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Objective

The objective of the Policy is to ensure that the existence of certain related party relationships, related party transactions and information about the transactions, necessary for users to understand the potential effects on the Financial Statements are properly identified, recorded in Council's systems, and disclosed in Council's General Purpose Financial Statements to achieve compliance with AASB 124, the Privacy and Personal Information Protection Act 1998 [PPIPA] and the Government Information (Public Access) Act 2009 [GIPAA].

Legislative and regulatory requirements

- Local Government Act 1993 and Local Government (General) Regulation 2021
- Accounting Standard AASB 124 July 2015 Related Party Disclosures
- Accounting Standard AASB 10 August 2011 Consolidated Financial Statements
- Accounting Standard AASB 11 August 2011 Joint Arrangements
- Privacy and Personal Information Protection Act 1998 [PPIPA]
- Government Information (Public Access) Act 2009 [GIPAA]

Related policies and plans

- Access to Information Policy
- Conflicts of Interests Policy
- Code of Conduct

Definitions

Related Parties	A person or entity that is related to the entity that is preparing its financial statements. For the purpose of this policy, related parties are entities related to Council, key management personnel and close family members of key management personnel of Mid-Western Regional Council.
Related Party Transaction	A related party transaction is a transfer of resources, services or obligations between a reporting entity and a related party, regardless of whether a price is charged.
Key Management Personnel (KMP)	<p>People that have authority and responsibility for planning, directing and controlling the activities of the entity, either directly or indirectly.</p> <p>For Council purposes KMP includes;</p> <ul style="list-style-type: none"> • the Mayor,

	<ul style="list-style-type: none"> • Councillors, • the General Manager, • Directors, • the Responsible Accounting Officer,
Close Family Members	Close family members are people who can be expected to influence or be influenced by key management personnel. This includes but is not limited to spouse or partner, children and dependents, children and dependents of spouse or partner and possibly parents, grandparents and other family members. Other family members that would expect to influence or be influenced by key management personnel need to be included as close family members.
KMP Compensation	<p>All forms of consideration paid, payable or provided in exchange for services provided.</p> <p>Compensation categories include:-</p> <ul style="list-style-type: none"> • Short Term Employment Benefits • Post Employment Benefits • Other Long Term Benefits, and • Termination Benefits.
Arms Length Transaction	A transaction between two related parties that is conducted as if they were unrelated, so that there is no question of conflict of interest.
Ordinary Citizen Transactions	Transactions that are made on an arm’s length basis between the Council and key management personnel and their close family members that an ordinary citizen of the community would transact with the Council. This includes but is not limited to payment of rates for properties owned by the key management personal.
Normal Terms and Conditions	The standard rules governing transactions between Council and all external bodies. These can be governed by policies, legislation or accepted business practices.
Control	Is the power to govern the financial and operating policies of an entity so as to obtain benefits from its activities.
Joint Control	Is the contractually agreed sharing of control over an economic activity.
Significant influence	Is the power to participate in the financial and operating policy decisions of an entity, but is not control over those policies. Significant influence may be gained by share ownership, statute or agreement.
Responsible Accounting Officer	A position of Council with regulatory responsibilities, as described in the Local Government (General) Regulation 2021, currently filled by the Chief Financial Officer.
Material transaction	Transactions assessed as material, given the definitions on page 5 including: significant in terms of size; carried out on non-market terms; outside normal day-to-day business operations; disclosed to regulatory or supervisory authorities; reported to senior management.

Policy Statement

Local Government is subject to many specific ethical and disclosure requirements. This policy is not directly related to those requirements but to the generic disclosure requirements imbedded in Australian Accounting Standards and the associated auditing standards.

This policy is required to assist Council staff in meeting the requirements of the Australian Accounting Standard 124 Related Party Disclosures in Council's General-Purpose Financial Statements.

The objective of this Standard is to ensure that an entity's financial statements contain the disclosures necessary to draw attention to the possibility that its financial position and profit or loss may have been affected by the existence of related parties and by transactions and outstanding balances, including commitments, with such parties.

Related Party relationships are a normal feature of business. Related parties may enter into transactions that unrelated parties would not. Therefore a related party relationship has the potential to have an effect on the profit or loss and financial position of Council.

In addition, the profit or loss and financial position of an entity may be affected by a related party relationship even if related party transactions do not occur. The mere existence of the relationship may be sufficient to affect the transactions of the entity with other parties.

For these reasons, knowledge of Council's transactions and outstanding balances (including commitments and relationships with Related Parties) may affect the assessment of Council's operations by users of Financial Statements, including assessments of the risks and opportunities facing the Council.

Council will exercise compliance with the disclosure requirements of AASB 124 by executing the following steps;

- a) identifying related party relationships and transactions;
- b) identifying outstanding balances, including commitments, between an entity and its related parties;
- c) identifying the circumstances in which disclosure of the items in (a) and (b) is required; and
- d) determining the disclosures to be made about those items.

Related Parties

Identification of Key Management Personnel (KMP)

KMP for Mid-Western Regional Council are considered to include:-

- the Mayor,
- Councillors,
- the General Manager,
- Directors,
- the Responsible Accounting Officer,
- staff whom from time to time will act in any of the above mentioned positions

Identification of Related Parties

A person or entity is considered a related party of Council if any of the following conditions apply:-

- a) They are members of the same group (which means that each parent, subsidiary and fellow subsidiary is related to the others)
- b) They are an associate or belong to a joint venture of which Council is part of
- c) They and Council are joint ventures of the same third party
- d) They are part of a joint venture of a third party and council is an associate of the third party
- e) They are a post-employment benefit plan for the benefit of employees of either Council or an entity related to Council.
- f) They are controlled or jointly controlled by close or possibly close members of the family of a person with significant influence over Council or a close or possibly close member of the family of a person who is a KMP of Council.
- g) They are identified as a close or possibly close member of the family of a person with significant influence over Council or a close or possibly close member of the family of a person who is a KMP of Council.
- h) They, or any member of a group which they are a part, provide KMP services to Council.

For the purposes of this policy, related parties of Council are:

- a) Entities related to Council;
- b) KMP of Council;
- c) Close family members of KMP;
- d) Possible close family members of KMP; and
- e) Entities or persons that are controlled or jointly controlled by KMP, or their close family members, or their possible close family members.

Please see Appendix 1 for examples of common related parties of council.

KMP's will identify all entities that are controlled or jointly controlled by close family members through the self-assessment process. Should uncertainties or any other contentious issues arise during this process the KMP's are responsible for discussing this with Councils Responsible Accounting Officer who can consult Councils external auditor for clarification if necessary.

Annual Review of Related Parties

A review of KMP's and their related parties will be completed at the beginning of each Financial Year. Whereby the identified KMP's will be required to complete the Related Party Declaration by 31 July and present this to Councils Financial Operations Coordinator.

The method for identifying the close family members and associated entities of KMP will be by KMP self-assessment. KMP are responsible for keeping the Financial Operations Coordinator updated when any changes to those related parties occur outside of those times.

Particular events, such as a change in Councillors, General Manager, Directors or members of the Executive management team, will also trigger a review of Council's related parties immediately following such an event.

Councils Responsible Accounting Officer and Financial Operations Coordinator will be responsible for identifying Council subsidiaries, associates and joint ventures.

Councils Financial Operations Coordinator will maintain a register of all declared and identified related parties.

Related Party Transactions

Types of Transactions

The following are examples of transactions that are disclosed if they are transacted with a related party:

- Purchase or sale of goods;
- Purchase or sale of property and other assets;
- Rendering or receiving services;
- Leases;
- Quotations and/or tenders;
- Commitments;
- Settlements of liabilities on behalf of Council or by Council on behalf of the related party;
- Grants and subsidy payments made to associated entities of Council;
- Non-monetary transactions; and
- Compensation made to key management personnel and their close family members.

Materiality of Transactions

AASB 124 grants Council discretion to use their judgement when determining the level of detail to be disclosed in the financial statements. It should be noted that Materiality is not simply determined by the value of a transaction, many other factors are considered. As well as considering the closeness of the related party relationship other factors to be considered, when assessing related party transactions, are;

- significant in terms of size;
- carried out on non-market terms;
- outside normal day-to-day business operations, such as the purchase and sale of businesses;
- disclosed to regulatory or supervisory authorities;
- reported to senior management;
- subject to shareholder approval.

Ordinary Citizen Transactions

Ordinary citizen transactions are those transactions that are made on an arm's length basis between Council and related parties that an ordinary citizen of the community would transact with the Council.

Examples of these are rates payments for properties owned by the related party and dog registration payments.

Council will identify all transactions between Council and related parties. Any that are deemed to be ordinary citizen transactions will not typically be required to be disclosed in the annual financial report.

Transactions between Council and related parties that would normally be considered to be ordinary citizen transactions but where the terms and conditions differ from normal practice will not be considered to be an ordinary citizen transaction for the purposes of this policy. These will be disclosed in Council's annual financial statements in the related party disclosure.

Please note that KMP's are still required to notify the Financial Operations Coordinator of these transactions via the process outlined below and the determination of whether or not disclosure is required is vested with the Responsible Accounting Officer and Financial Operations Coordinator. Should uncertainties or any other contentious issues arise during this process the KMP's are responsible for discussing this with Council's Responsible Accounting Officer who can consult Council's external auditor for clarification if necessary.

Identification of all Related Party Transactions

All related party transactions will be captured to allow a full assessment of transactions that are to be included in the related party disclosure per the disclosure requirements contained in AASB 124.

This will also allow Council's external auditors to perform a full analysis of the entire process that results in the related party transaction disclosure.

All KMP will be required to complete and submit a Related Party Transaction Declaration to the Financial Operations Coordinator, a notification advising of any known related party transactions that have occurred in the past 12 month period and any related party transactions that have the potential of occurring in the next 12 month period. A Nil notification will be required to be submitted to the Financial Operations Coordinator if no transactions are required to be reported.

This notification will be due to the Financial Operations Coordinator by 31 July covering the preceding financial year period.

To ensure all related party transactions are captured and recorded, the Financial Operations Coordinator is responsible for reviewing, if required, other sources of information held by Council including, without limitation:

- a) a register of related parties of a KMP and of persons related to the KMP;
- b) Council's pecuniary interest returns;
- c) minutes of Council and committee meetings;
- d) Council's Contracts' Register.

Council's Financial Operations Coordinator will maintain a register of all declared and independently identified related party transactions.

Required Disclosures and Reporting

AASB124 provides that Council must disclose the following financial information in its financial statements for each financial year period:

1. *Disclosure of any material related party transactions* – if there have been material transactions between related parties, Council must disclose the nature of the relationship with the related party, as well as sufficient information about the transactions and outstanding balances, including commitments, necessary for users to understand the potential effect of the relationship on the financial statements.
2. *KMP Compensation Disclosures* – must disclose in the financial statements KMP compensation in total for each of the categories.

If an elected member or staff member is affected by the related party disclosure they will be given a copy of the disclosure for comment before the external audit is finalised. The General Manager will give the final approval of what will be contained in the disclosure.

Information Privacy

Confidential

The information collected is classified as confidential and is not available for inspection by the public. A request for information under the GIPA Act will be assessed in accordance with that act.

Storage of information

Declarations and registers pertaining to the Councils related parties and related party transactions will be maintained within a secure and confidential location of Councils records management system.

When Consent is Required

Except as specified in this Policy, Council and other permitted recipients will not use or disclose personal information provided in a related party disclosure by a KMP or contained in a register of related party transactions for any other purpose or to any other person except with the prior written consent of the subject KMP.

Permitted Recipients and Permitted Purposes

For the purpose of this policy the following persons are permitted to access, use and disclose the information (including personal information) provided in a related party disclosure or contained in a register of declared related parties and/or related party transactions:

- a) the General Manager;
- b) the Director Corporate Services, Responsible Accounting Officer and Financial Operations Coordinator,;
- c) Public Officer;
- d) an Auditor of Council (including an Auditor from the NSW Auditor General's Office);

For the purpose of this policy any person specified above may access, use and disclose information (including personal information) in a related party disclosure or contained in a register of declared related parties and/or related party transactions for the following purposes:

- a) to assess and verify a notified related party transaction;
- b) to reconcile identified related party transactions against those notified in a related party disclosure or contained in a register of related party transactions;
- c) to comply with the disclosure requirements of AASB 124;
- d) to verify compliance with the disclosure requirements of AASB 124.

Appendix 1

Examples of common related parties of Council

Likely to be a Related Party of council	May be a Related Party of council
Councillors (including the Mayor)	Senior staff (if they are KMP they are a related party)
General Manager (GM)	Other family members of the Councillors, GM and senior staff that are KMP (if the family member may be expected to influence, or be influenced by, that person in their dealings with Council, then they are a related party)
Children of the Mayor, Councillors and the GM	
Spouse/Domestic Partners of the Mayor, Councillors and the GM	
Dependents of the Mayor, Councillors and the GM	
Dependents of a Spouse/Domestic partner of the Mayor, a Councillor or the GM	
Children of a senior staff member that is a KMP	
Spouse/Domestic partners of a senior staff member that is a KMP	
Dependents of a senior staff member that is a KMP	
Dependents of a Spouse/Domestic partner of a senior staff member that is a KMP	
Entities that are controlled or jointly controlled by Council, a KMP or their close family member.	

Disclaimer: This list contains a list of common related parties of council, however there may still be relationships not identified in this list that will meet the definition of a related party.