



**City of Busselton**  
*Geographe Bay*

## **Policy and Legislation Committee Agenda**

***8 December 2021***

ALL INFORMATION AVAILABLE IN VARIOUS FORMATS ON REQUEST

[city@busselton.wa.gov.au](mailto:city@busselton.wa.gov.au)

**CITY OF BUSSELTON**

**MEETING NOTICE AND AGENDA – 8 DECEMBER 2021**

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**TO: THE MAYOR AND COUNCILLORS**

**NOTICE** is given that a meeting of the Policy and Legislation Committee will be held in the Committee Room, Administration Building, Southern Drive, Busselton on Wednesday, 8 December 2021, commencing at 9.45am.

The attendance of Committee Members is respectfully requested.

**DISCLAIMER**

Statements or decisions made at Committee meetings should not be relied on (or acted upon) by an applicant or any other person or entity until subsequent written notification has been given by or received from the City of Busselton. Without derogating from the generality of the above, approval of planning applications and building permits and acceptance of tenders and quotations will only become effective once written notice to that effect has been given to relevant parties. The City of Busselton expressly disclaims any liability for any loss arising from any person or body relying on any statement or decision made during a Committee meeting.



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**MIKE ARCHER**

**CHIEF EXECUTIVE OFFICER**

3 December 2021

CITY OF BUSSELTON

AGENDA FOR THE POLICY AND LEGISLATION COMMITTEE MEETING TO BE HELD ON 8 DECEMBER 2021

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1. **DECLARATION OF OPENING, ACKNOWLEDGEMENT OF COUNTRY AND ANNOUNCEMENT OF VISITORS**

2. **ATTENDANCE**

**Apologies**

3. **PUBLIC QUESTION TIME**

4. **DISCLOSURE OF INTERESTS**

5. **CONFIRMATION AND RECEIPT OF MINUTES**

5.1 **Minutes of the Policy and Legislation Committee Meeting held 27 October 2021**

**RECOMMENDATION**

**That the Minutes of the Policy and Legislation Committee Meeting held 27 October 2021 be confirmed as a true and correct record.**

## **6. REPORTS**

### **6.1 PROPOSED COMMITTEE MEETING DATES 2022**

<b>STRATEGIC THEME</b>	LEADERSHIP - A Council that connects with the community and is accountable in its decision making.
<b>STRATEGIC PRIORITY</b>	4.2 Deliver governance systems that facilitate open, ethical and transparent decision making.
<b>SUBJECT INDEX</b>	Committee Meetings
<b>BUSINESS UNIT</b>	Governance Services
<b>REPORTING OFFICER</b>	Governance Coordinator - Emma Heys
<b>AUTHORISING OFFICER</b>	Acting Director, Finance and Corporate Services - Sarah Pierson
<b>NATURE OF DECISION</b>	Executive: Substantial direction setting, including adopting budgets, strategies, plans and policies (excluding local planning policies); funding, donations and sponsorships; reviewing committee recommendations
<b>VOTING REQUIREMENT</b>	Simple Majority
<b>ATTACHMENTS</b>	Nil

### **OFFICER RECOMMENDATION**

**That the Policy and Legislation Committee adopts the following Committee meeting dates for the 2022 calendar year:**

- **Tuesday 25 January 2022**
- **Wednesday 23 February 2022**
- **Wednesday 23 March 2022**
- **Wednesday 27 April 2022**
- **Wednesday 25 May 2022**
- **Wednesday 22 June 2022**
- **Wednesday 27 July 2022**
- **Tuesday 23 August 2022**
- **Wednesday 28 September 2022**
- **Wednesday 26 October 2022**
- **Wednesday 14 December 2022**

### **EXECUTIVE SUMMARY**

This report is presented to the Policy and Legislation Committee to enable the Committee to endorse its meeting dates for the 2022 calendar year.

### **BACKGROUND**

The Council of the City of Busselton has established a standing committee known as the Policy and Legislation Committee (the Committee) pursuant to section 5.8 of the *Local Government Act 1995* (the Act).

The Committee is established for the purpose of assisting Council to fulfil its role under section 2.7(2)(b) of the Act, namely to determine the local government's policies and its legislative function in accordance with Division 2 of Part 3 of the Act.

Under its terms of reference, the Committee must meet at least six times per year. Further to a resolution made in October 2015, the Committee has been meeting on a monthly basis and the meeting schedule has been prepared accordingly. In October 2019, Councillors indicated a preference for the Committee meetings be held on the same day as Council Meetings or Briefings, being a Wednesday. This arrangement has worked well, was continued throughout 2021, and it is recommended that it be continued for future meetings.

In September 2021, the terms of reference for the Committee were reviewed and endorsed by Council (C2109/201), including the addition of clause 7.1(a) which clarified that the Committee is delegated the power to schedule and endorse the dates, times and locations of the meetings held by the Committee.

### **OFFICER COMMENT**

It is proposed that the meetings of the Committee be held on the fourth week of each month, at 10.00am, in the Wonnerup Committee Room, at the City of Busselton Administration Building.

The first Committee meeting for 2022 will be held on Tuesday 25 January, as the Australia Day public holiday is on Wednesday 26 January 2022.

Due to statutory reporting timelines applicable to the Finance Committee, the City's meeting schedules will require a Finance Committee meeting to be held on 20 July 2022. A Policy and Legislation Committee meeting will therefore be scheduled on the following week, on Wednesday 27 July 2022.

To accommodate the CinefestOZ Film Festival, which is customarily held during the fourth week of August, and has its opening night on the Wednesday, the Ordinary Council meeting will be held for this week on the Tuesday. Accordingly, the Policy and Legislation Committee meeting will be scheduled for Tuesday 23 August 2022.

Again to accommodate statutory timelines in relation to financial reporting, two Finance Committee meetings will be held in November, therefore a Policy and Legislation Committee meeting will not be held in November, instead it will be scheduled for 14 December 2022. The reports from this meeting will be considered at the first Ordinary Council Meeting in January 2023. If any matters arise in this period that require urgent consideration, the item may be placed directly on the Agenda of the next practicable Ordinary Meeting of Council.

In accordance with regulation 12 of the *Local Government (Administration) Regulations 1996*, if a committee meeting is open to the public or proposed to be open to the public, the local government must give public notice of the dates, times and place at which the committee meetings are to be held in the next 12 months. Once endorsed by the Committee, the meeting dates will be publicly advertised.

It is proposed that the Committee meetings for 2022 be held at 10.00am, in the Wonnerup Committee Room, at the City of Busselton Administration Building.

### **Statutory Environment**

The legislation relevant to this report is:

- *Local Government Act 1995*
- *Local Government (Administration) Regulations 1996*

### **Relevant Plans and Policies**

There are no relevant plans or policies to consider in relation to this matter.

**Financial Implications**

There are no financial implications associated with the officer recommendation.

**Stakeholder Consultation**

No external stakeholder consultation was required or undertaken in relation to this matter.

**Risk Assessment**

An assessment of the potential implications of implementing the officer recommendation has been undertaken using the City's risk management framework, with risks assessed taking into account any controls already in place. No risks of a medium or greater level have been identified.

**Options**

As an alternative to the officer recommendation, the Committee could propose different dates or times for its meetings to be held.

**CONCLUSION**

The proposed dates of Committee meetings to be held in 2022 are presented to the Committee for endorsement. Regulation 12 of the *Local Government (Administration) Regulations 1996* requires the City to give notice of the dates of its committee meetings that are open, or proposed to be open, to the public. Once endorsed by the Committee, the 2022 meeting dates, times and location will be publicly advertised in accordance with the Regulations.

**TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION**

The schedule of the Committee 2022 meetings will be advertised and published prior to the end of 2021.

6.2 COUNCIL POLICY REVIEW: RECORDING AND LIVESTREAMING OF COUNCIL PROCEEDINGS AND COMMUNITY ACCESS SESSIONS

<b>STRATEGIC THEME</b>	LEADERSHIP - A Council that connects with the community and is accountable in its decision making.
<b>STRATEGIC PRIORITY</b>	4.1 Provide opportunities for the community to engage with Council and contribute to decision making.
<b>SUBJECT INDEX</b>	Decision Making Processes
<b>BUSINESS UNIT</b>	Governance Services
<b>REPORTING OFFICER</b>	Governance Coordinator - Emma Heys
<b>AUTHORISING OFFICER</b>	Acting Director, Finance and Corporate Services - Sarah Pierson
<b>NATURE OF DECISION</b>	Executive: Substantial direction setting, including adopting budgets, strategies, plans and policies (excluding local planning policies); funding, donations and sponsorships; reviewing committee recommendations
<b>VOTING REQUIREMENT</b>	Simple Majority
<b>ATTACHMENTS</b>	<p>Attachment A Proposed Amended Council Policy: Recording and Livestreaming of Council Meetings and Community Access Sessions (Tracked)  </p> <p>Attachment B Proposed Amended Council Policy: Recording and Livestreaming of Council Meetings and Community Access Sessions (Clean)  </p> <p>Attachment C Current Policy: Recording and Livestreaming of Council Meetings  </p>

**OFFICER RECOMMENDATION**

**That the Council adopt the amended Council policy: Recording and Livestreaming of Council Meetings and Community Access Sessions (the Policy) (Attachment A) to replace the current policy (Attachment C).**

**EXECUTIVE SUMMARY**

This report presents an amended Council policy: Recording and Livestreaming of Council Meetings and Community Access Sessions (the Policy) (Attachment A); amended to incorporate provisions around the audio recording of Community Access Sessions and to increase the time that recordings of Council Meetings are available publicly. Officers recommend it replace the current policy (Attachment C).

**BACKGROUND**

The Policy was originally adopted by Council at its Ordinary Meeting on 11 June 2019 (C1906/108), following a request from a member of the public for a copy of a recording of an Ordinary Council Meeting, and pursuant to advice from the Western Australian Local Government Association (WALGA). The review of the policy also considered the recommendations of Mr John Woodhouse's Review of the City of Busselton Governance Systems and Processes conducted in 2017.

The City's *Standing Orders Local Law 2018* (Standing Orders) provides for the Chief Executive Officer to audio record meetings for the purpose of taking minutes. Any such recordings are considered a record under the *State Records Act 2000* and are required to be retained for one year after the minutes are confirmed.

During COVID-19 restrictions at the start of 2020, which limited attendance at Council meetings, the City implemented a process to facilitate remote public access by livestreaming the meetings. Following a briefing to Council on 14 October 2020, officers prepared revisions to the Policy that extended the scope of the Policy to include video recordings and livestreaming of meetings, with the renaming of the Policy to reflect this extension of its scope. The revised Policy was adopted by Council on 11 November 2021 (C2011/001).

### **OFFICER COMMENT**

With increased requests received from members of the public, and a preference indicated by Councillors for more community transparency and engagement, the City's Community Access Sessions have recently been recorded (audio only) and a link to the recording added to the City's website. Accordingly officers have proposed amendments to the Policy to provide guidance for this practice.

A Community Access Session (CAS) is a more informal forum than a Council meeting and its purpose is to provide a means for the community to present any ideas or ask any questions of Council. There are no decisions made at a CAS and there is no requirement for the CAS to be minuted in any way of recorded. However, there is a growing expectation that the public may access and view a CAS without being in physical attendance, and Council has indicated they are prepared to facilitate this access.

In recommending the Policy amendments to incorporate this officers do have some reservations, and raise them for Council to be mindful of. To assist in mitigating some of the concerns, the Policy sets out that, at the discretion of the CEO, CAS may not be recorded in certain circumstances.

### **Informal Forum**

Primarily officers are concerned that the public recording of CAS may deter some members of the community from attending CAS and using the forum to discuss issues with Councillors. Officers are also concerned that it may inhibit free discussion. CAS play an important role as a forum for members of the public to speak freely and without concern that their statements can be used against them at a later time.

It is recommended that each member of public who speaks at a CAS is made aware an audio recording is being made. Each person who speaks at a CAS should be given the opportunity to not be recorded and the recording should be ceased should they make that request.

### **Defamation**

Section 9.57A of the *Local Government Legislation Amendment Act 2019* (WA) encourages local governments to livestream its proceedings and provides statutory protection for the local government from defamation for publishing Council proceedings on its website. It does not appear that this protection would apply to CAS. Additionally this protection does not extend to the individual who made the comment, however, this is no different to circumstances if the meeting is not broadcast, as it is still deemed to be a statement made in a public forum.

### **Recording**

It is also important to emphasise that an audio recording should not be considered as the minutes or a formal record of a CAS. As noted above, the CAS is an informal community meeting and it should be clear that no decision-making takes place and statements made by a Councillor should not be construed as a decision of Council or create any expectation. This can be managed at an operational level with, for example, a written disclaimer on the City's website which states that it is a broadcast only and not a formal record of the meeting. Councillors should however remain aware that their statements are being recorded and made public as an audio recording.

### **Statutory Environment**

The audio recording of a CAS would be considered as a “record” under the *State Records Act 2000*, and that the publication and storage of the recording should be treated pursuant to the requirements of this Act.

Officers are comfortable, having received internal advice from the City’s Records officers, that the intention to retain the audio record in ECM, with a link to the recording available on the City’s website, provides sufficient access to, and storage of, the record to meet the requirements of the *State Records Act*. The file of the recording and its link will be removed or deleted in accordance with the guidelines of the State Records Office.

### **Relevant Plans and Policies**

There are no relevant plans or policies to consider in relation to this matter.

### **Financial Implications**

There are no financial implications associated with the officer recommendation.

### **Stakeholder Consultation**

No external stakeholder consultation was required or undertaken in relation to this matter.

### **Risk Assessment**

An assessment of the potential implications of implementing the officer recommendation has been undertaken using the City’s risk management framework, with risks assessed taking into account any controls already in place. No risks of a medium or greater level have been identified., although officers have noted some concerns above.

### **Options**

As an alternative to the proposed recommendation the Council could:

1. Not adopt the amended Policy. If Council chooses to do this, officers will cease the practice of audio recording the CAS.
2. Adopt the Policy with further amendments.

### **CONCLUSION**

A revised Policy ‘Recording and Livestreaming of Council Meetings and Community Access Sessions’ is presented for Council’s approval.

### **TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION**

If endorsed, the Policy will be placed on the City’s website within one week of Council adoption and the practice continued at the start of the 2022 Community Access Sessions.



## Council Policy

**Council Policy Name:** Recording and Livestreaming of **Council Meetings and Community Access Sessions**

**Responsible Directorate:** Finance and Corporate Services      **Version:** AdoptedDRAFT

### 1. PURPOSE

~~1.1. The City of Busselton's Standing Orders Local Law 2018 provides for the Chief Executive Officer to record the proceedings of a meeting for the purpose of taking minutes.~~

~~1.2.1.1. The purpose of this Policy is to outline the City's position with respect to the recording and Livestreaming of Council meetings and audio recording of Community Access Sessions~~access to the recorded proceedings.~~~~

### 2. SCOPE

2.1. This Policy is applicable to ~~the Livestreaming and recordings of~~ Council meetings and Community Access Sessions~~all requests for such recordings.~~

### 3. DEFINITIONS

Term	Meaning
Act	Local Government Act 1995
Livestream	to transmit or receive live video and audio coverage of an event over the internet with the content simultaneously recorded and broadcast in real time to the viewer
Policy	this City of Busselton Council policy titled "Recording and Livestreaming of Council Meetings <u>and Community Access Sessions</u> "

### 4. STRATEGIC CONTEXT

4.1. This Policy links to Strategic Theme 4. LEADERSHIP and specifically the Strategic Priority 4.2: Deliver governance systems that facilitate open, ethical and transparent decision making.

### 5. POLICY STATEMENT

#### Council Meetings

5.1. All Ordinary and Special Council meetings will, wherever technically possible, be recorded on an audio device and will be made available by Livestream.

5.2. The primary purpose of recording and Livestreaming Council meetings is to:

- assist in the preparation of the minutes of Council meetings; and
- facilitate increased engagement of the community in the City's decision making processes.

5.3. The official record of the meeting will be the written minutes prepared in accordance with the requirements of the Act and the *Local Government (Administration) Regulations 1996*.

6.2 Attachment A

Proposed Amended Council Policy: Recording and  
Livestreaming of Council Meetings and Community Access  
Sessions (Tracked)

- 5.4. Council may resolve to close the meeting to the public in accordance with section 5.23 of the Act. Recording and the Livestream of the meeting will be ceased when the meeting is closed to the public.
- 5.5. Clear signage will be placed in the Council chamber advising members of the public that the meeting will be recorded and Livestreamed.
- 5.6. Other than in accordance with this Policy, a person must not use any recording device or instrument to record the proceedings of a meeting without the written permission of the Presiding Member.
- 5.7. The Presiding Member may rule at any time prior to or during a meeting that the Livestream be stopped.
- 5.8. Recordings of the Livestream of a meeting will be available on the City's YouTube page and / or website ~~until such time as the minutes of that meeting have been confirmed~~ for a period of twelve months.
- ~~5.9.1.1. The City retains copyright over its Livestreaming and recordings of its Council meetings.~~
- ~~5.10.5.9.~~ 5.9. Members of the public may, by written request to the CEO, purchase a copy of an audio recording of a meeting, with the fee for purchase set out in the City's fees and charges each year.
- ~~5.11.5.10.~~ 5.10. Members of the public are not entitled to receive a copy of the recording of any part of the meeting that was declared confidential and closed to the public.
- ~~5.12.5.11.~~ 5.11. Elected Members may request from the CEO an audio recording of a meeting at no charge.
- ~~5.13. All Elected Members are to be notified when requests for recordings have been received.~~

**Community Access Sessions**

- ~~5.12. Subject to paragraph 5.15, Community Access Sessions will be audio recorded and made publicly available on the City's Website.~~
- ~~5.13. At the discretion of the CEO, Community Access Sessions will not be recorded in instances where:~~
- ~~a. a person presenting to Council does not wish to be recorded;~~
  - ~~b. a person presenting to Council fails to extend due courtesy and respect to a Councillor, employee or to another member of the public;~~
  - ~~c. a matter raised is confidential or otherwise considered sensitive and not in the public interest.~~
- ~~5.14. Recordings of Community Access sessions will be available on the City's website for a period of three months.~~
- ~~5.15. Recordings of Community Access Sessions will not be available for purchase by members of the public or in any other way outside of the provisions of paragraph 5.15.~~

**General**

- ~~5.16. The City retains copyright over its Livestreaming and recordings of its Council meetings and Community Access Sessions.~~
- ~~5.14.5.17.~~ 5.17. Recordings will not be transcribed.
- ~~5.15.5.18.~~ 5.18. Recordings will be stored and disposed of in accordance with the *State Records Act 2000*.

5.16.5.19. Under section 9.57A of the Act, the City is not liable for defamation in relation to a matter published on its website as part of a Livestream or recording of a Council meeting or Community Access Session. Elected members and City Officers are not liable in defamation for any statements made in good faith or to which a defence is available under the *Defamation Act 2005*.

**6. RELATED DOCUMENTATION / LEGISLATION**

- 6.1 *City of Busselton Standing Orders Local Law 2018*
- 6.2 *Local Government Act 1995*
- 6.3 *Local Government (Administration) Regulations 1996*
- 6.4 *State Records Act 2000*

**7. REVIEW DETAILS**

Review Frequency		3 yearly		
Council Adoption	DATE	11 November 2020	Resolution #	C2011/127
Previous Adoption	DATE	11 November 2020 26 June 2019	Resolution #	C2011/127 C1906/108



**Council Policy**

**Council Policy Name:** Recording and Livestreaming of Council Meetings and Community Access Sessions

**Responsible Directorate:** Finance and Corporate Services      **Version:** DRAFT

**1. PURPOSE**

- 1.1. The purpose of this Policy is to outline the City's position with respect to the recording and Livestreaming of Council meetings and audio recording of Community Access Sessions.

**2. SCOPE**

- 2.1. This Policy is applicable to Council meetings and Community Access Sessions.

**3. DEFINITIONS**

Term	Meaning
Act	<i>Local Government Act 1995</i>
Livestream	to transmit or receive live video and audio coverage of an event over the internet with the content simultaneously recorded and broadcast in real time to the viewer
Policy	this City of Busselton Council policy titled "Recording and Livestreaming of Council Meetings and Community Access Sessions"

**4. STRATEGIC CONTEXT**

- 4.1. This Policy links to Strategic Theme 4. LEADERSHIP and specifically the Strategic Priority 4.2: Deliver governance systems that facilitate open, ethical and transparent decision making.

**5. POLICY STATEMENT**

**Council Meetings**

- 5.1. All Ordinary and Special Council meetings will, wherever technically possible, be recorded on an audio device and will be made available by Livestream.
- 5.2. The primary purpose of recording and Livestreaming Council meetings is to:
  - a. assist in the preparation of the minutes of Council meetings; and
  - b. facilitate increased engagement of the community in the City's decision making processes.
- 5.3. The official record of the meeting will be the written minutes prepared in accordance with the requirements of the Act and the *Local Government (Administration) Regulations 1996*.
- 5.4. Council may resolve to close the meeting to the public in accordance with section 5.23 of the Act. Recording and the Livestream of the meeting will be ceased when the meeting is closed to the public.
- 5.5. Clear signage will be placed in the Council chamber advising members of the public that the meeting will recorded and Livestreamed.

Proposed Amended Council Policy: Recording and  
Livestreaming of Council Meetings and Community Access  
Sessions (Clean)

- 5.6. Other than in accordance with this Policy, a person must not use any recording device or instrument to record the proceedings of a meeting without the written permission of the Presiding Member.
- 5.7. The Presiding Member may rule at any time prior to or during a meeting that the Livestream be stopped.
- 5.8. Recordings of the Livestream of a meeting will be available on the City's YouTube page and / or website for a period of twelve months.
- 5.9. Members of the public may, by written request to the CEO, purchase a copy of an audio recording of a meeting, with the fee for purchase set out in the City's fees and charges each year.
- 5.10. Members of the public are not entitled to receive a copy of the recording of any part of the meeting that was declared confidential and closed to the public.
- 5.11. Elected Members may request from the CEO an audio recording of a meeting at no charge.

**Community Access Sessions**

- 5.12. Subject to paragraph 5.15, Community Access Sessions will be audio recorded and made publicly available on the City's Website.
- 5.13. At the discretion of the CEO, Community Access Sessions will not be recorded in instances where:
  - a. a person presenting to Council does not wish to be recorded;
  - b. a person presenting to Council fails to extend due courtesy and respect to a Councillor, employee or to another member of the public;
  - c. a matter raised is confidential or otherwise considered sensitive and not in the public interest.
- 5.14. Recordings of Community Access sessions will be available on the City's website for a period of three months.
- 5.15. Recordings of Community Access Sessions will not be available for purchase by members of the public or in any other way outside of the provisions of paragraph 5.15.

**General**

- 5.16. The City retains copyright over its Livestreaming and recordings of its Council meetings and Community Access Sessions.
- 5.17. Recordings will not be transcribed.
- 5.18. Recordings will be stored and disposed of in accordance with the *State Records Act 2000*.
- 5.19. Under section 9.57A of the Act, the City is not liable for defamation in relation to a matter published on its website as part of a Livestream or recording of a Council meeting or Community Access Session. Elected members and City Officers are not liable in defamation for any statements made in good faith or to which a defence is available under the *Defamation Act 2005*.

**6. RELATED DOCUMENTATION / LEGISLATION**

- 6.1 *City of Busselton Standing Orders Local Law 2018*
- 6.2 *Local Government Act 1995*
- 6.3 *Local Government (Administration) Regulations 1996*
- 6.4 *State Records Act 2000*

**7. REVIEW DETAILS**

Review Frequency		3 yearly		
Council Adoption	DATE		Resolution #	
Previous Adoption	DATE	11 November 2020	Resolution #	C2011/127



**Council Policy**

**Council Policy Name:** Recording and Livestreaming of Meetings

**Responsible Directorate:** Finance and Corporate Services      **Version:** Adopted

**1. PURPOSE**

- 1.1. The City of Busselton’s *Standing Orders Local Law 2018* provides for the Chief Executive Officer to record the proceedings of a meeting for the purpose of taking minutes.
- 1.2. The purpose of this Policy is to outline the City’s position with respect to the recording and Livestreaming of Council meetings and access to the recorded proceedings.

**2. SCOPE**

- 2.1. This Policy is applicable to the Livestreaming and recordings of Council meetings and all requests for such recordings.

**3. DEFINITIONS**

Term	Meaning
Act	<i>Local Government Act 1995</i>
Livestream	to transmit or receive live video and audio coverage of an event over the internet with the content simultaneously recorded and broadcast in real time to the viewer
Policy	this City of Busselton Council policy titled “Recording and Livestreaming of Council Meetings”

**4. STRATEGIC CONTEXT**

- 4.1. This Policy links to Strategic Theme 4. LEADERSHIP - A Council that connects with the community and is accountable in its decision making, of the City’s Strategic Community Plan June 2021 and specifically the following Strategic Priority:
  - a. 4.2: Deliver governance systems that facilitate open, ethical and transparent decision making.

**5. POLICY STATEMENT**

- 5.1. All Ordinary and Special Council meetings will, wherever technically possible, be recorded on an audio device and will be made available by Livestream.
- 5.2. The primary purpose of recording and Livestreaming Council meetings is to:
  - a. assist in the preparation of the minutes of Council meetings; and
  - b. facilitate increased engagement of the community in the City’s decision making processes.
- 5.3. The official record of the meeting will be the written minutes prepared in accordance with the requirements of the Act and the *Local Government (Administration) Regulations 1996*.
- 5.4. Council may resolve to close the meeting to the public in accordance with section 5.23 of the Act. Recording and the Livestream of the meeting will be ceased when the meeting is closed to the public.

6.2 Attachment C Current Policy: Recording and Livestreaming of Council Meetings

- 5.5. Clear signage will be placed in the Council chamber advising members of the public that the meeting will be recorded and Livestreamed.
- 5.6. Other than in accordance with this Policy, a person must not use any recording device or instrument to record the proceedings of a meeting without the written permission of the Presiding Member.
- 5.7. The Presiding Member may rule at any time prior to or during a meeting that the Livestream be stopped.
- 5.8. Recordings of the Livestream of a meeting will be available on the City's YouTube page and / or website until such time as the minutes of that meeting have been confirmed.
- 5.9. The City retains copyright over its Livestreaming and recordings of its Council meetings.
- 5.10. Members of the public may, by written request to the CEO, purchase a copy of an audio recording of a meeting, with the fee for purchase set out in the City's fees and charges each year.
- 5.11. Members of the public are not entitled to receive a copy of the recording of any part of the meeting that was declared confidential and closed to the public.
- 5.12. Elected Members may request from the CEO an audio recording of a meeting at no charge.
- 5.13. All Elected Members are to be notified when requests for recordings have been received.
- 5.14. Recordings will not be transcribed.
- 5.15. Recordings will be stored and disposed of in accordance with the *State Records Act 2000*.
- 5.16. Under section 9.57A of the Act, the City is not liable for defamation in relation to a matter published on its website as part of a Livestream or recording of a Council meeting. Elected members and City Officers are not liable in defamation for any statements made in good faith or to which a defence is available under the *Defamation Act 2005*.

**6. RELATED DOCUMENTATION / LEGISLATION**

- 6.1 *City of Busselton Standing Orders Local Law 2018*
- 6.2 *Local Government Act 1995*
- 6.3 *Local Government (Administration) Regulations 1996*
- 6.4 *State Records Act 2000*

**7. REVIEW DETAILS**

Review Frequency		3 yearly		
<b>Council Adoption</b>	<b>DATE</b>	11 November 2020	<b>Resolution #</b>	C2011/127
<b>Previous Adoption</b>	<b>DATE</b>	26 June 2019	<b>Resolution #</b>	C1906/108

### 6.3 COUNCIL POLICY REVIEW: ELECTED MEMBER TRAINING AND PROFESSIONAL DEVELOPMENT

<b>STRATEGIC THEME</b>	LEADERSHIP - A Council that connects with the community and is accountable in its decision making.
<b>STRATEGIC PRIORITY</b>	4.2 Deliver governance systems that facilitate open, ethical and transparent decision making.
<b>SUBJECT INDEX</b>	Council Policies
<b>BUSINESS UNIT</b>	Governance Services
<b>REPORTING OFFICER</b>	Governance Coordinator - Emma Heys
<b>AUTHORISING OFFICER</b>	Acting Director, Finance and Corporate Services - Sarah Pierson
<b>NATURE OF DECISION</b>	Executive: Substantial direction setting, including adopting budgets, strategies, plans and policies (excluding local planning policies); funding, donations and sponsorships; reviewing committee recommendations
<b>VOTING REQUIREMENT</b>	Absolute Majority
<b>ATTACHMENTS</b>	Attachment A Amended Council Policy Final   Attachment B Amended Council Policy Changes Tracked  

#### OFFICER RECOMMENDATION

**That the Council adopt the amended Council policy: Elected Member Training and Professional Development (the Policy) (Attachment A) to replace the current policy.**

#### **EXECUTIVE SUMMARY**

This report presents an amended Council policy: Elected Member Training and Professional Development (the Policy) (Attachment A). The Policy has been reviewed in accordance with section 5.128(5)(a) of the *Local Government Act 1995* (the Act), which requires a council policy, in relation to the professional development of elected members, to be reviewed after each ordinary election.

#### **BACKGROUND**

In accordance with section 5.128 of the Act, a local government is to prepare and adopt, by absolute majority, a policy in relation to the continuing professional development; and “...*(5)(a) must review the policy after each ordinary election...*”. The Policy was initially adopted in April 2017 as an amalgamation of two previous policies; 013 – ‘Specific Requirements for Development Opportunities involving significant Travel’ and 098 – ‘Councillors Induction, Training and Professional Development’.

The Policy was last reviewed in August 2020 as part of the City’s regular policy review cycle, with amendments made to include the provision of a fixed allowance of \$3,000 per Elected Member per financial year and the provision for unspent funds from one year to be held in reserve and used in the following financial year, with no more than two financial years’ worth of the allowance to accrue.

#### **OFFICER COMMENT**

The 2021 Local Government Ordinary Election was held on Saturday 16 October and, in accordance with section 5.128(5)(a) of the Act, officers have reviewed the Policy, with only minor amendments proposed.

Paragraph 5.5 has been moved under Scope and is now paragraph 2.2. Paragraph 5.5 (previously 5.6), which talks about mandatory training requirements, has been amended from “*Elected Members may also be required...*” to “*Elected Members are required...*”, to reflect the legislative requirement now set out in Regulations 35(2) and (3) of the *Local Government (Administration) Regulations 1996*.

Other minor grammatical corrections and updates have been made for readability and the Review Frequency of the Policy has been amended to “After each Ordinary Election”. A tracked changes version is available at Attachment B.

### **Statutory Environment**

In accordance with section 2.7(2)(b) of the *Local Government Act 1995*, it is the role of the Council to determine the local government’s policies. The Council does this on recommendation of a committee it has established in accordance with section 5.8 of the Act.

### **Relevant Plans and Policies**

The City has a policy framework which was developed and endorsed by Council in response to the recommendations of the Governance Services Review carried out in 2017. The framework sets out the intent of Council policies, as opposed to operational documents such as staff management practices and operational practices.

### **Financial Implications**

There are no financial implications associated with the officer recommendation.

### **Stakeholder Consultation**

No external stakeholder consultation was required or undertaken in relation to this matter.

### **Risk Assessment**

An assessment of the potential implications of implementing the officer recommendation has been undertaken using the City’s risk management framework, with risks assessed taking into account any controls already in place. No risks of a medium or greater level have been identified.

### **Options**

As an alternative to the proposed recommendation the Council could chose to not accept the proposed amendments, or to propose further amendments to the Policy.

### **CONCLUSION**

Council policy: Elected Member Training and Professional Development has been reviewed in accordance with section 5.128(5)(a) of the *Local Government Act 1995*, with the Policy now being presented to Council for adoption.

### **TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION**

The Policy will be place on the City’s website within one week of Council adoption.



**Council Policy**

**Council Policy Name:** Elected Member Training and Professional Development

**Responsible Directorate:** Finance and Corporate Services      **Version:** PROPOSED

**1. PURPOSE**

- 1.1. The purpose of this Policy is to provide a framework within which elected members will be provided ongoing training and professional development opportunities that assist them to undertake their role through the development of relevant skills and competencies.
- 1.2. This Policy fulfils the City’s requirements under Section 5.128 of the *Local Government Act 1995*.

**2. SCOPE**

- 2.1. This Policy is applicable to all elected members for their term of office.
- 2.2. It is usual for the Mayor, the Deputy Mayor and the CEO, or their delegates, to attend WALGA’s Annual General Meeting (normally held in Local Government week). Where attendance is solely for the purposes of attending the Annual General Meeting the associated costs will not be covered under this Policy.

**3. DEFINITIONS**

Term	Meaning
Policy	this City of Busselton Council policy titled “Elected Member Training and Professional Development”

**4. STRATEGIC CONTEXT**

- 4.1. This Policy links to Strategic Theme 4. LEADERSHIP of the City’s Strategic Community Plan June 2021 and specifically the following Strategic Priority:
  - a. 4.2: Deliver governance systems that facilitate open, ethical and transparent decision making.

**5. POLICY STATEMENT**

- 5.1. Elected members are encouraged to attend relevant training and development opportunities with the aim of:
  - a. assisting elected members to understand their role and obligations;
  - b. assisting elected members to meet the demands of their role by developing the necessary skills and knowledge;
  - c. assisting elected members to achieve excellence in performance; and
  - d. ensuring elected members work professionally in a team environment for the betterment of the community.

6.3 Attachment A Amended Council Policy Final

- 5.2. Each elected member will be allocated an allowance to be used for attendance at training and development programs and courses.
- 5.3. Any unspent portion of the allowance in each financial year will be held in reserve, and may be budgeted for use in the following financial year. No more than the total value of 2 years of the allowance can be accrued.
- 5.4. Allowances under this Policy may be used for:
  - a. attendance at training conducted by the Western Australian Local Government Association (WALGA) or other appropriate Registered Training Organisations;
  - b. attendance at WALGA Annual General Convention and AGM, subject to paragraph 2.2; and
  - c. other training and development opportunities where:
    - i. the course or development opportunity is relevant to the functions of an elected member; or
    - ii. the course or development opportunity is relevant to an elected member's role or their role as an elected representative on a Council Committee or external body; and
    - iii. there is scope for the elected member to acquire skills relevant and beneficial to their role.
- 5.5. Elected members are required under the *Local Government Act 1995* (or any replacement legislation) to complete mandatory training. Allowances provided under this Policy will be used in the first instance for completion of mandatory training.

**Approvals and Restrictions on Training**

- 5.6. No more than two elected members may attend the same intrastate training and development opportunity at the same time unless the training is mandatory or universal to the functions of an elected member, or it is training being held within the City of Busselton or adjoining districts.
- 5.7. No more than two elected members may attend the same interstate training and development opportunity at the same time.
- 5.8. Attendance at an interstate training and development opportunity is not permitted within three months of the date of expiry of an elected member's current term of office.
- 5.9. Attendance at any overseas training and development opportunity requires a resolution of Council.
- 5.10. Applications from elected members to attend training and development opportunities will be considered by the Mayor and Deputy Mayor in consultation with the CEO, with regard to be given to applicability of the training and development as it relates to the City of Busselton and to the individual elected member's functions (e.g. committee membership).
- 5.11. The application may only be approved where the costs including registration fees, travel, accommodation and an estimation of other expenses, (subject to Council Policy Fees Allowances and Expenses for Elected Members), can be accommodated within the Allowance.
- 5.12. Nothing in this Policy prevents the Council from approving applications where the costs exceed the available allowance.

**Reporting Requirements**

- 5.13. On return from attending an interstate training and development opportunity elected members shall within 21 days provide either a written report to the City or a verbal presentation to a Councillor briefing session; the purpose being to facilitate knowledge sharing. The report / presentation should detail knowledge and skills gained, benefits of attendance for the City, Council and community, and relevant recommendations.

5.14. Failure to provide a report or presentation within the approved timeframe may result in the elected member being required to reimburse costs associated with attendance to the City. The Mayor may approve an extension in circumstances deemed appropriate.

**6. RELATED DOCUMENTATION / LEGISLATION**

6.1. Council Policy - Fees Allowances and Expenses for Elected Members

**7. REVIEW DETAILS**

Review Frequency		After each Ordinary Election		
Council Adoption	DATE			
Previous Adoption	DATE	12 August 2020	Resolution #	C2008/079



**Council Policy**

**Council Policy Name:** Elected Member Training and Professional Development

**Responsible Directorate:** Finance and Corporate Services      **Version:** PROPOSED

**1. PURPOSE**

- 1.1. The purpose of this Policy is to provide a framework within which elected members ~~may access~~ will be provided an allowance to fund ongoing training and professional development opportunities that ~~will~~ assist them to undertake their role through the development of relevant skills and competencies.
- 1.2. This Policy fulfils the City’s requirements under Section 5.128 of the *Local Government Act 1995*.

**2. SCOPE**

- 2.1. This Policy is applicable to all elected members for their term of office.
- 2.2. It is usual for the Mayor, the Deputy Mayor and the CEO, or their delegates, to attend WALGA’s Annual General Meeting (normally held in Local Government week). Where attendance is solely for the purposes of attending the Annual General Meeting the associated costs will not be covered under this Policy.

**3. DEFINITIONS**

Term	Meaning
Policy	this City of Busselton Council policy titled “Elected Member Training and Professional Development”

**4. STRATEGIC CONTEXT**

- 4.1. This Policy links to Strategic Theme 4. LEADERSHIP of the City’s Strategic Community Plan June 2021 and specifically the following Strategic Priority:
  - a. 4.2: Deliver governance systems that facilitate open, ethical and transparent decision making.

**5. POLICY STATEMENT**

- 5.1. Elected members are encouraged to attend relevant training and development opportunities with the aim of:
  - a. assisting elected members to understand their role and obligations;
  - b. assisting elected members to meet the demands of their role by developing the necessary skills and knowledge;
  - c. assisting elected members to achieve excellence in performance; and
  - d. ensuring elected members work professionally in a team environment for the betterment of their ~~community~~ constituents.

6.3 Attachment B Amended Council Policy Changes Tracked

- 5.2. Each elected member will be allocated an allowance to be used for attendance at training and development programs and courses.
- 5.3. Any unspent portion of the allowance in each financial year will be held in reserve, and may be budgeted for use in the following financial year. No more than the total value of 2 years of the allowance can be accrued.
- 5.4. Allowances under this Policy may be used for:
- attendance at training conducted by the Western Australian Local Government Association (WALGA) or other appropriate Registered Training Organisations providers;
  - attendance at WALGA Annual General Convention and AGM, subject to paragraph 2.25-5; and
  - other training and development opportunities where:
    - the course or development opportunity is relevant to the functions of an elected member; or
    - the course or development opportunity is relevant to an elected member's role or their role as an elected representative on a Council Committee or external body; and
    - there is scope for the elected member to acquire skills relevant and beneficial to their role.

~~5.5.1.1. It is usual for the Mayor, the Deputy Mayor and the CEO, or their delegates, to attend WALGA's Annual General Meeting (normally held in Local Government week). Where attendance is solely for the purposes of attending the Annual General Meeting the associated costs will not be covered under this Policy.~~

~~5.6.5.5. Elected members may also be are required under the *Local Government Act 1995* (or any replacement legislation) to complete mandatory training. Allowances provided under this Policy will be used in the first instance for completion of mandatory training.~~

#### Approvals and Restrictions on Training

~~5.7.5.6. No more than two elected members may attend the same intrastate training and development opportunity at the same time unless the training is mandatory or universal to the functions of an elected member, or it is training being held within the City of Busselton or adjoining districts.~~

~~5.8.5.7. No more than two elected members may attend the same interstate training and development opportunity at the same time.~~

~~5.9.5.8. Attendance at an interstate training and development opportunity is not permitted within three months of the date of expiry of an elected member's current term of office.~~

~~5.10.5.9. Attendance at any overseas training and development opportunity requires a resolution of Council to approve.~~

~~5.11.5.10. Applications from elected members to attend training and development opportunities will be considered by the Mayor and Deputy Mayor in consultation with the CEO, with regard to be given to applicability of the training and development as it relates to the City of Busselton and to the individual elected member's functions (e.g. committee membership).~~

~~5.12.5.11. The application may only be approved where the costs including registration fees, travel, accommodation and an estimation of other expenses, (subject to Council Policy Fees Allowances and Expenses for Elected Members), can be accommodated within the Allowance.~~

~~5.13.5.12. Nothing in this Policy prevents the Council from approving applications where the costs exceed over and above the available allowance.~~

**Reporting Requirements**

~~5.14.5.13.~~ On return from attending an interstate training and development opportunity elected members shall within 21 days provide either a written report to the City or a verbal presentation to a Councillor briefing session; the purpose being to facilitate knowledge sharing. The report / presentation should detail knowledge and skills gained, benefits of attendance for the City, Council and community, and relevant recommendations.

~~5.15.5.14.~~ Failure to provide a report or presentation within the approved timeframe may result in the elected member being required to reimburse costs associated with attendance to the City. The Mayor may approve an extension in circumstances deemed appropriate.

**6. RELATED DOCUMENTATION / LEGISLATION**

6.1. Council Policy - Fees Allowances and Expenses for Elected Members

**7. REVIEW DETAILS**

Review Frequency		After each Ordinary Election		
Council Adoption	DATE			
Previous Adoption	DATE	12 August 2020	Resolution #	C2008/079

7. **GENERAL DISCUSSION ITEMS**

8. **NEXT MEETING DATE**

9. **CLOSURE**