



11 JANUARY 2024

Shire of Esperance

ORDINARY COUNCIL MEETING

23 JANUARY 2024

ATTACHMENTS EXCLUDED FROM AGENDA



TABLE OF CONTENTS

12.3.1 Policy Review - Executive Services
Attachment A: Reviewed Executive Policies4



POL 0032: Public Land Asset Strategy

COUNCIL POLICY

Purpose

This Policy provides a framework to guide Council in the effective management of its land and property assets with the view to increasing the future economic capacity of the Shire of Esperance and assisting the delivery of Objectives outlined in the *Council Plan*.

Specifically the Shire's land and property assets will be used to achieve the following -

1. The delivery of strategic projects as identified in the *Council Plan*;
2. The facilitation of environmental, economic and social benefits to the Community;
3. The stimulation and regeneration of areas within the Shire of Esperance;
4. Where appropriate enable the adoption of a commercial approach to the management of land and property assets capable of producing a recurrent income; and
5. Development of non-operational land and property assets that will facilitate additional income streams for the Council.

Scope

This policy relates to all property owned or under the control of the Shire of Esperance.

Definitions

Surplus Properties: Surplus properties are considered to be of no benefit to either the community through the delivery of services or to the Shire as part of a more strategic land holding, part of a land bank of property assets or for any other purpose. i.e. surplus to requirements.

Civic Properties: Civic properties are used for the delivery of services provided by the Shire to the Community. These properties differentiate from Public Open Space and Other Reserves in that they may be held in freehold title by the Council.

Commercial Properties: Commercial properties are held by the Shire purely for the commercial return provided through the lease of the property to other entities. Such properties are not anticipated to provide services to the community but will yield an appropriate rate of return (on the capital value of the property) as a commercial proposition subject to appropriate levels of risk as determined by the Council.

Investment Properties: Investment properties differ from Commercial Properties in that they have the potential to contribute towards the achievement of broader planning, social or strategic objectives of the Shire. Whilst such properties may include a commercial undertaking, subject to a commercial agreement between a third party and the Council, the purpose of the Shire's ownership of the property is as a contributory factor towards other outcomes rather than purely for commercial returns on the property investment. i.e. Urban Renewal Projects.

Residential Properties: Residential properties are designed to provide residential facilities only. Such properties may be provided directly by the Shire to the end user, or as part of an agreement with another agency or residential service provider.

Utility Properties: Utility properties are used to deliver utility services such as drainage or other key utility functions. The delivery of utility services should be subject to review to ensure that the location from which the service is being delivered is suitable, the need for the utility service can be validated and the tenure of the property does not result in the Shire having a significant value of freehold assets set aside for such uses with little opportunity to realise the value of these assets at any time in the future.

Public Open Space and Other Reserves: Public Open Space and others reserved properties are most often held as reserves vested in the care, control and management of the Shire. Such properties may provide an active service but may also include properties that have little activation but provide other tangible community benefits through environmental protection or community recreational amenity.

Practice

Principles

The Council will manage its property assets with the view to -

1. Increasing the Shire's social, economic and environmental sustainability;
2. Increasing the Shire's financial capacity;
3. Providing essential services and facilities; and
4. Developing an investment portfolio capable of providing income generation.

Use of proceeds

1. The proceeds from the effective management of Council land and property assets are to be used in the delivery of essential services, facilities and projects which provide for a community benefit.
2. The allocation of such proceeds will have due regard to the Council's *Council Plan, Long Term Financial Plan* and relevant council Policies.
3. The Council will consider the use of funds in the development of its land and property assets where an appropriate community, social, environmental or economic benefits can be demonstrated.
4. The proceeds derived from the application of this Policy will be allocated in accordance with the prevailing Financial Management Policies of the Council and in accordance with any Reserve Fund established for that purpose.

Policy

In applying this Policy, the Council will -

1. Ensure all statutory and applicable governance requirements required by the *Local Government Act 1995*, associated Regulations and any other applicable legislation are adhered to.
2. Ensure that this Policy complies with all other relevant Council Policies and practices.

3. Ensure that suitable community engagement is undertaken as a fundamental component of any proposal to dispose of land and property assets in accordance with the *Local Government Act 1995*.

Acquisition and Disposal of Land and Property Assets

The Council will only consider the acquisition and disposal of land after the following steps have been taken -

1. A thorough analysis of applicable financial, social and/or environmental benefits, undertaken in accordance with the established Procedure or any other endorsed template or methodology.
2. Consideration has been given to the disposal of land and property by means of auction, tender or private treaty dependent upon the specific circumstances of the proposed disposal and in accordance with the provisions of the *Local Government Act 1995*.
3. The acquisition or disposal follows a strategic approach to all land and property assets owned or controlled by the Shire of Esperance in preference to considering properties only on a case by case basis.
4. Appropriate risk management strategies have been applied in accordance with any adopted Risk Management Policy.

Performance Management

The Council will give consideration to the establishment of a Business Plan and specific performance management indicators to guide its property asset development.

Such performance management indicators will provide the means by which the performance of land and property assets can be monitored and reported to the community and will enable the Council to consider acquisitions and disposals of land and property assets cognisant of these indicators and the benefit or dis-benefit such acquisitions and disposals may generate.

.....End.....

Document Information

Responsible Position	Manager Economic Development
Risk Rating	Low

Referencing Documents

- *Local Government Act 1995*

Revision History

Date	Version	CM Reference	Reason for Change	Resolution #	Next Review
Jun 2014	1		New policy	O0614-029	
Mar 2018	2	D16/29036	Updated document controller title	O0318-073	Mar 2020
Nov 2019	3	D16/29036[v2]	Biennial review, no change	O1119-248	Nov 2021

Jan 2022 4 D16/29036[v3] Biennial review, no change to
wording, moved to corporate. O0122-012 Jan 2024

DRAFT



POL 0033: Approval to Hold a Civic Reception

COUNCIL POLICY

Purpose

To ensure that any requests received for a Council hosted civic reception is to be referred to the Shire President for consideration.

Scope

This policy outlines the requirements for arranging a civic reception and the approvals that need to be taken to proceed.

Definitions

Council Reception: a formal function hosted by Council to mark a special event or achievement.

Practice

Any request for a civic reception is to be referred to the Shire President who is empowered to approve or deny the request provided that a specific or general budget authority exists.

All arrangements for civic receptions may be made by the Shire President and Chief Executive Officer jointly without referral to Council.

.....End.....

Document Information

Responsible Position	Executive Assistant
Risk Rating	Low

Referencing Documents

- *Local Government Act 1995*

Revision History

Date	Version	CM Reference	Reason for Change	Resolution #	Next Review
Nov 2003	1		New policy	O1103-0727	
Sept 2007		D12/10			
Mar 2018		D16/28998	Biennial review, no change	O0318-073	Mar 2020
Nov 2019		D16/28998[v2]	Biennial review, no change	O1119-248	Nov 2021
Jan 2022		D16/28998[v3]	Biennial review, no change	O0122-012	Jan 2024



POL 0034: Elected Member Entitlements

COUNCIL POLICY

Purpose

To define the parameters under which Elected Members may be reimbursed expenses to attend meetings, workshops, conferences and functions, as well as any other entitlements to which they are entitled as prescribed by legislation.

To determine the nature and extent of Elected Member attendance at conferences and/or seminars, and ensure the application of this policy provides for fairness, equity and opportunity for all Elected Members

Scope

This policy applies to all Elected Members at the Shire of Esperance.

Definitions

N/A

Practice

Travelling Expenses

Travelling allowances to Councillors will be paid at the prescribed rate per kilometre determined by the Salaries and Allowances Tribunal, as per the following table:

Vehicle Type	Award Rate c/km
Motorbike	32.55
Motor Vehicle	58.37

The above rates will be paid to Councillors attending the following category of meetings as follows:

Meeting Category	Rate
Ordinary /Special Meeting of Council	Full rate as per table above
Council Committee	Full rate as per table above
Community Meetings as Council	Half rate as per table above
Civic Receptions and Ceremonies	Half rate as per table above
Council Briefings/Informal Meetings	Half rate as per table above
Observers at Meetings	Nil payment

Councillors must be the authorised delegate or deputy standing in for a delegate to qualify for the travelling allowance to the meetings specified in the table above.

Where Councillors travel to attend conferences or seminars as elected representatives of the Shire, travel expenses will be paid by the Shire as detailed within the Elected Member Professional Development policy.

Meeting Attendance Fees

Minimum and maximum values payable to Elected Members for attending Council and committee meetings are prescribed within the *Local Government (Administration) Regulations 1996*. The precise value payable to Elected Members for attending meetings will be determined annually via resolution at Budget, within the parameters of the *Local Government (Administration) Regulations 1996* and the Salaries and Allowance Tribunal.

Communications Allowance

The Shire will pay Elected Members a communications allowance, the value of which will be determined annually via resolution at Budget, within the parameters of the *Local Government (Administration) Regulations 1996* and the Salaries and Allowance Tribunal. The intent of this allowance is to cover costs incurred by the Elected Member in using their own telephone, mobile phone and internet service provider fees for the purposes of their elected duties.

Child Care

Pursuant to the *Local Government (Administration) Regulations 1996*, the Shire will reimburse Elected Members child care costs incurred by an Elected Member because of the member's attendance at a Council or Committee meeting of which they are a member. Costs will be reimbursed at the actual cost per hour or \$30 per hour, whichever is the lesser amount, as determined by the Salaries and Allowances Tribunal.

Shire Uniforms

The Shire will provide Elected Members with \$495.00 (Inc GST) towards a uniform allocation, from the Shire's clothing supplier, in every new two year election term.

Additional items may be purchased by Elected Members from the Shire's clothing supplier by contacting the Executive Assistant. Additional items will be paid for by the purchaser.

Professional Development

Entitlements for professional development are available within the Shire's *Elected Member Professional Development policy*.

.....End.....

Document Information

Responsible Position	Chief Executive Officer
Risk Rating	Low

Referencing Documents

- *Local Government Act 1995*
- *Local Government (Administration) Regulations 1996*
- Elected Member Professional Development Policy

Revision History

Date	Version	CM Reference	Reason for Change	Resolution #	Next Review
Mar 2010	1	D12/30	New policy	O0310-1426	
Jul 2015	2		Travelling Expenses c/km change as per award, Shire Uniform wording change - providing choice, Change from Executive Manager to Director, Local Govt Week – superfluous phrase removal	O0715-014	Jul 2017
Apr 2018	3	D16/28999	Update document controller. Update travel, meals and child care allowances as per Salaries and Allowances Tribunal. Include paragraph for training and amend conference and seminar section.	O0418-083	Apr 2020
Nov 2019	4	D16/28999[v2]	Change responsible officer, amend wording of meal allowance paragraph and amend child care allowance in line with SAT allowance amount.	O1119-248	Nov 2021
Jun 2021	5	D16/28999[v3]	Amend to remove professional development information due to separate policy for this.	O0621-149	Jun 2023
Jan 2022	6	D16/28999[v4]	Update Communications Allowance section in line with current practice	O0122-012	Jan 2024



POL 0035: Senior Employees

COUNCIL POLICY

Purpose

To nominate the positions within the Shire of Esperance that are “Senior Employees” pursuant to the *Local Government Act 1995*.

Scope

This policy relates to Chief Executive Officer and Director positions within the Shire of Esperance.

Definitions

N/A

Practice

For the purpose of Section 5.37 of the *Local Government Act 1995*, Council designates the following employees to be Senior Employees -

1. Chief Executive Officer
2. All Director Positions

.....End.....

Document Information

Responsible Position	Chief Executive Officer
Risk Rating	Low

Referencing Documents

- *Local Government Act 1995*

Revision History

Date	Version	CM Reference	Reason for Change	Resolution #	Next Review
Mar 1998	1		New policy	O0398-254	
Jan 2011	2	D12/73	Amend to reflect title change from Executive Managers to Directors.	O0111-1559	Jan 2013
Jul 2015	3		Change director titles.	O0715-014	Jul 2017
Mar 2018	4	D23/29000	Biennial review, no change	O0318-073	Mar 2020
Nov 2019	5	D23/29000[v2]	Biennial review, no change	O1119-248	Nov 2021
Jan 2022	6	D23/29000[v3]	Biennial review, no change	O0122-012	Jan 2024



POL 0036: Execution of Documents and Common Seal Usage

COUNCIL POLICY

Purpose

To establish, in accordance with the requirements of section 9.49A of the *Local Government Act 1995*:

1. Protocols for affixing and administration of the Shire of Esperance's common seal; and
2. Authority for the Chief Executive Officer, another employee or agent to execute documents on behalf of the Shire.

Scope

This Policy outlines the terms of use for the Shire of Esperance Common Seal.

Definitions

Common Seal: a stamped imprint of a company's legal name. It is affixed on agreements and documents that act as evidence that an agreement, contract or document was executed by its authorised agents or officers on behalf of the company.

Authorised Officer: an authorised officer within the Shire of Esperance are determined by Appendix A in this Policy and include:

- a. Chief Executive Officer;
- b. Shire President; and
- c. Director

Practice

A document is considered to have been duly executed when signed in the following ways:

1. By affixing the common seal; or
2. By the Chief Executive Officer, another employee or agent of the local government who has been authorised by resolution of the Council to sign documents on behalf of the local government.

If any of the following specify a particular way that a document is to be executed, it will take precedence over this Policy.

1. Legislation;
2. The formal requirements of a commonwealth or state department, authority or agency (as described in a policy or procedure); or
3. A Council decision.

Affixing Common Seal

The common seal is not to be affixed unless authorised by Council and may only be affixed in the presence of the Shire President and Chief Executive Officer, each of whom is to sign the document to attest that the common seal was so affixed.

In the absence of the Shire President and/or the Chief Executive Officer, the Deputy Shire President and Acting Chief Executive Officer are authorised to affix the common seal.

Council authorisation may be in the form of a specific Council resolution or as detailed within this policy.

Common Seal Register

Details of all instances where the common seal has been affixed will be recorded in a signed register and on an electronic register, which shall be available for inspection by Councillors during normal office hours.

The common seal register will be presented to Council twice yearly to be reviewed.

Execution by Authorised Officers

Officers identified in Appendix A of this Policy are authorised for the purposes of section 9.49A of the *Local Government Act 1995* to sign those documents on behalf of the Shire of Esperance.

Officers are restricted to executing documents, in accordance with this Policy, that are directly related to their area of responsibility.

In the absence of an authorised officer, another officer may only execute the document where they have been appointed to act in the authorised officer's position.

It is the responsibility of the authorised officer to ensure they fully understand what they are executing on behalf of the Council and to assess the document to ensure it is appropriate for signing. Any queries must be addressed before this process is completed.

Documents and communications which relate to day-to-day routine communications or transactions do not require specific authorisation through this policy as they are the subject of Section 5.41(d) of the Act prescribing the Chief Executive Officer's duty to manage the day to day operations of the Shire of Esperance. Such duties are undertaken by "acting through" officers.



Appendix A – Authorised Signatories in Accordance with s.9.49A of the *Local Government Act 1995*

COUNCIL POLICY

Document Type (✓) Common Seal <u>only</u> to be applied where specified in the relevant document.	Common Seal	EXECUTION BY SIGNATURE ONLY			
		Shire President	CEO	Director	Other Officer
(1) Local Laws – made and amended	✓	x	x	x	x
(2) Planning Schemes – adopted and amended	✓	x	x	x	x
(3) Land Transaction documents , including: <ul style="list-style-type: none"> • sale; Note: a Council resolution is required for sale of Council real estate expressly stating that the final document is signed and sealed and the transaction finalised.	✓				
	<ul style="list-style-type: none"> • purchase; • vesting; • contributed assets; • Notifications of factors affecting land under 70A of the <i>Land Transfer Act 1893</i> – lodge or withdraw • Easements – <u>by land transfer</u> <ul style="list-style-type: none"> ○ Rights of carriage way; ○ Rights of support to land burdened by buildings; ○ Rights to erect a party wall; ○ Rights to light and air (Property Law Act 1969); ○ Rights to take water from wells or bores; ○ Rights to install and operate drains and drainage works; ○ Rights to install, maintain and operate oil, gas or other pipelines; ○ Rights to install, maintain and operate electric power lines, telephone and other cables and supporting pylons. 	✓	x	✓	x

Document Type (✓) Common Seal <u>only</u> to be applied where specified in the relevant document.	Common Seal	EXECUTION BY SIGNATURE ONLY			
		Shire President	CEO	Director	Other Officer
<ul style="list-style-type: none"> Restrictive Covenants – by land transfer Deeds – land transfer for public purposes 					
(4) Mortgages, Loans and Debentures	✓	x	x	x	x
(5) Power of Attorney to act for the Shire Note: requires both Shire President and Chief Executive Officer signature	x	✓	✓	x	x
(6) Land Transaction documents , including: <ul style="list-style-type: none"> Caveats - registering or removing Leases/Licences Easements – <u>by deed, deposited plan or other legal instrument</u> <ul style="list-style-type: none"> Rights of carriage way; Rights of support to land burdened by buildings; Rights to erect a party wall; Rights to light and air (Property Law Act 1969); Rights to take water from wells or bores; Rights to install and operate drains and drainage works; Rights to install, maintain and operate oil, gas or other pipelines; and Rights to install, maintain and operate electric power lines, telephone and other cables and supporting pylons. Restrictive Covenants – lodge, modify or withdraw (other than by land transfer) Deeds Legal agreements 	(✓)	x	✓	x	x

Document Type (✓) Common Seal <u>only</u> to be applied where specified in the relevant document.	Common Seal	EXECUTION BY SIGNATURE ONLY			
		Shire President	CEO	Director	Other Officer
(7) State or Commonwealth Government Funding Agreements Note: subject to relevant delegated authority, any of the identified authorised officers can execute	(✓)	x	✓	✓	x
(8) Grants and Funding Agreements with private agencies (incoming and outgoing) Note: subject to relevant delegated authority, any of the identified authorised officers can execute	(✓)	x	✓	✓	✓
(9) Memorandum of Understanding	(✓)	x	✓	✓	x
(10) Contracts and legal instruments , including contract variations, related to: <ul style="list-style-type: none"> • Procurement Contracts* • Goods and/or Service Agreements (incoming or outgoing services)* • Heritage Agreements • Acquittal of planning conditions • Maintenance of the public realm *Limit: documents that arise from the exercise of purchasing authority delegated from/authorised by the Chief Executive Officer to the role	(✓)	x	✓	✓	x
(11) Development, subdivision and strata-title approvals for Shire Land	x	x	✓	✓	x

Document Type (✓) Common Seal <u>only</u> to be applied where specified in the relevant document.	Common Seal	EXECUTION BY SIGNATURE ONLY				
		Shire President	CEO	Director	Other Officer	
(12) Memorial <ul style="list-style-type: none"> • <u>Deed Poll Registration</u>: A document lodged under the Registration of Deeds Act 1856, notifying the change of name of a person. • <u>Memorial of Advertisement</u>: A document lodged at the Office of Titles by a Local Authority evidencing that the legal requirements necessary to sell land for the non-payment of rates, have been attended to. • <u>Prohibiting dealings in land</u>: A document lodged at the Office of Titles under one of a number of statutes, which when noted on a Certificate of Title acts as a caveat. 	x	x	✓	✓	x	
(13) Documents that fulfil a statutory local government duty or power , for which there is no power of delegation or authorisation and is a matter which constitutes a potential risk to the Shire.	x	x	✓	✓	x	
(14) Communications on behalf of the Shire, with: <ul style="list-style-type: none"> • Commonwealth or State Ministers • Political or government leaders 	Note: <i>Officers are authorised to sign routine day to day operational communications where the recipient is of a similar organisational level as the Shire Officer.</i>	x	✓	✓	x	x
(15) Communications on behalf of the Shire, with CEO's of: <ul style="list-style-type: none"> • Commonwealth or State Government Departments • Industry representative bodies 		x	x	✓	✓	x

Document Type (✓) Common Seal <u>only</u> to be applied where specified in the relevant document.	Common Seal	EXECUTION BY SIGNATURE ONLY			
		Shire President	CEO	Director	Other Officer
(16) Communications on behalf of the Shire, relevant to the day-to-day operations of the Shire and which are subject of a level of political sensitivity or potential risk to the Shire.	x	x	✓	✓	Marketing & Communications
(17) Ceremonial Certificates - Common Seal may be affixed at the Shire President's discretion: <ul style="list-style-type: none"> Honorary Freeman Honorary Citizenship 	✓	✓	✓	x	x
(18) Deeds of Settlement – Employee matters	x	x	✓	x	x
(19) Enterprise Bargaining Agreements	x	x	✓	x	x
(20) Documents where Shire of Esperance is required to sign as landowner	x	x	✓	x	x
(21) Prosecution notices and court documents Note: subject to relevant delegated authority, any of the identified authorised officers can execute	x	x	✓	✓	✓
(22) Lease/Licence documentation limited to; <ul style="list-style-type: none"> Residential tenancy leases for employee housing Disclosure Statements Notices Property Condition Reports 	x	x	✓	✓	Governance & Corporate Support
(23) Issuance of Section 30 and 40 certificates (statements of compliance) under the <i>Liquor Control Act 1988</i>	x	x	✓	✓	Development Services

.....End.....



Document Information

Responsible Position	Executive Assistant
Risk Rating	Medium

Referencing Documents

- *Local Government Act 1995*

Revision History

Date	Version	CM Reference	Reason for Change	Resolution #	Next Review
Sept 2003	1		New policy	O090-0697	Sept 2005
Sept 2007	2	D12/22			Sept 2009
Jul 2015	3		Change of wording to include Deputy President & Acting CEO	O0715-014	Jul 2017
Mar 2018	4	D16/29002	Addition of the wording 'and on an electronic register,' to recognise the digital version that is maintained	O0318-073	Mar 2020
Nov 2019	5	D16/29002[v2]	Minor grammar changes		
			Change responsible officer, include register to be received by Council twice yearly.	O1119-248	Nov 2021
Feb 2022	6	D16/29002	Amend title of policy and rewrite to include document signing authority along with Common Seal usage.	O0222-033	Feb 2024





POL 0037: Legal Representation Cost Indemnification

COUNCIL POLICY

Purpose

To define a process for meeting reasonable expenses incurred for legal representation that arises from being a member of council or staff in the course of their official functions.

Scope

This policy applies to all elected members or staff, including past members and former employees.

Definitions

N/A

Practice

This policy is designed to protect the interests of Council members and employees (including past members and former employees) where they become involved in civil legal proceedings because of their official functions. In most situations the local government may assist the individual in meeting reasonable expenses and any liabilities incurred in relation to those proceedings.

In each case it will be necessary to determine whether assistance with legal costs and other liabilities is justified for the good government of the district. This policy applies in that respect.

General Principles

The local government may provide financial assistance to members and employees in connection with the performance of their duties provided that the member or employee has acted reasonably and has not acted illegally, dishonestly, against the interests of the Local Government or otherwise in bad faith.

The local government may provide such assistance in the following types of legal proceedings -

1. proceedings brought by members and employees to enable them to carry out their local government functions (e.g. where a member or employee seeks a restraining order against a person using threatening behaviour);
2. proceedings brought against members or employees [this could be in relation to a decision of Council or an employee which aggrieves another person (e.g. refusing a development application) or where the conduct of a member or employee in carrying out his or her functions is considered detrimental to the person (e.g. defending defamation actions)]; and
3. statutory or other inquiries where representation of members or employees is justified.

Once a court hearing or enquiry has been completed and an adverse finding has been determined in respect to an elected member or officer no further payment or refund of legal representation costs would be considered by Council.

The Local Government will not support any defamation actions seeking the payment of damages for individual members or employees in regard to comments or criticisms levelled at their conduct in their respective roles. Members or employees are not precluded however, from taking their own private action. Further, the Local Government may seek its own advice on any aspect relating to such comments and criticisms considered to be of relevance against the Local Government.

The legal services the subject of assistance under this policy will usually be provided by the Local Government's solicitors. Where this is not appropriate for practical reasons or because of a conflict of interest then the service may be provided by other solicitors approved by the local government.

All applications for Financial Assistance and Repayment of Assistance will be made in accordance with the procedure outlined below.

Associated Procedure

Applications for Financial Assistance

1. Subject to item (5), decisions as to financial assistance under this policy are to be made by the Council.
2. An elected member or employee requesting financial support for legal services under this policy is to make an application in writing, where possible in advance, to the Council providing full details of the circumstances of the matter and the legal services required.
3. An application to the Council is to be accompanied by an assessment of the request and with a recommendation, which has been prepared by, or on behalf of, the Chief Executive Officer (CEO).
4. An elected member or employee requesting financial support for legal services, or any other person who might have a financial interest in the matter, should take care to ensure compliance with the financial interest provisions of the *Local Government Act 1995*.
5. Where there is a need for the provision of urgent legal services before an application can be considered by Council, the CEO may give an authorisation up to the value of \$5,000.
6. Where it is the CEO who is seeking urgent financial support for legal services the Council shall deal with the application.

Repayment of Assistance

Any amount recovered by a member or employee in proceedings, whether for costs or damages, will be off set against any monies paid or payable by the Local Government.

Assistance will be withdrawn where the Council determines, upon legal advice, that a person has acted unreasonable, illegally, dishonestly, against the interest of the local government or otherwise in bad faith; or where information from the person is shown to have been false or misleading.

Where assistance is so withdrawn, the person who obtained financial support is to repay any monies already provided. The Local Government may take action to recover any such monies in a court of competent jurisdiction.

.....End.....

Document Information

Responsible Position	Chief Executive Officer
Risk Rating	Low

Referencing Documents

- *Local Government Act 1995*

Revision History

Date	Version	CM Reference	Reason for Change	Resolution #	Next Review
Nov 2000	1		New policy	O1100-629	Nov 2002
Nov 2003	2			O1103-0727	Nov 2005
Sept 2007	3	D12/47			
Jul 2015	4		Change of wording to refine Policy Objective	O0715-014	Jul 2017
Mar 2018	5	D16/29006	Removed the word emanates and replaced it with arises in the objective. Changed General Principles d) to read Further, the Local Government may seek its own advice on any aspect relating to such comments and criticisms considered to be of relevance against the Local Government.	O0318-073	Mar 2020
Nov 2019	6	D16/29006[v2]	Biennial review, no change	O1119-248	Nov 2021
Jan 2022	7	D16/29006[v3]	Remove reference to delegation as this is not a statutory requirement.	O0122-012	Jan 2024



POL 0038: Conferring of Honours

COUNCIL POLICY

Purpose

To provide guidelines for the bestowing of Honours by the Shire of Esperance including

1. Freedom of Entry;
2. Keys to the Shire; and
3. Freeman of the Shire of Esperance.

Scope

This Policy outlines the bestowing of honours to community members within the Shire of Esperance, and outlines the difference between each category.

Definitions

Freedom of Entry: a formal ceremonial event involving a parade and the ceremonial handing over of documentation to signify the bestowing of Freedom of the Shire.

Keys to the Shire: a symbolic presentation that represents the highest honour that the Shire can confer on an individual or an organisation.

Freeman of the Shire: the highest honour that the Shire can bestow on any person and is awarded to a recipient that meets the highest threshold of contribution to the community.

Practice

The following are high honours, which may be bestowed by the Shire of Esperance and bestow no legal right or privilege -

Freedom of Entry to the Shire of Esperance

The Freedom of Entry is to be granted to units of the Defence Forces, which have a significant attachment to the Shire of Esperance, as, determined by Council.

Key to the Shire of Esperance

The Key to the Shire of Esperance recognises the outstanding achievements by either an individual or organisation, as per the following guidelines -

1. an individual or group must be considered to have reached a high level of achievement and service in their chosen field.
2. individuals or groups must have been considered to have made a significant and meritorious contribution to the community of the Shire of Esperance, Western Australian, Australian or World Affairs.

Freeman of the Shire

The Freeman of the Shire is to be granted to Elected Members or Senior Staff of the Shire of Esperance

1. who have served the Shire for at least 12 years, although length of service is not the only criterion; and
2. whose outstanding contribution to the community is recognisable through recorded achievements, which can be seen to stand above the contributions of most other persons; and
3. who have consistently displayed commendable conduct; and
4. who are no longer a serving elected member or staff member of the Council.

.....End.....

Document Information

Responsible Position	Executive Assistant
Risk Rating	Low

Referencing Documents

- *Local Government Act 1995*

Revision History

Date	Version	CM Reference	Reason for Change	Resolution #	Next Review
Feb 2002	1		New policy	O0202-0249	Feb 2004
Sept 2007	2	D12/24			
Mar 2018	3	D16/29007	Biennial review, no change	O0318-073	Mar 2020
Nov 2019	4	D16/29007[v2]	Change responsible officer, minor wording change	O1119-248	Nov 2021
Jan 2022	5	D16/29007[v3]	Minor change - Formatting and wording of d)	O0122-012	Jan 2024



POL 0039: Presentation of a Shire Plaque of the Council Crest

Purpose

To provide standard guidelines for acknowledging the service of an individual, group or organisation with the presentation of a Shire Plaque of the Council Crest.

Scope

Presentation of a Shire Plaque of the Council Crest may be given to retiring Elected Members, senior Shire employees, community members/organisations, other local authorities and visiting naval ships/defence forces/dignitaries.

Definitions

Council Crest: a heraldic symbol of the Shire of Esperance which embodies the rich history and identity of the shire.

Practice

That the Esperance Shire Council presents a Shire Plaque of the Council Crest at the agreement of the Shire President and Chief Executive Officer. All Elected Members must be notified of the awarding of the Shire Plaque of the Council Crest prior to the presentation occurring.

The plaques shall be presented by the Shire President at a special function, either Council or community orientated.

.....End.....

Document Information

Responsible Position	Executive Assistant
Risk Rating	Low

Referencing Documents

- *Local Government Act 1995*

Revision History

Date	Version	CM Reference	Reason for Change	Resolution #	Next Review
Feb 2001	1		New policy	O0201-0078	Feb 2003
Sept 2007		D12/59			
Jul 2015			Change wording indicating when a plaque of the crest can be presented	O0715-014	Jul 2017
Mar 2018		D16/29008	Very minor grammar changes	O0318-073	Mar 2020
Nov 2019		D16/29008[v2]	Change responsible officer	O1119-248	Nov 2021
Jan 2022		D16/29008[v3]	Biennial review, no change.	O0122-012	Jan 2024



POL 0040: Vandalism Rewards

COUNCIL POLICY

Purpose

To enable the CEO to offer a reward for information given in relation to wilful vandalism to Council property.

Scope

This policy applies to vandalism to Shire owned or managed property.

Members of the Police Force are not eligible for the reward.

Definitions

N/A

Practice

That Council may pay a reward to any person or persons giving information that leads to a successful conviction of persons who have wilfully damaged Council property. The amount of the reward is to be determined by the Chief Executive Officer when deliberating the matter.

.....End.....

Document Information

Responsible Position	Chief Executive Officer
Risk Rating	Low

Referencing Documents

- *Local Government Act 1995*

Revision History

Date	Version	CM Reference	Reason for Change	Resolution #	Next Review
Jan 1987	1		New policy	O0187-111	Jan 1989
Sept 2007		D12/85			
Jul 2015			Council may wish to consider determining a maximum	O0715-014	Jul 2017
Mar 2018		D16/29009	Biennial review, no change	O0318-073	Mar 2020
Nov 2019		D16/29009[v2]	Change responsible officer	O1119-248	Nov 2021
Jan 2022		D16/29009[v3]	Biennial review, no change	O0122-012	Jan 2024

