASB 1031 Materiality)</i> |
| Business Unit - | A key service function that is a sub group of Program activity.   |
| Program -       | Statutory classification of local government activity programs including Governance; General Purpose Funding; Law, Order & Public Safety; Health; Education & Welfare; Housing; Community Amenities; Recreation & Culture; Transport; Economic Services; Other Property & Services.   |
| Nature & Type - | Statutory classification of revenues and expenditures including Rates; Grants & Subsidies; Contributions, Reimbursements & Donations; Profit on Asset Disposal; Fees & Charges; Interest Earnings; Other Revenue; Employee Costs; Materials & Contracts; Utilities (e.g. gas, electricity, water); Depreciation; Loss on Asset Disposal; Interest Expense; Insurance; Other expenditure.                            |
| Asset Class -   | Assets that are Land and Buildings, Infrastructure, Plant and Equipment, and Furniture and Equipment.   |
| Operating –     | For the purpose of this policy statement, operating revenues and expenditures are considered as recurrent items transacted in the normal course of on-going business operations.  |
| Capital -       | Revenue or expenditure relating to new, upgrade or the renewal of existing assets.  |

## **Policy:**

### Monthly Statement of Financial Activity

Disclosure and supply of appropriate explanations for variances presented in the Statement of Financial Activity is mandatory under FMR 34(2)(b).

FMR 34(5) requires a local government to adopt a percentage or value, calculated in accordance with the Australian Accounting Standards (AAS) and Council's adopted risk management matrix thresholds, to be used in statements of financial activity for reporting material variances. The following thresholds are to be used to report and provide an explanation for to Council:

1. 10% with a minimum of \$20,000 of the summarised revenue and expenditure by Program, Business Unit, Nature and Type or Asset Class reporting.

2. A forecast total deficit position exceeding 1% of Operating Revenue.
3. A statement of materiality shall be included in the monthly financial activity statements to Council defining the appropriate base for variation analysis.

#### Management Reporting and Budget Reviews

The Shire currently produces monthly reporting to senior management and responsible officers to provide timely, relevant and accurate financial information to inform report users of the performance and progress by individual budget line item detail.

The Shire also undertakes a quarterly budget review (Finance and Costing Review FACR) over and above the requirements to undertake a mid year budget review as per FMR 33A(1).

The Executive Management Group and the Responsible Officers are required to report and provide explanations should YTD actual vary to YTD budget figures against the following thresholds:

1. \$10,000 for an operating revenue and expenditure account or job.
2. \$20,000 for a capital revenue and expenditure account or job.

#### Risk Management and Action Plan

Council and Shire management is required to assess reported material variances and associated explanations in accordance with Council's risk matrix. The materiality thresholds in this policy have been set after analysing the following key risks of the occurrence of material variances:

- 1) HIGH - Material variances greater than 10% of the summarised revenue and expenditure by Program, Business Unit, Nature and Type or Asset Class are likely to occur at least once a year.
- 2) HIGH – Material variances greater than \$10,000 for operating and \$20,000 for capital account/job are likely to occur at least once a year.
- 3) EXTREME – Material variances greater than a forecast deficit of 1% of Operating Revenue are likely to occur at least once a year.

Management have set internal thresholds at 50% of the full materiality thresholds to act as an early warning system for investigation to mitigate the above risks. Additionally, staff are to immediately formulate an action plan to remedy the position, once a material variance has been identified, reported and an explanation is provided.

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## Appendix A – AASB 1031 Materiality

## CORPORATE SERVICES

### Financial Services

## 2.2.3

|                                |  |
|--------------------------------|--|
| <b>TITLE:</b>                  | <b>INVESTMENT OF SURPLUS FUNDS</b>   |
| <b>ADOPTED:</b>                | OMC 6 October 2005 - Pages 75 – 76   |
| <b>REVIEWED:</b>               | OMC 15 March 2012 – Pages 96 – 103<br>OMC 14 June 2012 – Pages 140 – 142<br>OMC 27 March 2014 – Pages 94 – 99<br>OMC 2 June 2015 – Pages 104 – 109<br>OMC 17 December 2015 – Pages 110 - 121 |
| <b>ASSOCIATED LEGISLATION:</b> | <i>Local Government Act 1995</i><br><i>Local Government (Financial Management) Regulations 1996</i><br><i>Trustees Act 1962</i><br>Australian Accounting Standards                           |
| <b>ASSOCIATED DOCUMENTS:</b>   | Issue Credit Rating Definitions (attached)<br><del>Shire of Broome Business Operating Procedure 2.1.5</del><br><del>Signatories – Bank Transactions and Payment Processing</del>             |
| <b>REVIEW RESPONSIBILITY:</b>  | Manager Financial Services   |
| <b>DELEGATION:</b>             | LGA 19 Investment of Surplus Funds   |

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Previous Policy Number – 2.1.2

### Objective:

To invest Council's surplus funds in a prudent manner, with consideration of risk and at the most favourable rate of interest available to it at the time, for that investment type, while ensuring that its liquidity requirements are being met.

While exercising the power to invest, consideration is to be given in 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 safeguarding 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 takes into account the Council's risk tolerance. Any additional return target set by Council will also consider the risk limitation and prudent investment principles.

### **Delegation of Authority:**

Authority for implementation of the Investment Policy is delegated by Council to the Chief Executive Officer (CEO) in accordance with the *Local Government Act 1995*. The CEO may in turn delegate the day-to-day management of Council's Investment to senior staff subject to regular reviews.

### **Prudent Person Standard:**

The investment will be managed with the care, diligence and skill that a prudent person would exercise. Officers are to manage the investment portfolios to safeguard the portfolios in accordance with the spirit of this Investment Policy, and not for speculative purposes.

### **Policy:**

Council and staff have an obligation to ensure that surplus funds are invested in a responsible manner.

Council is required to have in place a current set of policies and internal control procedures that satisfy the responsibilities under Section 6.14 of the *Local Government Act 1995*, Part III of the *Trustees Act 1962* (as amended) and Regulation 19C of the *Local Government (Financial Management) Regulations 1996*.

Council will adopt a conservative investment approach to ensure investment capital is preserved and funds are always available in the short term. Council and delegated officers have a fiduciary duty under the *Local Government Act 1995*, therefore risks must be kept to an acceptable minimum, particularly credit risk.

### **Reporting and Review**

A monthly report will be provided to Council in support of the monthly statement of financial activity. The report will detail the investment portfolio in terms of performance, percentage exposure of total portfolio, maturity date and changes in market value.

### **Regulation 19C**

The Chief Executive Officer and delegated officers are authorised to invest surplus funds within the authorised investment parameters and regulation 19C of the *Local Government (Financial Management) Regulations 1996*.

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## 1. Authorised Investments

### 1.1 Cash/ Bank Deposits

(a) Deposits with an authorised deposit-taking institution as defined in the *Banking Act 1959* (Commonwealth) section 5; or

(b) The Western Australian Treasury Corporation established by the *Western Australian Treasury Corporation Act 1986*;

### 1.2 Restrictions

Council may not:

(a) Deposit with an institution that is not an authorised institution;

(b) Deposit for a fixed term more than 12 months;

(c) Invest in bonds that are not guaranteed by the Commonwealth Government, or a State or Territory Government;

(d) Invest in bonds with a term to maturity of more than 3 years;

(e) Invest in foreign currency.

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## CORPORATE SERVICES

### Financial Services

## 2.2.4

|                                |  |
|--------------------------------|--|
| <b>TITLE:</b>                  | <b>RATING</b>  |
| <b>ADOPTED:</b>                | OMC 31 March 2016 – Pages 149 - 158  |
| <b>REVIEWED:</b>               |  |
| <b>ASSOCIATED LEGISLATION:</b> | <i>Local Government Act 1995</i><br>Sections 6.28, 6.31, 6.32, 6.33 and 6.47 |
| <b>ASSOCIATED DOCUMENTS:</b>   |  |
| <b>REVIEW RESPONSIBILITY:</b>  | Manager Financial Services   |
| <b>DELEGATION:</b>             |  |

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Previous Policy Number: 2.1.7

### **PART A**

#### **Objective:**

To apply the rating principles set out within the *Local Government Act 1995* (LGA) and guide the decision-making on the purpose for which the land is held or used while ensuring the following principles are observed:

- Objectivity – the use of land should be reviewed and determined based on an objective assessment of relevant criteria. External parties should be able to understand how and why a particular determination was made.
- Fairness and Equity – each property should make a fair contribution to rates based on a method of valuation that appropriately reflects its use.
- Consistency – Rating principles should be applied and determinations should be made in a consistent manner. Like properties should be treated in a like manner.
- Transparency – Systems and procedures for determining the method of valuation should be clearly documented.
- Administrative Efficiency – rating principles and procedures should be applied and implemented in an efficient and cost-effective manner.

#### **Policy:**

In order for the Minister to ensure the rating principles under the LGA are applied to any separately identifiable rateable portion of land within the district, the Shire is to have systems and procedures to:

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- identify and record any changes in land use;
- review the predominant use of land affected by significant land use changes;
- consult with affected parties;
- obtain Council approval to apply to the Minister for a change in method of valuation; and
- ensure timely application to the Minister

The purpose for which the land is zoned is only one of the considerations that guide the determination of predominant use of any land within the district.

An initial guide to the predominant use of land within the district based on the zoning under Local Planning Scheme 6 is detailed in Part B. Rates should be determined based on the predominant use of land in accordance with section 6.28 of the LGA which may be different from the purpose for which the land has been zoned. Determination of predominant use should therefore be based on objective and best available information.

### **Statutory Requirement:**

The Minister for Local Government has the responsibility for determining the method of valuation of land to be used by the Valuer General.

Section 6.28 (1) & (2) of the LGA states:

- (1) The Minister for Local Government is to –
  - (a) *determine the method of valuation of land to be used by a local government as the basis for a rate; and*
  - (b) *publish a notice of the determination in the Government Gazette.*
- (2) In determining the method of valuation of land to be used by a local government the Minister is to have regard to the general principle that the basis for a rate on any land is to be –
  - (a) *where the land is used predominantly for rural purposes, the unimproved value of the land; and*
  - (b) *where the land is used predominantly for non-rural purposes, the gross rental value of the land.*

Local Government is required to make up any budget deficiency by applying a general rate set as a rate in the dollar of Unimproved Value (UV), or a rate in the dollar of the Gross Rental Value (GRV) of the land.

Section 6.32 (1) & (2) of the LGA states:

- (1) *When adopting the annual budget, a local government –*
  - (a) *in order to make up the budget deficiency, is to impose a general rate on rateable land within its district, which rate may be imposed either –*
    - (i) *uniformly; or*
    - (ii) *differentially.*

- (2) Where a local government resolves to impose a rate it is required to:
- (a) set a rate which is expressed as a rate in the dollar of the gross rental value of rateable land within its district to be rated on gross rental value; and
  - (b) set a rate which is expressed as a rate in the dollar of the unimproved value of rateable land within its district to be rated on unimproved value.

When resolving to impose a rate, a local government may impose a uniform rate for each method of valuation or a differential general rate for each method of valuation.

Section 6.33 (1), (2), (3) & (4) of the LGA states:

- (1) A local government may impose differential general rates according to any, or a combination, of the following characteristics:
- (a) the purpose for which the land is zoned, whether or not under a local planning scheme or improvement scheme in force under the Planning and Development Act 2005; or
  - (b) a purpose for which the land is held or used as determined by the local government; or
  - (c) whether or not the land is vacant land; or
  - (d) any other characteristic or combination of characteristics prescribed.
- (2) Regulations may:
- (a) specify the characteristics under subsection (1) which a local government is to use; or
  - (b) limit the characteristics under subsection (1) which a local government is permitted to use.
- (3) In imposing a differential general rate a local government is not to, without the approval of the Minister, impose a differential general rate which is more than twice the lowest differential general rate imposed by it.
- (4) If during a financial year, the characteristics of any land which form the basis for the imposition of a differential general rate have changed, the local government is not to, on account of that change, amend the assessment of rates payable on that land in respect of that financial year but this subsection does not apply in any case where section 6.40(1)(a) applies.

Where the Minister changes the basis of valuation from UV to GRV, Council may resolve to apply the change of valuation immediately / or phase in any changes in valuation in accordance with Schedule 6.1 of the Act.

## **PART B**

### ***Initial guide to predominant use of land***

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| Use Class                             | Method of Valuation |
|---------------------------------------|---------------------|
| Agriculture –Intensive                | UV                  |
| Animal Establishment                  | UV                  |
| Aquaculture                           | UV                  |
| Plant Nursery                         | UV                  |
| Rural Pursuit                         | UV                  |
| Art & Craft Centre                    | GRV                 |
| Bed & Breakfast Accommodation         | UV or GRV           |
| Caravan Park                          | GRV                 |
| Childcare Centre                      | GRV                 |
| Community Living                      | GRV                 |
| Educational Establishment             | GRV                 |
| Grouped Dwellings                     | GRV                 |
| Holiday Home (Large)                  | GRV                 |
| Holiday Home (Standard)               | GRV                 |
| Home Business                         | GRV                 |
| Home Occupation                       | GRV                 |
| Home Office                           | GRV                 |
| Industry –Cottage                     | GRV                 |
| Multiple Dwellings                    | GRV                 |
| Museum                                | GRV                 |
| Occasional Use                        | GRV                 |
| Place of Assembly – and Worship       | GRV                 |
| Public Utility                        | GRV                 |
| Reception Centre                      | GRV                 |
| Residential Building                  | GRV                 |
| Restaurant                            | GRV                 |
| Service Station                       | GRV                 |
| Staff Accommodation                   | GRV                 |
| Storage Facility, Depot, Laydown area | GRV                 |
| Telecommunications Infrastructure     | GRV                 |
| Tourist Development                   | GRV                 |
| Transport Depot                       | GRV                 |
| Transport Overnight Facility          | GRV                 |
| Vehicle Hire                          | GRV                 |
| Veterinary Centre                     | GRV                 |
| Winery                                | GRV                 |

Determination of the appropriate method of valuation requires examination of the extent to which the separately identifiable portion of land is being used for the alternative land use. This should be documented and considered using the principles

detailed in this policy before making application to the Minister for a change in method of valuation.

A uniform general rate in the dollar is to be applied for all GRV and UV valued properties within the district. Council may in certain circumstances deem a differential general rate to be necessary. Imposition of differential general rate represents a conscious decision by Council to redistribute the rate burden in the district by imposing a higher contribution on some ratepayers and a lower contribution on others.

The purpose for which the land is zoned although relevant in determining permissible uses of land, may not be always appropriate in determining the predominant use for rating purposes. Where the Benefit Principle is considered not applicable by Council within a particular land zoning, the purpose for which the land is held or used as determined by the Council and/or whether or not the land is vacant land shall be used as the basis for rates.

### **Concessions and waivers**

Circumstances may arise where Council resolves by absolute majority to grant a waiver or concession which has the effect of altering the general rating principles and safeguards under the Act and the principles outlined in this Policy, where this does occur a review of the rating structure shall be undertaken to avoid the need to continue to grant a concession in subsequent years.

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### Financial Services

|                                |   |
|--------------------------------|---|
| <b>TITLE:</b>                  | <b><u>DEBT RECOVERY</u></b>   |
| <b>ADOPTED:</b>                | OMC 19 March 2009 – Pages 26 – 31   |
| <b>REVIEWED:</b>               | OMC 15 March 2012 – Pages 96 - 103<br>OMC 27 March 2014 – Pages 94 – 99<br>OMC 17 December 2015 – Pages 110 – 121<br>OMC 25 August 2016 – Pages 585 - 591   |
| <b>ASSOCIATED LEGISLATION:</b> | <i>Local Government Act 1995</i> – Sections 6.13, 6.45, 6.51, 6.56, 6.60, 6.64.<br><i>Local Government (Financial Management) Regulations 1996</i><br><i>Rates and Charges (Rebates and Deferments) Act 1992</i>  |
| <b>ASSOCIATED DOCUMENTS:</b>   |   |
| <b>REVIEW RESPONSIBILITY:</b>  | Manager Financial Services  |
| <b>DELEGATION:</b>             | LGA 30 Rates and Service Charges - Agreements<br>LGA32 Rating and Service Charges–Caveat<br>LGA33 Rating and Service Charges, Legal Action for Recovery<br>LGA31 Rates, Unpaid – Power for Sale<br>LGA 34 Recovery of Rates and Service Charges – Leased Properties |

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Previous Policy Number 2.1.3

### **PART A**

#### **Objective:**

To set out a clear, equitable, accountable and transparent process for the Shire of Broome (the Shire) to follow in the management and collection of rates and sundry debtors. The policy will ensure proper records are maintained for debts owed to the Shire as required by the *Local Government Act 1995* and *Local Government (Financial*

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*Management) Regulations 1996* and that collection actions are managed in a consistent and equitable manner.

### **Policy:**

The Shire is committed to ensuring that it manages its cash flows in a manner that provides financial sustainability to the organisation.

It will ensure that the collection of all rates and sundry debts are:

- being managed fairly and equitably;
- in accordance with the *Local Government Act 1995*, *Civil Judgements Enforcement Act 2004*, this Policy and any associated business operating procedures;
- undertaken with upmost respect, courtesy and diligence in dealings with all debtors; and
- treated with strict confidentiality.

In cases where the owner of a leased or rented property on which rates are outstanding cannot be located after all reasonable efforts and avenues have been exhausted, or refuses to settle rates owed, or defaults on alternative payment arrangement, notice will be served on lessee under the provisions of section 6.60 of the LGA without the need for Council endorsement, requiring the lessee to pay to the Shire the rent due under the lease/tenancy agreement as it becomes due, until the amount in arrears has been fully paid.

A Property Sale and Seizure Order (PSSO) on a debtor's goods may proceed without the need for Council endorsement. If a PSSO on a debtor's goods fails to identify sufficient freehold goods for seizure by a court-appointed Bailiff and the rates remained unpaid for at least 3 years, then a PSSO on a debtor's land may only proceed following approval from Council.

If any rates or service charges which are due in respect of any rateable land have been unpaid for at least 3 years, where all attempts to recover money due have failed, and after all reasonable efforts and avenues to locate the owner have been exhausted, approval shall be sought from Council for issue of a PSSO against land in order to:

- lease the land;
- have the land transferred to the Shire; and
- sell the land.

The above actions will be reported on a confidential basis to the Council for approval.

## **PART B**

### **Management Procedures**

#### **Purpose**

To ensure all rates and sundry debts are managed fairly, equitably, and in a transparent and consistent manner. All debtors will be shown the utmost respect, and

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courtesy in dealings with the Shire, with all debt collection arrangements being treated in a strictly confidential manner.

### **Definitions:**

For purposes of the this Policy and Management Procedures, the following definitions apply:

|  |  |
|--|--|
| <b>The Act</b>                                 | Means the <i>Local Government Act 1995</i> .   |
| <b>The Regulations</b>                         | Means the <i>Local Government (Financial Management) Regulations 1996</i> .  |
| <b>Debt</b>                                    | Means an amount of money owed to the Shire by a debtor because of a transaction or rates and service charges (including emergency services levy) levied by the Shire.  |
| <b>Debtor</b>                                  | Means any individual, corporation, organisation or other entity owing money to the Shire.  |
| <b>Risk</b>                                    | Means the possibility of non-payment of a debt by the debtor when the amount is due. The likelihood of non-payment increases with the age of the debt.   |
| <b>Write Off</b>                               | Means the accounting procedure for cancelling a debt that is no longer collectible resulting in its removal by Council from the Shire's statement of financial position (balance sheet).   |
| <b>Rates and Service Charges</b>               | Rates and Service Charges are a charge on land imposed under the Act.  |
| <b>Alternative Payment Arrangement</b>         | An agreement made between the ratepayer and the Shire to pay rates or service charges at a timing and frequency other than the prescribed instalment due dates. Alternate payments frequencies can only be weekly, fortnightly or monthly. It is required that the full outstanding balance of the account, plus any interest accruing, be cleared before the 4 <sup>th</sup> Instalment deadline of the current financial year. Payment arrangement requests shall be made in writing directly to the local government. |
| <b>General Procedure Claim (GPC)</b>           | A GPC is issued through the Magistrates Court for debts up to an amount determined by the Chief Executive Officer (CEO).   |
| <b>Property Sales and Seizure Order (PSSO)</b> | A PSSO authorises a bailiff to seize and sell as much of the judgment debtor's real or personal property as necessary to satisfy the judgment debt wholly or partially.  |
| <b>Real Property (Land):</b>                   | Assets that are fixed permanently in one location such as land and/or buildings.   |
| <b>Personal Property (Goods)</b>               | Assets that are movable and not fixed permanently in one location such as vehicles and other possessions.  |

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## 1. Debt Recovery Process - Rates

The following process is to be followed for the recovery of rates and service charges. Legal proceedings will continue until outstanding rates and service charges are paid in full or otherwise determined by the CEO and/or the Council.

### 1.1 Final Notice – 14 Days after Rate Notice due date

Where a ratepayer has not paid the amount due or entered into a payment arrangement 14 days after the due date shown on the Rate Notice, a Final Notice shall be issued, requesting full payment within 7 days or the option to enter into a payment arrangement.

Although eligible pensioners registered under the Rates and Charges (Rebates and Deferments Act) 1992 are entitled to pay Rates by the 30th June under the legislation, Final notice will be sent, as charges for waste/recycling services, swimming pool inspection fee and ESL are payable as per due dates.

### 1.2 Letter of Demand issued by Debt Recovery Agent - 14 Days after Final Notice issue date

Where a ratepayer has not paid the amount due or not entered into a payment arrangement 14 days after the issue of a Final Notice, a Letter of Demand shall be issued by the Shire's Debt Recovery Agent requesting full payment within 7 days or the option to enter into a payment arrangement.

### 1.3 General Procedure Claim (GPC) – 14 Days after Letter of Demand issued by Debt Recovery Agent

Where a ratepayer has not paid the amount due or not entered into a payment arrangement 14 days after Letter of Demand was issued by Debt Recovery Agent, a GPC will be issued for recovery of the debt through Council's Debt Recovery Agent.

Legal costs and the costs of proceedings will be added to the ratepayers account upon issue of a GPC in accordance with Section 6.56 of the *Local Government Act 1995 (LGA)*.

Ratepayers are required to pay in full or by instalments including the legal costs. If they choose to pay by instalments, they must sign the "Admission of Claim" on the reverse of the GPC and state the amount they agree to pay for each instalment. The discharge of overdue rates through an "Admission of Claim" will be considered upon payment in full or by an acceptable payment arrangement, including the legal costs. A debtor will be required to clear the debt by 30<sup>th</sup> June of the current financial year, unless agreed otherwise. Judgment is entered by the Court upon an Admission of Claim.

### 1.4 Property Sale and Seizure Order (PSSO) on Goods and Land– 21 Days after GPC has been served

Where a GPC has been served and remains unsatisfied, recovery action will continue through the Council's debt recovery agent to pursue recovery of the

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debt plus legal costs in accordance with this policy and relevant provisions of LGA. This includes the issue of a PSSO – against a ratepayer's goods and, if GPC cannot be served due to inability to locate the ratepayer, a PSSO on a ratepayer's land.

A PSSO on a debtor's goods may proceed, in the first instance, 21 days after GPC has been served without the need for Council endorsement.

If a PSSO on a debtor's goods fails to identify sufficient freehold goods for seizure by a court-appointed Bailiff and the rates remained unpaid for at least 3 years, then a PSSO on a debtor's land may only proceed following approval from Council.

#### **1.5 PSSO on Land – For Unpaid Rates and Service Charges for at Least 3 Years**

If any rates or service charges which are due in respect of any rateable land have been unpaid for at least 3 years, where all attempts to recover money due have failed, and after all reasonable efforts and avenues to locate the owner have been exhausted, approval shall be sought from Council for issue of a PSSO against land in order to:

- lease the land;
- have the land transferred to the Shire; and
- sell the land.

The above actions will be reported on a confidential basis to the Council for approval.

### **2. Alternative Payment Arrangement - Rates**

If the instalment due dates indicated on the rate notice are not suitable, ratepayers may request for an Alternative Payment Arrangement which can be a weekly, fortnightly or monthly repayments. Any payment arrangements must be agreed upon in writing by both by the ratepayer and Shire and applicable fees as determined by the Shire from time to time shall apply. Interest shall continue to accrue on the outstanding rates until fully paid. Approval of payment arrangements is at the discretion of Shire and will consider all relevant factors and circumstances of the account.

If a ratepayer defaults on an approved payment arrangement, the debt recovery process shall resume from the stage prior to the establishment of the Alternative Payment without any further notice (e.g. default in payment arrangement after receipt of Final Notice shall be issued a GPC) or proceed with alternate recovery methods like Section 6.60).

### **3. Section 6.60 - Local Government May Require Lessee to Pay Rent**

In cases where the owner of a leased or rented property on which rates are outstanding cannot be located after all reasonable efforts and avenues have been exhausted, or refuses to settle rates owed, or defaults on alternative payment arrangement, notice will be served on lessee under the provisions of section 6.60 of

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the LGA, requiring the lessee to pay to the Shire the rent due under the lease/tenancy agreement as it becomes due, until the amount in arrears has been fully paid.

In exercising Section 6.60 of the LGA:

1. A letter is sent to the owner of the property at the last known place of contact. This letter advises of the rates outstanding and the intention to issue an order on the tenant to pay any rent due under the lease or rental agreement if the account is not settled within 14 days.
2. If the payment is not received from the owner, the tenant is issued with an order under Section 6.60 of the LGA. This order requires that any rent payable under the terms of the lease in respect of the land is paid to the Shire and not the owner.
3. The tenant must continue to pay any rent due in respect of the land to the Shire until the amount of rates outstanding is settled.
4. The Shire will notify the tenant when the outstanding rates have been satisfied by the rent paid by the tenant or by receipt from the owner and rescind the order made under Section 6.60.

#### **4. Section 6.64 - Actions to Be Taken - Caveats**

The Chief Executive Officer may lodge a caveat to preclude dealings in land where rates or services charges are in arrears and the CEO is of the opinion that it is in the interests of the Shire to lodge the caveat.

#### **5. Debts Other Than Rates and Service Charges**

##### **5.1 Sundry debt recovery**

The terms of payment for each invoice may vary depending on the goods or service rendered to the debtor. If the invoice is not paid by the due date, the following procedure will take place:

- A letter or Reminder Notice will be issued advising the debtor that if there exists a dispute or query to contact the Shire otherwise payment is expected within fourteen (14) days of the issue date of the letter;
- If no response is received from the debtor, upon recommendation of the appropriate Shire Finance Officer, Demand Notice may be sent to the debtor advising that if payment is not made within fourteen (14) days of the date of the notice, further action may be taken to recover the debt, which could involve legal action. The debtor will be advised that any additional fees incurred in recovering the debt will be passed on to the debtor.
- External party (Debt Collection Agency) will only be engaged to recover an outstanding debt if the action is appropriate for the amount outstanding, given due consideration to all issues which have led to the debt being overdue and not paid.

##### **5.2 Special Payment Arrangements – Sundry**

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Applicants are required to complete an Application Form for a Sundry Debtors Payment Arrangement, giving information regarding their financial position and provide any additional documentation, verifying the financial position of the applicant(s) to substantiate the information supplied. Following an assessment by the relevant Shire Finance Officer, the Application will be referred to the MFS for approval.

In the event of an Applicant being dissatisfied with the decision of a Shire Finance Officer/MFS, they will have access rights for a review to the CEO in accordance with the Council's Policy No. 1.2.6 Complaint Resolution.

### 5.3 Write-Off - Sundry

After all reasonable attempts to either locate the debtor or to obtain payment have failed, or the cost of recovery exceeds the debt amount, the relevant Shire Finance Officer responsible for raising the debt will submit a written request to the Manager Financial Services (MFS) for the invoice to be considered for write off if within the MFS delegated authority. Otherwise, approval will be sought from the Chief Executive Officer and subsequently Council (if required) for approval for the debt to be written off.

### 5.4 Debt Raised in Error or Debt Adjustment

If a debt has been raised in error or requires an adjustment, then an explanation shall be documented and provided by the relevant Shire Finance Officer to the MFS prior to reversing or correcting the debt raised in error

### 5.1 Other Action Which Maybe Taken

The following list of actions may also be instituted at the discretion of the Director Corporate Services, against defaulting sundry Debtors, who do not respond to normal requests for payment:

- Issue a Letter of Demand;
- Commencement of Court proceedings to recover the outstanding monies;
- Discontinuing performance of any services, hire reservations and/or licences;
- Refusing further services (if applicable);
- Request "up-front" bonds for future dealings with the Shire, which may be used to offset against the outstanding debt;
- Offset any amounts owed by the Shire against any outstanding debt;
- Report to the Council to consider cancellation of a Lease Agreement (if applicable).

## **6. Interest on Overdue Monies**

Interest can be calculated on the total outstanding debt/rates once it has exceeded the due date. The rate of interest imposed is that as determined by the Council as prescribed in the Annual Budget and in accordance with Section 6.13

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of the LGA. The decision to write-off interest on sundry debts is at the discretion of the MFS in accordance with the delegated authority.

Should the ratepayer default in the Alternative Payment Arrangement where interest is previously waived, the waiving of the interest will cease and interest will be calculated from the date that the rates or debt originally defaulted.

## CORPORATE SERVICES

### Financial Services

## 2.2.7

**TITLE:** **SIGNIFICANT ACCOUNTING POLICIES**

**ADOPTED:** Annual Budget Process

**REVIEWED:** SCM 30 July 2009 – Pages 40 - 41  
SCM 30 July 2010 – Pages 40 - 41  
SCM 17 August 2011 – Pages 44 – 46  
OMC 15 March 2012 – Pages 96 - 103  
OMC 9 August 2012 – Pages 108 – 109  
SCM 28 August 2013 - Pages 58 - 64  
OMC 27 March 2014 – Pages 94 – 99  
SMC 27 June 2014 – Pages 47 – 53  
OMC 27 November 2014 – Pages 153 – 168  
SMC 13 August 2015 – Pages 53 – 58  
OMC 17 December 2015 – Pages 110 - 121

**ASSOCIATED LEGISLATION:** *Local Government (Financial Management) Regulations 2006, **Regulation 5A*** Local governments to comply with AAS

Subject to regulation 4, the annual budget, annual financial report and other financial reports of a local government must comply with the AAS.

*[Regulation 5A inserted in Gazette 20 Jun 2008 p. 2722.]*

**ASSOCIATED DOCUMENTS:**

**REVIEW RESPONSIBILITY:** Manager Financial Services

**DELEGATION:**

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Previous Policy Number 2.1.4

**Objective:**

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1. To comply with regulation 5A of the *Local Government (Financial Management) Regulations 1996*.
2. To allow Council to consider accounting policies in their own right, notwithstanding that policies are generally designed to comply with the requirements of current Australian Accounting Standards (AAS).
3. To provide guidance in the recording of financial transactions and the preparation and presentation of annual financial reporting.

## **Definitions:**

Australian Accounting Standards (AAS) – Standards, that have the force of law over the preparation and fair presentation of general purpose financial reports.

## **Policy:**

### **SIGNIFICANT ACCOUNTING POLICIES**

The significant accounting policies which Council adopts for this Financial Year are:

#### **(a) Basis of Preparation**

The annual financial report and annual budget have been prepared in accordance with applicable Australian Accounting Standards (as they apply to local government and not-for-profit entities), Australian Accounting Interpretations, other authoritative pronouncements of the Australian Accounting Standards Board, the *Local Government Act 1995* and accompanying regulations. Material accounting policies which have been adopted in the preparation of this budget are presented below and have been consistently applied unless stated otherwise.

Except for cash flow and rate setting information, the budget has also been prepared on the accrual basis and is based on historical costs, modified, where applicable, by the measurement at fair value of selected non-current assets, financial assets and liabilities.

The preparation of a financial report and annual budget in conformity with Australian Accounting Standards require management to make judgements, estimates and assumptions that effect the application of policies and reported amounts of assets and liabilities, income and expenses.

#### **The Local Government Reporting Entity**

All Funds through which the Shire of Broome (the Shire) controls resources to carry on its functions have been included in the financial statements forming part of this budget.

In the process of reporting on the local government as a single unit, all transactions and balances between those Funds (for example, loans and transfers between Funds) have been eliminated.

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All monies held in the Trust Fund are excluded from the financial statements. A separate statement of those monies appears at Note 16 to this budget document.

**(b) Actual Balances**

Balances shown in the budget at any given year are as forecasted at the time of budget preparation and are subject to final adjustments upon completion of the final annual audit.

**(c) Rounding Off Figures**

All figures shown in this budget, other than a rate in the dollar, are rounded to the nearest dollar.

**(d) Rates, Grants, Donations and Other Contributions**

Rates, grants, donations and other contributions are recognised as revenues when the local government obtains control over the assets comprising the contributions.

Control over assets acquired from rates is obtained at the commencement of the rating period or, where earlier, upon receipt of the rates.

**(e) Goods and Services Tax (GST)**

Revenues, expenses and assets are recognised net of the amount of GST, except where the amount of GST incurred is not recoverable from the Australian Taxation Office (ATO).

Receivables and payables are stated inclusive of GST receivable or payable. The net amount of GST recoverable from, or payable to, the ATO is included with receivables or payables in the statement of financial position.

Cash flows are presented on a Gross basis. The GST components of cash flows arising from investing or financing activities which are recoverable from, or payable to, the ATO are presented as operating cash flows.

**(f) Superannuation**

The Shire contributes to a number of Superannuation Funds on behalf of employees. All funds to which the Shire contributes are defined contribution plans.

**(g) Cash and Cash Equivalents**

Cash and cash equivalents include cash on hand, cash at bank, deposits available on demand with banks, other short term highly liquid investments that are readily convertible to known amounts of cash and which are subject to an insignificant risk of changes in value and bank overdrafts.

Bank overdrafts are shown as short term borrowings in current liabilities in the statement of financial position.

**(h) Trade and Other Receivables**

Trade and other receivables include amounts due from ratepayers for unpaid rates and service charges and other amounts due from third parties for goods sold and services performed in the ordinary course of business.

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Receivables expected to be collected within 12 months of the end of the reporting period are classified as current assets. All other receivables are classified as non-current assets.

Collectability of trade and other receivables is reviewed on an ongoing basis. Debts that are known to be uncollectible are written off when identified. An allowance for doubtful debts is raised when there is objective evidence that they will not be collectible.

**(i) Inventories**  
**General**

Inventories are measured at the lower of cost and net realisable value.

Net realisable value is the estimated selling price in the ordinary course of business less the estimated costs of completion and the estimated costs necessary to make the sale.

**Land Held for Resale**

Land held for development and sale is valued at the lower of cost and net realisable value. Cost includes the cost of acquisition, development, borrowing costs and holding costs until completion of development. Finance costs and holding charges incurred after development is completed are expensed.

Gains and losses are recognised in profit or loss at the time of signing an unconditional contract of sale if significant risks and rewards, and effective control over the land, are passed on to the buyer at this point.

Land held for sale is classified as current except where it is held as non-current based on Council's intentions to release for sale.

**(j) Fixed Assets**

Each class of fixed assets within either property, plant and equipment or infrastructure, is carried at cost or fair value as indicated less, where applicable, any accumulated depreciation and impairment losses.

**Mandatory Requirement to Revalue Non-Current Assets**

Effective from 1 July 2012, the *Local Government (Financial Management) Regulations 1996* were amended and the measurement of non-current assets at Fair Value became mandatory.

The amendments allow for a phasing in of fair value in relation to fixed assets over three years as follows:

(a) for the financial year ending on 30 June 2013, the fair value of all of the assets of the local government that are plant and equipment; and

(b) for the financial year ending on 30 June 2014, the fair value of all of the assets of the local government -

(i) that are plant and equipment; and

(ii) that are -

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- (I) land and buildings; or
- (II) infrastructure;

and

(c) for a financial year ending on or after 30 June 2015, the fair value of all of the assets of the local government.

Thereafter, in accordance with the regulations, each asset class must be revalued at least every 3 years.

In 2013, the Shire commenced the process of adopting Fair Value in accordance with the Regulations.

Relevant disclosures, in accordance with the requirements of Australian Accounting Standards, have been made in the budget as necessary.

### ***Land Under Control***

In accordance with Local Government (Financial Management) Regulation 16(a), the Shire was required to include as an asset (by 30 June 2013), Crown Land operated by the local government as a golf course, showground, racecourse or other sporting or recreational facility of state or regional significance.

Upon initial recognition, these assets were recorded at cost in accordance with AASB 116. They were then classified as Land and revalued along with other land in accordance with the other policies..

Whilst they were initially recorded at cost (being fair value at the date of acquisition (deemed cost) as per AASB 116) they were revalued along with other items of Land and Buildings at 30 June 2014.

### ***Initial Recognition and Measurement between Mandatory Revaluation Dates***

All assets are initially recognised at cost and subsequently revalued in accordance with the mandatory measurement framework detailed above.

In relation to this initial measurement, cost is determined as the fair value of the assets given as consideration plus costs incidental to the acquisition. For assets acquired at no cost or for nominal consideration, cost is determined as fair value at the date of acquisition. The cost of non-current assets constructed by the Shire includes the cost of all materials used in construction, direct labour on the project and an appropriate proportion of variable and fixed overheads.

Individual assets acquired between initial recognition and the next revaluation of the asset class in accordance with the mandatory measurement framework detailed above, are carried at cost less accumulated depreciation as management believes this approximates fair value. They will be subject to subsequent revaluation of the next anniversary date in accordance with the mandatory measurement framework detailed above.

### ***Revaluation***

Increases in the carrying amount arising on revaluation of assets are credited to a revaluation surplus in equity. Decreases that offset previous increases of

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the same asset are recognised against revaluation surplus directly in equity. All other decreases are recognised in profit or loss.

### **Transitional Arrangement**

During the time it takes to transition the carrying value of non-current assets from the cost approach to the fair value approach, the Shire may still be utilising both methods across differing asset classes.

Those assets carried at cost will be carried in accordance with the policy detailed in the **Initial Recognition** section as detailed above.

Those assets carried at fair value will be carried in accordance with the **Revaluation** Methodology section as detailed above.

### **Land Under Roads**

In Western Australia, all land under roads is Crown land, the responsibility for managing which is vested in the local government.

Effective as at 1 July 2008, the Shire elected not to recognise any value for land under roads acquired on or before 30 June 2008. This accords with the treatment available in Australian Accounting Standard AASB 1051 Land Under Roads and the fact Local Government (Financial Management) Regulation 16(a)(i) prohibits local governments from recognising such land as an asset.

In respect of land under roads acquired on or after 1 July 2008, as detailed above, Local Government (Financial Management) Regulation 16(a)(i) prohibits local governments from recognising such land as an asset.

Whilst such treatment is inconsistent with the requirements of AASB 1051, Local Government (Financial Management) Regulation 4(2) provides, in the event of such an inconsistency, the Local Government (Financial Management) Regulations prevail.

Consequently, any land under roads acquired on or after 1 July 2008 is not included as an asset of the Shire.

### **Depreciation**

The depreciable amount of all fixed assets including buildings but excluding freehold land, are depreciated on a straight-line basis over the individual asset's useful life from the time the asset is held ready for use. Leasehold improvements are depreciated over the shorter of either the unexpired period of the lease or the estimated useful life of the improvements.

Major depreciation periods used for each class of depreciable asset are:

| <b>Item</b>                                    | <b>Estimated<br/>Useful Life</b> | <b>Annual<br/>Dep'n Rate</b> |
|--|----------------------------------|------------------------------|
| Vehicles (High Use 1 year replacement program) | 4 years                          | 25.00%                       |
| Ride on Mowers                                 | 5 years                          | 20.00%                       |

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|  |            |        |
|--|------------|--------|
| Cars & Light Vehicles (2 to 3 replacement program) | 6.67 years | 15.00% |
| Trucks Small 2-5 tonne                             | 6.67 years | 15.00% |
| Trucks Medium 6-12 tonne                           | 8 years    | 12.50% |
| Trucks Heavy >12 tonne & Medium Plant              | 10 years   | 10.00% |
| Plant Heavy, Graders, Scrapers, Dozers, etc        | 12 years   | 8.33%  |
| Plant Portable (regular use)                       | 5 years    | 20.00% |
| Plant Other (low use and/or long life)             | 16 years   | 6.25%  |
| Computer Equipment (hardware/software)             | 4 years    | 25.00% |
| Furniture & Equipment                              | 10 years   | 10.00% |
| Building Plant & Air Conditioning                  | 15 years   | 6.67%  |
| Buildings  | 40 years   | 2.50%  |
| Buildings - Long Life Structures                   | 50 years   | 2.00%  |
| Infrastructure Fixed:                              |            |        |
| Formation & Earthworks (roads, reserves, landfill) | 100 years  | 1.00%  |
| Pavement (roads, car parks, reserves, landfill)    | 40 years   | 2.50%  |
| Seals Asphalt                                      | 25 Years   | 4.00%  |
| Seals Bitumen                                      | 15 Years   | 6.67%  |
| Road Plant & Bus Shelters                          | 20 years   | 5.00%  |
| Bridges  | 80 years   | 1.25%  |
| Drainage facilities                                | 60 years   | 1.67%  |
| Footpaths, Dual Use Paths                          | 50 years   | 2.00%  |

The assets residual values and useful lives are reviewed, and adjusted if appropriate, at the end of each reporting period.

An asset's carrying amount is written down immediately to its recoverable amount if the asset's carrying amount is greater than its estimated recoverable amount.

Gains and losses on disposals are determined by comparing proceeds with the carrying amount. These gains and losses are included in profit or loss in the period which they arise.

When revalued assets are sold, amounts included in the revaluation surplus relating to that asset are transferred to retained surplus.

### **Capitalisation Threshold**

In order to enable effective asset management expenditure on items above the threshold amount shown below will be capitalised. Those items below the threshold amount may be capitalised, recorded on an asset inventory listing or treated as operating expenses as appropriate.

|   |         |
|---|---------|
| Infrastructure - New, Upgrade or Renewal        | \$5,000 |
| Land  | \$5,000 |
| Buildings - New, Upgrade or Renewal             | \$5,000 |
| Plant & Equipment - New, Upgrade or Renewal     | \$5,000 |
| Furniture & Equipment - New, Upgrade or Renewal | \$5,000 |

### ***Asset Related Expenditure Categorisation***

Expenditure will be split into two categories, Capital and Operating.

Capital expenditure will be recognised as either:

- (a) New: To acquire assets to provide new service (never before provided) to the community.
- (b) Upgrade: To increase the level of service of an asset to a level of service higher than previously offered. Upgrade costs may often be combined with renewal costs but where practical will be separated.
- (c) Renewal: To sustain the service of an asset at the same level whilst returning the asset to a "as new" condition on a like for like basis without providing an increase to the level of service.

Operating Recurrent Expenditure will be recognised as either:

- (a) Operating: Expenses incurred in using or protecting an asset.
- (b) Maintenance: Expenses incurred to sustain the service of an asset at the same level without returning a significant part of an asset to an "as new" condition.

Operating Expenses incurred in procuring individually identifiable assets may be identified as a "Minor Asset" expense if the service life of the asset is expected to exceed 12 months under the proposed operating conditions and the procurement cost is over \$100.

### **(k) Fair Value of Assets and Liabilities**

When performing a revaluation, the Shire uses a mix of both independent and management valuations using the following as a guide:

Fair Value is the price that the Shire would receive to sell the asset or would have to pay to transfer a liability, in an orderly (i.e. unforced) transaction between independent, knowledgeable and willing market participants at the measurement date.

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As fair value is a market-based measure, the closest equivalent observable market pricing information is used to determine fair value. Adjustments to market values may be made having regard to the characteristics of the specific asset. The fair values of assets that are not traded in an active market are determined using one or more valuation techniques. These valuation techniques maximise, to the extent possible, the use of observable market data.

To the extent possible, market information is extracted from either the principal market for the asset (i.e. the market with the greatest volume and level of activity for the asset or, in the absence of such a market, the most advantageous market available to the entity at the end of the reporting period (ie the market that maximises the receipts from the sale of the asset after taking into account transaction costs and transport costs)).

For non-financial assets, the fair value measurement also takes into account a market participant's ability to use the asset in its highest and best use or to sell it to another market participant that would use the asset in its highest and best use.

### **Fair Value Hierarchy**

AASB 13 requires the disclosure of fair value information by level of the fair value hierarchy, which categorises fair value measurement into one of three possible levels based on the lowest level that an input that is significant to the measurement can be categorised into as follows:

#### **Level 1**

Measurements based on quoted prices (unadjusted) in active markets for identical assets or liabilities that the entity can access at the measurement date.

#### **Level 2**

Measurements based on inputs other than quoted prices included in Level 1 that are observable for the asset or liability, either directly or indirectly.

#### **Level 3**

Measurements based on unobservable inputs for the asset or liability.

The fair values of assets and liabilities that are not traded in an active market are determined using one or more valuation techniques. These valuation techniques maximise, to the extent possible, the use of observable market data. If all significant inputs required to measure fair value are observable, the asset or liability is included in Level 2. If one or more significant inputs are not based on observable market data, the asset or liability is included in Level 3.

### **Valuation techniques**

The Council selects a valuation technique that is appropriate in the circumstances and for which sufficient data is available to measure fair value. The availability of sufficient and relevant data primarily depends on the specific characteristics of the asset or liability being measured. The valuation techniques selected by the Council are consistent with one or more of the following valuation approaches:

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**Market approach**

Valuation techniques that use prices and other relevant information generated by market transactions for identical or similar assets or liabilities.

**Income approach**

Valuation techniques that convert estimated future cash flows or income and expenses into a single discounted present value.

**Cost approach**

Valuation techniques that reflect the current replacement cost of an asset at its current service capacity.

Each valuation technique requires inputs that reflect the assumptions that buyers and sellers would use when pricing the asset or liability, including assumptions about risks. When selecting a valuation technique, the Council gives priority to those techniques that maximise the use of observable inputs and minimise the use of unobservable inputs. Inputs that are developed using market data (such as publicly available information on actual transactions) and reflect the assumptions that buyers and sellers would generally use when pricing the asset or liability and considered observable, whereas inputs for which market data is not available and therefore are developed using the best information available about such assumptions are considered unobservable.

As detailed above, the mandatory measurement framework imposed by the Local Government (Financial Management) Regulations requires, as a minimum, all assets carried at a revalued amount to be revalued at least every 3 years.

**(I) Financial Instruments****Initial Recognition and Measurement**

Financial assets and financial liabilities are recognised when the Shire becomes a party to the contractual provisions to the instrument. For financial assets, this is equivalent to the date that the Council commits itself to either the purchase or sale of the asset (ie trade date accounting is adopted).

Financial instruments are initially measured at fair value plus transaction costs, except where the instrument is classified 'at fair value through profit or loss', in which case transaction costs are expensed to profit or loss immediately.

**Classification and Subsequent Measurement**

Financial instruments are subsequently measured at fair value, amortised cost using the effective interest rate method, or cost.

Amortised cost is calculated as:

- (a) the amount in which the financial asset or financial liability is measured at initial recognition;
- (b) less principal repayments and any reduction for impairment; and

- (c) plus or minus the cumulative amortisation of the difference, if any, between the amount initially recognised and the maturity amount calculated using the effective interest rate method.

The effective interest method is used to allocate interest income or interest expense over the relevant period and is equivalent to the rate that discounts estimated future cash payments or receipts (including fees, transaction costs and other premiums or discounts) through the expected life (or when this cannot be reliably predicted, the contractual term) of the financial instrument to the net carrying amount of the financial asset or financial liability. Revisions to expected future net cash flows will necessitate an adjustment to the carrying value with a consequential recognition of an income or expense in profit or loss.

(i) *Financial assets at fair value through profit and loss*

Financial assets are classified at "fair value through profit or loss" when they are held for trading for the purpose of short term profit taking. Assets in this category are classified as current assets. Such assets are subsequently measured at fair value with changes in carrying amount being included in profit or loss.

(ii) *Loans and receivables*

Loans and receivables are non-derivative financial assets with fixed or determinable payments that are not quoted in an active market and are subsequently measured at amortised cost. Gains or losses are recognised in profit or loss.

Loans and receivables are included in current assets where they are expected to mature within 12 months after the end of the reporting period.

(iii) *Held-to-maturity investments*

Held-to-maturity investments are non-derivative financial assets with fixed maturities and fixed or determinable payments that the Shire's management has the positive intention and ability to hold to maturity. They are subsequently measured at amortised cost. Gains or losses are recognised in profit or loss.

Held-to-maturity investments are included in current assets where they are expected to mature within 12 months after the end of the reporting period. All other investments are classified as non-current.

(iv) *Available-for-sale financial assets*

Available-for-sale financial assets are non-derivative financial assets that are either not suitable to be classified into other categories of financial assets due to their nature, or they are designated as such by management. They comprise investments in the equity of other entities where there is neither a fixed maturity nor fixed or determinable payments.

They are subsequently measured at fair value with changes in such fair value (i.e. gains or losses) recognised in other comprehensive income (except for impairment losses). When the financial asset is derecognised, the cumulative gain or loss pertaining to that asset

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previously recognised in other comprehensive income is reclassified into profit or loss.

Available-for-sale financial assets are included in current assets, where they are expected to be sold within 12 months after the end of the reporting period. All other available for sale financial assets are classified as non-current.

(v) *Financial liabilities*

Non-derivative financial liabilities (excl. financial guarantees) are subsequently measured at amortised cost. Gains or losses are recognised in the profit or loss.

**Impairment**

A financial asset is deemed to be impaired if, and only if, there is objective evidence of impairment as a result of one or more events (a "loss event") having occurred, which has an impact on the estimated future cash flows of the financial asset(s).

In the case of available-for-sale financial assets, a significant or prolonged decline in the market value of the instrument is considered a loss event. Impairment losses are recognised in profit or loss immediately. Also, any cumulative decline in fair value previously recognised in other comprehensive income is reclassified to profit or loss at this point.

In the case of financial assets carried at amortised cost, loss events may include: indications that the debtors or a group of debtors are experiencing significant financial difficulty, default or delinquency in interest or principal payments; indications that they will enter bankruptcy or other financial reorganisation; and changes in arrears or economic conditions that correlate with defaults.

For financial assets carried at amortised cost (including loans and receivables), a separate allowance account is used to reduce the carrying amount of financial assets impaired by credit losses. After having taken all possible measures of recovery, if management establishes that the carrying amount cannot be recovered by any means, at that point the written-off amounts are charged to the allowance account or the carrying amount of impaired financial assets is reduced directly if no impairment amount was previously recognised in the allowance account.

**Derecognition**

Financial assets are derecognised where the contractual rights for receipt of cash flows expire or the asset is transferred to another party, whereby the Council no longer has any significant continual involvement in the risks and benefits associated with the asset.

Financial liabilities are derecognised where the related obligations are discharged, cancelled or expired. The difference between the carrying amount of the financial liability extinguished or transferred to another party and the fair value of the consideration paid, including the transfer of non-cash

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assets or liabilities assumed, is recognised in profit or loss.

**(m) Impairment of Assets**

In accordance with Australian Accounting Standards the Shire's assets, other than inventories, are assessed at each reporting date to determine whether there is any indication they may be impaired.

Where such an indication exists, an impairment test is carried out on the asset by comparing the recoverable amount of the asset, being the higher of the asset's fair value less costs to sell and value in use, to the asset's carrying amount.

Any excess of the asset's carrying amount over its recoverable amount is recognised immediately in profit or loss, unless the asset is carried at a revalued amount in accordance with another standard (e.g. AASB 116) whereby any impairment loss of a revaluation decrease in accordance with that other standard.

For non-cash generating assets such as roads, drains, public buildings and the like, value in use is represented by the depreciated replacement cost of the asset.

At the time of adopting this budget, it is not possible to estimate the amount of impairment losses (if any) as at 30 June 2015.

In any event, an impairment loss is a non-cash transaction and consequently, has no impact on this budget document.

**(n) Trade and Other Payables**

Trade and other payables represent liabilities for goods and services provided to the Shire prior to the end of the financial year that are unpaid and arise when the Shire becomes obliged to make future payments in respect of the purchase of these goods and services. The amounts are unsecured, are recognised as a current liability and are normally paid within 30 days of recognition.

**(o) Employee Benefits**

**Short-Term Employee Benefits**

Provision is made for the Shire's obligations for short-term employee benefits. Short-term employee benefits are benefits (other than termination benefits) that are expected to be settled wholly before 12 months after the end of the annual reporting period in which the employees render the related service, including wages, salaries and sick leave. Short-term employee benefits are measured at the (undiscounted) amounts expected to be paid when the obligation is settled.

The Shire's obligations for short-term employee benefits such as wages, salaries and sick leave are recognised as a part of current trade and other payables in the statement of financial position. The Shire's obligations for employees'

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annual leave and long service leave entitlements are recognised as provisions in the statement of financial position.

**Other Long-Term Employee Benefits**

Provision is made for employees' long service leave and annual leave entitlements not expected to be settled wholly within 12 months after the end of the annual reporting period in which the employees render the related service. Other long-term employee benefits are measured at the present value of the expected future payments to be made to employees. Expected future payments incorporate anticipated future wage and salary levels, durations or service and employee departures and are discounted at rates determined by reference to market yields at the end of the reporting period on government bonds that have maturity dates that approximate the terms of the obligations. Any remeasurements for changes in assumptions of obligations for other long-term employee benefits are recognised in profit or loss in the periods in which the changes occur.

The Shire's obligations for long-term employee benefits are presented as non-current provisions in its statement of financial position, except where the Shire does not have an unconditional right to defer settlement for at least 12 months after the end of the reporting period, in which case the obligations are presented as current provisions.

**(p) Borrowing Costs**

Borrowing costs are recognised as an expense when incurred except where they are directly attributable to the acquisition, construction or production of a qualifying asset. Where this is the case, they are capitalised as part of the cost of the particular asset until such time as the asset is substantially ready for its intended use or sale.

**(q) Provisions**

Provisions are recognised when the Shire has a legal or constructive obligation, as a result of past events, for which it is probable that an outflow of economic benefits will result and that outflow can be reliably measured.

Provisions are measured using the best estimate of the amounts required to settle the obligation at the end of the reporting period.

**(r) Current and Non-Current Classification**

In the determination of whether an asset or liability is current or non-current, consideration is given to the time when each asset or liability is expected to be settled. The asset or liability is classified as current if it is expected to be settled within the next 12 months, being the Council's operational cycle. In the case of liabilities where the Shire does not have the unconditional right to defer settlement beyond 12 months, such as vested long service leave, the liability is classified as current even if not expected to be settled within the next 12 months. Inventories held for trading are classified as current even if not expected to be realised in the next 12 months except for land held for sale

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where it is held as non-current based on the Council's intentions to release for sale.

**(s) Leases**

Leases of fixed assets where substantially all the risks and benefits incidental to the ownership of the asset, but not legal ownership, are transferred are classified as finance leases.

Finance leases are capitalised recording an asset and a liability at the lower amounts equal to the fair value of the leased property or the present value of the minimum lease payments, including any guaranteed residual values. Lease payments are allocated between the reduction of the lease liability and the lease interest expense for the period.

Leased assets are depreciated on a straight-line basis over the shorter of their estimated useful lives or the lease term.

Lease payments for operating leases, where substantially all the risks and benefits remain with the lessor, are charged as expenses in the periods in which they are incurred. Lease incentives under operating leases are recognised as a liability and amortised on a straight-line basis over the life of the lease term.

**(t) Comparative Figures**

Where required, comparative figures are adjusted to conform with changes in presentation for the current budget year.

**(u) Budget Comparative Figures**

Unless otherwise stated, the budget comparative figures shown in the budget document relate to the original budget estimate for the relevant item of disclosure.

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## Corporate Services Finance

2.2.8

|                                |  |
|--------------------------------|--|
| <b>TITLE:</b>                  | <b>Self-Supporting Loans</b>   |
| <b>ADOPTED:</b>                | OMC..... – Pages   |
| <b>REVIEWED:</b>               | NA   |
| <b>ASSOCIATED LEGISLATION:</b> | Local Government Act 1995<br>s6.20 Power to Borrow<br>s6.21 Restrictions on borrowing<br>Policy 1.1.10 Internal Controls |
| <b>ASSOCIATED DOCUMENTS:</b>   | Strategic Community Plan<br>Corporate Business Plan<br>Long Term Financial Plan  |
| <b>REVIEW RESPONSIBILITY:</b>  | Manager Financial Services   |
| <b>DELEGATION:</b>             | NA   |

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Previous Policy Number NA

### **Part A**

#### **Objective:**

To establish the principles and constraints for the utilisation of Shire of Broome (Shire) borrowings to finance self-supporting loans for community-based organisations currently leasing or occupying land or buildings vested in the Shire.

#### **Policy Statement:**

This Policy only applies to community-based organisations that lease or occupy land and/or buildings owned or vested in the Shire.

Self-supporting loans shall only be utilised for capital asset acquisition or development and not for operational equipment or operating expenses. There must be objective and compelling evidence that providing a self-supporting loan would deliver positive benefits to the community.

Council will only consider requests for self-supporting loans where the applicant has exhausted all other financial avenues, such as grants, sponsorship, fundraising or application for credit from a lending institution. The Shire is not a lender-of-last-resort for community-based organisations or sporting groups.

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The Shire will only provide access to self-supporting loans when the Shire's financial circumstances permit and in exceptional circumstances such as:

- a. To mitigate serious risks and/or meet urgent capital requirements that will deliver substantial benefits to the community consistent with the Shire's Strategic Community Plan and priorities identified in the Corporate Business Plan.
- b. Where the self-supporting loan forms part of a matching community grant component (e.g. CSRFF).
- c. Where in the view of Council, the use of the Shire's borrowings for a self-supporting loan will deliver benefits to the community that materially outweighs likely benefits from the alternative purposes from which the said borrowings would have to be diverted.
- d. Where in the view of Council there is compelling justification for the Shire to act as lender instead of a bank or other financial institution.

Provision of self-supporting loans by the Shire is subject to sound financial risk mitigation safeguards which include but are not limited to:

- The financial position of the Shire;
- Prevailing budget circumstances;
- Forecast funding requirements for municipal funds and capital projects;
- Competing demands for funds, debt financing structure;
- Eligibility of the requesting organisation, and the ability of the requesting organisation to repay borrowings; and
- The capacity of the Shire to borrow.

Officers will assess applications against this Policy and its associated Business Operating Procedures, and make a determination as to the eligibility of the application. Ineligible applications will not be submitted to Council for their consideration.

Council will consider eligible loan requests at its Ordinary Council Meetings in accordance with this policy. Applicants will be advised in writing as to the success of their application.

Council will make provision in the annual budget for minor sporting facility funding, subject to prevailing financial circumstances.

Council will seek all remedy available to it under the law to recover delinquent repayment of loans.

## **Part B**

### **Management Procedures**

#### **Objective:**

To establish procedures for the consideration, approval and administration of self-supporting loans for community-based organisations and to provide a guideline in determining eligibility of applicants, assessment of applications and the allocation of Shire borrowings to self-supporting loans for community-based organisations.

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## **Application:**

### Application Requirements

1. The applicant must be based locally in Broome and be an incorporated body occupying or leasing land and/or buildings owned or vested in the Shire.
2. Applications must be for the construction and/or acquisition of capital assets including but not limited to:
  - a. constructing or improving facilities for use in connection with the activities of the organisation or club; or
  - b. for the erection or improvement of buildings associated with or incidental to those facilities;on lands which are owned by, vested in, or under the care, control and management of, the Shire.
3. Applicants should be able to make a reasonable co-contribution and/or attract other funding or sponsorship to the project.
4. The lease must have an expiry date at least two years post the expiry of the loan.
5. All self-supporting loan applicants shall provide the following information for assessment:
  - a. Shire of Broome Self-Supporting Loan Application (Appendix A)
  - b. Audited financial statements for five years preceding the year of application to present the financial position and results of operations.
  - c. Certificate of Incorporation.
  - d. Articles of Association or Constitution outlining office holder's financial liabilities and responsibilities, and winding up clause.
  - e. Membership records for preceding five years.
  - f. Certificate of Currency for appropriate Public Liability Insurance
  - g. Statement demonstrating alternative funding options have been investigated prior to seeking the Shire's assistance and the reasons why they weren't successful.
  - h. Statements demonstrating the need for the loan together with a business plan for the construction and/or capital acquisition which is to include detailed costings and an overall budget.
  - i. Forward financial plans (e.g. 5-year business plan) to cover the term of the loan which are certified by a Certified Practising, Chartered or similarly qualified and experienced Accountant.
  - j. Statements of satisfactory past payment history from at least three (3) principal suppliers (e.g. credit references). The Shire may be included where such history exists.
  - k. Names of up to three persons, at the discretion of the Director Corporate Services, who will guarantee the clubs and /or associations liability for the loan repayments.
  - l. Evidence of adequate security/collateral.
  - m. Any additional information that will assist the Council with consideration of the application.

### Assessment of Applications

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1. The assessment of applications will be undertaken by the Director Corporate Services, Manager Financial Services and the Coordinator Financial Services who will then put a recommendation to the Audit and Risk Committee for consideration.
  2. Matters that are to be considered include:
    - a. The current number of self-supporting loans the Shire may have.
    - b. The Shire's Long Term Financial Plan and forecast debt financing capacity across the prospective life of a requested loan.
    - c. Regulated borrowing limits as determined by WA Treasury Corporation (WATC).
    - d. Funding to any one (1) applicant is to be limited to \$300,000 at any time.
    - e. Debt Service Coverage Ratio (calculated as annual surplus before interest expense and depreciation divided by annual debt service payments) meets the required Department of Local Government Standard.
      - i. *Below is the indicator which is used by the WATC in considering loan applications from the Shire:*
        1. *Standard is NOT met if ratio is less than two*
        2. *Basic Standard if ratio is between 2 and 5*
        3. *Advance Standard if greater than 5*
    - f. Indebtedness Ratio – measures the extent to which past borrowings principal outstanding relate to the Shire's discretionary general revenue. Target = < 0.4. The level of consolidated self-supporting assistance to groups in any one year may not exceed annual repayment of principal and interest of more than 0.5 per cent of rates revenue.
    - g. Annual budget and current financial position of the Shire.
    - h. Stability, sound management, membership base, community accessibility and longevity of applicant organisation.
    - i. Debenture security over assets (including lease) of organisation if considered appropriate.
    - j. Not duplicate or overlap with existing similar activities.
    - k. Contribute towards Council's Strategic Plan.
    - l. Compliance with legislative requirements associated with borrowing monies in accordance with section 6.20 of the Local Government Act 1995 (LGA).
  3. Assessment of Applications will be based on:
    - a. Demonstrated ability to repay the loan on time and for the loan to be repaid in full at the end of the loan period.
    - b. Benefit to the wider community.
    - c. The community organisation that is applying for the loan must have been in existence for at least 5 years and can clearly demonstrate financial sustainability and a stable and / or increased membership.
    - d. The life of the capital asset acquisition or development exceeds the life of the self-supporting loan.
    - e. Whether all other funding options have been fully exhausted.
  4. Applicants should obtain any necessary licences or approvals, meet design and documentation requirements, and provide robust costs estimates for the project. Documentation and cost estimates need to take into account all Occupational Health and Safety obligations, environmental requirements, work methods and must include all other project costs.
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### Ineligible Applications

The following list provides examples of applications that are not considered eligible for funding. This is not an exhaustive list and is provided to provide direction for officers assessing applications.

- Individuals.
- Organisations that operate for commercial purposes.
- Projects or events that are run for commercial purposes.
- Applications for funding public liability insurance.
- Organisations that have not satisfactorily acquitted previous funding applications to Shire by the due date.
- Applications for 'phased' projects or for project design costs.
- Ongoing operational or administrative costs.
- Activities that are the primary responsibility of other funding agencies.
- Remissions of rates.
- Proposals which may lead to a continued dependence upon Council funds.

### Term of Loan

1. The term of the loan shall not exceed the term of any existing lease agreement.
2. The term of the loan shall be as determined by Council subject to certain limitations.
3. The term of the loan should be less than or equal to the half-life of the capital asset acquisition or development being undertaken. This enables the community-based organisation sufficient time to set aside a cash reserve for future refurbishment or replacement. If the term of the loan is longer than the half-life of the capital asset acquisition or development being undertaken, the organisation is to demonstrate how it will fund future refurbishment or replacement whilst still servicing the loan.
4. The term of the loan can be less than the maximum if the Applicant has the ability to repay the loan over a shorter timeframe.

| <b>Self-supporting Loan Amount</b>   | <b>Maximum Term of Loan*</b> |
|--|------------------------------|
| Up to \$50,000   | 5 years                      |
| \$50,000 - \$99,999  | 10 years                     |
| \$100,000 and above  | 15 years                     |
| *Note that these are indicative only and will be dependent upon each application |                              |

5. Loans will be provided at the same interest rate, loan period and repayment terms as the loan drawn by the Shire to support the community-based organisation.

### Approval Requirements

1. The final decision on the granting of a self-supporting loan will be by resolution of the Council via the adoption of the annual budget which includes details of the proposed self-supporting loan.
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2. Any proposal to lend to a community-based organisation that has not been included in the Shire's annual budget must be advertised for one month in accordance with Section 6.20(2) of the LGA.
3. A 'Deed of Loan' for the period of loan repayments is to be prepared and executed as contractual evidence for repayment of the loan.
4. Funds will only be released after documentary proof of significant expenditure (or committed expenditure) is submitted by the applicant.
5. For each year of the loan an independently audited end of year financial statement must be supplied to the Shire.
6. If requested by the Shire, a profit and loss statement must be produced within three (3) weeks of the request being made.
7. No community based organisation can have more than one self-supporting loan at any one time.
8. The loan will not be a revolving credit that includes a re-draw facility.

#### Administration Costs and Loan Guarantee Fees

The following costs incurred by the Shire will be recouped from clubs or organisations applying for self-supporting loans:

1. Actual advertising costs (including GST).
2. Costs associated with the preparation and stamping of the 'Deed of Loan'.
3. Loan Application Fee as determined by the Council when setting the fees and charges.
4. Stamp duties or other duties or taxes applicable to the self-supporting loan application or documentation, will be charged to the applicant at actual cost.
5. WATC government loan guarantee fees.
6. Penalty interests and loan default charges incurred by the Shire as a result of the borrowing organisation.
7. Any additional charges associated with the self-supporting loan.

#### Loan Repayment Administration

Once the loan has been established, officers must process the repayment of the loan to the lending institution and raise debtors invoices to the community organisation within a sufficient time period prior to the due date for each repayment instalment as per the loan repayment schedule.

#### Loan Default

1. Any default of loan repayments will incur penalty interest as determined by the Council when setting the fees and charges, unless arrangements have been made with Council, prior to the re-payment being defaulted.
  2. If the community-based organisation defaults on a loan, it will not be permitted to receive any further self-supporting loans from the Council until the outstanding loan is repaid in full. In exceptional circumstances this may be reviewed, but not until the timeframe allowed for the initial loan expires.
  3. Should an organisation default on loan payments, Council will take whatever action it considers necessary in accordance with the LGA to recover the funds. Council may enter into an agreed, mutually beneficial repayment arrangement with the organisation to facilitate repayment of the loan funds.
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4. The community-based organisation must insure and keep insured the capital asset acquired and any other assets that are security over repayment of a loan. Failure to do so constitutes default.
5. Defaulting on the loan may implicate future leasing arrangements between the Shire and the lessee. In extreme cases, Council may consider closing the use of the facilities to the club or community group in default and taking legal action to recover funds.
6. Officers will need to assess and confirm the organisation's public liability insurance provisions and if an incorporated association, whether office holders have been indemnified. Board members, committee members, and directors of organisations may need director's insurance as they can be held personally liable for acts of negligence and personal assets can be seized to recover unpaid debts and damages.

#### Interest on Unremitted Loan Funds

Where a club or organisation is meeting the full costs of a project, and the self-supporting loan funds have been drawn down but not remitted to the borrowing organisation, any interest earned on the un-remitted funds will be credited to their debtor account.

#### Reallocation of Surplus Loan Funds

After completion of the project should any loan funds remain unspent, in addition to the provisions of section 6.20(3)(b) of the LGA, officers responsible for the activity or project for which a loan is raised shall prepare a recommendation to Council for approval of the re-allocation or return of loan funds to the lending institution. The reallocation or repayment will be subject to the merits, financial implications and risk assessment of reallocating or repayment of the surplus loan funds.

## Appendix A: Application for Self-Supporting Loan



### Application for Self-Supporting Loan

| 1. APPLICANT DETAILS                       |           |
|--|-----------|
| Rates Assessment Number (if applicable): A |           |
| Applicant's Legal Name:                    |           |
| Registered: Address:                       |           |
| Postal Address:                            |           |
| Contact Person:                            | ABN:      |
| Telephone:                                 | Postcode: |
| Mobile:                                    | Fax:      |
| Email                                      |           |

### 2. ELIGIBILITY

- ☐ Is the Organisation an incorporated body?
  - ☐ Does the Organisation have an ABN?
  - ☐ Has the Organisation been operational for at least 5 years?
  - ☐ Can the Organisation demonstrate an established relationship with the Shire?
  - ☐ Will the results from the loan be an asset?
  - ☐ Are the land / buildings that the Organisation lease / occupy under control/ownership of the Shire?
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### 3. LOAN INFORMATION

Loan amount required: \_\_\_\_\_

Term of Loan: \_\_\_\_\_

Purpose of Loan: \_\_\_\_\_

Description of the Project: \_\_\_\_\_

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### 4. DOCUMENT REQUIREMENTS (please provide a copy of the following documents)

- ☐ Certificate of Incorporation
- ☐ Constitution and provisions for office holder liability and winding up
- ☐ ABN Certificate
- ☐ Plans and specifications associated with the project
- ☐ Audited financial statements for the last five (5) years
- ☐ Membership records for preceding 5 years
- ☐ Current 3-5 year business plan
- ☐ Detailed costings, cash flow outlays, and budget for the project
- ☐ Details of other sources of project funding
- ☐ Statement demonstrating alternative funding options have been investigate prior to seeking Council's assistance
- ☐ Statement demonstrating the need for the loan
- ☐ Demonstration of ability to repay loan
- ☐ Forward financial plans to cover the term of the loan
- ☐ Payment history/ credit reference from three (3) principal suppliers
- ☐ Public liability insurance certificate, for incorporated associations indemnity of office holders, and/or director's insurance for office holders
- ☐ Any other information for consideration

# CORPORATE SERVICES

## Information Services

## 2.3.1

|                                    |   |
|------------------------------------|---|
| <b>TITLE:</b>                      | <b>RECORDS MANAGEMENT</b>   |
| <b>ADOPTED:</b>                    | OMC 19 March 2009 – Pages 26 – 31   |
| <b>REVIEWED:</b>                   | OMC 15 March 2012 – Pages 96 – 103<br>OMC 27 March 2014 - Pages 94 – 99<br>OMC 17 December 2015 – Pages 110 - 121 |
| <b>ASSOCIATED<br/>LEGISLATION:</b> | <i>State Records Act 2000</i><br><i>Freedom of Information Act 1992</i><br><i>Local Government Act 1995</i>       |
| <b>ASSOCIATED<br/>DOCUMENTS:</b>   |   |
| <b>REVIEW<br/>RESPONSIBILITY:</b>  | Manager Information Services  |
| <b>DELEGATION:</b>                 |   |

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Previous Policy Number 1.2.10

### Part A

#### Objective:

1. To incorporate the principles of current government records legislation and standards into the Shire of Broome's record keeping functions. The main aim is to ensure uniformity and consistency in the creation and maintenance of record keeping systems at the Shire of Broome.
2. To define the roles and responsibilities of individuals who manage or perform record keeping processes for, or on behalf of the Shire of Broome.
3. To prescribe a systematic and organised approach in the management of the Shire's government records.

#### Policy

The Shire of Broome recognises its records as a corporate asset.

The effective maintenance of all corporate records will ensure all corporate records are maintained effectively to ensure a full and accurate history of the Shire's business dealings, accountability and

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transparency in decision making and support compliance with relevant evidentiary and statutory requirements.

## **Part B**

### **Management Procedure**

#### **Scope**

This Management Procedure applies to all records created or received by Shire of Broome employees (permanent, temporary and casual); Councillors in their official capacity; or organisations performing outsourced services (contractors) on behalf of the Shire of Broome, regardless of their physical format, storage location or date of creation.

#### **Definition**

##### ***Record (State Records Act 2000)***

For the purposes of this document, a record is defined as meaning “any record of information however recorded” and includes –

- a) Anything on which there is writing or Braille;
- b) A map, plan, diagram or graph
- c) A drawing, pictorial or graphic work, or photograph;
- d) Anything on which there are figures, marks, perforations or symbols having meaning for persons qualified to interpret them;
- e) Anything from which images, sounds or writings can be reproduced with or without the aid of anything else; and
- f) Anything on which information has been stored or recorded, mechanically, magnetically or electronically.

##### ***Significant Records***

Significant records contain information which is of administrative, legal, fiscal, evidential or historical value and are not recorded elsewhere on the public record. They describe an issue, record who was involved, record why a decision was made, and may embody actual guidelines.

##### ***Vital Records***

Vital records are records that are essential to the continued business of the Shire. Vital records include those that protect the rights of individuals and the Shire, and are essential or the Shire’s reconstruction in the event of a disaster. Examples of vital records include core computer system records, Council and Committee Minutes and Agendas, Financial and Budget records, Title Deeds, Policy and Procedure Manuals, Registers, Contracts/Tenders, Licences, Historical documents, Delegation of Authority, Insurance Policies, Town Planning Scheme deeds/information and any document detailing approvals of some kind.

##### ***Ephemeral Records***

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Ephemeral records are duplicated records and/or those that have only short-term value to the Shire, with little or no on-going administrative, fiscal, legal, evidential or historical value. They may include insignificant drafts and rough notes, and for records of routine enquiries.

## **Non-Records**

Non-records are documents that are generally available in the public domain and do not form part of a business process in respect to the Shire's activities. They are generally used for reference and information purposes, such as reports or plans from another organisation, a published directory, or a training manual of a third-party Roles and Responsibilities

## **Councillors**

All Councillors are to create, collect and retain records relating to their role as a Councillor for the Shire of Broome in a manner commensurate with legislation and the Shire's policies and procedures for record keeping. Council electioneering and personal records of Councillors are exempt.

The policy approach of the State Records Commission in monitoring the record keeping obligations in respect to Local Government Councillors is:

*"The State Records Commission policy regarding the records of councillors requires the creation and retention of records of the communications and transactions of councillors 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.*

*Councillors must create and keep records of communications or transactions, which convey information relating to local government business or functions. Records that should be captured include:*

- *Communications from ratepayers, work diaries, telephone, meetings and other verbal conversations regarding local government projects or business activities, presentation and speeches.*

*Records that do not need to be captured include:*

- *Duplicate copies, draft or working papers, publications, invitations, telephone, meetings and other verbal conversations that do not relate to local government projects or business activities, electioneering and Personal records.*

*Destruction of records – return all records to the local government for authorised and legal destruction."*

## **Chief Executive Officer**

The Chief Executive Officer is responsible for ensuring that records and documents of the local government are properly kept for the purposes of the Local Government Act 1995 and any other written law.

## **All Staff**

All staff are to ensure all records created or received in their official capacity are appropriately captured and retained within approved central corporate record keeping system/s. This includes

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identifying and appropriately capturing vital/significant records and appropriate handling of ephemeral or non-records.

## **Contractors**

Contractors must keep accurate, complete and current written records in respect of the Contract, including;

- the type of goods or services, including the separate tasks, supplied to the Shire on each day during the term;
- the time that the Contractor spent providing the goods or services on each day during the term; and
- the name, job status and title of all personnel who provided the goods or services or were responsible for supervising the provision of the goods or services.

The Contractor must also:

- Comply with the directions of the Shire in relation to the keeping of records whether those directions relate to the period before or after the expiry of the term.
- Keep all records for at least 7 years after final payment under the Contract or after the expiry of the term, whichever is the later; or termination of the Contract.
- Permit the Shire reasonable access to all records created or received in their custody or control of the Contractor used in the performance of the contract.

## **Custodianship of Records**

Ownership and proprietary interest of records created or collected during the course of business (including those from outsourced bodies or contractors) is vested in the Shire of Broome.

## **Creation of Records**

All Councillors, staff and contractors will create full and accurate records, in the appropriate format, of the Shire's business decisions and transactions to meet all legislative, business, administrative, financial, evidential and historical requirements.

## **Capture and Control**

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

## **Security and Protection of Records**

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

## **Access to Records**

Access to the Shire's records will be in accordance with designated access and security classifications as determined by the Chief Executive Officer and as administered by the Coordinator Records.

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Access to the Shire's records by Councillors will be through the Chief Executive Officer (CEO) in accordance with the *Local Government Act 1995*, sections 5.41 and 5.92.

Inspection of the Shire's records by contractors, third parties and the general public will be in accordance with the *Local Government Act 1995* section 5.94 and the *Freedom of Information Act 1992*.

## **Appraisal, Retention and Disposal of Records**

All records kept by the Shire will be disposed of in accordance with the General Disposal Authority for Local Government Records, produced by the State Records Commission.

## **Statutory Obligations**

There are legislative requirements for managing records. The primary legislation relating to the keeping of public records is the *State Records Act 2000*. Other legislation that affects records management includes (but not limited to):

- *Local Government Act 1995*
- *Freedom of Information Act 1992*
- *Electronic Transactions Act 2000*
- *Financial Administration and Audit Act 1985*
- *Evidence Act 1906*
- *Criminal Code 1913 (Section 85)*

## **Record Keeping Plan - Comprehensive Review**

The Shire's Record Keeping Plan will be reviewed no less than every five (5) years.

## **Annual Report Compliance**

*State Records Commission Standard 2 – Record Keeping Plans, Principle 6: Compliance* requires each government organisation (which includes Local Government Authorities) to include within its Annual Report an appropriate section that addresses the following four (4) points:

- The efficiency and effectiveness of the organisation's record keeping systems is evaluated not less than once every five (5) years.
- The organisation conducts a record keeping training program.
- The efficiency and effectiveness of the record keeping training program is reviewed from time to time.
- The organisation's induction program addresses employee roles and responsibilities in regard to their compliance with the organisation's record keeping plan.

### ***The brief report will include the following information:***

- Statement regarding the organisation's commitment to good and compliant record keeping practices;
  - Details of the Record Keeping Training Program and key findings from the annual review;
  - Brief statement regarding how the Record Keeping Induction addresses employee record keeping roles and responsibilities;
  - Annualized Corporate Record Keeping Indicators (including a comparison to the previous year);
  - Brief statement regarding results of Record Keeping Audits conducted during the year;
-

- Brief statement regarding any significant improvements or developments of the Record Keeping System; and
- If the Annual Report is published after a five-year comprehensive review of the Record Keeping System, details of key findings and recommendations of the review.

## DEVELOPMENT AND COMMUNITY

### Development and Community

3.1.1

**TITLE:** COMPLIANCE AND ENFORCEMENT

**ADOPTED:** OMC 25 May 2017 – Pages 85 - 260

**REVIEWED:**

**ASSOCIATED  
LEGISLATION:**

*Building Act 2011*  
*Cat Act 2011*  
*Dog Act 1976*  
*Emergency Management Act 2005*  
*Food Act 2008*  
*Litter Act 1979*  
*Local Government Act 1995*  
*Planning and Development Act 2005*  
*Public Health Act 2016*

**ASSOCIATED  
DOCUMENTS:**

Local Planning Scheme No. 6  
Shire Local Laws

**REVIEW  
RESPONSIBILITY:**

Director Development and Community

**DELEGATION:**

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Previous Policy Number: 4.1.24

### Objective:

To guide the Development and Community Directorate in undertaking its enforcement and compliance activities, by outlining:

1. The aims and goals underpinning the enforcement activities undertaken by the Shire with respect to offences against State legislation and Shire local laws.
2. The criteria to be considered in determining whether the Shire will take enforcement action.
3. The manner in which matters requiring enforcement action will be classified and actioned.
4. Enforcement options available to the Shire.
5. The criteria considered in determining what enforcement option the Shire will apply to the offending conduct.
6. The process of escalation where major offences are dealt with and enforcement is required.
7. Considerations relevant to the exercise of officer discretion.

### Definitions:

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**alleged offence** means the alleged contravention of a local law or relevant law.

**alleged offender** means a person who or which is suspected of having committed an offence under a local law or relevant law.

**enforcement initiative** see clause 2.1 of this policy.

**issuing officer** means the officer who issues a compliance notice or formal letter of warning.

**LG Act** means the *Local Government Act 1995* (WA).

**local law** means a Shire of Broome local law.

**officer** means an officer of the Shire of Broome.

**relevant law** means the relevant piece of State legislation that is being enforced or under which the Shire or its officers are acting.

**Shire** means the Shire of Broome.

## **Policy:**

### 1. Introduction

1.1 The Shire has responsibility for regulating various matters under local laws and relevant laws. The enforcement of these laws is necessary to ensure the good governance of the Shire.

1.2 The Development Services Directorate has responsibility for implementing and enforcing many of these laws.

1.3 The Shire takes enforcement action to:

- (a) Stop the offending conduct, by:
    - (i) ensuring that a potential offence is lawfully prevented; and
    - (ii) ensuring that a proven offence cannot continue to exist or be recommitted.
  - (b) Facilitate redress for those affected by the offending conduct.
  - (c) Change the behavior of persons concerned to promote further compliance with local laws and relevant laws.
  - (d) Raise the level of public awareness in relation to legislative requirements.
  - (e) Where appropriate, penalise an offender for non-compliance.
-

1.4 The Shire will seek to utilise its resources to:

- (a) deal, as a priority, with significant breaches; and
- (b) provide timely outcomes.

1.5 The Shire will seek to ensure that it is:

- (a) accountable for its activities; and
- (b) consistent in its decision making.

## 2. Enforcement initiatives

2.1 The Shire may identify specific issues or matters that will be the subject of a coordinated enforcement initiative, eg. illegal waste dumping in a specific area.

2.2 The selection of such issues or matters will be limited to enable the adequate and effective allocation of resources towards the enforcement initiative.

## 3. Complaints about illegal activities

3.1 Complaints received by the Shire about alleged offences will be examined to determine if the matter requires further investigation.

3.2 If this examination shows the complaint to be vexatious, groundless or outside the Shire's jurisdiction, the matter should be finalised quickly through written communication with the complainant.

3.3 Complaints must be received in writing and include the name and contact details of the complainant, unless:

- (a) the matter is serious and could impact on public health and safety; and/or
- (b) the Director Development Services, Manager Health, Emergency & Rangers or Manager Planning & Building consider there are sound reasons the matter should be investigated in the absence of a written complaint.

## 4. Enforcement criteria

4.1 The enforcement criteria in Schedule 1 will be considered by officers when deciding whether to pursue enforcement action. Not all criteria need to be met for a matter to be referred for further investigation.

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## 5. Enforcement options

- 5.1 The circumstances of each particular case will determine what enforcement option is exercised.
- 5.2 The local law or relevant law will also determine the enforcement options that are available.
- 5.3 It may be appropriate to pursue more than one enforcement option at the same time.
- 5.4 Enforcement options that are available to the Shire include the following:

### (a) ***Verbal warning and/or provision of educational material***

This enforcement option involves an officer providing a verbal warning (either in person or over the phone) that the subject conduct is unlawful and asking that the conduct cease or action be taken to rectify the offence.

In addition or as an alternative:

- (i) educational material can be provided by an officer to an alleged offender containing information on the requirements of a local law or relevant law and advising how compliance can be achieved.
- (ii) a formal caution can be handed to the alleged offender by an appropriately authorised officer from a Shire caution book.

### (b) ***Formal letter of warning***

This enforcement option involves the Shire forwarding to an offender a formal letter of warning that the subject conduct is unlawful and asking that the conduct cease or action be taken to rectify the offence.

### (c) ***Infringement notice***

An infringement notice is a notice issued in accordance with the LG Act or a relevant law to a person believed to have committed an offence for which an infringement notice may be issued. Infringement notices are commonly known as “on the spot” fines and impose a fine approximately 10% of the maximum penalty for an offence as set out in a local law or relevant law.

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Given that an infringement notice is akin to an out of court settlement for an offence committed, the officer issuing an infringement notice is required (before issuing an infringement notice), to ensure that there is enough supporting evidence should the matter be contested before a Magistrate. This means the evidentiary burden that applies to a prosecution must be satisfied or capable of being satisfied before an infringement notice is given to the alleged offender.

(d) **Compliance notice**

This notice may have a different title (including being called an “order” instead of a “notice”) depending on the local law or relevant law and will be issued where there is a risk to the public or the environment/amenity. This enforcement option can also be utilised where a formal letter of warning does not result in the action ceasing or the offence being rectified.

Before a compliance notice is issued, officers will:

- ensure records of the offence are accurate and complete;
- ensure witness evidence is available and credible;
- responsibility for the offence can be determined from Shire records and the available information; and
- the officer issuing the compliance notice is convinced, beyond a reasonable doubt, based on an investigation of the offence that the offence has been committed.

The compliance notice must meet all the requirements of the local law or relevant law under which it is issued.

(e) **Undertaking works**

Where a compliance notice issued by the Shire requiring works to be carried out to remedy an offence has not been complied with, the Shire or its agent may be able to perform the required works to rectify the offence under the local law or relevant law.

If the Shire has the legislative power to undertake the required works, it will be able to recover the cost of performing the work from the offender.

Undertaking works for the purposes of this policy also refers to the seizure of goods, equipment, etc in accordance with a local law or relevant law.

(f) **Wheel clamping**

The Shire has the ability to clamp the wheels of a vehicle used for camping in a public place under the *Local Government Property and Public Places Local Law 2016*.

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(g) **Enforcement order**

This order may have a different title depending on the local law or relevant law. The Shire can apply to the Court for certain orders to restrain or rectify unlawful conduct.

(h) **Prosecution**

A prosecution involves the commencement of legal proceedings against a person in the Magistrates Court.

6. Classification of enforcement matters

6.1 Matters considered for enforcement action will be assessed and classified as minor, moderate or major offences. The classification will determine the order in which matters will be attended to and the enforcement action that will be taken.

6.1 The classification for a particular enforcement matter may increase in certain circumstances, for example, if the alleged offender fails to cease or rectify the offence once it is brought to his/her attention or there is persistent reoffending despite previous enforcement action.

6.1 Enforcement matters will be classified by the Shire as set out below:

(a) **Minor offence**

An enforcement matter will be classified as a minor offence when any one of the following criteria applies:

- (i) A minor, technical or administrative breach of a local law or relevant law has occurred and the breach is inadvertent.
- (ii) A small number of the community is affected with little or no detriment.
- (iii) Stringent enforcement action is unlikely to have a significant deterrent effect or result in the imposition of significant penalties.
- (iv) The alleged conduct has not and will not be repeated.

(b) **Moderate offence**

An enforcement matter will be classified as a moderate offence when any one of the following criteria applies:

- (i) A clear breach of a local law or relevant law has occurred.
  - (ii) Enforcement action is likely to lead to a successful outcome.
-

(c) **Major offence**

An enforcement matter will be classified as major offence when any one of the following criteria applies:

- (i) A serious breach of a local law or relevant law has occurred.
- (ii) The alleged conduct appears systemic, ie. it affects many citizens and causes significant detriment.
- (iii) The alleged conduct may endanger the health and safety of a member of the public.
- (iv) There is a need to act quickly to stop or restrain the conduct to avoid significant detriment to the community.
- (v) The matter has been referred by another agency or government department.
- (vi) There is potential for loss of evidence.
- (vii) The alleged conduct is a kind targeted by an enforcement initiative.
- (viii) Enforcement action has previously been taken on the basis that the offence is a minor or moderate offence and compliance has not been achieved.

7. Enforcement action

7.1 The following enforcement options are considered appropriate for **minor offences**:

- Verbal warning and/or provision of educational material or formal caution.
- Formal letter of warning.
- Infringement notice.

7.2 The following enforcement actions are considered appropriate for **moderate offences**:

- Formal letter of warning.
- Infringement notice.
- Compliance notice.
- Undertaking works.
- Wheel clamping.

7.3 The following enforcement actions are considered appropriate for **major offences**:

- Compliance notice.
- Undertaking works.
- Enforcement order.
- Prosecution.

7.4 The enforcement action taken may be varied or intensified if the classification of an enforcement matter changes in accordance with clause 7.2 of this policy.

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## 8. Conflict of interest

- 8.1 Where a real or perceived conflict of interest may exist in an enforcement situation, the relevant officer will request attendance by another appropriately authorised officer.

## 9. Extensions of time for compliance

- 9.1 Any request for an extension of time to comply with a deadline specified in a formal letter of warning or compliance notice must be:

- (a) made in writing by the person to whom the letter or notice is directed;
- (b) be received before the expiration of the deadline in the letter or notice; and
- (c) provide sound justification as to why the extension of time should be granted and alternative deadlines for rectifying the offence.

## 10. Withdrawal of notices

- 10.1 An infringement notice may be withdrawn by the CEO or other senior officer in accordance with the LG Act or relevant law. A person authorised to give infringement notices is not eligible to be authorised to withdraw an infringement notice.

- 10.2 A compliance notice may be withdrawn by the CEO or other authorised senior officer. The person who decides to withdraw the compliance notice must not be the person who issued the compliance notice.

- 10.2 The following elements could be considered by the CEO or authorised senior officer in deciding to withdraw an infringement or compliance notice:

- (a) The notice has been issued to the wrong person;
  - (b) The notice has incorrect details of the offence;
  - (c) The notice has not been issued by a person with the appropriate authorisation;
  - (d) The notice has spelling errors;
  - (e) The notice has not been signed;
  - (f) The notice is not legible and has been destroyed through its handling by postal services;
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- (g) The notice has been sent to the wrong address;
- (h) Sufficient evidence does not exist to support the notice;
- (i) A prosecution is to be commenced for the offence as the offence is being continued;
- (j) A statutory defence to the offence has been provided by the alleged offender;
- (k) It would be unjust or not in the public interest to refuse to withdraw the infringement notice or compliance notice.

10.3 If an infringement notice is withdrawn after the penalty has been paid, the amount must be refunded.

10.4 A compliance notice may be withdrawn if the offence has been rectified by the alleged offender.

## Schedule 1

### Enforcement criteria

| Criteria  | Matters for consideration  |
|---|--|
| Jurisdiction                                    | <ul style="list-style-type: none"> <li>• The alleged conduct is a breach of a local law or relevant law administered by the Shire.</li> <li>• The matter is not a civil matter.</li> <li>• Having regard to the nature of the conduct and the alleged offence, the Shire is the most appropriate agency to handle the matter.</li> <li>• Is the conduct occurring on public or private land?</li> </ul>  |
| Seriousness of the offence/complaint            | <ul style="list-style-type: none"> <li>• The complaint is of sufficient weight, significance or importance to warrant an investigation and/or enforcement action, taking into account the following factors:               <ul style="list-style-type: none"> <li>- intervention by the Shire will have a timely impact on conduct;</li> <li>- detriment suffered by the complainant and the general public;</li> <li>- the health and safety of the community;</li> <li>- prevalence of the alleged offence – if the conduct is widespread and the application of a sanction is likely to have a deterrent effect; and</li> <li>- impact on the environment and amenity.</li> </ul> </li> </ul> |
| Culpability of the alleged offender             | <ul style="list-style-type: none"> <li>• The conduct is systemic.</li> <li>• The conduct is deliberate and not inadvertent.</li> <li>• The conduct is apparently a blatant or flagrant breach.</li> <li>• The complaint is not trivial and/or related to a technical breach without harm.</li> </ul>   |
| Special circumstances surrounding the complaint | <ul style="list-style-type: none"> <li>• There are special circumstances that gives the complaint extra weight.</li> <li>• The matter has been referred by another agency or government department.</li> </ul>   |
| Sufficiency and quality of evidence             | <ul style="list-style-type: none"> <li>• The complainant is willing to give a written statement and/or evidence under oath if required.</li> </ul>   |

| Criteria   | Matters for consideration   |
|--|---|
|  | <ul style="list-style-type: none"> <li>• Witnesses to the offence have credibility as witnesses.</li> <li>• The timeliness of the complaint as compared to the time of the alleged offence and the effect of any statute of limitations.</li> <li>• The availability of corroborative evidence.</li> <li>• The availability of obvious defences.</li> <li>• The likely outcome of the enforcement action, such as the outcome of a successful prosecution.</li> </ul>   |
| Prior conduct  | <ul style="list-style-type: none"> <li>• There is a history of complaints against the alleged offender.</li> <li>• The alleged offender has been the subject of previous enforcement action by the Shire for a similar offence.</li> <li>• The alleged offender is not responsive to conciliation and/or dispute resolution.</li> <li>• The alleged offender is not likely to or has previously not responded to a lesser sanction.</li> <li>• There is a risk of continuing misconduct.</li> </ul>   |
| Alternative enforcement strategy                     | <ul style="list-style-type: none"> <li>• There is an available resolution other than formal enforcement action and/or prosecution that will bring a satisfactory outcome, in a timely and more cost efficient manner.</li> <li>• In determining if an alternative compliance strategy is appropriate, there is an issue of greater public interest which might preclude the application of such an alternative compliance strategy.</li> <li>• An alternative enforcement strategy can be used in conjunction with another enforcement option.</li> </ul> |
| Shire enforcement priorities and program commitments | <ul style="list-style-type: none"> <li>• It has been decided, as a matter of policy, to apply a particular sanction to all conduct of the kind alleged.</li> <li>• The alleged conduct is targeted by a Shire enforcement initiative or current Shire enforcement program.</li> </ul>   |
| Statutory/legal requirements                         | <ul style="list-style-type: none"> <li>• There is a legislative requirement for the Shire to take enforcement action.</li> </ul>  |

| Criteria | Matters for consideration  |
|----------|--|
|          | <ul style="list-style-type: none"> <li data-bbox="596 253 1385 353">• The matter gives rise to a public health risk in relation to which the Shire has a duty to act.</li> </ul> |

## DEVELOPMENT AND COMMUNITY

### Development and Community

## 3.1.2

**TITLE:** WAIVING AND REFUNDING OF FEES

**ADOPTED:** OMC 25 May 2017 – Pages 85 – 260

**REVIEWED:**

**ASSOCIATED  
LEGISLATION:**

*Building Act 2011*  
*Bush Fires Act 1954*  
*Food Act 2008*  
*Local Government Act 1995*  
*Planning and Development Act 2005*  
*Public Health Act 2016*

**ASSOCIATED  
DOCUMENTS:**

Local Planning Scheme No 6  
Health Local Law 2006  
Local Government Property and Public Places Local Law  
2012  
Trading, Outdoor Dining and Street Entertainment Local  
Law 2003

**REVIEW  
RESPONSIBILITY:**

Director Development and Community

**DELEGATION:**

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Previous Policy Number 4.1.25

### Objective:

1. To ensure there is a clear policy position within the Development and Community directorate in relation to the waiving or refunding of fees for approvals and services provided by the directorate.
2. Ensure the waiving or refunding of fees is applied in a consistent and justifiable manner.
3. Guide officers in waiving or refunding fees under delegation from Council.

### Definitions:

**applicant** means the person or organisation who makes an application or formal request for an approval or service provided by the Health, Ranger, Building and Planning departments at the Shire of Broome.

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**application** means an application or formal request for an approval or service provided by the Health, Ranger, Building and Planning departments at the Shire of Broome.

**building application** means an application for approval submitted in accordance with the *Building Act 2011*.

**development application** means an application for approval submitted in accordance with the *Planning and Development Act 2005*.

**fees** means fees levied in accordance with the Shire's Schedule of Fees and Charges for approvals and services provided by the Health, Ranger, Building and Planning departments at the Shire of Broome.

**refund** means the repayment of fees paid by a person or organisation to that person or organisation either in part or in full.

**waive** means to reduce the fees payable by a person or organisation either in part or the full amount.

## **Policy:**

### 11. Introduction

- 1.1 This policy outlines circumstances where the Shire may consider a request for the waiver or refund of fees for an approval or service provided by the Development and Community directorate.

### 12. Exclusions

- 2.1 Financial hardship, personal circumstances or family circumstances are not grounds for the waiver or refunding of fees.
- 2.2 Fees relating to regulatory matters arising under the *Dog Act 1976*, *Cat Act 2011* and the keeping and control of dogs and cats generally are excluded from the provisions of this policy. Requests to waive or refund fees in relation to these matters will not be considered.
- 2.3 For building applications, fees will not be waived or refunded in the following circumstances:
- (a) For uncertified domestic building work – where the value of the works is less than \$100,000.
  - (b) For certified domestic building work – where the value of the works is less than \$200,000.
  - (c) For certified commercial building work – where the value of the works is less than \$400,000 in value.

### 13. Waiving of fees

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- 3.1 The Director Development and Community may consider and decide a request to waive fees in accordance with this policy.
- 3.2 A reduction in fees by 50% may be approved where the applicant is endorsed by the Australian Taxation Office as a not-for-profit organisation.
- 3.3 The request to waive fees must be:
- (a) made prior to the submission of the application for the approval or services to which the fees relate;
  - (b) in writing setting out reasons for the request; and
  - (c) include proof that the applicant has been endorsed by the Australian Tax Office as a not-for-profit organisation.
- 3.4 A 100% reduction in fees may be granted:
- (a) For an application to change or vary an existing approval, where the need to change or vary the approval arises from an administrative error made by the Shire.
  - (b) For a development application made for approval to reconstruct (like-for-like) a building accidentally destroyed through a natural disaster or event.

#### **14. Refund of fees**

- 4.1 The Director Development and Community may consider and decide a request to refund fees in accordance with this policy.
- 4.2 Fees may be refunded to an applicant in the following circumstances:
- (a) If the application is submitted but subsequently found by the Shire to not have been required - 100% of the fees will be refunded.
  - (b) If the Shire has not undertaken any assessment work and the application is subsequently withdrawn in writing within 7 days of the date of the application – 75% of the fees will be refunded.
  - (c) For applications for development and building approval, if the Shire has commenced the assessment of the application - 50% of the fees will be refunded where:
    - (i) the application has not been advertised; and
    - (ii) the application is withdrawn in writing by the applicant within 21 days of lodgement of the application or is withdrawn as a result of a request for further information.
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4.3 A fee will not be refunded in the following circumstances:

- (a) For development applications and building applications, clause 4.2(c) does not apply if more than 21 days have passed since the lodgement date of the application.
- (b) For all other applications, assessment of the application by the Shire has commenced.

15. Costs and expenses

5.1 The Shire will not waive or reduce any part of a fee that comprises:

- (a) Costs or expenses that may be charged to an applicant where these are incurred through the provision of a service under Regulation 49 of the *Planning and Development Regulations 2009*.
- (b) Outlays or expenses charged to the Shire by a third party that relate to the application.

16. Activities undertaken without approval

6.1 Fees will not be waived or refunded if the application is made for the approval of an activity that has been or is already being undertaken without the necessary approvals in place.

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### Development and Community

|                                |  |
|--------------------------------|--|
| <b>TITLE:</b>                  | <b>YAWURU PARK COUNCIL REPRESENTATION</b>  |
| <b>ADOPTED:</b>                | OMC 29 November 2012 – Page 89   |
| <b>REVIEWED:</b>               | OMC 27 March 2014 – Pages 94 – 99<br>OM 17 December 2015 – Pages 110 - 121   |
| <b>ASSOCIATED LEGISLATION:</b> | <i>Local Government Act 1995</i><br><i>Land Administration Act 1997</i><br><i>Conservation and Land Management Act 1984 (WA) (Conservation Commission)</i><br><i>CALM Act (Executive Body)</i><br><i>Marine Parks and Reserves Authority (Section 26A of the CALM Act - Marine Authority)</i><br><i>Dog Act 1976</i><br><i>Cat Act 2011</i><br><i>Control of Vehicles (Off-road Areas) Act 1978</i><br><i>Local Government Grants Act 1978</i><br><i>Dog Regulations 2013</i><br><i>Cat Regulations 2012</i><br><i>Control of Vehicles (Off-road Areas) Regulations 1979</i> |
| <b>ASSOCIATED DOCUMENTS:</b>   | Yawuru Prescribed Body Corporate Indigenous Land Use Agreement – Broome (Yawuru PBC ILUA)<br>Yawuru Area Agreement Indigenous Land Use Agreement – Broome (Yawuru Area Agreement ILUA)<br>Joint Management Agreement (JMA)<br>Assistance Agreement (AA)  |
| <b>REVIEW RESPONSIBILITY:</b>  | Director Development and Community   |
| <b>DELEGATION:</b>             | In accordance with the Joint Management Agreement, Shire representatives on the Yawuru Park Council are  |

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authorised to make decisions through the Yawuru Park Council that are binding.

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Previous Policy Number 1.5.1

## **Objective:**

To facilitate the participation of Shire representatives with respect to their role in the operation of Yawuru Park Council.

## **Definitions:**

|                     |  |
|---------------------|--|
| <b>AA ILUA</b>      | Yawuru Area Agreement (ILUA)   |
| <b>BSC</b>          | Shire of Broome  |
| <b>PBC ILUA</b>     | Yawuru Prescribed Body Corporate Agreement (ILUA)                                  |
| <b>CALM Act</b>     | Conservation and Land Management Act   |
| <b>CCWA</b>         | Conservation Council of Western Australia  |
| <b>CEO</b>          | Chief Executive Officer of the Executive Body of Conservation and Land Management. |
| <b>CMP</b>          | Yawuru Cultural Management Plan  |
| <b>DBCA</b>         | Department of Biodiversity, Conservation and Attractions                           |
| <b>ILUA</b>         | Indigenous Land Use Agreement  |
| <b>LA Act</b>       | <i>Land Administration Act 1997</i>  |
| <b>MPRA</b>         | Marine Parks Reserves Authority  |
| <b>Yawuru RNTBC</b> | Yawuru Registered Native Title Body Corporate                                      |

## **Yawuru Conservation Estate**

Schedule 9 clause 11 of the PBC ILUA created a Conservation Estate and the Council of the Shire of Broome resolved that the Conservation Estate be named the Yawuru Conservation Estate.

## **Yawuru Park Council**

Schedule 7 - Annexure 2 of the AA ILUA prescribed Joint Management arrangements created a Park Council and the Council of the Shire of Broome resolved that the Park Council be named the Yawuru Park Council.

## **Background**

On 28 April 2006 the Federal Court of Australia determined that the Yawuru possessed communal native title rights and interests in the whole of their claim area subject to

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particular areas in the Broome township where native title had been extinguished. In some areas the Court found that the Yawuru community had exclusive native title rights, and in some areas non-exclusive rights. On 2 May 2008 the Federal Court of Australia upheld the 2006 determination and recognised additional native title rights and interests.

Following the 2008 Federal Court decision, the Yawuru Native Title Holders and the State commenced negotiations to resolve the issues associated with the Determination and associated matters. These (Global) negotiations resulted in two Indigenous Land Use Agreements (Yawuru PBC ILUA and the Yawuru Area Agreement ILUA). The associated Joint Management Agreement and Assistance Agreement were signed by all parties in Broome on 25 February 2010 and formally registered in August 2010.

The Yawuru PBC ILUA created a Conservation Estate as follows:

#### *11.1 Creation of Conservation Estate*

*As soon as reasonably practicable after the Registration Date, the Parties shall create the Conservation Estate comprising the following areas:*

- (a) freehold areas, as described in Part 1 of Schedule 9 (Freehold Areas);*
- (b) Roebuck Bay intertidal areas and Cable Beach intertidal areas, as described in Part 2 of Schedule 9 (Intertidal Areas); and*
- (c) townsite areas, as described in Part 3 (a) and (b) of Schedule 9 (Townsite Areas).*

A Park Council has been formed comprising Representative Members from Yawuru RNTBC, the Department of Environment and Conservation (now the Department of Biodiversity, Conservation and Attractions) and the Shire of Broome and operates in accordance with the Terms of Reference attached to the Yawuru PBC ILUA to develop, implement, monitor and review the Management Plans for the conservation estate.

The management of the Conservation Estate shall be administered jointly by the CEO, the Yawuru RNTBC and the BSC through the Park Council, as appropriate having regard to the differing joint management arrangements:

- The Out of Town Terrestrial areas, and the Roebuck Bay intertidal areas are managed by Yawuru RNTBC and the DBCA;
- The Cable Beach Intertidal Area are managed by Yawuru RNTBC, the Shire of Broome and the DCBA;
- The In town Terrestrial areas are managed by Yawuru RNTBC and the Shire of Broome.

*The Park Council's role shall be:*

- a) to prepare Management Plans under Part V of the CALM Act and section 49 of the LA Act (as appropriate) and related policies for the management of the Conservation Estate;*
  - b) to ensure that the Management Plans for the Conservation Estate are*
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*consistent with the visions and policies set out in the Cultural Management Plan for these areas;*

- c) To ensure that all Management Plans overseen by and developed with the Park Council are, to the greatest extent possible, taking into account different legislative frameworks, consistent ;*
- d) to make decisions consistent with the Cultural Management Plan and Management Plans;*
- e) to strategically monitor the management of the Conservation Estate including the implementation of the Management Plans, but not to undertake day to day management of the Conservation Estate;*
- f) to give advice to the CEO, the CCWA, the MPRA and the BSC (as appropriate) on all aspects of the use, management and development of the Conservation Estate; and*
- g) to determine priorities for any matters required to be done in accordance with or in furtherance of the Management Plans.*

The Park Council is comprised of equal numbers of Representative Members from each of Yawuru RNTBC, the DBCA and the Shire of Broome.

### **Shire Representation**

Following Local Government elections every two years the Shire of Broome appoints three representatives and two proxy representatives to the Yawuru Park Council.

The management orders for the In Town Conservation Estate are not made in favour of the Park Council, but jointly in favour of the Yawuru RNTBC and the Shire. The Yawuru Park Council is the governance structure within which the joint management is manifested. Council members appointed to the Yawuru Park Council, are appointed to represent the position and the interests of the Shire of Broome.

### **Policy:**

#### **1. Expenditure**

The expenditure of Shire of Broome funds or resources including staff time can only be authorised by the Chief Executive Officer of the Shire of Broome.

#### **2. Existing policy**

A decision requiring the formulation of a policy position requires a resolution of the Council of the Shire of Broome. A decision which simply involves the fine-grain detail of a proposal that is otherwise in accordance with an adopted Council policy probably does not require a Council resolution.

#### **3. Management Plans**

The adoption of the Yawuru In Town Reserves Management Plan requires a resolution of the Council of the Shire of Broome and agreement by the Park Council prior to submission for approval to the Minister for Lands (WA). Implementation of the Management Plan does not require a Council resolution unless it has a financial impact on the Council.

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#### **4. Land Use**

The use of land within the conservation estate other than as set out in an approved management plan requires a planning approval from the Shire of Broome.

#### **5. Licences, Leases**

Decisions which affect the legal rights of third parties in relation to the land, such as whether to grant a lease or licence to someone for the use of jointly-managed land within the Conservation Estate requires a resolution of the Council of the Shire of Broome and the Park Council.

#### **6. Judgement**

Notwithstanding the above policy provisions, whether or not a particular matter requires a formal resolution of the Council of the Shire of Broome is a matter of personal judgment and degree, depending on the nature of the matter.

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## **DEVELOPMENT AND COMMUNITY Planning and Building**

### **3.2.1**

|                                    |  |
|------------------------------------|--|
| <b>TITLE:</b>                      | <b>REISSUING OF BUILDING PERMITS</b>   |
| <b>ADOPTED:</b>                    | OMC 28 April 1998 – Page 12  |
| <b>REVIEWED:</b>                   | OMC 23 April 2002– Page 34<br>OMC 4 February 2003 – Pages 48 – 51<br>OMC 3 March 2004 – Pages 29 - 31<br>OMC 1 August 2006 – Pages 67 – 69<br>OMC 19 March 2009 – Pages 26 – 31<br>OMC 15 March 2012 – Pages 96 – 103<br>OMC 27 March 2014 – Pages 94 – 99<br>OMC 17 December 2015 – Pages 110 - 121 |
| <b>ASSOCIATED<br/>LEGISLATION:</b> | <i>Building Act 2011</i>   |
| <b>ASSOCIATED<br/>DOCUMENTS:</b>   |  |
| <b>REVIEW<br/>RESPONSIBILITY:</b>  | Manager Planning and Building  |
| <b>DELEGATION:</b>                 |  |

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Previous Policy Number 4.3.2

#### **Objective:**

To determine the costs associated with the re-issue of a Building Permit.

#### **Definitions:**

Nil.

#### **Policy:**

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This policy applies to the whole of the Shire.

The fee payable on the renewal of a Building Permit is to be based on the amount of assessment necessary to re-issue the Permit and where assessment is necessary through changes to the design or changes to the legislation since the permit was originally approved be in proportion to the extent of the building to be complete e.g.:

Where no assessment is required the minimum legislated fee will be applicable.

Where assessment is required the fee will be based on the percentage of the works still to be complete as decided by the Building Surveyor.

If 50% completed then 50% of fee charged. If 75% completed then 25% of fee charged.

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## DEVELOPMENT AND COMMUNITY

### Health and Rangers

## 3.3.2

**TITLE:** BUILDINGS ON CARAVAN PARKS

**ADOPTED:** OCM 25 February 2003 – Page 15 - 18

**REVIEWED:** OCM 5 November 2003 – Pages 6 – 7  
OCM 19 March 2009 – Pages 26 – 31  
OMC 15 March 2012 – Pages 96 – 103  
OMC 27 March 2014 – Pages 94 – 99  
OMC 17 December 2015 – Pages 110 - 121

**ASSOCIATED LEGISLATION:** *Caravan and Camping Grounds Regulations 1997*

**ASSOCIATED DOCUMENTS:**

**REVIEW RESPONSIBILITY:** Manager Health, Emergency and Rangers

**DELEGATION:**

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Previous Policy Number 4.2.8

### Objective:

To clarify and formalize the position regarding the construction of "other buildings as approved" on caravan parks, under the *Caravan and Camping Grounds Regulations 1997*, Section 11(1)(J).

### Definitions:

**Caravan Site** As per the *Caravan and Camping Grounds Regulations 1997*.

**Facility** As per the *Caravan and Camping Grounds Regulations 1997*.

### Policy:

1. Approval will not be given for the construction of buildings on a "caravan site" within a "facility" except those specifically approved under the provisions of the *Caravan Parks and Camping Grounds Act 1995* and the *Caravan Parks and Camping Grounds Regulations 1997*.
-

2. Subject to compliance with Town Planning and Building Code of Australia requirements, approval may be given to the construction, on a facility, of class 1b and class 3 buildings, as described in the Building Code of Australia.

## **DEVELOPMENT AND COMMUNITY**

### **Health and Rangers**

### **3.3.3**

**TITLE:** CARAVAN PARKS AND CAMPING GROUNDS – MAXIMUM  
NUMBER OF SITES OF A PARTICULAR TYPE THAT MAY BE  
USED AT A FACILITY

**ADOPTED:** OMC 19 September 2000 – Pages 65 - 67

**REVIEWED:** OMC 18 September 2001  
OMC 23 July 2002 – Pages 5 – 6  
OMC 14 October 2003 – Pages 65 – 66  
OMC 15 March 2012 – Pages 96 – 103  
OMC 27 March 2014 – Pages 94 – 99  
OMC 17 December 2015 – Pages 110 - 121

**ASSOCIATED  
LEGISLATION:**

**ASSOCIATED  
DOCUMENTS:**

**REVIEW  
RESPONSIBILITY:** Manager Health, Emergency and Rangers

**DELEGATION:**

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Previous Policy Number 4.2.9

### **Objective:**

Ensuring adequate sites are available at caravan parks within the Broome Townsite for tourists towing caravans.

### **Definitions:**

Nil.

### **Policy:**

The maximum number of sites at caravan parks within the Broome townsite that can be used at a facility (caravan park) for long stay sites and/or on-site caravan sites is to be limited to forty (40) percent.

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## DEVELOPMENT AND COMMUNITY

### Health and Rangers

## 3.3.4

**TITLE:** APPROVAL TO CAMP FOR UP TO 3 MONTHS IN AREAS  
OTHER THAN CARAVAN PARKS & CAMPING GROUNDS

**Approval** OMC 18 December 2007 – Pages 75 - 77

**REVIEWED:** OMC 19 March 2009 – Pages 26 – 31  
OMC 18 March 2010 – Pages 87 – 89  
OMC 15 March 2012 – Pages 96 – 103  
OMC 27 March 2014 – Pages 94 – 99  
OMC 17 December 2015 – Pages 110 - 121

**ASSOCIATED  
LEGISLATION:** Building Codes of Australia  
Council's Local Laws  
*Caravan Parks and Camping Grounds Act 1995*  
*Caravan Parks and Camping Grounds Regulations 1997*

### ASSOCIATED DOCUMENTS:

**REVIEW  
RESPONSIBILITY:** Manager Health, Emergency and Rangers

### DELEGATION:

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Previous Policy Number 4.2.10

### Objective:

Enable people to temporarily use caravan accommodation for short stays in a period of extreme shortage but to limit/discourage periods of extended and unapproved stays in certain areas, e.g. light industrial areas

To minimise the volume of administrative matters being placed before Council and provide guidance for staff and the public regarding use of caravan accommodation.

### Policy:

**In each instance:**

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1. Application for approval must be made to the Shire of Broome by completing in full the Application to Camp for up to 3 Months in Areas Other Than Caravan Parks & Camping Grounds.
2. A maximum of one caravan per property may be approved in accordance with the criteria listed in the table below. If an application falls outside the criteria, approval will only be given at the discretion of Council. Approval will only be given in special circumstances and providing there are sufficient ablution facilities and space.

| <b>Zone</b>                                     | <b>Period of Stay<br/>(As approved by the Shire of Broome)</b> | <b>Number of Caravans</b> | <b>A Requirement to Be Employed in Broome</b> |
|---|--|---------------------------|---|
| Residential                                     | 3 months only  | 1 caravan or 1 tent       | No (can be friends and relatives)             |
| Rural   | 3 months only  | 1 caravan                 | No (can be friends and relatives)             |
| Parks & Recreational Areas (sporting clubs etc) | 3 months   | 1 caravan                 | Yes   |

Approval to camp in the above areas for in excess of 3 months will need to be obtained from the Minister for Local Government.

The Shire of Broome will not support applications made to the Minister to camp for in excess of 3 months in all areas other than Parks and Recreational Areas.

3. The premises is to have toilet, shower 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.
  4. The camp is to be located wholly on the property, and be at least one (1) metre from the property boundary, at least one (1) metre from any vehicle access areas and at least six (6) metres from any road boundary.
  5. All caravans to satisfy cyclone safety standards equivalent to those required for caravans in licensed facilities by clause 48 of schedule 7 of the *Caravan Parks and Camping Grounds Regulations 1997*.  
  
It should be noted for a caravan to safely survive a cyclone it should be housed in a cyclone rated shed.
  6. Approval, in writing, is to be obtained from owners of the property. Occupiers of adjacent properties are to be notified in writing and any responses are to be included in the application for consideration by the Shire.
  7. Council reserves the right to withdraw the approval at any stage.
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**ADDITIONAL REQUIREMENTS FOR CAMPING OUTSIDE OF CARAVAN PARKS FOR PERIODS IN EXCESS OF THREE (3) MONTHS WITHIN ANY 12 MONTH PERIOD.**

8. An application for approval to camp outside a caravan park for a period in excess of 3 months in any 12 month period will need to be made to the Minister for Local Government.
9. The Shire of Broome will not support applications made to the Minister for long term stays (longer than 3 months) in Residential, Rural, Light and Service Industry, Industrial areas.
10. The Shire of Broome will only recommend to the Minister that approval be given to private persons employed in Broome who are seeking approval to camp in a caravan on a Park or Recreational area as a caretaker. Applications to the Minister from community organisations and sporting clubs may be supported by the Shire of Broome following submission of a completed application form in accordance with the provisions of this policy.
11. The Shire will make the following conditions of approval:
  - A. Camping is only permitted in a caravan.
  - B. Caravan is to be licensed for normal transport on public roads.

**ADDITIONAL REQUIREMENTS FOR CAMPING OUTSIDE OF CARAVAN PARKS FOR PERIODS UP TO (12) MONTHS DURING THE CONSTRUCTION OF A DWELLING.**

11. Approval will not be granted within the Broome Townsite.
  12. Approval will only be granted where a building licence has been issued and the concrete slab or equivalent has been laid.
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## DEVELOPMENT AND COMMUNITY

### Health and Rangers

## 3.3.5

|                                |  |
|--------------------------------|--|
| <b>TITLE:</b>                  | <b>OPERATION OF TEMPORARY CARAVAN AND CAMPING FACILITIES</b>   |
| <b>ADOPTED:</b>                | OMC 28 April 2016 – Pages 64 - 69  |
| <b>REVIEWED:</b>               |  |
| <b>ASSOCIATED LEGISLATION:</b> | <i>Caravan Parks and Camping Grounds Act 1995</i><br><i>Caravan Parks and Camping Grounds Regulations 1997</i> |
| <b>ASSOCIATED DOCUMENTS:</b>   |  |
| <b>REVIEW RESPONSIBILITY:</b>  | Manager Health, Emergency and Ranger Services  |
| <b>DELEGATION:</b>             | CPCA1 Administering the <i>Caravan Parks and Camping Act 1995</i>  |

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Previous Policy Number – 4.2.14

### Objective:

To ensure visitors to Broome are able to source accommodation in the Broome townsite during periods of high demand, when Permanent Caravan Parks are not able to accommodate travellers with pets, or may be full.

### Definitions:

**Permanent Caravan Park** means a facility licenced in accordance with the *Caravan Parks and Camping Grounds Act 1995* located within the Broome townsite and does not include nature based parks, transit parks or temporary facilities.

**Temporary Approved Facility** means a facility issued with a Temporary Licence in accordance with this policy.

**Temporary Licence** means a licence issued in accordance with *Caravan Parks and Camping Grounds Regulations 1997* for a period of less than a year with specific conditions, services and facilities to be provided.

All other terms have the meaning as defined in the *Caravan Parks and Camping Grounds Act 1995*.

### Policy:

1. During periods of peak tourist demand for caravan and camping accommodation, Council may grant a Temporary Licence, upon application, to
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a facility to accommodate travellers that cannot otherwise be accommodated in a Permanent Caravan Park within the townsite of Broome, as follows:

- a) If Permanent Caravan Parks do not provide adequate accommodation options for travelers with pets during times of peak tourist demand, Council may grant Temporary Licences to facilities to provide accommodation for travelers with pets for a period of up to 28 days;
- b) If one or more Permanent Caravan Park elects to accept travellers with pets during times of peak tourist demand, Council will review the conditions attaching to Temporary Licences that have been granted to determine if sites within a Permanent Caravan Park accepting travellers with pets should be filled prior to the use of a Temporary Approved Facility;
- c) Travellers with large vehicles, or travelers with other genuine requirements that preclude them staying in a Permanent Caravan Park may receive approval to stay at a temporary facility; and
- d) Any facility choosing to accept pets will need to comply with the *Caravan Park and Camping Grounds Regulation 1997* at all times.

2. Should accommodation in Permanent Caravan Park Facilities in the Broome townsite become unavailable due to high demand, Council may grant a Temporary Licence to operate a Temporary Approved Facility to accommodate travellers who are unable to secure accommodation in a Permanent Caravan Park in the Broome townsite, as follows:

- a) The maximum length of stay in a Temporary Approved Facility will be up to seven nights in any three month period, unless otherwise approved by Council;
- b) Council may impose licence conditions on Temporary Approved Facilities subject to seasonal demands. These conditions may change from time to time but will be designed to not financially disadvantage Permanent Caravan Park Facilities whilst seeking to maximise visitor numbers to Broome;
- c) Temporary Licence conditions will be consistent with the requirements of the *Caravan and Camping Ground Regulations 1997* and provide flexibility to meet accommodation demands within the Shire of Broome;
- d) Council may revoke a Temporary Licence at any time should any regulatory or licence conditions not be complied with; and
- e) Council will direct that Temporary Approved Facilities close when it determines that peak tourist demand has eased such that sufficient capacity exists within Permanent Caravan Parks.

3. Council may approve one or more caretaker to reside at the Temporary Approved Facility for the term of the Temporary Licence. A request must be submitted in writing stating the number of caretakers and justification for such number.

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4. Operators of Temporary Approved Facilities will be given seven days notice to cease operations.

### Health and Rangers

**TITLE:** TRADING IN PUBLIC PLACES

**ADOPTED:** OMC 15 December 2016 – Pages 544 - 549

**REVIEWED:**

**ASSOCIATED LEGISLATION:** Trading, Outdoor Dining and Street Entertainment Local Law 2016  
Local Government Property and Public Places Local Law 2016

**ASSOCIATED DOCUMENTS:** Local Planning Policy 5.1 Outdoor Dining

**REVIEW RESPONSIBILITY:** Manager Health, Emergency and Ranger Services

**DELEGATION:**

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Previous Policy Number 4.2.15

#### Objective:

1. To facilitate the assessment and approval of Trading Licences in accordance with the Trading, Outdoor Dining and Street Entertainment Local Law 2003 (**Local Law**).
2. To maintain amenity, usability and public safety in public places.
3. Promote fairness and certainty to traders, permanent businesses and the community in relation to trading in public places.
4. Promote vibrancy of public places and economic development in the Shire of Broome.
5. To protect Cable Beach as a highly valued environmental, cultural and social asset enjoyed by visitors and residents alike.

#### Definitions:

**camel operators** means those persons associated with commercial camel activities, either as the owner, the licensee or an employee.

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**commercial camel activities** means those activities associated with camel tours/rides on Cable Beach.

**directly competing with** means that both the proposed trading activity and the permanent business offer a type or category of good or service that is directly comparable, for example:

- an ice cream van would be directly competing with an ice cream parlour;
- a mobile food van selling coffee, cake and sandwiches would be directly competing with a café;
- a mobile food van selling pizza would be directly competing with a pizza or Italian take away store/restaurant;
- a stall offering massages would be directly competing with a massage parlour.

**permanent business** means a business that operates from private property.

**private property** means any real property, parcel of land or lot that has a separate certificate of title, which is in private ownership or the subject of a lease or agreement with a person or the local government enabling its use for private purposes and includes any building or structure thereon.

**Related Entity Interest** is defined in Schedule 4 of this Policy.

**Shire** means the Shire of Broome.

**trader** means the person/s who operate, or propose to operate, an activity subject to a Trading Licence granted in accordance with the Local Law, either as the owner, the holder of the Trading Licence or an employee.

All other words and expressions used in this Policy have the meaning as defined in the Local Law.

## **Policy:**

1. The Local Law allows a person to apply for a licence to undertake a range of activities to either sell, offer for sale or hire goods and services to the public. This Policy is made under the Local Law and provides additional information not outlined in the Local Law that applies specifically to trading licences.
  2. For the purposes of subclause 5.2.3 of the Local Law, a person/s will be exempted from holding a valid Trading Licence when carrying out trading in a public place where the trading is undertaken:
    - 2.1 as part of an event or function approved in accordance with the Local Government Property and Public Places Local Law 2012; or
-

- 2.2 in accordance with an approval granted by the Shire under another written law.
3. A trading licence will be issued for a trading activity where the following criteria are met:
- 3.1 the proposed trading activity does not occur within 300 metres of a permanent business that it would be directly competing with, unless:
    - (a) the trading activity does not occur during the ordinary opening hours of the permanent business; or
    - (b) the owners of the permanent business have provided their support in writing for the proposed trading activity; or
    - (c) Council decides that the proposed trading activity should be approved notwithstanding its proximity to the permanent business;
  - 3.2 the location of the proposed trading area is suitable for the trading activity that is the subject of the application;
  - 3.3 the trading will not have an unreasonable impact on other traders, permanent businesses, traffic flow, pedestrians or the public's use of a public place;
  - 3.4 the trading activity will not generate noise or disturbance that is likely to cause a nuisance to any person in the vicinity of the trader;
  - 3.5 the trading activity is consistent with the zoning of the land in the Shire's Local Planning Scheme, any existing use of the land and any management order for the land comprising the public place;
  - 3.6 a Risk Management Plan has been completed for the proposed trading activity to the Shire's satisfaction;
  - 3.7 an Occupational Safety & Health Plan has been prepared for the proposed trading activity to the Shire's satisfaction;
  - 3.8 a business/operational plan has been prepared for the proposed trading activity to the Shire's satisfaction, outlining how the proposed trading activity will be undertaken; and
  - 3.9 the trader has other statutory approvals and accreditations applicable to the operation of the commercial activity, if required.
4. Council may seek additional information from an applicant for a trading licence to facilitate the assessment of an application for a trading licence.
5. Council may invite applications for trading licences for trading in a particular area or a specific type of trading activity and applications that are received will be assessed in accordance with the Local Law, this Policy and the criteria set out in Schedule 3 of this Policy.
6. It will be a condition of any trading licence issued that:
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- 6.1 The licensee is responsible for the repair, restoration or reinstatement of any damage to Shire property arising from the trading activity or caused by the customers of the trading activity. Such repair, restoration or reinstatement of damage must be carried out as directed by Council and to Council's satisfaction.
    - 6.2 The licensee obtains public liability insurance in accordance with subclause 8.6.1 of the Local Law, except that the value of the public liability insurance must be \$10,000,000.
    - 6.3 The placing of signs occurs only within the area approved for the trading activity, unless otherwise approved by Council.
    - 6.4 Licensee must not expand or extend their trading area beyond the area approved in their trading licence without first obtaining the written consent of the Shire.
    - 6.5 The licensee does not have exclusive use or rights to the trading area or its surrounds.
  7. A trading activity must not:
    - 7.1 involve the sale of offensive, illegal, prohibited, counterfeit or unauthorised goods, including goods bearing trademarks for which the person does not have a licence to sell;
    - 7.2 adversely impact on:
      - (a) traffic movement;
      - (b) traffic safety;
      - (c) traffic flow; or
      - (d) cause a traffic hazard,
    - 7.3 prevent access to a footpath;
    - 7.4 erect signage, except in accordance with the Local Law or as approved in accordance with the trading licence; and
    - 7.5 involve the connection to or utilisation of any Shire utilities without prior approval, unless otherwise approved as a condition of the trading licence.
  8. Council may seek to engage with the community and seek public comment in relation to an application for a Trading Licence if Council considers that it is desirable to do so in the circumstances. Any submissions received by Council during the public comment period may be taken into account by Council in deciding whether to grant the trading licence applied for.
  9. An authorised person may direct the holder of a trading licence to stop doing anything which is contrary to the Local Law or a condition of the trading licence. A person who is given such a direction by an authorised person must comply with that direction.
-

10. The licensee must, during the period of the licence:
    - 10.1 at the conclusion of each day the trading activity occurs, remove all and any refuse and litter associated with the operation of the trading activity and ensure the area in which the trading is undertaken is left in a clean and safe condition;
    - 10.2 maintain and adhere to all plans, procedures, policies, licences and accreditations relevant to the trading activity; and
    - 10.3 allow Shire officers to, upon request, inspect and verify that the plans, procedures, policies, licences and accreditation are current and are being complied with.
  11. Failure to comply with clause 10 of this Policy will be deemed to be a breach of the trading licence conditions for the purposes of clause 2.7(a) of the Local Law.
  12. For the purposes of subclause 2.7(f) of the Local Law, the failure of a licensee to undertake an activity approved by a trading licence for a period of 12 months is considered a ground upon which a trading licence should be cancelled.
  13. All applicants for Trading Licences are advised of their right to object a decision made by the Shire. In accordance with section 9.4 of the *Local Government Act 1995*, an affected person may object to a decision of local government and lodge an appeal to the decision by lodging an objection to the Shire within 28 days of the decision.
  14. Additional provisions that apply to trading activities on Cable Beach are outlined in Schedule 1 of this policy.
  15. Additional provisions that apply to commercial camel activities are outlined in Schedule 2 of this policy.
-

# Schedule 1

## **Additional provisions for trading activities on Cable Beach**

### **Additional provisions for trading activities on Cable Beach:**

1. A maximum of six trading licences will be granted for trading activities on Cable Beach.
  2. Trading licences, except for commercial camel activities, will only be issued:
    - 2.1 for trading activities which support and are directly related to the recreational use and enjoyment of Cable Beach and its adjacent waters; and
    - 2.2 for the section of Cable Beach:
      - (a) between a point formed by the westerly prolongation of Murray Road to the low water mark and a point located 500 metres north of the vehicle entry ramp adjacent to the Broome Surf Club; and
      - (b) between the high and low water mark.
  3. Council may decide to grant a trading licence for an activity even though:
    - 3.1 six trading licences have already been granted for trading activities on Cable Beach;
    - 3.2 the activity does not support and/or is not directly related to the recreational use and enjoyment of Cable Beach and its adjacent waters; and/or
    - 3.3 the activity is proposed outside the section of Cable Beach specified in subclause 2.2,  
  
where Council considers that there is sufficient merit in the proposed trading activity to justify its approval.
  4. A person must not hold more than one trading licence for a trading activity on Cable Beach at any time.
  5. Council may close Cable Beach to all activities, including trading activities, at any time.
  6. A licensee must have a valid permit issued by the Shire's Chief Executive Officer in accordance with the *Control of Vehicles (Off Road Areas) Act 1960*. The licensee must at all times comply with the requirements of that Act.
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## Schedule 2

### **Additional provisions for commercial camel activities on Cable Beach**

#### **Additional provisions for commercial camel activities on Cable Beach:**

##### Trading licences for commercial camel activities generally

1. A maximum of three trading licences will be granted for commercial camel activities on Cable Beach.
2. A person must not hold more than one trading licence for a commercial camel activity at any time, and must not have a Related Entity Interest in respect of the holder of another trading licence for a commercial camel activity.
3. Each camel operator must operate independently, unless otherwise approved as part of an event or function approval issued in accordance with the Local Government Property and Public Places Local Law 2012.
4. Each trading licence will allow a maximum of 18 camels per operator on Cable Beach at any time, unless otherwise approved by the Shire for extraordinary circumstances, eg. cruise ships and corporate/conference functions.
5. Trading licences for commercial camel activities on Cable Beach will be approved for ten years.
6. The conditions of a trading licence issued for a commercial camel activity will be consistent with the provisions in Part 4 in Schedule 2 of the Local Government Property and Public Places Local Law 2012.

##### Area in which licences will be approved

7. Commercial camel activities may be conducted on Cable Beach:
    - 7.1 between:
      - (a) a point formed by the westerly prolongation to the low water mark of the northern boundary of Reserve 36477;
      - (b) a point formed by the westerly prolongation to the low water mark of the Northern Boundary of Lot 405 Lullfitz Drive; and
      - (c) the high and low water mark, and
-

- 7.2 within the set down/pick up area allocated or approved by Council, including land required to traverse from the area identified in subclause 7.1 to this allocated or approved set down/pick up area.

#### Requirements for commercial camel activities

8. All commercial camel activities must be undertaken in accordance with the provisions in Part 4 in Schedule 2 of the Local Government Property and Public Places Local Law 2012.
  9. Camel operators must only set down/pick up customers for their camel train at the set down/pick up area allocated to the operator in the operator's trading licence, except where otherwise approved by the Shire due to adverse environmental or other conditions making the designated set down area unsuitable. A portable sign may be placed in the set down/pick up area allocated in the operator's trading licence as follows:
    - 9.1 the sign must not exceed one metre in height;
    - 9.2 each advertising panel on the sign must not exceed 0.8 square metres;
    - 9.3 the sign must only contain details relevant to the commercial camel activity;
    - 9.4 the sign must not be placed in a way that causes interference or is hazardous to vehicular traffic or pedestrians;
    - 9.5 the sign must be of sound construction and maintained in good condition; and
    - 9.6 the sign must be removed at the end of each trading session.
  10. No commercial camel activities can be undertaken on Cable Beach between 10am and 2.30pm, unless otherwise approved by the Shire for extraordinary circumstances e.g. cruise ships and corporate/conference functions. Any request to conduct commercial camel activities in between 10am and 2.30pm must be made in writing, and if approved will be for a maximum period of two hours between 10am and 2.30pm.
  11. A camel operator must hold current approval from the Shire to keep a large animal in accordance with the Health Local Laws 2006.
  12. A single temporary shade structure can be erected for each commercial camel activity, no more than 3 metres by 3 metres in size and erected soundly and securely so as not to cause a hazard.
  13. All camels must be fitted with manure collection devices. Any manure that escapes a manure collection device must be collected immediately.
-

14. Camel operators must ensure that there is at least 30 metres between each camel train at all times.

#### Activities that can be undertaken as part of a commercial camel activity

15. The following activities may be undertaken in accordance with a trading licence issued for a commercial camel activity:
  - 15.1 camel tours;
  - 15.2 the taking and sale of photographs and camel memorabilia associated with the commercial camel activity to customers undertaking camel tours; and
  - 15.3 the sale of bottled water.
16. A camel operator must not facilitate the provision by any other business of any goods or services (eg. provision of food or drinks) to the operator's customers on Cable Beach or any other public place, except for:
  - 16.1 to facilitate the provision of medical or other emergency services to customers where required; and
  - 16.2 as part of an event or function approved as in accordance with the Local Government Property and Public Places Local Law 2012.

#### General

17. Council may close Cable Beach to all activities, including trading activities, at any time.
18. Council may, at any time, direct that access to Cable Beach be obtained from an alternative location to that approved in the trading licence, subject to a permit being obtained to take a vehicle in the vehicle prohibited area of Cable Beach.

#### Advice notes for camel operators

The following advice notes are provided as recommendations to assist camel operators in providing for a safe and professional service to customers. It should be noted that in providing this advice, the Shire accepts no responsibility for non-compliance of any occupational health and safety requirements or any other legislation.

- A. Informative introductory talks should be provided to customers covering all aspects of safety prior to clients commencing a camel ride.
  - B. Camel operators should have a maintenance schedule to ensure all equipment used in association with the riding of camels is kept at a high standard.
-

- C. Camel operators should have a system for the recording of any incidents or accidents that may occur in operation of the commercial camel activities.
- D. An employee induction process should be introduced for all employees.
- E. It is recommended that first aid training be provided to employees and that first aid kits are carried on the camel tours.
- F. A mobile phone should be carried on all camel tours to ensure communication in the event of an accident, or contact with Shire Officers if necessary.
- G. It is recommended that camel operators hold current tourism accreditation to support a high standard of practice within the camel industry in Broome.
- H. Camel operators should endeavor to meet with Shire Officers prior to each new tourist season to discuss both the previous and upcoming season's activities and other matters relevant to the operation of camel tours.

*DISCLAIMER: The above information provides readers with advice, guidance and/or recommendations regarding specific operational conduct. The advice, guidance and/or recommendations contained herein do not constitute legal advice, and are not intended as an exhaustive statement of measures that should be undertaken to discharge the operator's duty of care to clients and the public.*

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## **Schedule 3**

### **Clause 4 - Criteria for assessing applications for a trading licence**

Where Council has invited applications for trading licences for trading in a particular area or a specific type of trading activity, the application will be assessed against the following criteria:

1. Compliance of the application with the criteria in clause 3 of this Policy.
  2. Compliance of the application with the Local Law.
  3. Experience of the applicant in conducting the activity the subject of the application, or other similar operations.
  4. Experience of staff and key personnel that will be involved in the conduct of the activity in conducting the activity the subject of the application, or other similar operations.
  5. Provision of three referees who can be contacted by the Shire about previous experience in conducting the activity the subject of the application, or other similar operations.
-

## Schedule 4

### **Definition of Related Entity Interest**

A person has a Related Entity Interest in relation to another commercial camel activity if any of the following applies:

| <b>Where both parties are natural persons</b>   | <b>Where both parties are corporations</b>   | <b>Where one party is a natural person and the other is a corporation</b>   |
|---|--|---|
| (a) Partnership or joint venture.<br>(b) Trustee/beneficiary.<br>(c) Trustee/potential object of a discretionary trust.<br>(d) Spouses or de facto partners living together.<br>(e) Parent/child living together.<br>(f) A person's spouse, de facto partner or child living with the person, has a relationship of any of categories (a) - (c) to the other party. | (a) Related corporations including parent/subsidiary companies and companies in the same corporate group.<br>(b) Corporations in partnership or joint venture.<br>(c) Except in the case of a publicly-listed company, corporations (other than community associations or clubs) with any degree of common membership.<br>Membership means:<br>(i) Directors;<br>(ii) Shareholders;<br>(iii) Unit holders;<br>(iv) Beneficiaries of trusts administered by unit holders;<br>(v) Potential objects of such trusts.<br>(vi) Spouse, de facto partner or child of | (a) Partnership or joint venture.<br>(b) Trustee/beneficiary.<br>(c) Trustee/potential object of a discretionary trust.<br>(d) Directorship.<br>(e) Shareholding.<br>(f) Unit holding.<br>(g) Spouse, de facto partner or child living with the natural person party is in any of relationships (a) - (f) with the corporate party. |

|  |  |  |
|--|--|--|
|  | <p>any of categories<br/>(i) - (v).</p> <p>Persons need not be<br/>members of the two<br/>corporations in the<br/>same capacity.</p> |  |
|--|--|--|

## DEVELOPMENT AND COMMUNITY

### Health and Rangers

## 3.3.7

**TITLE:** HORSES ON CABLE BEACH

**ADOPTED:** OMC 9 December 2005 – Pages 29 – 34

**REVIEWED:** OMC 9 December 2005 – Pages 29 – 34  
OMC 1 August 2006 – Pages 14 – 19  
OMC 19 March 2009 – Pages 26 – 31  
OMC 27 March 2014 – Pages 94 – 99  
OMC 17 December 2015 – Pages 110 - 121

**ASSOCIATED LEGISLATION:** *Local Government Act 1995*  
Shire of Broome Local Government Property and Public Places Local Law 2012

**ASSOCIATED DOCUMENTS:** Application for Approval to Walk, Lead, Ride, Herd or Drive a Large Animal on Local Government Property and on Public Places

**REVIEW RESPONSIBILITY:** Manager Health, Emergency and Ranger Services

**DELEGATION:** LGA 1 Activities Requiring Approval

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Previous Policy Number 4.5.2

### **Objective:**

To facilitate the exercising of horses on Cable Beach whilst maintaining public safety and amenity for all beach users.

### **Definitions:**

“Approved Horse Exercise Area” means the area of beach at Gantheaume Point between the high water mark and low water mark situated between the 500 metre sign and the northern boundary of the 2 km Approved Horse Area.

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"Horses Only Access Track" means the track between Gantheaume Point Road and the beach foreshore area that is signposted "Horses Only"

"500 Metre Sign" means the advisory sign situated on the edge of the sand dunes 500 metres north of the Gantheaume Point beach vehicle access road.

"Horse Swimming Area" means the area of sea adjacent to the beach at Gantheaume Point situated within the 2 km Approved Horse Area.

"Approval" means the prescribed Application for Approval to Walk, Lead, Ride, Herd or Drive a Large Animal on Local Government Property and on Public Places issued pursuant to Local Government Property and Public Places Local Law 2012 Part 3.14 (g).

## **Policy:**

This policy applies to the area known as Cable Beach and is defined as the area of beach between Gantheaume Point and the estuary at Coconut Well.

## **Conditions:**

### **Gantheaume Point**

The following conditions will apply to horses on Cable Beach foreshore north of the rocks at Gantheaume Point:

- a) Racehorses are only permitted on Cable Beach at Gantheaume Point from the 1 April until 31 August.
  - b) Horse access to the Gantheaume Point beach shall be by either horse float or, if ridden or lead, by the Horses Only Access Track;
  - c) Persons in control of a horse being ridden or led to the Gantheaume Point beach area shall ensure that the horse crosses over Gantheaume Point Road at the signed Horses Only Access Track.
  - d) Horses using the access track are not permitted to use the track at more than a walking pace;
  - e) Horses are only permitted within the 2 km Approved Horse Area;
  - f) Once on the beach, horses are to proceed to the Approved Horse Exercise Area by either – (1) being lead or walked for the first 500m of the beach foreshore north of the rocks as close as practical to the high water mark or (2) being lead or walked from the Horses Only Access Track directly into the water and thence by swimming or walking;
  - g) Horses may only be exercised by trotting or cantering within the Approved Horse Exercise Area;
  - h) Horses can be galloped within the Approved Horse Exercise Area only between the hours of 5am and 10am;
  - i) Horses may only be exercised by swimming or walking in the Horse Swimming Area;
  - j) Any person riding or walking a horse must have the horse under effective control at all times and maintain a safe distance between the horse and any pedestrians, bathers, vehicles and boats of at least 6 metres and the person in
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- control of a horse must give right of way to pedestrians, bathers, vehicles and persons launching boats;
- k) Any person liable for the control of a horse shall ensure that all excreta is removed from the beach foreshore area and from any public land traversed.

**Cable Beach Reserve to Coconut Well**

The following conditions will apply to horses on Cable Beach foreshore north of the rocks from Cable Beach Reserve to Coconut Well:

- a) Horses can only be exercised within the beach foreshore area defined as that land which lies between the high water mark and the low water mark of the Indian Ocean or in the sea adjacent to the low water mark;
  - b) Horses can only access Cable Beach north of the rocks via the access/egress point at Cable Beach Reserve or from the access/egress point at Coconut Well;
  - c) Horses must be lead or walked on the first 3000m of the beach foreshore north of the rocks as close as possible to the high water mark;
  - d) Horses are permitted to walk, trot, canter, gallop or swim on Cable Beach with the exception that horses can only be galloped on the beach foreshore between 5am and 10am;
  - e) A horse may not be galloped within 50 metres of another person unless that person is associated with the person galloping the horse;
  - f) Any person riding or walking a horse must have the horse under effective control at all times and maintain a safe distance between the horse and any pedestrians, bathers, vehicles and boats of at least 6 metres and the person in control of a horse must give right of way to pedestrians, bathers, vehicles and persons launching boats;
  - g) Race horses are not permitted on Cable Beach between 2km north of the rocks at Gantheaume Point to Coconut Well;
  - h) Any person liable for the control of a horse shall ensure that all excreta are removed from the beach foreshore area and from any public land traversed.
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## DEVELOPMENT AND COMMUNITY Health and Rangers

### 3.3.8

|                                    |  |
|------------------------------------|--|
| <b>TITLE:</b>                      | <b>KEEPING OF 3-6 DOGS</b>   |
| <b>ADOPTED:</b>                    | OMC 27 November 2014 – Pages 18 - 22   |
| <b>REVIEWED:</b>                   | OMC 17 December 2015 – Pages 110 - 121   |
| <b>ASSOCIATED<br/>LEGISLATION:</b> | Dog Act 1976<br>Local Government Act 1995<br>Shire of Broome Dogs Local Law 2012 |
| <b>ASSOCIATED<br/>DOCUMENTS:</b>   | Keeping of 3-6 Dog Policy<br>Application Form                                    |
| <b>REVIEW<br/>RESPONSIBILITY:</b>  | Director Development and Community   |
| <b>DELEGATION:</b>                 |  |

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Previous Policy Number 4.5.4

**Objective:** The objective of this policy is to;

1. To provide guidance to Council, staff and the public on the circumstances under which between three (3) and six (6) dogs may be kept on a property.
2. To provide delegated authority to the Chief Executive Officer to approve between three (3) and six (6) dogs on a property.
3. To promote animal welfare, the responsible ownership of dogs and the protection of the environment.

**Definitions:** The definitions used in this policy are;

'Authorised officer' means a person appointed by the Shire of Broome to exercise powers on behalf of the Shire of Broome under the Dog Act 1976 (section 29(1)).

'Property' means an area of land with a residence which a person has a lawful right to occupy and is clearly demarked by way of a fence or clearly defined barrier.

'Town site' means the area of the district that is defined within in the Local Planning Scheme for Broome and the adjacent Morrell Park/Remangarli area.

**Policy:**

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1. This policy guides officers on the processing of dog applications in a fair, transparent and consistent manner having regard to the relevant Acts, Regulations, Local Laws and aims to ensure harmony in the immediate neighbourhood due to issues that could occur through having multiple dogs on a single property.

2. The Dog Act 1976 s26 permits a Local Government to make a local law to allow the keeping of between 2-6 dogs at a premise. The Shire of Broome Dog Local Law 2012, limits the number of dogs that can be kept on any premises to two (2) dogs over the age of three (3) months and the young of those dogs under that age unless in a licensed approved kennel establishment or granted an exemption under s26 of the Dog Act 1976.

3. An owner or occupier of land within the district of Broome site shall not be allowed to keep more than two (2) dogs over the age of three (3) months on a property, without the prior written approval of the Council. To obtain an approval, the resident must occupy a dwelling on the property and submit an application in writing.

4. Applications to keep more than two dogs on in-town properties are unlikely to be supported unless genuine need or compassionate grounds are demonstrated by the applicant.

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5. The dogs are not to be dangerous dogs (declared) or dangerous dog (Restricted Breed).

6. An application for an exemption to have more than two (2) dogs on a property must be accompanied by the following information:

- a) Contact details of the applicant, including their full name, residential, business and postal address, and residential and business telephone number of the keeper of the animals.
- b) Complete details of the property on which the dogs will be kept, with specific reference to PART 3 of the Shire of Broome Dogs Local Law 2012 – Dogs to be confined.
- c) The reasons for which the permit is required.
- d) Detailed plans showing the specifications and location of fencing and yards in relation to the boundaries and dwellings and proximity to adjoining properties.
- e) The total number of dogs and:
  - i. the name;

- II. the primary breeds of the animals;
- III. the primary colours of the animals;
- IV. the age of the animals;
- V. the sex of the animals and details of whether they are entire or desexed;
- VI. the registration numbers; and
- VII. the microchip numbers.

f) The method of intended waste disposal.

7. Adjoining landowners will be contacted by the Ranger department to establish if any valid objections exist ~~All applicants to keep between three (3) and six (6) dogs on a property will be required to submit with their application and written consent from their adjoining landowners as set out in the table below:~~

| Property Location                        | Radius Of Neighbour Notification |
|--|----------------------------------|
| Within town site boundary                | All properties within 50m        |
| Properties abutting town site boundary   | All properties within 50m        |
| Properties outside of town site boundary | All properties within 100m       |

8. Adjoining landowners will have 14 days from the date the applicant refers the application to them 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.

9. Prior to determination of an application to keep three (3) to six (6) dogs on a property, an authorised officer of Council may inspect the subject property to validate:

- a) That fencing is adequate, is of sufficient height and strength to contain the applicants dogs.
- b) Sufficient exercise area is available to the dogs.
- c) That the premises will at all times be maintained in good order and in a clean and sanitary condition, requiring that dog faeces are removed regularly and in an appropriate manner.
- d) Sufficient shelter from the elements is available.
- e) Sufficient water is available to the dogs.
- f) Number of animals present.
- g) Suitability of breeds for intended property area.
- h) That waste disposal is adequate.
- i) Not restricted breeds or dangerous dogs
- j) And any other matters that are relevant to the application.

10. If any remedial work is required from the inspection, then this is to be carried out prior to processing the application.

11. An authorised officer will also be required to determine that there has been no history or current incidence of complaints in relation to dogs on the property, including dog barking, dog attacks, dogs wandering, and unregistered dogs.

12. Any application approved by Council shall be an approval only for; the dogs and the property named in the application.

13. A history of non-compliance with the Dog Act 1976 or Shire Local Laws by the applicant may be considered sufficient reason for refusal of the application.

14. 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 Dog Act 1976 or Shire of Broome Dogs Local Law 2012 or non-compliance with the Keeping of 3-6 Dogs Policy. In this circumstance, the Council may require that the number of dogs on the property be reduced to a maximum of two (2) within fourteen (14) days.



### Community and Economic Development

|                                    |   |
|------------------------------------|---|
| <b>TITLE:</b>                      | <b><u>BROOME HISTORY COLLECTION</u></b>   |
| <b>ADOPTED:</b>                    | OCM 30 August 2007 – Pages 43 - 47  |
| <b>REVIEWED:</b>                   | OCM 19 March 2009 – Pages 26 – 31<br>OMC 15 March 2012 – Pages 96 – 103<br>OMC 27 March 2014 – Pages 94 – 99<br>OMC 17 December 2015 – Pages 110 - 121  |
| <b>ASSOCIATED<br/>LEGISLATION:</b> | <i>Copyright Act 1968 (Cth)</i><br>Article 19 of the United Nations Universal Declaration of Human Rights<br><a href="http://www.un.org/Overview/rights.html">http://www.un.org/Overview/rights.html</a><br>Article 19 of the International Covenant on Civil and Political Rights<br><a href="http://www.unhchr.ch/html/menu3/b/a_ccpr.htm">http://www.unhchr.ch/html/menu3/b/a_ccpr.htm</a><br>International Federation of Library Associations and Institutions Statement on Libraries and Intellectual Freedom<br><a href="http://www.ifla.org/faife/policy/iflastat/iflastat.htm">http://www.ifla.org/faife/policy/iflastat/iflastat.htm</a> |
| <b>ASSOCIATED<br/>DOCUMENTS:</b>   | Australian Library and Information Association (ALIA) Statement on free access to information.  |
| <b>REVIEW<br/>RESPONSIBILITY:</b>  | Manager Community and Economic Development  |
| <b>DELEGATION:</b>                 | Nil   |

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Previous Policy Number 5.1.2

#### **Part A** **Objective:**

- To ensure preservation of historical documents
- To increase historical awareness within the community
- To encourage further study into Broome's history

#### **Policy:**

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## AIMS:

### General Resources:

- To record the history of Broome, both past and present boundaries, in as complete a way as possible so as to understand the development of the area and the lives of the people who have been a part thereof.
- To record present day attitudes, physical features and lifestyles so as to maintain an historical record for the future.

### Electronic Resources

- Provide material and facilities which support and enhance the Local Studies Collection including genealogical resources and other areas of historical interest. Various online databases and internet search facilities for the public will be provided free of charge.

### Oral History

- To integrate the recording of reminiscences into other aspects of the collection.
- To gain insights into forces of change: effects of social, political, economic and physical developments, on people's lives in the area.
- To collect attitudes, prejudices and experiences which are neither recorded nor available in any other medium.
- To collect information which will facilitate understanding of the informal communication process and traditional cultures of the area; i.e. to incorporate some aspects of folklore.

## **Part B Management Procedure**

### Acquisition

1. Materials for the collection are obtained by purchase, copying agreements, deposit arrangements or donation. Acquisition of items is the responsibility of the Library Coordinator and will be selected according to the current Collection Management guidelines. Because of the uniqueness of the collection, items will generally not be withdrawn unless the condition of the material is beyond repair. Continual growth through acquisition of items that meet the selection criteria will ensure the steady development of a comprehensive Local Studies Collection.
  2. Donations shall be appraised by the Library Coordinator (or representative) for their relationship and value to the collection, and will only be accepted under terms laid down by this Policy. Any conditions placed upon the donation will be documented. These may include copyright issues or restrictions upon the display of the materials.
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All care shall be taken of the items during the appraisal process. Items not deemed appropriate to the collection shall be offered back to the donor. No financial valuation of items shall be undertaken by the Library Coordinator, who may, however, direct possible donors to qualified valuers, for an assessment of the financial value of the items in question if this is necessary or deemed appropriate.

3. Items that have been accepted into the collection shall be the property of the Shire of Broome, in the custody of the Library Coordinator, and may, at some future date, be sold, transferred to another institution or destroyed as appropriate. Where donations to the collection have been made under the Taxation Incentive for the Arts scheme, such donations will be transferred to the Library Board of Western Australia, or other beneficiaries under the scheme as appropriate.
4. In the event of the Local Studies Collection being dissolved, the contents of the History Collection will remain the property of the Shire of Broome, subject to the provisos outlined above or will be transferred to the Library Board of Western Australia.

#### Geographical items:

##### *Primary responsibility*

- Areas currently defined by the boundaries of the Shire of Broome.
- Areas no longer part of the Shire of Broome but which have been at any stage under the jurisdiction of the Shire of Broome or previously the Broome Road Board.

##### *Secondary responsibility*

- The Kimberley Region, that is, the area in the immediate vicinity of the Shire of Broome.

##### *Tertiary responsibility*

- The area that defines the State of Western Australia and its development insofar as it is in connection with the development of the Shire of Broome.

#### Chronological items:

- From prehistoric times, through settlement and subdivision to present day developments and decisions affecting the future of the Shire of Broome.

#### Sociological items:

- To contain works by people who have lived or worked in the Shire of Broome. No distinction to be made, in terms of relative importance, between the various racial, cultural and ethnic groups within the community.

#### Physical items:

##### *Print Materials*

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- Monographs and Pamphlets
- Local and family histories
- General West Australian works which cover the area in some depth
- Fiction works which relate to the area, history or inhabitants
- Genealogical works
- Appropriate sections of postal directories, street directories, sketch books
- History books, diaries, college and university theses, personal written reminiscences and letters.

### *Shire Records*

Pursuant to the legal requirement that local government records of archival value are deposited in the State Records Office, duplicates of certain materials will be retained.

Correspondence files which are not required to be deposited with the State Records Office for archival retention and which may have some historical significance may be assessed if deemed appropriate for retention in the collection.

Publications of the Shire – Annual Reports, departmental reports, consultant's reports, budget statements, and any other publications which are deemed relevant will be included.

### *Newspapers*

Collection of the Broome Advertiser newspaper, its predecessors, the Broome Newsletter, the Broome News and any other relevant newspapers and articles which come to the attention of the Shire of Broome Library staff.

### *Government publications of significance to the area*

As applicable.

### *Ephemera*

Collection of items on a sample basis which indicate social and community activities and services such as tickets, posters, menus, programmes, pamphlets, invitations and ephemera, which identifies changes in style; e.g. posters, notices of land sales, demolitions, advertisements.

### *Serials*

A substantial collection of newsletters and reports of community groups and organisations are collected by the Broome Historical Society. Researchers will be directed to the Broome Historical Society for further information.

### *Photographs*

Photographs of:

- Any activity, organization, event, building or person considered relevant to the history of Broome
- Events of importance
- Thematic collection, e.g. shops, roofs, houses, where practicable and possible
- Photographs prior to demolition/construction of any building, structure or tree or anything, which may change the vista of the area.

#### *Cartographic Materials*

- Published and unpublished maps
- Survey maps
- Land subdivision/real estate plans
- Aerial photographs
- Architectural and engraving plans

#### *Sound Materials*

- Cassette tapes
- Film, videos and DVDs
- Compact discs
- CD-ROMS

#### *Microformats*

Microform will be acquired as appropriate (according to ease of use, availability, Preservation of originals) eg Council rate records, genealogical resources.

#### *Artefacts*

The History Collection will not include artefacts or items of memorabilia, costumes or other objects which would be better suited in a Museum or Art collection, due to the problems of listing, preserving and housing such material. Gifts to the Council may, in certain circumstances, be accepted into the collection. Staff will suggest the donation of artefacts to an appropriate institution, e.g. the Broome Historical Society. Items of local interest may be photographed and the photographs included in the collection.

#### Criteria for Inclusion

Items donated by local residents may contain a range of images, many of which may not be relevant to the collection. Clear guidelines for what will be included in and excluded from the database are necessary.

The term "image" is to include photographs of any type taken by amateur photographers or professional photographers, commercially produced postcards or photographic series pertaining to an area or photographs copied from publications. Inclusion of any of any of these images must be within the copyright policy and within the guidelines outlined below.

Images will be included if they have been taken within the Shire of Broome.

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Photographs of people will be included if they were residents of the Shire of Broome at the time the photograph was taken or if they have been deemed to be significant to the development of the Shire.

Albums will often include several images of the same person at the same stage of life and several images of the same place at a particular time will not be included. There is little point cluttering the database with basically the same image. However, judgment will always need to be applied. Photographs of the same building from substantially different perspectives would normally be included and photographs of the same person but at substantially different ages would be included. The importance of the person to the area should also be taken into account

Many albums contain photographs of people on holiday elsewhere. Do not include these in the collection.

### Access

The History Collection of the Shire of Broome Library shall be open to all members of the general public, and to the staff and ratepayers of the Shire of Broome, in line with the general principles laid down in the current Collection Management guidelines, and the Australian Library and Information Association (ALIA) *Statement on free access to information*. Designated items are for reference only and not for loan. Material may be photocopied according to copyright restrictions.

Researchers will be expected to make due acknowledgment of material located within the Local History Collection and must abide by any restrictions placed on the material if it was a part of a conditional donation.

Copyright provisions apply to all published material in the collection. Should a researcher wish to use any unpublished item for publication, written permission must be first sought from the Manager Library and Heritage Services.

Copies of all or part of unpublished materials may be made, subject to the wishes of the donor of the material.

No print or negative may be lent to any individual, organization or photographer. Photographs will only be available on application to the Library, subject to the terms of the *Copyright Act*.

### Copyright Statement:

This policy has been developed after carefully examining the *Copyright Act 1968 (Cth)* as it affects photographs. The practices adopted by other organisations, particularly those followed by the National Library of Australia and the State libraries of Victoria and New South Wales, have also been consulted.

The following principles apply:

- Practices should be within the *Copyright Act 1968*.
  - Practices should protect the copyright owners.
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- Practices should minimise any possible litigation against our employers, employees and ourselves.
- Best practice should be followed.
- Practices should optimise service to our clients while at the same time making them aware of aspects of copyright, which might impinge on them.

A copy of the *Copyright Act 1968* will be made available at the library Issue Desk. Copyright law is very complex and constantly evolving. The information in this notice is provided as guidance only.

The *Copyright Act 1968* is applicable if a work was created or first published in Australia or if the copyright owner was an Australian resident or a person resident in Australia at the time of creation. Works created overseas are protected by international copyright agreements of which Australia is part. The information supplied in this document applies to Australian materials. Copyright protection may differ in other countries.

Further information about copyright obligations may be found by consulting the *Copyright Act 1968* or by contacting the Australian Copyright Council, 3/245 Chalmers Street, Redfern, NSW 2016.

(URL <http://www.copyright.org.au>)

### Ethics

Staff will follow codes of ethical practice established by the Australian Library and Information Association, the Australian Society of Archivists and the Oral History Association of Australia, which cover copyright regulations, rights of privacy etc.

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### Community and Economic Development

|                  |  |
|------------------|--|
| <b>TITLE:</b>    | <b>COMMUNITY SPONSORSHIP PROGRAM</b>   |
| <b>ADOPTED:</b>  | OMC 5 June 2008 - Pages 43 – 47  |
| <b>REVIEWED:</b> | OMC 19 March 2009 – Pages 26 – 31<br>OMC 27 October 2011 – Pages 62-69<br>OMC 15 March 2012 – Pages 96 – 103<br>OMC 19 September 2013 – Pages 14 – 18<br>OMC 27 March 2014 – Pages 94 – 99<br>OMC 17 December 2015 – Pages 110 - 121 |

#### **ASSOCIATED LEGISLATION:**

**ASSOCIATED  
DOCUMENTS:** Sponsorship Guidelines

**REVIEW  
RESPONSIBILITY:** Manager Community and Economic Development

#### **DELEGATION:**

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Previous Policy Numbers: 5.1.5

#### **Part A**

##### **Objective:**

The Shire of Broome Community Sponsorship Program aims to enable the Shire to make a proactive contribution to community development.

Funds are provided to assist local community based organisations and to establish a partnership for the promotion and development of social, cultural, economic, recreational, environmental and reconciliation projects and initiatives on an equitable and accountable basis.

Funding priorities are aligned to the Shire's Strategic Community Plan.

##### **Definitions:**

Nil

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**Policy:****Annual Sponsorship:**

1. Each year the Shire of Broome calls for submissions for sponsorship from community groups and organisations with funding being made available to successful applicants after the adoption of the annual budget.
2. The Community Sponsorship Assessment Working Group provides recommendations (CSAWG) to Council for adoption prior to the commencement of each financial year.

**Ad Hoc Sponsorship:**

1. A maximum of 10% of the annual budget allocation for the Community Sponsorship Program is to be distributed throughout the year as part of the Ad Hoc Community Sponsorship program. A further 10% of the annual budget allocation is available for venue hire sponsorship.
2. The CSAWG will set priorities for Ad Hoc Community Sponsorship at an annual workshop prior to the commencement of each financial year.
3. Submissions for Ad Hoc Sponsorship are eligible for funding only once during each financial year and will not be considered if they have been successful in receiving Annual Sponsorship.
4. The Chief Executive Officer is granted delegated authority to approve Ad Hoc Sponsorship to a maximum of \$1,000 with reference to priorities set by the CSAWG.

**Community Sponsorship Program Criteria**

The Shire of Broome will endeavour to provide support to projects, activities and events that are consistent with the values and strategies contained within the Shire of Broome Strategic Community Plan.

**Essential Eligibility Criteria**

In order to be eligible for sponsorship an organisation must:

1. Be an incorporated not-for-profit organisation (or provide confirmation and details of an auspicing organisation)
  2. Be based within the Shire of Broome. Priority is given to local organisations, however organisations based outside the Shire of Broome may partner with a Broome based organisation to submit an application on their behalf
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3. Be able to supply financial accounts and annual reports. If audited accounts are available, they may be requested for sponsorship requests exceeding \$5,000
4. Demonstrate a substantial degree of community support
5. Undertake to give due recognition to the Shire of Broome for its contribution to the project/activity/event
6. Agree to sign an Acceptance of Funding Form and raise a tax invoice prior to a cheque being issued or funds being transferred into a bank account
7. Agree to complete an Acquittal Report and failure to do so may render the applicant ineligible for future funding

## **Part B**

### Management Procedures

1. Council makes an annual allocation of General Purpose funds to be available for the Community Sponsorship Program as part of the Shire of Broome annual budget process
  2. Funding is available in two streams:
    - (i) Annual Sponsorship submissions up to 50% of the total project cost to a maximum of \$10,000
    - (ii) Ad Hoc Sponsorship submissions during the year, to a maximum of \$1,000
  3. Any sponsorship requests that exceed \$10,000 will not be assessed as part of the Community Sponsorship Program. Requests exceeding \$10,000 must be presented to Council as part of the annual budget process.
  4. Applicants are eligible for a maximum of \$10,000 funding over a three year period and may be funded for a maximum of three (3) consecutive years. Funding will not be provided for the same initiative more than once. An applicant must demonstrate a new initiative to be eligible for funding.
  5. A Community Sponsorship Assessment Working Group (CSAWG) consisting of two (2) staff and three (3) Councillors undertakes the annual assessment process. Membership of the CSAWG is confirmed by Council as part of the biennial selection of delegates for advisory groups.
  6. The Community Sponsorship Program is advertised and promoted widely to ensure all community groups and not for profit organisations across the Shire of Broome have the opportunity to submit an application. Details of the program, including submission deadlines and an outline of available funds, are
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advertised through local media, the Shire of Broome website and other community based promotion.

7. The CSAWG is provided with a summary list of all submissions prior to the assessment process inline with the Assessment Guidelines.

Requests for "in-kind" contributions are not accepted however organisations may apply for the equivalent of funding. Venue hire sponsorship is available to support community groups and not-for-profit organisations to host an event at a Shire owned venue or public property. Requests for venue hire sponsorship may be made through the Ad Hoc Venue Hire Sponsorship program, or may form part of an Annual Community Sponsorship application.

8. All submissions for sponsorship must be made on the relevant forms and have the appropriate supporting documentation.
9. All successful submissions are actively promoted via the media.
10. Any funds remaining as at 30 June, after allocation of both Annual and Ad-Hoc Sponsorships, are placed in the 'Community Sponsorship Program' reserve account to be distributed at the discretion of the CSAWG, with recommendations put to Council for consideration
11. The CSAWG endeavours to provide the full amount of funding requested by the applicant in order to maintain the capacity of the applicant to deliver the project, and ensure the success of Shire of Broome funded projects. It is possible that the Shire of Broome will be asked for more funding than it is able to provide in any one grant round, in this case not all applications will be successful and some may not receive the full amount requested.

### **Program Forms**

Staff in consultation with the CSAWG are to prepare and review on an annual basis the following Community Sponsorship Program forms;

1. Annual Sponsorship Guidelines
2. Ad Hoc Sponsorship Guidelines
3. Annual Community Sponsorship Application Form
4. Ad Hoc Community Sponsorship Application Form
5. Acceptance of Funding Form
6. Acquittal Report Form
7. Assessment Guidelines

### **Distribution of Funds on Behalf of External Organisations**

The Shire of Broome may enter into a partnership to distribute funds on behalf of another organisation.

The partnership is managed through a Memorandum of Understanding (MOU). The funds are administered as part of the Shire of Broome Community Sponsorship

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Program and are subject to the Community Sponsorship Program policy and guidelines, as well as any additional guidelines required by the donor organisation.

The Shire of Broome currently has a MOU to distribute funds on behalf of the following organisations:

| <b>Organisation</b>         | <b>Sponsorship Program</b>         | <b>Maximum Annual Amount</b> | <b>Total Amount</b> | <b>Term of MOU</b> |
|-----------------------------|------------------------------------|------------------------------|---------------------|--------------------|
| Energy Developments Limited | West Kimberley Community Donations | \$80,000                     | \$400,000           | 2011 – 2026        |

### Community and Economic Development

|                                |  |
|--------------------------------|--|
| <b>TITLE:</b>                  | <b><u>PUBLIC ART</u></b>   |
| <b>ADOPTED:</b>                | OMC 26 August 2008 – Pages: 21 - 23  |
| <b>REVIEWED:</b>               | OMC 19 March 2009 – Pages 26 – 31<br>OMC 15 March 2012 – Pages 96 – 103<br>OMC 27 August 2015 – Pages 86 – 90<br>OMC 17 December 2015 – Pages 110 - 121  |
| <b>ASSOCIATED LEGISLATION:</b> | <i>Local Government Act 1995</i>   |
| <b>ASSOCIATED DOCUMENTS:</b>   | Local Planning Policy 5.12 Provision of Public Art<br>Shire of Broome Public Art Master Plan 2015<br>Business Operating Procedure - Public Art Guidelines<br>Appendix A – Public Art Guidelines<br>Appendix B - Guidelines for Developers – Provision of Public Art LPP 5.12 |
| <b>REVIEW RESPONSIBILITY:</b>  | Manager Community and Economic Development   |
| <b>DELEGATION:</b>             | Nil  |

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Previous Policy Number – 3.4.3

#### Objectives:

- To ensure the development of high quality public art to contribute to the amenity of the town.
  - To involve and collaborate with the community to build local capacity and ensure that public art projects are relevant and reflect the social, cultural, environmental and heritage values of Broome.
  - To provide a framework for best practice commissioning, implementation, delivery, asset management and de-commissioning of public art within the Shire.
-

- To encourage the integration of public art throughout the Shire and to acknowledge the creative industries as potential economic drivers.

## **Definitions:**

### **Public Art**

Public Art can be defined as artwork located in public spaces other than supervised outdoor gallery spaces. The term public art may cover a wide range of art forms including but not limited to: permanent three-dimensional and two-dimensional works such as sculptures, murals, mosaics, entry statements and unique street furniture elements; temporary and ethereal works such as projection works, lighting, multi-media and performance based work.

### **Outdoor Gallery Art**

Outdoor Gallery Art can be defined as that artwork which forms part of a collection of stand alone artwork located in a public space, but not necessarily an integral element within that space. Outdoor Gallery Art may be works that could be moved from one site to another or may be site specific works that have been conceived for a specific site and therefore not transferable. They may also commemorate an individual or event of relevance to the location.

### **Integrated Art**

Integrated Art can be defined as artwork created by an artist that has been conceived especially for a site or building and forms part of the built environment. Integrated artwork can be considered as both an art piece in its own right but integral to the project environment and/or as artists creating functional elements of the street or landscape environment. Integrated artworks are commissioned as part of civic capital works programs such as streetscapes, parks and building projects.

### **Community Art**

Community Art can be defined as work resulting from a high degree of community consultation and/or participation. A community artist(s) in consultation or collaboration with members of the community may create community artwork.

### **Public Realm**

The Public Realm can be defined as including but not limited to streets, squares, parks and spaces within buildings that are accessible to the general public and in the ownership of, or under the control of Council, State Government or Commonwealth Government agencies. Spaces accessible to the general public but in private ownership are also perceived to be part of the public realm.

### **Professional Artist**

For the purposes of this policy, a professional artist will be defined as a person who meets at least two of the following criteria;

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- a) Has a university degree or minimum three year full time TAFE Diploma in visual arts, or when the brief calls for it, other art forms such as digital-media;
- b) Has a track record of exhibiting their artwork at reputable art galleries that sell the work of professional artists;
- c) Has had work purchased by major public and private collections, including (but not limited to) the Art Gallery of Western Australia, any of the university collections or Artbank;
- d) Earns more than 50% of their income from arts related activities, such as teaching art or design, selling artwork or undertaking public art commissions;
- e) Can produce a referenced folio of works that is of high quality and relevant to the commission.

### **Art Consultant**

For the purposes of this policy, an arts consultant will be defined as a person who can demonstrate the following previous experience;

- a) Managing art projects and curatorial work with a working knowledge across a range of art forms, media and materials;
- b) Communicating effectively with key project stakeholders;
- c) Developing and working collaboratively with project teams;
- d) Involving the community in collaborative processes and building the capacity of local artists;
- e) Interpreting three dimensional spaces from technical drawings and to generate ideas for the integration of artwork within these spaces.

## **Part B**

### **Management Procedure**

By the implementation of this procedure through the Shire of Broome aims to:

- a) Focus on expression of local identity and sense of place and celebrate cultural heritage and cultural diversity.
  - b) Provide opportunities for the whole community to participate in the development of Broome specific public art through interpretive, cultural and community public art in public spaces.
  - c) Provide opportunities for engagement, employment and skills development of local artists and arts workers.
-

- d) Promote Broome as a tourism destination through diverse and iconic destination art works that reflect and interpret Broome's contemporary cultural richness, its unique natural environment and its archaeological, cultural, pastoral and industrial heritage.
- e) Provide contemporary and relevant linkages between the growing numbers of distinct precincts within the Broome town site and more widely within the Shire of Broome.
- f) Provide the purpose for attracting local, state and federal funding opportunities and where public art is opportunistically achieved by definition in the public realm.
- g) Integrate contemporary art with the principles of town planning and design.
- h) Enhance the visual and experiential amenity of land, country, street and town scapes through diversity in public art using permanent, temporary and event-based public art.
- i) Develop a model of governance and best practice relative to Public Art in a regional centre with a global focus.

### **Funding and Development:**

The Shire of Broome will implement and or commission the design, construction and installation of art works in spaces directly controlled by the Shire of Broome eg parks, reserves, streets, Shire buildings etc, with funding that is:

- a) conditional on the annual budgeting process and the Shire's Long Term Financial Plan, Community Strategic Plan and Corporate Business Plan;
- b) as a result of contributions received under the conditions of Local Planning Policy 8.20; and/or
- c) sought from external sources by Shire officers.

Private developers will ordinarily manage and implement the design, construction and installation of art works within their individual projects consistent with the Shire of Broome Public Art Master Plan and in accordance with the Shire's Guidelines for Developers Provision of Public Art – LPP 8.20.

Land developers will implement the design, construction and installation of public art works within their required POS, and undertake a local community involvement strategy for its conceptual design, consistent with the Shire of Broome Public Art Master Plan.

Individuals, private groups and community artists invited to apply for the purpose of producing public art will be expected to seek independent funding for the specific purpose, design, support, construction and installation of their work - where they have agreement from the Shire of Broome, regarding place, concept, form and community involvement that is consistent with the Shire of Broome Public Art Master Plan.

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Ownership, insurance, retention, storage and decommissioning of public art in spaces controlled by the Shire of Broome will be determined by the Public Art Reference Group for resolution by the Shire of Broome. Public art in spaces not controlled by the Shire of Broome will be managed contractually by this Policy.

### **Ownership and Conservation:**

Ownership of public art will be defined by the commissioning process and contract, and the land on which it is located. Artwork located on Shire owned or managed land will become the property of the Shire of Broome. Artwork located on private land will be the responsibility of the private owner.

The owner will be responsible for the maintenance and conservation of the artworks from installation to the point of removal or disposal.

### Community and Economic Development

|                                |   |
|--------------------------------|---|
| <b>TITLE:</b>                  | <b>HIRE OF PROMOTIONAL BANNER SITES</b>   |
| <b>ADOPTED:</b>                | OMC 19 March 2009 – Pages 26 – 31   |
| <b>REVIEWED:</b>               | OMC 16 April 2009 – Pages 144 – 148<br>OMC 15 March 2012 – Pages 96 – 103<br>OMC 17 December 2015 - Pages 110 - 121 |
| <b>ASSOCIATED LEGISLATION:</b> | <i>Local Government Act 1995</i>  |
| <b>ASSOCIATED DOCUMENTS:</b>   |   |
| <b>REVIEW RESPONSIBILITY:</b>  | Manager Community and Economic Development  |
| <b>DELEGATION:</b>             | Nil   |

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Previous policy No 5.1.8

#### Part A

#### Objective:

The Shire of Broome overhead banner frame on Hamersley Street and various smaller pole banner sites are available for hire by “not-for-profit” community organisations, government departments and other organisations to publicise events considered appropriate by the Shire.

Events should promote Broome or the Broome lifestyle and be a significant sporting, cultural, recreational, educational, community or tourist related activity.

Applications for promoting events outside the Broome Township will be considered if the applicant demonstrates a positive economic impact for Broome through the promoted event.

Applications for promoting events outside the Broome Township will be considered if the applicant demonstrates a positive economic impact for Broome through the promoted event.

The Shire provides this service to:

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1. Enhance the ability of community organisations, government departments and organisations to promote Broome events through the use of Council's street sites on a "user pays" and "cost recovery" principle.
2. Convey timely information to the public about sporting, cultural, community, education, recreation and tourism events occurring in Broome.

## **Definitions:**

Community based "not-for-profit" organisations shall mean legally incorporated bodies in accordance with the *Associations Incorporation Act 1987*.

## **Part B**

### **Management Procedures**

- 1. General
  - Bookings shall be made through Shire of Broome Events department
  - Bookings will be accepted from organisations which are promoting an event that:
    - Increases visitation to Broome; - Assists the Shire to achieve relevant outcomes as per its strategic plan;
    - Provides direct economic benefits to Broome;
    - Is of significance to Broome, as the major town of the Kimberley region;
    - Reflects the Broome culture and lifestyle;
    - Enhances community engagement.
  - The hire of pole banner sites shall only be available for the entire number of pole banner sites for any of the approved pole banner localities identified in the policy, unless otherwise approved.
  - The Shire will not hire out banner frames for promoting events which conflict with community oriented events being held within the Shire, or where the event is considered to be inappropriate. The Shire reserves the right to accept or reject any application for hire of any banner site.
  - Where there is a conflict between two or more parties for a banner installation at the same location and time, community based event applications shall take precedence over all other applications.
  - Any conflict requiring resolution shall be referred to the Chief Executive Officer whose decision shall be final.
-

- The Chief Executive Officer shall determine which banner application shall take precedence and no obligation shall exist to any particular applicant irrespective of the timing of the respective applications.

## 2. Applications/Bookings

- The minimum hire period for all street banner locations is one (1) week and a maximum of six (6) weeks per booking. Banners shall be installed and removed and the hire period shall commence and end on a Monday.
- Events and activities that take place over a one-day period have a minimum booking period of one week, being the week in which the activity occurs.
- Organisations are limited to making two bookings per year, unless otherwise approved. However, bookings may be accepted throughout the year.
- Applications for bookings need to be submitted a minimum of four (4) weeks prior to the proposed installation date.
- Applications shall be accompanied with details of the proposed text and design including a sketch of each separate banner image.
- The applicant must accept and acknowledge full responsibility for public risk and indemnify the Council from and against all claims for damages and the like arising from the display of the banners.
- The overhead banner site may not be available at times throughout the year including the period between the last week of October and the first week of January depending on the Shire's installation of Christmas decorations, or in any other period.

## 3. Fees & Charges

- The Fees to be charged for the installation of banners shall be as stated in Council's Annual Statutory Fees and Charges Schedule which are set each year with the Shire Budget.
- Full payment is required within 14 days of booking.
- The following booking cancellation policy applies:
  - More than four (4) weeks notice prior to installation – full refund;
  - From two (2) to four (4) weeks notice prior to installation – 50% refund;
  - From one (1) to two (2) weeks notice prior to installation – 25% refund;
  - Less than one (1) weeks notice prior to installation – No refund.

## 4. Site Locations

- The overhead banner site is situated on Hamersley Street.
-

- The pole banner sites are situated at various localities as follows:
  - Cable Beach Rd (W) Divers Tavern to Cable Beach Club Resort - 6 poles
  - Frederick St near Broome Senior High School - 11 poles
  - Intersection of Frederick St and Cable Beach Rd (E) - 6 poles
  - Corner Port Drive and Guy St - 5 poles

## 5. Guidelines

- All banners shall be supplied by the applicant.
  - A high standard of design presentation is required to ensure banners are complimentary to the Broome streetscape and its public amenity.
  - Designs should feature strong colourful graphics with a concise message, be visually pleasing and easily read by pedestrians and motorists.
  - If a Shire logo is required, brand guidelines shall be adhered to and approved by the Shire prior to presentation of the banner for installation.
  - Banner designs must adhere to the Shire's Banner Design Guidelines available from Shire of Broome Customer Service or [www.broome.wa.gov.au](http://www.broome.wa.gov.au) . The Shire is unable to erect banners which have not been made in accordance with these specifications.
  - Banners may be reused for future bookings provided the banners are in a good state of repair and of a high standard of presentation.
  - Banners that are in disrepair will not be accepted for installation until such time as they are repaired to a satisfactory condition and they meet the banner design guidelines.
  - The Shire maintains frames suitable for pole-banners and the use and fitting of these frames are included in the fee.
-



## **Overhead Banner Details**

### **Hamersley Street**

- Material – Heavy Duty 650 gram PVC
- Dimensions – 9m length x 920mm width
- Eyelets – brass eyelets at corners and at every 100mm
- Wind vents x 8 ( V cuts )
- Small point of V cut towards the bottom
- All edges must be seamed
- Design should be on both sides of banner

## **Pole-Banner Details**

### **Various Approved Sites**

- Material – PVC 1-2mm thickness
  - Dimensions – 2040mm length x 900mm width
  - If a banner is less then 2020mm long when flat it will not fit so measurement must be accurate
  - Top and bottom of banner to be sleeved – 70mm
  - Brass eyelets to be placed in each corner and wind vents x 5 (V cuts)
  - Small point of V cut towards the bottom
  - All edges must be seamed
  - Design should be on both sides of banner
-

## DEVELOPMENT AND COMMUNITY

## 3.4.6

### Community and Economic Development

**TITLE:** COMMUNITY ENGAGEMENT

**ADOPTED:** OMC 1 November 2012 – Pages 22 - 25

**REVIEWED:** OMC 27 March 2014 – Pages 94 – 99  
OMC 17 December 2015 – Pages 110 - 121

**ASSOCIATED  
LEGISLATION:**

**ASSOCIATED  
DOCUMENTS:** Community Engagement Framework

**REVIEW  
RESPONSIBILITY:** Manager Community and Economic Development

**DELEGATION:**

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Previous Policy Number 5.1.10

#### Part A

#### Objective:

A community engagement policy seeks to build a two-way communication process between the Shire of Broome and the community. It also ensures that effective public participation is offered to appropriate stakeholders on Shire of Broome projects and programs. Community engagement will enable the Shire of Broome to establish a strong relationship with the community and obtain the best possible results for the Shire and the community.

#### Definitions:

|            |   |
|------------|---|
| Program    | Long term initiative (across financial years) that includes several elements or localities and has broad aims and objectives. |
| Project    | One off initiative, having specific objectives and focusing on a single element or locality.                                  |
| Initiative | A new service, facility, process, policy, asset, or plan.   |

---

**Stakeholders** Individuals or groups who are likely to be affected either physically or financially or with interest in, the project or program e.g. adjacent residents, ethnic groups, absent owners, community groups, sporting clubs.

## **Policy:**

- Engagement and participation shall be considered for all Shire of Broome projects, programs and initiatives. Community engagement shall be specifically planned within the development and implementation schedule of the given program, project or initiative.
- Emphasis will be on ensuring the appropriate groups of stakeholders are engaged at the appropriate level so that Shire resources and service are in line with community needs, aspirations and strengths.
- Officers will use the Community Engagement Matrix to decide when and at what level community engagement should occur, unless directed by Council.
- A coordinated and consistent approach across the organisation will apply through the use of the engagement template/toolkit.
- Councillors will be provided with standardised reports as attachments to agenda items of the Community Engagement Program associated with matter Council is considering.

## **Part B**

### **Management Procedures**

#### Key Principles of Engagement

- All relevant stakeholders must be identified.
- Non-resident landowners must be included.
- Vulnerable groups must be considered and catered for (ie people with disability, non-English speaking people, disengaged young people).
- Officers will use the Community Engagement Matrix to decide on the best level of engagement e.g. information, consultation, involve, collaborate.
- Engagement processes will allow stakeholders adequate time to respond to issues.
- Engagement should be established at the early stages of a project or initiative and before implementation.
- Where a decision is made by Council that is contrary to formally and directly expressed views gained through the engagement, the minutes should reflect the reasons for the contradictory decision.
- Engagement initiatives will be reviewed annually by Council at a Concept Forum.

#### Types of Engagement

---

There are five levels of engagement:

- Inform
- Consult
- Involve
- Collaborate
- Empower (this can only be used where Council has established a Committee of Council with delegated decision making power.)

#### Inform:

To provide the public with balanced and objective information to assist them in understanding the problems, alternatives and/or solutions. The promise to the public is: *'We will keep you informed.'*

Informing can take the form of:

- Fact Sheets
- Web sites
- Open houses
- Media releases
- Project Bulletins

#### Consult:

To obtain public feedback on analysis, alternatives and/or decisions. The promise to the public is: *'We will keep you informed, listen to and acknowledge concerns and provide feedback on how public input influenced the decision.'*

Consulting can take the form of:

- Public comment
- Focus groups
- Surveys
- Public meetings
- Targeted feedback eg. specific stakeholders

#### Involve:

To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered. The promise to the public is: *'We will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision.'*

Involving can take the form of:

- Workshops
- Project/Strategy planning
- Steering Committees

#### Collaborate:

To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution. The promise to the public is: *'We will look to you for direct advice and innovation in formulating solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible.'*

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Collaborating can take the form of:

- Advisory committees
- Consensus Building
- Participatory decision-making

Guidelines and steps on how to develop an engagement plan are included in the Shire's Community Engagement Framework (attached.)

#### DECISION MAKING AND REPORTING REQUIREMENTS:

Based on the determined level of Engagement the decision making requirements are:

**Inform:** Manager and Director approve the Engagement Plan; details of plan to be incorporated into the Council Agenda Report

**Consult:** Manager and Director approve the Engagement Plan; details of plan to be incorporated into the Council Agenda Report

**Involve:** The Executive Management Group (EMG) approves the Engagement Plan; the Plan should be included as an attachment with the Officer's report to Council.

**Collaborate:** Council needs to approve the plan; the Plan must be included as an attachment with the Officer's report to Council.

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# Community Engagement Framework

## Table of Contents

|  |     |
|--|-----|
| Introduction .....   | 216 |
| What is Community Engagement? .....  | 216 |
| Why is Community Engagement Important? .....                               | 216 |
| Levels of Engagement .....   | 217 |
| Purpose and Objectives of the Community Engagement Framework .....         | 218 |
| Relationships with the Community Engagement Framework.....                 | 218 |
| The Community Engagement Process.....                                      | 219 |
| Step 1: Determine if you need to undertake Community Engagement .....      | 220 |
| Step 2: Gather Background Information.....                                 | 221 |
| Step 3: Establish Engagement Parameters .....                              | 221 |
| Step 4: Clarify the Engagement Purpose and Objectives .....                | 222 |
| Step 5: Identify the Stakeholders .....                                    | 222 |
| Step 6: Determine Level of Engagement (matrix and matrix scoresheet) ..... | 223 |
| Step 7: Select Tools/Activities.....                                       | 225 |
| Step 8: Develop Action Plan .....  | 226 |
| Step 9: Establish Evaluation Methods.....                                  | 226 |
| Step 10: Reporting/ Feedback of Results .....                              | 226 |

## Introduction

In July 2012 the Shire of Broome Council resolved to establish a working group to develop a Community Engagement Framework for the Shire of Broome as well as the process for its implementation and intended outcomes.

It is recognised that while the Shire of Broome currently undertakes a wide range of community engagement activities and there is expertise and experience within the organisation, it is considered that the development of a Community Engagement Framework will affirm the Shire's commitment to the principals of community engagement and consolidate and enhance its practice.

The Shire's Community Engagement Framework consists of three parts:

- *The Policy*, which underpins the Framework and provides a clear policy statement.
- *The 10 Step Guide*, which helps ensure that the community is aware and empowered to participate in civic life and provides transparent and accountable procedures for how the Shire of Broome will engage with the community.
- *The Toolkit/template*, which helps Shire officers develop engagement plans that are appropriate, relevant and consistent across the organisation.

## What is Community Engagement?

Engagement involves a range of activities that allow community members to be informed of, involved in, and provide input into, Council activities and local issues.

These activities range from everyday informal discussions, contact with stakeholders during service delivery, group discussions or meetings and formal consultation processes through to Council supporting community members to take action on issues themselves.

Communities are complex and many issues involve a wide range of stakeholders often with different views and areas of interest. Engagement activities need to incorporate the diversity and dynamics of the community, help different groups consider issues constructively and manage potentially conflicting interests. While engagement requires skills, resources and time, if it is planned and conducted well, it can be done efficiently and relatively easily.

## Why is Community Engagement Important?

Traditionally, local government has relied on the community representation of elected Councillors to ensure that community issues and priorities are reflected in Council activities. This is still crucial but increasingly community members have an expectation of more direct involvement in providing input to Council priorities.

Not only is greater transparency and engagement with community expected, but it is also good business practice for Council. Successful engagement can improve strategic planning and service delivery, ensure that Council is addressing the priorities of the community and increase community support and collaboration.

Engagement does not mean that every detail of Council operation is open to community comment or control. Nor does it mean that staff will be distracted from their delivery of services. There are many situations where engagement is not necessary or possible and the Community Engagement Framework is intended to clearly identify these situations.

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## Levels of Engagement

Council and community stakeholders engage each other at different levels along a spectrum of increasing engagement.

The International Association for Public Participation (IAP2) has developed the Public Participation Spectrum to demonstrate the possible types of engagement with stakeholders and communities. The spectrum below has been amended from IAP2, and shows the increasing level of public impact as you progress from 'inform' through to 'empower'.

| INFORM   | CONSULT   | INVOLVE   | COLLABORATE  | EMPOWER  |
|--|---|---|--|--|
| Public Participation Goal:   |   |   |  |  |
| To provide the public with balanced and objective information to assist them in understanding the problems, alternatives and/or solutions. | To obtain public feedback on analysis, alternatives and/or decisions.   | To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.  | To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.                            | <i>Public make recommendations to Council</i>                      |
| Promise to the Public:   |   |   |  |  |
| We will keep you informed.   | We will keep you informed, listen to and acknowledge concerns and provide feedback on how public input influenced the decision. | We will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision. | We will look to you for direct advice and innovation in formulating solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible. | <i>Council will consider the recommendations.</i>                  |
| Example Tools:   |   |   |  |  |
| Fact Sheets<br>Web sites<br>Open houses<br>Media releases<br>Project Bulletins   | Public comment<br>Focus groups<br>Surveys<br>Public meetings<br>Targeted feedback<br>eg. specific stakeholders                  | Workshops<br>Project/Strategy planning<br>Steering Committees   | Advisory committees<br>Consensus Building<br>Participatory decision-making   | <i>Council committees with delegated decision-making authority</i> |

The IAP2 Spectrum includes 'empower' as level of community engagement, where the final decision making power in the hands of the public. Under the Local Government Act 1995, the only way community members can make decisions on behalf of Council would be if Council delegated decision-making authority to a committee in accordance with the Act. This, although possible, only occurs in a very limited number of occasions and specific situations (ie management of a facility.) Therefore the Shire will not use the Empower category in its Community Engagement Matrix, and where Council deems this level to be required, it will resolve to establish such a Committee.

## Purpose and Objectives of the Community Engagement Framework

The purpose of the Community Engagement Framework is to establish a clear set of guidelines that informs the way the Shire of Broome engages with the community.

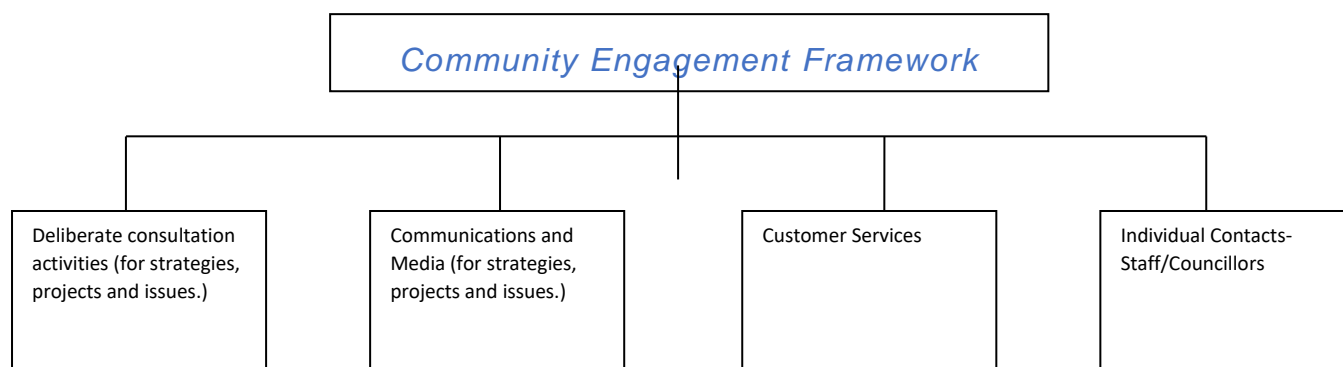
The objectives of the Community Engagement Framework are to establish consistent and strategically targeted processes for community engagement and ensure those processes are implemented by Shire of Broome officers and external consultants. The Framework will also take into account the legislative requirements for consultation such as notices of application for a planning permit.

Using the Framework will facilitate improved decision making based on increased knowledge of community needs, aspirations and strengths. This will also help in targeting Shire of Broome resource and service priorities. Following the *10 Step Guide* will ensure that the community is kept updated about decisions that are informed by the community engagement process.

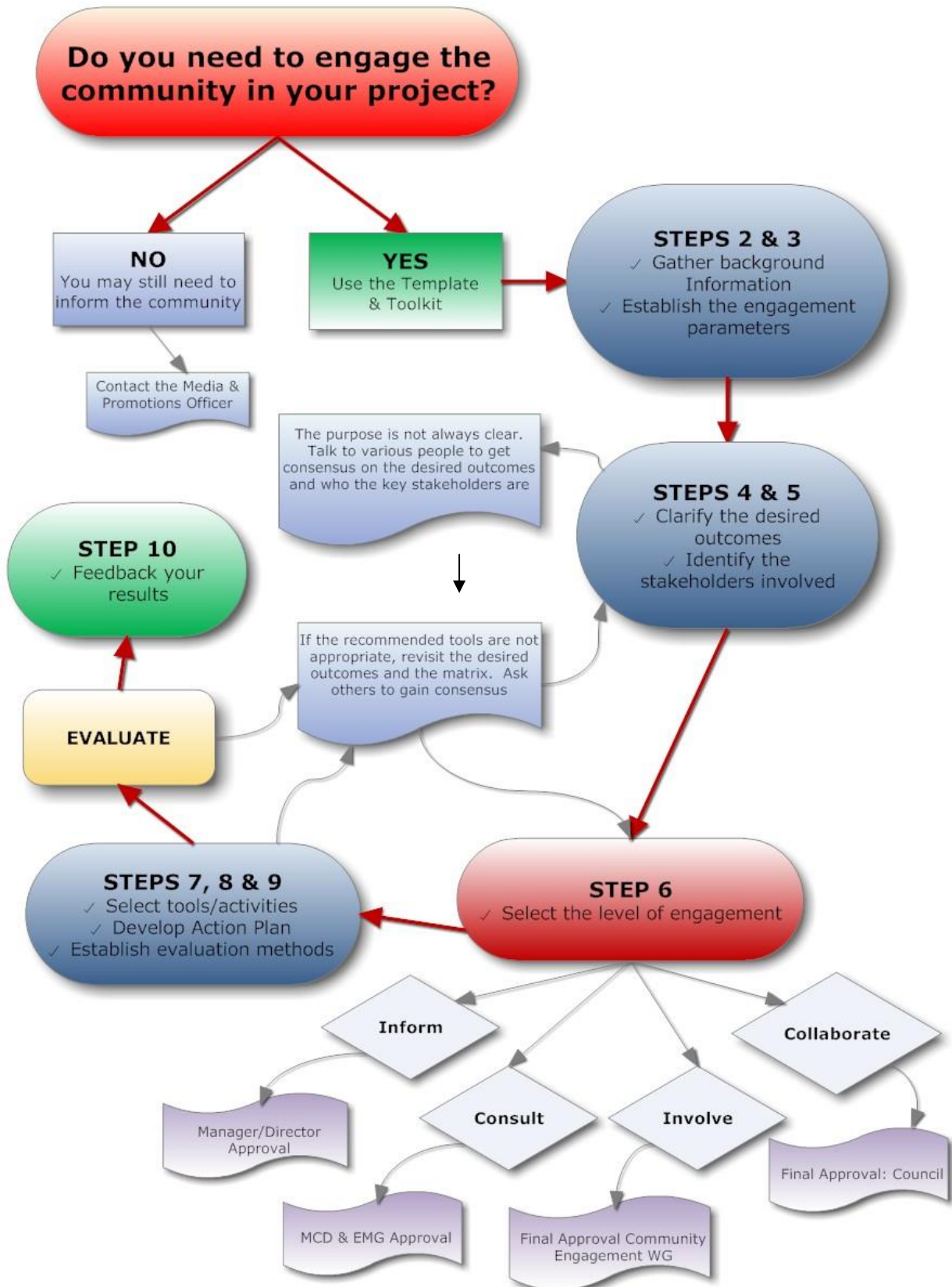
The Framework will be relevant to many activities undertaken by the Shire. It will provide the community with a clear statement and guidelines for how the Shire will engage with it. It will also enable Council to implement one of the identified values in its Strategic Plan to '*actively consult, engage and communicate with, and on behalf of the community.*'

## Relationships with the Community Engagement Framework

Interaction with our community is happening daily and in various ways and means. This Framework has been developed to identify the extent and context in which the Shire of Broome interacts with its community.



## The Community Engagement Process



## Step 1:

### Determine if you need to undertake Community Engagement

The first step is to determine if Community Engagement is necessary for your project or issue. One way to do this is to consider the following:

***“Will there be a CHANGE in the level of existing environment, space, accessibility, convenience, or provision of a service to the community?”***

*and*

***“Is there opportunity for stakeholders to influence your project or its outcome? (ie the project or its outcome is not fixed or already determined)”***

**NO** - There may be no need to develop and implement a Community Engagement Plan. It may still be necessary to ‘inform’ relevant community members or groups, as appropriate, particularly if there is a *perceived* level of change from a community perspective. For example: an annual fee increase, changes to rubbish collection.

**YES** - The 10 Step Guide is for you! The steps that follow will help you to:

- clarify the decision that needs to be made
- determine the type of community engagement that will be appropriate
- design and implement a Community Engagement Plan
- undertake evaluation and
- clearly communicate the ‘next steps’ (feedback).

### Other considerations in making the decision to undertake Community Engagement

What is the broader context of the project or issue at hand? When determining whether or not community engagement is necessary, also consider the following:

- Is there a history associated with the project or issue that may impact on the current situation?
- Does the project or issue have the potential to become highly politicised?
- Is there an opportunity to build or maintain a positive relationship through engaging proactively and openly with a section of the community?
- Is there a chance that there will be considerable public outrage if the community is displeased with, or feels no ownership over, the outcome?

**Where to start...**

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The next steps and *Engagement Toolkit/template* have been developed to assist you with your project's community engagement.

## **Step 2:**

### **Gather Background Information**

It is useful to provide background information which describes the key events and provides a clear outline as to the reason for community engagement. The information does not need to be extensive and it does not replace your Project's existing documentation, i.e. project brief etc.

Brief information to include may be the history, current status and information on what needs to happen to address the decision to be made.

Sources of background information may include the following:

- Council reports
- Briefing papers
- Shire records
- Community petitions
- Media clippings
- Internal and external reviews
- Shire staff with some involvement in the project
- Community groups and individuals
- Stakeholders

Please use the attached *toolkit/template* for your project

## **Step 3:**

### **Establish Engagement Parameters**

Parameters provide a clear description of the limitations, the negotiables and non-negotiables involved in a project. Setting parameters is necessary to provide Council with a starting point or baseline that allows for realistic expectations. All resources have limitations and therefore effective allocation is dependent upon the technical, budgetary and human resources available, and/or legislative requirements. The key parameters to consider are:

**Legislative** – is there any legislation that determines what consultation needs to occur?

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**Geographic boundaries** - the areas selected to include in the community engagement.

**Budget** – Funds available for a project will drive what can be expected and provided. It is unfair and unwise to raise the expectations of stakeholders by asking them what they want and then telling them they cannot have it because of a shortage of funds. The cost of community engagement increases as the method of community engagement becomes more complex. It is important to know what funds are available for community engagement to avoid having to withdraw from a process due to lack of funds.

By using the *10 Steps* you can work out the cost of community engagement and include it in your project proposal so that the total budget can be considered upfront, and not as an after-thought.

**Timelines** - Communities need enough time to participate in a community engagement process. Are there legislative requirements for the time of consultation or the schedule of Council meetings to consider?

Please use the attached *toolkit/template* for your project.

## Step 4:

### Clarify the Engagement Purpose and Objectives

Ask yourself what the outcome is that you seek from your engagement, as well as the experience you are trying to create for participants.

It is important to be *clear* about what the intended outcome or purpose is. Being unclear is a common reason for tension between Councils and communities and why some issues seem to remain unresolved over a long period of time. **Try to speak to a number of different people about what they see as the purpose of engagement for your project. There are often varying views, so the more consensus gained, the more chance you have of people agreeing with it.**

An example of an engagement purpose objective is:

*To ensure there are equitable opportunities for all staff to influence how the Shire's Social Club will be managed by the Shire.*

Please use the attached *toolkit/template* for your project.

## Step 5:

### Identify the Stakeholders

A stakeholder is defined as someone who may be affected by or have a specific interest in the decision or issue under consideration.

There are various ways to categorise stakeholders. However it is important to have a consistent approach to ensure equitable inclusion of all potential stakeholders who reflect the demographics of the community. Not only will this ensure a credible process and equitable representation, but the approach will help to develop community trust in the process.

The Shire has chosen to sort stakeholders into primary, secondary and tertiary groups (a method used in project management.)

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**Primary stakeholders** are those who have a direct interest in an outcome such as: Councillors, key community members, groups and businesses who live/operate in or near the location of a project or who will be directly affected by a project or decision (this may include “absent owners” of leased/rented business or residential properties). The direct interest could be proximity or economic.

**Secondary stakeholders** are those who have a general interest in a project or issue such as Council staff working on a project, people who live and work in the broader Council area, business owners, community groups in the Council area and consultants involved in a project.

**Tertiary stakeholders** are those that do not always fit neatly into the primary or secondary stakeholder category depending on the nature of the community engagement, such as: State and Federal Government authorities/agencies, non-government agencies and organisations and the media.

Please use the *Toolkit/template* for your project.

#### Step 6:

#### Determine Level of Engagement (matrix and matrix scoresheet)

Council and community stakeholders engage each other at different levels on a spectrum of increasing engagement.

The International Association for Public Participation (IAP2) has developed the Public Participation Spectrum to demonstrate the possible types of engagement with stakeholders and communities. The spectrum also shows the increasing level of public impact as you progress from ‘inform’ through to ‘empower’. The Shire has adapted this as follows:

| INFORM   | CONSULT   | INVOLVE   | COLLABORATE  | EMPOWER  |
|--|---|---|--|--|
| Public Participation Goal:   |   |   |  |  |
| To provide the public with balanced and objective information to assist them in understanding the problems, alternatives solutions | To obtain public feedback on analysis, alternatives and/or decisions.   | To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.  | To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.                            | <i>Public make recommendations to Council.</i>   |
| Promise to the Public:   |   |   |  |  |
| We will keep you informed.   | We will keep you informed, listen to and acknowledge concerns and provide feedback on how public input influenced the decision. | We will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision. | We will look to you for direct advice and innovation in formulating solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible. | <i>Council will consider the recommendations</i> |

The selection of a level or levels of community engagement will be driven by the expectations of internal and external stakeholders. It is important to be aware of and understand the source and nature of these expectations.

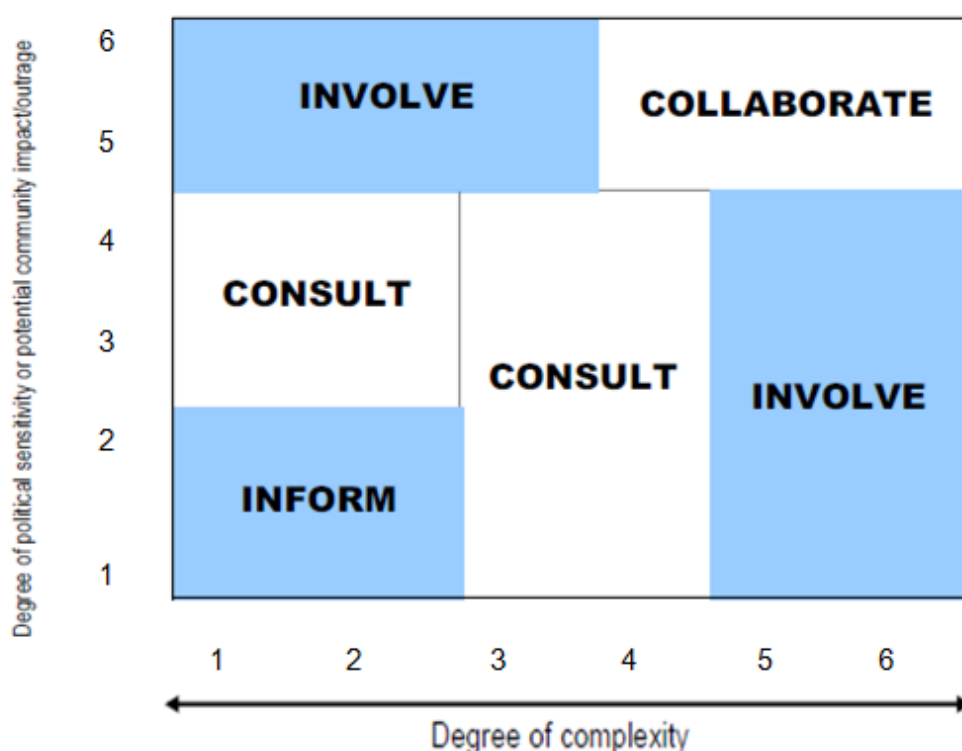
Consideration will need to be given to the following:

- Background information: Council Reports, Briefing Papers, Project Scopes and Reviews.

- Level of interest from community as perceived by staff and Council.
- Level of interest being shown by the community.
- Underlying values and views of internal and external stakeholders.
- Degree of complexity – is there a single issue or multiple issues?
- Degree of potential community impact and/or outrage – what is the general community perception of the issue/s?
- Media interest.
- Level of resources available – time, budget, human.

### Community Engagement Matrix:

The Community Engagement Matrix below is a tool designed to assist with the selection of a level of engagement. The axes on the Matrix relate to “degree of complexity, and potential community impact /political sensitivity”. Measures on a scale of 1 - 6 are set out to provide further definition.



The table below will help you determine the level of engagement for your project. Consider your project and the statements below and place your response in the right hand column:

|                      | SCORE<br>1 - 2  | SCORE<br>3 - 4   | SCORE<br>5 - 6  | Your<br>Project |
|----------------------|---|--|---|-----------------|
| Degree of complexity | There is one clear issue and or problem that needs to be addressed. | There are more than one or two issues/problems that can be resolved. | There are multiple issues/problems and it is unclear how to resolve them. |                 |

|  | SCORE<br>1 - 2   | SCORE<br>3 - 4   | SCORE<br>5 - 6   | Your<br>Project |
|--|--|--|--|-----------------|
| Degree of potential community impact and political sensitivity | <p>The project will have little effect on communities and they will hardly notice any changes.</p> <p>The project has acceptance throughout the community.</p> | <p>The project will fix a problem that will benefit communities and the change will cause minor inconvenience.</p> <p>There are groups in communities who may see potential in raising the profile of a project to gain attention for their cause.</p> | <p>The project will create a change that will have an impact on communities and the living environment and the degree of impact/outrage and acceptance will vary.</p> <p>Community expectations about the project are different to those of the decision makers and there is high potential for individuals and groups to use the uncertainty to gain attention.</p> |                 |

Your project score for Degree of Complexity: \_\_\_\_\_

Your project score for Degree of Community Impact/Political Sensitivity: \_\_\_\_\_

Using these scores on the graph above will indicate your project's engagement level.

Please use the attached *Toolkit/template* for your project.

**Decision requirements for your project based on selected level of engagement:**

**Inform** – Manager and Director need to approve the Engagement Plan (Media and Promotions Officer needs to be involved to help develop printed materials and media items).

**Consult and Involve** – As above and Community Development needs to be involved in helping to develop your plan. The Executive Management Group (EMG) needs to approve the plan.

**Collaborate** – As above and Council needs to approve the plan.

## Step 7:

### Select Tools/Activities

Selecting the right engagement tool or activity is an essential step for a successful decision making outcome. The below table is an amended extract from the IAP2 Spectrum which indicates examples of techniques suited to each level of community engagement.

| INFORM   | CONSULT  | INVOLVE  | COLLABORATE  | EMPOWER   |
|--|--|--|--|---|
| Example Tools:   |  |  |  |   |
| Fact Sheets<br>Web sites<br>Open houses<br>Media releases<br>Project Bulletins | Public comment<br>Focus groups<br>Surveys<br>Public meetings<br>Targeted feedback<br>eg. specific stakeholders | Workshops<br>Project/Strategy planning<br>Steering Committees<br>Field Trips<br>Deliberate polling | Citizen Advisory Committees<br>Consensus Building<br>Participatory decision-making | <i>Committees of Council (with delegated authority)</i> |

More examples of tools/activities are set out in the *Toolkit/Template*, to show what techniques work most effectively with the levels of inform, consult, involve, collaborate on the spectrum.

## Step 8:

### Develop Action Plan

The Community Engagement Action Plan puts all the pieces of the plan together and presents a snapshot of the tasks required and the operational decisions to be made. Below is an example of what one looks like:

| Date   | Tool/Activity | Stakeholders involved | Person Responsible | Budget | Status | Communication /message |
|--------|---------------|-----------------------|--------------------|--------|--------|------------------------|
| 8 July | Focus group   | Staff                 | Bridget            | Nil    | 0%     | Start after xxx        |

Please use the attached *Toolkit/template* for your project

## Step 9:

### Establish Evaluation Methods

In *Step Two* you outlined what the intended outcome of your engagement was – i.e. the purpose of the Community Engagement. Now you need to identify ‘*how will you know you have gotten there?*’ What are the evaluation measures you will take once the Community Engagement has occurred?

It is important to establish these before the Community Engagement is actually undertaken.

Ask yourself the following questions:

1. What needs to happen for this process to be a ‘success’? (consider the perspectives of both Council and community/stakeholders)
2. How will we know if this has been achieved? (i.e. visible sign of success)
3. What data will you need to indicate this? (what will you need to demonstrate the results)
4. How will you collect this data? (participant feedback, surveys, informal discussions etc):
5. How will you document the learning’s (both positive and negative) from this process, for future learning for yourself and other in the Shire of Broome?

Please use the attached *Toolkit/template* for your project.

## Step 10:

### Reporting/ Feedback of Results

Following the Community Engagement process, you will need to collate the data you have obtained, as per your evaluation questions (previous step), analyse it and write a report or summary to the decision makers (often Council).

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Use your evaluative data to compile a report that reflects on the process as well as the outcome.

It is important for participants to know before the process commences how their input/feedback will be used. Equally important is informing participants about how they themselves will receive feedback about their involvement in the process, and the resulting outcome or decision.

If the project is a longer-term, or on-going one, it is important to keep participants updated on its progress.

Please use the attached *Toolkit/template* for your project.

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## DEVELOPMENT AND COMMUNITY

### Community and Economic Development

3.4.8

|                                |   |
|--------------------------------|---|
| <b>TITLE:</b>                  | <b>BROOME CIVIC CENTRE PROGRAMMING</b>                                  |
| <b>ADOPTED:</b>                | OMC 28 August 2014 – Pages 120 – 128                                    |
| <b>REVIEWED:</b>               | OMC 17 December 2015 – Pages 110 – 121<br>OMC                           |
| <b>ASSOCIATED LEGISLATION:</b> | <i>Local Government Act 1995</i> (Section 5.42)                         |
| <b>ASSOCIATED DOCUMENTS:</b>   | Broome Civic Centre Management Plan<br>Policy 2.1.2 - Purchasing Policy |
| <b>DELEGATION:</b>             |   |

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Previous Policy Number 5.1.12

#### **PART A**

##### **Objective:**

1. To facilitate the development and implementation of a diverse annual program of live performances and/or events at the Broome Civic Centre.
2. To enable the Shire to enter into contracts for the provision of live performances and other events at the Broome Civic Centre to meet commitment deadlines.

##### **Policy Statement**

The Shire of Broome is committed to ensuring that the Broome Civic Centre is the premier venue for live performances and other events, whether directly organised by the Shire or other community organisations, that will enhance entertainment, art and culture opportunities for community.

It will achieve this through the following:

- A versatile venue that is suitable for professional and community performing and visual arts as well as community events, celebrations and conferences
- An accessible and affordable venue for the Broome and Kimberley community
- Aim to ensure a range of arts, social and cultural activities to reach a diverse audience and customer base
- Recognition as a national and state-wide performance touring destination
- To decrease the financial burden to the Shire of Broome

##### **Program Rationale:**

In order to develop audiences for particular types of programming, it's necessary to program consistently over at least 3-5 years, to build awareness, familiarity and trust.

These consistent streams of programming, and their target audiences are described below.

Note the ability to program within these streams is sometimes out of the Shire's control due to remote location, availability and budget constraints.

| <b>Program Streams</b>              | <b>Target Audience</b>  |
|-------------------------------------|---|
| Children and Family                 | Children 0-5<br>Children 6-10<br>Children 11-14<br>Parents and grandparents |
| Youth and young adults              | Aged 15-24  |
| Seniors                             | 60 plus   |
| Local and traditional culture       | People of diverse cultural background<br>Tourists                           |
| Locally produced/presented          | Families, Young adults, adults, seniors, tourists                           |
| High profile performing arts events | Young Adults<br>Adults 25 – 59<br>Seniors 60+                               |
| Comedy                              | Adults 25 – 59<br>Males   |
| Visual arts                         | Adults 25 – 59<br>Tourists<br>Seniors                                       |

## **PART B**

### **Management Procedures**

#### Facility Scheduling

There are many ways to develop programs to deliver a diverse range of entertainment, arts and culture events at the Broome Civic Centre:

- A. Risk can be shared, borne totally by the hirer or totally by the Shire of Broome.
- B. Commercial hire – A commercial hirer bears 100% of box office risk when presenting their show. Most of these are presented by a manager or producer specialising in national touring shows.

- C. Community hire - Arts and Culture events – A community hirer bears 100% of box office risk when presenting their show, but receive a discounted hire rate. (Refer to Fees and Charges Policy)
- D. Venue hire – Increasing utilisation of the venue and providing opportunity for community and others to be more familiar with the facility.

#### Partnerships:

- A. Where a commercial or community hirer agrees to share the box office risk and/or to assist with marketing and audience development. For example, Marrugeku, Barking Gecko Theatre Company and Theatre Kimberley
- B. Developing cooperative programming relationships with other venues in the North West (for example Port Hedland, Karratha and Carnarvon) to increase the diversity of touring shows, share travel and marketing costs and raises regional awareness.

Product purchasing – Shire of Broome bears 100% box office risk and pays the producer an agreed fee.

#### Annual programming

- A. Officers will develop an annual program of Shire presented performances and/or screenings in accordance with the policy.
- B. Officers will secure programming where opportunities are identified to ensure consistency three to five years in advance to be included in the annual budget for the relevant financial year.
- C. Officers will liaise with potential hirers to ensure utilisation is maximised
- D. The Chief Executive Officer (or his delegate) will approve the annual program and advanced bookings and enter into any required contractual arrangements in accordance with the Shire's Purchasing Policy.

#### Financial implications

The annual program is developed within the Shire's approved budgets for programming, staffing and marketing.

#### Grant funding

The Shire will apply for funding where possible to ensure the number of shows actively programmed by the Shire per year is maximised to support audience development.

## DEVELOPMENT AND COMMUNITY

### Community and Economic Development

3.4.9

|                                |  |
|--------------------------------|--|
| <b>TITLE:</b>                  | <b>TOURISM ADMINISTRATION</b>  |
| <b>ADOPTED:</b>                | OMC 19 April 2012 – Pages 76 – 82  |
| <b>REVIEWED:</b>               | OMC 15 October 2015 – Pages 169 -173<br>OMC 17 December 2015 – Pages 110 - 121 |
| <b>ASSOCIATED LEGISLATION:</b> | <i>Local Government Act 1995 Section 6.33</i>                                  |
| <b>ASSOCIATED DOCUMENTS:</b>   | Rating Policy 2.2.4  |
| <b>REVIEW RESPONSIBILITY:</b>  | Manager Community and Economic Development                                     |
| <b>DELEGATION:</b>             |  |

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Previous Policy Number 2.1.6

### **PART A**

#### **Objective:**

To realise the benefits from tourism, promote coordination, infrastructure sharing opportunities and integration of tourism with other business sectors to optimise benefits and minimise any adverse impacts to the community and other industries. Ensuring a sustainable tourism industry that has balance between environmental, cultural and heritage values, and community lifestyle.

#### **Policy Statement:**

The Shire of Broome is committed to ensuring Broome is a premier tourism location increasing economic outcomes and creating a sustainable tourism industry positioned for growth and development.

It will achieve this through clearly defining:

- The process for administration, consultation and determining of high level priorities related to Council funding of tourism initiatives;
- The scope of Council engagement in the development and marketing of the Shire as a visitor destination, both directly and in partnership with the community and other stakeholders to optimise collaboration, consultation and outcomes of Shire funded initiatives; and the extent of Council's direct

- financial assistance to tourism initiatives.
- High level tourism priorities for Broome Shire, determined through collaborative meetings and high-level priority setting workshops that will include Council and relevant committees plus applicable industry stakeholders in the second financial quarter of each year.
- Key performance indicators against the high-level priorities as outlined in this policy, set in collaboration with each organisation awarded funding through this policy

Funding will focus on the following areas:

1. *Visitor Information Services*  
Council will work collaboratively with the Broome Visitors Centre for the provision of visitor servicing and determining of high level tourism priorities for the Shire of Broome.
2. *Destination Marketing*  
The Shire of Broome shall work collaboratively with Australia's North West (ANW) for the promotion of the Broome shire as a visitor destination to external markets and determining of associated high-level tourism priorities for the Shire of Broome.
3. *Other Tourism Initiatives*  
The Shire of Broome shall work collaboratively with organisation for the promotion and development of the Broome shire as a visitor destination on initiative that meet the high-level tourism priorities for the Shire of Broome

#### Collaboration

1. Council will encourage liaison between all tourism related organisation and or groups to:
  - a. Ensure the best outcomes for the Broome tourism industry
  - b. Strengthen and enhance the Broome product
  - c. Provide aligned messaging and advocacy
  - d. Ensure the benefit for Shire funding is maximised
2. Council will encourage business and community groups to actively collaborate by participating in relevant regional and sector specific organisations.

#### Tourism Industry Development

Council will lobby State and Federal Government departments to ensure the Shire of Broome is receiving its fair and appropriate allocation of available funds for industry development.

Council will ensure that other industries are not adversely affected by the tourism industry and encourage industries to work together and communicate opportunities for shared infrastructure or other avenues of cross industry benefit.

Council will encourage networking amongst the operators, Local Business Associations, Tourism Associations, and Tourism WA within the Shire as a means to expand product knowledge.

Council will encourage Local Business Associations and Tourism Associations to actively engage with Tourism WA and other industry stakeholders as a means of increasing the profile of the Shire of Broome as a tourism destination.

#### Planning

In the formulation of its planning policies and development frameworks, Council

will be mindful of the effects on and needs of the tourism industry.

Council will, in reviewing its planning strategies and other forward planning documents, take into consideration policies on tourism and other leisure activities.

In the preparation of local laws, Council will have regard to their impact on tourism and the balanced development of the Shire.

When considering tourism developments, Council will consider the social, economic, cultural and environmental impact of the proposal within the Shire.

#### Infrastructure and amenities

In the development of its capital works program, Council will allocate appropriate budgets to facilities that will support and encourage visitors to appropriate areas within its boundaries, for example, toilet blocks, boat launching facilities, directional and interpretative signage, walkways etc.

Council will seek financial support from other agencies whenever possible for the provision of tourist facilities.

Council will, where possible, support the enhancement of specific natural features, conserve areas of outstanding beauty and recognise items of heritage and cultural significance.

#### Tourism Advisory or Working Groups and Chief Executive Officer Delegation

The Chief Executive Officer, may, at his/her discretion appoint an advisory or working group from the Broome Tourism Industry to advise him/her in relation to any matter pertaining to Broome tourism. It is envisaged that the Chief Executive Officer would report to Council on issues pertaining to the tourism industry in Broome.

The Chief Executive Officer can be given delegated authority to amend allocations against proposed initiatives of organisations (provided it is within the overall allocation determined for each organisation and appropriate justification is received 4 weeks prior to the initiative).

## **PART B**

### **Management Procedures**

#### Funding of Tourism Initiatives

1. The sum certain for Tourism Initiatives will be determined by Council as part of the budget process yearly inclusive of any initiatives the Shire may enact from this funding.
2. The Shire will commit financial resources to the support the operations of the organisation involved in visitor information servicing, destination marketing and initiatives that demonstrate clearly defined tourism outcomes that are aligned to high-level tourism priorities.
3. Tourism initiative applications for funding will be managed through the Events, Tourism and Economic development funding stream annual application process and need to meet the related guidelines.
4. Subject to the application requirements being met, the Chief Executive Officer will refer applications for funding to the Economic Development Advisory Committee, a relevant reference or advisory group and/or Council workshop to provide recommendations and advice related to the request for financial support.

5. Council shall give consideration to the request for funding and allocate financial resources as it considers appropriate. Subject to Council approval of the expenditure amount the organisation shall submit two invoices for payment in September and March of each financial year.

#### Application and Reporting

1. An organisation applying funding through this policy will:
  - a. Complete a formal request for funding in the Shire's nominated format by the 31 March prior to the commencement of the funding period, to allow time for consideration.
  - b. A preliminary report against KPI achievements set where funding has previously been allocated to applicant.
  - c. Submit their strategic / business plan in its nominated format to allow Council consideration of the strategic direction of the organisation.
  - d. Provide the Shire with a copy of the organisation's year end audited financial statements for the preceding year and provide assurance that the organisation is viable; and
  - e. Identify the activities/projects of expenditure proposed to be funded by the Shire including the proposed key performance indicators aligned to the high-level priorities set by the Shire for the funding period
2. An organisation reporting on funding provided through this policy will provide the Shire with a report within 90 days of the end of the funding period that includes;
  - a. A detailed overview to Council in relation to the expenditure of the awarded funds.
  - b. Outcomes measured against the set key performance indications and the high-level priorities previously set for the funding period.
  - c. Detail the acknowledgement that the Shire has received in relation to the financial assistance on any promotional materials, campaigns, social media, speaking engagements or other promotional avenues connected with the activities / projects and acknowledgment in the organisations annual report and relevant publications.
  - d. Other information or data that was agreed to as part of the award of funding through this policy.

### Sport and Recreation

|                                    |   |
|------------------------------------|---|
| <b>TITLE:</b>                      | <b>BROOME RECREATION AND AQUATIC CENTRE RESERVE<br/>NON SPORTING SPECIAL EVENTS</b>                               |
| <b>ADOPTED:</b>                    | OMC 15 June 2004, Pages 95 – 101  |
| <b>REVIEWED:</b>                   | OMC 19 March 2009 – Pages 26 – 31<br>OMC 15 March 2012 – Pages 96 – 103<br>OMC 17 December 2015 – Pages 110 - 121 |
| <b>ASSOCIATED<br/>LEGISLATION:</b> | <i>Local Government Act 1995</i> - section 3.54 Reserves<br>under control of a local government                   |
| <b>ASSOCIATED<br/>DOCUMENTS:</b>   | 3.4.2 - Community Sponsorship Program Policy<br>3.4.7 - Events Policy   |
| <b>REVIEW<br/>RESPONSIBILITY:</b>  | Manager Sport and Recreation  |
| <b>DELEGATION:</b>                 |   |

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Previous Policy Number 5.2.1

### PART A

#### Objective:

Council recognises the current lack of venues in Broome that are of the size of the facilities at the Broome Recreation and Aquatic Centre (BRAC) Reserve, including the indoor stadium and the Glenn and Pat Medlend Pavilion. Council is also mindful of the potential impacts of non-sporting events at the BRAC Reserve.

Council is providing the community and staff with clear direction for handling requests for non-sporting special events to be held at the BRAC Reserve.

#### Policy:

1. The Shire of Broome will consider applications from non-profit community organisations and suitably experienced commercial organisations to conduct non-sporting special events within the facilities of the Broome Recreation and Aquatic Centre.
2. The existing fees, charges, deposits and bonds are not negotiable.

3. The Shire of Broome will not enter into any profit sharing arrangements with any person/organisation utilising facilities at the BRAC Reserve.

## **PART B**

### **Management Procedure**

#### **Definitions:**

N/A

#### **Detail**

1. All applications must be in writing for the use of the facilities at for non-sporting special events.
2. Applications can be considered from non-profit community organisations and suitably experienced commercial organisations that can clearly demonstrate the benefit of the event to the community and the local economy.
3. Applications must be submitted a minimum of 60 days in advance for small events (category 1) and 120 days for larger events (category 2 – 5).
4. Where existing user groups/clubs are required to be displaced, the user groups/clubs will be consulted for their support or objections prior to approval being determined.
5. To minimise disruptions and maintain the continuity of the activities of existing user groups/clubs, as a general rule, only one non-sporting special event per month will be approved. It is recognised that at various times throughout the year, user groups/clubs may be in recess. In such instances or where there is no conflict with other bookings, additional special events may be approved.
6. In addition to the normal conditions of hire and due to the potential for damage to the specialist sports floor in the indoor stadium at BRAC, applicants will be required to hire the protective floor covering at a fee separate to venue hire fee and will also be required to layout and take up the floor covering at the direction of the Manager Sport and Recreation.
7. The Bond for non-sporting special events to be held at the BRAC Reserve will be determined by the Manager Sport and Recreation in consultation with Parks and Gardens officers but will generally not exceed \$5,000 in accordance with the Shire's adopted Fees and Charges and Events Policy 3.4.7.
8. Requests for fee reductions and waivers will be considered in line with the Shire's Community Sponsorship Program Policy 3.4.2.

## **DEVELOPMENT AND COMMUNITY**

### **3.5.2**

### **Sport and Recreation**

**TITLE:** **ADVERTISING/SPONSORS SIGNS WITHIN ACTIVE RESERVES**

**ADOPTED:** OMC 6 July 2006 – Page 32 - 34

**REVIEWED:** OMC 19 March 2009 – Pages 26 – 31  
OMC 15 March 2012 – Pages 96 - 103  
OMC 17 December 2015 – Pages 110 - 121

**ASSOCIATED LEGISLATION:** *Local Government Act 1995*

**ASSOCIATED DOCUMENTS:** Local Planning Policy 5.10

**REVIEW RESPONSIBILITY:** Manager Sport and Recreation

**DELEGATION:** -Approval of Signage within Active Reserves

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Previous Policy Number 5.2.2

## **PART A**

### **Objective:**

The objectives of the policy are to:

1. Consider approval of advertising/sponsor signs at active reserves whilst ensuring that such signs do not have an unacceptable impact on the amenity of the locality;
2. Manage the placement of suitable advertising/sponsor signs at active reserves;
3. Provide a means to permit sporting clubs and associations to utilise active reserves for the promotion of the club/association and sponsors.

### **Policy:**

1. Not for profit community organisations that are long-term tenants or users of the Shire's active reserves may submit applications to the Shire seeking approval to erect advertising/sponsor signs at the facility.
2. The Shire will manage the erection of signage at its active reserves in accordance with the following guidelines;

## **PART B**

### **MANAGEMENT PROCEDURES**

## Definitions:

For the purpose of the Policy and these Management Procedures:-

|                                |  |
|--------------------------------|--|
| Active Reserve                 | refers to reserves and associated facilities utilised for regular scheduled sporting activities, competitions and/or training purposes or sporting events that require a booking of the reserve. The active reserves referred; include the Peter Haynes Reserve and the BRAC Reserves. |
| Passive Reserves               | refers to reserves utilised by casual users, such as local parks, or for the occasional community or minor event such as a fete  |
| Permanent or long-term signage | refers to signs in position for more than six weeks up to the conclusion of the group or Club usage (or intended usage from season to season) of the reserve/facilities  |
| Temporary signage              | refers to signs in position on the day(s) of the event/activity or up to a minimum of six weeks to allow for pre-event advertising. All temporary signs must be removed within 24 hours of the conclusion of the booking/event/activity  |

## Guidelines

1. All requests for advertising/sponsors signage within the Shire's active reserves and facilities must be submitted in writing to the Shire of Broome. Consideration of any request will endeavour to avoid the impairment of the amenity of the reserve which may be caused where:
  - (i) a sign is of such scale, prominence, obtrusiveness or character as to be incongruous with the surrounding reserve use;
  - (ii) the sign adds to the danger of driver distraction;
  - (iii) the sign adds to the visual clutter of the reserve;
  - (iv) numerous other signs exist on the site;
  - (v) the sign, when viewed from a position where the sign would be legible, would obscure existing signs, information, sight lines or would be obscured.
2. Position and type of sign:
  - (i) Signs and buildings (eg change rooms) – each request will be considered individually. Consideration will be given to the appropriateness of materials, style, design and lettering of the sign and whether it is affixed in such a way that it having been affixed;
  - (ii) Roof top signs – in general terms Council considers roof top signage to be inappropriate;
  - (iii) Pylon signs – where more than one pylon (free standing) sign is proposed to be erected, Council shall require all pylon signs to be incorporated into the one sign.
  - (iv) Movable signs – movable signs will not be allowed to be placed or to remain where, in the Council's opinion, they would obstruct pedestrian or vehicle movements, or sightlines.

3. All signs must be securely fixed to the satisfaction of the Shire of Broome. In some circumstances a Structural Engineer's certification may be required.
4. All signs must be made to a standard minimises potential risk of injury to the satisfaction of the Shire of Broome.
5. Individual signs on wire mesh fencing around the sporting arenas (eg Football playing field, tennis/netball courts) are restricted to:
  - (i) A maximum of 1.2m high by 2.4m wide from ground level'
  - (ii) Only one sign to be affixed between individual fence poles;
  - (iii) All signage at an individual site to be a standard size;
  - (iv) All signage where the backs of the sign are visible to be a standard colour;
  - (v) All signs are required to have rounded corners and to be mounted on a metal frame for affixing to minimise risk of injury.
6. Club identification signs on buildings, and/or the perimeter fencing entry points(s) may be permitted with the approval of the Shire of Broome.
7. Each situation/location will be assessed in its own right and additional guidelines may be imposed accordingly.
8. Advertising/Sponsor signs may be permitted on the face of scoreboards with the approval of the Shire of Broome.
9. Installation and maintenance costs of the approved sign(s) shall be the responsibility of the respective sporting club/organisation.
10. Notwithstanding the above, signs advertising tobacco or tobacco related products will not be permitted.
11. to the Shire may remove, or require the removal of signs which are in contravention of this policy or in any case where it is considered that the display of such a sign is not appropriate.

## INFRASTRUCTURE

## 4.1.7

### Engineering

|                                |  |
|--------------------------------|--|
| <b>TITLE:</b>                  | <b>REGISTER OF PUBLIC ROADS</b>  |
| <b>ADOPTED:</b>                | OMC 25 September 2008 – Pages 100 - 109  |
| <b>REVIEWED:</b>               | OMC 19 March 2009 – Pages 26 – 31<br>OMC 15 March 2012 – Pages 96 – 103<br>OMC 27 March 2014 – Pages 94 – 99<br>OMC 17 December 2015 – Pages 110 - 121   |
| <b>ASSOCIATED LEGISLATION:</b> | Local Government Act 1995<br>Land Administration Act 1997<br>Main Roads Act 1930<br>Public Works Act 1902<br>Local Government (Miscellaneous Provisions) Act 1960<br>Planning and Development Act 2005 |
| <b>ASSOCIATED DOCUMENTS:</b>   | Background Paper (attached)  |
| <b>REVIEW RESPONSIBILITY:</b>  | Director Infrastructure  |
| <b>DELEGATION:</b>             |  |

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Previous Policy Number 3.1.15

### Objective:

1. To provide a framework for making consistent, structured and justifiable decisions as to whether a road or area of land should be included on the Shire's Register of Public Roads.
  2. To clearly state for which public roads or ancillary areas, the Shire is the responsible road authority.
  3. To have a framework for making consistent, structured and justifiable decisions in regard to how the register is updated.
  4. To provide for policy defence in the case of litigation.
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5. Public Roads that are included on the Register will be inspected, maintained and repaired by the Shire in accordance with its Road Management Plan.
6. To enable the Shire to demonstrate that due diligence has been carried out in regard to public risk, safety, health and the environment of the Shire.

### **Definitions:**

Ancillary area - An ancillary area is an area of land owned or managed by Council that's use is ancillary to the use of an adjacent road. In most cases this will be car parks.

Dedication - The setting apart or registration of a portion of land for a public road. It has the effect of vesting freehold land in the State.

Highway - means a road declared by proclamation to be a highway for the purpose of the Main Roads Act 1930.

Main road - means a road declared by proclamation to be a Main Road for the purpose of the Main Roads Act 1930.

Due Diligence - Need for Council to show that all possible measures were taken to provide the community with assets free of hazards, as Council owes a duty of care to the public.

Public Road – Definitions:

- Road – a route trafficable by motor vehicles; in law, the public right-of-way between boundaries of adjoining properties.
- Road reserve – a legally described area within which facilities such as roads, footpaths and associated features may be constructed for public travel.
- Public road – a public place provided for the use of the public for traffic movement, and which has been declared, or proclaimed, notified or dedicated.

(Refer Australian Standard 1348-2002 Road and Traffic Engineering – Glossary of Terms)

Negligence - means failure to exercise reasonable care.

Responsible Road Authority - Means the road authority which has operational functions and responsibilities.

Road Reserve - means all of the area of land between property boundaries on both sides of the road.

Service Roads - are subsidiary carriageways separated from the main carriageway for the primary purpose of providing public access to abutting properties.

State Land means and includes all land except land granted in fee simple, and includes all marine and other waters within the State, all islands and the sea-bed and subsoil, seaward to the statutory limit.

Unformed Roads or Pathways - A road or pathway which has no formed construction. Commonly these are tracks on an irregular alignment with no drainage.

### **Policy:**

The Shire of Broome will meet its obligations to provide for a viable public road network and will maintain an accurate Register of Public Roads to provide the community with a clear understanding of the roads for which the Shire is the Responsible Road Authority.

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Generally, for a road or ancillary area to be included on the Shire's Register of Public Roads it has to:

- Be on Shire owned or controlled land
- Be constructed to an acceptable standard that is capable of being economically maintained
- Provide unrestricted public access (no gates)
- Be reasonably required for general public use; and
- Service more than one property

The Shire will fully maintain and accept liability for roads which are on its Official Road Register (Roman2) in accordance with its Transport Asset Management Plan.

The Transport Asset Management Plan will set out the minimum Levels of Service applicable for each type of road.

Gates or Grids are only permitted to exist on these roads under license.

### **Procedure:**

To achieve the consistency required when deciding on what roads or land areas should be added to the Register of Public Roads, a structured process needs to be followed. This policy and accompanying background paper sets out the issues that need to be considered when evaluating a road or land area.

In most cases this will be a straight forward process, for example where a new subdivision has been accepted by the Shire the roads will be added to the Register of Public Roads once accepted onto maintenance and therefore considered to be "reasonably required for general public use".

If Main Roads Western Australia determine that any road is to be Declared by Proclamation to be a Main Road, or to be "de-mained", then it is added to or removed from the register as the case may be.

In some cases more investigation is required and in general, issues will fall into the following areas:

1. Ancillary areas
2. Right of ways and service roads
3. Subdivisions
4. Crown land or freehold title
5. Body corporate driveways
6. Pathways
7. Demarcation
8. Vehicle crossings
9. Street/Road Group Committees
10. Roads not on the Register of Public Roads
11. Single property access

Some landholders are served by access roads which are not on Council's Road Register and which the Shire does not maintain. These are private roads. Responsibility for maintenance or upgrading on these roads rests with the landholder. All public liability associated with these roads is the responsibility of the landholder. Gates or grids on these roads are not required to be licensed.

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At times the Shire is provided with funds by Main Roads Western Australia (MRWA) to carry out works on some special access roads which serve evolving communities. In these cases MRWA has recognised that there is a public benefit to the roads and the Shire carries out the work as an "agent" of Main Roads.

The Shire accepts full liability for the standard of roads listed in the Road Register, regardless of whether that standard is lower than that required for acceptance of new roads onto the Register.

These issues are addressed further in the background report attached to this Policy. The Shire has provided a clear, consistent and structured approach to managing the Register of Public Roads.

### **Responsibility & Relationships**

The Manager of Infrastructure Operations is responsible for ensuring the Register of Public Roads (Roman2) is kept up to date. They will rely upon the Works Section to work with them to identify new, renewed or upgraded roads that occur through new subdivisions or capital works. In these cases, the responsible officer is the Manager of Infrastructure Operations.

It also requires the Manager of Infrastructure Operations to work closely with the Works Section service provider and the community when issues arise regarding what roads or land areas should or should not be included on the Register of Public Roads. In these cases, the responsible officer is the Manager of Infrastructure Operations.

This policy is an ongoing requirement as the roads register (Roman2) will need to be continually updated.

### **Timeframes**

This policy will be reviewed at least every two years starting in 2009, keeping it in line with the Transport Asset Management Plan reviews.

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# REGISTER OF PUBLIC ROADS POLICY

## Background Paper

### 1.0 INTRODUCTION

The Register of Public Roads Policy has been developed to set out a framework for making consistent, structured and justifiable decisions as to whether a road or area of land is reasonably required for general public use and can be considered to be a "Public Road". A road identified as a Public Road it will be included on the Shire Road Register.

The inclusion in the Register of a road is an acknowledgement by Council that it is the Responsible Road Authority in respect of that road or area of land, and therefore has the responsibility for its on-going inspection, maintenance, repair, risk and the associated public liability.

### 2.0 WHAT CONSTITUTES A "ROAD"?

Please refer to the attached extract from a published brochure entitled "Creation of a Road" from by State Land Services) for a comprehensive explanation of how a "road" is legally created.

### 3.0 REGISTER OF PUBLIC ROADS

The Shire of Broome's Register of Public Roads is a register of all Public Roads, car parks and pathways for which the Shire is the Responsible Road Authority.

This Register was established and is maintained by the Shire.

The definition of a Shire Road includes any road which:

- Is a thoroughfare referred to in Section 3.53 of the Local Government Act 1989, which indicates a local government is responsible for controlling and managing every otherwise unvested facility within its district;
- Is not a declared State Highway, Main Road or Secondary Road, under the *Main Roads Act 1930*;
- Is on land reserved under the *Land Administration Act 1997* and is vested in or placed under the control and management of a local government,

The Register requires regular updating to accommodate development and is queried from time to time as to whether a road is on it or not.

If a road is on the register then this means that Council has a responsibility to inspect, repair and maintain that public road in accordance with service levels set out in the Transport Asset Management Plan.

The level of maintenance is dependent on the classification of the road in the road Hierarchy, the standard to which the road has been constructed and the level of risk.

Levels of service are to be prescribed in the Shire's Transport Asset.

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- Roads fully constructed to an acceptable and maintainable standard. Eg Sealed road pavement with kerb & channel and may include drainage. – High level of maintenance.
- Roads partially constructed to an acceptable and maintainable standard. Eg Gravel road. – Moderate level of maintenance
- Roads not constructed to an acceptable and maintainable standard Eg Vehicle track. – Limited (low) level of maintenance

Inclusion of a road in the Register does not preclude funding being sought from Property owners or Developers when an upgrade is required, in the form of special contribution schemes.

If Council decides that an area of land is not a Public Road then Council does not have any statutory or common law duty to inspect, repair or maintain the area of land. This means that Council has the discretion, not duty, to inspect, maintain and repair areas of land not on the Register.

#### 4.0 "REASONABLY REQUIRED FOR GENERAL PUBLIC USE"

When deciding on which roads should be included or not included on the Register the very broad test of: is it "reasonably required for general public use?" needs to be refined into more specific criteria. These criteria will provide a fair, consistent and justifiable process for Shire staff when deciding on which areas need to be added to the Register.

The first question that should be asked when deciding on whether a road or ancillary area should be in the register is: Does the Shire own or control the land? This is not always an easy question to answer especially in the case of car parks where research may be required to determine ownership. In some cases the Shire may not own a property but through agreements may be in control of the property. The level of control the Shire has is subject to what agreements are in place, such as agreements with Developers (Planning & Development Act 2005), licences and leases.

Any road or land area that is under question will be investigated and assessed using this policy as a guide and the Chief Executive Officer will make the final judgement based all the information before him.

Once ownership or control is established, it is the Shire policy that the following criteria be considered when deciding whether a Road is "reasonably required for general public use":

- Has it been formed or constructed for use by the general public?
- If unformed and would be added to the register if formed or constructed, are the adjoining land owners prepared to pay for an upgrade to a standard that can be maintained?
- Does it serve a defined purpose or function for the general public?
- Is there evidence that it is currently being used by the general public?
- Is there unrestricted public access?
- What are the consequences if public access was removed?
- Can the needs for public use of this land be readily accommodated with Alternatives?
- Should it be recommended for discontinuance?
- Any other relevant matter brought to Council's attention?

For the majority of Roads it is a straight forward decision to include them on the Register, as seen above and in the definitions.

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For the small minority that are not straight forward some clarification is required and is documented here as a Shire of Broome Policy.

## 5.0 SPECIFIC ISSUES THAT NEED TO BE ADDRESSED

### 5.1 Specific issues include:

- Ancillary areas
- Right of ways (Laneways) and service roads
- Subdivisions
- Crown land or freehold title
- Body corporate driveways
- Pathways
- Demarcation
- Driveways (Vehicle crossings)
- Roads not on the register

Each issue will now be explained in detail and an assessment form will follow that will be used when deciding what roads or land areas shall be added to the Register.

### 5.2 Ancillary area required for public use:

An ancillary area is an area of land owned or managed by Council that's use is ancillary to the use of an adjacent road. In most cases this will be car parks, but can include areas such as scenic lookouts or rest stops. The following criteria are to be considered in determining whether an area of land can be considered an ancillary area:

- It is under the Shire's ownership or management
- Is it constructed or formed to a maintainable level
- It is required by the Shire or the public for general use
- No person is exercising any rights of private ownership over the land
- A relevant Minister has given the Shire, as the Responsible Road Authority, written consent; and
- Any other relevant matter brought to Council's attention

### 5.3 Right of ways and service roads;

Roadways constructed or formed that are required for use by the general public will generally be considered to be a Public Road and therefore be included in the Register. An appropriate maintenance and inspection regime will be applied to the area of land that reflects the expected frequency of use by the public, construction standards and the associated risk.

The Shire does not have a duty to upgrade a road or to maintain a road to a higher standard than the standard to which the road is constructed.

Therefore some roads in the Register will be noted as having "Limited Maintenance Responsibility". This means maintenance required will be determined based on what is reasonable for a road under certain restrictive conditions.

There are two specific cases that need clarification:

- i. Rear access to commercial or industrial properties will be included on the Register when at a maintainable level.
  - ii. Defined Fire tracks will be maintained to a serviceable level.
-

Rights of owners and occupiers of adjoining land are:

- i. An owner or occupier of any land which adjoins a road is entitled as of right to access the road from that land.
- ii. Rights of access conferred by this section or at common law are subject to any restrictions, limitations or conditions which may be specified by or under any Act or law.

#### 5.4 Subdivisions:

When a new subdivision, which includes subdivisional roads, is released to the public for the sale of lots within the subdivision that does not mean that the Shire accepts that the subdivisional roads have been constructed to the Shire standard. The Shire's policy is not to adopt a new subdivisional road as a public road unless all standards and condition as per DA requirements have been complied with. The road is taken over by the Shire following a satisfactory inspection at the time of Practical Completion. At this time the Shire will take over routine maintenance but the developer is responsible for fixing defects for a period of time and this is called the defects liability period.

#### 5.5 Management of Crown Land or Freehold Title:

The Shire has the care and maintenance for roads, pathways and car parks that are located on freehold title or Crown land. That is, Crown land where the Shire has been declared the responsible authority such as Road Reserves or other Reserves. These can include access tracks in reserves that are formed and provide access to car parks and shared footways that may have been constructed by the Shire and therefore require consideration for inclusion in the Register.

It is considered that roads, car parks, pathways or access tracks located on Crown land or separate freehold title, will be included in the Register where:

- Council accepts it is a common law public highway;
- It is constructed or formed to an acceptable standard and
- It is reasonably required for general public use.

#### 5.6 Private Streets and Body Corporate Driveways:

Historically, Broome has had streets developed internally within developments which have remained as private Streets. Gus Winckel Drive and Jules St are both Private Streets.

It is possible for developments to have in their plan of subdivision named the common property as a private street and installed street name blades.

Legally the common property in such developments is the property of the body corporate, which is made up of the owners of the lots within the development. Functionally, such common property is used as a driveway. Therefore, body corporate common property is privately owned land that does not form part of the municipal road network and is the responsibility of the body corporate to maintain.

It is the Shire policy that such driveways not be registered as Public Roads.

For the sake of clarity the Shire maintains a separate list of body corporate driveways that either appear to be part of the road network or have been named as private streets on the plan of subdivision, but are not Public Roads.

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For those private roads that have road name signs they will be progressively updated to include under the name "Private Road".

#### 5.7 Pathways;

To be included on the register of public roads, a pathway must meet the following criteria:

- Be on a public highway or on property owned / managed by the Shire
- Have been constructed or formed to provide a defined pathway to an acceptable level.

For a new subdivision they are required to be constructed to Council's design and construction parameters and have been accepted by Council at time of practical completion.

#### 5.8 Demarcation;

Other road authorities, for example Main Roads Western Australia (MRWA), Department of Transport (DoT), Department of Parks & Wildlife (DPaW) and Department of Aboriginal Affairs (DAA) have a responsibility to maintain roads and pathways on land under their control and to have their own asset database registers and management plans.

Under the Main Roads Act 1930, MRWA is the Co-ordinating Road Authority for Declared Main Roads and Highways and DPaW the Co-ordinating Road Authority for roads in State Forests.

The Shire may be made responsible for some road sides, car parks, pathways, service roads, road furniture and footbridge structures on State Roads or Crown land on the basis of Codes of Practice, or specific agreements.

Generally for other authorities except for MRWA, the Shire responsibility for a road or pathway will end at the property boundary unless other written and signed agreements have been made.

### 6.0 ROADWORKS CARRIED OUT ON ROAD RESERVE WITHOUT COUNCIL APPROVAL.

The Shire does not condone or accept any responsibility for any work carried out on a road reserve without its written permission. The road will not be maintained or improved in any manner by the Shire as a result of such works and the Shire may direct staff to remove unauthorized gates or obstructions or block the road if a safety risk to the public has been identified.

### 7.0 APPROVED ROADWORKS

The Shire approves and budgets for new, renewal and upgrading Capital roadworks each year. The Shire may allow works to be carried out on the Shire Roads by others under contract provided the work is included in the Shire approved Budget, funding is available and the Shire Purchasing Policy is adhered to.

The contractor must be fully insured for public liability and workers compensation, equipment and operators licensed, accredited and machinery in safe operating condition; all processes undertaken in accordance with legal requirements, a Job Risk Assessment and Safety Plan

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completed, works are performed in accordance with the Shire instructions and the funding is authorised by the Shire.

Any request to the Shire for funding assistance to private contractors for new road construction or upgrading work on Council Roads is to be funded from the Capital Works Program (Roadworks) and the above pre-requisites on contractors applies.

Any request to the Shire for funding assistance to private contractors for routine maintenance work, would normally be handled by the Shire but if due to opportunity or distance constraints, a local contractor is engaged then the work may be funded from the Road Maintenance budget.

#### 8.0 DRIVEWAYS (VEHICLE CROSSINGS)

A Vehicle Crossing is the portion of a property's driveway located between the road carriageway and the property boundary.

They are private entrances, and are the responsibility of property owners for construction and maintenance relating to the property being served. The Shire assumes no direct responsibility for these private vehicle crossings, but does require property owners to maintain these vehicle crossings in a low risk condition. The Shire may provide a reactive maintenance service with full costs charged to the responsible property owner for each request.

This does not, however, prevent the Shire from imposing conditions on the construction of the driveway.

#### 9.0 LANDHOLDER MAINTENANCE ON ROADS

A landholder may carry out Maintenance on a Council road under certain conditions and with written approval of the Shire. There is no authority to:

- Alter road width,
- Alter road alignment,
- Alter the surface treatment,
- Add or alter any structures on road reserve, or
- Add or alter any traffic management devices.

The Shire is the Road Authority for all roads on the road register. This responsibility cannot be undertaken by non-approved and unsupervised contractors. The Road Authority is responsible for determining all intervention levels, response times, and inspection frequencies.

Landholders may be engaged as contractors to undertake prescribed maintenance on the Shire roads. Such maintenance must be carried out using qualified and competent staff, licensed machinery and operators, public liability insurance cover, workers compensation insurance and all necessary signing for Works on public roads required under an approved Traffic Management Plan. They shall execute only those works authorised and ordered.

These measures are required because of the potential risk of non-compliance to the community, the contractor and the Shire. Not only is the safety and comfort of the community to be considered but the shared liability risk for both the contractor and the Shire.

#### 10.0 ROADS NOT ON THE REGISTER

For roads or tracks not on the Register, Council does not have a duty to inspect, maintain or repair them.

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## 11.0 REQUESTS FOR ROAD CONSTRUCTION

(Not Development related)

From time to time Council may receive a request from others to construct roads on existing unformed road reserves. In such cases the following shall apply:

- Requests are reported to and considered by Council. The response, if affirmative, will require the works to be funded by the applicant or as otherwise determined;
- The applicant will make suitable arrangements to make payment to the Shire of the full cost of the works as estimated by the Director of Infrastructure. Alternatively, if the works are proposed to be carried out by a contractor, plans and specifications will be required to be submitted to the Director Infrastructure for approval prior to work commencing;
- The standard of plans and specifications required for a contractor will be determined by the Director Infrastructure and will reflect the extent and consequences of the proposed work.
- If a contractor is employed a pre-start meeting will be required, and a formal acceptance process completed.
- If the Shire carried out the work, the same standards of work will apply as with a contractor.
- Upon acceptance of the work, the Shire Road Register will be amended to reflect the maintenance status of the new work.

## 12.0 LIABILITY

The Shire accepts full liability for the standard of all roads documented in the Public Roads Register (Roman2), regardless of whether that standard is lower than that required for acceptance of new roads on the Register.

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## **“Creation of a Road”**

### **Extract from Brochure Authored by State Land Services:-**

#### WHAT IS THE RELEVANT LEGISLATION FOR CREATION OF ROADS?

The *Local Government Act 1960* was until 30 June 1996 the State's primary legislation dealing with creation, management and closure of roads. On 1 July 1996 it was mostly replaced by the *Local Government Act 1995*, with those parts of the residual *Local Government (Miscellaneous Provisions) Act 1960* (LGMPA) dealing with roads being incorporated into the *Land Administration Act 1997* (LAA) on 30 March 1998.

The LAA is administered by the Minister for Planning and Infrastructure in a statutory role as Minister for Lands, and the Department for Planning and Infrastructure.

Part 5 of the LAA deals with public roads-related matters. Part 4 has provisions dealing with closure of private roads. The *Main Roads Act 1930* also contains provisions in relation to roads, in particular highways, main roads and secondary roads. This Act gives the Commissioner of Main Roads similar powers to a local government. There is other legislation which also relates to the creation of roads and the various acts are outlined in this brochure.

#### WHAT IS A ROAD?

There are a number of different definitions of a road including the following:

- The *Local Government Act 1960* defined a “road” to have the same meaning as “street”, which was then defined to include “a highway; and a thoroughfare; which the public are allowed to use; and including every part of the highway or thoroughfare, and other things including bridges and culverts appurtenant to it”;
- The *Local Government Act 1995* dispenses with “roads” and “streets” and “highways”, using instead the term “thoroughfare”, which is defined as “a road or other thoroughfare and includes structures or other things appurtenant to the thoroughfare that are within its limits, and nothing is prevented from being a thoroughfare only because it is not open at each end”
- The *Main Roads Act 1930* defines “road” to mean any thoroughfare, highway or road that the public is entitled to use and any part thereof and all bridges (including any bridge over or under which a road passes), viaducts, tunnels, culverts, grids, approaches and other things appurtenant thereto or used in connection with the road and “declared road” to mean a road declared to be a highway, main road or a secondary road under this Act, and including any part of any such road.

There are a number of other definitions. A useful, succinct set of definitions is provided by the *Australian Standard 1348-2002 Road and Traffic Engineering – Glossary of Terms*:

- *Road* – a route trafficable by motor vehicles; in law, the public right-of-way between boundaries of adjoining properties.
  - *Road reserve* – a legally described area within which facilities such as roads, footpaths and associated features may be constructed for public travel.
  - *Public road* – a public place provided for the use of the public for traffic movement, and which has been declared, or proclaimed, notified or dedicated.
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## WHAT DO THE VARIOUS TERMS MEAN?

"State Land" means and includes all land except land granted in fee simple, and includes all marine and other waters within the State, all islands and the sea-bed and subsoil, seaward to three nautical miles.

"Dedication" as applied to a public road reserve is the setting apart or registration of a portion of land for a public road. It has the effect of vesting freehold land in the State.

"Main road" means a road declared by proclamation to be a main road for the purpose of the *Main Roads Act 1930*.

"Highway" means a road declared by proclamation to be a highway for the purpose of the *Main Roads Act 1930*.

## HOW ARE PUBLIC ROADS CREATED?

A public road reserve may be created by subdivision of State or freehold land or by dedication in accordance with the LAA and other statutes. Each of these is discussed below:

### **Land Dedicated For Roads Through State Subdivision**

Section 27 of the LAA empowers the Minister for Lands to authorize the subdivision of State land into lots and determine the width and direction of streets, roads and lanes within such lands.

Section 28 of the LAA provides for the automatic dedication of roads shown on a certified State subdivisional plan.

Both of these provisions deal with subdivisions, and they do not cover the situation where a road is being created alone or with a single lot. The mechanism of section 56 of the LAA is employed in this case.

### **Land Dedicated For Roads Through Freehold Subdivisions**

Section 295(5) of the LGMPA provides for the automatic dedication of roads within a freehold subdivision once the plan of survey has been deposited with the Department of Land Information (DLI) and approved, provided they are six metres in width. This provision is affected by new planning legislation:

- Clause 14 of the *Planning and Development (Consequential and Transitional Provisions) Bill 2004* repeals section 295 of the LGMPA;
- Clause 9 of the Bill inserts section 26A to the LAA, providing for naming of roads on plans of subdivision; and
- Clause 172 of the *Planning and Development Bill 2004* replaces section 295(5) of the LGMPA.

### **Land Dedicated For Roads Under The LAA**

In accordance with section 56 of the LAA, local government authorities may request the dedication of land to become a public road reserve.

This may involve excision of land from State land or reserves or a taking under the LAA of leasehold and freehold estates. Once survey plans and documentation has been completed, the Minister for Lands authorizes the dedication of the road reserve. This process normally entails a local government gaining prior agreement of all affected landholders or vessees.

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The provisions of the LAA enable local government authorities to seek:

- Section 56(1)(a): dedication as roads land that is reserved or acquired for use as a road, or used by the public as a road;
- Section 56(1)(b): dedication of private roads as public roads, at the request of the owner or adjacent ratepayers; and
- Section 56(1)(c): dedication of private roads as public roads where the public have used such roads for more than ten years.

### **Common Law Dedication**

In relation to roads created before the *Local Government Act 1960* came into force, dedication at common law also has to be considered. In considering whether or not there is a dedication at common law, regard must be had for two things:

1. There must be an intention to dedicate the road by the person who created the road; and
2. There must be acceptance of that dedication by the public.

The intention to dedicate the road is readily inferred by the courts if the road communicates at each end with another road and there is sufficient acceptance of that dedication by the public if members of the public have in fact used the road.

### **Freehold Land Dedicated For Roads Under The Provisions Of The Town Planning And Development Act 1928**

- Section 28(1): provides for the automatic dedication of land transferred to State or local government authorities for extending or adding to a public street;
- Section 28(2): provides for automatic dedication of street truncations on approved plans of survey; and
- Section 28(3): automatic conveyance and dedication of street widenings, additions or extensions upon approval of subdivision plan or diagrams.

These provisions will be replaced by clause 172 of the *Planning and Development Bill 2004*.

### **Dedications Under Superseded Legislation**

Roads may have been dedicated under superseded provisions for which there are now no corresponding powers. For example:

- Section 106 of the *Land Act 1933* – declaring of public roads through pastoral leases (such road is a thoroughfare within the meaning of section 1.4 of the *Local Government Act 1995* and via section 3.53 of that Act, comes within the care, control and management responsibility of the relevant local government authority;
- Section 105 of the *Public Works Act 1902* – declaring as a public road, land resumed for railways;
- Section 3.49 of the *Local Government Act 1995* (repealed in 1998); and
- Section 17 of the *Land Act 1933* (former provision for dedicating roads through State subdivision).

### **Roads Which Have Not Been Dedicated**

Many formed or made public roads are not contained within dedicated road reserves. The land on which they are constructed may have been acquired by transfer or resumption and remain as parcels of fee simple land registered in the name of Her Majesty or the Commissioner

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of Main Roads. For example, Mitchell Freeway comprises a number of freehold parcels. Alternatively, roads may run through unallocated State land or leases (eg, pastoral leases) or through State forest, where there is no separate reserve created.

## **Land**

# Register of Public Roads Assessment Form

Assessment form to be used where a road or land area does not easily fit the test of being reasonably required for public use.

Road Name:..... Road Number.....

Investigation Conducted by:.....

|     | Criteria   | Yes/No | Tick | Action                       |
|-----|--|--------|------|------------------------------|
| Q1  | Does the Shire own the land or is there an agreement that gives Council control of the land? | Yes    |      | Q2                           |
|     |  | No     |      | Q10                          |
| Q2  | Is it a constructed or formed asset?   | Yes    |      | Q3                           |
|     |  | No     |      | Q12                          |
| Q3  | Is there unrestricted access?  | Yes    |      | Q4                           |
|     |  | No     |      | Q11                          |
| Q4  | Constructed or formed pathway?   | Yes    |      | Q9                           |
|     |  | No     |      | Q5                           |
| Q5  | Constructed or formed ancillary area?  | Yes    |      | Q9                           |
|     |  | No     |      | Q6                           |
| Q6  | Constructed or formed commercial/industrial secondary access?                                | Yes    |      | Q9                           |
|     |  | No     |      | Q7                           |
| Q7  | Does it provide primary access to multiple properties?                                       | Yes    |      | Q9                           |
|     |  | No     |      | Q8                           |
| Q8  | Fully constructed to Council standard secondary access?                                      | Yes    |      | Q9                           |
|     |  | No     |      | Q12                          |
| Q9  | Is it reasonably required for general public use?*   | Yes    |      | Register                     |
|     |  | No     |      | Do Not Register              |
| Q10 | Is it a demarcation issue?   | Yes    |      | Contact Road Authority       |
|     |  | No     |      | Q12                          |
| Q11 | Restriction can be removed to allow public access?   | Yes    |      | Q4                           |
|     |  | No     |      | Q12                          |
| Q12 | Is there anything else to be considered?   | Yes    |      | Discretionary Circumstances? |
|     |  | No     |      | Do Not Register              |

Signed:..... Date:.....

Recommendation is Add to register / Do not register.

Authorised by:..... Date:.....

Signed:..... Position:.....

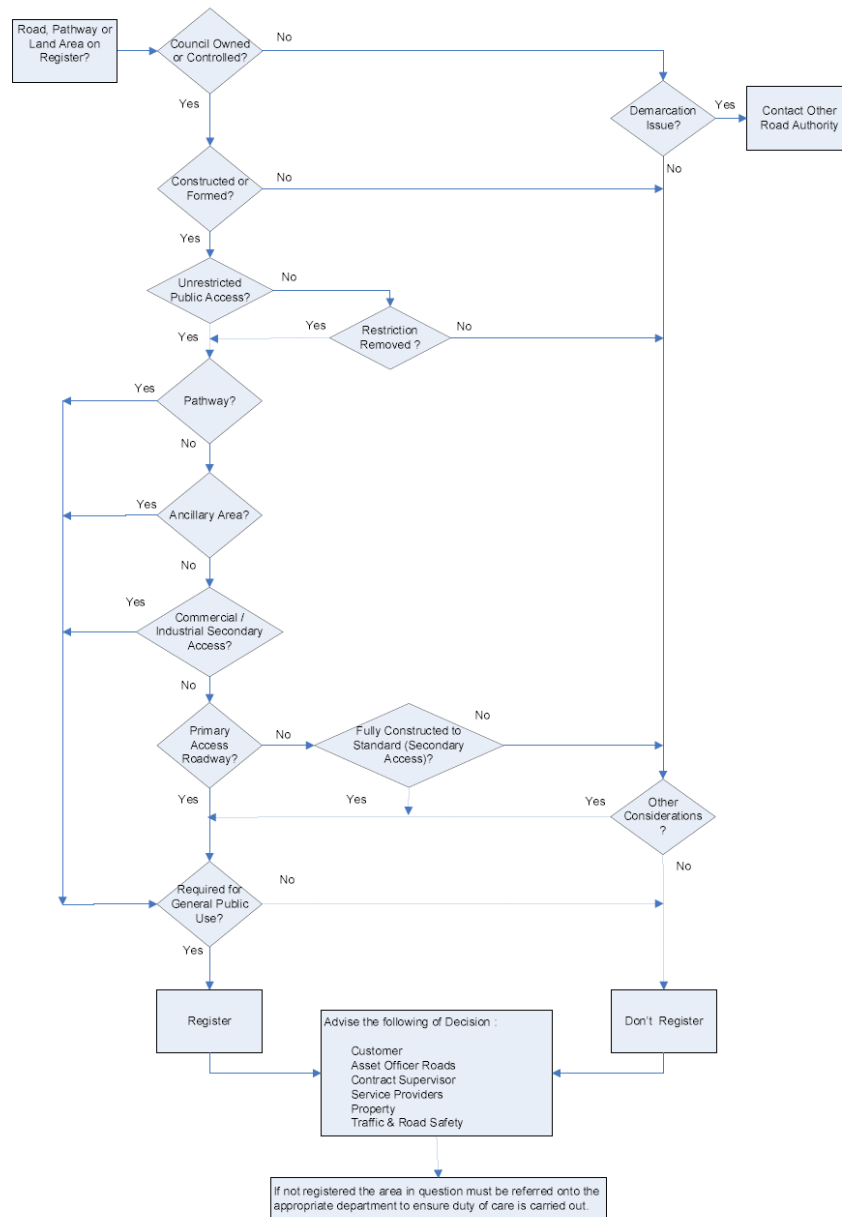
Final decision is Add to register/Do not register.

If registered by discretion give reason: .....

.....

\*Note: What to consider when assessing "is it reasonably required for general public use":

- Does it serve a defined purpose or function for the general public?
- Is there evidence that it is currently being used by the general public?
- What are the consequences if public access was removed?
- Can the needs for public use of this land be readily accommodated with alternatives?
- Should it be recommended for discontinuance?



## INFRASTRUCTURE

## 4.2.4

### Operations

|                                |  |
|--------------------------------|--|
| <b>TITLE:</b>                  | <b>VERGE MAINTENANCE</b>   |
| <b>ADOPTED:</b>                | <del>OCM</del> OMC 20 November 2008 – Pages 113 – 114<br>OMC 15 March 2012 – Pages 96 – 103<br>OMC 17 December 2015 – Pages 110 - 121  |
| <b>REVIEWED:</b>               |  |
| <b>ASSOCIATED LEGISLATION:</b> | Local Government Act 1995<br><a href="#">Local Government and Public Places Local Law</a>  |
| <b>ASSOCIATED DOCUMENTS:</b>   | Local Planning Policy 5.7 – Development Standards for Development Applications<br>Verge Treatment Information Sheet (attached)<br>Street Trees Information Sheet (attached)<br>Street Tree Order Form (attached) |
| <b>REVIEW RESPONSIBILITY:</b>  | Director Infrastructure  |
| <b>DELEGATION:</b>             |  |

---

Previous Policy Number 3.1.16

### Part A

#### Objective:

Provide further detail to support “Local Government Property and Public Places Local Law, ~~2003~~[2016](#)”.

Define the obligations and responsibilities of the Community and the Shire of Broome in relation to the maintenance and development of verges within the Shire.

---

Define the type and extent of permissible works to verges.

## **Definitions:-**

**Verge:** ~~The area between the back of the kerb (or edge of the road if no kerb exists) and the property boundary and excludes any paved or formed footpaths and driveways.~~

**List of acceptable materials:** ~~Means a material that will create a hard surface and is contained on Council's List of acceptable materials in the Permissible Verge Treatment Information Sheet.~~

**Permissible Verge Treatment:** ~~The installation of any hard or soft landscaping within the area of the verge in accordance with the Verge Treatment Information Sheet attached to this policy.~~

**Approved Street Trees:** ~~Trees planted within a verge of a species included in the Approved Street Tree List that are installed in accordance with the Street Tree Information Sheet attached to this policy.~~

## **Policy:**

The Council and the Shire of Broome are committed to ensuring that verge treatments installed within the district will:

- contribute to the amenity of the area,
- compliment local flora types
- be carried out in a manner that does not cause safety or access issues for general community users of the verge and road reserve.

Council allows the removal of small amounts of excess 'pindan' sand from its roads provided the Shire obtains a safety benefit from the removal.

## **Guideline**

1. All landscaping and planting within the verge must be undertaken in accordance with the Shires Verge Treatment sheet and Street Tree information sheet (attached).

~~The Shire of Broome will maintain Landowner installed approved street trees where they have been installed in accordance with the Street Tree Information Sheet attached to this policy.~~

2. The Shire of Broome will maintain all trees occurring naturally in the verge and approved street trees installed in accordance with the Street Tree Information Sheet attached to this policy. The maintenance of non-landowner with the Shire of Broome reserving the right to remove this vegetation if and when required with it further possible that cost relating to this removal be passed on to the adjacent landowner.

~~The Shire of Broome will maintain all trees endemic to the Broome Shire occurring naturally within the verge.~~

3. Western Power are responsible for trimming endemic trees to ensure safety within proximity to power lines.

---

4. Pruning or removal of naturally occurring endemic species and existing street trees without written approval of the Shire of Broome's Parks and Gardens Department is not permissible.

5. In urban areas the Shire of Broome will provide, free of charge, 1 street tree per 20m of verge length to the adjacent landowner upon approval of a conforming application.

~~The maintenance of non-endemic vegetation within the verge is the responsibility of the adjacent landowner. At intersections and corners where growth in excess of 400mm impacts driver visibility and sight lines the Shire of Broome will maintain vegetation if required.~~

6. At intersections and corners and within 20m of that intersection or corner where growth may impact drivers vision and sight lines, only plants with a growth habit of less than 400mm will be approved. It is the responsibility of the adjacent landowner to maintain any non-approved vegetation to this height. If non-conforming, the Shire of Broome may issue of that notice, the Shire of Broome may undertake the required work with the cost of such works being the responsibility of the landowner.
7. The Shire of Broome may issue a notice of non-conformance to the verge policy where required. Where a landowner does not comply with notices to rectify non-conforming Verge Treatments and plantings, the Shire of Broome may rectify the verge and the cost of removal of verge treatments or plantings installed contrary to the requirements of this policy will be the responsibility of the landowner.
8. Approval is required for installation of any Verge Treatments and plantings that do not comply with the requirements of this policy attached information sheets.
10. 9. Approval must be sought from the Shire of Broome to place any sculpture or hard object within the road reserve, any such subject must be frangible, that is easily collapsible upon vehicle or bike rider impact. No hard stakes such as star pickets or fence droppers are permitted to be used within the verge. ~~and recover costs for the works from the owner under the powers of the Local Government Property and Public Places Local Law 2003.~~
11. ~~Privately installed Verge Treatments will be permissible where they comply with the Verge Treatment requirements contained within the attached Verge Treatment Information Sheet.~~
12. ~~The cost of removal of verge treatments, non-endemic species and street trees installed contrary to the requirements of this policy will be the responsibility of the landowner.~~

~~Where a landowner does not comply with notices to rectify non-conforming Verge Treatments, issues relating to non-endemic species and street trees, The Shire of Broome will rectify the~~

13. ~~Maintenance of the verge, including any Verge Treatments, other than conforming street trees and naturally occurring endemic species remains the~~
-

~~responsibility of the adjacent landowner.~~

~~Development in the verge other than Verge Treatments as defined in this document may be approved but will be subject to a Planning Approval~~13. Reinstatement of Verge Treatments destroyed or damaged by the activity of a Service Authority or Utility Provider shall be negotiated between the Landowner and the Service Authority.

14. Verge Treatments destroyed or damaged by the activity of the Shire of Broome will be reinstated to an equivalent standard.15. Under the powers conferred by the LGA 1995 and Shire of Broome Local Government Property and Public Places Local Law ~~2003-2016~~, Council may give notice to a landowner or occupier to remedy an unsatisfactory situation and if necessary recover the cost of carrying out remedial works.

## **Part B**

### **Procedure:**

#### STREET TREE SUPPLY

1. A Street Tree Information Sheet and Street Tree Supply Application Form will be available for pick up from the Shire Administration Centre and on the Shire website under Parks and Gardens.
  2. Completed application forms can be emailed to [shire@broome.wa.gov.au](mailto:shire@broome.wa.gov.au), mailed to PO Box 44, Broome 6725 or hand delivered to the Shire Administration Centre.
  3. The Infrastructure Directorate will process applications and notify Landowners at their earliest convenience.
  4. Approval of the application to a maximum quantity of 1 street tree per 20m of verge in urban areas will be granted where:
    - There are no existing Street Trees in the Verge adjacent to the property
    - There are existing street trees, but the number is less than 1 tree per 20m of verge
  5. Upon approval of an application the owner shall be contacted and advised:
    - Their application was successful
    - The number and species of trees that have been approved
    - Details of the availability of the trees
    - Time and location of Planting
  - ~~6. Trees will be installed by Shire of Broome Parks and Gardens at a mutually agreed time.~~
  7. Street trees are to be supplied with a copy of the Street Tree Information Sheet.
-

## VERGE TREATMENT

1. The Verge Treatment Information Sheet will be available for pick up from the Shire Administration Centre and on the Shire web page under Parks and Gardens.
  2. Where required the procedure for enforcing rectification of non-conforming treatments will follow the requirements of the Local Law and will include:
    - a. Written notification to Landowner citing details of non-conforming aspect and specified time for rectification or response, requiring the Landowner to:
      - Rectify non-conforming aspect; or
      - Give a satisfactory reason why the Landowner should be given extra time in which to comply with the notice.
    - b. Were rectification has not been completed or response has not been received within the time specified, a further notice is to be issued stating that compliance has not been achieved and if no response has been received within a further 28 days notification will be issued that rectification will be undertaken at the earliest convenience by the Shire of Broome and the cost of rectifications will be recovered from the Landowner.
-

## Infrastructure Information Sheet

# VERGE TREATMENT



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### Introduction

While the predominant function of verges is to provide a safe corridor for pedestrian access as well as a service corridor for placement and maintenance of public utilities, appropriately landscaped verges enhance the visual appeal of the streetscape, increase community amenity and provide shade and create a habitat for birds and other wildlife.

Landscaping of verges can be broken up into 2 categories, Verge Treatments and Street Trees. This information sheet provides guidelines on Permissible Verge Treatments. For further information on the installation and maintenance of street trees please refer to the Street Tree Information Sheet.

### Definitions

Verge: The area bounded by the back of the kerb (or edge of the road if no kerb exists) and the property boundary. Verge area is bounded perpendicular to the exterior property boundary and running directly to the kerb or road edge if no kerb exists.

Verge Treatment: Any soft or hard landscaping installed within the area of the verge excluding street trees

Approved Street Tree: A species approved within the Shire of Broome Street Tree Information Sheet planted in accordance with the Shire of Broome verge policy.

### CAN I INSTALL VEGETATION WITHIN THE VERGE?

Grass, garden beds, trees and shrubs can be installed only within the verge (As described in this information sheet) adjacent to your property and if installed and maintained in accordance with the guidelines contained in this information sheet.

No planting or treatments are permissible on Shire of Broome land that does not fit into the definition of a verge in this information sheet.

Before any installation the installer is required to contact dial before you dig (1100) and other service and utility providers to ensure underground services and infrastructure are not damaged and correct clearances maintained.

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## **UNAPPROVED PLANTING**

Planting within Shire of Broome Public Open Space, Reserves or Drainage Easements is not permissible without prior approval from the Shire of Broome Parks and Gardens Section 08 9191 3456.

## **WHO IS RESPONSIBLE FOR MAINTAINING TREES AND VEGETATION WITHIN THE VERGE?**

The Landowner of the property directly adjacent to the verge is responsible for the maintenance of any vegetation and verge treatments within the verge, regardless of whether it was installed by previous Landowners or Residents, with the exception of:

- approved street trees
- naturally occurring endemic species

## **CAN I REMOVE OR TRIM TREES WITHIN THE VERGE?**

All approved street trees and naturally occurring endemic species within the verge are the property of the Shire and it is an offence to trim or remove these trees without prior approval. If you are wishing to remove trees from your verge please contact Parks and Gardens on 9191 3456 to have protected trees identified and to get approval for removal of these trees where necessary.

## **PERMISSABLE VERGE TREATMENT**

This is the “Permissible Verge Treatment” referred to in the Local Law.

A Landowner may improve a verge directly adjoining their property in the following manner:

1. Planting and maintenance of lawn
  2. Planting and maintenance of vegetation (garden) provided that no part of the vegetation:
    - Is greater than 400mm in height when within an intersection abutting a crossover, pedestrian access way as shown in the curve visibility triangle in Figure 1 and the crossing visibility triangle shown in Figure 2.
    - Restricts clear sight visibility for a person using the thoroughfare or using a driveway abutting the thoroughfare
    - Inhibits or interferes with adequate street lighting and visibility of signage
    - Is of a thorny or prickly nature which may create a hazard for pedestrians or vehicle thoroughfares. All species of this nature are to be maintained to a 1m clearance from all pedestrian and vehicle thoroughfares e.g. Bougainvillea, Agave
    - Intrudes or invades Shire of Broome Public Open Space, Reserves or Drainage Easements.
    - Is a declared weed species including those listed in the Shire of Broome Weed Brochure
    - Producing nuts or is maintained clear of Pedestrian and Vehicular thoroughfares to ensure safe passage for all users. E.g. Coconuts, Mangos, etc.
    - Restricts a 2-metre clear and safe pedestrian access way where there is no existing footpath.
-

- Restricts a 2m clearance is maintained for planned subdivisional footpaths within the verge. Contact Shire of Broome Infrastructure Directorate to confirm Broome Footpath Plan. 08 9191 3456.
  - Intrude on a 3.0m clearance zone above a footpath or access way and a 4.5m clearance zone above a roadway (Refer Figure 3 - Footpath and Road Overhead Clearances)
  - Where an owner/resident wishes to install permanent sprinklers the owner/resident must:
    - source water from a point beyond the water meter and inside the property through a backflow protected irrigation connection
    - ensure sprinklers are a pop-up type
    - Ensure solenoids are within the Property Boundary
    - All supply reticulation pipes must be installed at a minimum depth of 300mm and placed in conduit sleeves two times the diameter of the supply pipe under footpaths and crossovers. Sleeves are to protrude a minimum of 300mm out from the edge of the footpath or crossover.
    - maintain the sprinkler system in a safe and proper operating condition
    - Ensure overspray and runoff does not intrude onto road pavement.
3. Installation of Surface Treatments using an “acceptable material” where the treatment is installed and finished level is 20mm below a containment border, garden kerb, kerb, crossover or footpath.
- Refer to Appendix 1 for a current “List of Acceptable Materials”.
4. Installation of Statues, Boulder Rockwork and non-frangible objects so long as they do not:
- Exceed 300mm in height when within the intersection or curve visibility triangle shown in Figure 1 and the crossing visibility triangle shown in Figure 2.
  - Restrict clear sight visibility for a person using the thoroughfare or using a driveway abutting the thoroughfare
  - Inhibit or interfere with adequate street lighting and visibility of signage
  - Occur within 2.75m clear of the travelled path on un-kerbed roads
  - Require electricity
5. A combination of 1 to 4 above:
-

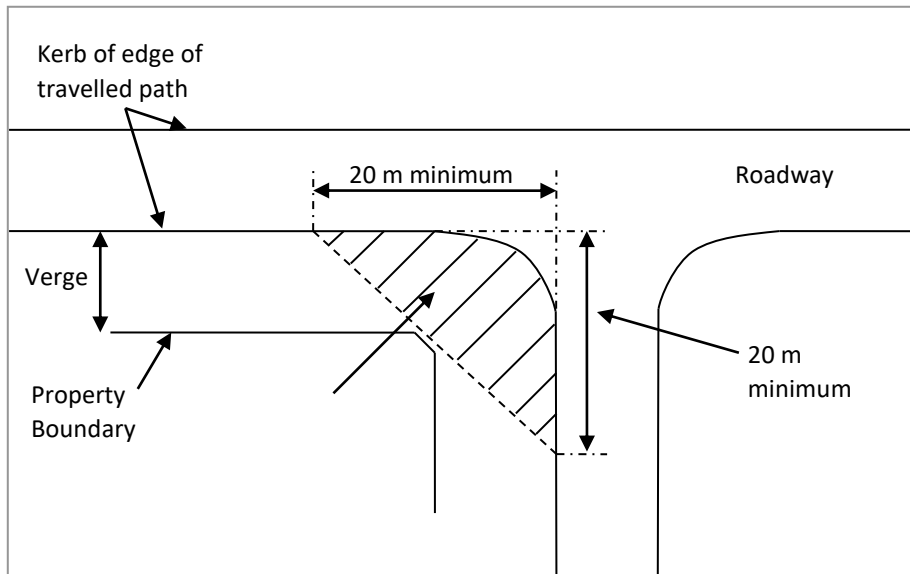


Figure 1 – Intersection or Curve Planting Height Restrictions

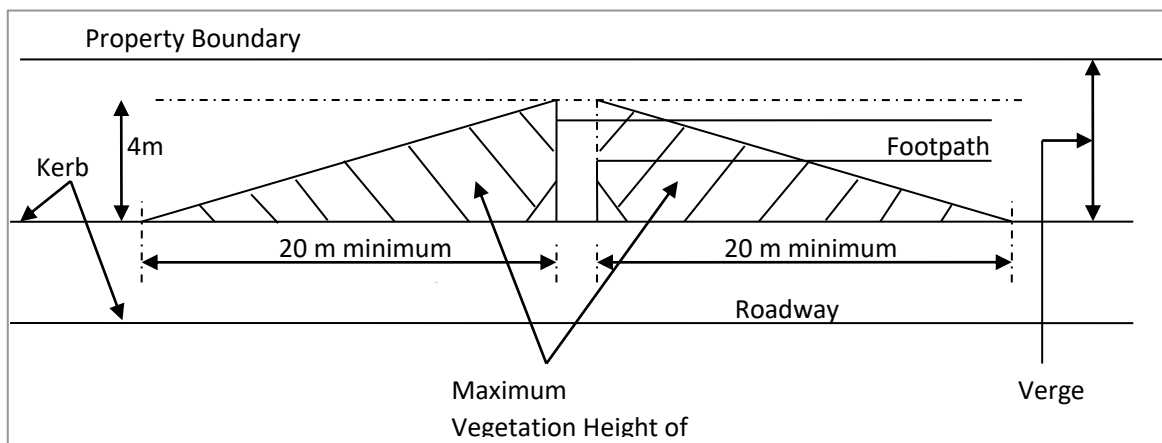


Figure 2 – Crossing Point Height Restrictions

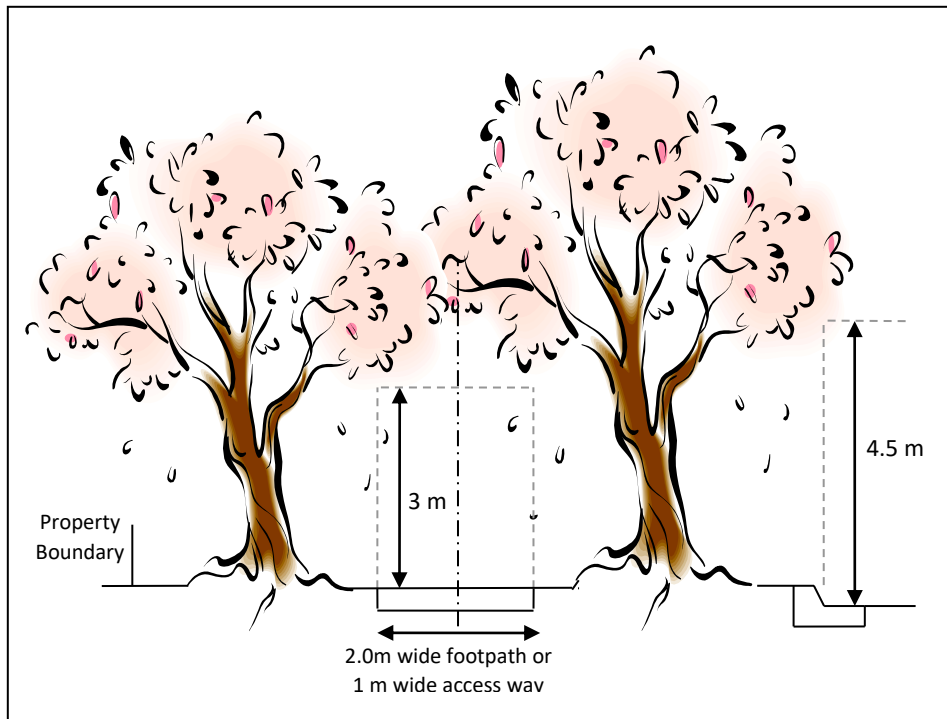


Figure 3 - Footpath and Road Overhead Clearances

### **ALTERNATIVE VERGE DEVELOPMENT**

Where a Landowner wishes to develop his/her verge other than in accordance with the “Permissible Verge Treatment” requirements he/she can apply for a Development Approval for the works under the Planning and Development Act 2005. This will be referred to the Shire of Broome Parks and Gardens Section. Contact Shire of Broome Administration 08 9191 3456.

## List of Acceptable Materials

Acceptable material means any material that will create a dust free, moisture retentive, erosion resistant surface, and which appears in the following list:

- Treated Timber
- Garden Edging,
- Organic Mulch (Particle size under 300mm)
- Feature Rock
  - Minimum 500mm in diameter (See Installation of Statues, Boulder Rockwork and non-frangible objects for installation restrictions)
- Stone/Rock/Gravel  $20\text{mm} < D_{50} < 40\text{mm}$  up to a maximum of 40% of the verge area for verges greater than 50 square metres (not including crossovers and footpaths)
  - ⊖ ~~River washed rounded stone  $D_{50} < 40\text{mm}$~~
  - ⊖ ~~Crushed rock  $D_{50} < 40\text{mm}$~~
  - ⊖ ~~Crusher dust  $D_{50} < 10\text{mm}$~~

Where the intention is to provide an impervious concrete, bitumen or brick-paved hardstand surface for the parking of cars, it is necessary to first obtain a Development Approval from Council's Development Services Directorate. ~~This includes areas of inorganic material that are over 20m<sup>2</sup> and perceived as car parking areas or non-landscaped verges.~~

This list may be updated with the approval of the Director Infrastructure from time to time.

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## Infrastructure Information Sheet

# STREET TREES

Shire of   
**Broome**  
*people • place • prosperity*

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### INTRODUCTION

Street Trees are an important element in the enhancement of Broome's Streetscape and the visual appeal of your street and property. Street trees provide shade, enhance the environment and create a habitat for birds and other wildlife.

Landscaping of verges can be broken up into 2 categories, Verge Treatments and Street Trees. This information sheet explains the services provided by the Shire and the responsibility of the Landowner in relation to the supply and maintenance of street trees.

For further information on installing and maintaining gardens, irrigation, turfing and surface treatments within the verge please refer to the Verge Treatment Information Sheet.

### INFORMATION AND ADVICE

The Shire of Broome encourages the installation of street trees and will supply **and install** an urban **for the** Landowner, who currently does not have street trees in their verge, 1 tree per 20m of verge length parallel to the road, adjacent to their property. The supply of these trees will be free of charge under the understanding that the landowner will install **maintain** the trees in accordance with this information sheet and will water the tree for the first 2 years.

### DEFINITIONS

Verge: The area between the back of the kerb (or edge of the road if no kerb exists) and the property boundary.

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Approved Street Tree: **A native, endemic tree or a street tree of the approved species in the verge in accordance with the street tree installation requirements.**

### **WHO IS REQUIRED TO MAINTAIN STREET TREES?**

The Shire of Broome will maintain all Approved street trees and naturally occurring endemic species within the verge after the initial two year establishment period. All other trees planted in the verge or on the adjacent property that extends out over the verge, are the responsibility of the Landowner whether installed by that Landowner or previous Landowners or Residents.

### **WHAT SPECIES OF TREE WILL BE SUPPLIED?**

To ensure the species of tree is suitable to your verge and to create a consistent theme within a street the Shire has approved a species of tree for every street. Please check the attached council approved Street Tree List to find the street tree species approved for your street.

### **CAN I PLANT TREES AND VEGETATION OTHER THAN APPROVED STREET TREES IN THE VERGE?**

You can plant trees and vegetation other than approved street trees in the verge, where it is installed in accordance with the Verge Treatment Information Sheet. Planting of this nature remains the responsibility of the landowner and will not be supplied, maintained, trimmed or removed by the Shire.

### **CAN I REMOVE OR TRIM TREES WITHIN THE VERGE?**

All approved street trees and naturally occurring endemic species within the verge are the property of the Shire and it is an offence to trim or remove these trees without prior approval. If you are wishing to remove trees from your verge please contact Parks and Gardens on 9191 8710 to have protected trees identified and to get approval for removal of these trees where necessary.

### **HOW DO I APPLY FOR THE SUPPLY OF A STREET TREE?**

Complete the Street Tree Supply Application Form attached to this information sheet and forward it to the Shire administration on Weld St. as per the directions on the application form.

### **STREET TREE MAINTENANCE-2 YEAR ESTABLISHMENT PERIOD**

An information sheet containing all the relevant maintenance details will be supplied to the landowner upon planting of the designated street tree/s.

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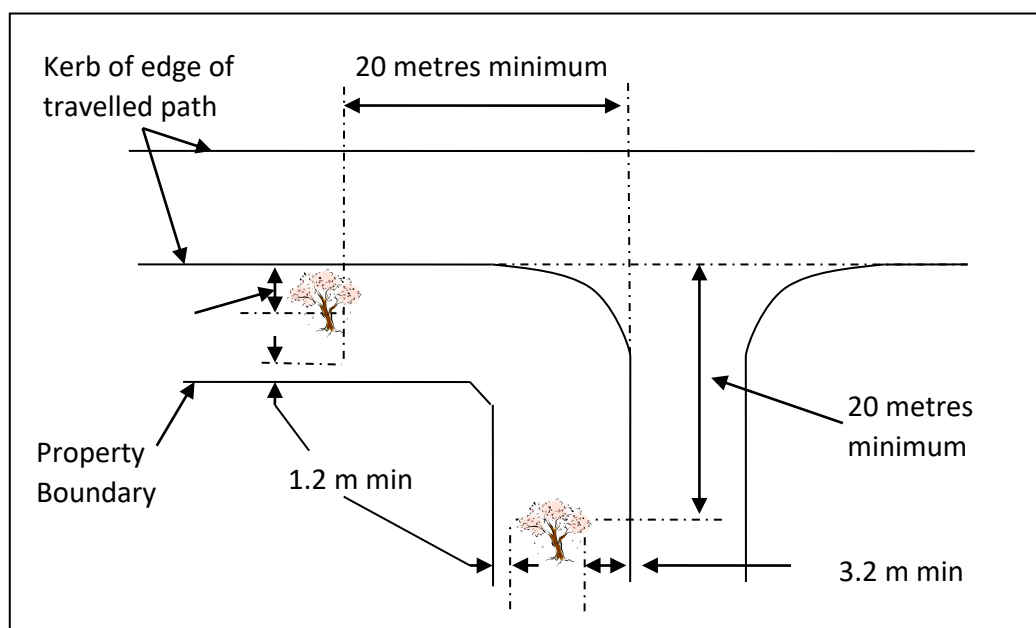


Figure 1 – Intersection Planting Clearances

Where the above minimum clearances cannot be achieved, please contact Council for specific advice on your situation.

## Shire of Broome

### Street Tree Planting Guide

Version 1 January 2008

Document Review – January (annually)

The tree species listed in the table below is the current selection to be used for all approved street-tree plantings

Each street in Broome has been assessed and a particular "Theme" tree identified which becomes the Approved Street tree for your street. Contact the Parks and Gardens Team for advice on the Theme Tree for your street.

| Botanical Name           | Common Name              |
|--------------------------|--------------------------|
| Acacia eriopoda          | Pindan wattle            |
| Adonsonia gregorii       | Boab                     |
| Alstonia literata        | Bitter bark              |
| Eucalyptus bella         | Weeping ghost gum        |
| Eucalyptus bigalerita    | Northern salmon gum      |
| Eucalyptus dampieri      | Dampiers bloodwood       |
| Eucalyptus miniata       | Woodybutt                |
| Eucalyptus paractica     | Cable beach ghost gum    |
| Eucalyptus phoenicia     | Scarlet gum              |
| Eucalyptus polycarpa     | Long fruited bloodwood   |
| Eucalyptus ptychocarpa   | Swamp bloodwood          |
| Gardenia pyroformis      | Turpentine tree          |
| Grevillea pteridifolia   | Kimberley christmas tree |
| Hakea aborescens         | Yellow hakea             |
| Lysiphyllum cunninghamii | Jigal                    |
| Melaleuca dealbata       | Garnboor tree            |
| Mimusops elengi          | Mamajen                  |
| Owenia reticulata        | Desert walnut            |
| Planchinia careya        | Cocky apple              |
| Terminalia cunninghamii  | Pindan walnut            |
| Terminalia ferdinandiana | Gubinge tree             |
| Terminalia petiolaris    | Blackberry tree          |
| Leptospermum longifolium | Weeping t-tree           |
|                          |                          |

\*denotes trial specie

## Street Tree Supply Application Form



# STREET TREE ORDER FORM

Property Owner \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_

Suburb \_\_\_\_\_

Telephone No. (Home) \_\_\_\_\_ (Work) \_\_\_\_\_

Mobile No. \_\_\_\_\_

Length of verge adjoining your property boundary measured at the back of kerb (m)

\_\_\_\_\_ Corner Block (Yes / No)

Urban Landowners, who currently do not have street trees in their verge, are entitled to (1) tree per 20 metres of verge. Street Trees supplied will be of the approved species for your street as per the attached Approved Street Tree List.

Completed order forms can be returned via:

- Email to [Shire@broome.wa.gov.a](mailto:Shire@broome.wa.gov.a)
- Deliver or post to Shire of Broome Administration Centre, Cnr Weld and Haas Street, PO Box 44, Broome 672

### Declaration

I / We the Property Owner would like to apply for the supply of a street Tree(s) and undertake to:

\_\_\_\_\_

- Maintain the approved street tree in accordance with the Street Tree Information Sheet provided upon planting.
- Water the tree for the first 2 years during its establishment period according to the Street Tree information sheet provided.

Signature\_\_\_\_\_ Date\_\_\_\_\_

---

## INFRASTRUCTURE

## 4.3.2

### Asset and Building

|                                |   |
|--------------------------------|---|
| <b>TITLE:</b>                  | <b>DISPOSAL OF ASSETS</b>   |
| <b>ADOPTED:</b>                | OCM 25 November 2010 – Pages 92 – 95  |
| <b>REVIEWED:</b>               | OCM 15 March 2012 – Pages 96 – 103<br>OCM 27 March 2014 – Pages 94 – 99<br>OCM 17 December 2015 – Pages 110 - 121 |
| <b>ASSOCIATED LEGISLATION:</b> | Local Government Act 1995<br>Local Government (Functions and General) Regulations 1996                            |
| <b>ASSOCIATED DOCUMENTS:</b>   | Asset Management Policy 4.3.1   |
| <b>REVIEW RESPONSIBILITY:</b>  | Director Infrastructure   |
| <b>DELEGATION:</b>             |   |

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Previous Policy Number 3.1.18

#### PART A

##### Objective:

The purpose of this Policy is to provide unambiguous and transparent direction for the disposal of assets and in doing so:

- promote fair and effective competition to the greatest possible extent;
- consider any potential benefit to the community; and
- ensure best value for money is achieved.

##### Policy:

**The Council and the Shire of Broome are committed to ensuring an open, transparent, fair and systematic basis for the disposal of the Shire's Non- Current Assets.**

##### Principle:

---

The Shire of Broome is committed to the open, transparent and systematic disposal of Council's Non-current Assets.

## **P A R T B**

### **Management Procedures**

#### **Definitions:**

To assist in interpretation of the Policy and these Management Procedures, the following definitions shall apply:

|                            |   |
|----------------------------|---|
| <b>Apparent Value</b>      | relates to the estimated current financial value of an asset.   |
| <b>Asset</b>               | means a resource controlled by the Shire <del>Council</del> as a result of past events and from which future economic benefits are expected to flow to Council (e.g. real property, motor vehicles, plant and equipment, art works, etc). |
| <b>Asset Disposal</b>      | means a process where Council divests itself of an asset in a systematic and authorised manner as directed by this Policy   |
| <b>Best Value</b>          | means where the Shire <del>Council</del> obtains the best possible return for the goods it sells in financial, social, economic and environmental terms.  |
| <b>CEO</b>                 | means the Chief Executive Officer of the Shire of Broome.   |
| <b>Responsible Officer</b> | means that officer nominated in the Shire's accounting system as being responsible for the service supported by that asset.   |
| <b>The Act</b>             | means the <i>WA Local Government Act 1995</i> (and as amended from time to time).   |
| <b>The Shire</b>           | means the Shire of Broome.  |

#### **Context:**

This policy applies to assets controlled by Council.

It does not apply to items sold from the Waste Management Facility.

---

Regulation ~~Section~~ 30 (3) (a) of the Local Government (Functions and General) Regulations 1996 states that disposal of assets is exempt from the requirements of Section 3.58 of The Act if the value is less than \$20,000 excluding GST.

Council needs to be assured that probity is maintained in the process at all times.

The apparent value of assets shall be determined by the relevant Director as defined in this Policy who has responsibility for the management of the asset. The apparent value will be determined with consideration of:

- a. the book value; and/or
- b. replacement value of the asset; and/or
- c. an assessment of the market value of the asset, made by taking into consideration:
  - i. the potential to sell the asset;
  - ii. the perceived value of the asset to a buyer;
  - iii. its age and condition;
  - iv. potential for obsolescence; and
  - v. usefulness for future needs.

The Director will be required to detail the assumptions used in estimating the asset's value, in preparing their recommendation to dispose of the asset.

In all cases, prior to disposing of assets, Directors should first consider the needs of other Departments, Sections or Units. This could take the form of a notice communicating surplus assets and requesting that the Responsible Officer sign off that it is agreed there is no further use for the asset, whilst giving other Departments the opportunity to state their requirements for the business.

## **Decision to Dispose**

Before any asset is disposed of, it is necessary to certify that the asset is appropriate for disposal and obtain approval from the Chief Executive Officer.

Common criteria for determining that goods may be suitable for disposal include:

- a. No longer operationally required;
- b. Unserviceable or beyond economic repair;
- c. Technologically obsolete.
- d. Operationally inefficient.
- e. Surplus to current or immediately foreseeable needs
- f. Part of an Asset Replacement Program
- g. Contains any environmentally sensitive or hazardous material
- h. Non-compliance with OSH Standards;
- i. Uneconomical to repair

## **Factors to Consider prior to Disposal**

- a. Other Uses – prior to disposal, a reasonable effort is to be made to ensure no other Council Department has a need for the asset;
  - b. Items of historical or cultural significance should be given special consideration;
  - c. Dangerous Materials – Any dangerous goods are to be disposed of in an authorised manner;
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- d. Conflict of Interest – The Director and the officer responsible for the disposal of any ~~Council~~ Asset must ensure that no conflict of interest occurs in or as a result of the asset disposal process;
- e. Identifying Marks – As far as practical all ~~Council~~ identifying marks or stickers should be removed or obliterated;
- f. Spare Parts – Spare parts held for a particular item should be disposed of in one parcel with the asset;
- g. Preparing assets for sale – A check must be carried out to ensure assets do not contain:
  - i. Additional Items not intended for sale
  - ii. Confidential documents (records, files, papers)
  - iii. Software (which could lead to a breach of license or contain confidential data)
  - iv. Digital confidential information; and
  - v. Hazardous materials.

Additionally, the form for removal from Asset Register should be completed.

### **Assets with an Apparent Value of Less Than \$5,000 (ex GST)**

The relevant Director is responsible for determining the appropriate method for the disposal of Assets with an Apparent Value of less than \$5,000. The method used for the disposal of Assets shall maximise the return to Council.

The accepted means of disposal under this category may include, but not limited to:

- a. Disposal by publicly invited quotation;
- b. Public Auction; or
- c. Donation to not-for-profit Community or ATO endorsed Charity organisations.

### **Assets with an Apparent Value of More Than \$5,000 (ex GST)**

For assets with an Apparent Value greater than \$5,000 the disposal method will be determined by the relevant Director on a case by case basis.

In making a determination the Director should consider:

- a. Market forces and impact on return from the sale of the asset.
- b. The purchase price, lifecycle maintenance costs and remaining useful life to maximise where possible the return on investment of the asset.
- c. The strategic worth of the asset and its long term benefit to the community.
- d. Community need for the asset and alternative resources.
- e. How the funds received from the disposal of the asset are to be allocated.

### **Methods of Disposal**

The Corruption and Crime Commission (CCC) advises amongst other matters that misconduct occurs when a public officer abuses their authority for personal gain, or to cause detriment to another person, or acts contrary to the public interest. Misconduct includes theft, bribery, abuse of power, misuse of resources and conflict of interest.

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In its simplest form, misconduct occurs when a public officer acts with dishonesty or a lack of impartiality which could affect their official capacity.

As a general principle, Council requires that the sale of assets to staff is NOT to occur outside of a public process.

All disposals of any surplus Council assets shall be by way of public invitations to bid for the purchase of the assets. This shall not be limited to staff or to elected officials. Members of the public must also be allowed to compete for the purchase.

At all times, surplus assets or materials should be disposed of in a way that maximises returns whilst ensuring open and effective competition.

The disposal method chosen must be appropriate to the nature, quantity and location of goods, and promote fair and effective competition to the greatest extent possible. Where practical, a competitive disposal method should be selected, particularly for the disposal of high-value goods or large quantities of similar goods.

## **Authorised Disposal Methods**

### Public Tender

Tendering for the disposal of goods is to be conducted in accordance with the same principles as Council's tendering policy.

### Public Auction

Public auction maximises the opportunity for public participation in the disposal process and is the appropriate method when:

- a. there is public demand for the items;
- b. alternative disposal methods are unlikely to realise higher revenue; and
- c. the costs associated with the auction can be justified in relation to the expected revenue from the sale.

### Expressions of Interest/Quotations

Council may determine to dispose of items by advertising for expressions of interest or quotations where:

- a. the items are of low value;
- b. the costs of disposal are disproportionate to the expected returns; or
- c. there is very limited interest.

### Trade-in

Trading in surplus goods can be an efficient means of disposal, and a convenient way to upgrade equipment such as plant. However, trade-in prices do not always provide the best return as the purchase price of an item not on State Contract may have been inflated to offset the trade-in value offered by the supplier. Any decision to trade-in surplus goods must be based on a clear analysis of the benefits of the trade-in as opposed to separate sale of the surplus goods.

### Sale or Transfer to Other Agencies

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There may be occasions when Council may consider selling or transferring surplus goods to another council or similar organisation, before offering them for sale on the open market. For example, it may decide to give surplus office furniture to a co-operative organisation in which the Shire is a participant.

Authorisation by way of a resolution of Council is required before such a sale or transfer can be effected.

#### Donation to Notfor profit Charity or Community Organisations.

(Note: this method of disposal may not be used for asset with an estimated value of more than \$1,000).

The Shire and Council occasionally receive requests from not-for-profit community, charity or work creation organisations seeking the donation of, or concessional sales of surplus goods. At times Council may invite such organisations to submit proposals for the donation of surplus or obsolete goods.

In considering any request, the matter shall be referred to the Manager Community Development for assessment along the lines of the Community Sponsorship program and consider the following:

- a. Community groups should receive equitable treatment to avoid possible claims of bias.
- b. A check should be made to ensure the group is not a disguised business operation providing funds or remuneration to the principals.
- c. They must verify in writing their status as an incorporated not for profit organisation, with an approved Constitution, or an organisation endorsed for tax concessions by the ATO and that the intended use of the asset is non-commercial (i.e. not-for-profit).
- d. Provide written acknowledgement of receipt of the asset.
- e. Acknowledge that the Shire will not be responsible for any repair or maintenance of the asset.
- f. Acknowledge that all copyright or licensed content has been removed (eg. computer software).
- g. Take responsibility for the timely removal of the asset and any associated costs that arise from the asset's removal.
- h. Where the donation is seen as appropriate but there is a potential claim of bias, the matter should be referred to the Chief Executive Officer.
- i. The charity/community group must remove the asset themselves and at no cost to the Shire.

#### Writing off the Value of the Goods (Recycling or Destruction)

The value of an item may be written off and the item removed to the Waste Management Facility, recycled or destroyed if it is deemed:

- a. to have no value;
- b. to be unserviceable or beyond economical repair; or
- c. that the disposal cost is higher than the likely return.

### **Notifying Disposal of Assets**

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Following the disposal of an asset of an apparent value of \$5000 or more, it is the responsibility of the relevant Director, or their delegate, to notify:

- a. The Asset and Building Coordinator of the disposal to ensure the Asset Register is updated; and
- b. The Manager Governance to determine any impact on the Shire's ~~Council's~~ insurance policies.

### **Buyers Risk**

Irrespective of the disposal method applied, all prospective owners must be advised in writing that items are disposed of, with any faults, at the buyer's risk ('as is where is').

Buyers are to rely on their own investigations regarding the condition and workability of the items for their particular purpose and the Shire will not be responsible for any repairs or maintenance of the Asset.

### **Documentation and Declarations**

The relevant Director or their delegate is to ensure:

- a. The disposal methodology is fully documented, and all documentation is filed under the appropriate disposal file in Records.
- b. Any conflict of interest issues, perceived or otherwise, in relation to the chosen means of disposal or with the officers involved in the disposal process is declared and registered.
- c. The CEO will consider the conflict of interest declaration, assess the risk and provide formal notification of a decision on a case by case basis.

### **Evaluation Process**

This Policy is reviewed when any of the following occur:

- a. The related information is amended or replaced.
  - b. Other circumstances as determined from time to time by the CEO.
  - c. Notwithstanding the above, this Policy is to be reviewed at intervals of no more than two years.
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