



12 June 2024

## **NOTICE OF MEETING**

Dear Committee Member,

The next Governance Committee meeting will be held at 5.30pm on Monday, 17 June 2024 in the Committee Room, Shire of Mundaring Administration Centre.

The attached agenda is presented for your consideration.

Yours sincerely

**Jason Whiteaker**  
**CHIEF EXECUTIVE OFFICER**

### **Please Note**

If a Council Member has a query regarding a report item or requires additional information in relation to a report item, please contact the senior employee (noted in the report) prior to the meeting.



**AGENDA**  
**GOVERNANCE COMMITTEE MEETING**  
**17 JUNE 2024**

**ATTENTION/DISCLAIMER**

The purpose of this Committee Meeting is to discuss and make recommendations to Council about items appearing on the agenda and other matters for which the Committee is responsible. The Committee has no power to make any decisions which are binding on the Council or the Shire of Mundaring unless specific delegation of authority has been granted by Council. No person should rely on or act on the basis of any advice or information provided by a Member or Employee, or on the content of any discussion occurring, during the course of the Committee Meeting.

The Shire of Mundaring expressly disclaims liability for any loss or damage suffered by any person as a result of relying on or acting on the basis of any advice or information provided by a Member or Employee, or the content of any discussion occurring during the course of the Committee Meeting.

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**GOVERNANCE COMMITTEE MEETING  
COMMITTEE ROOM, SHIRE OF MUNDARING ADMINISTRATION CENTRE – 5.30PM**

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**1.0 OPENING PROCEDURES**

Acknowledgement of Country

Shire of Mundaring respectfully acknowledges the Whadjuk people of the Noongar Nation, who are the traditional custodians of this land. We acknowledge Elders past, present and emerging and respect their continuing culture and the contribution they make to the region.

**1.1 Announcement of Visitors**

**1.2 Attendance/Apologies**

<b>Members</b>	Cr Prapti Mehta (Presiding Member)	West Ward
	Pres Paige McNeil (Deputy Presiding Member)	Shire President
	Cr Neridah Zlatnik	East Ward
	Cr Luke Ellery	South Ward

<b>Staff</b>	Jason Whiteaker	Chief Executive Officer
	Garry Bird	Director Corporate Services
	Mark Luzi	Director Statutory Services
	Briony Moran	Coordinator Environment and Sustainability
	Stan Kocian	Manager Finance and Governance
	Liz Nicholls	Governance Coordinator
	Pascaline Owers	Governance Officer

**Apologies** Nil

**Guests** Nil

**2.0 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**

**3.0 DECLARATION OF INTEREST**

**3.1 Declaration of Financial Interest and Proximity Interests**

Council Members must disclose the nature of their interest in matters to be discussed at the meeting (*Part 5 Division 6 of the Local Government Act 1995*).

Employees must disclose the nature of their interest in reports or advice when giving the report or advice to the meeting (*Sections 5.70 and 5.71 of the Local Government Act 1995*).

**3.2 Declaration of Interest Affecting Impartiality**

A Council Member or an employee who has an interest in a matter to be discussed at the meeting must disclose that interest (*Shire of Mundaring Code of Conduct, Local Government (Admin) Reg. 34C*).

#### **4.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

<b>RECOMMENDATION</b>
That the Minutes of the Governance Committee Meeting held 15 April 2024 be confirmed.

#### **5.0 PRESENTATIONS**

## 6.0 REPORTS OF EMPLOYEES

### 6.1 Policy Review - Environmental Sustainability

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<b>File Code</b>	GV.OPP1
<b>Author</b>	Briony Moran, Coordinator Environment and Sustainability
<b>Senior Employee</b>	Mark Luzi, Director Statutory Services
<b>Disclosure of Any Interest</b>	Nil
<b>Attachments</b>	<ol style="list-style-type: none"><li>1. Draft Environmental Sustainability Policy <a href="#">↓</a></li><li>2. Draft Environmental Sustainability Policy - with track changes <a href="#">↓</a></li></ol>

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#### PURPOSE

The draft “Environmental Sustainability Policy” (**Attachment 1**) has been reviewed and is presented to the Committee for its consideration and recommendation to Council for adoption.

#### BACKGROUND

The “Environmental Sustainability Policy” was developed with significant input from the Environmental Advisory Committee that was in existence at the time, and adopted by Council in 2018. It contains relevant information on sustainable development and environmental sustainability, and principles that can guide decision making across a broad range of circumstances.

The draft “Environmental Sustainability Policy” has been reviewed and updated to align with the current format for Council policies and include references to related documents. Additional changes were guided by discussion at an informal meeting with Council members of the Governance Committee, including re-ordering of some policy principles, inserting an aim to lead by example in the purpose and removing references elsewhere, and inserting definitions for circular economy and threatening processes. The changes provide clarity but do not substantively change the effect of the Policy.

#### STATUTORY / LEGAL IMPLICATIONS

Section 2.7 (2)(b) of the Act provides that the role of Council is to “*determine the local government’s policies*”.

#### POLICY IMPLICATIONS

The draft reviewed “Environmental Sustainability Policy” will be adopted if the recommendation is adopted by Council.

#### FINANCIAL IMPLICATIONS

Some of the changes to the draft “Environmental Sustainability Policy” to include more active than passive language could lead to greater expectations for resources for environmental management. An example is part of a statement in section four which was changed following the informal meeting with Council members of the Governance Committee, from “the Shire can lead by example in responsible environmental management” to “the Shire will provide responsible environmental management”.

The Local Biodiversity Strategy 2023-2030 identified areas where additional resources would be required, particularly for improving management of nature reserves. However, the additional resources identified would be unlikely to match the resources or best practices management approaches for conservation areas currently applied by some other local governments. The overall expectations may be considered to be somewhat reduced by a change in the purpose statement from the Shire aiming “to be a leader in local government” to “lead by example”.

**STRATEGIC IMPLICATIONS**

Mundaring Strategic Community Plan 2020 - 2030

Priority 2 - Natural Environment

Objective 2.1 – Protecting natural areas and biodiversity

Strategy 2.1.3 – Manage parks, nature reserves and green spaces appropriately

**SUSTAINABILITY IMPLICATIONS**

The draft “Environmental Sustainability Policy” primarily focusses on protecting the natural environment, however the Shire’s natural environment also underpins community health and economic opportunities such as tourism.

**RISK IMPLICATIONS**

<b>Risk:</b> Reputation: “Environmental Sustainability Policy” does not meet community expectations for policies to be reviewed and updated to reflect current formats, and current list of related documents.		
<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
Unlikely	Minor	Low
<b>Action / Strategy</b>		
The reviewed “Environmental Sustainability Policy” is adopted.		

**CORPORATE COMMUNICATIONS**

The Council Decision will be communicated in the following way/s.

Direct to stakeholder/s	Website article/post	Social media post	Print article/media release	E-newsletter/Community update	Advertisement	Nil
						✓

**EXTERNAL CONSULTATION**

No external consultation has been undertaken.

**COMMENT**

At the Governance Workshop held 20 May 2024, a policy review cover note was presented to seek feedback and inform the next iteration of the policy. Feedback from council members appointed to the Governance Committee has been incorporated and is shown as track changes (**Attachment 2**).

The following changes have been included in the draft reviewed “Environmental Sustainability Policy”:

- Update format to use current template for Council policies
- Changes to the statement of purpose to remove a reference to establishing a sustainable Shire and provide a statement on leading by example that enabled deletion of multiple references elsewhere
- Include volunteers within scope
- Insert definitions (two drawn from introductory text of current policy, plus ‘circular economy’ and ‘threatening processes’ to provide clarity on potentially unfamiliar terms)
- Re-order biodiversity principles
- Insert a reference to circular economy into sustainability principles
- Remove reference to key performance indicators from culture principles as monitoring and reporting occurs in various ways
- Inclusion of a number of related policies and strategies.

The changes generally update the policy in line with the current format for Council Policies and provide some additional clarity without substantively changing the effect of the policy.

### **VOTING REQUIREMENT**

Simple Majority

<b>OFFICER RECOMMENDATION</b>
That Council adopts the reviewed “Environmental Sustainability Policy” ( <b>Attachment 1</b> ).





## 2.X ENVIRONMENTAL SUSTAINABILITY

<b>Responsible Directorate</b>	Statutory Services	
<b>Responsible Service Area</b>	Planning and Environment Services	
<b>Resolution</b>	<month/ year>	<Council resolution>
<b>Procedure Ref</b>	N/A	

### 1. PURPOSE

To guide decision-making that aligns with our corporate and community commitment to environmental sustainability and reflects our responsibility to preserve natural assets for future generations. The Shire strives to lead by example in sustainability and environmental management.

### 2. SCOPE

This policy outlines the Shire's commitment to environmental sustainability and expectations for council members, employees, volunteers and contractors engaged by the Shire of Mundaring. It guides decisions affecting the environment or use of natural resources to support sustainable development, maintain ecosystem health and promote environmental sustainability.

### 3. DEFINITIONS

**environmental sustainability**

responsible use of natural resources, protecting ecosystems and biodiversity, maximising energy and water efficiency and minimising pollution and waste sent to landfill.

**sustainable development**

development that integrates social, economic and environmental values to meet the needs of the community, without compromising the ecosystems that support life or the ability of future generations to meet their own needs.

**circular economy**

keeping resources in use within the wider economy for as long as possible by designing out waste and pollution, reusing and recycling products to extract maximum value, and recovering materials.

**threatening processes**

processes that reduce biodiversity or the health of the natural environment such as clearing, pollution, frequent fire, feral animals, and spread of weeds and diseases.

#### 4. POLICY

The Shire has a primary role in protection of biodiversity within local road reserves, conservation reserves and other land containing natural assets. Various Shire activities and facilities also have environmental impacts through use of natural resources, energy and water.

The Shire will provide responsible environmental management of its own land and activities within available resources. The Shire will also guide or assist residents and others to manage weeds and other threats to natural areas, provide habitat for native fauna, and reduce their overall environmental footprint.

The principles below will be taken into account in making decisions that affect the environment or use of natural resources:

##### 4.1. Biodiversity Principles

- a. The Shire will balance bushfire risk management with maintaining biodiversity and conservation of natural landscapes.
- b. Allocation of Shire resources for natural area management will take into account social and ecological values and the nature of threatening processes.
- c. Human induced climate change is recognised as a key threat to biodiversity, requiring mitigation action to reduce carbon emissions at all levels of government, and adaptation to local impacts.
- d. Biodiversity and watercourse integrity should be maintained. Where works cannot be designed or constructed to avoid impacts, mitigation measures must be considered.

##### 4.2. Sustainability Principles

- a. The Shire will pursue and promote improved water and energy efficiency, reduced carbon emissions and sustainable use of natural resources.
- b. Energy and water efficiency is a key consideration in design, construction, maintenance or renovation of Shire facilities, and in the purchase of vehicles, machinery, fittings and appliances.
- c. The Shire will make improvements to green infrastructure that will contribute to water and energy efficiency, through tree canopy shade, waterwise landscaping and stormwater harvesting.
- d. Reusable, recycled content or recyclable products should be selected where available and cost effective to support the shift to a circular economy, minimise the use of natural resources and the volume of waste sent to landfill.

##### 4.3. Community Principles

- a. The Shire recognises that healthy ecosystems and well-managed natural areas support the health and well-being of the community, and will act as a responsible custodian of public environmental assets.
- b. The Shire seeks to build and maintain effective partnerships to promote environmental awareness, responsible natural resource management and sustainable lifestyles.

- c. Information will be made available for schools and residents on sustainability and local environmental issues through publications, talks, workshops and other mediums.
- d. The Shire encourages enjoyment, environmental stewardship and care of natural areas by residents and community groups.

#### **4.4. Culture Principles**

- a. The Shire will be transparent and accountable for its environmental management, through regular monitoring and reporting.
- b. The Shire will remain agile; learning and collaborating with community groups, research institutions and relevant government agencies to adapt best practice environmental management to fit the Shire's context.
- c. The Shire will continuously improve environmental protection measures within its legislative control and the corresponding enforcement practices.
- d. Where the Shire has an opportunity to influence state government decisions on proposals that may have a significant environmental impact, the Shire will advocate for a precautionary approach to environmental risks and for decisions that can achieve a net environmental benefit.

#### **5. RELATED DOCUMENTS**

Local Planning Strategy  
Local Biodiversity Strategy  
Watercourse Hierarchy Strategy  
Emissions Reduction Strategy  
Community Health and Wellbeing Strategy  
Economic Development and Tourism Strategy  
Bushfire Risk Management Plan  
Procurement Policy (1.4)  
Risk Management Policy (2.16)  
Roadside Conservation Policy (EV-01)



## 2.X ENVIRONMENTAL SUSTAINABILITY

<b>Responsible Directorate</b>	Statutory Services	
<b>Responsible Service Area</b>	Planning and Environment Services	
<b>Resolution</b>	<month/ year>	<Council resolution>
<b>Procedure Ref</b>	N/A	

### 1. PURPOSE

To ~~establish a sustainable Shire that demonstrates guide decision-making that aligns with~~ our corporate and community commitment to ~~the~~ environmental sustainability and reflects our responsibility to ~~preserve its~~ natural assets for future generations. The Shire strives to ~~be a leader in local government lead by example in~~ sustainability and environmental management.

### 2. SCOPE

This policy ~~outlines the Shire's commitment to environmental sustainability and expectations for~~ applies to ~~Elected~~ council members, employees, ~~volunteers~~ and contractors engaged by the Shire of Mundaring. It guides decisions affecting the environment or use of natural resources to ~~minimise the Shire's environmental footprint~~ support sustainable development, maintain ecosystem health and promote environmental sustainability.

### 3. DEFINITIONS

**environmental sustainability**

responsible use of natural resources, protecting ecosystems and biodiversity, maximising energy and water efficiency and minimising pollution and waste sent to landfill.

**sustainable development**

development that integrates social, economic and environmental values to meet the needs of the community, without compromising the ecosystems that support life or the ability of future generations to meet their own needs.

**circular economy**

keeping resources in use within the wider economy for as long as possible by designing out waste and pollution, reusing and recycling products to extract maximum value, and recovering materials.

**threatening processes**

processes that reduce biodiversity or the health of the natural environment such as clearing, pollution, frequent fire, feral animals, and spread of weeds and diseases.

#### 4. POLICY

The Shire has a primary role in protection of biodiversity within local road reserves, conservation reserves and other land containing natural assets. Various Shire activities and facilities also have environmental impacts through use of natural resources, energy and water.

The Shire ~~can lead by example in~~ will provide responsible environmental management of its own land and activities within available resources. The Shire will also guide or assist residents and others to manage weeds and other threats to natural areas, provide habitat for native fauna, and reduce their overall environmental footprint.

The principles below will be taken into account in making decisions that affect the environment or use of natural resources:

##### 4.1. Biodiversity Principles

- a. The Shire will ~~strive to lead by example in~~ balancing bushfire risk management with maintaining biodiversity and conservation of natural landscapes.
- b. Allocation of Shire resources for natural area management will take into account social and ecological values and the nature of threatening processes.
- c. Human induced climate change is recognised as a key threat to biodiversity, requiring mitigation action to reduce carbon emissions at all levels of government, and adaptation to local impacts.
- d. Biodiversity and watercourse integrity should be maintained. ~~and mitigation measures will be considered w~~here the works cannot be designed or constructed to avoid impacts. mitigation measures must be considered.

##### 4.2. Sustainability Principles

- a. The Shire will pursue and promote improved water and energy efficiency, reduced carbon emissions and sustainable use of natural resources.
- b. Energy and water efficiency is a key consideration in design, construction, maintenance or renovation of Shire facilities, and in the purchase of vehicles, machinery, fittings and appliances.
- c. The Shire will make improvements to green infrastructure that will contribute to water and energy efficiency, through tree canopy shade, waterwise landscaping and stormwater harvesting.
- d. Reusable, recycled content or recyclable products should be selected where possible available and cost effective to support the shift to a circular economy, minimise the use of natural resources and the volume of waste sent to landfill.

##### 4.3. Community Principles

- a. The Shire recognises that healthy ecosystems and well-managed natural areas support the health and well-being of the community, and ~~the Shire will~~ strive to lead by example act as a responsible custodian of public environmental assets.

- b. The Shire seeks to build and maintain effective partnerships to promote environmental awareness, responsible natural resource management and sustainable lifestyles.
- c. Information will be made available for schools and residents on sustainability and local environmental issues through publications, talks, workshops and other mediums.
- d. The Shire encourages enjoyment, environmental stewardship and care of natural areas by residents and community groups.

#### 4.4. Culture Principles

- a. The Shire will be transparent and accountable ~~to key performance indicators~~ for its environmental management, through regular monitoring and reporting.
- b. The Shire will remain agile; learning and collaborating with community groups, research institutions and relevant government agencies to adapt best practice environmental management to fit the Shire's context.
- c. The Shire will continuously improve environmental protection measures within its legislative control and the corresponding enforcement practices.
- d. Where the Shire has an opportunity to influence state government decisions on proposals that may have a significant environmental impact, the Shire will advocate for a precautionary approach to environmental risks and for decisions that can achieve a net environmental benefit.

#### 5. RELATED DOCUMENTS

- [Local Planning Strategy](#)
- [Local Biodiversity Strategy](#)
- [Watercourse Hierarchy Strategy](#)
- [Emissions Reduction Strategy](#)
- [Community Health and Wellbeing Strategy](#)
- [Economic Development and Tourism Strategy](#)
- [Bushfire Risk Management Plan](#)
- [Procurement Policy \(1.4\)](#)
- [Risk Management Policy \(2.16\)](#)
- [Roadside Conservation Policy \(EV-01\)](#)

## 6.2 Policy Review - Compliance

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<b>File Code</b>	GV.OPP 1
<b>Author</b>	Briony Moran, Coordinator Environment and Sustainability
<b>Senior Employee</b>	Mark Luzi, Director Statutory Services
<b>Disclosure of Any Interest</b>	Nil
<b>Attachments</b>	<ol style="list-style-type: none"><li>1. Draft Compliance Policy <a href="#">↓</a></li><li>2. Draft Compliance Policy - with track changes <a href="#">↓</a></li></ol>

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### **PURPOSE**

The draft “Compliance Policy” has been reviewed (**Attachment 1**) and is presented to the Committee for its consideration and recommendation to Council for adoption.

### **BACKGROUND**

The “Compliance Policy” (PS-10) was adopted in 2018. It provides guidance for the investigation of, and responses to, non-compliance with statutory requirements.

The draft “Compliance Policy” has been reviewed and updated to align with the current format for Council policies and update the references to other documents. Additional principles have been included to clarify the Shire’s practice to reserve prosecution for serious offences, or where attempts to follow an educative approach to secure voluntary compliance have been unsuccessful.

### **STATUTORY / LEGAL IMPLICATIONS**

Section 2.7 of the *Local Government Act 1995* provides the role of council in relation to the determination of policies.

Local Government officers may have compliance responsibilities under various State Government legislation in addition to Shire of Mundaring Local Laws. The draft reviewed “Compliance Policy” lists various legislation

### **POLICY IMPLICATIONS**

The draft reviewed “Compliance Policy” will be adopted if the recommendation is adopted by Council.

### **FINANCIAL IMPLICATIONS**

Nil

### **STRATEGIC IMPLICATIONS**

Mundaring Strategic Community Plan 2020 - 2030

Priority 4 - Governance

Objective 4.4 – High standard of governance and accountability

Strategy 4.4.8 – Compliance with the Local Government Act 1995 and all relevant legislation and regulations

### **SUSTAINABILITY IMPLICATIONS**

#### **Governance**

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- Deliver outcomes that are consistent with the strategic goals and objectives of the Shire
- Comply with relevant policy, legislation, regulation, criteria and guidelines

## RISK IMPLICATIONS

<b>Risk:</b> Reputation: “Compliance Policy” does not meet community expectations for policies to be reviewed and updated to reflect current formats, and current list of related documents		
<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
Unlikely	Minor	Low
<b>Action / Strategy</b>		
The reviewed “Compliance Policy” is adopted.		

## CORPORATE COMMUNICATIONS

The Council Decision will be communicated in the following way/s.

Direct to stakeholder/s	Website article/post	Social media post	Print article/media release	E-newsletter/Community update	Advertisement	Nil
						✓

## EXTERNAL CONSULTATION

No external consultation has been undertaken.

## COMMENT

At the Governance Workshop held 20 May 2024, a policy review cover note was presented to seek feedback and inform the next iteration of the policy. Feedback from council members appointed to the Governance Committee has been incorporated and is shown as track changes (**Attachment 2**).

The following changes have been included in the draft reviewed “Compliance Policy”:

- Update format to use current template for Council policies
- Update references to other policies and documents
- Insertion of two additional principles clarifying an education-focussed approach to resolve compliance issues, with prosecution reserved for serious offences or situations where attempts to secure voluntary compliance have proven unsuccessful.

## VOTING REQUIREMENT

Simple Majority

## OFFICER RECOMMENDATION

That Council adopts the reviewed “Compliance Policy” (**Attachment 1**).





## 2.X COMPLIANCE POLICY

<b>Responsible Directorate</b>	Statutory Services
<b>Resolution</b>	<month/ year> <Council resolution>
<b>Local Law Ref</b>	<i>Shire of Mundaring Local Laws.</i>
<b>Council Policy Ref</b>	N/A
<b>Procedure Ref</b>	N/A

### 1. PURPOSE

To set out the principles that guide the Shire's approach to compliance and enforcement of legislation.

### 2. SCOPE

The Shire's approach to compliance and enforcement reflects its responsibilities under relevant Acts of Parliament, Regulations and local laws. The Shire has a duty to investigate compliance issues and a statutory obligation to enforce the requirements of various legislation.

This policy guides the investigation and resolution of:

- a. Offences for breaches of legislation which the Shire is responsible for administering; and/or
- b. Failure to comply with the terms or conditions of approvals and orders; and/or
- c. any appeals arising out of proceedings brought by the Shire.

This policy does not apply to complaints directed at the Shire or employees. These complaints will be handled in accordance with the Shire's 'Complaints Management' policy "Complaint Management Policy" or "Code of Conduct Behaviour Complaints Policy".

### 3. DEFINITIONS

#### Public Interest

action and/or conduct which is to be for the good of society and for the well-being of its members. In the local government context, it specifically relates to the general function of the Shire to provide for the good governance of persons in its district (see section 3.3(1) of the Local Government Act 1995).

### 4. POLICY

The Shire's approach to compliance and enforcement is guided by the following principles:

- a. The Shire will administer its statutory responsibilities under the applicable legislation, in a fair, unbiased and equitable manner in the interest of public health, safety and amenity.

- b. Each compliance investigation undertaken by the Shire will be assessed case by case and on its merits.
- c. The Shire will generally not investigate or respond to anonymous allegations.
- d. The Shire will endeavour to protect the private details of complainants as much as possible within the legislative framework.
- e. Allegations of a breach or offence will be prioritised for investigation based upon the seriousness of the alleged breach or offence and resources available.
- f. Decisions regarding enforcement will be commensurate with the seriousness of the alleged breach or offence and have regard to upholding the Public Interest.
- g. The Shire will endeavor to resolve matters of non-compliance by way of education and negotiation, unless the seriousness of the offence would warrant otherwise.
- h. Prosecution may commence where a serious breach or offence has occurred, or reasonable attempts to secure compliance by way of education and negotiation have been unsuccessful.
- i. Prosecution will only be commenced where the Chief Executive Officer (or delegate) has considered the prospects of achieving a conviction and is satisfied that prosecution is warranted.
- j. The Shire may discontinue an investigation where it reasonably considers that the allegation is unsubstantiated, mischievous, vexatious, pertains to a civil matter or has previously been investigated and concluded.

## 5. RELATED LEGISLATION

Related legislation for compliance and enforcement matters includes, but is not limited to:

- *Building Act 2011 and Regulations*
- *Bush Fires Act 1954 and Regulations*
- *Control of Vehicles (Off-road areas) Act 1979 and Regulations*
- *Cat Act 2011 and Regulations*
- *Dog Act 1976 and Regulations*
- *Director of Public Prosecutions Act 1991 - Statement of Prosecution and Policy Guidelines*
- *Environmental Protection (Noise) Regulations 1997*
- *Fines, Penalties and Infringement Notices Enforcement Act 1994*
- *Fines, Penalties and Infringement Notices Enforcement Regulations 1994*
- *Food Act 2008*
- *Freedom of Information Act 1992*
- *Health (Miscellaneous Provisions) Act 1911 and Regulations*
- *Litter Act 1979 and Regulations*
- *Local Government Act 1995 and Regulations*
- *Planning and Development Act 2005 and Regulations*
- *Public Health Act 2016*
- *Shire of Mundaring Local Laws.*

## 6. RELATED DOCUMENTS

- Shire of Mundaring Customer Service Charter
- Freedom of Information Statement.
- Code of Conduct for Council Members, Committee Members and Candidates Policy (1.1)
- Code of Conduct for Employees Policy (4.15)
- Community Safety Operations Manual



## 2.X COMPLIANCE

<b>Responsible Directorate</b>	Statutory Services
<b>Resolution</b>	<month/ year> <Council resolution>
<b>Local Law Ref</b>	<i>Shire of Mundaring Local Laws.</i>
<b>Procedure Ref</b>	N/A

### 1. PURPOSE

To set out the principles that guide the Shire's approach to compliance and enforcement of legislation.

The Shire's approach to compliance and enforcement reflects its responsibilities under relevant Acts of Parliament, Regulations and local laws. The Shire has a duty to investigate compliance issues and a statutory obligation to enforce the requirements of various legislation.

### 2. SCOPE

This policy guides the investigation and resolution of:

- a. Offences for breaches of legislation which the Shire is responsible for administering; and/or
- b. Failure to comply with the terms or conditions of approvals and orders; and/or
- c. any appeals arising out of proceedings brought by the Shire.

This policy does not apply to complaints directed at the Shire or employees. These complaints will be handled in accordance with the Shire's "Complaint Management Policy" ([AS-02](#)) or "[Code of Conduct Behaviour Complaints Policy](#)" ([2.7](#)).

### 3. DEFINITIONS

#### public interest

action and/or conduct which is to be for the good of society and for the well-being of its members. In the local government context, it specifically relates to the general function of the Shire to provide for the good governance of persons in its district (see section 3.3(1) of the *Local Government Act 1995*).

### 4. POLICY

The Shire's approach to compliance and enforcement is guided by the following principles:

- a. The Shire will administer its statutory responsibilities under the applicable legislation, in a fair, unbiased and equitable manner in the interest of public health, safety and amenity.

- b. Each compliance investigation undertaken by the Shire will be assessed on a case by case basis and on its merits.
- c. The Shire will generally not investigate or respond to anonymous allegations.
- d. The Shire will endeavour to protect the private details of complainants as much as possible within the legislative framework.
- e. Allegations of a breach or offence will be prioritised for investigation based upon the seriousness of the alleged breach or offence and resources available.
- f. Decisions regarding enforcement will be commensurate with the seriousness of the alleged breach or offence and have regard to upholding the Public Interest.
- g. The Shire will endeavor to resolve matters of non-compliance by way of education and negotiation, unless the seriousness of the offence would warrant otherwise.
- h. Prosecution may commence where a serious breach or offence has occurred, or reasonable attempts to secure compliance by way of education and negotiation have been unsuccessful.
- g.i. Prosecution will only be commenced where the Chief Executive Officer (or delegate) has considered the prospects of achieving a conviction and is satisfied that prosecution is warranted.
- h.i. The Shire may discontinue an investigation where it reasonably considers that the allegation is unsubstantiated, mischievous, vexatious, pertains to a civil matter or has previously been investigated and concluded.

## 5. RELATED LEGISLATION

~~The guiding Related~~ legislation for compliance and enforcement matters includes, but is not limited to:

*Building Act 2011* and Regulations

*Bush Fires Act 1954* and Regulations

*Control of Vehicles (Off-road Areas) Act 1979* and Regulations

*Cat Act 2011* and Regulations

*Dog Act 1976* and Regulations

*Director of Public Prosecutions Act 1991* - Statement of Prosecution and Policy Guidelines

*Environmental Protection (Noise) Regulations 1997*

*Fines, Penalties and Infringement Notices Enforcement Act 1994* and

~~*Fines, Penalties and Infringement Notices Enforcement*~~ Regulations ~~1994~~

*Food Act 2008*

*Freedom of Information Act 1992* and Regulations

*Health (Miscellaneous Provisions) Act 1911* and Regulations

*Litter Act 1979* and Regulations

*Local Government Act 1995* and Regulations

*Planning and Development Act 2005 and Regulations*

*Public Health Act 2016*

Shire of Mundaring Local Laws

**6. RELATED DOCUMENTS**

~~[Shire of Mundaring Code of Conduct – Elected Members and Employees;](#)~~

~~[Code of Conduct for Council Members, Committee Members and Candidates Policy \(1.1\)](#)~~

~~[Code of Conduct for Employees CEO Policy \(4.15\)](#)~~

Shire of Mundaring Customer Service Charter

Freedom of Information Statement

~~[Community Safety Operations Manual](#)~~

## 6.3 Policy Review - Short Term Use of Oval and Reserves for Accommodation

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<b>File Code</b>	GV.OPP1
<b>Author</b>	Steve Trlin, Acting Director Statutory Services
<b>Senior Employee</b>	Mark Luzi, Director Statutory Services
<b>Disclosure of Any Interest</b>	Nil
<b>Attachments</b>	<ol style="list-style-type: none"><li>1. Draft Short Term Use of Oval and Reserves for Accommodation Policy <a href="#">↓</a></li><li>2. Draft Short Term Use of Shire Ovals and Reserves for Accommodation Policy - with track changes <a href="#">↓</a></li></ol>

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### **PURPOSE**

The draft “Short Term Use of Shire Ovals and Reserves for Accommodation Policy” has been reviewed (**Attachment 1**) and is presented to the Committee for its consideration and recommendation to Council for adoption.

### **BACKGROUND**

The “Short Term Use of Shire Ovals and Reserves for Accommodation Policy” (LR-01) was adopted in 2005 and last reviewed in 2017.

The draft “Short Term Use of Shire Ovals and Reserves for Accommodation Policy” has been reviewed and updated to align with the current format for Council policies and update references to other documents.

### **STATUTORY / LEGAL IMPLICATIONS**

Section 2.7 of the *Local Government Act 1995* provides the role of council in relation to the determination of policies.

The draft “Short Term Use of Shire Ovals and Reserves for Accommodation Policy” provide details of other relevant legislation, including the *Caravan Parks and Camping Grounds Act 1995*.

### **POLICY IMPLICATIONS**

The draft reviewed “Short Term Use of Shire Ovals and Reserves for Accommodation Policy” will be adopted if the recommendation is adopted by Council.

### **FINANCIAL IMPLICATIONS**

Nil

### **STRATEGIC IMPLICATIONS**

Mundaring Strategic Community Plan 2020 - 2030

Priority 2 - Natural Environment

Objective 2.1 – Protecting natural areas and biodiversity

Strategy 2.1.3 – Manage parks, nature reserves and green spaces appropriately

### **SUSTAINABILITY IMPLICATIONS**

#### **Governance**

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- Deliver outcomes that are consistent with the strategic goals and objectives of the Shire
- Comply with relevant policy, legislation, regulation, criteria and guidelines

## RISK IMPLICATIONS

<b>Risk:</b> Reputation: “Short Term Use of Shire Ovals and Reserves for Accommodation Policy” does not meet community expectations for policies to be reviewed and updated to reflect current formats, and current list of related documents		
<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
Unlikely	Minor	Low
<b>Action / Strategy</b>		
The reviewed “Short Term Use of Shire Ovals and Reserves for Accommodation Policy” is adopted.		

## CORPORATE COMMUNICATIONS

The Council Decision will be communicated in the following way/s.

Direct to stakeholder/s	Website article/post	Social media post	Print article/media release	E-newsletter/Community update	Advertisement	Nil
						✓

## EXTERNAL CONSULTATION

Nil

## COMMENT

At the Governance Workshop held 20 May 2024, a policy review cover note was presented to seek feedback and inform the next iteration of the policy. Feedback from council members appointed to the Governance Committee has been incorporated and is shown as track changes (**Attachment 2**).

The following changes have been included in the draft reviewed “Short Term Use of Shire Ovals and Reserves for Accommodation Policy”:

- Update format to use current template for Council policies, including shifting and condensing some provisions
- Update to reflect changes to titles of staff positions
- Insert a specific reference to legislative requirements relating to fire safety
- Remove a restriction on the maximum duration of camping to allow determination based on circumstances.



## VOTING REQUIREMENT

Simple Majority

### OFFICER RECOMMENDATION

That Council adopts the reviewed “Short Term Use of Shire Ovals and Reserves for Accommodation Policy” (**Attachment 1**).



## 2.X SHORT TERM USE OF SHIRE OVALS AND RESERVES FOR ACCOMMODATION

<b>Responsible Directorate</b>	Statutory Services
<b>Responsible Service Area</b>	Building and Health Service
<b>Resolution</b>	<month/ year> <Council resolution>
<b>Local Law Ref</b>	<i>Shire of Mundaring Local Government Property Amendment Local Law 2013</i>
<b>Procedure Ref</b>	N/A

### 1. PURPOSE

To allow the use of Shire managed ovals and reserves for short term camping by organised caravan and camper trailer clubs or for community events attracting a large number of people from outside the shire.

### 2. SCOPE

This policy affects any person seeking to use Shire of Mundaring managed ovals and reserves for short term camping organised by caravan and camper trailer clubs or for community events.

### 3. POLICY

Where a request for short term camping at Shire managed ovals and reserves is received in writing, consideration will be given to the following:

Note: Limitations may be determined by the Manager Building and Health Services or the Coordinator Health Service based on the location(s) on which the camping is proposed.

#### Location and Type of Camping

- Assessment of location(s) on which camping is proposed in relation to general suitability for the purposes described.
- Assessment of the type of camping (i.e. tents, campervans or caravans) and number of sites proposed.

#### Amenities

- Toilet numbers comply with the requirements of Schedule 7, Division 6, Clause 20 of the *Caravan Parks and Camping Ground Regulations 1997* relative to the number of persons to be accommodated.
- Where showers are not available camping may only be permitted on an overnight basis.

#### Waste and Utilities

- Appropriate refuse disposal arrangements are in place. A Waste Management Plan may be requested.
- Availability of power to the proposed location(s).

- No liquid waste or effluent is to be disposed of at any Shire facility.

**Compliance**

- *Environmental Protection (Noise) Regulations 1997* applies, no live bands or amplified music, unless specifically approved.
- *Bush Fires Act 1954* applies, should fires for the purposes of cooking be required, approval from the Shire is required and must be done as per burning periods.

Determination of the schedule of fees (if any) that are to apply to approved camping may be determined by the Manager Building and Health Services or the Coordinator Health Service.

Should approval be provided for short term camping in accordance with this policy, emergency contact telephone numbers for Shire personnel will be provided to the organiser.

**4. RELATED LEGISLATION**

*Caravan Parks and Camping Grounds Act 1995*

*Caravan Parks and Camping Ground Regulations 1997*, Schedule 7, Division 6, Clause 20

*Bush Fires Act 1954*

**5. RELATED DOCUMENTS**

Not Applicable



## 2.X SHORT TERM USE OF SHIRE OVALS AND RESERVES FOR ACCOMMODATION

<b>Responsible Directorate</b>	Statutory Services
<b>Responsible Service Area</b>	Building and Health Service
<b>Resolution</b>	<month/ year> <Council resolution>
<b>Local Law Ref</b>	Shire of Mundaring Local Government Property Amendment Local Law 2013
<b>Procedure Ref</b>	N/A

### 1. PURPOSE

To allow the use of ~~approved~~ Shire ~~managed~~ ovals and reserves for short term camping by organised caravan and camper trailer clubs or for community events attracting a large number of people from outside the ~~Shire~~.

#### ~~BACKGROUND~~

~~Where major events that attract large numbers of people from outside of the Shire are held, Council is supportive of short term camping taking place on ovals and reserves specifically approved for that event. The short term camping is likely to be for a limited number of days only and will involve caravans, campervans or tents.~~

~~This is likely to take the form of large scale camping or touring groups; or sporting or cultural events that attract large numbers of people.~~

~~Council also recognises the economic benefits that would flow from overnight stay visitors where this is able to be approved within the constraints of relevant legislation.~~

### 2. SCOPE

~~This policy affects any person seeking to use Shire of Mundaring ~~managed~~ ovals and reserves for short term camping ~~by~~ organised ~~by~~ caravan and camper trailer clubs or for community events.~~

### 3. POLICY

~~Where a request for short term camping ~~at within the~~ Shire ~~managed~~ ovals and reserves is received in writing ~~and is made, then the Shire may approve the short term use of designated ovals and reserves for camping by caravan, campervan or tent subject to the following consideration will be given to the following.~~~~

~~Note: Limitations may be determined by the Manager Building and Health Services or the Coordinator Health Service based on the location(s) on which the camping is proposed.~~

#### ~~Location and Type of Camping~~

- ~~Each oval or reserve~~ Assessment of location(s) on which the camping is proposed to occur must firstly be assessed and approved by the Manager Building and Health Services or the Senior Environmental Health Officer in relation to its general suitability for that the purposes described.
- Assessment of the type of camping (i.e. tents, campervans or caravans) and number of sites proposed.

#### Amenities

- Toilet numbers ~~either already available onsite or together with portable toilets must~~ comply with the requirements of Schedule 7, Division 6, Clause 20 of the *Caravan Parks & Camping Ground Regulations 1997* relative to the number of persons to be accommodated.
- ~~The duration of any camping approved shall not exceed a maximum of seven days.~~
- Where showers are not available ~~then camping shall~~ may only be permitted on an overnight basis.

~~Lighting of fires/barbecues shall only occur by the use of provided facilities and in all instances in accordance with the *Bush Fires Act 1954*~~

#### Waste and Utilities

- Appropriate refuse disposal arrangements are in place. A Waste Management Plan may be requested.
- ~~The type of camping to be approved (i.e. tents, campervans or caravans) shall be determined by the location on which the camping is to occur.~~
- ~~The maximum number of sites able to be established at each approved location being determined by the Manager Building and Health Services or the Senior Environmental Health Officer.~~
- ~~The a~~ Availability of power to the proposed approved location(s).
- No liquid waste or effluent is to be disposed of at any Shire facility.

#### Compliance

- ~~Compliance with the *Environmental Protection (Noise) Regulations 1997* applies.~~
- ~~No~~ live bands or amplified music, unless specifically approved.
- *Bush Fires Act 1954* applies, should fires for the purposes of cooking be required, approval from the Shire is required and must be done as per burning periods.

Determination of the schedule of fees (if any) that are to apply to approved camping may be determined by the Manager Building and Health Services or the Coordinator Health Service.

Should approval be provided for short term camping in accordance with this policy, emergency contact telephone numbers for sShire personnel to be made available will be provided to the organiser.

#### **4. RELATED LEGISLATION**

*Caravan Parks and Camping Grounds Act 1995*

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|  
| *Caravan Parks and Camping Ground Regulations 1997, Schedule 7, Division 6, Clause 20*  
| *Bush Fires Act 1954*

**5. RELATED DOCUMENTS**

Not Applicable

DRAFT

## 6.4 Policy Review - Council Member and Independent Committee Members Fees, Expenses and Allowances

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<b>File Code</b>	GV.OPP 1
<b>Author</b>	Elizabeth Nicholls, Governance Co-ordinator
<b>Senior Employee</b>	Garry Bird, Director Corporate Services
<b>Disclosure of Any Interest</b>	Nil
<b>Attachments</b>	<ol style="list-style-type: none"><li>1. Draft Council Member and Independent Committee Member Fees, Expenses and Allowances Policy <a href="#">↓</a></li><li>2. Draft Council Member and Independent Committee Member Fees, Expenses and Allowances Policy - with track changes <a href="#">↓</a></li></ol>

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### SUMMARY

The draft “Council Member and Independent Committee Member Fees, Expenses and Allowances Policy” (**Attachment 1**) has been reviewed and is presented to the Committee for its consideration and recommendation to Council for adoption.

### BACKGROUND

The draft “Council Member and Independent Committee Member Fees, Expenses and Allowances Policy” is based on the current “Council Member Allowances and Expenses Policy” (2.10).

The “Council Member Allowances and Expenses Policy” (2.10) was last reviewed in July 2023.

Recent reforms to the *Local Government Act 1995* (the Act) have required that the current “Council Member Allowances and Expenses Policy” (2.10) be reviewed. The *Local Government Amendment Act 2023* included provisions for independent committee members to receive meeting fees. From 1 January 2024, local governments can make payments to independent committee members for attendance at meetings in accordance with the SAT’s determination. Additionally, section 5.129 was added which provides that the Shire may prepare and adopt a policy relating to fees and expenses.

### STATUTORY / LEGAL IMPLICATIONS

Section 2.7 (2)(b) of the Act provides that the role of Council is to “*determine the local government’s policies*”.

Division 8 of the Act provides details of payments that can be made to its members. This includes council members and committee members (defined for the purposes of this section as “...a person who is a committee member but who is neither a council member nor an employee.”

Section 5.129 of the Act provides:

*A local government may prepare and adopt\* a policy under which the local government undertakes to do 1 or more of the following —*

- (a) *pay a fee to a council member in relation to their participation in a course of training that they are required to complete under section 5.126;*

- (b) *reimburse a council member for a fee or other expense incurred by the council member in relation to their participation in a course of training that they are required to complete under section 5.126;*
- (c) *pay a fee to a council member in relation to their participation in continuing professional development under the local government’s policy under section 5.128;*
- (d) *reimburse a council member for a fee or other expense incurred by the council member in relation to their participation in continuing professional development under the local government’s policy under section 5.128.*

**POLICY IMPLICATIONS**

The draft reviewed “Council Member and Independent Committee Member Fees, Expenses and Allowances Policy” will be adopted if the recommendation is adopted by Council.

**FINANCIAL IMPLICATIONS**

An annual budget provision will be made for council member and independent committee member allowances and expenses.

**STRATEGIC IMPLICATIONS**

Mundaring Strategic Community Plan 2020 - 2030

Priority 4 - Governance

Objective 4.4 – High standard of governance and accountability

Strategy 4.4.8 – Compliance with the Local Government Act 1995 and all relevant legislation and regulations

**SUSTAINABILITY IMPLICATIONS**

**Governance**

- Deliver outcomes that are consistent with the strategic goals and objectives of the Shire
- Comply with relevant policy, legislation, regulation, criteria and guidelines

**RISK IMPLICATIONS**

<b>Risk:</b> Compliance: Fees, expenses and allowances paid to council members and independent committee members are not made in accordance with legislation.		
<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
Possible	Minor	Low
<b>Action / Strategy</b>		
That the updated policy is adopted and fees, expenses and allowances are reviewed annually as part of the budget process.		

**CORPORATE COMMUNICATIONS**

The Council Decision will be communicated in the following way/s.

Direct to stakeholder/s	Website article/	Social media	Print article/ media	E- newsletter/ Community	Advertisement	Nil
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	post	post	release	update		
						✓

**EXTERNAL CONSULTATION**

The Act was recently amended to allow for local governments to make payments to committee members who are not council members or employees. As such, advice was sought from the Shire’s insurers, LGIS regarding insurance cover for independent committee members.

**COMMENT**

At the Governance Workshop held 20 May 2024, a policy review cover note was presented to seek feedback and inform the next iteration of the policy. Feedback from council members appointed to the Governance Committee has been incorporated and is shown as track changes (**Attachment 2**).

The following changes have been included in the draft reviewed “Council Member and Independent Committee Member Fees, Expenses and Allowances Policy”:

- Reference to the legislation that the policy has been prepared under.
- Inclusion of definitions.
- Changes to the layout to distinguish between the provisions for council members and independent committee members.
- Clarity on what travel and transportation expenses can be reimbursed.

The draft “Council Member and Independent Committee Member Fees, Expenses and Allowances Policy” includes provisions for independent committee members to receive meeting attendance fees, voiding their status as volunteers and their eligibility to receive insurance cover as that class of insured person. Instead, independent committee members can receive limited insurance for non-Medicare medical expenses whilst attending committee meetings they are appointed to or other activities related to their role.

Should the draft reviewed “Council Member and Independent Committee Member Fees, Expenses and Allowances Policy” be adopted, further work will be done to update the appendices “Travel/Transportation Expenses Costs Reimbursement Form” and “Childcare Costs Expenses Reimbursement Form” to include independent committee members and to reflect the updated provisions of the policy.

**VOTING REQUIREMENT**

Absolute Majority - *Local Government Act 1995* section 5.129

<b>RECOMMENDATION</b>
That Council, by absolute majority, adopts the reviewed “Council Member and Independent Committee Member Fees, Expenses and Allowances Policy” ( <b>Attachment 1</b> ).



## 1.XX COUNCIL MEMBER AND INDEPENDENT COMMITTEE MEMBER FEES, EXPENSES AND ALLOWANCES

<b>Responsible Directorate</b>	Corporate Services	
<b>Responsible Service Area</b>	Finance	
<b>Resolution</b>	Month/2024	Res #
<b>Procedure Ref</b>	N/A	

### 1. PURPOSE

To provide guidance and clarity with regard to the fees, expenses and allowances that will be paid to council members and independent committee members in accordance with the *Local Government Act 1995* (the Act), *Local Government (Administration) Regulations 1996*, *Salaries and Allowances Act 1975* and the annual determination made by the Salaries and Allowances Tribunal (SAT), to enable them to carry out their required functions as a council or committee member of Shire of Mundaring (the Shire).

### 2. SCOPE

This policy applies to payments made by the Shire to council members and independent committee members including fees, reimbursement of expenses and allowances.

This policy relates to fees and expenses as prepared and adopted under section 5.129 of the Act.

### 3. DEFINITIONS

<b>independent committee member</b>	a person who is a committee member but who is neither a council member nor an employee.  For clarity this applies to committees established under section 5.8 of the Act and does not apply to advisory groups, representative meetings and working groups.
<b>council member</b>	a person elected under the Act as a member of Council. The Shire's council members include the Shire President, Deputy Shire President and Councillors (as defined by the Act).

### 4. POLICY

Payments made to council members and independent committee members are made in accordance with relevant legislation and the annual determination by the SAT.

#### **4.1. Council Member Annual Meeting Attendance Fees**

Annual meeting attendance fees are determined each year during development of the annual budget and will be set at the maximum level determined each year by the SAT.

Payment of the annual fee is made on the principle that each council member regularly attends Council and committee meetings to which they are appointed and carries out other responsibilities of their office.

Any taxation liability arising from the payment of meeting fees is the responsibility of each council member.

Payment may be made to a council members superannuation fund if requested.

Meeting attendance fees are payable in advance as 12 monthly instalments.

Where a council member no longer holds office (due to resignation or suspension) payment will only be made up to and including the final day they hold office. If payment of the allowance has already been made, the council member is required to reimburse the Shire.

#### **4.2. Independent Committee Members Meeting Attendance Fees**

Meeting attendance fees are determined each year during development of the annual budget and will be set at the maximum level determined each year by the SAT.

Any taxation liability arising from the payment of meeting fees is the responsibility of each independent committee member.

Payment may be made to an independent committee members superannuation fund if requested.

Meeting attendance fees are payable retrospectively per meeting.

#### **4.3. Shire President and Deputy Shire President Annual Allowances**

Shire President and Deputy Shire President allowances are determined each year during development of the annual budget and will be set at the maximum level determined each year by the SAT.

These allowances are paid in advance as 12 monthly instalments.

Where the Shire President or Deputy Shire President no longer holds office (due to resignation or suspension) payment will only be made up to and including the final day they hold office. If payment of the allowance has already been made, the council member is required to reimburse the Shire.

#### **4.4. Information and Communication Technology (ICT) Allowance**

To assist orderly conduct of a Council or committee meeting, a printed, paper copy of the agenda will be provided to the presiding member (council member or independent committee member). This does not constitute as part of the ICT allowance.

4.4.1. Council Members

Council members will receive an ICT allowance as determined each year during development of the annual budget and will be set at the maximum level determined each year by the SAT.

The ICT allowance covers:

- the cost to purchase a laptop or tablet PC (if required);
- telecommunication expenses;
- purchase of a printer (if required);
- expenses incurred for the maintenance and repair of the laptop or tablet PC and any consumable supplies; and
- provision of an internet connection or datapan.

The ICT allowance is paid in advance as 12 monthly instalments.

Where a council member no longer holds office (due to resignation or suspension) payment will only be made up to and including the final day they hold office. If payment of the allowance has already been made, the council member is required to reimburse the Shire.

4.4.2. Independent Committee Members

Independent committee members are not eligible to receive the ICT allowance.

**4.5. Stationery**

4.5.1. Council Members

Council members will be supplied with a formal name badge. Lost or irreparably damaged badges will be replaced on request.

Council members will be provided with a quantity of colour printed business cards for relevant Shire business within each term of office.

4.5.2. Independent Committee Members

Independent committee members are not eligible to receive stationery.

**4.6. Insurance**

4.6.1. Council Members

Council members receive insurance cover for:

- a. Personal Accident and Corporate Travel whilst performing their official duties. Cover does not include ordinary medical expenses.
- b. Management Liability for matters arising out of the performance of the official duties of their office provided the performance or exercise of the official duty is, in the opinion of Council, not illegal, dishonest, against the interests of the Shire or otherwise in bad faith.

- c. Public Liability for matters arising out of the performance of the official duties of their office but subject to any limitations set out in the insurance policy.

#### 4.6.2. Independent Committee Members

Independent committee members receive limited insurance for non-Medicare medical expenses incurred whilst attending committee meetings they are appointed to or other activities related to their role.

#### 4.7. Travel

Where a motor vehicle is used, reimbursement of travel expenses is calculated on a cents per kilometre basis payable as prescribed in the *Local Government Officers' (Western Australia) Award 2021*. For council members and independent committee members with electric vehicles, the 1600cc rate will be applied.

If a council member or independent committee member is provided with a Shire vehicle to attend official duties, no travel expenses are claimable.

Reimbursement of travel expenses will be processed upon receipt of the "Travel/Transportation Expenses Reimbursement Form" (Appendix 1).

##### 4.7.1. Council Members

Council members, while using their own private motor vehicle, are entitled to be reimbursed for travel costs to and from normal place of residence or work incurred for the following purposes:

- a. To any Council or committee meeting regardless of whether or not they are a member.
- b. To any meeting convened by the CEO or Shire President.
- c. To any community meeting, event or function as a delegate or liaison member as authorised by the CEO or Shire President.
- d. To meetings of an organisation to which they have been appointed as Council delegate or liaison member.
- e. To a meeting of a Resident and Ratepayers / Progress Association in their own wards, or any wards if attended by Shire President.
- f. To any training required to be completed under section 5.126 of the Act.
- g. To any continuing professional development consistent with the provisions of section 5.128 of the Act and approved to attend in accordance with the Shire's "Council Member Continuing Professional Development, Training and Professional Memberships Policy" (1.3)
- h. To any other conference or event that they have been approved to attend in accordance with the Shire's "Attendance by Council Members and CEO at Conferences and Events Policy" (1.2).

4.7.2. Independent Committee Members

Independent committee members, while using their own private motor vehicle, are entitled to be reimbursed for travel costs to and from normal place of residence or work incurred for the following purposes:

- a. To any committee meeting to which they are appointed to by Council.
- b. To any continuing professional development consistent with the provisions of section 5.128 of the Act and approved to attend in accordance with the Shire's "Council Member Continuing Professional Development, Training and Professional Memberships Policy" (1.3)

**4.8. Transportation**

Transportation expenses include:

- parking fees
- taxi or ride share fares
- public transport fares.

Reimbursement of transportation expenses will be processed upon receipt of the "Travel/Transportation Expenses Reimbursement Form" (Appendix 1).

4.8.1. Council Members

Council members are entitled to reimbursement for transportation expenses incurred for the following purposes:

- a. To any Council or committee meeting regardless of whether or not they are a member.
- b. To any training required to be completed under section 5.126 of the Act.
- c. To any continuing professional development consistent with the provisions of section 5.128 of the Act and approved to attend in accordance with the Shire's "Council Member Continuing Professional Development, Training and Professional Memberships Policy" (1.3)
- d. To any other conference or event that they have been approved to attend in accordance with the Shire's "Attendance by Council Members and CEO at Conferences and Events Policy" (1.2).

4.8.2. Independent Committee Members

Independent committee members are entitled to reimbursement for transportation expenses incurred for the following purposes:

- a. To any committee meeting to which they are appointed to by Council.
- b. To any continuing professional development consistent with the provisions of section 5.128 of the Act and approved to attend in accordance with the Shire's "Council Member

Continuing Professional Development, Training and Professional Memberships Policy” (1.3).

**4.9. Childcare**

Childcare is the expenses for the care of children of which the council member or independent committee members are the parent or legal guardian.

The number of hours claimed shall be limited to the actual length of the meeting, with a nominal time allowance for networking opportunities and travel to and from the place of care.

Payment will be made of the lesser amount of actual child care costs or the hourly rate prescribed by the SAT determination.

Reimbursement of childcare expenses will be processed upon receipt of the “Childcare Expenses Reimbursement Form” (Appendix 2).

**4.9.1. Council Members**

Council members are entitled to reimbursement for childcare expenses whilst attending a Council or committee meeting to which they are appointed.

**4.9.2. Independent Committee Members**

Independent committee members are entitled to reimbursement for childcare expenses whilst attending a committee meeting to which they are appointed.

**4.10. Claiming Reimbursement of Expenses**

Within 30 working days of the expenditure, details of reimbursements must be presented with supporting receipts and other supporting documents if available.

Only expenses incurred in the council members or independent committee members capacity to fulfil their role representing the Shire will be reimbursed.

It is not expected that council members and independent committee members will incur any other expenses in the performance of their duties, other than those listed below. Should a council or independent committee member incur an expense they believe they are entitled to have reimbursed; the matter shall be presented to Council for a determination.

**4.11. Loyalty Rewards or Bonus Points**

Consistent with the principle of not using public expenditure for private advantage, where possible, purchases that accrue loyalty rewards or bonus points, should not be personally claimed or used for private purposes and where possible be used only for further official purposes.

**5. APPENDICES**

**Appendix 1 – Travel/Transportation Expenses Reimbursement Form**

**Appendix 2 - Childcare Expenses Reimbursement Form**

7000 Great Eastern Highway Mundaring WA 6073 Ph: 9290 6666 shire@mundaring.wa.gov.au www.mundaring.wa.gov.au

**6. RELATED LEGISLATION**

*Local Government Act 1995 sections s.5.100 and s.5.129*

*Local Government (Administration) Regulations 1996*

*Salaries and Allowances Act 1975*

**7. RELATED DOCUMENTS**

Attendance by Council members and CEO at Conferences and Events (1.2)

Council Member Continuing Professional Development, Training and Professional Memberships (1.3)

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## 2.10-1.XX COUNCIL MEMBER AND INDEPENDENT COMMITTEE MEMBER FEES, ALLOWANCES AND EXPENSES AND ALLOWANCES

<b>Responsible Directorate</b>	Corporate Services	
<b>Responsible Service Area</b>	Finance	
<b>Resolution</b>	<u>Month/2024</u>	<u>Res #</u>
<b>Procedure Ref</b>	N/A	

### 1. PURPOSE

To provide guidance and clarity with regard to the fees, expenses and allowances that will be paid to council members and independent committee members in accordance with the *Local Government Act 1995 (the Act)*, *Local Government (Administration) Regulations 1996*, ~~the~~ *Salaries and Allowances Act 1975* and the annual determination made by the Salaries and Allowances Tribunal (SAT), to enable them to carry out their required functions as a council or committee member of Shire of Mundaring (the Shire).

### 2. SCOPE

This policy applies to payments made by the Shire to council members and independent committee members including fees, reimbursement of expenses and allowances.

This policy relates to fees and expenses as prepared and adopted under section 5.129 of the Act.

### 3. DEFINITIONS

independent committee member a person who is a committee member but who is neither a council member nor an employee.

For clarity this applies to committees established under section 5.8 of the Act and does not apply to advisory groups, representative meetings and working groups.

council member a person elected under the Act as a member of Council. The Shire's council members include the Shire President, Deputy Shire President and Councillors (as defined by the Act).

### 3.4. POLICY

Payments made to council ~~members and independent committee~~ members are made in accordance with relevant legislation and ~~an the~~ annual determination by the ~~Salaries and Allowances Tribunal (SAT)~~.

### ~~3.1. Allowances~~

#### ~~3.2.4.1. Council Member Annual Meeting Attendance Fees~~

Annual meeting attendance fees are determined each year during development of the annual budget and will be set at the maximum level determined each year by the ~~Salaries and Allowances Tribunal SAT~~.

Payment of the annual fee is made on the principle that each council member regularly attends Council and committee meetings to which they are appointed and carries out other responsibilities of their office.

Any taxation liability arising from the payment of meeting fees is the responsibility of each council member.

Payment may be made to a council member's superannuation fund if requested.

Meeting attendance fees are payable in advance as 12 monthly instalments.

Where a council member no longer holds office (due to resignation or suspension) payment will only be made up to and including the final day they hold office. If payment of the allowance has already been made, the council member is required to reimburse the Shire.

#### ~~4.2. Independent Committee Members Meeting Attendance Fees~~

~~Meeting attendance fees are determined each year during development of the annual budget and will be set at the maximum level determined each year by the SAT.~~

~~Any taxation liability arising from the payment of meeting fees is the responsibility of each independent committee member.~~

~~Payment may be made to an independent committee member's superannuation fund if requested.~~

~~Meeting attendance fees are payable retrospectively per meeting.~~

#### ~~3.3.4.3. Shire President and Deputy Shire President Annual Allowances~~

Shire President and Deputy Shire President allowances are determined each year during development of the annual budget and will be set at the maximum level determined each year by the ~~Salaries and Allowances Tribunal SAT~~.

These allowances are paid in advance as 12 ~~equal~~ monthly instalments.

Where the Shire President or Deputy Shire President no longer holds office (due to resignation or suspension) payment will only be made up to and including the final day they hold office. If payment of the allowance has already been made, the council member is required to reimburse the Shire.

#### ~~3.4.4.4. Information and Communication Technology (ICT) Allowance~~

To assist orderly conduct of a Council or committee meeting, a printed, paper copy of the agenda will be provided to the presiding member (council member or independent committee member). This does not constitute as part of the ICT allowance.

#### 3.4.1.4.4.1. Council Members

~~Council members will receive an The Information and Communication Technology (ICT) Allowance~~ is determined each year during development of the annual budget and will be set at the maximum level determined each year by the ~~Salaries and Allowances Tribunal~~ SAT.

The ICT allowance covers:

- the cost to purchase a laptop or tablet PC (if required) e.g. iPad;
- telecommunication expenses;
- purchase of a printer (if required);
- expenses incurred for the maintenance and repair of the laptop or tablet PC and any consumable supplies; and
- provision of an internet connection or datapan.

~~To assist orderly conduct of a Council or committee meeting, a printed, paper copy of the agenda will be provided to the presiding member, separate to this allowance.~~

The ~~ICT~~ allowance is paid in advance as 12 ~~equal~~ monthly instalments.

Where a council member no longer holds office (due to resignation or suspension) payment will only be made up to and including the final day they hold office. If payment of the allowance has already been made, the council member is required to reimburse the Shire.

#### 4.4.2. Independent Committee Members

Independent committee members are not eligible to receive the ICT allowance.

### 3.5.4.5. Stationery

#### 4.5.1. Council Members

Council members will be supplied with a formal name badge. Lost or irreparably damaged badges will be replaced on request.

Council members will be provided with a quantity of ~~500~~ colour printed business cards for relevant Shire business within each term of office.

#### 4.5.2. Independent Committee Members

Independent committee members are not eligible to receive stationery.

### 3.6.4.6. Insurance

#### 4.6.1. Council Members

Council members ~~will be provided with~~receive insurance cover for:

- a. Personal Accident and Corporate Travel whilst performing their official duties. Cover does not include ordinary medical expenses.
- b. Management Liability for matters arising out of the performance of the official duties of their office provided the performance or exercise of the official duty is, in the opinion of Council, not illegal, dishonest, against the interests of the Shire or otherwise in bad faith.
- c. Public Liability for matters arising out of the performance of the official duties of their office but subject to any limitations set out in the insurance policy.

#### 4.6.2. Independent Committee Members

Independent committee members receive limited insurance for non-Medicare medical expenses incurred whilst attending committee meetings they are appointed to or other activities related to their role.

### ~~3.7. Reimbursement of Expenses~~

~~Necessary approvals required by this policy are to be obtained prior to making any financial or other commitments. No reimbursement of expenses will be approved retrospectively.~~

~~It is not expected that council and committee members will incur any other expenses in the performance of their duties, other than those listed below. Should a council or committee member incur an expense they believe they are entitled to have reimbursed; the matter shall be presented to Council for a determination.~~

#### ~~3.8.4.7. Travel Costs~~

Where a motor vehicle is used, reimbursement of travel expenses is calculated on a cents per kilometre basis payable as prescribed in the *Local Government Officers' (Western Australia) Award 2021*. For council members and independent committee members with electric vehicles, the 1600cc rate will be applied.

If a council member or independent committee member is provided with a Shire vehicle to attend official duties, no travel ~~costs~~expenses are claimable.

Reimbursement of travel expenses will be processed upon receipt of the "Travel/Transportation Expenses Reimbursement Form" (Appendix 1).

#### 4.7.1. Council Members

Council members, while using their own private motor vehicle, are entitled to be reimbursed for travel costs to and from ~~their~~normal place of residence or work incurred for the following purposes:

- a. To any Council or committee meeting regardless of whether or not they are a member.
- ~~e-b.~~ To any meeting convened by the CEO or Shire President.
- ~~d-c.~~ To any community meeting, event or function as an authorised-a delegate or liaison member as authorised by the CEO or Shire President.
- d. To meetings of an organisation to which they have been appointed as Council delegate or liaison member.
- e. To a meeting of a Resident and Ratepayers / Progress Association in their own wards, or any wards if attended by Shire President.
- f. To any training required to be completed under section 5.126 of the Act.
- g. To any continuing professional development consistent with the provisions of section 5.128 of the Act and approved to attend in accordance with the Shire's "Council Member Continuing Professional Development, Training and Professional Memberships Policy" (1.3)
- ~~f-h.~~ To any other conference or event that they have been approved to attend in accordance with the Shire's "Attendance by Council Members and CEO at Conferences and Events Policy" (1.2) authorised or invited by Council to attend.

#### 4.7.2. Independent Committee Members

Independent committee members, while using their own private motor vehicle, are entitled to be reimbursed for travel costs to and from normal place of residence or work incurred for the following purposes:

- a. To any committee meeting to which they are appointed to by Council.
- b. To any continuing professional development consistent with the provisions of section 5.128 of the Act and approved to attend in accordance with the Shire's "Council Member Continuing Professional Development, Training and Professional Memberships Policy" (1.3)

#### 3.9.4.8. Transportation

Transportation expenses include:

- ~~• The cost of parking costs fees,~~
- ~~• taxi Taxi or, ride share fares or~~
- ~~• fares for public transport fares.~~

Reimbursement of transportation expenses shall be reimbursed in full will be processed upon receipt of the "Travel/Transportation Expenses Reimbursement Form" (Appendix 1) lodgement of receipts accompanying the claim form which includes date, travel destinations and function/meeting attended.

#### 4.8.1. Council Members

Council members are entitled to reimbursement for transportation expenses incurred for the following purposes:

- a. To any Council or committee meeting regardless of whether or not they are a member.
- b. To any training required to be completed under section 5.126 of the Act.
- c. To any continuing professional development consistent with the provisions of section 5.128 of the Act and approved to attend in accordance with the Shire's "Council Member Continuing Professional Development, Training and Professional Memberships Policy" (1.3).
- d. To any other conference or event that they have been approved to attend in accordance with the Shire's "Attendance by Council Members and CEO at Conferences and Events Policy" (1.2).

#### 4.8.2. Independent Committee Members

Independent committee members are entitled to reimbursement for transportation expenses incurred for the following purposes:

- a. To any committee meeting to which they are appointed to by Council.
- g-b. To any continuing professional development consistent with the provisions of section 5.128 of the Act and approved to attend in accordance with the Shire's "Council Member Continuing Professional Development, Training and Professional Memberships Policy" (1.3).

#### 3.10.4.9. Child Care Costs

Council members are entitled to reimbursement of the lesser amount of actual child care costs or the hourly rate prescribed by the most recent SAT determination for Childcare is the expenses for the care of children of which the council member or independent committee members they are the parent or legal guardian, whilst attending a council meeting or a meeting of a committee of which they are a member.

For the purpose of this section tThe number of hours claimed shall be limited to the actual length of the meeting, with a nominal time allowance for networking opportunities and travel to and from the place of care.

Payment will be made of the lesser amount of actual child care costs or the hourly rate prescribed by the SAT determination.

Reimbursement of childcare ~~costs~~ expenses will be processed upon receipt of the "Childcare Expenses Reimbursement claim fForm" (Appendix 2) and receipts which must include detail of the date, number of hours, rate and function/meeting attended.

#### 4.9.1. Council Members

Council members are entitled to reimbursement for childcare expenses whilst attending a Council or committee meeting to which they are appointed.

#### 4.9.2. Independent Committee Members

Independent committee members are entitled to reimbursement for childcare expenses whilst attending a committee meeting to which they are appointed.

#### **3.11.1.1. Loyalty Rewards or Bonus Points**

~~Consistent with the principle of not using public expenditure for private advantage, where possible, purchases that accrue loyalty rewards or bonus points, should not be personally claimed or used for private purposes and where possible be used only for further official purposes.~~

#### **3.12.4.10. Claiming Reimbursement of Expenses**

Within 30 working days of the expenditure, details of reimbursements receipts must be presented with supporting receipts and other supporting documents if available to support the expenditure that is to be reimbursed.

Only expenses incurred in the council members or independent committee members-attendee's capacity to fulfil their role representing the Shire will be reimbursed.

It is not expected that council members and independent committee members will incur any other expenses in the performance of their duties, other than those listed below. Should a council or independent committee member incur an expense they believe they are entitled to have reimbursed; the matter shall be presented to Council for a determination.

#### **4.11. Loyalty Rewards or Bonus Points**

Consistent with the principle of not using public expenditure for private advantage, where possible, purchases that accrue loyalty rewards or bonus points, should not be personally claimed or used for private purposes and where possible be used only for further official purposes.

### **4.5. APPENDICES**

**Appendix 1** ~~—~~ Travel/Transportation Expenses-Costs #Reimbursement Form

**Appendix 2** - Childcare Costs-Expenses #Reimbursement Form

### **5.6. RELATED LEGISLATION**

*Local Government Act 1995* sections s.5.100 and s.5.129

*Local Government (Administration) Regulations 1996*

*Salaries and Allowances Act 1975*

### **6.7. RELATED DOCUMENTS**

Attendance by Council members and CEO at Conferences and Events (1.2)

[Council Member Continuing Professional Development, Training and Professional Memberships \(1.3\)](#)

## **7.0 URGENT BUSINESS (LATE REPORTS)**

## **8.0 CLOSING PROCEDURES**

### **8.1 Date, Time and Place of the Next Meeting**

The next Governance Committee Meeting will be held on Monday, 19 August 2024 at 5.30pm in the Committee Room.

### **8.2 Closure of the Meeting**