



SHIRE OF DONNYBROOK BALINGUP

POLICY GUIDELINES AND PROCEDURES

May 2018

(New Format)

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POLICY GUIDELINES AND PROCEDURES

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Guidelines and Procedures

Elected Members – Reimbursement of Fees, Expenses and Allowances

PURPOSE

To outline the guidelines and procedures underpinning **Council Policy 1.2 - Elected Members–Reimbursement of Fees, Expenses & Allowances**.

GUIDELINES/PROCEDURES

Each expense claim is to be accompanied by appropriate documentation and/or certification from the Councillor as to its validity.

Council meetings

Fees will be paid on a quarterly basis either by cheque or EFT.

Travel Expenses

Travel expenses will be assessed (limited to budget allocation) and reimbursed quarterly.

Taxi/Bus/Train Fares

- Capital Cities \$150.00 per day
- Country Centres \$150.00 per day

Accommodation Meals and Incidentals

Reimbursements will be the actual cost on production of documentation (limited to budget allocation). However the following indicative rates are to be used as a guide in assessing reasonableness.

Accommodation

- Capital Cities up to \$300.00 per day
- Country Centres up to \$250.00 per day

Sustenance (Food & Drink)

- Capital Cities \$150.00 per day
 - Country Centres \$150.00 per day
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DEFINITIONS

Nil

RELATED LEGISLATION

Local Government Act 1995

RELATED DOCUMENTATION

Shire of Donnybrook Balingup **Council Policy 1.2** - Elected Members—Reimbursement of Fees, Expenses and Allowances.



Guidelines and Procedures

Legal Representation Costs Indemnification

PURPOSE

To outline the guidelines and procedures underpinning **Council Policy 1.6 - Legal Representation Costs Indemnification**

GUIDELINES/PROCEDURES

1. Applications for Financial Assistance
 - (a) Subject to item (e), decisions as to financial assistance under policy 1.6 are to be made by the Council.
 - (b) A member or employee requesting financial support for legal services under this policy is to make an application in writing, where possible in advance, to the Council providing full details of the circumstances of the matter and the legal services required.
 - (c) An application to the Council is to be accompanied by an assessment of the request and with a recommendation which has been prepared by, or on behalf of, the Chief Executive Officer (CEO).
 - (d) A member or employee requesting financial support for legal services, or any other person who might have a financial interest in the matter, should take care to ensure compliance with the financial interest provisions of the Local Government Act 1995.
 - (e) Where there is a need for the provision of urgent legal services before an application can be considered by Council, the CEO may give an authorisation to the value of \$5,000 provided that the power to make such an authorisation has been delegated to the CEO in writing under section 5.42 of the Local Government Act 1995.
 - (f) Where it is the CEO who is seeking urgent financial support for legal services the Council shall deal with the application.
 2. Repayment of Assistance
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- (a) Any amount recovered by a member or employee in proceedings, whether for costs or damages, will be offset against any moneys paid or payable by the Local Government.
- (b) Assistance will be withdrawn where the Council determines, upon legal advice, that a person has acted unreasonably, illegally, dishonestly, against the interests of the Local Government or otherwise in bad faith; or where information from the person is shown to have been false or misleading.
- (c) Where assistance is so withdrawn, the person who obtained financial support is to repay any moneys already provided. The

Local Government may take action to recover any such moneys in a court of competent jurisdiction.

3. Acknowledgement

Any Council employee or Council member (or past member or former employee) who Council or the CEO approves to receive legal support will acknowledge in writing the details of Council Policy No. 1.6 prior to Council providing that legal assistance.

DEFINITIONS

Nil

RELATED LEGISLATION

Section 5.42 of the Local Government Act 1995.

RELATED DOCUMENTATION

Shire of Donnybrook Balingup **Council Policy 1.6** - Legal Representation Costs Indemnification



Guidelines and Procedures

Councillor – Staff Contact

PURPOSE

To outline the guidelines and procedures underpinning **Council Policy 1.10** - Councillor – Staff Contact.

GUIDELINES/PROCEDURES

Written (email, letter, other)

1. All replies sent to an Elected Member, together with the request, must be copied to all other Elected Members, Records, CEO and relevant staff members.
2. Within legislation, the CEO has discretion to determine whether to forward 'Confidential' items from an Elected Member to all Elected Members.

In person

1. Elected Members wishing to make an appointment with the CEO or other staff member must make prior contact with the CEO (or Office of the CEO) to arrange a suitable time and to indicate the reason for the appointment (to allow research to be undertaken if required).
2. The CEO and/or other staff members will endeavour to be available at short notice, however depending on the circumstances, this cannot be guaranteed.
3. For security and occupational health and safety reasons, Elected Members must first present to the Administration Office reception before meeting with the CEO or any other approved staff member.
4. If there are matters ongoing, for example the Elected Member is the Chair of a Council Committee and needs regular contact with staff members supporting that Committee, the ongoing contact is to be approved by the CEO. Elected Members should be mindful of the time they seek with staff members in these circumstances and ongoing contact in this scenario will be at the discretion of the CEO.

Works Requests

1. As representatives of the community, Elected Members may from time to time be approached by members of the community to advocate for particular works to be undertaken through the Shire's resources.

2. Elected Members are encouraged to direct those community members seeking works to be undertaken by the Shire to the Shire's Works Request forms (available via the Shire website and hard copies available from the Shire Administration office).
3. Where community members are unwilling or unable to lodge a Works Request form themselves, Elected Members may email these requests (on the community member's behalf) to Shire Records (records@donnybrook.wa.gov.au) where they will be logged into the works request system and referred to the relevant staff member for review.
4. The relevant staff member will assess the works request to ascertain if the works can be undertaken within the existing operational budget, and if not, then the Elected Member will be contacted to discuss the request.
5. Where the works request can be undertaken under the existing operational budget, the Elected Member will be advised of the expected completion date.

DEFINITIONS

Nil

RELATED LEGISLATION

Local Government Act 1995 (s.5.103 – Codes of Conduct)

Local Government (Administration) Regulations 1996 (Regs 34B and 34C).

RELATED DOCUMENTATION

Shire of Donnybrook Balingup **Council Policy 1.10** - Councillor – Staff Contact.

Shire of Donnybrook-Balingup Code of Conduct 2017-2018



Guidelines and Procedures

Acknowledgement of Country and Welcome to Country

PURPOSE

To outline the guidelines and procedures underpinning **Council Policy 1.11 - Acknowledgement of Country and Welcome to Country.**

GUIDELINES/PROCEDURES

1. Acknowledgement of Country

The wording used for an Acknowledgement of Country may differ, but may include the following:

- “I would like to acknowledge that this meeting is being held on the traditional lands of the Noongar ¹ People.”
- “I respectfully acknowledge the Noongar People, the past and present traditional owners of the land, upon which we are meeting.”
- “The Shire of Donnybrook-Balingup affirms that Aboriginal people and Torres Strait Islander people are the indigenous peoples of Australia. Before we proceed with today’s meeting, I would like to acknowledge the traditional custodians of this land.”
- “I would like to acknowledge the traditional custodians of the land, the Noongar People and pay my respects to Elders, past and present.”

The acknowledgement may be given in both English and Noongar language, as follows:

- “Ngala kaaditj Noongar moort, keyen kaadak nidja Boodja.” (We acknowledge the Noongar people as the original custodians of this land).

The Acknowledgement should be delivered at the beginning of the meeting.

2 Welcome to Country

- The Welcome to Country is conducted by a recognised representative of the local Noongar community. Where a local Noongar is not available, it is acceptable for a Noongar elder from another area to give the Welcome to Country.

- The speaker who follows immediately after the “Welcome to Country’ ceremony should acknowledge the person who delivered the welcome. (E.g. *“I respectfully acknowledge the past and present traditional owners of this land on which we are meeting, the Noongar People. It is a privilege to be standing on Noongar country.”*)
- Arrangements for performing the ceremony will need to be negotiated with the representative.
- Organisers will need to provide the traditional owners with information on the theme and purpose of the event. They should also respectfully request that any “Welcome’ made in an Aboriginal language be translated in English so that the audience can understand the welcoming message.
- The organizer should take appropriate steps to ensure the representative/s performing the welcome are well looked after and that transport/refreshments are made available if necessary.

DEFINITIONS

Acknowledgement of Country – is an acknowledgement of the traditional Aboriginal custodians of the land in order to pay respect to them. An acknowledgement can be performed by any person, Aboriginal or non-Aboriginal.

Welcome to Country – is where the traditional custodians formally welcome people to their land. This ceremony is undertaken by Elders acknowledged as such by their family and community.

RELATED LEGISLATION

Nil

RELATED DOCUMENTATION

Shire of Donnybrook Balingup **Council Policy 1.11** - Acknowledgement of Country and Welcome to Country.



Guidelines and Procedures

Use of Shire Specific Email Addresses by Elected Members

PURPOSE

To outline the guidelines and procedures in regards to Use of Shire Specific Email Addresses by Elected members and in keeping with State Records Commission Policy and **Council Policy 1.9 – Council Elected Members Records** .

GUIDELINES/PROCEDURES

All elected members will be provided with a Shire server email address (*councillorname@donnybrook.wa.gov.au*) for the use of Council business.

Each elected member will be issued with a password and the web mail address to access the account. The adoption of this email address is optional.

The email address is provided for use by elected members in their role as an elected member only, is not to be used for electioneering or private business. (Ref. Section 8 of the Local Government (Rules of Conduct) Regulations 2007)

All emails from ratepayers, such as:

- Complaints and compliments;
- Correspondence concerning corporate matters;
- Submissions, petitions and lobbying;
- Information for Council's interest relating to local government business activity and functions;

are to be forwarded to records@donnybrook.wa.gov.au on a weekly basis for recording on the Shire's official recordkeeping system.

This requirement applies to emails to both the Shire-specific email address and to an elected member's private email address.

All emails using the Shire server are discoverable under the *Freedom of Information Act 1992*, whether or not they have been recorded in the Shire's official recordkeeping system.

Elected members using either the Shire-specific email or their personal email for Council correspondence should remain mindful of the Code of Conduct, particularly in relation to confidentiality.

On the resignation / non re-election of an elected member, that member's email account will be removed from the system.

DEFINITIONS

Nil

RELATED LEGISLATION

State Records Act 2000

RELATED DOCUMENTATION

Shire of Donybrook Balingup **Council Policy 1.9** – Council Elected Members Records
State Records Commission Policy