

Title	Related Party Disclosures
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Policy Type

Council

Policy Purpose

To provide guidance in the preparation of City of Cockburn (the City) financial statements to ensure disclosure requirements are met for Australian Accounting Standards Board Standard AASB: 124 Related Party Disclosures (AASB 124).

Policy Statement

The objective of AASB 124 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.

(1) Identification of Related Parties

AASB 124 provides that the City will be required to disclose in its Annual Financial report, related party relationships, transactions and outstanding balances. 'Related Parties' include a person or entity that has significant influence over the reporting entity. The City will therefore be required to assess all transactions made with these persons or entities.

(2) Review of Related Parties

1. The Chief Executive Officer (CEO) will regularly review Key Management Personnel (KMP) where changes are made to existing persons.
2. For the purposes of determining whether a related party transaction has occurred, the following transactions or provisions of services have been identified as meeting this criterion:
 - (a) Paying fees and charges or any other amount to the Council
 - (b) Use of Council owned or operated facilities (whether charged a fee or not)
 - (c) Attending Council functions that are opened to the public
 - (d) Employee compensation whether it is for KMP or close family members of KMP
 - (e) Lease arrangements for properties (whether for a Council owned property or property sub-leased by the council)
 - (f) Monetary and non-monetary transactions between the Council and any business or associated entity owned or controlled by the related party (including family) in exchange for goods and/or services provided by/to the Council

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- (g) Sale or purchase of property owned by the Council to a person identified above
- (h) Sale or purchase of property owned by a person identified above to the Council
- (i) Loan arrangements
- (j) Contracts and agreements for construction, consultancy or services

(3) Required Disclosures and Reporting

For the purposes of determining relevant transactions, Elected Members and KMP, as identified above, will be required to complete a Related Party Disclosures – Declaration in ATTAIN (the City’s online compliance register) for submission to Financial Services.

The notification requirement above does not apply to:

1. Related party transactions that are ordinary citizen transactions not assessed as being material; and
2. For Elected Members, allowances and expenses incurred that are provided to an Elected Member during the financial year, under the Local Government Act 1995 and City of Cockburn Policy ‘Elected Members Entitlements – Allowances and Reimbursement’, the particulars of which are contained in Council’s annual report pursuant to the Local Government Act 1995 and Local Government (Administration) Regulations 1996.

(4) Register of Related Party Transactions

The City uses ATTAIN will maintain and keep up to date a register of related party transactions that captures and records information required for disclosure purposes for each existing or potentially related party transaction (including any ordinary citizen transaction assessed) as being material in nature during a financial year.

Definitions:

<p>Close family members or close members of the family:</p>	<p>In relation to a KMP:</p> <ul style="list-style-type: none"> • Family members who may be expected to influence, or be influenced by, that KMP in their dealings with Council and include: <ul style="list-style-type: none"> (a) that person’s children and spouse or domestic partner (b) children of that person’s spouse or domestic partner; (c) dependents of that person or that person’s spouse or domestic partner. <p>For the purposes of AASB 124, close family members could include extended members of a family (such as, without limitation, parents, siblings, grandparents, uncles/aunts or cousins) if they could be expected to influence, or be influenced by, the Key Management Person in their dealings with Council.</p>
<p>Entity:</p>	<p>May include a body corporate, a partnership of trust, incorporated</p>

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	association, or unincorporated group or body.
Control:	<p>Control of an entity is present when there is:</p> <ul style="list-style-type: none"> (a) power over the entity; and (b) exposure or rights to variable returns from involvement with the entity; and (c) the ability to use power over the entity to affect the amount of returns received, as determined in accordance with Australian Accounting Standard AASB 10 Consolidated Financial Statements, paragraphs 5 to 18, and Appendices A (Defined Terms) and B (Application Guidance).
Joint Control:	The contractually agreed sharing of control of an arrangement, which exists only when decisions about the relevant activities require the unanimous consent of the parties sharing control.
KMP:	<p>Key Management Personnel defined as persons having authority and responsibility for planning, directing and controlling the activities of the entity, directly or indirectly.</p> <p>For the purposes of determining the application of AASB 124, the City has identified the following persons as meeting the definition of 'Related Party':</p> <ul style="list-style-type: none"> (a) A Council member (b) KMP being a person employed under section 5.36 or 5.37 of the Local Government Act 1995 in the capacity of CEO or Chiefs and Executives. (c) Close members of the family of any person listed above, including that person's child, spouse or domestic partner, children of a spouse or domestic partner, dependents of that person or person's spouse or domestic partner. (d) Entities that are controlled or jointly controlled by a Council member, KMP or their close family members. (Entities include companies, trusts, joint ventures, partnerships and non-profit associations such as sporting clubs). <p>The Council will therefore be required to assess all transactions made with these persons or entities.</p>
Materiality:	<p>Management will apply professional judgement in consultation with Council's external auditors to assess the materiality of transactions disclosed by related parties and their subsequent inclusion in the financial statements.</p> <p>In assessing materiality, management will consider both the size and nature of the transaction, individually and collectively.</p>
Ordinary Citizen Transactions (OCTs):	<p>Transactions that an ordinary citizen would undertake with Council, which is undertaken on arm's length terms and in the ordinary course of carrying out Council's functions and activities. Examples of ordinary citizen transactions assessed to be not material in nature include:</p> <ul style="list-style-type: none"> (a) fees and charges approved by Council that are on terms

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	and conditions to the general public and by their nature or amount are not material; (b) using Council’s public facilities after paying the corresponding fees.
Related Party:	A person or entity that is related to Council as defined in AASB124, paragraph 9. Examples of related parties are: (a) Council subsidiaries; (b) KMP; (c) close family members of KMP; (d) entities that are controlled or jointly controlled by KMP or their close family members
Related Party Transactions:	Is a transfer of resources, services or obligations between the Council and a related party, regardless of whether a price is charged.

Strategic Link:	Governance Framework
Category	Governance
Lead Business Unit:	Governance, Risk Management and Compliance
Public Consultation: (Yes or No)	No
Adoption Date: (Governance Purpose Only)	10 June 2021
Next Review Due: (Governance Purpose Only)	June 2023
ECM Doc Set ID: (Governance Purpose Only)	6725236