

62. RELATED PARTY GENERAL POLICY

Purpose

The intent of this policy is to:

- record Council's commitment to complying with all related party transaction requirements under Australian Accounting Standards Board (AASB) 124 Related Party Disclosures; and
- establish a system for identifying and recording related parties and related party relationships; and
- identify ordinary citizen transactions that will not be disclosed by Council.

Scope

This policy applies to all related parties of the Douglas Shire Council.

Policy Content

The following sets out the framework for Council compliance with related party disclosure requirements under legislation and relevant Australian Accounting Standards.

Definitions

TERM	DEFINITION
Arm's length transaction	means a transaction in which all parties act freely and independently and have no relationship to each other.
Close Family Members of Key Management Personnel (KMP)	means family members who may be expected to influence, or be influenced by, that person in their dealings with Council.
Control	means the power to govern the financial and operating policies of an entity so as to obtain benefits from its activities.
Ordinary Citizen Transactions (OCTs)	means transactions that an ordinary citizen would undertake with Council, that do not need to be captured and reported for disclosure.
Joint control	means the contractually agreed sharing of control over an economic activity.
Key Management Personnel (KMP)	means persons having authority and responsibility for planning, directing and controlling the activities of the Council, directly or indirectly.
Related party	means a person or entity that is related to Council. The following persons are considered related parties of Council: <ol style="list-style-type: none"> a member of the KMP and close family members of the KMP entities controlled or jointly controlled by a member of the KMP or their close family members any person who has significant influence over the reporting entity.

TERM	DEFINITION
Related party transaction	means a transfer of resources, services or obligation between the entity and a related party, regardless of whether a price is charged.
Significant influence	means the power to participate in the financial and operating policy decisions of an entity, but is not control over those policies.

Principles

1. Legislative requirement

Under the provisions of the *Local Government Act 2009* and *Local Government Regulation 2012*, Council must produce annual financial statements that comply with Australian Accounting Standards. From 1 July 2016, the Australian Accounting Standards Board determined that AASB 124 Related party Disclosures would apply to government entities, including local governments.

2. Identifying related parties

Related parties include government-related entities, key management personnel (KMP), their close family members and any entities that they control or jointly control. In accordance with paragraph 14 of AASB 124, to enable users of financial statements to form a view about the effects of related party relationships on an entity it is appropriate to disclose the related party relationship when control exists, irrespective of whether there have been transactions between the related parties. Any transactions with these parties, whether monetary or not, need to be identified for inclusion in Council's annual financial statements.

3. Government Related Entities

In accordance with AASB 10, AASB11 and AASB 128, Council will need to determine if there are any entities that are controlled by Council, jointly controlled by Council or over which Council has significant influence. Any transactions with these parties, whether monetary or not, need to be identified for inclusion in Council's annual financial statements.

Under paragraph 25 of AASB 124 Council is exempt from the disclosure requirements in relation to related party transactions and outstanding balances, including commitments, with government entities that have control, joint control or significant influence over Council.

4. Key Management Personnel (KMP)

Council has determined in accordance with AASB 124, that the following positions meet the definition of KMP:

- a) Minister for Local Government
- b) Mayor
- c) Councillors
- d) Chief Executive Officer (CEO)
- e) senior executive employees reporting directly to the CEO
- f) Any person acting in one of the above roles if the staff member was involved in planning, directing and controlling activities for the entire Council for more than 12 weeks continuously during the financial year.

KMP (excluding the Minister for Local Government) are to provide an annual declaration identifying:

- a) their close family members; and
- b) entities that they control or jointly control; and
- c) entities that their close family members control or jointly control.

Related parties for the Minister for Local Government will be determined by the Parliamentary Register of Interests.

5. Close Family Members of KMP

The following will be considered as close family members of KMP:

- a) Children and dependents of the Mayor, Councillors and the CEO
- b) Spouse/domestic partner of the Mayor, Councillors and the CEO
- c) Children and dependents of a spouse/domestic partner of the Mayor, Councillors and the CEO
- d) Children and dependents of a senior staff member that is a KMP
- e) Spouse/domestic partner of a senior executive employee that is a KMP
- f) Children and dependents of a spouse/domestic partner of a senior executive employee that is a KMP
- g) Other Family Members of a KMP that may be expected to influence, or be influenced by, that person in their dealings with Council.

Close family members will be identified in the Related Party Declaration made by a KMP.

6. Entities that are controlled or jointly controlled by KMP or their close family members

Entities include companies, trusts, joint ventures, partnerships and non-profit associations.

7. Review

A review of all related parties (KMP, close family members and related entities) will be conducted annually in June, or in the event of one or more of the following triggers:

- a) Change of Councillor/s or CEO;
- b) Change in Senior Executive Employees;
- c) Corporate restructure;
- d) Change in family structure of KMP.

8. Identifying ordinary citizen transactions (OCTs)

Council has determined that the following transactions constitute an OCT and are therefore not material for disclosure. All other transactions above Council's external audit materiality limit will be disclosed.

- a) Paying Council fees, rates or charges
- b) Attending Council functions that are open to the public
- c) Payment for goods or services from Council at rates published in Council's Register of Fees and Charges.

In the event that the transaction was to occur on terms and conditions that are different to those offered to the general public, then the transaction may become material.

9. Related Party Register

Related Party Disclosures will be collated in a Related Party Register for audit and reporting purposes.

10. Disclosing Related Party Transactions

Council will disclose KMP compensation in accordance with the requirements of paragraph 17 of AASB 124.

In accordance with paragraph 18 of AASB 124 Council is also required to disclose information about transactions that have occurred between Council and its related parties, including transactions between Council and its KMPs, that is necessary for users to understand the potential effect of the relationship on the financial statements.

Related Legislation

Local Government Act 2009

Local Government Regulation 2012

Related Documents

Australian Accounting Standards Board (AASB):

AASB 124 Related Party Disclosures

AASB 10 Consolidated Financial Statements

AASB 11 Joint Arrangements

AASB 128 Investments in Associates and Joint Ventures

Policy Review

This policy is to be reviewed whenever legislation changes, or every 3 years if no changes have been required to be enacted, at the direction of the Chief Executive Officer.

Policy Details

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Revoked/Superseded	

This policy is to remain in force until otherwise determined by Council.