

# Cheat sheet for policies and registers

## Local Government Act 2019

New or changed policies and registers under the 2019 Act compared to the 2008 Act

### Council policies required

No.	Topic	Source	Policy #
1	Filling casual vacancies	Section 54(3)	P22
2	Authorising a council member's attendance at a meeting by means of an audio or audiovisual conferencing system	Section 95(3)	P17
3	Authorising a member of a council committee or a local authority to attend a council committee or local authority meeting respectively, by means of an audio or audiovisual conferencing system	Section 98(3)	P17
4	Payment or reimbursement of reasonable expenses for travel and accommodation for council members, council committee members, audit committee members and local authority members	Section 109(1)	P44
5	Payment or reimbursement of other reasonable expenses and non-monetary benefits for council members	Section 109(2)	P34
6	Relevant gifts and benefits received by council members	Section 112(1)	P51
7	Contravention of the code of conduct by a council member	Section 121	P51
8	Caretaker	Section 161	P24
9	Human resource management	Section 172	P08
10	Allowances and any other benefits for council CEO	Section 174(1)	P05/P08
11	Investment	Section 194(3)	P48
12	Privacy policy protecting council staff from undue intrusion into their private affairs	Section 206(3)	P30
13	Shared services	Section 216	P40
14	Sufficient interest in the assessment record	Section 230(5)	'May'
15	Rates concessions	Section 247(2)	P27
16	Council's internal accounting policies and procedures	Regulations	P09/P29
17	Use of accountable forms by council members (forms part of the council's internal control policies and procedures)	Regulations	Not in use
18	Responsibility for the use of council credit cards by council members and council CEO	Regulations	P43
19	Gifts and benefits (including entertainment and hospitality) received by the council CEO	Regulations	P05
20	Procurement	Regulations	P40
21	Confidential information	Regulations	P15
22	Meetings which attract extra meeting allowance	Regulations	P34
23	Types of conferences or training course which attract professional development allowances	Regulations	P34

**KEY:**

XXX – work in progress

XXX – for discussion – are these sufficiently covered in existing policies?



## CEO policies and procedures required

No.	Topic	Source	Policy #
1	Employment policies	Section 173	P08
2	Allowances and any other benefits for council staff	Section 174(2)	P08/P05
3	Use of accountable forms by council staff (forms part of the council's internal control policies and procedures)	Regulations	Not in use
4	Asset management policy (forms part of the council's internal control policies and procedures)	Regulations	P41
5	Responsibility for and use of council credit cards by council staff	Regulations	P43
6	Gifts and benefits (including entertainment and hospitality) received by council staff	Regulations	P05

## Registers required

No.	Topic	Source
1	Register of annual return of interests for council members	Section 111
2	Register of declared gifts and benefits for council members	Section 113
3	Register of declared conflicts for council members	Section 116
4	Register of annual return of interests for council CEO and senior council staff	Section 178(5)
5	Register of declared conflicts for council committee members (including audit committee)	Regulations
6	Register of declared conflicts for local authority members	Regulations
7	Register of delegations by the council	Regulations
8	Register of delegations by the council CEO	Regulations
9	Register of elected or appointed council members	Regulations
10	Register of assets	Regulations
11	Register of documents executed under the council's common seal	Regulations
12	Register of correspondence addressed to or sent by the council or its principal member	Regulations


## Other documents required

No.	Topic	Source	Policy #
1	Code of conduct for council CEO	Section 175(1)	P05
2	Code of conduct for council staff	Section 175(2)	P05
3	Staff organisational chart	Regulations	
4	Personnel and financial delegations	Regulations	P26
5	List of committees and membership of those committees	Regulations	
6	Fraud and corruption protection plan	Regulations	P50
7	Procedures for receipts and deposits in the council's bank account	Regulations	Need to create

### KEY:

XXX – work in progress

XXX – for discussion – are these sufficiently covered in existing policies?

	POLICY NUMBER:	P04
	<b>CODE OF CONDUCT – ELECTED &amp; COMMITTEE MEMBERS</b>	
	CATEGORY:	COUNCIL POLICY
	SP CLASSIFICATION:	GOVERNANCE
	LG ACT 2019 REF:	Chapter 7, Part 7.4
	RESPONSIBILITY:	CHIEF EXECUTIVE OFFICER

## 1. PURPOSE

The purpose of this policy is to provide clear direction regarding the principles of ethical conduct and standards of behaviour expected from elected council members and council committee members.

## 2. SCOPE

Pursuant to Part 7.4 of the *Local Government Act 2019*, the code of conduct set out in Schedule 1 of the Act governs the conduct of members of an audit committee, a council, a council committee and a local authority.

## 3. POLICY

### 3.1. Code of Conduct - Schedule 1, Local Government Act 2019

The code of conduct as set out below will be signed by all Council members at the beginning of each term of office and displayed in the Council Chambers. It signifies to the community the commitment to abiding by the code of conduct

1. *Honesty and integrity* - A member must act honestly and with integrity in performing official functions.
2. *Care and diligence* - A member must act with reasonable care and diligence in performing official functions.
3. *Courtesy* - A member must act with courtesy towards other members, council staff, electors and members of the public.
4. *Prohibition on bullying* - A member must not bully another person in the course of performing official functions.
5. *Conduct towards council staff* - A member must not direct, reprimand, or interfere in the management of council staff.
6. *Respect for cultural diversity and culture*
  - i) A member must respect cultural diversity and must not therefore discriminate against others, or the opinions of others, on the ground of their cultural background.

- ii) A member must act with respect for cultural beliefs and practices in relation to other members, council staff, electors and members of the public.
7. *Conflict of interest*
- i) A member must avoid any conflict of interest, whether actual or perceived, when undertaking official functions and responsibilities.
  - ii) If a conflict of interest exists, the member must comply with any statutory obligations of disclosure.
8. *Respect for confidences*
- i) A member must respect the confidentiality of information obtained in confidence in the member's official capacity.
  - ii) A member must not make improper use of confidential information obtained in an official capacity to gain a private benefit or to cause harm to another.
9. *Gifts*
- i) A member must not solicit, encourage or accept gifts or private benefits from any person who might have an interest in obtaining a benefit from the council.
  - ii) A member must not accept a gift from a person that is given in relation to the person's interest in obtaining a benefit from the council.
10. *Accountability* - A member must be prepared at all times to account for the member's performance as a member and the member's use of council resources.
11. *Interests of municipality, region or shire to be paramount*
- i) A member must act in what the member genuinely believes to be the best interests of the municipality, region or shire.
  - ii) In particular, a member must seek to ensure that the member's decisions and actions are based on an honest, reasonable and properly informed judgement about what best advances the best interests of the municipality, region or shire.
12. *Training* - A member must undertake relevant training in good faith.

### **3.2. Contravention of the Code of Conduct**

Failure to comply with any of these behaviours may result in either of the following:

- (i) A reprimand issued to the respondent;
- (ii) A recommendation that the complainant, respondent or any other person attend training, mediation or counselling by a specified date.

### **3.3. Complaints**

- 3.3.1. Any person may make a complaint against a council member or committee member under this Code.
- 3.3.2. Complaints about a council member or committee member's behaviour that is alleged to have breached this Code should be brought to the attention of the Chief Executive Officer.

3.3.3. Complaints should be lodged and processed in line with the Local Government Act 2019, Chapter 7, Part 7.4, Division 2, Subdivision 1.

#### 4. ASSOCIATED DOCUMENTS

P15 Procedures for Council and Council Committee Meetings

P28 Media Policy

P29 Audit Committee Terms of Reference

P30 Privacy Policy

P31 Dispute Resolution, Counselling, Disciplining and Dismissal

P50 Fraud and Corruption Protection


#### 5. REFERENCES AND LEGISLATION

*Local Government Act 2019*

*Office of the Independent Commissioner Against Corruption, Mandatory Reporting Directions and Guidelines*

#### 6. REVIEW HISTORY

<b>Date Approved:</b>	<b>Approved By Council:</b> <b>Moved:</b> <b>Seconded:</b> <b>Vote:</b>	<b>Resolution No.</b>	<b>Date for review:</b>
<b>Date Approved:</b>	<b>Approved By Council:</b> <b>Moved:</b> <b>Seconded:</b> <b>Vote:</b>	<b>Resolution No.</b>	<b>Date for review:</b>

	POLICY NUMBER:	P05
	<b>CODE OF CONDUCT – WORKPLACE PARTICIPANT</b>	
	CATEGORY:	COUNCIL POLICY
	SP CLASSIFICATION:	GOVERNANCE
	LG ACT 2019 REF:	Chapter 9, Part 9.3, Section 175
	RESPONSIBLE OFFICER/S:	CHIEF EXECUTIVE OFFICER/COUNCIL

## 1. PURPOSE

The purpose of this policy is to provide clear direction regarding the principles of ethical conduct and standards of behaviour expected from council staff.

## 2. SCOPE

Pursuant to Section 175 of the *Local Government Act 2019*, the CEO and other members of a council's staff must maintain proper standards of integrity, diligence and concern for the public interest. This policy also relates to council contractors whilst undertaking works on the council's behalf.

## 3. DEFINITIONS

For the purposes of this policy, the following definitions apply:

Term	Definition
Workplace Participants	Includes the Chief Executive Officer, full-time and part-time staff members, casual employees, volunteers and contractors of Wagait Shire Council.
The Award	Means the Local Government Industry Award 2020.

## 4. POLICY

### 4.1 Principles

- 4.1.1 Workplace participants have a commitment to deliver professional and committed service to the community and elected members of council and to discharge their duties conscientiously and to the best of their ability.
- 4.1.2 Workplace participants will act honestly in every aspect of their work and be open and transparent when making decisions or providing advice.
- 4.1.3 Workplace participants will perform their official duties in such a manner as to ensure that public confidence and trust in the integrity and impartiality of council is strong.
- 4.1.4 Workplace participants will respect the law and the resolutions made by the elected member body of the council.
- 4.1.5 The Chief Executive Officer will make reasonable endeavours to ensure workplace participants have current knowledge of both statutory requirements and best practices relevant to their position.

## **4.2 Conduct**

The following behaviour is considered essential to upholding the principles of good governance at Wagait Shire Council. Failure to comply with any of these behaviours can constitute grounds for disciplinary action against the workplace participant, including dismissal in accordance with Council's P31 Dispute Resolution, Counselling, Disciplining and Dismissal policy. Workplace participants must also comply with all relevant statutory requirements within the *Local Government Act 2019* the *Work Health and Safety (National Uniform Legislation) Act and Regulations*. A failure to comply can also constitute grounds for disciplinary action against the workplace participant.

Workplace participants will:

- 4.2.1 Act with reasonable care, diligence and professionalism in the performance and discharge of official duties.
- 4.2.2 Act in a just, and non-discriminatory way when dealing with all people.
- 4.2.3 Ensure that personal interest, including financial interests, do not influence or interfere with the performance of their role, pursuant to Section 107 Conflict of Interest, of the *Local Government Act 2008*.

## **4.3 Responsibilities**

- 4.3.1 Pursuant to Section 108 Disclosure of confidential information, of the *Local Government Act*, workplace participants will not disclose confidential information obtained in the course of their duties.
- 4.3.2 Workplace participants will always endeavour to provide accurate information to the Council and to the public.
- 4.3.3 Workplace participants will take all reasonable steps to ensure that the information upon which they make decisions or actions is factually correct and that all relevant information has been obtained and considered.
- 4.3.4 Workplace participants will ensure that relationships with external parties do not amount to interference by improper influence, affecting judgement, decisions or actions.
- 4.3.5 Workplace participants will not make public comment in relation to their duties except when specifically authorised to so.

## **4.4 Relationships with Council**

- 4.4.1 Workplace participants will not make any public criticism of fellow workplace participants or elected members.
- 4.4.2 Workplace participants will direct any allegations of breaches of the Code of Conduct for Council Members to the Chief Executive Officer or nominated delegate.

## **4.5 Gifts and Benefits (including entertainment and hospitality)**

- 4.5.1 Workplace participants must not seek gifts or benefits (including entertainment and hospitality) of any kind.
- 4.5.2 Workplace participants must not accept any gift or benefit (including entertainment and hospitality) that may reasonably create a sense of obligation on their part or may be reasonably perceived to be intended to or would reasonably be likely to influence them in carrying out their public duty.

#### 4.6 Use of Council Resources

4.6.1 Workplace participants must not use council resources, including the services of council staff, for private purposes, unless legally or properly authorised to do so.

#### 4.7 Chief Executive Officer

4.7.1 The Chief Executive Officer must act in accordance with the provisions specific to their position within the *Local Government Act 2019* at all times.

#### 4.8 Complaints

4.8.1 Any person may make a complaint against a workplace participant under this Code.

4.8.2 Complaints about a workplace participant's behaviour that is alleged to have breached this Code should be brought to the attention of the Chief Executive Officer.

4.8.3 Complaints about the Chief Executive Officer's behaviour that is alleged to have breached this Code should be brought to the attention of the council's Principal Member.

4.8.4 In considering the lodgement of a complaint against a workplace participant for a breach of this Code, individuals should be mindful of the obligations outlined in the ICAC Mandatory directions and guidelines.

4.8.5 Nothing in this Code in anyway derogates from the rights of a workplace participant or duties of an employer under the *Fair Work Act 2009*, the *Local Government Industry Award 2020*, or a contract of employment.

### 5. ASSOCIATED DOCUMENTS

Policy 28 – Media Policy

Policy 30 – Privacy Policy

Policy 31 – Dispute Resolution, Counselling, Disciplining and Dismissal

Policy 45 – Vehicle Use Policy

Policy 50 – Fraud and Corruption Protection

### 6. REFERENCES AND LEGISLATION

*Fair Work Act 2009*

*Local Government Act 2019*

*Local Government Industry Award 2020*

*Office of the Independent Commissioner Against Corruption – Mandatory reporting directions and guidelines*

*Work Health and Safety (National Uniform Legislation) Act 2011*

*Work Health and Safety (National Uniform Legislation) Regulations 2011*


### 7. REVIEW HISTORY

Date Approved: 21/04/2009	Approved By Council: Moved: Cr Withnall Seconded: Cr Lamont Vote: AIF	Resolution No. 2008/214	Date for review: Next Council Election
Date Approved: 17/01/2017	Approved By Council: Moved: Co-Op T Dyer Seconded: Cr K Noble Vote: AIF	Resolution No. 2017/08	Date for review:



<b>Date Approved:</b> 19/05/2020	<b>Approved By Council:</b> Moved: President Peter Clee Seconded: Vice President Tom Dyer Vote: AIF	<b>Resolution No.</b> 2020/079	<b>Date for review:</b> 2022
<b>Date Approved:</b> 21/07/2020	<b>Approved By Council:</b> Moved: Cr Michael Vaughan Seconded: Vice President Tom Dyer Vote: AIF	<b>Resolution No.</b> 2020/115	<b>Date for review:</b> 2022

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	POLICY NUMBER:	P08
	<b>HUMAN RESOURCE MANAGEMENT</b>	
	CATEGORY:	COUNCIL POLICY
	SP CLASSIFICATION:	HUMAN RESOURCES
	LG ACT 2019 REF:	Chapter 9, Part 9.3, Sections 172, 173 and 174
RESPONSIBLE OFFICER:	CHIEF EXECUTIVE OFFICER	

## 1. PURPOSE

The purpose of this policy is to provide clear direction for the employment of council staff and for the provision of a safe working environment during their employment.

## 2. SCOPE

This policy applies to all employees of Wagait Shire Council.

## 3. DEFINITIONS

Term	Definition
<b>Council staff</b>	Includes the Chief Executive Officer, full-time and part-time staff members, casual employees, and volunteers.
<b>The Award</b>	Means the Local Government Industry Award 2020.

## 4. POLICY

Council will ensure it meets its statutory and governance obligations in the recruitment, management and development of its staff in accordance with the requirements of the *Local Government Industry Award 2020*. Council is committed to ensuring it attracts the most suitable individuals, who through a progressive management approach, can make a difference, experience high levels of job satisfaction, whilst working in a safe, healthy, supportive work environment.

### 4.1 Term of Engagement

The Council favours the granting of two-year contracts with an extension option in the engagement of its staff.

### 4.2 Recruitment and Selection Process

The recruitment and selection process for the appointment or promotion of all council staff must be based on merit and equity principles and protocols to ensure the most suitable candidate is selected for the role, in accordance with requirements of the *Local Government Industry Award 2020*.

#### 4.3 Induction

All new council staff will be required to participate in the approved induction program upon commencement.

#### 4.4 Training and Development

Council staff will have reasonable access to training and development opportunities to enhance their knowledge and skills, ensure their continuing ability to fulfil the duties of their position, and to support them for advancement and promotion.

#### 4.5 Council Staff Entitlements and Payments

Terms and conditions of employment shall be in accordance with the *Local Government Industry Award 2020*. The classification and remuneration for each position will be determined against the classification levels and pay schedules as contained in the *Local Government Industry Award 2020*.

#### 4.6 Performance Management

All new council staff shall participate in a performance and evaluation review during their initial three months of employment (probationary period) and thereafter will have their performance development review on an annual basis.

#### 4.7 Equal Opportunity and Workplace Harassment

Wagait Shire Council is an equal opportunity employer. The council will not tolerate any form of discrimination or harassment toward a staff member, or potential member of staff on the grounds of gender, sexuality, marital status, pregnancy, ethnicity, physical or intellectual challenge, age or any other ground (*Council P32 Discrimination, Harassment and Bullying*).

#### 4.8 Grievance and Dispute Resolution

All grievances or disputes raised by a staff member will be treated with seriousness, respect, promptness and confidentiality as per the approved policy and procedure (*Council P31 Dispute Resolution, Counselling, Disciplining and Dismissal*).

#### 4.9 Occupational Health, Safety and Environment

The council is committed to ensuring the health, safety and welfare of its staff by providing an environment where hazards and risk of injury are reduced and/or eliminated.

### 5. ASSOCIATED DOCUMENTS

P05 Council Staff Code of Conduct

P31 Dispute Resolution, Counselling, Disciplining and Dismissal

P32 Discrimination, Harassment and Bullying

P33 Work Health and Safety Policy

Wagait Shire Council Employee Handbook


## 6. REFERENCES AND LEGISLATION

*Local Government Act 2008*

*Local Government Industry Award 2020*

## 7. REVIEW HISTORY

<b>Date Approved:</b> 19/05/2008	<b>Approved By Council</b> Moved: Cr McIntyre Seconded: Cr Lamont Vote: 6 - 0	<b>Resolution No.</b> 2008/228	<b>Date for review:</b> Next Council Election
<b>Date Approved:</b> 21/07/2020	<b>Approved By Council:</b> Moved: Cr Michael Vaughan Seconded: Vice President Tom Dyer Vote: AIF	<b>Resolution No.</b> 2020/115	<b>Date for review:</b> 2022

	POLICY NUMBER:	P15
	<b>COUNCIL MEETINGS AND COUNCIL COMMITTEE MEETINGS</b>	
	CATEGORY:	COUNCIL POLICY
	SP CLASSIFICATION:	GOVERNANCE
	LG ACT 2019 REF:	Chapter 6
	RESPONSIBLE OFFICER:	CHIEF EXECUTIVE OFFICER

### 1. PURPOSE

This policy has been developed to provide a structure for the orderly and efficient proceedings of meetings.

### 2. SCOPE

This policy applies to all Council meetings and meetings of committees of Council.

### 3. DEFINITIONS

<b>Agenda</b>	Means a list of items for consideration at the meeting together with reports and other attachments relating to those items.
<b>Amendment</b>	Means a motion moved as an alternative to the original motion.
<b>CEO</b>	The Chief Executive Officer of Wagait Shire Council.
<b>Council</b>	Means the Council of Wagait Shire Council.
<b>Committee</b>	Means a Committee established by the Council in accordance with Section 54 of the Local Government Act.
<b>Confidential Information</b>	<p>1) (For section 293(1) of the Act, the following information is prescribed as confidential:</p> <ul style="list-style-type: none"> <li>(a) information about the employment of a particular individual as a member of the staff or possible member of the staff of the council that could, if publicly disclosed, cause prejudice to the individual;</li> <li>(b) information about the personal circumstances of a resident or ratepayer;</li> <li>(c) information that would, if publicly disclosed, be likely to: <ul style="list-style-type: none"> <li>(i) cause commercial prejudice to, or confer an unfair commercial advantage on, any person; or</li> <li>(ii) prejudice the maintenance or administration of the law; or</li> <li>(iii) prejudice the security of the council, its members or staff; or</li> <li>(iv) subject to subregulation (3) – prejudice the interests of the council or some other person; Part 3 Administration Division 2 Confidential information and business <i>Local Government (General) Regulations 2021</i> 33</li> </ul> </li> <li>(e) subject to subregulation (3) – information provided to the council on condition that it be kept confidential and would, if publicly disclosed, be likely to be contrary to the public interest;</li> </ul>

	<p>(f) subject to subregulation (2) – information in relation to a complaint of a contravention of the code of conduct.</p> <p>(2) For subregulation (1)(f), the following information is no longer confidential after the complaint has been decided:</p> <p>(a) a decision notice in relation to the complaint;</p> <p>(b) a report of proceedings or findings of the complaint including a summary of decision under regulation 80 or 81.</p> <p>(3) Information mentioned in subregulation (1)(c)(iv) and (e) does not prejudice the interests of the council or some other person or is not contrary to the public interest if the information, if publicly disclosed, only causes:</p> <p>(a) embarrassment to the council, members or the council's staff; or</p> <p>(b) a loss of confidence in the council; or</p> <p>(c) discussion of a matter that is controversial in the council area; or</p> <p>(d) the council to be susceptible to adverse criticism.</p> <p>information subject to an obligation of confidentiality at law, or in equity;</p>
<b>Confidential business</b>	Business involving the discussion of confidential information is prescribed as confidential business. in accordance with Part 3, Division 2, Section 52 of the Local Government (General) Regulations 2021.
<b>Councillor</b>	Means an Elected Member of the Wagait Shire Council.
<b>Deputation</b>	Individuals and groups may request presentation time on the agenda of a Council meeting to make a formal address to the Council. Deputations provide an opportunity for members of the public to address Council on a specific issue.
<b>Minutes</b>	Means the record of proceedings at any meeting of the Council or its committees.
<b>Motion</b>	Is a proposal to be considered by Council at a meeting. It is a request to do something or to express an opinion about something. A motion formally puts the subject of the motion as an item of business for the Council.
<b>Officer</b>	Means an employee of Council.
<b>Ordinary meeting</b>	Means a meeting of the Council that is usually the monthly meeting of the Council and not a special meeting of the council.
<b>Petition</b>	A petition is a formal request used to lobby a law-making body such as local government. It may request an amendment to general law or the review of an administrative decision. The petition is placed before the law-making body with the object of implementing the particular action or amendment. Petitioning is one of the traditional forms by which people can make requests direct to Council.
<b>Principal Member</b>	Means the President or Mayor of Wagait Shire Council or in their absence the appointed deputy.
<b>Quorum</b>	Means the minimum number of members needing to be present to constitute a valid meeting.
<b>Resolution</b>	Is a motion that has been passed by a majority of Councillors at the meeting.
<b>Special meeting</b>	Means a meeting of the Council that has been called in accordance with sections 58 and 59 of the Local Government Act

## **4. POLICY**

### **4.1 Setting the dates, place and times for ordinary meetings.**

- (1) The Council shall pass a resolution which sets the day, the time and the place each month, or every two months, for each ordinary meeting of the Council. The Council may set the same day each month for its ordinary meeting (e.g. the second Tuesday of every month).
- (2) The resolution for the setting of dates is normally confirmed at the first meeting following an election of the Council although it may be changed by resolution thereafter.

### **4.2 The order in which agenda is to be dealt with at an ordinary meeting.**

- (1) The order in which agenda is to be prepared shall include:
  - (a) A list of the names of the members present at the meeting
  - (b) Apologies from members who have given reasons why that they will not be present at the meeting
  - (c) Members who wish to declare that they have a conflict of interest with any agenda item at the meeting
  - (d) A model resolution for council to confirm whether or not the minutes of the previous meeting are a true and correct record of that meeting
  - (e) Inward correspondence requiring a decision of council
  - (f) Councillor's reports
  - (g) Officer's reports
  - (h) Finance report
  - (i) Agenda items of which previous notification has been given
  - (j) Questions from members – with or without notice
  - (k) Questions from the public – with notice
  - (l) Petitions/deputations
  - (m) Confidential business
  - (n) Confirmation of the date and time of the next meeting.
  - (o) Closure of the meeting

The order of business at an ordinary meeting may be altered for a particular meeting if the members present at that meeting pass a motion to that effect.

### **4.3 Agenda papers for ordinary meetings.**

- (1) The CEO must prepare and distribute to members, at least three business days before each ordinary meeting and at least four hours before each special meeting, an agenda which complies with the Local Government Act and include the unconfirmed minutes of the previous meeting.
- (2) Copies of the agenda must be made available to the public at the council office.

#### **4.4 Notice to be given of agenda items for an ordinary meeting.**

- (1) Members shall give notice to the CEO, at least five days before the meeting, of important agenda items for a meeting.
- (2) The notice must be in writing by the member who wished the matter to be considered and the notice may include a petition.

#### **4.5 Procedures for General Business at an ordinary meeting.**

- (1) The CEO or a member may give notice at the beginning of a meeting requesting that matters to be considered during the part of the meeting be set aside and take place during general business.
- (2) Before giving notice, members or the CEO, must have regard to the nature of the matter and whether it requires a decision or is for information only.
- (3) Members must only give notice of matters for decision by Council in the event of the matter not requiring much deliberation.
- (4) Where a matter requires reasonable consideration or analysis the Council shall consider deferring it to the next meeting.

#### **4.6 Petitions**

- (1) A petition may be presented to a meeting of the Council by a member.
- (2) Before presenting the petition, the member must, as far as practicable, become acquainted with the subject matter of the petition.
- (3) The member must state the nature of the petition and then read the petition.
- (4) The petition must be worded in a respectful language.
- (5) Each page of the petition must restate the whole of the petition.
- (6) The signature on a page not complying with subclause (5) must not be taken into account by the council when considering the petition.
- (7) A person must not attach to a petition –
  - (a) A signature purporting to be that of another person; or
  - (b) The name of another person.
- (8) If a petition is presented at a meeting of the Council and was not included in the agenda for the meeting –
  - (a) A person present at the meeting and associated with the petition, may make a statement, explanation, submission or comment regarding the petition only if first invited to do so by the Principal Member; and
  - (b) No debate on or in relation to the petition must be allowed and the only motion that may be moved is that:
    - (i) The petition be received and noted; or
    - (ii) To be referred to a committee or officer for consideration and a report to the Council.

#### **4.7 Deputations**

- (1) A deputation wishing to attend and be heard at a meeting must apply in writing to the CEO not less than 5 business days before the meeting.
- (2) The application must state why the deputation wishes to attend and be heard.



- (3) The CEO, on receiving the application, must notify the Principal Member of the application.
- (4) The Principal Member must determine whether the deputation may be heard and notify the CEO accordingly.
- (5) The CEO must –
  - (a) Inform the deputation of the Principal Member's determination; and
  - (b) If the Principal Member has determined to hear the deputation, arrange a convenient time for the deputation to be heard at a meeting of the Council.
- (6) Only 2 persons in the deputation may address the meeting unless the members determine otherwise by resolution.
- (7) A person in the deputation who is addressing the meeting must be temperate in speech and matter and must not use insulting or offensive language.
- (8) The deputation must be given adequate opportunity and facility to explain the purpose of the deputation.
- (9) The Principal Member may halt an address by a person in a deputation if –
  - (a) The Principal Member is satisfied that the purpose of the deputation has been sufficiently explained to the members; or
  - (b) The person is severe in speech or manner or uses insulting or offensive language.

**4.8 Motions to be dealt with in the order they appear in the agenda papers unless otherwise determined.**

- (1) That Principal Member shall ask members present at the meeting to move motions in the order that agenda items appear in the agenda papers (as well as any other motions that arise during consideration of those items) unless otherwise determined by resolution by Council at the meeting.

**4.9 Motions to have a mover and a seconder for debate to commence and members must speak about the agenda item.**

- (1) A member who moves a motion may speak in support of the motion before it is seconded.
- (2) The Principal Member shall only allow debate on a motion if it is seconded, requesting initially for a member that may wish to speak against the motion and thereafter with members wanting to speak either for or against the motion.
- (3) A motion that is not seconded must be recorded in the minutes as having lapsed.
- (4) A member speaking about a motion must confine his or her remarks to the matter being considered.
- (5) In the event there are no motions to amend the original motion the Principal Member shall put the motion to the vote.

**4.10 Motions not be withdrawn without consent**

- (1) When a motion has been moved and seconded, it becomes subject to the control of the ordinary meeting and may not be withdrawn without the consent of members.

**4.11 A member may move an amendment to a motion so long as it still relates to that motion.**

- (1) When a motion has been moved and seconded, a member may move an amendment to it.
- (2) A member who moves or seconds a motion must not move or second an amendment to a motion.
- (3) Any amendment so moved, must not negate the intent of the original motion.
- (4) The principal member shall reject any proposed amendment that attempts to negate a motion, or replace an amended motion with the original motion.

**4.13 Council may only deal with one amendment to a motion at a time.**

- (1) Once an amendment has been moved, no further amendment can be considered until that amendment is disposed of, either because it lapses, or is seconded and put to the vote.

**4.14 The amendment, if voted on and carried, becomes the motion.**

- (1) Once an amendment is put to the vote and carried, the motion as amended, then becomes the motion before the ordinary meeting.
- (2) Following the carriage of an amended motion (and subsequent debate if any), the Principal Member shall put the amended motion to the vote of members present at the meeting.

**4.15 Dealing with further amendments to motions.**

- (1) If an amendment to a motion is lost, then further amendments may be considered until a motion is carried (be it the original motion or some variation of it) or all motions are exhausted.

**4.16 Limitation as to the number and duration of speeches**

- (1) Except with the consent of members present at the meeting, the mover of an original motion, in his or her opening speech, must not speak for more than ten minutes.
- (2) Except with the consent of members present at the meeting, a member, other than the mover of the original motion, must not speak for more than five minutes at any one time.
- (3) A member, who is the mover of an original motion, has a right of general reply (and may speak for up to five minutes once all debate is completed) to all observations which have been made in reference to the motion and every amendment involved in respect of it.
- (4) A member, other than the mover of an original motion, has a right to speak once to the motion and any amendment proposed to it.

**4.17 Principal Member to maintain order, to decide who can speak first and to have priority when speaking.**

- (1) The Principal Member must maintain order, and may, without the intervention of any other members, call any member to order whenever, in his or her opinion, it is necessary to do so.
- (2) If two or more members attempt to speak at the same time, the Principal Member must decide which of the members may speak first.
- (3) The Principal Member may, at any time during the debate on the matter, indicate an intention to speak.
- (4) If the Principal Member indicates an intention to speak, a member speaking or proposing to speak to the debate must be silent until the Principal Member has been heard.

**4.18 Members must address other members and council officers properly at meetings, and may request the Principal Member to bring order to the meeting.**

- (1) Members must comply with the adopted Code of Conduct at meetings.
- (2) A member who considers that another member is out of order may call upon the Principal Member to maintain order.
- (3) The call for order must be dealt with immediately, without further discussion, in accordance with a council's code of conduct.

**4.19 How the Principal Member shall deal with calls for order from members.**

- (1) Where a member calls for order, the Principal Member must rule on the call by determining whether the comments made by a member are out of order.
- (2) Where the Principal Member rules that a member is out of order on more than three occasions at a meeting the Principal Member may request the member to leave the meeting.
- (3) If the Principal Member decides that any motion, amendment or other matter (including a matter he or she considers is objectionable) is out of order, it must be rejected and not be considered further.

**4.20 Rescinding or altering resolutions**

- (1) A resolution of the Council may be altered or rescinded if a notice of motion is carried at a meeting to have the matter dealt with at another meeting, and this is done within three months of the original notice of resolution being passed.
- (2) The CEO shall ensure that any notices of motion, once carried, are included in the agenda for future meetings of the Council.

**4.21 Motions to improve the handling of matters at a meeting**

- (1) A member may move a motion to have a matter put to the vote only after the Principal Member has –
  - (a) First queried whether members wish to speak for, or against, the particular motion to do with the matter, and
  - (b) At least two members have had the opportunity to do so.
- (2) If the motion to put a matter to have the vote is lost, debate on the matter must be allowed to continue for at least ten minutes before the presiding member can allow a similar motion for the matter to be put to the vote.

- (3) If the motion to put the matter to the vote is carried, the Principal Member must immediately put the motion to do with the matter to the vote.
- (4) A member may move a motion to have debate on a matter put off to the next Council Meeting and have the Meeting move to the next item of business, and
  - (a) If the motion is carried, the CEO must ensure the matter is included in the agenda for the next meeting; or
  - (b) If the motion is lost, the Principal Member must continue to allow debate on the matter until it is put to the vote.
- (5) A member may move a motion to have a meeting put off for a short period and
  - (a) If the motion is carried, the meeting must continue with the matter before the meeting at the point where it was delayed, and
  - (b) If the motion is lost, the presiding member must not accept a similar motion within 30 minutes after the motion was lost.

#### **4.22 Member absences from, and attendances at, ordinary and special meetings**

- (1) If a quorum of members is not present at a meeting in accordance with clause 64 of the Local Government Act, the Principal Member must postpone the meeting to a date, time and place as the Principal Member thinks fit.
- (2) Members may attend ordinary, special or committee meetings by technological means so long as there are no members of the public in attendance when confidential matters are discussed and undue influence is not exercised over members by members of the public during the meeting.
- (3) If a member is absent from 2 consecutive ordinary meetings of council without the permission of council the member shall cease to hold office as outlined in Section 39(d) of the Local Government Act

#### **4.23 Public Attendance and participation at meetings.**

- (1) Members of the public, including journalists, shall be allowed to attend ordinary, special or committee meetings unless Council chooses to close them for confidential business.
- (2) A member of the public must not take part, or attempt to take part, in the proceedings of a meeting without notice as outlined in either Section 7 or Section 4.23(4).
- (3) No members of the public shall ask questions of invited guests under any circumstances.
- (4) A member of the public who wishes to ask a question must do so in writing to the CEO at least 7 business days prior to the meeting.
- (5) A question on notice from a member of the public must be included in the agenda for the next meeting of the Council or otherwise answered administratively.

#### **4.24 Confidential Information and Business.**

At the conclusion of the consideration of confidential business at a meeting, the council must decide, in accordance with its policy, whether the type of confidential information considered is:

- (a) the type of confidential information that should no longer be confidential after a specified period of time,

OR

- (b) the type of confidential information that should be subject to periodic review to determine if it should no longer be confidential.

**4.25 The Principal Member is to maintain order when the public is participating in Ordinary, Special or Committee Meetings.**

- (1) Members of the public that submit questions The Principal Member may invite questions, submissions or comments from members of the public at a meeting of the council but is not obliged to do so.
- (2) If the Principal Member considers a question comment, or statement of a member of the public at a meeting of the council is offensive, irrelevant, unduly long or deals with a confidential matter, the Principal Member may rule the matter out of order and proceed to deal with it or the next item of business.
- (3) On receiving a comment or submission from a member of the public, the council must:
  - (a) Refer it to a committee
  - (b) Request it be included in the agenda for the next council meeting
  - (c) Deal with it under general business at the Meeting of the Council, or
  - (d) Note it and take no further action.

**4.26 Procedures for Council Committees**

- (1) Committees of Council shall follow the same procedures as provided for Council Meetings unless the committee resolves otherwise.
- (2) Minutes of committee meetings shall be included in the agenda of Council Meetings as recommendations and Council may adopt them in whole, or part, or be simply noted with no further action required.
- (3) When conferring a power or function on a committee the Council shall have regard to its annual budget and plans it has adopted as a basis for providing direction for its committees.

**4.27 Changing these procedures**

- (1) The Council may change these procedures by resolution at a Meeting.

**5. ASSOCIATED DOCUMENTS**


P03 Casting Vote of Chair  
P25 Emergency Management Committee Terms of Reference  
P29 Audit Committee Terms of Reference

**6. REFERENCES AND LEGISLATION**

Local Government Act 2019  
Local Government General Regulations 2021

## 7. REVIEW HISTORY

<b>Date Approved:</b> 20/10/2009	<b>Approved By Council</b>	<b>Resolution No</b>	<b>Date for review:</b> 17/02/2011
<b>Date Approved:</b> 19/02/19	<b>Approved By Council</b> <b>Moved: Cr Michael Vaughan</b> <b>Seconded: Vice-President Tom Dyer</b> <b>Vote: AIF</b>	<b>Resolution No</b> 2019/326	<b>Date for review:</b> 19/02/22
<b>Date Approved:</b> 14/09/2021	<b>Approved By Council</b> <b>Moved:</b> <b>Seconded:</b> <b>Vote:</b>	<b>Resolution No</b> 2021/	<b>Date for review:</b> Next term of Council

	POLICY NUMBER:	P17
	<b>TELECONFERENCING AND VIDEOCONFERENCING</b>	
	CATEGORY:	COUNCIL POLICY
	SP CLASSIFICATION:	GOVERNANCE
	LG ACT 2019 REF:	Part 6.1, s95(3) and s98(3)
	RESPONSIBILITY:	CHIEF EXECUTIVE OFFICER

## 1. PURPOSE

The purpose of this policy is to facilitate access and participation in Council Meetings and workshops by permitting Elected Members, Council Committee Members and senior staff to participate by way of teleconferencing or videoconferencing subject to conditions in accordance with Chapter 6, Part 6.1, Section 95(3) (a) (b) & (c), and Part 6.2, Section 98(3) (a) (b) & (c) of the Local Government Act 2019.

## 2. SCOPE

This policy applies to all Elected Members, Council Committee Members, senior staff, and members of the public.

## 3. POLICY DETAILS

3.1. Elected Members, Council Committee Members and senior staff are required to seek prior approval to use teleconferencing. Prior approval is to be sought at the time of requesting a Leave of Absence. Elected Members and senior staff may also seek leave of the Council to attend a meeting via teleconferencing or videoconferencing on short notice should unforeseen circumstances arise.

3.2. Elected Members, Council Committee Members and senior staff are entitled to teleconferencing or videoconferencing for Ordinary and Special Council Meetings, Council workshops and Council Committee Meetings if :

- 3.2.1. they have received a Leave of Absence,
- 3.2.2. are greater than 100km from the appointed place of meeting but within Australia,
- 3.2.3. physically prevented from attending or
- 3.2.4. as directed to ensure compliance with any other imposed Legislation.

3.3. Members of the public may attend a council meeting by teleconference or videoconference if they are physically prevented from attending. They must seek prior approval from the council CEO and be sent an invitation to attend.

3.4. Communication will be established by means of the conferencing system, at or around the commencement of the meeting, between Elected Members, Council Committee Members and senior staff, and the members present at the place appointed for the meeting.

3.5. Elected Members, Council Committee Members and senior staff will have the same or substantially the same opportunity to participate in debate, and to register an opinion on questions arising for decision as if the member were physically present at the meeting.

3.6. Should Elected Members, Council Committee Members and senior staff not be able to view presentations being made at the meeting, electronic copies will be provided prior to the meeting.

3.7. Should Council be unable to accommodate an Elected Member, Council Committee Member, senior staff or a member of the public's request to teleconference or videoconference, they will be advised in advance of the meeting.

#### 4. ASSOCIATED DOCUMENTS

Policy 15 Procedures for Council and Council Committee Meetings

Policy 25 Emergency Management Committee Terms of Reference

Policy 29 Audit Committee Terms of Reference

#### 5. REFERENCES AND LEGISLATION


Local Government Act 2019

Fair Work Act 2009

#### 6. REVIEW HISTORY

Date Approved: 19/05/2020	Approved By Council Moved: Cr Neil white Seconded: Vice-President Tom Dyer Vote: AIF	Resolution No: 2020/076	Date for review: Next Council Election
Date Approved:	Approved By:	Resolution No:	Date for review:



	POLICY NUMBER:	P22
	<b>CASUAL VACANCY ON COUNCIL</b>	
	CATEGORY:	COUNCIL POLICY
	SP CLASSIFICATION:	GOVERNANCE
	LG ACT 2019 REF:	Chapter 4, Part 4.2, Subdivision 2
	RESPONSIBLE OFFICER:	CHIEF EXECUTIVE OFFICER

### 1. PURPOSE

To provide clear direction for the filling of a casual vacancy on Council.

### 2. SCOPE

The Casual Vacancy on Council Policy to all elected members.

### 3. DEFINITIONS

Term	Definition
<b>By-election:</b>	Means a by-election mentioned in Chapter 8, Part 8.2 of the Local Government Act 2019.
<b>The Act:</b>	Means the Local Government Act

### 4. POLICY:

Pursuant to Section 50 of the Act a member of Council ceases to hold office if the person:

- (a) dies; or
- (b) is disqualified from office as a member of the Council under Section 47 of the Act; or
- (c) resigns by written notice given to the CEO

Pursuant to Section 54 of the Act, the following rules govern the filling of casual vacancies if a casual vacancy occurs:

- a) less than 18 months, but not less than 6 months, before the next general election – the council may, by vote of existing members, appoint a person to fill the vacancy until the next general election; or;
- b) 6 months or less before the next general election – the council may, by vote of existing members:
  - I. appoint a person to fill the vacancy until the next general election; or
  - II. may leave the office vacant; or
- c) 18 months or more before the next general election – the council must hold a by-election

4.1 To co-opt a person Council shall:

- a) Seek expressions of interest from eligible persons by advertising on the Council website, social media page and in hardcopy format on the council and supermarket notice boards;
- b) Council shall consider the list of persons, plus any further names that may be added by Council and select one person to fill the vacancy.

4.2 In selecting a person Council shall give due consideration to:

- a) The eligibility for membership as per Section 46 of the Act;
- b) The length of residence in the community; and
- c) Demonstrated interest in community affairs.

Council may at its discretion ask potential persons to make a short presentation to Council as part of the selection process.

## 5. ASSOCIATED DOCUMENTS

P02 Appointment of Principal Member.


## 6. REFERENCES AND LEGISLATION

Local Government Act 2019.

Local Government (Electoral) Regulations 2021.

## 7. REVIEW HISTORY

<b>Date Approved:</b> 20/09/2016	<b>Approved By:</b> Moved: Cr Shenagh Gamble Seconded: President Peter Clee Vote: AIF	<b>Resolution No:</b> 2016/81	<b>Date for review:</b> Next Council election
<b>Date Approved:</b> 17/01/2017	<b>Approved By:</b> Moved Cr Shenagh Gamble Seconded: Vice President Brad Irvine Vote: AIF	<b>Resolution No:</b> 2017/07	<b>Date for review:</b> Next Council election
<b>Date Approved:</b>	<b>Approved By:</b>		<b>Date for review:</b>

	POLICY NUMBER:	P30
	<b>PRIVACY POLICY</b>	
	CATEGORY:	COUNCIL POLICY
	SP CLASSIFICATION:	GOVERNANCE
	LG ACT 2019 REF:	
	RESPONSIBLE OFFICER:	CHIEF EXECUTIVE OFFICER

## 1. PURPOSE

The purpose of this policy is to set out Council's commitment to comply with the provisions of the *Information Act (NT)*, the *Local Government Act (NT)* and Information Privacy Principles (IPP's) when collecting and handling personal information.

## 2. SCOPE

Council collects and manages personal information in the course of performing its role, functions and objectives so as to protect all people from undue intrusion into private affairs.

This Policy covers all personal information held by Wagait Shire Council, that is, information, or an opinion about an individual, whose identity is apparent, or can be reasonably ascertained, from that information or opinion. The includes information collected in any format including correspondence, in person, over the phone, and over the internet. This policy also covers personal information that is sourced from third parties.

This policy also applies to all employees, Elected Members, contractors and volunteers of Wagait Shire Council.

## 3. DEFINITIONS

For the purposes of this policy, the following definitions apply:

Term	Definition
Personal Information	Council information from which an individual's identity is apparent or can reasonably be ascertained. It includes information about a deceased person within the first five years after their death. It can include numbers, photos of a person or their property.
Sensitive Information	Personal information about an individual's racial or ethnic origin, political opinions, membership of professional, trade, political association or trade union, philosophical or religious beliefs, sexual preferences or practices, criminal record or health information.
IPP's	Information Privacy Principles. Set of principles that regulate the handling of personal information as identified in the <i>Information Act (NT)</i> .

## **4. POLICY**

The Wagait Shire Council will manage personal information as outlined in the following principles.

### **4.1 Collection**

- 4.1.1 The Wagait Shire Council will only collect personal information that is necessary for specific and legitimate functions of Council. Information will be collected by fair and lawful means
- 4.1.2 Council will advise individuals, where possible, of the purposes for which their personal information is being collected, and of those third parties to whom the information is usually disclosed.
- 4.1.3 Sensitive information will only be collected where the individual has consented or collection is required or permitted by law.
- 4.1.4 Sensitive information (as defined in this policy) will be treated with the utmost security and confidentiality and only used for the purpose for which it was collected.

### **4.2 Use and Disclosure of Information**

- 4.2.1 The Wagait Shire Council will not use or disclose information about an individual other than for the primary purpose for which it was collected unless one of the following applies:
  - a) It is for a related purpose that the individual would reasonably expect;
  - b) where Council has the consent of the individual to do so;
  - c) as required or permitted by the Information Act or any other legislation.

### **4.3 Data Quality**

- 4.3.1 Council will take reasonable steps to ensure that all personal information collected, used or disclosed is accurate, complete and up to date.

### **4.4 Data Security and Retention**

- 4.4.1 Council will take all reasonable measures to prevent misuse or loss or unauthorised access, modification or disclosure of personal and sensitive information.
- 4.4.2 Personal information will be managed confidentially and securely and destroyed or archived in accordance with the General Disposal Schedule.
- 4.4.3 Council will monitor and implement reasonable and appropriate technical advances or management processes, to provide an up to date ongoing safeguard for personal information.

### **4.5 Openness**

- 4.5.1 The Wagait Shire Council's Privacy Policy will be available on its website or on request at the Council Office.

### **4.6 Access and Correction to Information**

- 4.6.1 Individuals have a right to request access to any personal information held about them, and may request any incorrect information be corrected.
- 4.6.2 Council may decide not to allow access to personal information in accordance with the exemptions contained within Information Act.
- 4.6.3 The process for requesting access to recorded personal information, i.e. documents, is through a Freedom of Information application.

### **4.7 Unique Identifiers**

4.7.1 Council will not assign, adopt, use, disclose or require unique identifiers from individuals except for the course of conducting normal business or if allowed or required by law.

#### **4.8 Anonymity**

4.8.1 Council will, where it is lawful and practicable, give individuals the option of not identifying themselves when entering into transactions with Council.

4.8.2 Council will ensure that individuals are aware of all, if any, limitations to services if the information required is not provided.

#### **4.9 Transborder Data Flows**

4.9.1 The Wagait Shire Council will only transfer personal information outside of the NT in accordance with the provisions outlined in the Information Act.

#### **4.10 Sensitive Information**

4.10.1 The Wagait Shire Council will not collect sensitive information unless an individual has consented or collection is required or permitted by law, or when necessary for research or statistical purposes as permitted under the Information Act.

### **5. ASSOCIATED DOCUMENTS**

P05 Council Staff Code of Conduct

P12 Workplace Surveillance

P40 Procurement


### **6. REFERENCES AND LEGISLATION**

*Information Act (NT)*

*Local Government Act 2019 (NT)*

### **7. REVIEW HISTORY**

<b>Date Approved:</b>	<b>19.5.2015</b>	<b>Approved By:</b> Moved: V Pres L Stones Seconded: Cr K Noble Vote: AIF	<b>Councillors – Resolution No. 2015/187</b>	<b>Date for review:</b>	<b>Next Council Election</b>
<b>Date Approved:</b>	<b>19.11.2019</b>	<b>Approved By:</b> Moved: Cr N White Seconded: Cr G Drake Vote: AIF	<b>Councillors – Resolution No. 2019/547</b>	<b>Date for review:</b>	<b>Next Term of Council</b>

	POLICY NUMBER:	P34
	<b>ELECTED MEMBER ALLOWANCES</b>	
	CATEGORY:	COUNCIL POLICY
	CLASSIFICATION:	GOVERNANCE
	LG ACT 2019 REF:	Part 7.1 sections 106-109
	RESPONSIBLE OFFICER:	CHIEF EXECUTIVE OFFICER

**1. PURPOSE:**

This policy establishes the maximum allowances to be paid to elected members during the 2021-2022 financial year, and the types of allowances.

**2. SCOPE:**

This policy applies to all elected members.

**3. DEFINITIONS:**

**Approval:** Means approval of the council or the CEO according council policy.

**Acting Principal Member:** Refers to a person appointed pursuant to Part 4.2 Section 59 of the Local Government Act.

**Base Allowance:** The base allowance covers those activities required of a council member in the performance of his or her role as an elected representative. Without limiting the generality of the preceding sentence, the base allowance covers:

- 1) Agenda study and meeting preparation;
- 2) Attendance at regular council meetings;
- 3) Attendance at council functions as a council representative;
- 4) Constituency responsibilities; and
- 5) Council representation outside the municipality / shire area, including delegations interstate and overseas, unless such representation has extra meeting approval.

**Electoral Allowance:** An allowance provided to assist council members with electoral matters. It may be used at the discretion of individual council members.

**Extra Meeting Allowance:**

- 1) A council must not pay an extra meeting allowance unless the council has a policy which determines which meetings will attract the allowance.
- 2) For a principal member, deputy principal member and acting principal member, this allowance is not paid separately. It is provided for and included in the base allowance.
- 3) For other council members this allowance is paid only in accordance with council policy and after an approved claim is made at the end of the relevant month.
- 4) The extra meeting allowance must not be paid for those meetings as covered by the base allowance.
- 5) The extra meeting allowance is capped for each financial year.

**Extra Meeting** – An “Extra Meeting” may be defined as follows:

- 1) Council Committee meetings;
- 2) Council Advisory Committee meetings;
- 3) Council Workshops;
- 4) Meetings of external agencies or organisations to which council has formally appointed or nominated through or with LGANT, a representative;
- 5) Other meetings as a council representative approved by CEO;

**Professional Development Allowance** - An allowance payable to council members to attend appropriate and relevant conferences or training courses which sustain a member’s professional competence by keeping the member informed of, and able to comply with, development in professional standards applicable to their role as a Council Member. Any such course/conference must have approval and be in line with council policy in order to attract this allowance.

- 1) The professional development allowances may be claimed multiple times each year, but the total of those claims must not exceed the amount specified in the policy.
- 2) The professional development allowance is to be used to cover the cost of travel to the course/conference, course/conference fees, meals and accommodation for the duration of the course/conference.
- 3) Only approved course/conferences that are in line with council policy attract professional development allowances (payable for each day of attendance).
- 4) Membership fees for bodies considered directly beneficial to the role of a council member (ie AICD) may be claimed.

Use of the professional development allowance must be approved by the Chief Executive Officer, prior to attendance at a professional development activity.

#### 4. POLICY:

- 4.1. Pursuant to Part 7.1 Sections 106-108 of the Local Government Act, a member of a council is entitled to be paid an allowance by the council. Allowances for each financial year are to be fixed as part of the council’s budget for the relevant financial year.
- 4.2. Pursuant to Division 6 of the Local Government (General) Regulations 2021, allowances are not to be paid in advance, except for course fees, conference registration costs, travel and accommodation for professional development.
- 4.3. The maximum permissible allowances as set annually by the Minister in Ministerial Guideline 2; which deems Wagait Shire Council as a Category 4 council and outlines the maximum allowances for a Category 4 council for the 2021-2022 financial year as follows:

Shire Councils 2021-2022	Principal Member	Deputy Principal Member	Ordinary Member
Base Allowance	\$25,039.28	\$9,259.53	\$4,503.32
Electoral Allowance	\$6,590.44	\$1,647.90	\$1,647.90
Professional Development Allowance	\$3,753.17	\$3,753.17	\$3,753.17
Max Extra Meeting Allowance	Not applicable	Not applicable	\$3,003.01



4.4. On 18 May 2021 Council resolved to pay Elected Members 14.5% of the Base Allowance set by the Minister and to pay a set professional development allowance of \$500 per Elected Member for the 2021-2022 financial year as follows:

<b>Elected Member Allowances 2021-2022</b>	<b>Principal Member</b>	<b>Deputy Principal Member</b>	<b>Ordinary Member</b>
<b>Base Allowance</b>	\$3,630.69	\$1,342.63	\$652.98
<b>Electoral Allowance</b>	-	-	-
<b>Professional Development Allowance</b>	\$500	\$500	\$500
<b>Max Extra Meeting Allowance</b>	Not applicable	Not applicable	-

4.5. Payments for allowances will be lodged with Council's bank on the last day of every month.

**5. ASSOCIATED DOCUMENTS**


Nil.

**6. REFERENCES AND LEGISLATION**

Local Government Act 2019 Part 7.1  
 Ministerial Guideline 2 – Allowances for Council Members  
 Local Government (General) Regulations 2021

**7. REVIEW HISTORY**

<b>Date Approved:</b> 19/7/2016	<b>Approved By:</b> Moved: President Peter Clee Seconded: Councillor VJ Thorpe	<b>Resolution No:</b> 2016/060	<b>Date for review:</b> July 2017
<b>Date Approved:</b> 26/6/2018	<b>Approved By:</b> Moved: Cr Neil White Seconded: Cr Shenagh Gamble Vote: AIF	<b>Resolution No:</b> 2018/200	<b>Date for review:</b> June 2019
<b>Date Approved:</b> 21/05/2019	<b>Approved By:</b> Moved: Vice President Tom Dyer Seconded: Cr Michael Vaughan Vote: AIF	<b>Resolution No:</b> 2019/405	<b>Date for review:</b> June 2020
<b>Date Approved:</b> 21/07/2020	<b>Approved By:</b> Moved: Cr Michael Vaughan Seconded: Vice-President Tom Dyer Vote: AIF	<b>Resolution No:</b> 2020/115	<b>Date for review:</b> June 2021
<b>Date Approved:</b> 18/05/2021	<b>Approved By:</b> Moved: Cr Michael Vaughan Seconded: President Neil White Vote: AIF	<b>Resolution No:</b> 2021/076	<b>Date for review:</b> June 2022

	POLICY NUMBER:	P40
	<b>PROCUREMENT POLICY</b>	
	CATEGORY:	COUNCIL POLICY
	SP CLASSIFICATION:	FINANCE
	LG ACT 2019 REF:	s33-47 General Regulations 2021
	RESPONSIBILITY:	CHIEF EXECUTIVE OFFICER

## INTRODUCTION

Pursuant to Sections 22, 24 and 44 of the *Local Government Act 2019*, the elected members, the CEO and other members of a council's staff must maintain proper standards of integrity, diligence and concern for the public interest.

Wagait Shire Council recognises that having a strong approach to procurement and adopting appropriate best practice contracting and procurement principles, policies, processes, and procedures for all goods, works and services by Council, significantly enhances achievement of Council objectives.

### 1. PURPOSE OF POLICY

The purpose of this Policy is to:

- provide guidance to Council to allow consistency and control in all procurement activities;
- demonstrate accountability to rate payers;
- provide guidance on ethical behaviour in public sector purchasing;
- demonstrate the application of elements of best practice in purchasing; and
- increase the probability of obtaining the best outcome when purchasing goods and services.

### 2. SCOPE

This Procurement Policy is made under the *Local Government Act (2019)* and the *Local Government (General) Regulations (2021)*. The Regulations requires Council to prepare, approve and comply with a procurement policy encompassing the principles, processes and procedures applied to all purchases of goods, works and services by Council. This policy applies to all contracting and procurement activities at Council and is binding upon all Council workplace participants.

### 3. DEFINITIONS

Term	Definition
Workplace participants	Includes the Chief Executive Officer, full-time and part-time staff members, casual employees, volunteers and contractors.

Commercial in Confidence	Information that, if released, may prejudice the business dealings of the party (e.g. discounts, rebates, profits, methodologies and process information). It is information provided for a specific purpose that is not to be used for any other purpose than set out in the initial document.
Conditions of Tendering	Rules governing the content and submission of tenders and the conduct of the tendering process.
Contract Management	The process that ensures both parties to a contract fully meet their respective obligations as efficiently and effectively as possible, in order to deliver the business and operational objectives required from the contract and, in particular, to provide value for money.
Delegation	A power handed down by the Council or Chief Executive Officer in an instrument to enable a delegate to act on Council's behalf.
Evaluation Panel	A panel of Council staff members appropriate for determining and undertaking the evaluation of a supplier.
Expression of Interest (EOI)	An invitation for persons to submit a proposal for the provision of the goods, works and services which generally set out the overview of requirements contained in the document. This invitation is not an offer or a contract.
Panel Contract Arrangements	A contract that sets rates for goods and services which are available for the term of the agreement. However, no commitment is made under the agreement to purchase a specified value or quality of goods or services.
Policy	Refers to this specific policy document.
Probity	The dictionary definition of probity refers to uprightness, honesty, proper and ethical conduct and propriety in dealings. Within Government, the work "probity" is often used in a general sense to mean "good process." A procurement process that conforms to the expected standards of probity is one in which clear procedures that are consistent with the Council's policies and legislation are established, understood and followed from the outset. These procedures need to consider the legitimate interests of suppliers and ensure that all potential suppliers are treated equitably.
Probity Advisor	An observer in dealings with tenderers and the evaluation panel at presentations and interviews. The probity advisor would be available to answer questions and provide advice to the evaluation team and/or steering committee.
Probity Auditor	Reviews all processes and documentation throughout the procurement process and provides a report on their findings at the conclusion of the process.
Procurement	Procurement is the whole process of acquisition of external goods, works and services. This process spans the whole life cycle from initial concept through to the end of the useful life of an asset (including disposal) or the end of a service contract.
Professional services	A consultancy or other professional service means a one off noncontinuous supply of a professional service where the supply agreement is for a particular activity, generally with a set start and finish date or for a set length of time (usually no more than six months). A

	consultancy is professional practice that provides advice within a particular professional service field. A professional service is usually provided by a tertiary trained person who may be required to hold a professional licence or be registered with a professional body such as an auditor, medical practitioner, architect and lawyer.
<b>Shared Services</b>	<b>Shared services is the provision of services through collaboration between more than one local authority.</b>
<b>Sustainability</b>	Activities that meet the need for goods, works and services in a way that achieves value for money on a whole of life basis in terms of generating benefits not only to Council, but also to society and the economy, while minimising damage or enhancing the environment.
<b>Tender Process</b>	The process of inviting parties to submit a tender by public advertisement, followed by evaluation of submissions and selection of a successful tenderer or bidder.
<b>Thresholds</b>	The value above which a procurement, unless exempt, is subject to the mandatory procurement process.
<b>Quotation Process</b>	The process of inviting parties to submit a quotation followed by evaluation of submissions and selection of a successful respondent.
<b>Value for Money</b>	Value for Money in procurement is about selecting the supply of goods, works and services taking into account both cost and non-cost factors including; <ul style="list-style-type: none"> <li>• contribution to the advancement of the Council's priorities;</li> <li>• non-cost factors such as fitness for purpose, quality service and support, project delivery, risk, economic contribution to the municipality, financial capacity; and</li> <li>• cost-related factors including whole-of-life costs and transaction costs associated with acquiring, using, holding, maintaining and disposing of the goods, services or works.</li> </ul>

#### 4. POLICY PRINCIPLES

The best practice principals applicable to Wagait shire Council procurement are broad principles covering ethics, value for money, responsibilities, and accountabilities that are in compliance with legislation; and guidelines giving effect to those principles.

- i. Open and effective competition.
- ii. A system of delegations.
- iii. Procurement processes, with appropriate procedures covering minor simple procurement to high value complex procurement.
- iv. Support for Council strategic objectives.
- v. Consideration of environmental protection and climate change adaptation.

- vi. A robust and transparent audit trail which ensures that procurement projects are delivered on time, within cost constraints and that the needs of end users are fully met.
- vii. Processes conducted, and are seen to be conducted, in an impartial, fair and ethical manner.
- viii. Value for money and quality in the acquisition of goods, works and services.
- ix. Identification, assessment and management of risk at all stages of the procurement process.
- x. Strategic procurement practices and innovative procurement solutions, in particular making use of collaboration and partnership opportunities.
- xi. Enhancement of the capabilities of local enterprises and industries and purchases from business in the local community where possible.
- xii. Support for skills and training of apprentices where possible.
- xiii. Employment of Aboriginal people where possible.

#### **4.1. Treatment of GST**

All monetary values related to this policy are exclusive of GST except where specifically stated otherwise.

#### **4.2. Ethics and Probity**

4.2.1. The Council's procurement activities shall be performed with integrity and in a manner able to withstand the closest possible scrutiny.

4.2.2. Elected Members and Council staff shall at all times conduct themselves in ways that are ethical and will:

- Treat potential and existing suppliers with equality and fairness
- Not seek or receive personal gain
- Maintain confidentiality of competing companies' information, such as pricing, specifications, quotations, tender, bid or any other commercial proprietary information
- Present a high standard of professionalism and probity Procurement
- Deal with suppliers in an honest and impartial manner that does not allow conflicts of interest
- Provide all suppliers and tenderers with the same information and equal opportunity
- Be able to account for all decisions and provide feedback on them
- Maintain fair, equitable and non-discriminatory procedures for addressing complaints and concerns raised by suppliers or members of the community regarding Council's procurement activities

4.2.3. Council will consider the appointment of a probity auditor for tender requests based on the nature and complexity of the proposed procurement.

#### **4.3. Market Testing**

Council may need to conduct market analysis in order to define the required goods and services in more detail to determine the best way to procure the goods or services. The amount of time and effort taken on deciding on how goods and services will be purchased should be comparative to the value of the goods and services Council is purchasing.

#### **4.4. Conflict of Interest**

Elected Members and Council staff shall at all times avoid situations in which private interests conflict or might reasonably be deemed to have the potential to conflict, with their Council duties. Elected Members and Council staff shall not participate in any action or matter associated with the arrangement of a contract (i.e. evaluation, negotiation, recommendation, or approval), where that person or any member of their immediate family has a direct or indirect interest or holds a position of influence or power in a business undertaking tendering for the work. The onus is on the Elected Member and Council staff involved to promptly declare a direct or indirect, actual or potential, conflict of interest to Council or to the CEO in the case of staff members (as per P05 Council Code of Conduct).

#### **4.5. Fair and Honest Dealing**

All prospective contractors and suppliers must be afforded an equal opportunity to tender or quote. Impartiality must be maintained in selecting contractors and suppliers so that Council can withstand public scrutiny. The commercial interests of existing and potential suppliers must be protected and will be treated as Commercial in Confidence.

#### **4.6. Accountability and Transparency**

The processes by which all procurement activities are conducted will be in accordance with this Procurement Policy and related Council policies and procedures to ensure an accountable and transparent process if followed. All Council staff are required to comply with the Code of Conduct for Council staff and must be able to account for all procurement decisions made over the lifecycle of all goods, works and services purchased by the Council and provide feedback on them; and all procurement activities are to leave an audit trail for monitoring and reporting purposes. Elected Members must not direct or influence a member of Council staff in the exercise of any power in the performance of any duty or function.

#### **4.7. Disclosure of Information**

Information received by the Council that is Commercial in Confidence must not be disclosed and is to be stored in a secure location. Elected Members and Council staff are to protect:

- information disclosed by organisations in tenders, quotation or during tender negotiations
- all information that is Commercial in Confidence and pre-contract information including but not limited to information provided in quotes and tenders or subsequently provided in pre-contract negotiations.

Elected Members and Council staff are to avoid references to current or proposed contracts in discussion with acquaintances or outside interests. Discussion with potential suppliers during tender evaluations should not go beyond the extent necessary to resolve doubt or clarify what is being offered by that supplier. At no stage should any discussion be entered into which could have potential contractual implications prior to the contract approval process being finalised. Tenderers are, however, advised that a report on a tender process may be presented at an open meeting of Council, and some information arising from the tender will be publicly available for three years from the date of the awarded tender. Only successful tendering should be presented in open meetings of Council and only successful tenders will be published as per the Regulations. Otherwise tendering reports are dealt with in closed meeting as per the Local Government Regulations.

## **5. GOVERNANCE**

### **5.1. Structure**

The Council has a procurement management responsibility structure and delegations that insures:

- accountability, traceability and auditable procurement decisions;
- flexibility enough to purchase in a timely manner the diverse range of goods, works and services required by Council;
- prospective contractors and suppliers are afforded an equal opportunity to tender/quote;
- competition is encouraged; and
- policies that impinge on the purchasing policies and practices are communicated and implemented.

### **5.2. Standards**

The Council's procurement activities shall be carried out to the professional standards required by best practice and in compliance with:

- Council's policies and procedures; and
- relevant legislative and policy requirements including the Act.

### **5.3. Methods**

The Council's standard methods for purchasing goods, works and services shall be by one of the following:

- Costed or quoted purchase order; or
- Under contract following a tender process; or
- Credit card; or
- Under purchasing schemes including collaborative purchasing arrangements with other Councils, Local Buy and commercial schemes such as provided by Territory Purchase Contracts.

#### **5.4. Multi-Stage Tender Process**

A multi-stage tender process may commence with an expression of interest stage followed by a tender process. Expressions of Interest (EOI) may be appropriate where:

- Council wishes to consider ahead of the formal tender process such issues as whether those tendering possess the necessary technical, managerial and financial resources to successfully complete the project
- Council wishes to determine the market interest of suppliers or vendors tendering for the provision of goods, services or works
- It is necessary to pre-qualify suppliers and goods to meet defined standards
- Council is required to gain a greater understanding of its needs, the availability of relevant goods and services and the likely costs on the open market

#### **5.5. Responsible Financial Management**

The principles of responsible financial management in accordance with the Act and its Regulations shall be applied to all procurement activities. Council staff must not authorise the expenditure of funds in excess of their financial delegations. Council funds must be used efficiently and effectively to procure goods, works and services and every attempt must be made to contain the costs of the procurement process without comprising any of the procurement principles set out in this Policy.

### **6. PROCUREMENT THRESHOLDS AND COMPETITION**

#### **6.1. Quotations**

When procuring goods and services and/or works the following requirements must be observed in accordance with the Local Government Regulations (2010) as follows:

- 6.1.1. For purchases up to \$10,000, a minimum of a single written quote is required to confirm the cost prior to receiving the goods or services. An invoice must be obtained to accompany either credit card statement or purchase order.
- 6.1.2. For purchases greater than \$10,000 but less than \$100,000, a minimum of three (3) written quotes through a written request for quotation containing a detailed scope must be obtained. The supplier will be chosen from amongst those submitting written quotations.



- 6.1.3. If it is not practicable to obtain quotations from three (3) possible suppliers under the Regulations, Council must obtain as many as practicable and must record in writing its reasons for not obtaining the three (3) quotations.
- 6.1.4. For supplies with a value more than \$100,000 but less than \$150,000 Council must first make a public request for written quotations from suppliers by notice published in the newspaper circulating the Council's area and on the Council's website. In addition, Council must:
- a) Ensure the notice contains a statement that the successful supplier will be published on the Council website; and
  - b) Allow 5 business days for the receipt of written quotations after giving the notice.
  - c) Choose a supplier from the written quotations received and accept the quotation by written notice to the supplier; and
  - d) Give notice of the supplier in writing to each other supplier who submitted a quotation; and
  - e) Publish a notice on the Council's website that includes the name of the successful supplier, the supplies provided and the quotation price.

## **6.2. Tenders by Council**

When procuring goods and services and/or works with a value of more than \$150,000 the following requirements must be observed in accordance with the Local Government Regulations (2020) as follows:

- 6.2.1. For supplies with a value more than \$150,000, Council must call for tenders for that contract by public notice published in a newspaper circulating the Council's area and on the Council's website. Council must:
- a) Ensure the notice contains a statement that the successful supplier will be published on the Council website; and
  - b) Create a Tender Panel of at least 3 staff members to consider any tenders received in response to the notice.
- 6.2.2. The Tender Panel is convened by the CEO and has the following functions:
- a) To consider the tenders received in response to the notice; and
  - b) To report to Council in relation to the tenders.
- 6.2.3. If the Council accepts a tender for the provision of supplies to the Council, it must:
- a) Accept the tender by written notice to the supplier who submitted the successful tender; and
  - b) Give notice of the supplier in writing to each other supplier who submitted a quotation; and
  - c) Publish a notice on the Council's website that includes the name of the successful supplier, the supplies provided and the quotation price.

6.2.4. If Council uses a third-party procurement service to obtain provisions to the Council, the Council must still call for tenders by notice under Regulation 33. The notice given must contain:

- a) A statement that a third-party procurement service is being used for the tender; and
- b) Instructions on how a tender can be submitted to the Council if they do not submit to the third-party service.

### **6.3. Period Contracts**

6.3.1. If a Council obtains supplies under a period contract for a period that is more than one financial year, the threshold amounts for written quotations are taken to be the highest cost stated in the contract for any given financial year.

6.3.2. Contracts with an option to extend are calculated to assume the option to extend is exercised.

### **6.4. Contract Variations**

6.4.1. If Council enters into a contract and the contract is subsequently varied in a manner that changes the final cost of the supplies, the Council can choose to accept that variation if still within scope of the original contract.

6.4.2. If a contract was entered into after a quotation under Regulation 31 and the final cost of the supplies exceeds \$100,000 but is less than \$150,000 the contract variation must be:

- a) Tabled at the next ordinary meeting of Council; and
- b) Published on the Councils website.

6.4.3. If a contract was entered into after public quotation under Regulation 32 and the final cost of the supplies exceeds \$150,000 the Council must:

- a) Seek an exemption under Regulation 88 from going to tender; or
- b) Not proceed with the variation.

6.4.4. If a contract was entered into after tenders under Regulation 33 and the final cost of the supplies exceeds the original tender price by 10%, a report of the contract variation must be tabled at the next ordinary meeting of Council and published on the Councils website, including the following details:

- a) The name of supplier;
- b) The supplies provided;
- c) The original contract price;
- d) The final contract price; and
- e) The percentage increase between the original and final contract price.

6.4.5. A Council may not enter into a contract that is for a period of more than 5 years, including any option to extend the contract, other than a lease of land.

## **6.5. Tender and Quotation Processes**

6.5.1. It is a requirement of the Local Government Regulations (2020) that Council is to keep all tenders and quotations obtained even the unsuccessful ones, to demonstrate Council's adherence to the legislation, in an electronic form in the Council records management system.

6.5.2. As a rule Council will not accept late tenders, the exception being where it can be substantiated that;

- a) There was a Council related system failure/interruption in the case of submission of an electronic tender; or
- b) Access was denied or hindered in relation to the physical tender box.

6.5.3. The Chief Executive Officer can accept a late tender where it can be determined the above circumstances prevailed at the time of attempted lodgement.

## **7. DELEGATION OF AUTHORITY**

Delegation of procurement authority allows specified Council Officers to approve certain purchases, quotations, tender and contractual processes without prior referral to the Council. This enables Council to conduct procurement activities in an efficient and timely manner whilst maintaining transparency and integrity. Procurement delegations ensure accountability and provide confidence to Council and the public that purchasing activities are dealt with at the appropriate level. As such, Council has delegated responsibilities as detailed below relating to the expenditure of funds for the purchase of goods, works and services, the acceptance of quotes and tenders and for contract management activities.

Council maintains a documented record of authorised procurement delegations, identifying Council officers authorised to make such procurement commitments in respect of goods, works and services on behalf of Council, including but not limited to the following:

- Power to authorise and issue order forms for goods and services
- Power to enter into contracts within approved budgets
- Power to sign letters of acceptance on behalf of Council to enter into contracts; and
- Power to sign contract term extensions and contract variations

Tender recommendations where the expenditure is over the Chief Executive Officer's delegations must be approved by Council Resolution.

## **8. INTERNAL CONTROLS**

The Council will establish and maintain procurement processes that will ensure:

- more than one person is involved in and responsible for a transaction end to end;

- transparency in the procurement process;
- a clearly documented audit trail exists for procurement activities;
- appropriate authorisations are obtained and documented; and
- systems are in place for appropriate monitoring and performance measurement.

## **9. RISK MANAGEMENT**

Risk Management is to be appropriately applied at all stages of procurement activities and will be properly planned and carried out in a manner that will protect and enhance the Council's capabilities to prevent, withstand and recover from interruption to the supply of goods, service and works. Risk Management will be carried out in accordance with the stated requirements in Council and Territory regulatory requirements.

### **9.1. Supply by Contract**

The provision of goods works and services by contract potentially exposes the Council to risk. The Council will minimise its risk exposure by measure such as:

- a) Standardising contracts to include current, relevant clauses
- b) Requiring security deposits where appropriate
- c) Referring specifications to relevant experts
- d) Requiring contractual agreement before commencement
- e) Use of or reference to relevant Australian standards (or equivalent)
- f) Effectively managing the contract including monitoring and enforcing performance

### **9.2. Work Health and Safety and Other Mandatory Requirements**

Council undertakes due diligence activities on all suppliers to ensure compliance to legislative and business requirements. Council requires all contractors to meet safety legislative requirements. These are mandatory requirements and non-compliance will disqualify prospective suppliers. Suppliers must provide evidence of insurance, when requested, for the provision of goods, services or works.

### **9.3. Contract Terms**

To protect the best interests of the Council, terms and conditions must be settled in advance of any commitment being made with a supplier. Any exceptions in this process will expose the Council to risk and thus must be authorised by the appropriate member of Council staff.

#### **9.4. Endorsement**

In the interests of fair market share and transparency, Council staff must not endorse any one specific product or service above another brand or company.

#### **9.5. Freedom of Association**

All parties have the right to freedom of association. This means that parties are free to join or not join industrial associations of their choice and not be discriminated against or victimised on the grounds of membership or non-membership of an industrial association.

#### **9.6. Dispute Resolution**

All Council contracts shall incorporate dispute management procedures that follow the policies of Council and alternative dispute resolution provisions to minimise the potential for legal action.

#### **9.7. Contract Management**

The purpose of contract management is to ensure that the Council, and where applicable its clients, receive the goods, services or works delivered as per the required Australian Standards of quality and quantity and as stipulated in the contract by:

- a) Establishing a system reinforcing the performance of both parties
- b) Detailing responsibilities and obligations under the contract
- c) Ensuring adherence with Council's Risk Management framework and compliance with applicable Work Health & Safety procedures
- d) Providing a means for the early recognition of issues and performance problems and the identification of solutions.

Contracts are to be proactively managed by the member of Council staff responsible for the delivery of the contracted goods, services or works to ensure the Council receives Value for Money.

#### **9.8. Consistent and Standard Approach**

Council will provide effective commercial arrangements covering standard products and standard service provisions across the Council to enable employees to source requirements in an efficient manner. This will be facilitated by:

- a) Application of standard contract terms and conditions;
- b) Developing, implementing and managing procurement strategies that support the coordination and streamlining of activities throughout the entire procurement process;

- c) Making use of collective procurement agreements, such as the Localbuy collective agreement facilitated by the Local Government Association of the Northern Territory, consistent with the Act where appropriate;
- d) Effective use of competition;
- e) Using schedule of rates and panel contract arrangements where appropriate;
- f) Continual monitoring and evaluation of procurement processes;
- g) An emphasis placed on the procurement planning process;
- h) Council staff responsible for providing procurement services or assistance within the Council providing competent advice in terms of available products and agreements;
- i) Working with suppliers to create relationships that are professional and productive, and are appropriate to the value and importance of the goods, works and services being acquired;
- j) Undertaking analysis of Council's category spending patterns;
- k) Ensuring procurement effort corresponds with risk and expected return.

### **9.9. Specifications**

Specifications used in expressions of interest, quotations, tenders and contracts are to support and contribute to the Council's Value for Money objectives through being written in a manner that:

- Ensures impartiality and objectivity whilst remaining reasonably practicable
- Encourages the use of standard products
- Encourages sustainability
- Eliminates unnecessary stringent requirements

### **9.10. Performance Measures and Indicators**

Council will establish an appropriate management and reporting system to monitor performance against targets and compliance with procurement policies, procedures and controls. Procurement will use the performance measurements developed to:

- highlight trends and exceptions where necessary to enhance performance;
- improve the internal efficiency of the procurement process and where relevant the performance of suppliers; and
- facilitate relevant programs to drive improvement in procurement to eliminate waste and inefficiencies across key spend categories.

Performance indicators and management information will include criteria such as:

- the proportion of spend against corporate contracts, and
- user and supplier satisfaction levels measuring the success of procurement initiatives.

### **9.11. Sustainable Procurement**

Council is committed to reducing its environment impacts and operating in a socially, financially and environmentally responsible manner. Council will:

- encourage the design and use of products and services which have minimal impact on the environment and human health;
- encourage suppliers to adopt good environmental practices; and
- actively promote green procurement throughout its supply chain and where possible consider selection which has minimum environmental impact.

### **9.12. Supporting Local Business**

Council is committed to buying from local businesses where such purchases may be justified on Value for Money grounds, whilst remaining compliant with the legislation requirements. Wherever practicable, Council will give effective and substantial preference to contracts for the purchases of goods, machinery or materials/contractors within the Municipality. Council will also seek from prospective suppliers/contractors, where applicable, what economic contribution they will make to the Municipality. The percentage applied to any procurement will be determined by the quotation or tender evaluation panel.

All Council procurement will be consistent with any local content contractual requirements identified by external funding bodies. Such examples may include:

- Engaging and contracting with local suppliers,
- Engaging local sub-contractors,
- Suppliers/contractors participation in any apprenticeship schemes or employment of apprentices,
- Contributing to the financial, social and environmental well-being of the region,
- Enabling the business expansion, growth and servicing of local business and contractors; and
- Being an existing local business.

### **9.13. Supply Market Development**

A wide range of contractors and suppliers will be encouraged to compete for Council work. This will be achieved through a Panel of Preferred Contractors, advertising through newspapers and utilising the electronic media i.e. Tenderlink portal.

### **9.14. Managing Suppliers**

Council recognises the importance of effective and open working relationships with its suppliers, and is committed to the following:

- Managing existing suppliers, to ensure the benefits are delivered
- Maintaining approved preferred supplier lists and compliance with Council's insurances, work health and safety and other requirements
- Developing new suppliers and improving the capability of existing suppliers where appropriate

#### **9.15. Relationship Management**

Council is committed to developing constructive long-term relationships with suppliers. It is important that the Council identifies its key suppliers so that its efforts are focussed to best effect. Such areas may include:

- Size of spend across the Council
- Criticality of goods/services supplier, to the delivery of authorised services
- Availability of substitutes
- Market share and strategic share of suppliers

#### **9.16. Shared Services**

Council will engage in shared services or joint procurement arrangements with other local governments where operationally feasible and economically advantageous for Council.

### **10. CONTINUAL IMPROVEMENT**

Council will focus on developing and maintaining effective working relationships with external and internal stakeholders, to assist in delivery of Council's strategic objectives. Council's procurement strategy aims to support Council's objectives by implementing continuous improvement and value for money opportunities in the following areas:

- Technology
- Process and Governance
- People and Skills
- Strategy and Organisation
- Leadership and Influence
- Sourcing and Collaboration
- Supplier Management
- Sustainability

### **11. ASSOCIATED DOCUMENTS**

P05 Code of Conduct

P26 Delegations Manual

P30 Privacy Policy



P31 Dispute Resolution, Counselling, Disciplining and Dismissal

P33 Work Health and Safety Policy

P35 Authorisation of Payments Policy

P50 Fraud and Corruption Protection

Wagait Shire Council Employees Handbook


## 12. REFERENCES AND LEGISLATION

*Northern Territory Local Government Act 2019*

*Northern Territory Local Government (General) Regulations 2021*

## 13. REVIEW HISTORY

<b>Date Approved:</b> 17/11/2020	<b>Approved By Council:</b> Moved: President Neil White Seconded: Cr Graham Drake Vote: AIF	<b>Resolution No.</b> 2020/ 183	<b>Date for review:</b> New Term of Council 2021
<b>Date Approved:</b>	<b>Approved By Council:</b> Moved: Seconded: Vote:	<b>Resolution No.</b> 2021/	<b>Date for review:</b> New Term of Council 2025

	POLICY NUMBER:	P46
	<b>COUNCIL VERGE MANAGEMENT POLICY</b>	
	CATEGORY:	COUNCIL POLICY
	SP CLASSIFICATION:	OPERATIONS
	LG ACT 2019 REF:	
	RESPONSIBLE OFFICER:	CHIEF EXECUTIVE OFFICER

## 1. PURPOSE

Appropriately developed and maintained verges can enhance the environment and streetscape by providing shade, visual appeal and a habitat for birds and other wildlife.

However, the predominant functions of verges are to provide a corridor for safe and convenient access by pedestrians as well as a service corridor for public utilities and Council.

The purpose of this policy is to provide direction and process for any works on a Council verge, including the following:

- maintenance of the estate road reserve and drainage network.
- provision of vehicular crossovers to private property;
- preferred treatments for Council verges; and
- the approvals, responsibilities, and financial liabilities for each.

## 2. SCOPE

This policy applies to all properties and property owners within the Wagait Shire estate.

## 3. DEFINITIONS

<b>Road verge or reserve</b>	Means that area of public land between the property boundary and the edge of the road.
<b>Property owner</b>	Means a property owner in the Wagait Shire.
<b>Drainage network</b>	The network of structures supporting the road network including unlined open drains, open V drains and culverts.
<b>Road network</b>	Refers to the road reserve that is the area of land from a property boundary and includes all road verges, road-ways, bike-paths, crossovers and pedestrian pathways.
<b>Vehicular crossover</b>	The vehicle accessway from the road carriageway to the property boundary.

## **4. POLICY**

### **4.1 Council Rights and Responsibilities**

- 4.1.1. Council is responsible for the maintenance of the road network, which includes road reserves (road verges) by mowing, snipping, herbicide application, tree and bush pruning and/or removal.
- 4.1.2. Council is responsible for the maintenance of the drainage network adjacent to roads in the estate and identified easements on private property.
- 4.1.3. Council will establish and maintain a clearway on the verge to ensure that a line of sight is maintained for both vehicular and pedestrian traffic, to reduce risk and allow public use of the verge within the of this policy.
- 4.1.4. Regardless of any development of the verge area, Council reserves the right to construct or maintain infrastructure on any part of the verge at its discretion.
- 4.1.5. Council may remove any existing plants, shrubs, groundcover, irrigation systems or decorative features without compensation to the owner or resident for such removal or alteration.

### **4.2 Vehicular Crossovers**

- 4.2.1. Each property is entitled to a single crossover access. Council will consider applications for multiple property accesses on a case-by-case basis.
- 4.2.2. Property owners are responsible for the maintenance of the vehicular crossover(s) to their property.
- 4.2.3. Access may be constructed of bare earth, concrete or bitumen spoon drain, a culvert or a combination thereof.
- 4.2.4. Prior written approval from Council is required for any development or maintenance to crossovers to ensure that drainage and verge integrity is maintained (*see 4.5 Council Permits for Works Within a Road Reserve*).
- 4.2.5. If the vehicular crossover intersects with a culvert or the drainage network is significantly impacted by the crossover, Council will consider a contribution to the maintenance cost which will be negotiated with the property owner on a case-by-case basis.

### **4.3 Landscaping**

- 4.3.1 Landscaped verges and plantings on a road-verge are permitted, provided they adhere to the following:
  - a) a maximum height of the fully grown plant is less than 1.2 metres; and
  - b) are not planted within 2 metres of the road edge or vehicular access points.
- 4.3.2. Native plant varieties that conform to the above are the preferred form of

treatment.

- 4.3.3. Landscaped verges are undertaken at the property owner's expense and property owners are responsible for all maintenance. If a landscaped verge fails to be maintained by the owner, Council will undertake maintenance and seek to recover costs from the owner.
- 4.3.4. Prior written approval from Council is required to establish plants or other treatments on a road verge to ensure verge integrity is maintained and owner responsibility is understood (*see 4.5 Council Permits for Works Within a Road Reserve*).
- 4.3.5. Prohibited landscaping on a road-verge includes any of the following items when placed in such a manner that the items form a barrier or impede a sight-line to either vehicular or pedestrian traffic, or causes risk to public use of the verge, including:
  - Trees and shrubs that are planted in a position such that it is probable they will interfere with overhead power lines at maturity
  - Rocks
  - Timber posts/poles/sleepers
  - Retaining walls
  - Hard surfaces such as concrete, pavers, asphalt or stepping-stones
- 4.3.6. If a *landscaped verge* is not consistent with the approved permit the treatment may be removed by Council and Council may seek to recover removal costs.
- 4.3.7. The property owner is responsible for repairing any damage to Council infrastructure caused by works they have undertaken on a Council verge.

#### **4.4. Signage Within a Road Reserve**

- 4.4.1. Council will consider applications for signage on a road reserve for safety, directional and business purposes only; with reference to the Northern Territory Government Guidelines for Advertising and Activities in the Road Reserves (2020).
- 4.4.2. Prior written approval from Council is required for any signage within a Council verge to ensure that community safety, road drainage and verge integrity is maintained (*see 4.5 Works Within a Road Reserve Permit*).

#### **4.5. Council Permits for Works Within a Road Reserve**

- 4.5.1. Any person wanting to undertake work within the road reserve needs to obtain the prior written approval of council, to ensure that community safety, road drainage and verge integrity is maintained.
- 4.5.2. Any works that are undertaken on a road verge or within the road reserve at the

request of a property owner shall be at the property owner's expense.

4.5.3. Completed applications can be sent to Wagait Shire Council, PMB 10, Darwin NT 0800 or emailed to [council@wagait.nt.gov.au](mailto:council@wagait.nt.gov.au) for council's consideration.

The submission will then be reviewed, and the owner will be notified in writing of the outcome. Should the application be approved by council, the owner will then receive a *Works Within a Road Reserve Permit*.

4.5.4. Once a permit is issued, it will transfer to any future owner.

4.5.5. Additional vehicular crossovers, bespoke landscaping, and signage within a road reserve, existing prior to 1 November 2021 will be noted in the Verge Audit and considered for a permit, provided they are maintained in line with Wagait Shire Council policies and NT Planning Guidelines.

#### **4.6. Works on Council Verges by Other Agencies**

Utility companies may require access to the verge to perform maintenance work from time to time and the following regulations will apply:

- The companies are required to make good the verge following maintenance work, however are not required to re-instate residential verges that have been landscaped.
- Council will not be responsible for replacing plants or landscaping as a result of such works by others.

#### **4.7. Risk Management and Safety**

4.7.1. Wagait Shire Council is dedicated to providing a safe environment within the municipality.

4.7.2. Any feature placed by an owner that is deemed by council to be a risk to the public as a tripping hazard, obstruction or other hazard, or for which a permit has not been issued or does not comply with the requirements of the permit, may be removed from the verge without consultation or warning.

4.7.3. Council will act to rectify problems in relation to tripping hazards or road-safety issues.

4.7.4. Council will write to the relevant owner requiring that they attend to the identified problem.

4.7.5. Failure to act following a request by Council may result the works being undertaken by Council at the expense of the property owner, or in legal action.

**9. ASSOCIATED DOCUMENTS**

Permit Application for Works Within a Council Road Verge.

**10. REFERENCES AND LEGISLATION**

Local Government Act 2019


[NTG Guidelines for Advertising and Activities in the Road Reserves \(2020\)](#)

[NT Planning Scheme 2020](#)

**11. REVIEW HISTORY**

<b>Date Approved:</b>	<b>Approved By Council:</b> First: Seconded: Vote:	<b>Resolution No:</b>	<b>Date for review:</b>
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DRAFT

	POLICY NUMBER:	P10
	<b>SUFFICIENT INTEREST IN THE RECORDS POLICY</b>	
	CATEGORY:	COUNCIL POLICY
	SP CLASSIFICATION:	ADMINISTRATION
	LG ACT 2019 REF:	s230(a) and s48 LG Regulations 2021
	RESPONSIBILITY:	CHIEF EXECUTIVE OFFICER

## 1. PURPOSE

The purpose of this policy is to outline the criteria for a person to be considered as having sufficient interest to have access to Councils Assessment Record in relation to an allotment.

## 2. SCOPE

Council is committed to facilitating access to the Assessment Record in relation to an allotment if the person requesting access is determined to have sufficient interest.

## 3. DEFINITIONS

For the purposes of this policy, the following definitions apply:

Term	Definition
Assessment Record	Is the information held by council relating to a specific allotment that includes personal and confidential details of the owner or ratepayer such as phone numbers, amounts owing to council and other restrictions or caveats on the property.

## 4. POLICY

- 4.1. The Chief Executive Officer will make determinations on sufficient interest in the Assessment Record.
- 4.2. In determining if a person has sufficient interest in the Assessment Record in relation to an allotment, the person must satisfy one or more of the criteria listed below:
  - a) The person is a legal practitioner; or
  - b) The person is a licensed conveyancer; or
  - c) The person completes a statutory declaration that provides:
    - i) A reasonable explanation, whether personal or professional in nature, for making a request to inspect or copy the Assessment Record; and
    - ii) That the information inspected and/or copied from the Assessment Record will be kept confidential; and
    - iii) That the information inspected and/or copied from the Assessment Record will not be used for any other purpose that has not been identified in the reasons provided under c)i).

- 4.3. In determining the reasonableness of the explanation under c)i), the Chief Executive Officer will take into account the public interest and the risk of detriment to the owner or principal ratepayer in granting access to the Assessment Record for that allotment.
- 4.4. Should the Chief Executive Officer declare a conflict of interest in determining if a person has sufficient interest, the determination will be made by council at a meeting and treated as a confidential (in-camera) item of the agenda.

**5. ASSOCIATED DOCUMENTS**

P30 Privacy Policy

**6. REFERENCES AND LEGISLATION**

*NT Local Government Act 2019*  
*Information Act 2008*

**7. REVIEW HISTORY**

<b>Date of Approval:</b>	<b>Adopted By Council</b> <b>Moved:</b> <b>Seconded:</b> <b>Vote:</b>	<b>Resolution No.</b>	<b>Date for review:</b> <b>Next Term of Council</b>
<b>Date of Approval:</b>	<b>Adopted By Council</b> <b>Moved:</b> <b>Seconded:</b> <b>Vote:</b>	<b>Resolution No.</b>	<b>Date for review:</b> <b>Next Term of Council</b>