

<b>Policy number</b>	Policy 002
<b>Policy title</b>	Review of decisions
<b>Strategic outcomes supported</b>	CL3 - Accountability and good governance

## Policy objective:

To provide for review of decisions made under the policies of Council.

## Policy scope:

This policy applies in respect of the review of decisions made by the Chief Executive Officer (CEO) and other officers of the Town under the policies of Council.

This policy does not apply if:

- a. a statutory process for review or appeal exists in the State Administrative Tribunal or a court in respect of a decision;
- b. the decision is made by a panel, committee, working group or similar body established by a policy;
- b.c. Part 9, Division 1 of the Local Government Act 1995 applies.

## Policy definitions:

**a person** includes:

- a. An owner or occupier of property within the Town
- b. An employee or agent of an owner or occupier of property within the Town
- c. A body corporate.

but does not include an employee of the Town seeking a review of a decision relating to their employment.

**Policy** means a policy adopted by Council under section 2.7 of the Local Government Act 1995. This does not include ~~management practices or~~ local planning policies made under the Planning and Development (Local Planning Scheme) Regulations 2015.

## Policy statement:

1. A person objecting to or aggrieved by a decision made by the CEO or an officer under a policy of Council may have that decision reviewed.
2. In providing notice of a decision made under a policy, that notice of decision must contain information explaining that a person can seek to have that decision reviewed under this policy.
3. Requests for a review of a decision are to be submitted in writing, ~~in the form determined by the CEO,~~ clearly stating the grounds for the review.
4. A request for review of a decision must be made within ~~20-~~28 working days of the original decision being communicated to the person.

5. Every request of review will be referred to, and determined by, the decision maker's immediate supervisor, ~~and~~ where the CEO is the decision maker, the Council a request is to be submitted to the Ombudsman WA.
6. Where a request for review is received, the Town will use its best endeavours to ~~resolve~~ finalise the review within ~~20-28~~ working days.
- ~~7. The CEO shall establish a management practice, which shall be made publicly available, to set out the relevant administrative matters relating to this policy.~~

## Related documents

<b>Responsible officers</b>	Coordinator Governance and Strategy
<b>Policy manager</b>	Manager Governance and Strategy
<b>Approval authority</b>	Council
<b>Next evaluation date</b>	April 2025

## Revision history

Version	Action	Date	Authority	Resolution number	Report number
1	Approved	28/09/1999	Council	-	Item 4.1
1	Reviewed	15/08/2006	Council	-	Item 4.1
1	Reviewed	09/07/2013	Council	-	Item 10.1
1	Reviewed	11/08/2015	Council	-	Item 10.1
2	Reviewed and amended	20/08/2019	Council	148/2019	Item 10.1
3	Reviewed and amended	18/08/2020	Council	489/2020	Item 15.1
4	Reviewed and amended	20/04/2021	Council	78/2021	Item 15.4
5	Reviewed and amended	12/04/2022	Council	73/2022	Item 15.5
6	Administratively amended	24/08/2023	Delegation		

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## Policy definitions:

**a person** includes:

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## Policy statement:

- A person objecting to or aggrieved by a decision made by the CEO or an officer under a policy of Council may have that decision reviewed.
- In providing notice of a decision made under a policy, that notice of decision must contain information explaining that a person can seek to have that decision reviewed under this policy.
- Requests for a review of a decision are to be submitted in writing, clearly stating the grounds for the review.
- A request for review of a decision must be made within 28 working days of the original decision being communicated to the person.

5. Every request of review will be referred to, and determined by, the decision maker's immediate supervisor. Where the CEO is the decision maker, a request is to be submitted to the Ombudsman WA.
6. Where a request for review is received, the Town will use its best endeavours to finalise the review within 28 working days.

## Related documents

<b>Responsible officers</b>	Coordinator Governance and Strategy
<b>Policy manager</b>	Manager Governance and Strategy
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<b>Next evaluation date</b>	April 2025

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3	Reviewed and amended	18/08/2020	Council	489/2020	Item 15.1
4	Reviewed and amended	20/04/2021	Council	78/2021	Item 15.4
5	Reviewed and amended	12/04/2022	Council	73/2022	Item 15.5
6	Administratively amended	24/08/2023	Delegation		

<b>Policy number</b>	Policy 011
<b>Policy title</b>	Elections
<b>Strategic outcomes supported</b>	CL8 – Visionary civic leadership with sound and accountable governance that reflects objective decision making.

## Policy objective:

The objective of this policy is to:

- prevent the making of major decisions that would bind an incoming Council prior to an ordinary election
- prevent the use of public resources in ways that are, or are perceived to be, advantageous to or promoting the sitting elected members that are seeking re-election, or new candidates
- ensuring the Town of Victoria Park administration acts impartially in relation to all candidates.

## Policy scope:

This policy applies to elected members, candidates for election and Town employees in the period leading up to and during an election.

This policy does not apply to an extraordinary election, unless that election is for four or more of the elected members.

## Policy definitions:

**caretaker period** for local government elections, from the date of the opening of nominations being 44 days prior to Election Day in accordance with Section 4.49(a) of the *Local Government Act 1995*, until 6pm on Election Day,

**community engagement** means the process of providing stakeholders with opportunities to be informed, consulted and engaged in relation to a proposed decision of the Town.

**election day** means the day fixed under the *Local Government Act 1995* for the holding of any poll needed for an election.

**electoral material** has the meaning given to it in section 4.87 of the *Local Government Act 1995* but does not include any materials produced by the Town relating to the election process by way of information, education or publicity, or materials produced by or on behalf of the Returning Officer for the purposes of conducting an election. Without limiting the generality of the definition of 'electoral material', material will be intended or likely to affect voting in the election if it contains an express or implicit reference to, or comment on:

- the election
- a candidate in the election
- an issue submitted to, or otherwise before, the voters in connection with the election.

**election sign** has the meaning given to it in the *Activities on Throughfares and Trading on Throughfares and in Public Places Local Law 2000*.

**events and functions** [has the meaning given to it in section 5.90A of the Local Government Act 1995, and includes](#) means gatherings of internal and external stakeholders to discuss, review, acknowledge, communicate,

celebrate or promote a program, strategy or issue which is of relevance to the Town and its stakeholders and may take the form of launches, promotional activities and social occasions such as dinners and receptions.

**extraordinary circumstances** mean a situation that requires a major decision of the Council because the Chief Executive Officer's opinion is that:

- a. the urgency of the issue is such that it cannot wait until after the election;
- b. legal and/or financial repercussions are possible if a decision is deferred; and/or
- c. it is in the best interests of the Town, community or impacted stakeholders for the decision to be made as soon as possible.

**major decision** means any:

- a. decisions relating to the employment, termination or remuneration of the Chief Executive Officer or any other designated senior officer, other than a decision to appoint an Acting Chief Executive Officer, or to suspend the current Chief Executive Officer (in accordance with the terms of their contract), pending the election;
- b. decisions relating to the Town entering a sponsorship arrangement unless that sponsorship arrangement has previously been granted "in principle" support by the Council and sufficient funds have been included in the Council's annual budget to support the sponsorship arrangement;
- c. decisions relating to the Town entering into a major trade undertaking or major land transaction as defined by Section 3.59 of the *Local Government Act 1995*;
- d. decisions that would commit the Town to substantial unbudgeted expenditure;
- e. decisions that result in actions which the Chief Executive Officer's considers significant and unplanned, such as that which might be brought about through a Notice of Motion by an Elected Member;
- f. decisions that, in the Chief Executive Officer's opinion, will have significant impact on the Town or the community;
- g. the adoption, repeal or substantial amendment of a policy, including local planning policy, a local law or local planning scheme;
- h. reports requested or initiated by an elected member, candidate or member of the public that, in the Chief Executive Officer's opinion, could be perceived within the general community as an electoral issue and has the potential to call into question whether decisions are soundly based and in the best interests of the community.

**media** includes publications, advertising, social media, the website and videos.

**substantial unbudgeted expenditure** means expenditure not included in the annual budget that exceeds 0.5% of the Town's annual budgeted revenue (inclusive of GST) in the relevant financial year.

## Policy statement:

### Caretaker period

1. The ordinary election of the Council is the most significant decision made by the community and sets the direction of the Town into the future. It is important that the Town allows for a free and open election without interference from the Town and the decisions it needs to make. In order to achieve this, prior to an ordinary election of Council, a caretaker period shall apply during which:
  - a. no major decisions should be made except in extraordinary circumstances;
  - b. no community engagement should occur except where required by law;
  - c. no media engagement should be occur that promotes or could be seen to promote elected members who are seeking re-election.

## Major decisions

2. To give effect to clause 1.a., the Chief Executive Officer should:
  - a. avoid scheduling major decisions for consideration during the caretaker period;
  - b. ensure any major decisions made prior to the caretaker period are announced prior to the beginning of the caretaker period;
  - c. if a decision (including a Council report, committee recommendation or notice of motion) could be considered a major decision include information in that report explaining that the decision could be a major decision and result in a breach of this policy.
3. Whilst this policy establishes that a Chief Executive Officer may not be appointed or dismissed during a caretaker period, the Council may, where the substantive officer is on leave, appoint an Acting Chief Executive Officer, or in the case of an emergency, suspend the current Chief Executive Officer (in accordance with the terms of their contract) and appoint a person to act in the position of Chief Executive Officer, pending the election, after which date a permanent decision can be made.

## Community engagement

4. To give effect to clause 1.b., the Chief Executive Officer should:
  - a. ensure that all community engagement is finished prior to the caretaker period or scheduled to begin after the election;
  - b. where community engagement needs to be conducted, ensure the community engagement could not be perceived to be about an election issue or otherwise influence the outcome of the election;
  - c. where a proposed decision (including a Council report, committee recommendation or notice of motion) could result in a need for community engagement, including information in that report explaining the decision could result in the need for community engagement and result in a breach of this policy.
5. This policy does not prevent any mandatory public consultation required by the *Local Government Act 1995*, *Planning and Development Act 2005* or any other relevant law, the Town must undertake to fulfil its statutory functions.

## Events and functions

6. Elected members may continue to attend events and functions hosted by external bodies during the caretaker period.
7. Elected members that are also candidates are not be permitted to make speeches or addresses at events/functions organised or sponsored by the Town and community engagement events during the caretaker period.

## Media

8. To give effect to clause 1.d., the Chief Executive Officer should ensure that:
  - a. any reference to elected members in Town media distributed during the caretaker period must not include promotional text relating to the elected members. Any of the Town's media that are potentially affected by this policy will be reviewed by the Chief Executive Officer to ensure any circulated, displayed or otherwise publicly available material does not contain material that may be construed as 'electoral material' during the caretaker period;

- b. the Town's website doesn't contain any material which is precluded by this policy during the caretaker period. Any references to the election will only relate to the election process. Information about elected members will be restricted to names and contact details;
  - c. the Town does not print, publish or distribute, or cause, permit or authorise others to print, publish or distribute on behalf of the Town, any advertisement, handbill, pamphlet or notice that contains 'electoral material' during the caretaker period.
9. Candidates and/or elected members are permitted to publish campaign material on their own behalf but cannot claim for that material to be originating from or authorised by the Town.
10. This policy does not prevent publications by the Town which merely announce the holding of the election or relate only to the election process itself or a required to be published by the Town relating to the election pursuant to the Act and electoral regulations.
11. During the caretaker period, elected members shall ensure their allocated business cards are used only for purposes associated with the normal role of an elected member in servicing the community. Elected member business cards shall not be used in a manner that could be perceived as an electoral purpose.
12. The use of photographs or articles featuring elected members whose terms of office expire at the next ordinary election shall not be used in any media funded by the Town in the period starting from 1 August to Election Day, in the year of the ordinary election, with the exception of their portraits on display at the various Town venues, the Town website and in each edition of the Town's newsletter during that period.
13. Any requests for media advice or assistance from elected members or candidates during the caretaker period will be referred to the Chief Executive Officer. No media advice will be provided in relation to election issues or in regard to publicity that involves elected members seeking re-election. If satisfied that advice sought by an elected member during the caretaker period does not relate to the election or publicity involving any elected members seeking re-election, the Chief Executive Officer may authorise the provision of a response to such a request.

### Promotion of an election

14. Despite clauses 9 – 14, For any election, inclusive of local, state and federal elections, the Town should:
  - a. encourage the community to ensure their enrolment is up to date;
  - b. promote the call for candidates to nominate for local government elections;
  - c. encourage all electors to vote.
15. This promotion should be through the channels of communication determined by the Chief Executive Officer and should focus on encouraging and reaching as many demographic groups in the Town as possible.
16. The Town should endeavour to hold a candidate information session for all ordinary local government elections, which may be held jointly with other local governments.

### Use of Town resources

17. The Code of Conduct for Council Members, Committee Members and Candidates prescribes that Town resources are only to be used for Council business. Town Resources must not be used for electoral purposes. The Town's resources, including officers, support staff, hospitality services, equipment and stationery should be used exclusively for normal Town business. This prohibition applies to any form of election, including local, state or federal.
18. Elected members will not use or access Town employees or resources to gain media attention in support for their, or any other candidate's, election campaign, including local, state or federal elections.



## Elected Member Access to Information

19. During the Caretaker Period, Elected Members can access Council information relevant to their role as an elected member. Any Council information accessed must not be used for electoral purposes.

## Election signs

20. Election signs cannot be erected, left or otherwise displayed on Town property such as parks and reserves, administrative facilities or recreation facilities.
21. Election signs can be displayed on throughfares subject to obtaining a permit under the *Town of Victoria Park Activities on Throughfares and Trading on Throughfares and in Public Places Local Law 2000*.
22. In the event election signs are in a place they are not permitted, the Chief Executive Officer or persons authorised by them, will remove the signs and dispose of them in an environmentally sustainable way and, if appropriate, an infringement should be issued.
23. The Chief Executive Officer will ensure the requirements of clauses 21 - 23 relating to election signs are communicated to candidates as soon as possible after the close of nominations.
24. Clauses 21 - 23 apply to any election including a local government election, state election or federal election including any by-election or extraordinary election.

## Electoral rolls and rates roll

25. In accordance with the *Local Government (Election) Regulations 1997*, candidates and elected members may obtain copies of the electoral roll from the Chief Executive Officer or Returning Officer.
26. In accordance with the *Local Government (Administration) Regulations 1996* a person can inspect or obtain a copy of the rates roll or owners and occupiers roll at any time from the Town however they:
  - a. must provide a statutory declaration that they will not use this information for commercial purposes; and
  - b. pay any fees or charges set in relation to obtaining a copy.

## Related documents

[Local Government Act 1995](#)

[Local Government \(Elections\) Regulations 1997](#)

[Activities on Throughfares and Trading on Throughfares and in Public Places Local Law 2000](#)

[Code of Conduct for Council Members, Committee Members and Candidates](#)

<b>Responsible officers</b>	Coordinator Governance and Strategy
<b>Policy manager</b>	Manager Governance and Strategy
<b>Approval authority</b>	Council
<b>Next evaluation date</b>	November 2022

## Revision history

Version	Action	Date	Authority	Resolution number	Report number
1	Adopted	20/07/2021	Council	166/2021	Item 15.4
2	Reviewed and amended	12/04/2022	Council	73/2022	Item 15.5

<b>Policy number</b>	Policy 027
<b>Policy title</b>	Legal representation for Elected Members and Employees
<b>Strategic outcomes supported</b>	CL3 – Accountability and good governance.

## Policy objective:

To set out guidelines to assist Council in determining when it is appropriate to pay legal representation costs.

## Policy scope:

This Policy does not apply to legal representation obtained by the Town ~~(under Policy 003 – Legal Advice)~~ in relation to the day-to-day management of the Town's affairs.

## Policy definitions:

**"approved lawyer"** means:

- an Australian lawyer as defined in the Legal Profession Uniform Law (WA) section 6(1); and / or
- from a law firm on the WALGA panel of legal service providers, unless Council considers that this is not appropriate – for example, where there is or may be a conflict of interest or insufficient expertise; and
- who is approved in writing by the Council or the CEO acting under delegated authority.

**"Elected Member"** means a current or former, Mayor, Councillor, Commissioner or non-elected member of a Council Committee of the Town.

**"Employee"** means a current or former Employee of the Town.

**"legal proceedings"** may be civil, criminal or investigative (including the conduct of an inquiry).

**"legal representation"** means the provision of legal services, to or on behalf of an Elected Member or Employee, by an approved lawyer that are in respect of:

- a matter or matters arising from the performance of the functions of the Elected Member or Employee; and
- legal proceedings involving the Elected Member or Employee that have been, or may be, commenced.

**"legal services"** includes advice, representation or documentation that is provided by an approved lawyer.

**"payment"** by the Town of legal representation costs may be either by:

- a direct payment to the approved lawyer (or the relevant firm); or
- a reimbursement to the Elected Member or Employee.

**"WALGA"** means the Western Australian Local Government Association.

## Policy statement:

1. Under the Local Government Act 1995, the general function of a local government is to provide for the good government of the persons in its district. Money held by the local government may be applied towards the performance of this function including the expenditure of funds to provide legal representation for Elected Members and Employees, as long as the Town believes on reasonable grounds that the expenditure falls within the scope of the general function.
2. This Policy provides for criteria and circumstances for assessing the appropriateness of expending Town funds on the legal representation of Elected Members and Employees.
3. This policy only applies if the Town's insurers decline to accept responsibility for providing legal representation to Elected Members and Employees.

## Payment Criteria

4. There are four major criteria for determining whether the Town will pay the legal representation costs of an Elected Member or Employee. These are:
  - a. The legal representation costs must relate to a matter that arises from the performance, by the Elected Member or Employee, of their functions.
  - b. The legal representation costs must be in respect of legal proceedings that have been, or may be, commenced.
  - c. In performing the functions, to which the legal representation relates, the Elected Member or Employee must have acted in good faith, and must not have acted unlawfully or in a way that constitutes improper conduct.
  - d. The legal representation costs do not relate to a matter that is of a personal or private nature.

## Legal Representation Costs that May be approved

5. Subject to clause 6, if the criteria in clause 4 are satisfied, the Council may approve legal representation costs:
  - a. where proceedings are brought against an Elected Member or Employee in connection with his or her functions – for example, an action for defamation or negligence arising out of a decision made or action taken by the Elected Member or Employee; or
  - b. for involvement in a statutory or other inquiry that requires information to be given, or to which information is given, by an Elected Member or Employee in connection with his or her functions; or
  - c. to enable proceedings to be commenced and/or maintained by an Elected Member or Employee to permit them to carry out their functions – for example where an Elected Member or Employee seeks to take action to obtain a restraining order against a person using threatening behaviour to the Elected Member or Employee; or
  - d. where exceptional circumstances are involved – for example, where a person or organisation is lessening the confidence of the community in the local government by publicly making adverse personal comments about Elected Members or Employees.
6. The Council will not approve the payment of legal representation costs to an Elected Member or Employee for a defamation action, or a negligence action, instituted by the Elected Member or Employee.

## Application for payment

7. An Elected Member or Employee who seeks assistance under this Policy is to make an application(s) for payment of legal representation costs.

8. The application:
  - a. is to be made in writing to the Chief Executive Officer;
  - b. is to give details of:
    - i. the matter for which legal representation is sought;
    - ii. how the matter relates to the functions of the Elected Member or Employee;
    - iii. the lawyer (or law firm) who is to be asked to provide the legal representation;
    - iv. the nature of legal representation to be sought (such as advice, representation in court, preparation of a document. etc);
    - v. the estimated cost of the legal representation (if known); and
    - vi. why it is in the interests of the Town for payment to be made.
  - c. is to contain a declaration by the applicant that he or she has acted in good faith and has not acted unlawfully or in a way that constitutes improper conduct in relation to the matter to which the application relates;
  - d. so far as possible, is to be made before seeking the legal representation to which the application relates.
9. The application is to be accompanied by a written statement by the applicant that they:
  - a. have read and understands the terms of this Policy;
  - b. acknowledged that any approval of legal representation costs is conditional on the repayment provisions of clause 23 and any other conditions to which the approval is subject; and
  - c. undertake to repay to the Town any legal representation costs in accordance with the provisions of clause 23.
10. In relation to clause 8(c.), when a person is to be in receipt of such monies the person should sign a document which requires repayment of that money to the local government as may be required by the local government and the terms of the Policy.
11. An application is to be accompanied by a report, prepared by or on behalf of the CEO, to Council for approval.

### Legal representation costs – limit

12. Unless otherwise determined by Council, payment of legal representation costs in respect of a particular application is not to exceed \$5,000.
13. An Elected Member or Employee may make a further application in respect of the same matter.

### Council powers

14. Council may:
  - a. refuse;
  - b. grant; or
  - c. grant subject to conditions, an application for payment of legal representation costs.
15. A condition under clause 13 may include a financial limit and/or a requirement to enter into a formal agreement, including a security agreement, relating to the payment, and repayment, of legal representation costs.
16. In assessing an application, regard may be had to any insurance benefits that may be available to the applicant under the Town's existing insurance policy.

17. Council may at any time revoke or vary an approval, or any conditions of approval, for the payment of legal representation costs.
18. Council may, determine that an Elected Member or Employee whose application for legal representation costs has been approved:
  - a. has, in respect of the matter for which approval was given, not acted in good faith, or has acted unlawfully or in a way that constitutes improper conduct; or
  - b. has given false or misleading information in respect of the application.
19. A determination under clause 18 may be made by Council only on the basis of, and consistent with, the findings of a court, tribunal or inquiry.
20. Where Council makes a determination under clause 18, it may also determine that all or part of the legal representation costs paid by the Town, are to be repaid by the Elected Member or Employee in accordance with clause 24.

### CEO Authorisation

21. In cases of urgency, the CEO, may exercise, on behalf of the Council, any of the powers of the Council under clause 5, to a limit of \$5,000, where a delay in approving an application would be detrimental to the legal rights of an Elected Member or Employee.
22. Where the CEO is the applicant, the powers in clause 21 are to be exercised by the Chief Financial Officer and the Mayor or Deputy Mayor.
23. An application approved by the CEO under clause 21, or by the Chief Financial Officer under clause 22, is to be submitted to the next meeting of Council which may exercise any of its powers under this Policy.

### Repayment of Legal Representation Costs

24. An Elected Member or Employee, whose legal representation costs have been paid by the Town, is to repay the Town:
  - a. all or part of those costs – in accordance with a determination by Council under clause 18; or
  - b. as much of those costs as are available to be paid by way of off-set – where the Elected Member or Employee receives monies paid for costs, damages, or settlement, in respect of the matter for which the Town paid the legal representation costs.
25. The Town may take action in a court of competent jurisdiction to recover any monies due to it under this Policy.

### Related documents

[Departmental Operational Guideline - Legal Representation for Council Members and Employees \(dlgsc.wa.gov.au\)](https://dlgsc.wa.gov.au)

<b>Responsible officers</b>	Coordinator Governance and Strategy
<b>Policy manager</b>	Manager Governance and Strategy
<b>Approval authority</b>	Council
<b>Next evaluation date</b>	August 2025

## Revision history

Version	Action	Date	Authority	Resolution number	Report number
1	Adopted	15/08/2023	Council	176/2023	Item 11.6
2	Administratively amended	13/09/2023	Delegation		

<b>Policy number</b>	Policy 027
<b>Policy title</b>	Legal representation for Elected Members and Employees
<b>Strategic outcomes supported</b>	CL3 – Accountability and good governance.

## Policy objective:

To set out guidelines to assist Council in determining when it is appropriate to pay legal representation costs.

## Policy scope:

This Policy does not apply to legal representation obtained by the Town in relation to the day-to-day management of the Town's affairs.

## Policy definitions:

**"approved lawyer"** means:

- an Australian lawyer as defined in the Legal Profession Uniform Law (WA) section 6(1); and / or
- from a law firm on the WALGA panel of legal service providers, unless Council considers that this is not appropriate – for example, where there is or may be a conflict of interest or insufficient expertise; and
- who is approved in writing by the Council or the CEO acting under delegated authority.

**"Elected Member"** means a current or former, Mayor, Councillor, Commissioner or non-elected member of a Council Committee of the Town.

**"Employee"** means a current or former Employee of the Town.

**"legal proceedings"** may be civil, criminal or investigative (including the conduct of an inquiry).

**"legal representation"** means the provision of legal services, to or on behalf of an Elected Member or Employee, by an approved lawyer that are in respect of:

- a matter or matters arising from the performance of the functions of the Elected Member or Employee; and
- legal proceedings involving the Elected Member or Employee that have been, or may be, commenced.

**"legal services"** includes advice, representation or documentation that is provided by an approved lawyer.

**"payment"** by the Town of legal representation costs may be either by:

- a direct payment to the approved lawyer (or the relevant firm); or
- a reimbursement to the Elected Member or Employee.

**"WALGA"** means the Western Australian Local Government Association.



## Policy statement:

1. Under the Local Government Act 1995, the general function of a local government is to provide for the good government of the persons in its district. Money held by the local government may be applied towards the performance of this function including the expenditure of funds to provide legal representation for Elected Members and Employees, as long as the Town believes on reasonable grounds that the expenditure falls within the scope of the general function.
2. This Policy provides for criteria and circumstances for assessing the appropriateness of expending Town funds on the legal representation of Elected Members and Employees.
3. This policy only applies if the Town's insurers decline to accept responsibility for providing legal representation to Elected Members and Employees.

## Payment Criteria

4. There are four major criteria for determining whether the Town will pay the legal representation costs of an Elected Member or Employee. These are:
  - a. The legal representation costs must relate to a matter that arises from the performance, by the Elected Member or Employee, of their functions.
  - b. The legal representation costs must be in respect of legal proceedings that have been, or may be, commenced.
  - c. In performing the functions, to which the legal representation relates, the Elected Member or Employee must have acted in good faith, and must not have acted unlawfully or in a way that constitutes improper conduct.
  - d. The legal representation costs do not relate to a matter that is of a personal or private nature.

## Legal Representation Costs that May be approved

5. Subject to clause 6, if the criteria in clause 4 are satisfied, the Council may approve legal representation costs:
  - a. where proceedings are brought against an Elected Member or Employee in connection with his or her functions – for example, an action for defamation or negligence arising out of a decision made or action taken by the Elected Member or Employee; or
  - b. for involvement in a statutory or other inquiry that requires information to be given, or to which information is given, by an Elected Member or Employee in connection with his or her functions; or
  - c. to enable proceedings to be commenced and/or maintained by an Elected Member or Employee to permit them to carry out their functions – for example where an Elected Member or Employee seeks to take action to obtain a restraining order against a person using threatening behaviour to the Elected Member or Employee; or
  - d. where exceptional circumstances are involved – for example, where a person or organisation is lessening the confidence of the community in the local government by publicly making adverse personal comments about Elected Members or Employees.
6. The Council will not approve the payment of legal representation costs to an Elected Member or Employee for a defamation action, or a negligence action, instituted by the Elected Member or Employee.

## Application for payment

7. An Elected Member or Employee who seeks assistance under this Policy is to make an application(s) for payment of legal representation costs.

8. The application:
  - a. is to be made in writing to the Chief Executive Officer;
  - b. is to give details of:
    - i. the matter for which legal representation is sought;
    - ii. how the matter relates to the functions of the Elected Member or Employee;
    - iii. the lawyer (or law firm) who is to be asked to provide the legal representation;
    - iv. the nature of legal representation to be sought (such as advice, representation in court, preparation of a document. etc);
    - v. the estimated cost of the legal representation (if known); and
    - vi. why it is in the interests of the Town for payment to be made.
  - c. is to contain a declaration by the applicant that he or she has acted in good faith and has not acted unlawfully or in a way that constitutes improper conduct in relation to the matter to which the application relates;
  - d. so far as possible, is to be made before seeking the legal representation to which the application relates.
9. The application is to be accompanied by a written statement by the applicant that they:
  - a. have read and understands the terms of this Policy;
  - b. acknowledged that any approval of legal representation costs is conditional on the repayment provisions of clause 23 and any other conditions to which the approval is subject; and
  - c. undertake to repay to the Town any legal representation costs in accordance with the provisions of clause 23.
10. In relation to clause 8(c.), when a person is to be in receipt of such monies the person should sign a document which requires repayment of that money to the local government as may be required by the local government and the terms of the Policy.
11. An application is to be accompanied by a report, prepared by or on behalf of the CEO, to Council for approval.

### Legal representation costs – limit

12. Unless otherwise determined by Council, payment of legal representation costs in respect of a particular application is not to exceed \$5,000.
13. An Elected Member or Employee may make a further application in respect of the same matter.

### Council powers

14. Council may:
  - a. refuse;
  - b. grant; or
  - c. grant subject to conditions, an application for payment of legal representation costs.
15. A condition under clause 13 may include a financial limit and/or a requirement to enter into a formal agreement, including a security agreement, relating to the payment, and repayment, of legal representation costs.
16. In assessing an application, regard may be had to any insurance benefits that may be available to the applicant under the Town's existing insurance policy.

17. Council may at any time revoke or vary an approval, or any conditions of approval, for the payment of legal representation costs.
18. Council may, determine that an Elected Member or Employee whose application for legal representation costs has been approved:
  - a. has, in respect of the matter for which approval was given, not acted in good faith, or has acted unlawfully or in a way that constitutes improper conduct; or
  - b. has given false or misleading information in respect of the application.
19. A determination under clause 18 may be made by Council only on the basis of, and consistent with, the findings of a court, tribunal or inquiry.
20. Where Council makes a determination under clause 18, it may also determine that all or part of the legal representation costs paid by the Town, are to be repaid by the Elected Member or Employee in accordance with clause 24.

### CEO Authorisation

21. In cases of urgency, the CEO, may exercise, on behalf of the Council, any of the powers of the Council under clause 5, to a limit of \$5,000, where a delay in approving an application would be detrimental to the legal rights of an Elected Member or Employee.
22. Where the CEO is the applicant, the powers in clause 21 are to be exercised by the Chief Financial Officer and the Mayor or Deputy Mayor.
23. An application approved by the CEO under clause 21, or by the Chief Financial Officer under clause 22, is to be submitted to the next meeting of Council which may exercise any of its powers under this Policy.

### Repayment of Legal Representation Costs

24. An Elected Member or Employee, whose legal representation costs have been paid by the Town, is to repay the Town:
  - a. all or part of those costs – in accordance with a determination by Council under clause 18; or
  - b. as much of those costs as are available to be paid by way of off-set – where the Elected Member or Employee receives monies paid for costs, damages, or settlement, in respect of the matter for which the Town paid the legal representation costs.
25. The Town may take action in a court of competent jurisdiction to recover any monies due to it under this Policy.

### Related documents

[Departmental Operational Guideline - Legal Representation for Council Members and Employees \(dlgsc.wa.gov.au\)](https://dlgsc.wa.gov.au)

<b>Responsible officers</b>	Coordinator Governance and Strategy
<b>Policy manager</b>	Manager Governance and Strategy
<b>Approval authority</b>	Council
<b>Next evaluation date</b>	August 2025

## Revision history

Version	Action	Date	Authority	Resolution number	Report number
1	Adopted	15/08/2023	Council	176/2023	Item 11.6
2	Administratively amended	13/09/2023	Delegation		

<b>Policy number</b>	Policy 114
<b>Policy title</b>	Community Funding <del>D23/43916</del>
<b>Strategic outcomes supported</b>	<p>CL1 – Effectively managing resources and performance</p> <p><a href="#">CL3 – Accountability and good governance</a></p> <p><a href="#">EC2 – Connecting businesses and people to our local activity centres through place planning and activation</a></p> <p><a href="#">EN1 – Protecting and enhancing the natural environment</a></p> <p><a href="#">S1 – Helping people feel safe</a></p> <p><a href="#">S2 – Collaborating to ensure everyone has a place to call home</a></p> <p>S3 – Facilitating an inclusive community that celebrates diversity</p> <p><a href="#">S4 – Improving access to arts, history, culture and education</a></p>

## Policy objective:

This policy aims to ensure the success and prosperity of the Town’s community while ensuring transparency of funding decisions and accountability of those parties receiving funding.

## Policy scope:

This policy applies to any eligible party seeking funding from the Town through the following programs:

- ~~Community Grants program.~~
- ~~Place grants program~~
- Donations.
- Operating Subsidies (including peppercorn lease).
- Rebates.

## Policy definitions:

The following definitions apply in this policy:

**acquittal** means [information provided by a grant recipient that ensures the funds have been administered responsibly and in line with the funding agreement/conditions of the funding program also known as an evaluation.](#)

**auspice organisation** means legal entity which must take responsibility for applying, receiving, holding, administering and acquitting against a grant or funding on behalf of an unincorporated organisation or individual.

**business** means a registered trading business.

**business group** means a group of two or more local businesses who work in partnership.

**community grants program** includes any grant program which is open to the local community and residents in return for social outcomes at an individual and community level.

**conflict of interest** [relates to a situation in which a person can derive personal benefit from actions or decisions made in their official capacity.](#)

**cost-benefit comparison** relates to social benefits and outcomes achieved at an individual and community level being greater than the totality of funding and support provided by the Town. The funding recipient will be required to attribute a cost against the operational service delivery cost required to achieve the social benefits and outcomes.

**cost-effectiveness** analysis means the comparison of two similar programs or services taking into consideration cost and resourcing against the benefits and outcomes anticipated to be achieved or achieved. A cost-effectiveness analysis helps to determine which 'applicant' should receive funding/ resources based upon:

- a. the greatest potential impact at an individual and community level informed through a cost-benefit comparison; and
- b. should sufficient funds be available Council may elect to approve two or more similar operating subsidies.

**donation** means a financial gift to an eligible party.

**economic efficiency** is when goods and services that are produced are the ones that are most valued by society, produced at least cost and allocated to those who value them most highly. Economic efficiency comprises:

- a. allocative efficiency- allocating resources to their most productive use;
- b. technical efficiency- providing goods and services at least cost; and
- c. dynamic efficiency- ensuring that investments are optimal over the long-term (three year maximum contracts) in both their timing and location.

**established and solvent** means:

- a. operating a business for all or part of the income year;
- b. cash reserve and/or guaranteed income to cover three months' worth of operating costs at any time;
- c. has an aggregated turnover less than \$10 million annually; and
- d. has demonstrated capacity to deliver upon Funding Agreements.

**funding agreement** means a contract entered into by the Town and funding recipient which stipulates obligations inclusive of, deliverables, reporting requirements, roles and responsibilities, termination of funding and funding period.

**funding program** means any grant, operating subsidy, donation or rebate allocated based on merit through an application and assessment process.

**incorporated association** means an association, as defined by the Associations Incorporation Act 2015 (WA), inclusive of any association, society, club, institution, community group or body formed or carried on for a lawful purpose. All profits made by the association must be used to benefit the association or, in the case of a charity, the beneficiaries of that charity, and not for the gain of its individual members.

**in-kind support** means goods or services provided to eligible parties by the Town. Such as fee waiver for the use of the Town's facilities and services, inclusive of parks, reserves, ~~or equipment~~, or support inclusive of but not limited to cross-promotion through social media platforms and production of marketing material. In-kind support will be attributed a monetary value and considered within the totality of funds provided by the Town to the eligible party.

**intervention** means a program, service or initiative.

**operating subsidy** means a cash payment and/ or peppercorn lease made to an eligible party to support its sustainable operating capacity to deliver programs, support and services to the local community, capped at 50% of total operating costs.

**party** means any person, community group, business group, organisation or other, applying for funding from the Town.

**peppercorn lease** means a subsidised nominal rental amount which is significantly below the market valuation, thus forfeiting revenue in return for social benefits for the community (to be informed by cost-benefit comparison).

**program** means an intervention, event, initiative, or service delivered by a party to a specific community cohort or the general community.

**rebate** means a financial reimbursement of the expenditure of funds, to an eligible party, excluding rate rebates or concessions.

**social enterprise** (also referred to as business) means:

- a. a small business that is led by an economic, social, cultural or environmental mission consistent with a public or community benefit;
- b. derive a substantial portion of their income from trade; and
- c. reinvest the majority of their profits/ surplus in the fulfilment of their mission.

**sustainable operating capacity** means the capacity of an organisation to remain financially viable over a long-term period through diverse revenue and funding streams which meet the full cost of services delivery, attract and retain human capital, and manage operational risks.

**town team/ place-based group** means a group of residents, businesses and landowners working collaboratively to improve their local neighbourhood.

**unincorporated group** means a not-for-profit organisation that operates for the benefit of the community (does not engage in trade or commerce or make a profit for its members), and while eligible for incorporation does not currently have a certificate of incorporation.

**year** means the financial year from 1 July to 30 June inclusive.

## Policy statement:

### Administration of funding programs:

1. The Town will administer funding programs to support the resilience of the community.
2. Funding programs are subject to an annual budget approval process. The Town reserves the right to withhold the administration or availability of any of the following funding programs based upon the long-term and annual financial position of the Town.
3. Any party wishing to apply for funding must have Public Liability Insurance of \$10 million with the exception of rebates, donations and for grants, in instances where initiatives are not exposed to public risk.
4. The Town reserves the right to deny funding to any party should the proposed program or initiative or party conflict with the Town's Vision, Mission or Values, or bring the Town's brand or reputation into disrepute, or at its discretion.
5. The Town reserves the right to:
  - a. Move unallocated funds between funding programs/rounds;
  - b. Utilise unallocated funds in an additional funding round; or
  - c. Retain unallocated funds as savings.
6. All funding provided under this policy is to be reported on in the Annual Report.
7. The Town must ensure that all documentation relating to community funding programs, including executed agreements, is recorded, as required under the State Records Act 2000.

### Ineligibility criteria:

8. Unless otherwise stated in additional ineligibility criteria under each funding program, applicants will be ineligible where:
  - a. the applicant has an outstanding debt to the Town;
  - b. the applicant has failed to submit a satisfactory acquittal for a previous Town funding program; or
  - c. the application is submitted retrospectively i.e. after a project, activity and/or program has already taken place.
  - d. Any party that does not comply with the operational Terms and Conditions of the funding program.
  - e. Elected Members, Town staff or a relative of an Elected Member or Town staff are not eligible.
    - o Relative (as described by the Local Government Act 1995 or as amended) – in relation to a relevant person, means any of the following –
      - a. a parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant of the relevant person's spouse or de facto partner;
      - b. The relevant person's spouse or defacto partner or the spouse or de facto partner of any relative specified in paragraph (a), whether or not the relationship is traced through, or to, a person whose parents were not actually married to each other at the time of the person's birth or subsequently, and whether the relationship is natural relationship or a relationship established by a written law.

### Conflicts of interest:

9. In the administration and awarding of community funding programs any real, potential or perceived conflicts of interest are to be managed in keeping with the Local Government Act 1995, the code of conduct and the Town's values.
10. In order to achieve this, in keeping with the requirements of the Local Government Act 1995, Town of Victoria Park Code of Conduct for employees and Town of Victoria Park Code of Conduct for Council Members, Committee Members and Candidates, employees and elected members with any involvement in community funding programs shall declare:
  - a. any financial, indirect financial, proximity or gift interests that they have with any applicant for a community funding program; and
  - b. any impartiality interests they have with any applicant for a community funding program.
11. As required under the Act, where any employee or elected member discloses a financial, indirect financial, proximity or gift-related interest, they must not be involved in that community funding program application. If:
  - a. this is as a member of a panel; they must not participate in the panel and the CEO should appoint another person as a member of the panel;
  - b. as an employee who awards or assesses applications for funding, the application must be referred to another appropriate employee who can award or undertake the assessment for the funding; and
  - c. the application is referred to a committee or Council, in accordance with the requirements of the Act.
12. Where an impartial interest by an employee is disclosed, the interest should be referred to the CEO to establish if it continues to be appropriate for that employee to be involved in the assessment process.

### Lobbying of Elected Members:

13. Applicants may not lobby or seek to influence the decision-making of Elected Members or Town staff, in relation to their submitted funding applications.



14. If, during the period between submitting a funding application and a determination by Council, an applicant seeks to lobby any Elected Member or Town staff of the Town of Victoria Park, or attempts to provide additional information, either directly or indirectly, on any matter relating to the funding application to an Elected Member or Town staff, the person/organisation may be disqualified and the grant or donation excluded from being considered for approval.

### Management of Grant Applications:

15. Applicants can submit applications to separate funding programs within the same financial year/round (in line with relevant grant guidelines) providing that the applications are for different activities.
16. The Town recognises that without ongoing funding some activities would not continue. For this reason, the Town may fund the same activity in subsequent grant rounds (in line with the grant guidelines), for example successful community events that continue to build community connections and reduce social isolation.
17. All information collected during the application process will be treated in accordance with Council's Privacy Statement. It is important that (outside of meeting agendas) no information is shared publicly until the assessment process has been finalised and funding allocations fully assessed.

### ~~Community Grants Program:~~

- ~~15.18.~~ The ~~community~~Town's grants ~~program~~ will increase the capacity of community groups, businesses, clubs and organisations within the Town of Victoria Park, to implement projects, activities and programs that enhance and promote community wellbeing, aligned to the Town's Strategic Community Plan.

### Grant Funding Programs:

- ~~16.19.~~ The ~~Town's~~ Community ~~g~~Grants ~~program is~~ comprised of ~~a range of community grant programs inclusive of~~, but ~~are~~ not limited to:

- ~~a.~~ Art Grants
- ~~b.~~ Business Grants
- ~~c.~~ Community Grants
- ~~d.~~ Community Group Insurance Grants
- ~~e.~~ Place Grants
- ~~f.~~ Sport Grants
- ~~g.~~ Community and Sport Equipment Grants
- ~~a.h.~~ Urban Forest Grants

- ~~b. a. Community Development Grants;~~
- ~~c. b. Sport and Club Development Grants;~~
- ~~d. c. Community Donations;~~
- ~~e. d. Community Safety and Crime Prevention Grants;~~
- ~~f. e. Art and Culture Grants;~~
- ~~g. f. Urban Forest Grants;~~
- ~~h. g. Place Grants and~~
- ~~h. Operating Subsidy.~~

#### ~~Aim:~~

~~The aims of the Town's Community Grants Program are to:~~



Complement and achieve the Town of Victoria Park's strategic objectives;  
Provide financial assistance to the community to develop and implement projects, activities and programs that enhance the wellbeing of the community;  
Strengthen local community capacity and cohesion through capitalising on the strengths and abilities of the community to effectively identify its own needs and to plan, develop and implement innovative solutions;  
Facilitate fair, transparent, and equitable distribution of community resources and programs through the Town; and  
Increase participation and accessibility to a range of quality and innovative programs and activities for the residents of the Town.

**Eligibility:**

Eligible applicants are:

not-for-profit organisations;  
community group or clubs;  
artists, individuals, and businesses;  
resident associations;  
town teams or place-based groups;  
parents and citizen (P&C) and parents and friends (P&F) associations;  
schools (only for projects falling outside the Department of Education responsibilities); and  
social enterprises.

**Approval process:**

~~17.20.~~ The CEO will be responsible for receiving, assessing and approving ~~community~~ grant applications up to \$15,000. The CEO shall establish a panel of no less than three members to assess all eligible applications received. Once approved, the CEO will notify Council of all grant application outcomes ~~The panel will assess applications against the requirements and assessment criteria and make a recommendation to Council for consideration.~~

~~18.21.~~ Dependent upon annual budget approval, funding will be available as per the specific grant funding guidelines. ~~Funding rounds will be tailored to the specific community grants program and detailed in Practice 114.1 Community Grants which will be made publicly available.~~

~~19.22.~~ The Town may require public recognition of the grant through means as deemed appropriate by the Town.

**Art Grants:**

**Aims:**

23. The Arts Grants program in the Town of Victoria Park invests in artists and creatives to develop and deliver artistic, cultural, or creative activities that engage with the local community in meaningful ways. This includes:

- a. Engage the local community within the Town of Victoria Park in meaningful arts, cultural, and creative experiences.
- b. -Develop and strengthen Victoria Park's unique and vibrant arts, creative, and cultural sector, and include local artists and/or creatives in activities.
- c. Nurture and support artists and creatives to extend their artistic, cultural, or creative practice.

Eligibility:

24. Eligible applicants are:

- a. Individuals with an ABN or an eligible auspice organisation.
- b. Not for profit organisations including incorporated associations and public companies limited by guarantee

Business Grants:

Aims:

25. Business grants funding aims to support projects that deliver the objectives of the Economic Development Strategy or any other adopted strategic plan that progress the economic priorities of the Town's Strategic Community Plan.

Eligibility:

26. Eligible applicants:

- a. a business whose principal place of trading is within the Town of Victoria Park Local Government Area;
- b. an Incorporated Association where the proposed project, activity or program is to take place primarily within the Town of Victoria Park Local Government Area; or
- c. an unincorporated association, group or individual with formal support of an auspice organization, where the proposed project, activity or program is to take place primarily within the Town of Victoria Park Local Government Area.

Community Grants:

Aims:

27. Community grants provide an opportunity for the groups and individuals to build the capacity and wellbeing of Town of Victoria Park community, with the aim to:
- a. complement and achieve the Town of Victoria Park's strategic objectives;
  - b. provide financial assistance to the community to develop and implement projects, activities and programs that enhance the wellbeing of the community;
  - c. strengthen local community capacity and cohesion through capitalising on the strengths and abilities of the community to effectively identify its own needs and to plan, develop and implement innovative solutions;
  - d. facilitate fair, transparent and equitable distribution of community resources and programs through the Town; and
  - e. increase participation and accessibility to a range of quality and innovative programs and activities for the residents of the Town.

Eligibility:

28. Eligible applicants are:

- a. not-for-profit organisations;
- b. community group or clubs;
- c. artists, individuals, and businesses;

- d. resident associations;
- e. town teams or place-based groups;
- f. parents and citizen (P&C) and parents and friends (P&F) associations;
- g. schools (only for projects falling outside the Department of Education responsibilities); and
- h. social enterprises.

### Community Group Insurance Grants:

#### Aims:

- 29. The Community Group Insurance Funding Stream provides local community groups reimbursement for insurance policy premiums, allowing the affordability of insurance, and providing insurance protection for local community and neighbourhood group members, volunteers, and participants.

#### Eligibility:

##### 30. Eligible applicants:

- a. Applicants need to demonstrate how the association will deliver benefits to the residents and ratepayers within the Town.
- b. The group is a not-for-profit group providing a community benefit to Victoria Park residents and has no more than \$10,000 in annual net profit generated from (a) core business or (b) donations or sponsorships for operational costs in the previous twelve months.
- c. The group does not have the option to affiliate to a peak body or state/national organisation with insurance provisions or can't access insurance cover by other means.
- d. The group is not a religious body or political interest group or party.
- e. Provide a copy of their Certificate of Incorporation as not-for-profit association.
- f. Provide a copy of their Constitution that clearly outlines the core function/purpose of the association.
- g. Evidence of previous insurance cover for a minimum of 12 months.
- h. Two quotes for each insurance policy to be provided from a reputable (APRA reputable listed within the National Insurance Brokers Association) insurance provider.
- i. Total insurance amount requested.
- j. Applicants must provide evidence of an annual or on-going program of activity which seeks to engage residents and ratepayers. These may be calendar of events, programming lists or similar.
- k. The applicant commits to reapplying and providing updated insurance information annually in July to ensure the Town's insurer has the correct information.

### **Place Grants Program:**

#### **Aims:**

- ~~20.~~31. Place grants aim to support community-led initiatives that:

- a. make a positive contribution to the physical character, amenity, or activation of a neighbourhood
- b. build the capacity and capability of a town team or place-based group.

**Eligibility:**

~~21.32.~~ Eligible applicants are:

- a. not-for-profit organisations;
- b. community group or clubs;
- c. artists, individuals, and businesses;
- d. resident associations;
- e. town teams or place-based groups;
- f. parents and citizen (P&C) and parents and friends (P&F) associations;
- g. schools (only for projects falling outside the Department of Education responsibilities); and
- h. social enterprises.

**Approval process:**

~~The CEO will be responsible for receiving, assessing, and approving place grant applications detailed in Practice 114.6 Place Grants which is to be made publicly available.~~

~~Dependent upon annual budget approval, funding will be available year-round, or until funds have been expended.~~

~~The Town may require public recognition of the grant through means as deemed appropriate by the Town.~~

**Sport Grants:**

**Aims:**

33. The aims of the Town's sports grant are to:

- a. complement and achieve the Town of Victoria Park's strategic objectives
- b. provide financial assistance to local community and recreation and sporting clubs for projects, initiatives that benefit the development of sport and recreation to residents of the Town.
- c. strengthen local community capacity and cohesion through capitalising on the strengths and abilities of the community to effectively identify its own needs and to plan, develop and implement innovative solutions
- d. facilitate a fair, transparent and equitable distribution of community resources and programs through the Town
- e. increase participation and accessibility to a range of quality and innovative programs and activities for the residents of the Town.

**Eligibility:**

34. Local sporting clubs or groups who are located and undertake their training and/or competitions in the Town.

**Community and Sport Equipment Grants:**

**Aims:**

35. The Community and Sport Equipment grant provides financial assistance to local community groups and sporting clubs for equipment that benefit the development of sport or recreation activities to the residents of the Town of Victoria Park.

Eligibility:

36. Local community groups and sporting who are located in and undertake their activities in the Town.

Urban Forest Grants:

Aims:

37. Urban Forest funding aims to support community members, groups, and organisations to deliver community-led greening initiatives that contribute to the Urban Forest Strategy (UFS) and progress the actions from the UFS Implementation Action Plan (UFSIAP).

Eligibility:

~~22.~~38. Urban Forest Grants are open to:

a. Individuals, groups (unincorporated bodies/partnerships) or organisations (not-for-profit and for-profit) whose proposed project will be undertaken within the Town of Victoria Park.

**Donations:**

~~23.~~39. The donations program will support the local community through an annual financial assistance program.

~~24.~~40. Donations will be for charitable purposes or services or to support individual or group achievement at a state, national, or international level of competition.

~~25.~~41. The Town reserves the right to request a profile of the donation recipient including what the funds will be or have been used for.

**Donation Funding Programs:**

42. The Town's donation programs include, but are not limited to:

- a. Youth National and International Sport Development Donation
- b. Youth Leadership and Development Donation
- c. School Welfare Development Donation

**Aims:**

~~26.~~43. The aims of the Town's Community Donations Program are:

- a. To complement the Town of Victoria Park's strategic objectives; and
- b. The support the following three (3) categories through financial assistance:

*Youth National and International Sport Development Donation*

- i. To support local residents who reside within the Town aged between 12- 25 years to participate within their sporting discipline at a national or international level.
- ii. Applicants must produce a letter of selection from their state sporting association or national body.

### *Youth Leadership and Development Donation*

- iii. To support individuals aged between 12-25 years nominated to undertake a youth leadership or development course delivered by a recognised organisation for personal and/or professional development.
- iv. Applicants must demonstrate a letter of offer to undertake personal or professional development.

### *School Welfare Development Donation*

- v. Maximum of two applications per school, per financial year, to support the welfare of students and families requiring assistance with educational fees or items.
- vi. The school must submit the application on behalf of the student/ family.

### Approval process:

~~27.~~44. The CEO will be responsible for receiving, assessing, and approving donations applications.

~~28.~~45. Dependent upon annual budget approval, funding will be available year-round, or until funds have been expended.

46. The Town may require public recognition of the grant through means as deemed appropriate by the Town.

~~29. The Chief Executive Officer will be responsible for operationalising and administering the Donations Program in accordance with Practice 114.2 Donations which is to be made publicly available.~~

### Operating Subsidy:

~~30.~~47. The operating subsidy program will support the operating capacity of eligible parties to deliver meaningful interventions, programs, and services to the community.

### Aim:

~~31.~~48. To ensure economic efficiency, accountability, and transparent financial management of funds by the Town, inclusive of in-kind support, cash, and peppercorn lease.

### Eligibility:

~~32.~~49. Applicants must meet the following:

- a. must be an established and solvent incorporated not-for-profit organisation or social enterprise;
- b. the mission/purpose of the organisation or social enterprise must be of a sporting or recreational, cultural or community service focus;
- c. the mission/purpose will be stated in the organisation's constitution, details of incorporation or similar statement of purpose;
- d. operating subsidy request must align with the Town's identified priority focus area(s);
- e. operating subsidy request is based upon industry benchmarked standard costs of operation or comparable information; and
- f. the impact of the operating subsidy upon competition and economic efficiency are minimised as far as practicable and evidenced by the applying party.

### Ineligibility:

~~33.~~50. Applicants will be ineligible for an Operational Subsidy where:

- a. the eligibility criteria is not met;
- b. the applicant does not operate within the Town from a rateable premise, or does not primarily deliver services within the Town;
- c. the applicant has previously breached a requirement of a lease or license with the Town and failed to rectify the breach to the satisfaction of the Town; or
- d. the applicant is insolvent.

### Approval Process:

~~34.~~51. The CEO will be responsible for receiving and assessing operating subsidy applications. The CEO shall establish a panel of no less than three members to assess all eligible applications received. The panel will assess applications against the requirements and assessment criteria and make a recommendation to Council for consideration.

~~35. The Chief Executive Officer will be responsible for operationalising and administering the operating subsidy program in accordance with Practice 114.4 Operating Subsidies which is to be made publicly available.~~

~~36.~~52. Allocation of up to 1% of the Town's rateable income will be considered to support the operating subsidy program annually.

~~37.~~53. Dependent upon annual budget approval, the operating subsidy program will be advertised publicly with one founding round open per year.

~~38.~~54. Operating subsidies will be capped at \$100,000 (ex GST and Consumer Price Index Perth all groups) cash contribution per organisation per year, and no more than 50% of total operating costs, inclusive of cash, in-kind support relating to subsidised rental value of the lease forfeited under a peppercorn lease.

~~39.~~55. The Town will be responsible for receiving operating subsidy applications and making a recommendation to Council for consideration.

~~40.~~56. Applications will be assessed against cost-benefit comparison aligned to the Town's Strategic Community Plan outcomes.

~~41.~~57. In the instance where two or more applicants apply for an operating subsidy to deliver similar services, a cost-effectiveness analysis (CEA) will be undertaken to ensure the most efficient use of rate payers funds.

~~42.~~58. Should sufficient funds be available Council may elect to approve two or more similar operating subsidies.

~~43.~~59. Three (3) year recurrent Funding Agreements will be entered into with the successful applicant.

~~44.~~60. Previously successful applicants are eligible to re-apply for an operating subsidy;

~~45.~~61. Operating subsidy applications will be considered alongside Lease/License Agreements, where relevant.

~~46.~~62. Consumer Price Index Perth all Groups will be applied annually to the life of the funding contract.



~~47.63.~~ Successful applications will be required to provide six-monthly 'output reports' and an annual 'outcome report' to the Town, to be used by the Town as the Town deems fit.

~~48.64.~~ Successful applicants will be required to provide the Town with an annual statement of income and expenditure of the operating subsidy which has been certified by the applicant's auditor.

~~49.65.~~ The annual outcome report must demonstrate cost-benefit comparison in return for the operating subsidy.

~~50.66.~~ The Town reserves the right to terminate a Funding Agreement upon unsatisfactory annual outcomes reported in an acquittal and or report.

~~51.67.~~ Should the acquittal process be deemed unsatisfactory, the Town reserves the right to request the full reimbursement of funding provided.

~~52.68.~~ The Town reserves the right to incrementally decrease funding per year to promote sustainable operating capacity, should the financial position of the funding recipient change.

~~53.69.~~ The eligibility criteria, reporting and acquittal process will be made publicly available on the Town's website.

### Rebates:

~~54.70.~~ The Rebates programs ~~relates to the following funding programs~~include:

- a. Adopt-a-~~V~~erge;
- b. CCTV Partnership Program;
- c. Security Incentive Scheme;~~and~~
- d. Street Meet and Greet;
- e. Reusable Sanitary Products; and
- ~~d.~~f. Cloth Nappy Rebate.

~~55.71.~~ The CEO will be responsible for receiving, assessing, and approving rebate applications.

### Adopt-a-Verge:

~~56.72.~~ The 'Adopt-a-Verge' program supports residents to transform the verge areas in their street into beautiful native gardens, with the assistance of the Town of Victoria Park. A verge is considered the area between the road and your property.

### Aims:

~~57.73.~~ The aims of the Adopt-a-Verge program are to:

- a. Reduce water use;
- b. Increase Biodiversity; and
- c. Promote aesthetically pleasing verges.

### Eligibility:

~~58.74.~~ Local residents are eligible for an Adopt-a-Verge rebate.

#### Ineligibility:

~~59.75.~~ The following parties are ineligible for an Adopt-a-Verge rebate:

- a. Commercial or industrial properties; and
- b. Property developers.

#### CCTV Partnership Program:

##### Aims:

~~60.76.~~ To assist private residences, businesses, or community groups to install an effective CCTV system and create a partnership between the applicant, WA Police Force, and the Town to address crime and safety problems through visual surveillance.

##### Eligibility:

~~61.77.~~ Any property owner, resident, business, or community group in the Town is eligible to apply for funding of up to half the total project cost, per project. ~~(refer to management practice 114.1 Community Funding for capped amount).~~

##### Ineligibility:

~~62.78.~~ The following parties are ineligible to join the CCTV Partnership Program:

- a. State or Federal government agencies; or
- b. Properties outside the Town of Victoria Park.

#### Security Incentive Scheme:

##### Aims:

~~63.79.~~ To support residents in taking an active role to deter burglaries.

##### Eligibility:

~~64.80.~~ Any local property owner, resident, business, or community group in the Town.

##### Ineligibility:

~~65.81.~~ The following parties are ineligible for a Security Incentive Scheme rebate:

- a. State or Federal government agencies;
- b. Any party that has already received their maximum rebate under the Security Incentive Scheme for the financial year. ~~—or~~  
~~—Any party that does not comply with the operational Terms and Conditions of the program.~~

#### Street Meet n Greet:

##### Aims:

~~66.82.~~ To empower community members to deliver local street events throughout the Town.

##### Eligibility:

~~67.83.~~ Any resident, business or community group in the Town is eligible to apply.

**Ineligibility:**

~~68-84.~~ The following parties are ineligible for a Street Meet n Greet rebate:

- a. State or Federal government agencies;
- b. Properties outside the Town of Victoria Park;
- ~~c. Any party with a current outstanding debt with the Town;~~
- ~~d. Any event that does not target local street neighbours as the focus of the event; or~~
- ~~c. Any party that does not comply with the operational Terms and Conditions of the program.~~

**Reusable Sanitary Products:**

**Aims:**

85. Reducing the environmental impact of disposable products, whilst at the same time saving residents money.

**Eligibility:**

~~69-86.~~ A resident of the Town who has attended a workshop.

**Ineligibility:**

87. Any resident that has already received a rebate in the same financial year.

**Cloth Nappy Rebate:**

**Aims:**

88. Reducing the environmental impact of disposable products, whilst at the same time saving residents money.

**Eligibility:**

89. A resident of the Town; and

90. Has purchased/hired cloth nappies from an Australian based organization or have your cloth nappies repaired.

**Ineligibility:**

91. Any resident that has already received a rebate in the same financial year.

**Related documents**

Code of Conduct for employees

Code of Conduct for Council Members, Committee Members and Candidates

<b>Responsible officers</b>	Coordinator Events Arts and Funding
<b>Policy manager</b>	Manager - Community
<b>Approval authority</b>	Council
<b>Next evaluation date</b>	April 2027

## Revision history

Version	Action	Date	Authority	Resolution number	Report number
1	Adopted	17/12/2019	Council	284/2019	Item 14.5
2	Amended	15/09/2020	Council	519/2020	Item 15.2
3	Amended	20/10/2020	Council	535/2020	Item 12.6
4	Amended	15/12/2020	Council	594/2020	Item 15.1
5	Reviewed and amended	20/04/2021	Council	76/2021	Item 15.2
6	Reviewed and amended	12/04/2022	Council	73/2022	Item 15.5
7	Administratively amended	24/08/2023	Delegation		
8	Reviewed and amended	20/02/2024	Council	7/2024	Item 11.3

<b>Policy number</b>	Policy 114
<b>Policy title</b>	Community Funding
<b>Strategic outcomes supported</b>	CL1 – Effectively managing resources and performance CL3 – Accountability and good governance EC2 – Connecting businesses and people to our local activity centres through place planning and activation EN1 – Protecting and enhancing the natural environment S1 – Helping people feel safe S2 – Collaborating to ensure everyone has a place to call home S3 – Facilitating an inclusive community that celebrates diversity S4 – Improving access to arts, history, culture and education

## Policy objective:

This policy aims to ensure the success and prosperity of the Town's community while ensuring transparency of funding decisions and accountability of those parties receiving funding.

## Policy scope:

This policy applies to any eligible party seeking funding from the Town through the following programs:

- Grants .
- Donations.
- Operating Subsidies (including peppercorn lease).
- Rebates.

## Policy definitions:

The following definitions apply in this policy:

**acquittal** means information provided by a grant recipient that ensures the funds have been administered responsibly and in line with the funding agreement/conditions of the funding program also known as an evaluation.

**auspice organisation** means legal entity which must take responsibility for applying, receiving, holding, administering and acquitting against a grant or funding on behalf of an unincorporated organisation or individual.

**business** means a registered trading business.

**business group** means a group of two or more local businesses who work in partnership.

**community grants program** includes any grant program which is open to the local community and residents in return for social outcomes at an individual and community level.

**conflict of interest** relates to a situation in which a person can derive personal benefit from actions or decisions made in their official capacity.

**cost-benefit comparison** relates to social benefits and outcomes achieved at an individual and community level being greater than the totality of funding and support provided by the Town. The funding recipient will be required to attribute a cost against the operational service delivery cost required to achieve the social benefits and outcomes.

**cost-effectiveness** analysis means the comparison of two similar programs or services taking into consideration cost and resourcing against the benefits and outcomes anticipated to be achieved or achieved. A cost-effectiveness analysis helps to determine which 'applicant' should receive funding/ resources based upon:

- a. the greatest potential impact at an individual and community level informed through a cost-benefit comparison; and
- b. should sufficient funds be available Council may elect to approve two or more similar operating subsidies.

**donation** means a financial gift to an eligible party.

**economic efficiency** is when goods and services that are produced are the ones that are most valued by society, produced at least cost and allocated to those who value them most highly. Economic efficiency comprises:

- a. allocative efficiency- allocating resources to their most productive use;
- b. technical efficiency- providing goods and services at least cost; and
- c. dynamic efficiency- ensuring that investments are optimal over the long-term (three year maximum contracts) in both their timing and location.

**established and solvent** means:

- a. operating a business for all or part of the income year;
- b. cash reserve and/or guaranteed income to cover three months' worth of operating costs at any time;
- c. has an aggregated turnover less than \$10 million annually; and
- d. has demonstrated capacity to deliver upon Funding Agreements.

**funding agreement** means a contract entered into by the Town and funding recipient which stipulates obligations inclusive of, deliverables, reporting requirements, roles and responsibilities, termination of funding and funding period.

**funding program** means any grant, operating subsidy, donation or rebate allocated based on merit through an application and assessment process.

**incorporated association** means an association, as defined by the Associations Incorporation Act 2015 (WA), inclusive of any association, society, club, institution, community group or body formed or carried on for a lawful purpose. All profits made by the association must be used to benefit the association or, in the case of a charity, the beneficiaries of that charity, and not for the gain of its individual members.

**in-kind support** means goods or services provided to eligible parties by the Town. Such as fee waiver for the use of the Town's facilities and services, inclusive of parks, reserves; or support inclusive of but not limited to cross-promotion through social media platforms and production of marketing material. In-kind support will be attributed a monetary value and considered within the totality of funds provided by the Town to the eligible party.

**intervention** means a program, service or initiative.

**operating subsidy** means a cash payment and/ or peppercorn lease made to an eligible party to support its sustainable operating capacity to deliver programs, support and services to the local community, capped at 50% of total operating costs.

**party** means any person, community group, business group, organisation or other, applying for funding from the Town.

**peppercorn lease** means a subsidised nominal rental amount which is significantly below the market valuation, thus forfeiting revenue in return for social benefits for the community (to be informed by cost-benefit comparison).

**program** means an intervention, event, initiative, or service delivered by a party to a specific community cohort or the general community.

**rebate** means a financial reimbursement of the expenditure of funds, to an eligible party, excluding rate rebates or concessions.

**social enterprise** (also referred to as business) means:

- a. a small business that is led by an economic, social, cultural or environmental mission consistent with a public or community benefit;
- b. derive a substantial portion of their income from trade; and
- c. reinvest the majority of their profits/ surplus in the fulfilment of their mission.

**sustainable operating capacity** means the capacity of an organisation to remain financially viable over a long-term period through diverse revenue and funding streams which meet the full cost of services delivery, attract and retain human capital, and manage operational risks.

**town team/ place-based group** means a group of residents, businesses and landowners working collaboratively to improve their local neighbourhood.

**unincorporated group** means a not-for-profit organisation that operates for the benefit of the community (does not engage in trade or commerce or make a profit for its members), and while eligible for incorporation does not currently have a certificate of incorporation.

**year** means the financial year from 1 July to 30 June inclusive.

## **Policy statement:**

### **Administration of funding programs:**

1. The Town will administer funding programs to support the resilience of the community.
2. Funding programs are subject to an annual budget approval process. The Town reserves the right to withhold the administration or availability of any of the following funding programs based upon the long-term and annual financial position of the Town.
3. Any party wishing to apply for funding must have Public Liability Insurance of \$10 million with the exception of rebates, donations and for grants, in instances where initiatives are not exposed to public risk.
4. The Town reserves the right to deny funding to any party should the proposed program or initiative or party conflict with the Town's Vision, Mission or Values, or bring the Town's brand or reputation into disrepute, or at its discretion.
5. The Town reserves the right to:
  - a. Move unallocated funds between funding programs/rounds;
  - b. Utilise unallocated funds in an additional funding round; or
  - c. Retain unallocated funds as savings.
6. All funding provided under this policy is to be reported on in the Annual Report.
7. The Town must ensure that all documentation relating to community funding programs, including executed agreements, is recorded, as required under the State Records Act 2000.

### Ineligibility criteria:

8. Unless otherwise stated in additional ineligibility criteria under each funding program, applicants will be ineligible where:
  - a. the applicant has an outstanding debt to the Town;
  - b. the applicant has failed to submit a satisfactory acquittal for a previous Town funding program; or
  - c. the application is submitted retrospectively i.e. after a project, activity and/or program has already taken place.
  - d. Any party that does not comply with the operational Terms and Conditions of the funding program.
  - e. Elected Members, Town staff or a relative of an Elected Member or Town staff are not eligible.
    - o Relative (as described by the Local Government Act 1995 or as amended) – in relation to a relevant person, means any of the following –
      - a. a parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant of the relevant person's spouse or de facto partner;
      - b. The relevant person's spouse or defacto partner or the spouse or de facto partner of any relative specified in paragraph (a), whether or not the relationship is traced through, or to, a person whose parents were not actually married to each other at the time of the person's birth or subsequently, and whether the relationship is natural relationship or a relationship established by a written law.

### Conflicts of interest:

9. In the administration and awarding of community funding programs any real, potential or perceived conflicts of interest are to be managed in keeping with the Local Government Act 1995, the code of conduct and the Town's values.
10. In order to achieve this, in keeping with the requirements of the Local Government Act 1995, Town of Victoria Park Code of Conduct for employees and Town of Victoria Park Code of Conduct for Council Members, Committee Members and Candidates, employees and elected members with any involvement in community funding programs shall declare:
  - a. any financial, indirect financial, proximity or gift interests that they have with any applicant for a community funding program; and
  - b. any impartiality interests they have with any applicant for a community funding program.
11. As required under the Act, where any employee or elected member discloses a financial, indirect financial, proximity or gift-related interest, they must not be involved in that community funding program application. If:
  - a. this is as a member of a panel; they must not participate in the panel and the CEO should appoint another person as a member of the panel;
  - b. as an employee who awards or assesses applications for funding, the application must be referred to another appropriate employee who can award or undertake the assessment for the funding; and
  - c. the application is referred to a committee or Council, in accordance with the requirements of the Act.
12. Where an impartial interest by an employee is disclosed, the interest should be referred to the CEO to establish if it continues to be appropriate for that employee to be involved in the assessment process.

### Lobbying of Elected Members:

13. Applicants may not lobby or seek to influence the decision-making of Elected Members or Town staff, in relation to their submitted funding applications.



14. If, during the period between submitting a funding application and a determination by Council, an applicant seeks to lobby any Elected Member or Town staff of the Town of Victoria Park, or attempts to provide additional information, either directly or indirectly, on any matter relating to the funding application to an Elected Member or Town staff, the person/organisation may be disqualified and the grant or donation excluded from being considered for approval.

### Management of Grant Applications:

15. Applicants can submit applications to separate funding programs within the same financial year/round (in line with relevant grant guidelines) providing that the applications are for different activities.
16. The Town recognises that without ongoing funding some activities would not continue. For this reason, the Town may fund the same activity in subsequent grant rounds (in line with the grant guidelines), for example successful community events that continue to build community connections and reduce social isolation.
17. All information collected during the application process will be treated in accordance with Council's Privacy Statement. It is important that (outside of meeting agendas) no information is shared publicly until the assessment process has been finalised and funding allocations fully assessed.

### Grants:

18. The Town's grants will increase the capacity of community groups, businesses, clubs and organisations within the Town of Victoria Park, to implement projects, activities and programs that enhance and promote community wellbeing, aligned to the Town's Strategic Community Plan.

### Grant Funding Programs:

19. The Town's grants comprise of, but are not limited to:
  - a. Art Grants
  - b. Business Grants
  - c. Community Grants
  - d. Community Group Insurance Grants
  - e. Place Grants
  - f. Sport Grants
  - g. Community and Sport Equipment Grants
  - h. Urban Forest Grants

### Approval process:

20. The CEO will be responsible for receiving, assessing and approving grant applications up to \$15,000. The CEO shall establish a panel of no less than three members to assess all eligible applications received. Once approved, the CEO will notify Council of all grant application outcomes.
21. Dependent upon annual budget approval, funding will be available as per the specific grant funding guidelines.
22. The Town may require public recognition of the grant through means as deemed appropriate by the Town.

### Art Grants:

#### Aims:

23. The Arts Grants program in the Town of Victoria Park invests in artists and creatives to develop and deliver

artistic, cultural, or creative activities that engage with the local community in meaningful ways. This includes:

- a. Engage the local community within the Town of Victoria Park in meaningful arts, cultural, and creative experiences.
- b. Develop and strengthen Victoria Park's unique and vibrant arts, creative, and cultural sector, and include local artists and/or creatives in activities.
- c. Nurture and support artists and creatives to extend their artistic, cultural, or creative practice.

#### Eligibility:

24. Eligible applicants are:

- a. Individuals with an ABN or an eligible auspice organisation.
- b. Not for profit organisations including incorporated associations and public companies limited by guarantee

#### Business Grants:

##### Aims:

25. Business grants funding aims to support projects that deliver the objectives of the Economic Development Strategy or any other adopted strategic plan that progress the economic priorities of the Town's Strategic Community Plan.

#### Eligibility:

26. Eligible applicants:

- a. a business whose principal place of trading is within the Town of Victoria Park Local Government Area;
- b. an Incorporated Association where the proposed project, activity or program is to take place primarily within the Town of Victoria Park Local Government Area; or
- c. an unincorporated association, group or individual with formal support of an auspice organization, where the proposed project, activity or program is to take place primarily within the Town of Victoria Park Local Government Area.

#### Community Grants:

##### Aims:

27. Community grants provide an opportunity for the groups and individuals to build the capacity and wellbeing of Town of Victoria Park community, with the aim to:

- a. complement and achieve the Town of Victoria Park's strategic objectives;
- b. provide financial assistance to the community to develop and implement projects, activities and programs that enhance the wellbeing of the community;
- c. strengthen local community capacity and cohesion through capitalising on the strengths and abilities of the community to effectively identify its own needs and to plan, develop and implement innovative solutions;
- d. facilitate fair, transparent and equitable distribution of community resources and programs through the Town; and
- e. increase participation and accessibility to a range of quality and innovative programs and activities for the residents of the Town.

**Eligibility:**

28. Eligible applicants are:

- a. not-for-profit organisations;
- b. community group or clubs;
- c. artists, individuals, and businesses;
- d. resident associations;
- e. town teams or place-based groups;
- f. parents and citizen (P&C) and parents and friends (P&F) associations;
- g. schools (only for projects falling outside the Department of Education responsibilities); and
- h. social enterprises.

**Community Group Insurance Grants:**

**Aims:**

29. The Community Group Insurance Funding Stream provides local community groups reimbursement for insurance policy premiums, allowing the affordability of insurance, and providing insurance protection for local community and neighbourhood group members, volunteers, and participants.

**Eligibility:**

30. Eligible applicants:

- a. Applicants need to demonstrate how the association will deliver benefits to the residents and ratepayers within the Town.
- b. The group is a not-for-profit group providing a community benefit to Victoria Park residents and has no more than \$10,000 in annual net profit generated from (a) core business or (b) donations or sponsorships for operational costs in the previous twelve months.
- c. The group does not have the option to affiliate to a peak body or state/national organisation with insurance provisions or can't access insurance cover by other means.
- d. The group is not a religious body or political interest group or party.
- e. Provide a copy of their Certificate of Incorporation as not-for-profit association.
- f. Provide a copy of their Constitution that clearly outlines the core function/purpose of the association.
- g. Evidence of previous insurance cover for a minimum of 12 months.
- h. Two quotes for each insurance policy to be provided from a reputable (APRA reputable listed within the National Insurance Brokers Association) insurance provider.
- i. Total insurance amount requested.
- j. Applicants must provide evidence of an annual or on-going program of activity which seeks to engage residents and ratepayers. These may be calendar of events, programming lists or similar.
- k. The applicant commits to reapplying and providing updated insurance information annually in July to ensure the Town's insurer has the correct information.

### Place Grants Program:

#### Aims:

31. Place grants aim to support community-led initiatives that:
- make a positive contribution to the physical character, amenity, or activation of a neighbourhood
  - build the capacity and capability of a town team or place-based group.

#### Eligibility:

32. Eligible applicants are:
- not-for-profit organisations;
  - community group or clubs;
  - artists, individuals, and businesses;
  - resident associations;
  - town teams or place-based groups;
  - parents and citizen (P&C) and parents and friends (P&F) associations;
  - schools (only for projects falling outside the Department of Education responsibilities); and
  - social enterprises.

### Sport Grants:

#### Aims:

33. The aims of the Town's sports grant are to:
- complement and achieve the Town of Victoria Park's strategic objectives
  - provide financial assistance to local community and recreation and sporting clubs for projects, initiatives that benefit the development of sport and recreation to residents of the Town.
  - strengthen local community capacity and cohesion through capitalising on the strengths and abilities of the community to effectively identify its own needs and to plan, develop and implement innovative solutions
  - facilitate a fair, transparent and equitable distribution of community resources and programs through the Town
  - increase participation and accessibility to a range of quality and innovative programs and activities for the residents of the Town.

#### Eligibility:

34. Local sporting clubs or groups who are located and undertake their training and/or competitions in the Town.

### Community and Sport Equipment Grants:

#### Aims:

35. The Community and Sport Equipment grant provides financial assistance to local community groups and sporting clubs for equipment that benefit the development of sport or recreation activities to the residents of the Town of Victoria Park.

**Eligibility:**

36. Local community groups and sporting who are located in and undertake their activities in the Town.

**Urban Forest Grants:**

**Aims:**

37. Urban Forest funding aims to support community members, groups, and organisations to deliver community-led greening initiatives that contribute to the Urban Forest Strategy (UFS) and progress the actions from the UFS Implementation Action Plan (UFSIAP).

**Eligibility:**

38. Urban Forest Grants are open to:
- Individuals, groups (unincorporated bodies/partnerships) or organisations (not-for-profit and for-profit) whose proposed project will be undertaken within the Town of Victoria Park.

**Donations:**

39. The donations program will support the local community through an annual financial assistance program.
40. Donations will be for charitable purposes or services or to support individual or group achievement at a state, national, or international level of competition.
41. The Town reserves the right to request a profile of the donation recipient including what the funds will be or have been used for.
42. **Donation Funding Programs:** The Town's donation programs include, but are not limited to:
- Youth National and International Sport Development Donation
  - Youth Leadership and Development Donation
  - School Welfare Development Donation

**Aims:**

43. The aims of the Town's Community Donations Program are:
- To complement the Town of Victoria Park's strategic objectives; and
  - The support the following three (3) categories through financial assistance:

*Youth National and International Sport Development Donation*

- To support local residents who reside within the Town aged between 12- 25 years to participate within their sporting discipline at a national or international level.
- Applicants must produce a letter of selection from their state sporting association or national body.

*Youth Leadership and Development Donation*

- iii. To support individuals aged between 12-25 years nominated to undertake a youth leadership or development course delivered by a recognised organisation for personal and/or professional development.
- iv. Applicants must demonstrate a letter of offer to undertake personal or professional development.

*School Welfare Development Donation*

- v. Maximum of two applications per school, per financial year, to support the welfare of students and families requiring assistance with educational fees or items.
- vi. The school must submit the application on behalf of the student/ family.

**Approval process:**

- 44. The CEO will be responsible for receiving, assessing, and approving donations applications.
- 45. Dependent upon annual budget approval, funding will be available year-round, or until funds have been expended.
- 46. The Town may require public recognition of the grant through means as deemed appropriate by the Town.

**Operating Subsidy:**

- 47. The operating subsidy program will support the operating capacity of eligible parties to deliver meaningful interventions, programs, and services to the community.

**Aim:**

- 48. To ensure economic efficiency, accountability, and transparent financial management of funds by the Town, inclusive of in-kind support, cash, and peppercorn lease.

**Eligibility:**

- 49. Applicants must meet the following:
  - a. must be an established and solvent incorporated not-for-profit organisation or social enterprise;
  - b. the mission/purpose of the organisation or social enterprise must be of a sporting or recreational, cultural or community service focus;
  - c. the mission/purpose will be stated in the organisation's constitution, details of incorporation or similar statement of purpose;
  - d. operating subsidy request must align with the Town's identified priority focus area(s);
  - e. operating subsidy request is based upon industry benchmarked standard costs of operation or comparable information; and
  - f. the impact of the operating subsidy upon competition and economic efficiency are minimised as far as practicable and evidenced by the applying party.

### Ineligibility:

50. Applicants will be ineligible for an Operational Subsidy where:
- a. the eligibility criteria is not met;
  - b. the applicant does not operate within the Town from a rateable premise, or does not primarily deliver services within the Town;
  - c. the applicant has previously breached a requirement of a lease or license with the Town and failed to rectify the breach to the satisfaction of the Town; or
  - d. the applicant is insolvent.

### Approval Process:

51. The CEO will be responsible for receiving and assessing operating subsidy applications. The CEO shall establish a panel of no less than three members to assess all eligible applications received. The panel will assess applications against the requirements and assessment criteria and make a recommendation to Council for consideration.
52. Allocation of up to 1% of the Town's rateable income will be considered to support the operating subsidy program annually.
53. Dependent upon annual budget approval, the operating subsidy program will be advertised publicly with one founding round open per year.
54. Operating subsidies will be capped at \$100,000 (ex GST and Consumer Price Index Perth all groups) cash contribution per organisation per year, and no more than 50% of total operating costs, inclusive of cash, in-kind support relating to subsidised rental value of the lease forfeited under a peppercorn lease.
55. The Town will be responsible for receiving operating subsidy applications and making a recommendation to Council for consideration.
56. Applications will be assessed against cost-benefit comparison aligned to the Town's Strategic Community Plan outcomes.
57. In the instance where two or more applicants apply for an operating subsidy to deliver similar services, a cost-effectiveness analysis (CEA) will be undertaken to ensure the most efficient use of rate payers funds.
58. Should sufficient funds be available Council may elect to approve two or more similar operating subsidies.
59. Three (3) year recurrent Funding Agreements will be entered into with the successful applicant.
60. Previously successful applicants are eligible to re-apply for an operating subsidy;
61. Operating subsidy applications will be considered alongside Lease/License Agreements, where relevant.
62. Consumer Price Index Perth all Groups will be applied annually to the life of the funding contract.
63. Successful applications will be required to provide six-monthly 'output reports' and an annual 'outcome report' to the Town, to be used by the Town as the Town deems fit.
64. Successful applicants will be required to provide the Town with an annual statement of income and expenditure of the operating subsidy which has been certified by the applicant's auditor.

65. The annual outcome report must demonstrate cost-benefit comparison in return for the operating subsidy.
66. The Town reserves the right to terminate a Funding Agreement upon unsatisfactory annual outcomes reported in an acquittal and or report.
67. Should the acquittal process be deemed unsatisfactory, the Town reserves the right to request the full reimbursement of funding provided.
68. The Town reserves the right to incrementally decrease funding per year to promote sustainable operating capacity, should the financial position of the funding recipient change.
69. The eligibility criteria, reporting and acquittal process will be made publicly available on the Town's website.

#### Rebates:

70. The Rebates programs include:
  - a. Adopt-a-Verge;
  - b. CCTV Partnership Program;
  - c. Security Incentive Scheme
  - d. Street Meet and Greet;
  - e. Reusable Sanitary Products; and
  - f. Cloth Nappy Rebate.
71. The CEO will be responsible for receiving, assessing, and approving rebate applications.

#### Adopt-a-Verge:

72. The 'Adopt-a-Verge' program supports residents to transform the verge areas in their street into beautiful native gardens, with the assistance of the Town of Victoria Park. A verge is considered the area between the road and your property.

#### Aims:

73. The aims of the Adopt-a-Verge program are to:
  - a. Reduce water use;
  - b. Increase Biodiversity; and
  - c. Promote aesthetically pleasing verges.

#### Eligibility:

74. Local residents are eligible for an Adopt-a-Verge rebate.

#### Ineligibility:

75. The following parties are ineligible for an Adopt-a-Verge rebate:
  - a. Commercial or industrial properties; and
  - b. Property developers.



### **CCTV Partnership Program:**

#### **Aims:**

76. To assist private residences, businesses, or community groups to install an effective CCTV system and create a partnership between the applicant, WA Police Force, and the Town to address crime and safety problems through visual surveillance.

#### **Eligibility:**

77. Any property owner, resident, business, or community group in the Town is eligible to apply for funding of up to half the total project cost, per project.

#### **Ineligibility:**

78. The following parties are ineligible to join the CCTV Partnership Program:
  - a. State or Federal government agencies; or
  - b. Properties outside the Town of Victoria Park.

### **Security Incentive Scheme:**

#### **Aims:**

79. To support residents in taking an active role to deter burglaries.

#### **Eligibility:**

80. Any local property owner, resident, business, or community group in the Town.

#### **Ineligibility:**

81. The following parties are ineligible for a Security Incentive Scheme rebate:
  - a. State or Federal government agencies;
  - b. Any party that has already received their maximum rebate under the Security Incentive Scheme for the financial year.

### **Street Meet n Greet:**

#### **Aims:**

82. To empower community members to deliver local street events throughout the Town.

#### **Eligibility:**

83. Any resident, business or community group in the Town is eligible to apply.

#### **Ineligibility:**

84. The following parties are ineligible for a Street Meet n Greet rebate:
  - a. State or Federal government agencies;
  - b. Properties outside the Town of Victoria Park;
  - c. Any event that does not target local street neighbours as the focus of the event; or

## Reusable Sanitary Products:

### Aims:

85. Reducing the environmental impact of disposable products, whilst at the same time saving residents money.

### Eligibility:

86. A resident of the Town who has attended a workshop.

### Ineligibility:

87. Any resident that has already received a rebate in the same financial year.

## Cloth Nappy Rebate:

### Aims:

88. Reducing the environmental impact of disposable products, whilst at the same time saving residents money.

### Eligibility:

89. A resident of the Town; and  
90. Has purchased/hired cloth nappies from an Australian based organization or have your cloth nappies repaired.

### Ineligibility:

91. Any resident that has already received a rebate in the same financial year.

## Related documents

Code of Conduct for employees

Code of Conduct for Council Members, Committee Members and Candidates

<b>Responsible officers</b>	Coordinator Events Arts and Funding
<b>Policy manager</b>	Manager - Community
<b>Approval authority</b>	Council
<b>Next evaluation date</b>	April 2027

## Revision history

Version	Action	Date	Authority	Resolution number	Report number
1	Adopted	17/12/2019	Council	284/2019	Item 14.5
2	Amended	15/09/2020	Council	519/2020	Item 15.2
3	Amended	20/10/2020	Council	535/2020	Item 12.6
4	Amended	15/12/2020	Council	594/2020	Item 15.1
5	Reviewed and amended	20/04/2021	Council	76/2021	Item 15.2
6	Reviewed and amended	12/04/2022	Council	73/2022	Item 15.5
7	Administratively amended	24/08/2023	Delegation		
8	Reviewed and amended	20/02/2024	Council	7/2024	Item 11.3

<b>Policy number</b>	Policy 116
<b>Policy title</b>	Sponsorship
<b>Strategic outcomes supported</b>	<p>CL6 - Finances are managed appropriately, sustainably and transparently for the benefit of the community.</p> <p>CL8 - Visionary civic leadership with sound and accountable governance that reflects objective decision-making.</p> <p>EC1 - A desirable place for commerce and tourism that supports equity, diverse local employment and entrepreneurship.</p> <p>S4 - A place where all people have an awareness and appreciate of arts, culture, education and heritage.</p>

## Policy objective:

The purpose of this policy is to provide for the good governance of sponsorship arrangements between the Town and other organisations.

## Policy scope:

This policy applies to any sponsorship arrangement including:

- where the Town sponsors another organisation's activity; and
- where another organisation sponsors a Town activity or asset.

## Policy definitions:

**activity** includes an award, event, program, initiative facility or team.

**event** has the meaning given to it in section 5.90A of the *Local Government Act 1995* and regulations.

Note: Section 5.90A of the *Local Government Act 1995* states the following:

**event** includes the following —

- a concert;
- a conference;
- a function;
- a sporting event;
- an occasion of a kind prescribed for the purposes of this definition.

**in-kind support** means resources, goods or services provided to eligible parties by the Town other than money, these may include:

- a fee waiver for the use of the Town's facilities and services, inclusive of parks, reserves, ~~or~~ equipment or services
- support inclusive of, but not limited to, resources for logistical coordination, production of marketing material or cross promotional opportunities.

In-kind support will be attributed a monetary value and considered within the totality of funds provided by the Town to the eligible party.

**personal benefit** means a personal financial benefit such as directly receiving money, a gift or tickets to an event. However personal benefit does not include tickets to an event where they are to be given to the community, or tickets to an award ceremony where the Town has potential to win an award.

**sponsorship** means a commercial arrangement in which a sponsor provides a contribution in money and or in-kind support, to support an activity in return for certain specified benefits. Sponsorship is not philanthropic. A sponsor expects to receive a reciprocal return on investment, beyond modest acknowledgement.

## Policy statement:

### Aims:

1. Sponsorship may be by the Town sponsoring a person or body or by that person or body sponsoring a community initiative or event delivered by the Town.
2. The aims of Sponsorship are to:
  - a. maximise opportunities for collaboration between the Town and likeminded organisations
  - b. assist in meeting the Town's strategic objectives as set out in the Strategic Community Plan.
  - c. increase economic vibrancy by raising the profile of the Town
  - d. complement the Town's events programming objectives.
3. Sponsorship must not:
  - a. compromise the Town's values, public image, ability to fulfil its functions or influence decisions or actions of the Town;
  - b. be in conflict with the Town's strategic objectives and policies (for example promotion of drugs, alcohol, tobacco or fast-food products or other material likely to offend reasonable sensitivities).
  - c. provide personal benefit to:
    - i. town employees or elected members as part of the sponsorship agreement or application
    - ii. the employees or directors of the person or body receiving or providing sponsorship.

~~d. be for more than a third of the total cost of the activity to ensure the Town is not the main or only funding source for the activity.~~

### Eligibility

4. Sponsorship may only be given or received from an organisation which means:
  - a. an established and solvent commercial business or operator.
  - b. an established and solvent incorporated community group.
  - ~~b.~~ c. The event must take place within the Town of Victoria Park boundaries.

### Ineligibility

5. An organisation will not be eligible to receive or give sponsorship if they meet any of the following:

- a. the organisation is insolvent
- b. the organisation has an outstanding debt to the Town
- c. the organisation has failed to submit a satisfactory acquittal for a previous Town funding program
- d. the organisation is in legal or financial conflict with the Town
- e. the organisation connects the Town with a political party or lobby group
- ~~e.f. the request for sponsorship is within six months of the event date.~~

### Managing conflicts of interest associated with sponsorship

- 6. In the administration and awarding of sponsorship any real, potential or perceived conflicts of interest are to be managed in keeping with the *Local Government Act 1995*, the codes of conduct and the Town's values.
- 7. In order to achieve this, in keeping with the requirements of the *Local Government Act 1995*, Town of Victoria Park Code of Conduct for employees and Town of Victoria Park Code of Conduct for Council Members, Committee Members and Candidates, employees and elected members with any involvement in sponsorship arrangements shall declare:
  - a. any financial, indirect financial or proximity interests that they have with any sponsorship arrangement
  - b. any impartiality interests they have with any sponsorship arrangement.
  - ~~b.c. Canvassing of elected members will disqualify applicants.~~
- 8. As is required under the Act, where any employee or elected member discloses a financial, indirect financial, proximity or gift related interest they must not be involved in that particular sponsorship arrangement. If:
  - a. this is as a member of a panel, they must not participate in the panel and the CEO should appoint another person as a member of the panel
  - b. the application is referred to a committee or Council, in accordance with the requirements of the Act.
- 9. Where an impartiality interest by an employee is disclosed, the interest should be referred to the CEO to establish if it continues to be appropriate for that employee to be involved in the assessment process.
- 10. Where a sponsorship arrangement may result in some form of free ticket to an event and this is an expected part of the reciprocal arrangements between the parties, under Policy 024 Event attendance:
  - a. the tickets wherever possible should be given to the community, unless it is clearly intended the tickets would be accepted only by elected members and employees, such as for an award ceremony;
  - b. tickets accepted by elected members and the CEO should only be those necessary for the fulfilment of the civic responsibility, such as the Town's representative presenting an award;
  - c. If the tickets are accepted by elected members and the CEO, consideration should be given to preapproval of the event under clause 7 of Policy 024 Event attendance.

## Sponsorship panel

11. The CEO shall establish a panel of at least three members, none of whom shall be elected members, who shall be responsible for:
  - a. recommending sponsorship arrangements to Council;
  - b. assessing sponsorship applications;
  - c. assessing the risks associated with sponsorship arrangements; and
  - d. ~~preparing sponsorship~~ evaluation of sponsorship reports and acquittals.
12. The sponsorship panel is to assess proposed sponsorship arrangements against a criteria ~~that is set annually with the Council and~~ based on endorsed strategies.

## Funding process

13. A sponsorship arrangement can only be entered into with the approval of the Council where the value is over \$20,000 or the terms exceed a single financial year (multi year agreements)
- ~~13.~~14. Sponsorship terms under the value of \$20,000 for a single year can be approved by the CEO.
- ~~14.~~15. Sponsorship can be in the form of cash, in-kind support, or a combination of the both.
- ~~15.~~16. A sponsorship arrangement can come about from either:
  - a. active sponsorship, where the Town approaches an organisation to sponsor the organisation's activity, event or facility;
  - b. unsolicited offers, where an organisation approaches the Town seeking sponsorship or seeking to sponsor a Town event or activity.
  - c. funding rounds, where the Town seeks to receive applications for sponsorship.
- ~~16.~~17. All sponsorship arrangements must be underpinned by a ~~signed-written~~ agreement setting out the sponsorship arrangements and protecting the Town's interests including the requirement that:
  - a. successful applicants will be required to provide the Town with a satisfactory acquittal demonstrating a cost benefit analysis
  - b. should the acquittal be deemed unsatisfactory, the Town reserves the right to request the full reimbursement of funds, or deem the organisation ineligible for future sponsorship

- c. the Town has the right to terminate the sponsorship arrangement:
  - i. if the organisation acts contrary to the sponsorship agreement; or
  - ii. if the organisation acts in a way that is contrary to the Town's values.

### Incoming Sponsorship

- 17. For any incoming sponsorship funding, an agreement must be entered into and may be negotiated by the CEO as appropriate.
- 18. On recommendation from a panel, the CEO will decide whether to accept or reject an expression of interest to sponsor a Town event or asset.
- 19. The decision of the CEO is final and not subject to any further appeal
- 20. The Town retains the discretion not to accept sponsorship funding from any entity for any reason.
- 21. The agreement must at a minimum:
  - a. set out the terms and conditions of the sponsorship;
  - b. allow the Town to terminate the arrangement if:
    - i. the sponsor does not comply with the sponsorship agreement; or
    - ii. the sponsor takes an action, whether related to the project or not, that brings the Town, Council or Staff into disrepute
- ~~ii.~~ 22. All incoming sponsorship arrangements shall be reported on in the annual report and all records inclusive retained.

### Active sponsorship

- ~~17.~~ 18. The CEO is authorised where they consider it appropriate to approach an organisation with an offer to sponsor their activities.
- ~~18.~~ 19. If an organisation accepts the offer, the CEO is to prepare an application for consideration by the sponsorship panel.

### Unsolicited offers for sponsorship

- 20. Where the Town receives an unsolicited offer for sponsorship, the offer should be referred to the panel for initial assessment.
- ~~19.~~ 21. Any unsolicited offered must be six months prior to the date of the event, any events planned within six months of the date of request will not be accepted by the Town.
- ~~20.~~ 22. If the panel considers the unsolicited offer to be worthy of further consideration, the organisation will be invited to make a formal application.
- ~~21.~~ 23. A sponsorship application must be in writing and set out:
  - a. the proposed sponsorship arrangements;
  - b. the value of the proposed sponsorship; and



- c. how the ~~sponsorship meets the assessment criteria.~~ event will meet accessibility, environmental and reconciliation requirements.

~~22.24.~~ 24. For the panel to make a recommendation to accept an unsolicited offer it must:

- a. not have been able to be lodged during a funding round, and thereby subject to a competitive evaluation;
- b. bring extraordinary benefits and opportunities to the Town that could not have otherwise been; and
- ~~c. be received at least three months before the proposed activity, to allow appropriate due diligence, assessment and council approval to occur.~~

### Funding rounds

~~23.25.~~ 25. Applications for the Town to sponsor an organisation will be opened by the Town as a funding round where the whole or part of budget for sponsorship is unallocated to any particular organisation.

~~24.26.~~ 26. A sponsorship application must be in writing and set out the proposed sponsorship arrangements, how the proposed sponsorship meets the criteria, and provides return on investment value.

### Sponsorship acquittal and evaluation

~~25.27.~~ 27. Following the sponsored event or activity and receipt of acquittal, the panel should meet to evaluate if the sponsorships achieved their objectives and the agreement was met.

~~26.28.~~ 28. An evaluation report should be prepared which must be considered as part of any future application for sponsorship by the same organisation.

~~27.29.~~ 29. All sponsorship arrangements shall be reported on in the annual report and records kept in the record management system.

## Related documents

Practice 116.1 Sponsorship

<b>Responsible officers</b>	Coordinator Communications and Engagement
<b>Policy manager</b>	Manager Stakeholder Relations
<b>Approval authority</b>	Council
<b>Next evaluation date</b>	28 November 2022

## Revision history

Version	Action	Date	Authority	Resolution number	Report number
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1	Approved	15/12/2020	Council	594/2020	Item 15.1
2	Reviewed and amended	12/04/2022	Council	73/2022	Item 15.5
<a href="#">3</a>	<a href="#">Reviewed</a>				

<b>Policy number</b>	Policy 116
<b>Policy title</b>	Sponsorship
<b>Strategic outcomes supported</b>	<p>CL6 - Finances are managed appropriately, sustainably and transparently for the benefit of the community.</p> <p>CL8 - Visionary civic leadership with sound and accountable governance that reflects objective decision-making.</p> <p>EC1 - A desirable place for commerce and tourism that supports equity, diverse local employment and entrepreneurship.</p> <p>S4 - A place where all people have an awareness and appreciate of arts, culture, education and heritage.</p>

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### Eligibility

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- e. the organisation connects the Town with a political party or lobby group
- f. the request for sponsorship is within six months of the event date

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- 10. Where a sponsorship arrangement may result in some form of free ticket to an event and this is an expected part of the reciprocal arrangements between the parties, under Policy 024 Event attendance:
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12. The sponsorship panel is to assess proposed sponsorship arrangements against a criteria based on endorsed strategies.

## Funding process

13. A sponsorship arrangement can only be entered into with the approval of the Council where the value is over \$20,000 or the terms exceed a single financial year (multi year agreements)
14. Sponsorship terms under the value of \$20,000 for a single year can be approved by the CEO.
15. Sponsorship can be in the form of cash, in-kind support, or a combination of the both.
16. A sponsorship arrangement can come about from either:
  - a. active sponsorship, where the Town approaches an organisation to sponsor the organisation's activity, event or facility;
  - b. unsolicited offers, where an organisation approaches the Town seeking sponsorship or seeking to sponsor a Town event or activity.
  - c. funding rounds, where the Town seeks to receive applications for sponsorship.
17. All sponsorship arrangements must be underpinned by a signed agreement setting out the sponsorship arrangements and protecting the Town's interests including the requirement that:
  - a. successful applicants will be required to provide the Town with a satisfactory acquittal demonstrating a cost benefit analysis
  - b. should the acquittal be deemed unsatisfactory, the Town reserves the right to request the full reimbursement of funds, or deem the organisation ineligible for future sponsorship

- c. the Town has the right to terminate the sponsorship arrangement:
  - i. if the organisation acts contrary to the sponsorship agreement; or
  - ii. if the organisation acts in a way that is contrary to the Town's values.

### Incoming Sponsorship

- 17. For any incoming sponsorship funding, an agreement must be entered into and may be negotiated by the CEO as appropriate.
- 18. On recommendation from a panel, the CEO will decide whether to accept or reject an expression of interest to sponsor a Town event or asset.
- 19. The decision of the CEO is final and not subject to any further appeal
- 20. The Town retains the discretion not to accept sponsorship funding from any entity for any reason.
- 21. The agreement must at a minimum:
  - a. set out the terms and conditions of the sponsorship;
  - b. allow the Town to terminate the arrangement if:
    - i. the sponsor does not comply with the sponsorship agreement; or
    - ii. the sponsor takes an action, whether related to the project or not, that brings the Town, Council or Staff into disrepute
- 22. All incoming sponsorship arrangements shall be reported on in the annual report and all records inclusive retained.

### Active sponsorship

- 18. The CEO is authorised where they consider it appropriate to approach an organisation with an offer to sponsor their activities.
- 19. If an organisation accepts the offer, the CEO is to prepare an application for consideration by the sponsorship panel.

### Unsolicited offers for sponsorship

- 20. Where the Town receives an unsolicited offer for sponsorship, the offer should be referred to the panel for initial assessment.
- 21. Any unsolicited offer must be six months prior to the date of the event, any events planned within six months of the date of request will not be accepted by the Town.
- 22. If the panel considers the unsolicited offer to be worthy of further consideration, the organisation will be invited to make a formal application.
- 23. A sponsorship application must be in writing and set out:
  - a. the proposed sponsorship arrangements;
  - b. the value of the proposed sponsorship; and

- c. how the event will meet accessibility, environmental and reconciliation requirements.

24. For the panel to make a recommendation to accept an unsolicited offer it must:

- a. not have been able to be lodged during a funding round, and thereby subject to a competitive evaluation;
- b. bring extraordinary benefits and opportunities to the Town that could not have otherwise been; and

### Funding rounds

- 25. Applications for the Town to sponsor an organisation will be opened by the Town as a funding round where the whole or part of budget for sponsorship is unallocated to any particular organisation.
- 26. A sponsorship application must be in writing and set out the proposed sponsorship arrangements, how the proposed sponsorship meets the criteria, and provides return on investment value.

### Sponsorship acquittal and evaluation

- 27. Following the sponsored event or activity and receipt of acquittal, the panel should meet to evaluate if the sponsorships achieved their objectives and the agreement was met.
- 28. An evaluation report should be prepared which must be considered as part of any future application for sponsorship by the same organisation.
- 29. All sponsorship arrangements shall be reported on in the annual report and records kept in the record management system.

## Related documents

Practice 116.1 Sponsorship

<b>Responsible officers</b>	Coordinator Communications and Engagement
<b>Policy manager</b>	Manager Stakeholder Relations
<b>Approval authority</b>	Council
<b>Next evaluation date</b>	28 November 2022

## Revision history

Version	Action	Date	Authority	Resolution number	Report number
1	Approved	15/12/2020	Council	594/2020	Item 15.1



2	Reviewed and amended	12/04/2022	Council	73/2022	Item 15.5
3	Reviewed				

<b>Policy number</b>	Policy 223
<b>Policy title</b>	Fleet management light vehicle
<b>Strategic outcomes supported</b>	CL1 – Effectively managing resources and performance

### Policy objective:

To ensure that processes are in place to manage the purchase, use, operation and disposal of vehicles in the Town's fleet.

### Policy scope:

This policy applies to all staff, elected members, contractors and volunteers of the Town of Victoria Park in the operation of the Town's light vehicle fleet.

### Policy definitions:

Nil.

### Policy statement:

1. The Town will retain a fleet of motor vehicles that are essential for operational requirements to service the community.
2. The vehicle fleet will comprise a range of suitable, safe and environmentally friendly vehicles with some flexibility in vehicle type for staff with full private use.
3. The Fleet Management Practice outlines the implementation of this policy and describes the administrative processes necessary to give effect to this policy for use by the Town's officers.

### Value of Vehicles

4. In order to meet functional requirements of the reason for which the vehicle is being acquired it must be fit for purpose, have low whole of life costs and ensure employee benefits are equitable.
5. The operational needs of the Town are the primary consideration of the policy including the cost, size and vehicle specification, environmental credentials, acquisition, management/maintenance and disposal.
6. All employees or authorised personnel must abide by their responsibilities to ensure the vehicle is used and maintained in a suitable manner as set out in the Fleet Management Practice.

### Vehicle Purchases and selection

7. Vehicle purchases will be in accordance with Policy 301 Procurement and relevant management practices or as defined in an employee's contract of employment.
8. A weighted assessment shall take into consideration the economic, environmental and safety aspects for a range of vehicles that meet the Town's fit for purpose requirements.

9. The purchase and renewal of the Town's light vehicles will be selected from the relevant State Government Fleet Acquisition Contract.

## Environmental Considerations

10. In order to minimise the impact of the Town's light vehicle fleet on the environment, hybrid and low emissions or alternative fuel vehicles will be considered for purchase if and where strategically practical and where budget allows.
11. An annual review is conducted to measure the carbon footprint of the Town's vehicles and a carbon neutral offset is purchased or delivered by the Town's operations, for example by tree-planting.

## Vehicle Disposals

12. The replacement of vehicles will occur on an appropriate timeline in line with usage, warranty, suitability, maintenance and cost.
13. The optimum replacement timing for the Town's light fleet is to be reviewed at least every 2 years, however as a general guide, vehicles will be changed over no later than 5 years / 120,000 kms and no less than 3 years / 60,000 kms.
14. Disposals of the Town's fleet are as per Policy 304 - Disposal of disused equipment, machinery and other material and the Fleet Management Practice for the disposal of property, either through trade-in or auction. The most cost effective method for sale of each vehicle will be evaluated with the aim to maximise return on the Town's investment.

## Private Vehicle Use – Employee contribution rate

15. Town employees issued with a vehicle inclusive of private use conditions will pay a fortnightly contribution rate based on the State Government vehicle usage rates as outlined in the Senior Officers Vehicle Scheme (SOVS). ~~This rate currently commences at \$150/fortnight.~~
16. The contribution rate is subject to an annual review and amendment as determined by the Salaries and Allowances Tribunal.
17. Implementation of the amended contribution rate may vary subject to existing contract obligations. The CEO will maintain a management practice outlining the implementation process of the contribution rate.

## Allocation of Council vehicle process

18. Light fleet vehicles identified with low levels of operational requirements will be phased out over time (the next 3 years).

## Related documents

Fleet Management Practice

Policy 301 Procurement

Policy 304 Disposal of disused equipment, machinery and other material

ToVP Enterprise Agreement (current) and various contractual arrangements with staff

[Code of Conduct for employees](#)

<b>Responsible officers</b>	Principle Fleet Specialist
<b>Policy manager</b>	Manager Technical Services
<b>Approval authority</b>	Council
<b>Next evaluation date</b>	April 2025

## Revision history

Version	Action	Date	Authority	Resolution number	Report number
1	Adopted	28/07/1998	Council	-	Item 15.10
2	Reviewed	09/07/2013	Council	-	Item 10.1
3	Reviewed	11/08/2015	Council	-	Item 10.1
4	Reviewed and amended	20/08/2019	Council	148/2019	Item 10.1
5	Amended	16/06/2020	Council	439/2020	Item 15.4
6	Reviewed and amended	12/04/2022	Council	73/2022	Item 15.5
7	Administratively amended	24/08/2023	Delegation		

<b>Policy number</b>	Policy 226
<b>Policy title</b>	Recreation reserves – hire
<b>Strategic outcomes supported</b>	EN5 – Appropriate and sustainable facilities for everyone that are well built, well maintained and well managed.

## Policy objective:

To enable the hire of recreation reserves.

## Policy scope:

This policy applies to the hire of recreation reserves.

## Policy definitions:

Nil.

## Policy statement:

1. Any person or organisation applying to hire a recreation reserve shall provide the Town with such details it requires to assess the application and indemnify the Town against all claims arising from the hire of the reserve, including all buildings, equipment, facilities, landscaping and trees on that reserve.
2. Applicants seeking to obtain approval for the occasional hire of a Town Reserve ~~may~~will be required to complete the Town's Application Form prior to the application being considered.
3. The Town will respond in writing to the application. The reply will include any requirements or conditions associated with the proposed use or event, as well as details of any fees and bonds required and the dates by which these are payable.
  - Local residents shall be notified at least one (1) week prior to the event where it is intended to grant approval for the use of a park or reserve involving:
    - amplified sound or significant noise levels.
    - the likely attraction of a significant number of people.
    - the likely occurrence of parking difficulties or disruption to the normal traffic flow
    - any road closure, or
    - any other action likely to significantly inconvenience or disrupt the locality.
  - The costs and responsibility associated with notifying the local residents in writing are to be met by the hirer of the park or reserve.
  - Minimum information requirements to be included in resident notification are:
    - Time(s), date(s) and location(s) of the event or booking site set up and pack down schedule
    - Time(s), date(s) and location(s) of the event or booking.

- A information regarding the nature and purpose of the event or booking
- Any relevant non-noise related information such as traffic management (temporary road closures), security and public transportation for the event.
- Contact details for a Town officer for any questions or concern the resident may have.

- Copy of noticed to be provided to and approved by Town officers prior to being sent. As well as a clearly identified map of which residents will be notified.
- Where notification is required for events with 500 or fewer people expected to attend, all residents on each immediately adjacent street should be notified. For events with greater than 500 people expected to attend, all residents within a 300m radius of the event should be notified.

4. An event which, in the opinion of the Town, may produce noise levels that are likely to adversely affect the comfort and convenience of nearby residents will be referred to Council.

3. •

4.5. The Town may convene a meeting with the organisers if the proposed event will be of a considerable size or have a significant impact on either the surrounding locality or the Town generally.

5.6. A copy of a Certificate of Currency for Public Liability insurance in the sum of not less than \$10,000,000 (ten million dollars) is required from clubs, associations, incorporated organisations, or organisers of large groups or events.

6.7. Any preliminary discussion or negotiation with the Town on any proposed hire is not to be construed as, or implied to be, an approval. An approval is valid only after the hirer has received it in writing, paid all associated fees and has met the public liability insurance requirements.

7.8. The Town retains the right to suspend activities on a Reserve or withdraw an approval if the hirer is found to be in breach of any of the conditions associated with the hire. In such an event any fees paid will be forfeited and any bond, or part thereof, may also be forfeited.

8.9. The Town retains the right to cease or suspend activities on a Reserve if the organiser did not make a formal booking in accordance with the procedure, and the nature of use was deemed to require a formal booking due to a variety of factors including, but not limited to, number of people, exchange of money, identifiable teams, identifiable umpires, type of activity or creating a local disturbance.

## Related documents

Nil.

<b>Responsible officers</b>	<del>Coordinator Events, Arts and Funding</del> <a href="#">Leisure Facilities</a>
<b>Policy manager</b>	<del>Manager Community</del> <a href="#">Manager Business Services</a>
<b>Approval authority</b>	Council
<b>Next evaluation date</b>	

## Revision history

Version	Action	Date	Authority	Resolution number	Report number
1	Approved	01/07/1994	Council	-	-
1	Reviewed	15/08/2006	Council	-	Item 4.1
1	Reviewed	09/07/2013	Council	-	Item 10.1
1	Reviewed	11/08/2015	Council	-	Item 10.1
2	Reviewed and amended	20/08/2019	Council	148/2019	Item 10.1
3	Reviewed and amended	21/06/2022	Council	134/2022	Item 15.2

<b>Policy number</b>	Policy 226
<b>Policy title</b>	Recreation reserves – hire
<b>Strategic outcomes supported</b>	EN5 – Appropriate and sustainable facilities for everyone that are well built, well maintained and well managed.

## **Policy objective:**

To enable the hire of recreation reserves.

## **Policy scope:**

This policy applies to the hire of recreation reserves by members of the general public, private organisations, and Town officers.

## **Policy definitions:**

- **Hirer:** Refers to any person or organisation, including members of the general public, private organisations, or Town officers, applying to hire a recreation reserve.

## **Policy statement:**

1. Any prospective hirer applying to hire a recreation reserve shall provide the Town with such details it requires to assess the application and indemnify the Town against all claims arising from the hire of the reserve, including all buildings, equipment, facilities, landscaping and trees on that reserve.
2. Applicants seeking to obtain approval for the occasional hire of a Town Reserve will be required to complete the Town's Application Form prior to the application being considered.
3. The Town will respond in writing to the application. The reply will include any requirements or conditions associated with the proposed use or event, as well as details of any fees and bonds required and the dates by which these are payable.
4. An event which, in the opinion of the Town, likely to adversely affect the comfort and convenience of nearby residents will be referred to Council.
5. The Town may convene a meeting with the organisers if the proposed event will be of a considerable size or have a significant impact on either the surrounding locality or the Town generally.
6. Notification to local residents is required for all events over 500 people or in instances outlined below, even with fewer than 500 people attending:
  - Amplified sound or significant noise levels,
  - The likely attraction of a significant number of people,



- The likely occurrence of parking difficulties or disruption to the normal traffic flow,
  - Any road closure, or
  - Any other action likely to significantly inconvenience or disrupt the locality.
  - The costs and responsibility associated with notifying the local residents in writing are to be met by the hirer of the park or reserve.
  - Minimum information requirements to be included in resident notification are:
    - Time(s), date(s), and location(s) of the event or booking site set up and pack down schedule,
    - Time(s), date(s), and location(s) of the event or booking,
    - Information regarding the nature and purpose of the event or booking,
    - Any relevant non-noise related information such as traffic management (temporary road closures), security, and public transportation for the event,
    - Contact details for a Town officer for any questions or concerns the resident may have,
    - Copy of notice to be provided to and approved by Town officers prior to being sent, as well as a clearly identified map of which residents will be notified,
7. Where notification is required for events with 500 or fewer people expected to attend, all residents on each immediately adjacent street should be notified. For events with greater than 500 people expected to attend, all residents within a 300m radius of the event should be notified. A copy of a Certificate of Currency for Public Liability insurance in the sum of not less than \$10,000,000 (ten million dollars) is required from clubs, associations, incorporated organisations, or organisers of large groups or events.
8. Any preliminary discussion or negotiation with the Town on any proposed hire is not to be construed as, or implied to be, an approval. An approval is valid only after the hirer has received it in writing, paid all associated fees and has met the public liability insurance requirements.
9. The Town retains the right to suspend activities on a Reserve or withdraw an approval if the hirer is found to be in breach of any of the conditions associated with the hire. In such an event any fees paid will be forfeited and any bond, or part thereof, may also be forfeited.
10. The Town retains the right to cease or suspend activities on a Reserve if the organiser did not make a formal booking in accordance with the procedure, and the nature of use was deemed to require a formal booking due to a variety of factors including, but not limited to, number of people, exchange of money, identifiable teams, identifiable umpires, type of activity or creating a local disturbance.

## **Related documents**

- Policy 261 Sustainable Events

<b>Responsible officers</b>	Leisure Facilities
<b>Policy manager</b>	Manager Business Services
<b>Approval authority</b>	Council
<b>Next evaluation date</b>	

## Revision history

Version	Action	Date	Authority	Resolution number	Report number
1	Approved	01/07/1994	Council	-	-
1	Reviewed	15/08/2006	Council	-	Item 4.1
1	Reviewed	09/07/2013	Council	-	Item 10.1
1	Reviewed	11/08/2015	Council	-	Item 10.1
2	Reviewed and amended	20/08/2019	Council	148/2019	Item 10.1
3	Reviewed and amended	21/06/2022	Council	134/2022	Item 15.2

Policy number	Policy 305
Policy title	<del>Loan B</del> borrowing <del>limitations</del> <u>policy</u>
Strategic outcomes supported	CL1 – Effectively managing resources and performance CL3 - Accountability and good governance

## Policy objective:

This policy is intended to provide a clear direction for the Town's debt management strategies for borrowing activities and to provide guidance as to the limitation on loan borrowings for all borrowings to ensure Town's financial resources are appropriately managed.

## Policy scope:

This policy applies to loans obtained by the Town.

## Policy definitions:

Nil.

## Policy statement:

### Position on borrowings

~~In any financial year the combined cost of servicing loans, excluding the servicing cost of self-supporting loans, is not to exceed 10% of the total revenue from rates.~~ Whilst the preferred policy position of the Town is to minimise debt, the Town recognises that it may be necessary to use borrowings for the acquisition, renewal or construction of assets. In these instances, the following principles for borrowings apply:

- The Town will not borrow money to fund operating expenditure (excluding underground power projects). This type of expenditure should be funded through operating revenue streams such as rates, fees and charges or operating grants.
- The Town will not borrow money to fund capital expenditure for replacement or renewal of assets that is expected to occur on an annual or similar basis. Examples of this type of expenditure are road resurfacing, plant replacement, information technology, office equipment acquisitions and replacements. This type of expenditure shall be funded through capital grants and operating revenue streams such as rates or fees and charges.
- The Town may borrow money to fund new and major capital expenditure, strategic land acquisitions and underground power projects.
- The maximum debt repayment period will be determined by taking in to account the expected useful lives of the asset being financed and considerations relating to intergenerational equity.
- The maximum total cost of servicing borrowings must not exceed 10% of the total rates revenue in any financial year. However, if the acquisition or project generates a direct income stream, this revenue will reduce the total cost of servicing. Examples of this being underground power projects, self-supporting loans or revenue-generating strategic projects.

### Exceptions

Exceptions to the above principles would only occur in an emergency or when considered necessary on a case-by-case basis. In such cases, Council would consider the circumstances, nature of the borrowing, the repayment terms and the

[source of the funding.](#)

**[Approved forms of borrowing](#)**

[Borrowing may come in many forms though to ensure clarity and provide certainty of exposure the approved forms of borrowing are:](#)

- [• Fixed-term loans with a set amount, fixed interest rate, and scheduled principal and interest repayments](#)
- [• Internal borrowings.](#)

**[Internal borrowings](#)**

[Council may consider an internal borrowing from a reserve fund is an option to finance projects in lieu of borrowing externally, however the same position will apply. It should be noted that the Local Government Act places restrictions on the use of funds held in reserve accounts;](#)

**[6.11. Reserve accounts](#)**

- [1. Subject to subsection \(5\), where a local government wishes to set aside money for use for a purpose in a future financial year, it is to establish and maintain a reserve account for each such purpose. \(2\) \(3\)](#)
- [2. Subject to subsection \(3\), before a local government – \(a\) changes\\* the purpose of a reserve account; or \(b\) uses\\* the money in a reserve account for another purpose, it must give one month’s local public notice of the proposed change of purpose or proposed use. \\*Absolute Majority Decision Required.](#)
- [3. A local government is not required to give local public notice under subsection \(2\) – \(a\) where the change of purpose or of proposed use of money has been disclosed in the annual budget of the local government for that financial year.](#)

[It should be noted that by undertaking an internal borrowing there will be a reduction in investment earnings for that reserve as a result.](#)

**Related documents**

[Local Government Act 1995](#)

Responsible officers	Manager <a href="#">Finance</a> <a href="#">Manager Strategic Accounting</a> <del>Corporate</del> <del>Services</del> <a href="#">Coordinator</a> <a href="#">Finance</a> <del>Financial Controller</del>
Policy manager	Chief Financial Officer
Approval authority	Council
Next evaluation date	April 2025

## Revision history

Version	Action	Date	Authority	Resolution number	Report number
1	Adopted	28/09/1999	Council	-	Item 4.1
2	Amended	15/08/2006	Council	-	Item 4.1
3	Reviewed	09/07/2013	Council	-	Item 10.1
4	Reviewed	11/08/2015	Council	-	Item 10.1
5	Reviewed and amended	20/08/2019	Council	148/2019	Item 10.1
6	Reviewed	18/02/2020	Council	326/2020	Item 15.7
7	Reviewed and amended	20/04/2021	Council	78/2021	Item 15.4
8	Reviewed	18/04/2023	Council	73/2023	Item 15.3
9	Administratively amended	24/08/2023	Delegation		
10	Administratively amended	14/09/2023	Delegation		

Policy number	Policy 305
Policy title	Borrowing policy
Strategic outcomes supported	CL1 – Effectively managing resources and performance CL3 - Accountability and good governance

## Policy objective:

This policy is intended to provide a clear direction for the Town’s debt management strategies for borrowing activities and to provide guidance for all borrowings to ensure Town’s financial resources are appropriately managed.

## Policy scope:

This policy applies to loans obtained by the Town.

## Policy definitions:

Nil.

## Policy statement:

### Position on borrowings

- Whilst the preferred policy position of the Town is to minimise debt, the Town recognises that it may be necessary to use borrowings for the acquisition, renewal or construction of assets. In these instances, the following principles for borrowings apply;The Town will not borrow money to fund operating expenditure (excluding underground power projects). This type of expenditure should be funded through operating revenue streams such as rates, fees and charges or operating grants.
- The Town will not borrow money to fund capital expenditure for replacement or renewal of assets that is expected to occur on an annual or similar basis. Examples of this type of expenditure are road resurfacing, plant replacement, information technology, office equipment acquisitions and replacements. This type of expenditure shall be funded through capital grants and operating revenue streams such as rates or fees and charges.
- The Town may borrow money to fund new and major capital expenditure, strategic land acquisitions and underground power projects.
- The maximum debt repayment period will be determined by taking in to account the expected useful lives of the asset being financed and considerations relating to intergenerational equity.
- The maximum total cost of servicing borrowings must not exceed 10% of the total rates revenue in any financial year. However, if the acquisition or project generates a direct income stream, this revenue will reduce the total cost of servicing. Examples of this being underground power projects, self-supporting loans or revenue-generating strategic projects.

### Exceptions

Exceptions to the above principles would only occur in an emergency or when considered necessary on a case-by-case basis. In such cases, Council would consider the circumstances, nature of the borrowing, the repayment terms and the source of the funding.

Approved forms of borrowing

Borrowing may come in many forms though to ensure clarity and provide certainty of exposure the approved forms of borrowing are:

- Fixed-term loans with a set amount, fixed interest rate, and scheduled principal and interest repayments
- Internal borrowings.

Internal borrowings

Council may consider an internal borrowing from a reserve fund is an option to finance projects in lieu of borrowing externally, however the same position will apply. It should be noted that the Local Government Act places restrictions on the use of funds held in reserve accounts;

6.11. Reserve accounts

1. Subject to subsection (5), where a local government wishes to set aside money for use for a purpose in a future financial year, it is to establish and maintain a reserve account for each such purpose. (2) (3)
2. Subject to subsection (3), before a local government – (a) changes\* the purpose of a reserve account; or (b) uses\* the money in a reserve account for another purpose, it must give one month’s local public notice of the proposed change of purpose or proposed use. \*Absolute Majority Decision Required.
3. A local government is not required to give local public notice under subsection (2) – (a) where the change of purpose or of proposed use of money has been disclosed in the annual budget of the local government for that financial year.

It should be noted that by undertaking an internal borrowing there will be a reduction in investment earnings for that reserve as a result.

Related documents

[Local Government Act 1995](#)

Responsible officers	Manager Finance Manager Strategic Accounting Coordinator Finance
Policy manager	Chief Financial Officer
Approval authority	Council
Next evaluation date	April 2025

## Revision history

Version	Action	Date	Authority	Resolution number	Report number
1	Adopted	28/09/1999	Council	-	Item 4.1
2	Amended	15/08/2006	Council	-	Item 4.1
3	Reviewed	09/07/2013	Council	-	Item 10.1
4	Reviewed	11/08/2015	Council	-	Item 10.1
5	Reviewed and amended	20/08/2019	Council	148/2019	Item 10.1
6	Reviewed	18/02/2020	Council	326/2020	Item 15.7
7	Reviewed and amended	20/04/2021	Council	78/2021	Item 15.4
8	Reviewed	18/04/2023	Council	73/2023	Item 15.3
9	Administratively amended	24/08/2023	Delegation		
10	Administratively amended	14/09/2023	Delegation		



<b>Policy number</b>	Policy 308
<b>Policy title</b>	Financial hardship
<b>Strategic outcomes supported</b>	CL1 – Effectively managing resources and performance CL3 - Accountability and good governance EC1 – Facilitating a strong local economy

## Policy objective:

To support the community in meeting unprecedented challenges arising from [circumstances such as but not limited to a state of emergency, a public health emergency, or economic downturn, chronic or mental health issues](#) and provide assistance to debtors that may experience financial hardship during this time.

## Policy scope:

This policy applies to debt owed to the Town.

This policy is not intended to provide relief to persons who are not able to evidence financial hardship, and the statutory provisions of the Local Government Act 1995 and Local Government (Financial Management) Regulations 1996 will apply.

[This policy is intended to ensure that the Town offer a fair, equitable and dignified approach to individuals and organisations suffering financial hardship, whilst balancing the needs and expectations to the community.](#)

## Policy definitions:

**Debtor** means any person who owes money to the Town, including persons owing rates and service charges.

**Payment difficulties, or short term financial hardship** means where a change in a debtors circumstances result in an inability to pay a debt.

**Financial hardship** occurs where:

- a. a natural person who is identified by themselves, by the Town, or an accredited financial counsellor, or by a welfare agency as having the intention, but not the financial capacity, to make required payments in accordance with the Town's payment terms.
- b. a body corporate is experiencing financial hardship if it has:
  - i. a significant decline in revenue such that it is no longer profitable; and
  - ii. no reserves to draw upon such that payment to the Town would require an increase in the businesses debt.

**Residential ratepayer** means a person who is liable to pay a rate or service charge to the Town on the basis that the land is used for residential purposes.

**Small business** has the meaning given in the Small Business Development Corporation Act 1983.

**Small business ratepayer** means a person who is liable to pay a rate or service charge to the Town on land used by the person for the purpose of carrying out a small business owned or operated by the person.

## Policy statement:

1. This Policy is intended to ensure that the Town offers fair, equitable, consistent and dignified support to ratepayers, residents and businesses suffering hardship, while treating all members of the community with respect and understanding during this difficult time.
2. This relief provided to ratepayers will not include the write off of rates or service charges debt. It is an expectation that rates and service charges levied against will be paid within a reasonable time in order to ensure the Town can continue to provide services that benefit the whole community.

## Payment difficulties, hardship and vulnerability

3. During an economic downturn, public health emergency or other disaster, the occurrence of payment difficulties, financial hardship and vulnerability in the community increases. This policy is intended to apply to all debtors experiencing financial hardship regardless of their status, be they a property owner, tenant, business owner etc.
4. Many persons experience financial hardship during an economic downturn, public health emergency or other disaster. It is anticipated the probability that additional financial difficulties will arise when a rates notice or other invoice is received from the Town.
5. During an economic downturn, public health emergency or other disaster, the Town will write to debtors at the time their account falls into arrears, to advise them of the terms of this policy and encourage eligible debtors to apply for financial hardship consideration. Where possible and appropriate, The Town will also provide contact information for a recognised financial counsellor and/or other relevant support services.
6. Where a person experiences financial hardship outside of an economic downturn, public health emergency or other disaster, the mechanisms of the Town to assist a person experiencing financial hardships still apply.

## Financial hardship criteria

7. While evidence of hardship will be required, the Town recognises that not all circumstances are alike. The Town will take a flexible approach to a range of individual circumstances including, but not limited to, the following situations:
  - a. Recent unemployment and changes in household income ~~or under-employment~~;
  - b. Sickness or recovery from sickness;
  - c. Low income or loss of income;
  - d. Unanticipated circumstances such as caring for and supporting extended family;
  - e. A requirement to close a business due to government direction or natural disaster;
  - f. A loss of tenants at a property with a long term inability to obtain new tenants, or tenants that are unable to make payment of rent;
  - g. Family and domestic violence;
  - ~~f~~h. Estate issues.

8. Debtors are encouraged to provide any information about their particular circumstances that may be relevant for assessment. This may include demonstrating a capacity to make some payment and where possible, entering into a payment proposal. The Town will consider all circumstances, applying the principles of fairness, integrity and confidentiality whilst complying with statutory responsibilities.

~~8.9.~~ Other documentation that could be requested are statutory declarations, proof of Centrelink benefits inclusive of job seeker payments and documentation from an appropriate medical professional.

~~9.10.~~ An application for financial hardship consideration, in relation to rates and service charges, should be related to the circumstances of each individual rates assessment.

## Payment arrangements

~~10.11.~~ Payment arrangements for rates and service charges facilitated in accordance with Section 6.49 of the Act are of an agreed frequency and amount. These arrangements will consider the following:

- a. That a ratepayer has made genuine effort to meet rate and service charge obligations in the past;
- b. The payment arrangement will establish a known end date that is realistic and achievable;
- c. The ratepayer will be responsible for informing the Town of any change in circumstance that jeopardises the agreed payment schedule.

~~11.12.~~ In the case of financial hardship, the Town reserves the right to consider waiving additional charges or interest (excluding the Emergency Services Levy, including any fees or interest associated, as this is levied on behalf of the State Government).

~~12.13.~~ Where a ratepayer is a residential ratepayer or small business ratepayer and is experiencing financial hardship as a result of ~~a the COVID-19 P~~andemic, no interest shall be charged or instalment/payment plan fees applied to these ratepayers.

~~13.14.~~ Payment arrangements for other debts can be facilitated as appropriate in accordance with Policy 303 Debt collection.

## Deferment of rates

~~14.15.~~ Deferment of rates may apply for ratepayers who have a Pensioner Card, State Concession Card or Seniors Card and Commonwealth Seniors Health Care Card registered on their property. The deferred rates balance:

- a. remains as a debt on the property until paid;
- b. becomes payable in full upon the passing of the pensioner or if the property is sold or if the pensioner ceases to reside in the property;
- c. may be paid at any time, BUT the concession will not apply when the rates debt is subsequently paid (deferral forfeits the right to any concession entitlement); and
- d. does not incur penalty interest charges.

## Debt recovery

~~15.16.~~ Despite Policy 303 Debt collection, the Town will suspend debt recovery processes whilst negotiating a suitable payment arrangement with a debtor experiencing financial hardship. Where a debtor experiencing financial hardship is unable to make payments in accordance with the agreed payment plan and the debtor advises us and makes an alternative plan before defaulting on the 3<sup>rd</sup> due payment, then we will continue to suspend debt recovery processes.

~~16.~~17. Where a debtor has not reasonably adhered to the agreed payment plan, then for any debts that remain outstanding at the end of the financial year in which the rates notice/invoice was issued, the Town will offer the debtor one further opportunity of adhering to a payment plan that will clear the total debt by the end of the following financial year.

~~17.~~18. Debts that remain outstanding at the end of the following financial year, will then be subject to the debt recovery procedures prescribed in the Local Government Act 1995 and Policy 303 Debt Collection.

## Review

~~19.~~ The Town will establish a mechanism for review of decisions made under this policy, ~~and advise the applicant of their right to seek review and the procedure to be followed.~~

~~18.~~20. Applicants will be advised of the outcome of their application within four weeks.

## Communication and confidentiality

~~19.~~21. The Town will maintain confidential communications at all times and the Town will undertake to communicate with a nominated support person or other third party at a debtors request.

~~20.~~22. The Town will advise debtors of this policy and its application, when communicating in any format (i.e. verbal or written) with a debtors that has an outstanding rates or service charge debt.

~~21.~~23. The Town recognises that applicants for hardship consideration are experiencing additional stressors, and may have complex needs. The Town will provide additional time to respond to communication and will communicate in alternative formats where appropriate. The Town will ensure all communication with applicants is clear and respectful.

## Related documents

[Local Government Act 1995](#)

[Local Government \(Financial Management\) Regulations 1996](#)

[Rates and Charges \(Rebates and Deferments\) Act 1992](#)

[Policy 303 Debt collection](#)

Responsible officers	<del>Finance Manager</del> <a href="#">Finance Manager</a> <del>Financial Controller</del> <a href="#">Coordinator Finance</a> Senior Rates Officer
Policy manager	Chief Financial Officer
Approval authority	Council
Next evaluation date	February 2025

## Revision history

Version	Action	Date	Authority	Resolution number	Report number
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1	Adopted	19/05/2020	Council	414/2020	Item 15.2
2	Administratively amended	24/08/2023	Delegation		
3	Reviewed	20/02/2024	Council	7/2024	Item 11.3

<b>Policy number</b>	Policy 308
<b>Policy title</b>	Financial hardship
<b>Strategic outcomes supported</b>	CL1 – Effectively managing resources and performance CL3 - Accountability and good governance EC1 – Facilitating a strong local economy

## Policy objective:

To support the community in meeting unprecedented challenges arising from circumstances such as but not limited to state of emergencies, a public health emergency, economic downturn, chronic or mental health issues and provide assistance to debtors that may experience financial hardship during this time.

## Policy scope:

This policy applies to debt owed to the Town.

This policy is not intended to provide relief to persons who are not able to evidence financial hardship, and the statutory provisions of the Local Government Act 1995 and Local Government (Financial Management) Regulations 1996 will apply.

This policy is intended to ensure that the Town offer a fair, equitable and dignified approach to individuals and organisations suffering financial hardship, whilst balancing the needs and expectations to the community.

## Policy definitions:

**Debtor** means any person who owes money to the Town, including persons owing rates and service charges.

**Payment difficulties, or short term financial hardship** means where a change in a debtors circumstances result in an inability to pay a debt.

**Financial hardship** occurs where:

- a. a natural person who is identified by themselves, by the Town, or an accredited financial counsellor, or by a welfare agency as having the intention, but not the financial capacity, to make required payments in accordance with the Town's payment terms.
- b. a body corporate is experiencing financial hardship if it has:
  - i. a significant decline in revenue such that it is no longer profitable; and
  - ii. no reserves to draw upon such that payment to the Town would require an increase in the businesses debt.

**Residential ratepayer** means a person who is liable to pay a rate or service charge to the Town on the basis that the land is used for residential purposes.

**Small business** has the meaning given in the Small Business Development Corporation Act 1983.

**Small business ratepayer** means a person who is liable to pay a rate or service charge to the Town on land used by the person for the purpose of carrying out a small business owned or operated by the person.

## Policy statement:

1. This Policy is intended to ensure that the Town offers fair, equitable, consistent and dignified support to ratepayers, residents and businesses suffering hardship, while treating all members of the community with respect and understanding during this difficult time.
2. This relief provided to ratepayers will not include the write off of rates or service charges debt. It is an expectation that rates and service charges levied against will be paid within a reasonable time in order to ensure the Town can continue to provide services that benefit the whole community.

## Payment difficulties, hardship and vulnerability

3. During an economic downturn, public health emergency or other disaster, the occurrence of payment difficulties, financial hardship and vulnerability in the community increases. This policy is intended to apply to all debtors experiencing financial hardship regardless of their status, be they a property owner, tenant, business owner etc.
4. Many persons experience financial hardship during an economic downturn, public health emergency or other disaster. It is anticipated the probability that additional financial difficulties will arise when a rates notice or other invoice is received from the Town.
5. During an economic downturn, public health emergency or other disaster, the Town will write to debtors at the time their account falls into arrears, to advise them of the terms of this policy and encourage eligible debtors to apply for financial hardship consideration. Where possible and appropriate, The Town will also provide contact information for a recognised financial counsellor and/or other relevant support services.
6. Where a person experiences financial hardship outside of an economic downturn, public health emergency or other disaster, the mechanisms of the Town to assist a person experiencing financial hardships still apply.

## Financial hardship criteria

7. While evidence of hardship will be required, the Town recognises that not all circumstances are alike. The Town will take a flexible approach to a range of individual circumstances including, but not limited to, the following situations:
  - a. Recent unemployment and changes in household income;
  - b. Sickness or recovery from sickness;
  - c. Low income or loss of income;
  - d. Unanticipated circumstances such as caring for and supporting extended family;
  - e. A requirement to close a business due to government direction or natural disaster;
  - f. A loss of tenants at a property with a long term inability to obtain new tenants, or tenants that are unable to make payment of rent;
  - g. Family and domestic violence;
  - h. Estate issues.

8. Debtors are encouraged to provide any information about their particular circumstances that may be relevant for assessment. This may include demonstrating a capacity to make some payment and where possible, entering into a payment proposal. The Town will consider all circumstances, applying the principles of fairness, integrity and confidentiality whilst complying with statutory responsibilities.
9. Other documentation that could be requested are statutory declarations, proof of Centrelink benefits inclusive of job seeker payments and documentation from an appropriate medical professional,
10. An application for financial hardship consideration, in relation to rates and service charges, should be related to the circumstances of each individual rates assessment.

## Payment arrangements

11. Payment arrangements for rates and service charges facilitated in accordance with Section 6.49 of the Act are of an agreed frequency and amount. These arrangements will consider the following:
  - a. That a ratepayer has made genuine effort to meet rate and service charge obligations in the past;
  - b. The payment arrangement will establish a known end date that is realistic and achievable;
  - c. The ratepayer will be responsible for informing the Town of any change in circumstance that jeopardises the agreed payment schedule.
12. In the case of financial hardship, the Town reserves the right to consider waiving additional charges or interest (excluding the Emergency Services Levy, including any fees or interest associated, as this is levied on behalf of the State Government).
13. Where a ratepayer is a residential ratepayer or small business ratepayer and is experiencing financial hardship as a result of a pandemic, no interest shall be charged or instalment/payment plan fees applied to these ratepayers.
14. Payment arrangements for other debts can be facilitated as appropriate in accordance with Policy 303 Debt collection.

## Deferment of rates

15. Deferment of rates may apply for ratepayers who have a Pensioner Card, State Concession Card or Seniors Card and Commonwealth Seniors Health Care Card registered on their property. The deferred rates balance:
  - a. remains as a debt on the property until paid;
  - b. becomes payable in full upon the passing of the pensioner or if the property is sold or if the pensioner ceases to reside in the property;
  - c. may be paid at any time, BUT the concession will not apply when the rates debt is subsequently paid (deferral forfeits the right to any concession entitlement); and
  - d. does not incur penalty interest charges.

## Debt recovery

16. Despite Policy 303 Debt collection, the Town will suspend debt recovery processes whilst negotiating a suitable payment arrangement with a debtor experiencing financial hardship. Where a debtor experiencing financial hardship is unable to make payments in accordance with the agreed payment plan and the debtor advises us and makes an alternative plan before defaulting on the 3<sup>rd</sup> due payment, then we will continue to suspend debt recovery processes.



17. Where a debtor has not reasonably adhered to the agreed payment plan, then for any debts that remain outstanding at the end of the financial year in which the rates notice/invoice was issued, the Town will offer the debtor one further opportunity of adhering to a payment plan that will clear the total debt by the end of the following financial year.
18. Debts that remain outstanding at the end of the following financial year, will then be subject to the debt recovery procedures prescribed in the Local Government Act 1995 and Policy 303 Debt Collection.

### Review

19. The Town will establish a mechanism for review of decisions made under this policy.
20. Applicants will be advised of the outcome of their application within four weeks.

### Communication and confidentiality

21. The Town will maintain confidential communications at all times and the Town will undertake to communicate with a nominated support person or other third party at a debtors request.
22. The Town will advise debtors of this policy and its application, when communicating in any format (i.e. verbal or written) with a debtors that has an outstanding rates or service charge debt.
23. The Town recognises that applicants for hardship consideration are experiencing additional stressors, and may have complex needs. The Town will provide additional time to respond to communication and will communicate in alternative formats where appropriate. The Town will ensure all communication with applicants is clear and respectful.

### Related documents

[Local Government Act 1995](#)  
[Local Government \(Financial Management\) Regulations 1996](#)  
[Rates and Charges \(Rebates and Deferments\) Act 1992](#)  
[Policy 303 Debt collection](#)

<b>Responsible officers</b>	Manager Finance Coordinator Finance Senior Rates Officer
<b>Policy manager</b>	Chief Financial Officer
<b>Approval authority</b>	Council
<b>Next evaluation date</b>	February 2025

### Revision history

Version	Action	Date	Authority	Resolution number	Report number
1	Adopted	19/05/2020	Council	414/2020	Item 15.2
2	Administratively amended	24/08/2023	Delegation		
	financial hardship	D23/43963			

3	Reviewed	20/02/2024	Council	7/2024	Item 11.3
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<b>Policy number</b>	Policy 312
<b>Policy title</b>	Transaction card
<b>Strategic outcomes supported</b>	CL1 – Effectively managing resources and performance CL3 – Accountability and good governance

## Policy objective:

This policy provides a framework to guide the establishment and implementation of appropriate systems and procedures to incur expenses and make payments by transaction cards. It will ensure that the procurement of goods and services are managed appropriately, sustainably, and transparently.

## Policy scope:

This policy applies to all employees that procure goods or services using transaction cards.

## Policy definitions:

**Cardholder** means an employee who has been authorised by the Chief Executive Officer to incur expenditure by a transaction card, or authorised by Council for the Chief Executive Officer.

**Transaction card** means a card facility to procure goods and services. Example of those are corporate credit cards and store cards.

**Store card** means a card that is given out by a store and can be used to buy goods at that store.

## Policy statement:

### Allocation of a transaction card

1. Allocation of a transaction card can only be approved by the Chief Executive Officer, or in the case the card is for the Chief Executive Officer, approval is provided by Council.
2. The cardholder must sign the "Agreement – Use of Transaction Cards" to acknowledge their personal responsibilities and to comply the Policy.

### Credit card ~~C~~credit limits

3. The credit limit per transaction card is prescribed in table below based on the employee's position.

Position	Maximum Credit Limit
Chief Executive Officer	\$5,000
Chiefs	\$5,000
Executive Assistants (EAs) for Chiefs	\$10,000
Manager Technology and Digital Strategy	\$10,000
Managers	\$5,000
Service Area Leaders	\$4,000
Mid/Senior Level Staff	\$3,000
Other Staff	\$2,000

4. In an emergency situation, the Chief Executive Officer can approve the temporary increase of credit limit, no more than double than original maximum credit limit.

#### Store card credit limits

5. Store cards are not fixed with a set limit and usually has an overall account limit for the store the card relates to. Purchases made from store cards must be purchased using the guidance outlined in Policy 301 – Procurement and purchase orders are raised.

#### Cardholder obligations

- 4.6. A single purchase transaction threshold is \$1,000 (excluding GST), except for the following items:
- A purchase of professional membership, conference, training, workshop, accommodation, and travel expense. These items are only procured by the EAs.
  - A purchase of information technology subscription. This item may only be procured by the Manager Technology and Digital Strategy.

- 2.7. The transaction card shall not be used;

- by an employee whose name is not on the transaction card;
- to withdraw cash;
- for personal expenses; ~~or~~
- d. with any type of reward system that provides cardholders with any personal benefit or reward;
- e. if prior arrangements can be made for a purchase order to be issued.

- 3.8. When the transaction card is stolen, damaged, and/or has incurred suspected fraudulent transactions, the cardholder shall report immediately to the financial institution/the store and ~~Financial Services Controller~~ Coordinator Finance.

#### Transaction evidence

- 4.9. Transaction evidence must be obtained in the form of a tax invoice and/or receipt with information includes:
- date of transaction
  - supplier name
  - supplier ABN
  - supplier address
  - amount of transaction
  - indication of GST.

- 5.10. Where it is not possible to obtain the transaction evidence, or such evidence has been lost, ensure alternative documents and/or explanation is provided to sufficiently support the transaction. Transactions without the supporting documentation will require a Statutory Declaration must to be prepared with information listed at Item 8 and a statement of the nature of transaction.

#### Transaction acquittal

- ~~6. The cardholder must acquit the transaction with the Town's financial system within 10 workings days of the transaction.~~
- ~~7. The acquitted transaction must be approved by the cardholder's supervisor where it is allocated within the Town's financial system.~~

- ~~8. Where the transaction is incurred by a Chief other than Chief Executive Officer, the acquitted transaction must be approved by the Chief Executive Officer.~~
- ~~9. Where the transaction is incurred by the Chief Executive Officer, the acquitted transaction must be approved by the Chief Financial Officer.~~

#### ~~Return of transaction card~~

- ~~10. When the cardholder's employment is terminated, their transaction card must be returned to the Financial Services Controller.~~
- ~~11. When the cardholder wishes to cease to be a cardholder, their transaction card must be returned to the Financial Services Controller.~~
- ~~12. The cardholder has responsibility to finalise acquittal of all transactions incurred by their transaction card prior to returning the transaction card.~~

#### Management control

- ~~13.~~ 11 The Chief Financial Officer shall ensure that:
- transactions and cardholders by all transaction cards shall be reported monthly to Council as a part of Schedule of Accounts report.
  - maintenance of a register of all transaction cards.
  - annual review of the Town's credit usage.
  - assessment and selection of transaction card facilities suitable to the efficient and effective operations of the Town.
  - monitoring and auditing of transaction card activities is planned and reported annually.

#### Misuse, misconduct, and fraudulent use

- ~~14.~~ 12 Any alleged misuse of Transaction Cards will be investigated and may be subject to disciplinary procedures.
- ~~15.~~ 13 Where there is reasonable suspicion of misconduct or fraudulent activity arising from Transaction Card facilities, the matter will be reported to the appropriate regulatory agency, subject to the requirements of the Public Sector Management Act 1994 and the Corruption, Crime and Misconduct Act 2003.

#### Related documents:

[Local Government Act 1995](#)

Policy 301 Procurement

Responsible officers	Manager Finance Manager Strategic Accounting <del>Financial Services Controller</del> <del>Coordinator Finance</del> <del>Management Accountant</del> <del>Senior Accounting officer</del> <u>Accountant</u>
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Policy manager	Chief Financial Officer
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Approval authority	Council
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Next evaluation date	February 2025
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Revision history

Version	Action	Date	Authority	Resolution number	Report number
1	Adopted	20/02/2024	Council	7/2024	Item 11.3

<b>Policy number</b>	Policy 312
<b>Policy title</b>	Transaction card
<b>Strategic outcomes supported</b>	CL1 – Effectively managing resources and performance CL3 – Accountability and good governance

### Policy objective:

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  - e. amount of transaction
  - f. indication of GST.
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- c. annual review of the Town’s credit usage.
- d. assessment and selection of transaction card facilities suitable to the efficient and effective operations of the Town.
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Misuse, misconduct, and fraudulent use

- 12. Any alleged misuse of Transaction Cards will be investigated and may be subject to disciplinary procedures.
- 13. Where there is reasonable suspicion of misconduct or fraudulent activity arising from Transaction Card facilities, the matter will be reported to the appropriate regulatory agency, subject to the requirements of the Public Sector Management Act 1994 and the Corruption, Crime and Misconduct Act 2003.

Related documents:

[Local Government Act 1995](#)  
 Policy 301 Procurement

Responsible officers	Manager Finance Manager Strategic Accounting Coordinator Finance Accountant
Policy manager	Chief Financial Officer
Approval authority	Council
Next evaluation date	February 2025

Revision history

Version	Action	Date	Authority	Resolution number	Report number
1	Adopted	20/02/2024	Council	7/2024	Item 11.3