



Policy and Legislation Committee Agenda

29 May 2018

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city@busselton.wa.gov.au

CITY OF BUSSELTON

MEETING NOTICE AND AGENDA – 29 MAY 2018

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 Tuesday, 29 May 2018, commencing at 2.00pm.

The attendance of Committee Members is respectfully requested.

Disclaimer

Statements or decisions made at Council meetings or briefings 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 Council meeting or briefing.



MIKE ARCHER

CHIEF EXECUTIVE OFFICER

22 May 2018

CITY OF BUSSELTON

AGENDA FOR THE POLICY AND LEGISLATION COMMITTEE MEETING TO BE HELD ON 29 MAY 2018

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1. **DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS**

2. **ATTENDANCE**

Apologies

3. **PUBLIC QUESTION TIME**

4. **DISCLOSURE OF INTERESTS**

5. **CONFIRMATION OF MINUTES**

5.1 Minutes of the Policy and Legislation Committee Meeting held 17 April 2018

RECOMMENDATION

That the Minutes of the Policy and Legislation Committee Meeting held 17 April 2018 be confirmed as a true and correct record.

6. REPORTS

6.1 REVIEW OF CLOSED CIRCUIT TELEVISION (CCTV) POLICY 028

SUBJECT INDEX:	Policy Review
STRATEGIC OBJECTIVE:	Assets are well maintained and responsibly managed.
BUSINESS UNIT:	Information Services
ACTIVITY UNIT:	Information Services
REPORTING OFFICER:	Manager, Information Services - Hendrik Boshoff
AUTHORISING OFFICER:	Director Finance and Corporate Services - Tony Nottle
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A POLICY 028 - Closed Circuit Television - Current ↓ Attachment B POLICY 028 - Closed Circuit Television - Revised ↓ Attachment C MOU - Closed Circuit Television - WA Police ↓

PRÉCIS

The purpose of this report is to present a revised Closed Circuit Television (CCTV) Policy (the Policy) in order to bring the current policy up to date with changes that have occurred in recent years. The Policy is also written in accordance with the new Policy Template.

BACKGROUND

The current policy was first implemented on the 9 October 2013 and has not been reviewed since. The focus of the policy at the time of implementation was the management of CCTV on and around the Busselton Jetty. Since then, the City has progressed with a number of major projects and other items which brought to bear a significant increase in the use of CCTV across the City. Current sites with some form of video surveillance installed include:

- Busselton Jetty;
- Youth and Community Activities building and Skate Park on Foreshore Parade;
- Civic and Administration Building and surrounds on Southern Drive;
- Margaret River Busselton Airport on Neville Hyder Drive;
- Busselton Library and surrounds at Camilleri Street;
- Naturaliste Community Centre in Dunsborough; and
- Busselton Waste Transfer Station on Rendezvous Road.

Included in these implementations was a direct link for the Busselton Police station into selected public open space cameras, which was well received and has been well used by the Busselton Police.

During 2015, the City entered into an agreement with the Western Australia (WA) Police in the form of a Memorandum of Understanding (MOU), for the sharing and management of CCTV Systems and resulting data. The MOU (Attachment C) was jointly developed by the WA Local Government Association (WALGA) and the Minister of Police in accordance with the WA Police State CCTV Strategy. The MOU formed the base of cooperation during the implementation of the direct link into the Busselton Police station as noted above.

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 the recommendation of a Committee it has established in accordance with Section 5.8 of that Act.

Other legislation relevant to the management of CCTV Systems include:

- Surveillance Devices Act 1998; and
- State Records Act 2000.

RELEVANT PLANS AND POLICIES

This report recommends the update of Policy 028 – Close Circuit Television. A copy of the current Policy is attached and revised Attachment B.

FINANCIAL IMPLICATIONS

There are no financial implications in relation to this item.

Long-term Financial Plan Implications

There are no Long Term Financial Plan (LTFP) implications in relation to this item.

STRATEGIC COMMUNITY OBJECTIVES

This policy aligns with and supports the **Council's Key Goal Area 6 – 'Leadership'** and more specifically **Community Objective 6.3** 'Assets are well maintained and responsibly managed.'

RISK ASSESSMENT

There are no risks associated with the Officer Recommendation identified as being of a medium or greater level.

CONSULTATION

No external consultation is required in relation to this policy review. The City will ensure its CCTV systems management and information release is consistent with the Policy and the MOU in place with the WA Police.

OFFICER COMMENT

To date the main reasons for the installation of CCTV systems included:

1. Increased asset protection;
2. Reduction of crime and anti-social behaviour; and
3. Improving public safety.

In particular the installation of the CCTV system at the Busselton Foreshore has resulted in a reduction of general vandalism, asset damage and anti-social behaviour in and around the Skate Park. It is anticipated the use of CCTV systems across other open public spaces will have similar impacts and that the use of CCTV will therefore increase. The availability of new and more affordable technologies will also see a change in the diversity of video surveillance devices and systems. For example the City might elect to utilise a temporary deployment on a vehicle or similar to assist with managing large events like the annual school leavers etc.

With these predicted changes it is advantageous for the City to implement a more high level policy position as a guiding principle and enable the CEO to develop the necessary practices and operational procedures to ensure the principles are sustained.

Thus the Policy has been updated to include:

- The five surveillance categories which are governed by the Policy;
- A stated position that acknowledge that the City may enable live stream of camera feeds, where it is in public interest and legal to do so;
- Reference to a separate agreement in the form of a MOU between the City and the WA Police for the internal management of CCTV system and resulting evidence;
- A statement that the City will not release any recorded CCTV media, other than to the WA Police or where legally obligated to do so; and
- An obligation for the CEO to ensure the City complies with statutory requirements as it relates to CCTV systems.

CONCLUSION

The Policy contains high level principles that will ensure the City can readily implement surveillance systems where the need arises. These might range from temporary, short term or long-term surveillance solutions as required by situations or opportunities.

OPTIONS

The Council could choose not to endorse the new Policy, or make additional changes to the Policy.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The revised Policy would be effective immediately upon endorsement by Council.

OFFICER RECOMMENDATION

That the Council endorse the revised Policy 028 – Closed Circuit Television as shown in Attachment B.

Implemented 09/10/2013

028	Closed Circuit Television Policy (CCTV Policy) – Busselton Jetty	V1 Current
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PURPOSE

As part of the City of Busselton's Community Strategic Plan (2013), Council has placed a high priority on providing for a caring and inclusive community; a community where people feel safe, empowered, included and enjoy a good sense of health and wellbeing. The City of Busselton Closed Circuit Television Policy (CCTV Policy) – Busselton Jetty will assist this in achieving this goal by providing measures to increase community safety and crime prevention along, and in the immediate vicinity of the Busselton Jetty. The CCTV Policy focuses on the following specific areas:

1. Reduction of crime and anti-social behaviour
2. Improving public safety
3. Increased asset protection.

The implementation of the CCTV Policy will assist in achieving the following objectives relating to the Busselton Jetty:

- To set out considerations for the assessment, evaluation and review of the placement of individual cameras;
- To increase safety of City staff, Busselton Jetty Environment and Conservation Association (BJECA) staff, and the general public;
- To discourage anti-social and illegal behaviour;
- To assist in the protection of the Busselton Jetty from theft and damage;
- To provide where possible evidence that may assist in assessing specific events and identifying offenders;
- To improve perceptions of public safety;
- To identify the responsible agency to respond to particular matters.

SCOPE

This policy applies to CCTV operated on or located or in the vicinity of the Busselton Jetty.

DEFINITIONS

For the purpose of this policy the following definitions apply: -

"The Act" means the Surveillance Devices Act 1998

Closed Circuit Television is defined as a television system that transmits images on a 'closed loop' basis where images are only available to those directly connected to the transmission system. The transmission of closed circuit television images may involve use of a coaxial cable, fibre-optic cable, telephone lines, infra-red and radio transmission systems. A hand held or fixed video recorder is not included in this definition unless it is connected to a transmission system.

Busselton Jetty is defined as infrastructure located on Reserve number 46715, situated on Lot 350 on DP55296 City of Busselton.

Law Enforcement Agency is defined as the WA Police and/or City of Busselton Rangers.

Public Land is defined as land owned or managed by the City of Busselton.

6.1 Attachment A POLICY 028 - Closed Circuit Television - Current

Implemented 09/10/2013

Video Surveillance is defined as surveillance by a closed circuit television system for direct visual monitoring and/or recording activities on premises or in a place.

POLICY CONTENT

Principles

The City of Busselton provides CCTV systems for infrastructure, facilities, and public spaces where determined necessary. The aim is to protect assets, deter anti-social behaviour and offences against persons and property, and provide video recordings and/or still images as evidence to events or incidents to the relevant law enforcement agency which may have occurred in the area of use.

The CCTV system will attain an appropriate balance between the personal privacy of individuals utilising public infrastructure, facilities, and/or public spaces with the objective of recording incidents of alleged criminal and/or unwanted behaviour.

Recordings from system will be utilised for ensuring safety and security purposes only, as instigated by the City of Busselton, BJECA, and/or law enforcement agencies. The system will be operated equitably, within applicable law, and only for the purposes to which it is established.

Role of Law Enforcement Agencies relating to the Busselton Jetty

The WA Police are primarily responsible for the maintenance of public order, and the prevention and detection of criminal activity. The WA Police will respond to the following activities, but are not limited to; vandalism, threatening behaviour, use of weapons, theft, assault, etc.

The City of Busselton Rangers are primarily responsible for upholding community and public safety, and enforcing and infringing breaches of local laws. The City of Busselton Rangers will respond to the following activities, but are not limited to; bicycle riding, smoking, littering, etc on the Busselton Jetty.

Signage and Privacy

Prominent and appropriate signage will be permanently displayed in the general location of camera coverage to notify members of the public of the presence of CCTV cameras. Cameras will only be installed in public places generally accessed by members of the public.

Access to CCTV Footage

CCTV footage will be accessed by authorised persons only, including law enforcement agencies and personnel from the City of Busselton and BJECA. A list of authorised personnel will be outlined in the City of Busselton's CCTV Operational Policy and Procedure document.

Recording and Storage of Information

The recording of footage and/or still images will occur on a continuous basis. The use of video recordings and/or still images will only occur if the Chief Executive Officer(s) of the City of Busselton and/or BJECA is of the opinion that an offence against a Statute Law is being, is likely to be, or has been committed, or if the footage is required for the purposes of the City and/or BJECA relating to such matters as the maintenance, insurance or overall management and preservation of the Jetty. At no time shall the CCTV system be used with the intent to examine individuals going about their lawful business, or otherwise to observe private activity as defined in the Act.

Access to video recordings for the purposes of investigating an incident that has contravened a local and/or state law shall be undertaken by the relevant law enforcement agency.

At no time shall any original or copied video recordings, or still images, be released to any media organisation or journalist without the prior approval of the Chief Executive Officer(s) of the City of Busselton and/or BJECA, or authorised persons as identified in the City of Busselton's CCTV Operational Policy and Procedure document.

6.1 Attachment A POLICY 028 - Closed Circuit Television - Current

Implemented 09/10/2013

The City and/or BJECA will take all other necessary measures to ensure that their use of CCTV complies with relevant requirements of the Act.


Responsibility

The Chief Executive Officer of the City of Busselton is responsible for the general management of the City's CCTV system, including maintenance of the CCTV system. The Chief Executive Officer of BJECA is responsible for the daily management of the Busselton Jetty CCTV system, and will communicate any matters which are reported to the WA Police, and/or maintenance matters with the City of Busselton as they occur. Video recordings will be retained for a period of 14 days, and will be managed by BJECA.

The Chief Executive Officers of the City of Busselton and BJECA will ensure that their respective employees involved in recording, observation and capturing of images are informed, through training or through other means, of their responsibility to act in an ethical and lawful manner as per the relevant legislation.

Council Resolution	Date	Information
C1310/261	9 October, 2013	Date of Implementation Version 1

COUNCIL POLICY
CLOSED CIRCUIT TELEVISION SYSTEMS


City of Busselton
Geographic Day

Council Policy Number: 028

Version: Draft

Responsible Directorate: Finance and Corporate Services

1. PURPOSE

- 1.1. CCTV Systems are installed to assist in the management and protection of the City's assets.
- 1.2. The purpose of this policy is to establish functional categorisation of CCTV Systems and protocols for the management of recorded data.

2. SCOPE

- 2.1. This policy is applicable to all CCTV systems owned, managed or controlled by the City of Busselton for the purpose of surveillance, protection and deterrence.

3. DEFINITIONS

Term	Meaning
CCTV	Closed Circuit Television
CCTV System	Is a system that comprises of CCTV cameras, information store, connections and applications for storage, retrieval and viewing of information.

4. STRATEGIC CONTEXT

- 4.1. This policy links to Key Goal Area 6 of the City's Strategic Community Plan 2017 and specifically the following Community Objective/s:
 - a. Assets that are well maintained and responsibly managed.

5. POLICY STATEMENT

- 5.1. There are five categories of CCTV cameras:
 - a. Public Area Permanent (Fixed)
 - b. Public Area Portable (Temporary)
 - c. Vehicle-based (Mobile)
 - d. Buildings and Assets Permanent (Fixed)
 - e. Service/Staff Areas Permanent (Fixed)
- 5.2. A Memorandum of Understanding (MOU) between the City of Busselton and WA Police is to establish the principles, protocols, roles and responsibilities regarding the access to viewing, release and copying of recorded footage and still photographs.
- 5.3. The release or viewing of recorded footage and still photographs to the WA Police is permitted subject to the terms and conditions contained within the MOU between the City and the WA Police.
- 5.4. Unless specifically directed under law, the release or viewing of recorded footage and still photographs other than to the WA Police is expressly prohibited.

5.5. The Chief Executive Officer is to establish Staff Management Practices and Operating Procedures that ensure CCTV is operated effectively in line with Statutory Requirements.

6. RELATED DOCUMENTATION / LEGISLATION

- 6.1. Surveillance Devices Act 1998
- 6.2. State Records Act 2000
- 6.3. MoU – Between City of Busselton and WA Police for the State CCTV Strategy

7. REVIEW DETAILS

Review Frequency		3 yearly		
Council Adoption	DATE		Resolution #	
Last Reviewed	DATE	9 October, 2013	Resolution #	C1310/261

Busselton City of



MEMORANDUM OF UNDERSTANDING

BETWEEN

The Minister for Police

AND

Participants as listed in Clause A of the Schedule to this Memorandum

FOR THE PROVISION OF A COORDINATED STATE CCTV NETWORK
THAT ALLOWS DATA SHARING BETWEEN OWNERS OF CCTV
CAMERAS FACING PUBLIC AREAS TO ENHANCE THE SAFETY AND
SECURITY OF THE WESTERN AUSTRALIAN COMMUNITY

MOU for the State CCTV Strategy

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MOU for the State CCTV Strategy

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MOU for the State CCTV Strategy

MEMORANDUM OF UNDERSTANDING

Date

This Memorandum of Understanding ('MOU') commences on the date properly executed by the Participants. If other Participants opt into this MOU at a later date, the obligations of this MOU will apply to those additional Participants on the date properly executed by those other Participants.

Parties

This MOU is made between:

1. The Minister for Police
2. Participants, as listed Clause A of the Schedule to this MOU together known as 'the Parties'.

Recitals

1. The Parties acknowledge that CCTV has increasingly featured in the community as a safety and crime prevention tool. The use of CCTV in public areas supports law enforcement, public amenity, counter terrorism and emergency services operations.
2. There are numerous CCTV systems in Western Australia (WA), many of which have cameras facing public areas that have the potential to contribute to improving community safety, security and public amenity outcomes. The State CCTV Strategy provides a clear vision and framework for how CCTV in public areas can best be used and provides the mechanism by which CCTV owners can volunteer the Data from any public facing camera that they manage to one or more agreed Clients. By coordinating the State's CCTV resources through a voluntary framework, the State CCTV Strategy aims to make the data sharing process in WA as efficient as possible, both for CCTV owners who donate Data and Clients (such as WA Police and emergency services) who are authorised to access this Data.
3. The State CCTV Register (currently called Blue Iris) will be reformed and updated to provide better functionality and operability for those CCTV owners who, subject to being approved as a Donor, wish to voluntarily provide Data from their public facing cameras. The State CCTV Register will form a comprehensive database containing information on the State's CCTV infrastructure and, in the event of an incident, WA Police and emergency services will be able to respond more effectively by obtaining Data from cameras detailed in the State CCTV Register.
4. A set of criteria and supporting documents will be published as part of the State CCTV Strategy to provide a range of information on CCTV and leading practice for owners of CCTV systems to adopt, whether in the private or public domain. In addition, policy and

MOU for the State CCTV Strategy

whole-of-government guidance will be provided for State agencies and Local Government Authorities to support agency planning and coordination of CCTV and related infrastructure.

5. Of the CCTV owners who register their infrastructure, it is expected that a small subset will have a large number of cameras covering public spaces. These owners will be encouraged on a case by case basis to become connected so that WA Police can directly access their live, and potentially recorded, CCTV Data for safety and security purposes. Other Clients may be added if agreed by the CCTV owner and if they meet certain eligibility criteria. A technology solution will be trialled and developed as part of the State CCTV Strategy to connect these identified high value CCTV owners. This connection will serve to minimise disruption to Donor operations and increase police responsiveness to critical incidents.
6. Contributing to a safer and more secure WA is not limited to owners of traditional CCTV infrastructure, as everyone with a smart phone or tablet now possesses a CCTV camera. As part of the State CCTV Strategy, a Mobile Video Sharing solution will be tested to unlock this potentially rich source of Data, providing a new way for members of the community to themselves contribute to WA's safety and security.
7. The Parties acknowledge that limitations may exist in respect of legal and privacy issues, participation issues, and technological limitations. To address this, the State CCTV Strategy will review existing legislation; develop criteria, guidelines and procedures to govern the collection, use and storage of CCTV Data; and will prioritise the registered Donors to identify those of the highest value for public safety.
8. Under this MOU, WA Police will always be the primary client and will manage the CCTV State Strategy.

1. Memorandum of Understanding

This document is a statement of understanding and is not intended to create binding or legal obligations on any Party.

2. Interpretation

2.1. Definitions

2.1.1. In this MOU, unless a contrary intention appears:

Approved Client	means an approved receiver of Data pursuant to a Registered Agreement between an individual Donor and another person;
Approved Purposes	means the approved purposes for which Data may be accessed and used as described in Clause B of the Schedule;

MOU for the State CCTV Strategy

Business Day	means a weekday other than a public holiday;
Client	means an Emergency Services Client or an Approved Client;
CCTV	means closed circuit television;
Commencement date	means the date this memorandum of understanding is executed by a Party;
Data	means any CCTV footage provided or accessible via the State CCTV Strategy;
Donor	means an approved provider of Data to the State CCTV Strategy;
Emergency Services Client	means an approved receiver of Data listed as a Participant in clause A.1 of the Schedule;
Harmful Code	includes any computer code or instruction that is intentionally designed, created, replicated or distributed to have the ability to damage, inhibit, interfere with or adversely affect computer programs or data or information and communications technology systems, or to compromise or adversely affect the security, integrity, confidentiality or privacy of such systems or programs or data of any person, or that otherwise is or is intended to be disruptive, vexatious, harmful, malicious, or destructive to any person or thing without limitation including any computer 'worm', 'Trojan horse', 'spyware', 'malware' or 'backdoor';
MOU	means this Memorandum of Understanding and its Schedule;
Participants	means Clients and Donors;
Personnel	means a Participant's officers, employees, agents, contractors and subcontractors (and, where relevant, each agent's contractor's and subcontractor's personnel);
Registered Agreement	means an agreement between a Donor and an Approved Client that has been registered with WA Police;

MOU for the State CCTV Strategy

Security Incident	means a security breach, violation, contact or approach from those seeking or gaining unauthorised access to Data;
State CCTV Register	Means the comprehensive database which will provide Participants with information on voluntarily registered CCTV cameras monitoring public spaces;
CCTV State Strategy	means the coordinated framework which facilitates data sharing between Donors and Clients;
WA Police	means Western Australia Police.

2.2. Construction

2.2.1. In this MOU, unless the contrary intention appears:

- a. words importing a gender include any other gender;
- b. words in the singular include the plural and words in the plural include the singular;
- c. clause headings are for convenient reference only and have no effect in limiting or extending the language of provisions to which they refer;
- d. words importing a person include a partnership and a body whether corporate or otherwise;
- e. a reference to any legislation or legislative provision includes any statutory modification, substitution or re-enactment of that legislation or legislative provision;
- f. if any word or phrase is given a defined meaning, any other part of speech or other grammatical form of that word or phrase has a corresponding meaning;
- g. the Schedule forms part of this MOU;
- h. if any conflict arises between the terms contained in the clauses of this MOU and any part of the Schedule, the terms in the clauses prevail;
- i. a reference to the Schedule, is a reference to the Schedule to this MOU, including as amended or replaced from time to time; and
- j. a reference to writing is a reference to any representation of words, figures or symbols, whether or not in a visible form.

MOU for the State CCTV Strategy

3. Term

3.1. Term of this MOU

- 3.1.1. This MOU commences on the Commencement Date and remains in force indefinitely.
- 3.1.2. A review may be undertaken at any time as agreed by all Parties of this MOU.

4. Variation

4.1. Variation to this MOU

- 4.1.1. The list of Participants in Schedule A may be amended at any time by WA Police to reflect the addition or withdrawal of Participants to this MOU.
- 4.1.2. This MOU may otherwise be varied by the written agreement of all Parties.

5. Withdrawal

5.1. Withdrawal of a Participant from this MOU

- 5.1.1. A Participant may, by written notice of at least three months to WA Police, withdraw from this MOU at any time and such notice will take effect on a date determined by WA Police.
- 5.1.2. Upon notice of withdrawal, WA Police and the withdrawing Participant will produce a plan to manage transition and termination of the MOU and associated services.
- 5.1.3. Upon withdrawal of a Participant, the remaining Participants acknowledge they have no right to claim compensation or reimbursement of any kind.

6. Roles and Responsibilities of Parties

6.1. The Minister for Police

- 6.1.1. The Minister for Police is accountable for the implementation and outcomes of the State CCTV Strategy and provides oversight on behalf of the government of the day.

6.2. WA Police

- 6.2.1. WA Police are the primary Client and cannot be excluded from access to Data;

MOU for the State CCTV Strategy

- 6.2.2. WA Police have sole discretion to permit Emergency Services Clients to access Data as and when required;
- 6.2.3. WA Police will:
 - i. maintain the State CCTV Register;
 - ii. assess and determine applications from persons wishing to be approved as a Participant;
 - iii. maintain control of the State CCTV Strategy to allow access to Clients pursuant to this MOU;
 - iv. determine if individual agreements between a Donor and another person for access to Data meet eligibility requirements and, if so, will approve the other person as an Approved Client and will register the agreement as a Registered Agreement;
 - v. provide Donors with leading practice guidelines for CCTV system configuration and maintenance.

6.3. Donors

- 6.3.1. Donors may independently negotiate with other persons who are not Participants to establish parameters that will allow the other person to become an Approved Client on agreed terms;
- 6.3.2. Donors will:
 - i. provide system capability to ensure access to Data by Clients as envisaged by this MOU;
 - ii. provide access to a Data owned, controlled or operated by the Donor to Clients in accordance with clause 7.1;
 - iii. if contacted by WA Police and requested to do so, store and preserve particular Data for the time period specified by WA Police;
 - iv. provide WA Police a copy of any individual agreement reached with another person for access to Data and request WA Police assess it to approve the other person as an Approved Client and to register the agreement as a Registered Agreement; and
 - v. provide initial user training to selected Personnel if required.

6.4. Clients

- 6.4.1. WA Police are permitted access to Data for the approved purposes described in Schedule B;
- 6.4.2. Emergency Services Clients are permitted access to Data for the approved purposes described in Schedule B at the sole discretion of WA Police;

MOU for the State CCTV Strategy

- 6.4.3. All other Clients are permitted access to Data for the approved purposes described in Schedule B and as limited by any parameters outlined in the Registered Agreement relevant to that Client.

7. Ownership

7.1. No change to ownership

- 7.1.1. Nothing in this MOU affects the ownership of any Intellectual Property in Data or other information supplied by any Participant.
- 7.1.2. Donors are individually responsible for the storage and preservation of Data owned, controlled or operated by them.
- 7.1.3. Participants are individually responsible for CCTV infrastructure owned, controlled or operated by them.

8. Disclaimer

8.1. No warranty of accuracy

- 8.1.1. The Parties acknowledge that any Data made available under this MOU is made available to the Participants 'as is' and no guarantees are made by any Party to this MOU as to its accuracy or completeness.
- 8.1.2. The Parties disclaim all warranties, express or implied, and accept no liability for any errors or omissions the Data may contain.

8.2. No warranty of functionality

- 8.2.1. WA Police does not warrant the availability or performance of the State CCTV Strategy and accepts no liability for any malfunction, defect, and downtime resulting from system maintenance, unavailability, Harmful Code or any other performance issue related to the State CCTV Strategy.
- 8.2.2. WA Police will endeavour to provide timely advice of scheduled downtime to the Participants.

9. Other Responsibilities

9.1. Good faith

- 9.1.1. The Parties commit to working with each other in good faith to implement and comply with the terms of this MOU.

MOU for the State CCTV Strategy

9.2. Maintenance of Data supplied by the Participants

- 9.2.1. The Parties acknowledge that WA Police is not responsible for the maintenance or accuracy of the Participants' Data available through the State CCTV Strategy;

9.3. Compliance with laws

- 9.3.1. The Parties will comply with all laws and legislation relevant to operating CCTV in public facing areas.
- 9.3.2. The Parties acknowledge that Data may fall within the meaning of 'document' for the purposes of the *Freedom of Information Act 1992*. If any Data becomes the subject of a request received by a Party under the *Freedom of Information Act 1992*, the Party will notify WA Police and otherwise act in accordance with the provisions of the *Freedom of Information Act 1992*.

9.4. Virus checking

- 9.4.1. The Participants will use their best endeavours to ensure that their participation in the State CCTV Strategy and provision of Data to Clients does not result in any Harmful Code being transferred.

10. Fees

10.1. No fees payable

- 10.1.1. No fees are payable to or by the Participants for the provision or use of Data pursuant to the State CCTV Strategy.

11. Confidential Information

11.1. Confidential Information not to be disclosed

- 11.1.1. A Party will not, without the prior written consent of the relevant Participant, disclose any Confidential Information of that Participant to a third party.
- 11.1.2. A Participant may impose conditions it considers appropriate when giving consent under this clause and the Party who has requested disclosure shall comply with these conditions.

11.2. Exceptions to responsibilities

- 11.2.1. The responsibilities of Parties under this clause do not extend to situations in which Confidential Information:

MOU for the State CCTV Strategy

- i. is disclosed by a Participant to its Personnel solely in order to discharge its responsibilities or ensure discharge of another Participant's responsibilities under this MOU,
- ii. is disclosed to a Party's internal management Personnel to enable effective management or auditing of MOU-related activities,
- iii. is disclosed by a Participant to their responsible Minister,
- iv. is disclosed by a Party in response to a request by an Australian parliamentary house or a committee,
- v. is shared by a Party with their internal management boards,
- vi. is required by law to be disclosed, or
- vii. is in the public domain otherwise than due to a breach of this clause 11.

- 11.2.2. Where a Party discloses Confidential Information to another person pursuant to clause 11.2.1, the disclosing Party must notify the person that the information is confidential and obtain agreement that the information will be kept confidential.

11.3. Additional Confidential Information

- 11.3.1. The Parties may agree in writing after the date of commencement of this MOU that certain additional information is to be Confidential Information for the purposes of this MOU.

11.4. Period of confidentiality

- 11.4.1. The responsibilities under this clause 11 continue, notwithstanding the withdrawal of a Participant.

12. Security

12.1. Secure Access to State CCTV Strategy

- 12.1.1. The Participants will collaborate to establish and maintain secure connectivity to the State CCTV Strategy as WA Police considers appropriate.
- 12.1.2. In addition to the clause 12.1.1, the Participants will ensure that all requirements as advised by WA Police to the Participants from time to time for securely accessing the State CCTV Strategy are in place and meet the specifications notified by WA Police.

MOU for the State CCTV Strategy

12.2. Security Reports

- 12.2.1. The Participants will provide a written security report to WA Police immediately upon becoming aware that a Security Incident has or may have occurred.
- 12.2.2. The security report will include the following information:
 - i. an outline of the Security Incident,
 - ii. steps taken by the respective Participant to address the Security Incident,
 - iii. where appropriate, recommendations for security improvements, and
 - iv. any other information which WA Police reasonably requires in relation to the Security Incident.

13. Dispute resolution

- 13.1.1. The Parties agree that any dispute under the MOU shall be resolved in a spirit of fair and open communication at the level at which the issue arises.
- 13.1.2. If the dispute cannot be resolved at the lower level, the Party alleging a dispute will notify WA Police of the nature and details of the dispute. The dispute will then be dealt with through discussion and negotiation between the Parties.
- 13.1.3. In the event of a dispute, the Participants will, unless requested not to do so by WA Police, continue to perform their obligations under this MOU.

14. Notices

14.1. Format, addressing and delivery

- 14.1.1. A notice under this MOU is only effective if it is in writing addressed to the relevant Party.
- 14.1.2. A notice is to be:
 - i. signed by the person giving the notice and delivered by hand; or
 - ii. signed by the person giving the notice and sent by pre-paid post; or
 - iii. transmitted electronically by the person giving the notice by electronic mail or facsimile transmission.

14.2. Effective notice

- 14.2.1. A notice is deemed to be effected:

MOU for the State CCTV Strategy

- i. *if delivered by hand* - upon delivery to the relevant address;
- ii. *if sent by post* - upon delivery to the relevant address;
- iii. *if transmitted electronically* - upon actual receipt by the addressee.

- 14.2.2. A notice received after 5.00 pm, or on a day that is not a Business Day in the place of receipt, is deemed to be effected on the next Business Day in that place.

MOU for the State CCTV Strategy

SIGNED for and on behalf of:

Liza Harvey

HON LIZA HARVEY MLC

[insert name]

Minister for Police

Date: 10/5/16

[insert name]

WA Police

Date:

[insert name] CHIEF EXECUTIVE OFFICER [insert name]

MICHAEL STEPHEN LEE ARCHER

Date: 21/12/2015

Date:

[insert name]

[insert name]

Date:

Date:

[insert name]

[insert name]

Date:

Date:

[insert name]

[insert name]

Date:

Date:

MOU for the State CCTV Strategy

SCHEDULE

A. Participants

A.1. Emergency Services Clients

- WA Police

A.2. Government Agencies

- To be confirmed

A.3. Local Government Authorities

- To be confirmed

A.4. Private Businesses/Persons

- To be confirmed

MOU for the State CCTV Strategy

B. Approved Purposes for access to Data

B.1. Emergency Services Clients may access Data:

- following a critical incident in which the lives or safety of members of the public are or may be at risk, in order to coordinate the delivery of emergency services and/or response of law enforcement officers;
- to gather intelligence and/or evidence to assist in the prevention of crime or terrorist activities;
- to gather evidence following a critical incident;
- a purpose that is otherwise required by or under law.

B.2. Approved Clients may only access Data in accordance with a Registered Agreement and for the following purposes:

- crime deterrent strategies of relevance to the Approved Client;
- to improve community safety in an area of relevance to an Approved Client;
- to improve security outcomes in crime hotspots of relevance to an Approved Client;
- a purpose that is otherwise required by or under law.

6.2 RESCISSION OF STRATEGIC PLANNING POLICY

SUBJECT INDEX:	Strategic Planning
STRATEGIC OBJECTIVE:	Governance systems, process and practices are responsible, ethical and transparent.
BUSINESS UNIT:	Corporate Services
ACTIVITY UNIT:	Governance Services
REPORTING OFFICER:	Manager Corporate Services - Sarah Pierson
AUTHORISING OFFICER:	Director Finance and Corporate Services - Tony Nottle
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Council Policy 242 Strategic Planning ↓ Attachment B Advisory Standard ↓

PRÉCIS

The purpose of this report is to recommend rescission of Council Policy 242 Strategic Planning (Attachment A), which outlines Council's approach to planning for the future, as required by the Local Government Act 1995.

In 2012 the Department of Local Government, Sport and Cultural Industries (then the Department of Local Government) introduced regulations, contained within the Local Government (Administration) Regulations 1996, which established more detailed and prescriptive requirements in relation to planning for the future. The Council has established strategic planning processes which meet these minimum requirements and it is therefore not considered necessary for Council to maintain a separate policy in relation to Strategic Planning.

BACKGROUND

The current Strategic Planning policy (the Policy) was adopted in June 2010. The Policy outlines the City's (then Shire's) commitment and approach to (integrated) strategic planning processes and development of a Strategic Plan, defined in the Policy as the "Plan for the future" required by the Local Government Act 1995 (the Act).

At that time, while there was the requirement to plan for the future under the Act, there were no regulations or other prescriptive / detailed guidance as to how that should be done. Hence Council developed a policy to guide its community planning.

On 26 August 2012 the Minister for the Department of Local Government, Sport and Cultural Industries (the DLG) (the then Department of Local Government) introduced regulations, contained within the Local Government (Administration) Regulations 1996 (the Regulations) to establish new requirements for planning for the future under the Act. Under these regulations, all local governments in Western Australia were required to develop and adopt (by absolute majority) two key documents (by 30 June 2013): a Strategic Community Plan (SCP) and a Corporate Business Plan (CBP). These documents are required to be supported and informed by resourcing and delivery strategies, namely Asset Management Plans (AMP), a Long Term Financial Plan (LTFP) and a Workforce Plan (WP). This framework is commonly referred to as the Integrated Planning and Reporting Framework (IPRF).

The DLG uses three standards for measuring a local government's performance, as set out in its Advisory Standard (Attachment B), level 1 – achieving standard, level 2 – intermediate standard and level 3 – advanced standard. The legislation requires that only level 1 standards are met, with intermediate and advanced standards demonstrating the higher levels to which local governments should aspire as they mature and improve their planning practices.

Perhaps pleasingly for the City at the time, the new IPRF reflected the same intent and many aspects of the planning regime adopted through the Strategic Planning Policy. The new regulations necessitated however the development of a new set of documents in order to meet all of the minimum regulatory requirements. As a result, officers focused their efforts on achieving and furthering the planning framework and have not until now reviewed in detail the Policy.

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 the recommendation of a Committee it has established in accordance with Section 5.8 of that Act.

Section 5.56 of the Local Government Act 1995 requires local governments to Plan for the Future, ensuring that plans made are in accordance with any regulations made about planning for the future of the district. Regulation 19C of the Local Government Administration Regulations 1996 requires the creation of a Strategic Community Plan in accordance with the following:

1. *A local government is to ensure that a strategic community plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.*
2. *A strategic community plan for a district is to cover the period specified in the plan, which is to be at least 10 financial years.*
3. *A strategic community plan for a district is to set out the vision, aspirations and objectives of the community in the district.*
4. *A local government is to review the current strategic community plan for its district at least once every 4 years.*
5. *In making or reviewing a strategic community plan, a local government is to have regard to —*
 - (a) the capacity of its current resources and the anticipated capacity of its future resources; and*
 - (b) strategic performance indicators and the ways of measuring its strategic performance by the application of those indicators; and*
 - (c) demographic trends.*
6. *Subject to subregulation (9), a local government may modify its strategic community plan, including extending the period the plan is made in respect of.*
7. *A council is to consider a strategic community plan, or modifications of such a plan, submitted to it and is to determine* whether or not to adopt the plan or the modifications.*

**Absolute majority required.*
8. *If a strategic community plan is, or modifications of a strategic community plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.*
9. *A local government is to ensure that the electors and ratepayers of its district are consulted during the development of a strategic community plan and when preparing modifications of a strategic community plan.*

10. A strategic community plan for a district is to contain a description of the involvement of the electors and ratepayers of the district in the development of the plan or the preparation of modifications of the plan.

Regulation 19DA requires that a corporate plan is made for the district covering at least 4 years and setting out, consistent with any relevant priorities set out in the SCP for the district, a local government's priorities for dealing with the objectives and aspirations of the community in the district.

RELEVANT PLANS AND POLICIES

The City's current SCP, the Strategic Community Plan 2017, was adopted on 12 April 2017 (C1704/076). The CBP and informing documents, the AMP, the LTFP and the WP, are all current and reviewed regularly.

FINANCIAL IMPLICATIONS

The recommendation to rescind the policy has no financial implications.

Long-term Financial Plan Implications

Nil

STRATEGIC COMMUNITY OBJECTIVES

The Officers Recommendation will not impact adversely on the achievement of any of the community objectives contained within the Strategic Community Plan 2017 and will instead serve to meet the objectives of Key Goal Area 6, specifically community objective 6.1 - Governance systems, processes and practices are responsible, ethical and transparent, by streamlining the City's governance approach with respect to strategic community planning.

RISK ASSESSMENT

Council's current strategic community planning practices have been established since 2012 and align to the requirements of the Act and the Regulations. Therefore there are no identified risks of a medium or greater level associated with the Officers Recommendation

CONSULTATION

Nil

OFFICER COMMENT

The Policy outlines the various plans considered part of the then integrated planning framework, and then describes in some detail the process by which the overarching Strategic Plan will be developed and reviewed including the collection and review of data, the engagement with stakeholders, and the establishment of performance criteria and standards. It also outlines in detail the roles and responsibilities of elected members and of the senior management and other staff.

While the Policy was necessary at the time it was adopted, it has since been superseded by the introduction of more prescriptive regulations setting out the approach that all local governments must take to their planning for the future.

Given the existence of fairly extensive regulations and documentation such as the Advisory Standard and the Integrated Planning and Reporting Framework and Guidelines available from the DLG, it is not considered that maintaining a policy in relation to strategic community planning would add any significant value.

Further it is considered that the Policy is quite operational in its focus and, where aspects are considered to be usefully documented, they can be more appropriately done so through the development of an operational document. This is in line with the recommendations of the Governance System Review carried out by Mr John Woodhouse August – November 2017, as outlined below:

1. *There should be a review of the Council Policies with the intent that a Council Policy:*
 - a. *Should deal with higher level objectives and strategies;*
 - b. *Should not deal with operational matters, employee matters, or other matters which are the responsibility of the CEO; and*
 - c. *Should, where appropriate provide sufficient direction to the CEO to develop OPPs which deal with the implementation of the Council Policy or other detailed matters.*
2. *As part of that review, any existing Council Policy should be deleted where it could, more sensibly, be dealt with by an OPP adopted by the CEO*

For these reasons it is recommended that the Policy be rescinded and that Council rely on the provisions of the Act, the Regulations, the Advisory Standard and other DLG information to guide its approach to strategic community planning.

CONCLUSION

It is recommended that Council Policy 242 Strategic Planning be rescinded, as the Regulations now prescribe the approach local governments must take to strategic community planning, the subject matter of the policy.

OPTIONS

Council could instead require that the Strategic Planning Policy is reviewed and updated to reflect their commitment to the objectives of the Regulations.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The Policy will be rescinded immediately upon adoption of the Officers Recommendation.

OFFICER RECOMMENDATION

That the Council rescinds Council Policy 242 – Strategic Planning.

Last updated 14/07/2010

242	Strategic Planning	V3 Current
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1. Rationale

Good corporate governance requires a system that is transparent, accountable, just, fair, democratic, participatory and responsive to the needs of the community and the organisation.

There is increasing public expectation of accountability for decisions and actions and management of local government's performance, available financial, human and information resources. Specific stakeholders and community groups, as well as the general public, expect to have access to performance and management information that will allow them to assess local government functioning according to a variety of multi-dimensional indicators. Local Governments are also expected to be more transparent about their activities, their impacts, and in so doing supporting timely access to information.

There is increasing focus on improving accountability for public policy with the use of well-defined objectives and a variety of financial, social and environmental indicators to report progress. For this reason the Shire's strategic planning documents emphasise the need to develop benchmarks and targets for the achievement of goals and priorities and to report against these benchmarks using appropriate measures.

2. Policy Statement

The Shire of Busselton (the Shire) is committed to the strategic planning processes. The Shire embraces the important role that its stakeholders have in the process to ensure that all views are captured, changes in the operating environment are identified and different perspectives are considered.

The Strategic Planning process has an internal and outward focus to balance external demands and needs with good governance, democracy and practical resource requirements. The issues such as infrastructure and ecological sustainability are considered at both a local and regional basis.

The planning process will be flexible and adaptable to incorporate change. As a result the Strategic planning process and the Strategic Plan itself will be continuously reviewed to ensure it remains effective and relevant in the unique conditions of the local and regional area.

Last updated 14/07/2010

3. Policy Content

The process will involve collection and consideration of all available known relevant information and data to scan the environment for any changes in the areas of:

Socio – Demographics
Technological
Environment
Economic
Political/Regulatory

Data will be collected from the following sources:

Data Source (Input)	Regularity of review
Community Survey	Every 2 years
Risk Management Audit	Every 2 years
Risk Management Group Reviews	Monthly
OSH Audit	Every 2 years
Guided Self Assessment against the Australian Business Excellence Framework	Every 2 - 3 years
Compliance audit	Every year
Exit interview feedback	Quarterly
Community consultation	Throughout the year
Councillor Elections	Every 2 years
Staff survey	Every year
Other reports commissioned by the Shire, government, regional and community inputs	Throughout the year
Asset Management Plan Reviews	Full Plan review every 3 years. Constant review of asset management, funding, future planning and maintenance.
Regulatory or Legislative changes	Monitored throughout the year
Customer Complaints	Quarterly review

The collection and review of data will be a continuous process to ensure any dramatic shifts in any of the environments are identified for their level of impact and strategies are reviewed accordingly.

Last updated 14/07/2010

The following plans are to be reviewed and maintained:

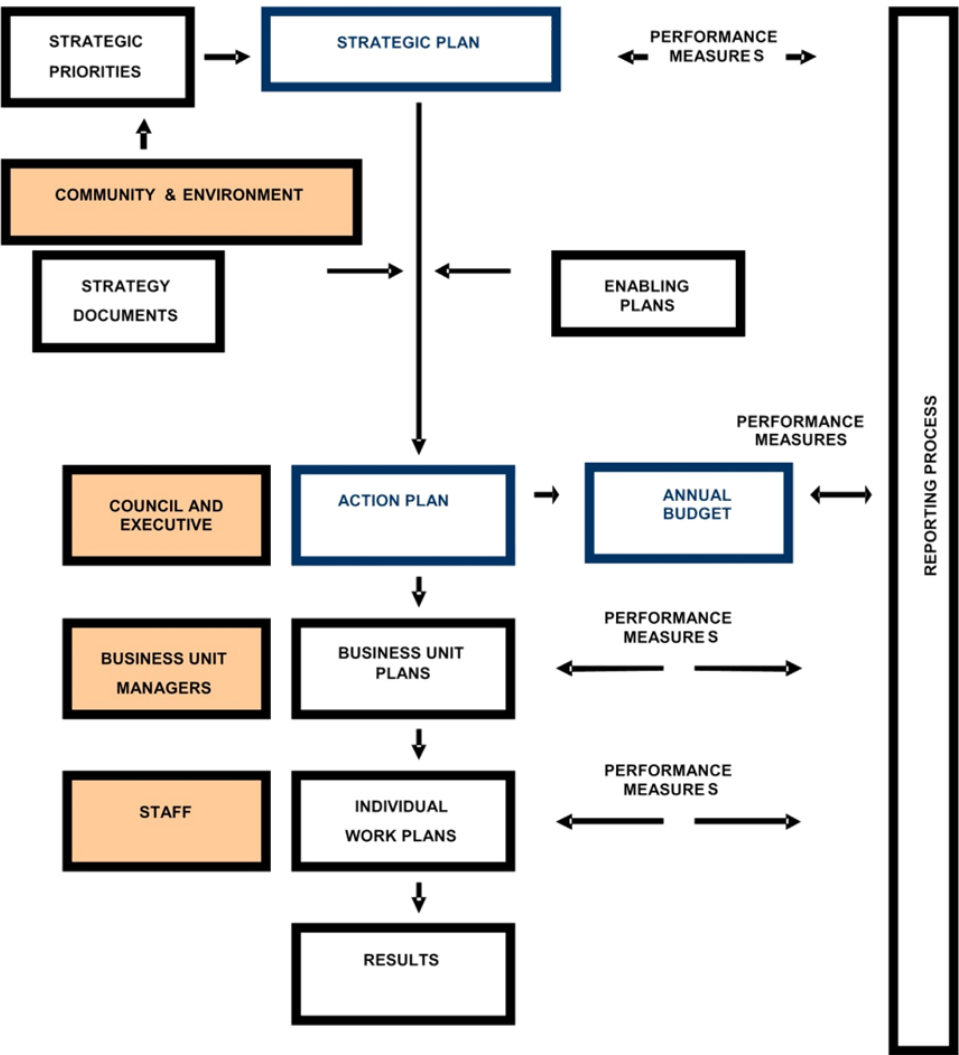
Strategic and High Level Enabling Plans

- * Strategic Plan to set the direction for the next five years
- * Action plan to set the operational activities for the Shire
- * Ten Year Financial Plan which identifies the capital, recurrent, returns on investments and forward estimates needed to implement the Strategic Plan
- * Workforce Plan, which identifies the skills, competencies and number of staff, required carrying out the strategic plan over time
- * Capital Works Program
- * Asset Management Plan, which includes infrastructure assets, equipment, Plant, Vehicles and Property, purchasing, disposal, capital replacement and maintenance expenditures with forward estimates of recurrent, capital expenditures as well as possible income sources
- * Information Communication & Technology Plan
- * Risk Management Plan.
- * Issue specific plans and strategies as appropriate including (but not limited to):
 - Access and Inclusion Plan
 - Community Development Plan
 - Environmental Strategy
 - Information Communication & Technology Plan
 - Leisure Services Plan
 - Cultural Plan
 - Waste Management Plan
- * Annual budgets to support the objectives of the plan.
- * Business Plans

Last updated 14/07/2010

The Shire’s Planning Framework is shown below:

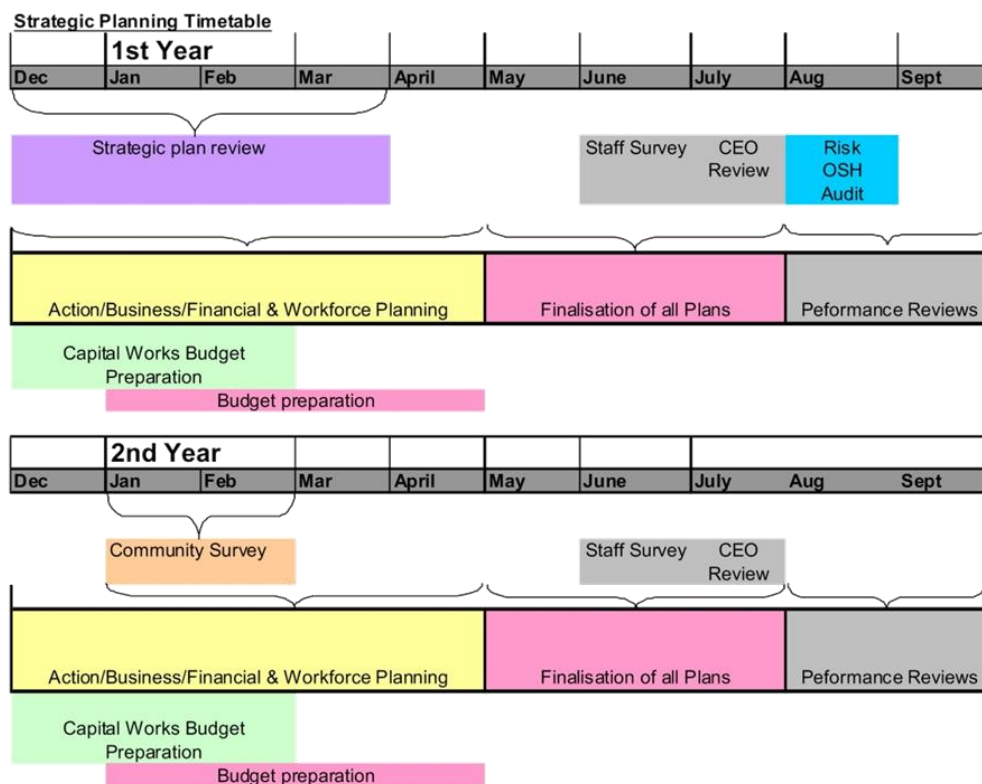
Figure 1: Integrated Planning Framework



A major review of the Strategic Plan will occur every two years following Council elections to ensure Community feedback captured during election campaigns and the twice yearly Community Survey has opportunity to influence the strategic direction of the Shire.

Below is an indicative timeline of the review process and how it is informed by and informs other reviews and data gathering processes.

Last updated 14/07/2010



4. Accountability Statement

The Council will be publicly accountable for performance and decisions and committed to performing its functions in an impartial, ethical and professional manner through:

- * Maximum compliance and cooperation with legislative requirements and ethical principles.
- * The use of performance data to inform decision-making and plan for continual improvement, with timely collection and analysis of comparative, accurate data and performance information.
- * Well-defined performance criteria and standards established to ensure Councillors and shire officers are accountable for their performance and decisions.
- * Reliable and valid assessment, monitoring and reporting of performance
- * Responsible management of financial, human and information resources.
- * The review of the Strategic Plan every two years.
- * Given all relevant information in a timely manner - endorsement of an annual budget in or by July annually

Last updated 14/07/2010

5. Definitions

Accountability depends upon establishment of criteria that allows performance to be fairly and reliably assessed and consideration of contextual variables that may have influenced performance. Accountability also depends upon clearly defining expectations, standards, responsibilities and requirements which performance will be judged.

Monitoring involves keeping track of changes, analysing developments, an evaluating progress.

Reporting is communicating relevant information to those that should be informed so that they are able to use the information to participate in decisions and make judgements.

Objective/Strategic Priority A clear statement of the long term improvements or achievements a plan is intended to produce. Objectives are specific statements, which are measurable, attainable, relevant, and time weighted.

Target is the level of performance expected to be achieved within a specific timeframe as evidence of progress towards the objectives. Targets will be:

- * Written in terms of key performance indicators and other performance measures
- * Aimed at being achieved with the short term period that is specified
- * Aim to stretch performance while being achievable
- * Agreed after collaboration and consultation with stakeholders
- * Valued by those involved in implementation.

Indicator or KPI (Key Performance indicator) is a performance measure that can be described or assessed to provide a signal of progress over time. Indicators should be relevant, reliable, clear, comparable, consistent over time, timely and measurable.

Strategic Plan refers to the "Plan for the future" as required by Local Government Act 1995.

High Level Plan, Enabling Plans & Strategy Documents will be provided in key areas of strategic importance. The number of high level plans will be restricted to the minimum for effective governance and accountability.

Decision-making will be evidence based, impartial and ethical using a balanced range of reliable, valid and verifiable performance indicators, with clear links between decisions and associated initiatives and the data on which they are based.

Last updated 14/07/2010

6. Responsibilities

Elected Members

The Elected Members are responsible for communicating with their Council and Community to get agreed strategic direction. All the Shire's Elected Members should apply the five tests prior to finally approving the Strategic Plan (based guidelines from Australian Institute of Company Directors)

- 1. Comprehension:**
 - a. Am I satisfied that I understand the nature and importance of goals, objectives & strategic priorities?
 - b. Am I satisfied that others have a common understanding?
- 2. Appropriateness:** Am I satisfied the strategic directions proposed are suited to the Shire and Community needs?
- 3. Sustainability:** Am I satisfied that the strategic direction proposed is of a nature and quality to ensure its future? What is the quality of the information, quality of the analysis and risk assessments?
- 4. Feasibility:**
 - a. Am I satisfied that organisation implications have been considered thoroughly;
 - b. Implementation is possible;
 - c. Programs are realistic, achievable and comprehensive?
- 5. Accountability:**
 - a. Has management accountability for the progress made towards the achievement of the strategic goals been outlined?
 - b. Is the budgeting robust?
 - c. Are the Elected Members kept abreast of events?
 - d. Can the Council take timely remedial effective action if needed?

The Elected Members may work together on the strategic planning process or alternatively establish a Committee, which will report to Council. The responsibilities either way is:

- * Establish the strategic direction and budget priorities;
- * Ensure that budget and financial management is sustainable and in accordance with overall policies and priorities
- * Approve the budget and financial plans in or by July to minimise delays to service delivery and implementation;
- * Determine which Key Performance Indicators and other performance measures that will be reported in Key Performance areas and Operational areas;
- * Determine the areas, which require individual high level plans e.g. Human Resource Management, Financial, IT, Risk Management and Special Projects;
- * Review final drafts of plans for the Councils adoption;

Last updated 14/07/2010

- * Determine what data (such as surveys, reports, studies) will be collected for a given year;
- * Use performance data as the basis for decision making and determining budget priorities;
- * Communicating and promoting the strategic plan within the Shire of Busselton.

Executive Management (MANEX) responsibilities

The CEO and Executive Management are responsible for collation of all available data and information for analysis during the planning process.

- * Critically review the data sets and evaluation reports and use them for the basis of decision making;
- * Review the financial performance of all the departments/business units / recurrent services;
- * Assess departments/business units / recurrent services;
- * Service evaluation reports;
- * Identify emerging budgetary risks for current and future years;
- * Advise the Council on budgetary allocations, and recurrent funding needs;
- * Monitor trends and performance of human and physical resources;
- * Ensure that financial management and human resource management strategies support efficient and effective use of financial resources;
- * Identify information management strategies, capital replacement, software, security and ongoing training needs for the Shire;
- * Identify the potential risks through the Risk Management Plan and internal audit program;
- * Prioritise and alert Councils of all risks significant and above for budget and planning processes;
- * Collate results from internal and external audits for planning process;
- * Collate information from staff surveys for planning process;
- * Collate results of customer complaints analysis for planning process;
- * Collate actions outstanding from previous Strategic Plans;
- * Gather demographic information for planning process;
- * Gather all Regional and Infrastructure information;
- * Identify State Government Budget allocations for the regional development;
- * Identify any State or Federal Government opportunities;
- * Identify any Tourism Opportunities;
- * Identify any Commercial planning opportunities;
- * Collate all the project plans and projected budgets;
- * Recommend priorities to Council;
- * Agree and set key performance indicators to achieve the Strategic Plan;
- * Drive performance and manage resources to achieve the strategic plan objectives and key performance indicators; and
- * To continually promote and educate the importance and relevance of the Strategic Plan across the organisation and the community.

Last updated 14/07/2010

Manager responsibilities

- * Prepare with staff all operational plans;
- * Prepare with staff all recurrent and capital budgets;
- * Analyse assumptions, data and objectives;
- * Agree and set key performance indicators for each plan;
- * Drive performance and manage resources to achieve the strategic plan objectives and key performance indicators; and
- * To continually promote and educate the importance and relevance of the Strategic Plan across the organisation and the community.

7. Reporting

The CEO will prepare a quarterly detailed report for Council on all operations which are aligned to the various plans key performance indicators and identify the reasons for non-performance.

8. Policy Background

Owner Unit	Economic and Strategic Development
Originator	Manager, Economic and Strategic Development
Date Created	22 March 2007
Date Reviewed	May 2010
Review Frequency	Every two years
Related Documents	LG Act 1995 § 5.56. "Planning for the future" and Local Government (Administration) Regulations 1996 19C.
Background/History	Original version – presented to Council 11 April 2007 Strategic Plan Review in March 2008 identified requirement to amend policy Strategic Plan Review in January 2010 identified requirement to amend policy

History

Council Resolution	Date	Information
C1007/237	14 July, 2010	Updated strategic planning policy adopted. Version 3
C0808/262	27 August, 2008	Updated strategic planning policy adopted. Version 2
C0704/091	11 April, 2007	Date of implementation. Version 1



Government of **Western Australia**
Department of **Local Government and Communities**



Integrated Planning and Reporting

Advisory Standard

September 2016



The Department of Local Government and Communities acknowledges and thanks the local governments that attended the consultation workshops in March 2016. The comments provided in the workshops were invaluable in revising the Integrated Reporting Framework and Guidelines, Advisory Standard, Asset Management Guidelines and Long Term Financial Plan Guidelines.

The Department also wishes to thank those who reviewed various draft revised documents and provided feedback. The final documents were significantly improved as a result.

Finally, the Department thanks Localise for designing and facilitating the workshops, and preparing the draft and final revised suite of documents.



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1. Introduction

In 2010, the Integrated Planning and Reporting (IPR) Framework and Guidelines were introduced in Western Australia (WA) as part of the State Government's Local Government Reform Program. All local governments were required to have their first suite of IPR documents in place by 1 July 2013.

This Advisory Standard complements the legislative requirement for planning for the future under [Section 5.56 \(1\) of the Local Government Act 1995](#) and the [regulations](#) under Section 5.56 (2) of the Act that outline the minimum requirements to achieve this. There are also separate provisions regulating the [Annual Budget](#) and [Annual Report](#).

The Advisory Standard outlines "Achieving", "Intermediate" and "Advanced" Standards of IPR performance. Local governments should be moving steadily through the Standards, on a pathway of continuous improvement.

The pathway will be different for each local government. The application of IPR needs to be commensurate with factors such as size, resourcing and circumstances. However, high standards can be achieved at a small scale, so there is no presumption that larger local governments will generally be capable of higher standards or vice versa.

The Integrated Planning and Reporting Framework and Guidelines includes a user-friendly "self-assessment good practice checklist" to assist local governments in their continuous improvement.

All local governments should meet the Achieving Standard, which encompasses the minimum regulatory requirements and other provisions that ensure an acceptable minimum standard of practice. The Intermediate and Advanced Standards demonstrate the higher levels to which local governments should aspire as they strive towards achieving best practice.

In addition to this Integrated Planning and Reporting Advisory Standard, the Department of Local Government and Communities publishes a [suite of other documents](#) to assist local governments and communities to develop competence in IPR:

- [Integrated Planning and Reporting Framework and Guidelines](#)
- [Asset Management Framework and Guidelines](#)
- [Workforce Planning Toolkit](#)
- [Long Term Financial Planning Framework and Guidelines](#)
- [Model Long Term Financial Planning](#)
- [Abridged Model Long Term Financial Planning](#)
- [Long Term Financial Planning Tools](#)
- [Community Development: A Guide for Local Government Elected Members](#)
- [Working Effectively with Local Governments: A Guide for Community Sector Organisations](#)

2. Strategic Community Plan

Element	Regulatory requirements	Standards
Strategic Community Plan	<p>A Strategic Community Plan:</p> <ul style="list-style-type: none"> (i) Is for a minimum 10-year timeframe. (ii) States community vision, aspirations, and objectives. (iii) Was developed or modified through engagement with the community, and this is documented. (iv) Has regard to current and future resource capacity, demographic trends and strategic performance measurement. (v) Is adopted, or modifications to it are adopted, by an absolute majority of council. (vi) is subject to a full review scheduled for 4 years from when it is adopted. <p>References:</p> <p><i>Local Government Act 1995</i>, s 5.56</p> <p><i>Local Government (Administration) Regulations 1996</i>; Regulation 19C, 19D</p>	<p>Standard is NOT met:</p> <p>If a Council has not adopted a Strategic Community Plan that meets all of the regulatory requirements.</p> <p>Achieving Standard:</p> <p>Achieving Standard is met when:</p> <ul style="list-style-type: none"> ▪ A Council has adopted a Strategic Community Plan that meets all of the regulatory requirements¹ ▪ The local government has a community engagement policy or strategy ▪ Community engagement² involves at least 500 or 10% of community members, whichever is fewer, and is conducted by at least 2 documented mechanisms ▪ A Strategic Review is undertaken every two years, alternating between a Minor Strategic Review and a Major Strategic Review <p>Intermediate Standard:</p> <p>Intermediate Standard is met when:</p> <ul style="list-style-type: none"> ▪ The Strategic Community Plan connects most of the activities and services that are delivered by the local government with the community's vision, aspirations and objectives ▪ The Strategic Community Plan takes into account a range of relevant external factors, including relevant plans of State and Commonwealth agencies ▪ Community engagement involves more than the minimum number of community members as provided for in the Achieving Standard, is inclusive and uses more than

¹ Note that the IPR Framework and Guidelines refers to community aspirations encompassing vision, outcomes and priorities. These elements will meet the regulatory requirements, however the terminology is flexible. It is acknowledged that different local governments will use different terms, such as goals, objectives, key result areas or key focus areas instead of outcomes.

² Refers to Major Strategic Review

Element	Regulatory requirements	Standards
		the minimum number of documented mechanisms that apply in the Achieving Standard
		Advanced Standard: Advanced Standard is met when: <ul style="list-style-type: none"> ▪ The Strategic Community Plan meets Achieving and Intermediate standards ▪ The Strategic Community Plan connects all of the activities and services that are delivered by the local government with the community's vision, aspirations and objectives ▪ The Strategic Community Plan demonstrates effectiveness in achieving community objectives

3. Corporate Business Plan

Element	Regulatory requirements	Standards
Corporate Business Plan	A Corporate Business Plan: <ul style="list-style-type: none"> (i) Is for a minimum of 4 years. (ii) Identifies and prioritises the principal strategies and activities the Council will undertake in response to the aspirations and objectives stated in the Strategic Community Plan. (iii) States the services, operations and projects that a local government will deliver over the period of the plan, the method for delivering these and the associated cost. (iv) References resourcing considerations such as asset management plans, 	Standard is NOT met: If a Council has not adopted a Corporate Business Plan that meets the listed regulatory requirements. Achieving Standard: Achieving standard is met when: <ul style="list-style-type: none"> ▪ A Council has adopted a Corporate Business Plan that meets all of the listed regulatory requirements ▪ Year 1 of the Corporate Business Plan establishes the Annual Budget ▪ The local government also has in place: <ul style="list-style-type: none"> – a Workforce Plan that meets the Achieving Standard – asset management key performance indicators that meet the Standards* – a Long Term Financial Plan

Element	Regulatory requirements	Standards
	finances and workforce plans.	
	(v) Is adopted by Council by absolute majority.	
	Regulations also require that the Corporate Business Plan is reviewed annually, as it is the main 'driver' for the Annual Budget.	
	References: <i>Local Government Act 1995</i> , s 5.56 <i>Local Government (Administration) Regulations 1996</i> ; Regulation 19DA	
		Intermediate Standard: Intermediate standard is met when: <ul style="list-style-type: none"> ▪ The Corporate Business Plan meets the Achieving Standard ▪ Core informing strategies (Workforce Plan, Asset Management Plans, Long Term Financial Plan) have been integrated to drive activities and service delivery ▪ The Workforce Plan meets Intermediate Standard ▪ Asset key performance indicators are at "Standard is improving" ▪ Financial management key performance indicators meet Achieving Standards
		Advanced Standard: Advanced standard is met when: <ul style="list-style-type: none"> ▪ The Corporate Business Plan meets the Achieving Standard and Intermediate Standard ▪ All activities and services delivered are integrated through the Corporate Business Plan ▪ Asset key performance indicators are at "Standard is improving"* and all financial performance indicators meet Advanced Standards (where applicable) ▪ The Workforce Plan meets Advanced Standard

* As described in Local Government Operational Guideline Number 18, Financial Ratios, June 2013 available here:
https://internal.dlqc.wa.gov.au/Publications/Documents/DLGC_LG_Operational_Guideline_18.pdf

4. Asset Management Plan

Key Performance Indicator	Data and Calculation	Information	Standards
Asset consumption ratio (ACR)	Depreciated replacement cost of assets (written down value) divided by current replacement costs of depreciable assets.*^ Expressed as a percentage.	This shows the written down current value of a local government's depreciable assets relative to their 'as new' value in up to date prices. The ratio highlights the aged condition of the local government's stock of physical assets.	Standard is not met if ratio data cannot be identified or ratio is less than 50% Achieving standard is met if ratio data can be identified and ratio is 50% or greater Standard is improving if ratio is between 60% and 75%
Asset sustainability ratio (ASR)	Capital expenditure on replacement or renewal of assets divided by the depreciation expense.*^ Expressed as a percentage.	This measures the extent to which assets managed by the local government are being replaced as they reach the end of their useful lives.	Standard is not met if ratio data cannot be identified or ratio is less than 90% Achieving standard is met if ratio data can be calculated and ratio is 90% Standard is improving if ratio is between 90% and 110%
Asset renewal funding ratio	Net present value of planned capital expenditure based on current Departmental guidance on renewals over ten years divided by the net present value of the required capital expenditures on	This indicates whether the local government has the financial capacity to fund asset renewal as required, and can continue to provide existing levels of services in future, without: – additional operating income; or	Standard is not met if ratio data cannot be identified or ratio is less than 75% Achieving standard is met if ratio data can be identified and ratio is between 75% and 95%

Key Performance Indicator	Data and Calculation	Information	Standards
	renewals over the same period.*^ Expressed as a percentage.	<ul style="list-style-type: none"> – reductions in operating expenses; or – an increase in net financial liabilities above that currently projected. 	Standard is improving if ratio is between 95% and 105% and the ASR falls within the range 90% to 110% and ACR falls within the range of 50% to 75%

* Further information that will assist local governments to meet the standards, including calculation of ratios is available in the Asset Management Guidelines and Long Term Financial Plan Guidelines.

^ Refer to sections 2 and 3 for further information on the relationship of this key performance indicator to the Strategic Community Plan and Corporate Business Plan standards.

5. Workforce Plan

Element	Regulatory Requirements	Standards
Workforce Plan	<p>From the Local Government (Administration) Regulations 1996 19DA (3)c:</p> <p>A corporate business plan for a district is to...</p> <p>develop and integrate matters relating to resources, including asset management, workforce planning and long-term financial planning.</p>	<p>Standard is not met if the Achieving Standard is not met.</p> <p>Achieving Standard:</p> <p>Achieving standard is met when:</p> <ul style="list-style-type: none"> ▪ Council has a current Workforce Plan ▪ The Workforce Plan identifies the current workforce profile and organisational structure ▪ The Workforce Plan identifies gaps between the current profile and the organisation's requirements ▪ The Workforce Plan identifies organisational activities to foster and develop workforce ▪ The Workforce Plan is budgeted for in the Corporate Business Plan and Long Term Financial Plan

Element	Regulatory Requirements	Standards
		<p>Intermediate Standard:</p> <p>Intermediate Standard is met when the Workforce Plan meets the Achieving Standard and:</p> <ul style="list-style-type: none"> ▪ Council has a Workforce Planning policy ▪ Council has a system to collect and analyse workforce information ▪ Organisational activities to foster and develop the workforce are being implemented as planned ▪ The Workforce Plan is integrated with other plans ▪ Reports to Council identify workforce requirements and implications and Council decision making takes these into account ▪ Employees have the opportunity to participate in the workforce planning process <p>Advanced Standard:</p> <p>Advanced Standard is met when the Intermediate Standard has been met and:</p> <ul style="list-style-type: none"> ▪ Workforce planning, policy and practices are a high priority for the organisation and are incorporated into all planning, decision making, systems, policies and procedures ▪ Managers include workforce considerations as an integral part of the local government's operations for which they are responsible and accountable

6. Long Term Financial Plan

Key Performance Indicator	Data and Calculation	Information	Standards
Operating surplus ratio	Net operating surplus, divided by own source operating revenue, expressed as a percentage.* [^]	This is an indicator of the extent to which revenues raised cover operational expenses only or available for capital funding purposes.	<p>Standard is not met if the operating surplus ratio is 0%</p> <p>Achieving standard is met if the operating surplus ratio is between 0% and 15%</p> <p>Advanced standard is met if the operating surplus ratio is greater than 15%</p>
Current ratio or working capital ratio	Current Assets MINUS Restricted Assets divided by Current Liabilities MINUS Liabilities associated with Restricted Assets	<p>This is a modified commercial ratio designed to focus on the liquidity position of a local government.</p> <p>Expressed as percentage, 1:X, or decimal figure *[^]</p>	<p>Standard is not met if this ratio is lower than 1:1</p> <p>Achieving standard is met if the ratio is 1:1 or greater (e.g 100% or 1.0)</p>
Debt service cover ratio	Annual operating surplus before interest and depreciation divided by annual debt service payments (both principal and interest).* [^]	Also known as 'debt coverage ratio', this is the ratio of cash available for debt servicing to interest, principal and lease payments.	<p>Standard is not met if this ratio is lower than 2</p> <p>Achieving standard is met if this ratio is greater than or equal to 2</p> <p>Advanced standard is met if this ratio is greater than 5</p>
Own Source Revenue Coverage Ratio	Own Source Operating Revenue divided by Operating Expense	This ratio is the measurement of a local government's ability to cover its costs through its own revenue efforts.	<p>Standard is not met if this ratio is lower than 0.4</p> <p>Achieving standard is met if the ratio is between 0.4 and 0.9</p> <p>Advanced standard is met if the ratio is greater than 0.9</p>

* Detailed information is also available in *Local Government Operational Guidelines Number 18 – June 2013 Financial Ratios*, downloadable from here:

https://internal.dlgc.wa.gov.au/Publications/Documents/DLGC_LG_Operational_Guideline_18.pdf

^ Refer to sections 1.1 and 1.2 for further information on the relationship of this key performance indicator to the Strategic Community Plan and Corporate Business Plan standards.

7. Annual Report

Element	Regulatory requirements	Standards
What is to be included in the Annual Report	<p>The local government's Annual Report is to contain:</p> <ul style="list-style-type: none"> (i) an overview of the Strategic Community Plan and the Corporate Business Plan, which together constitute the Plan for the Future. (ii) major initiatives to commence or continue in the next financial year. <p>The Annual Report must also contain details of:</p> <ul style="list-style-type: none"> (i) any modification that was made to the Strategic Community Plan during the financial year; and (ii) any significant modification that was made to the Corporate Business Plan during the financial year. 	<p>Standard is NOT met:</p> <p>If the local government's Annual Report does not contain the information stipulated in the regulations</p> <p>Achieving Standard:</p> <p>Achieving standard is met if:</p> <ul style="list-style-type: none"> ▪ The local government's Annual Report meets the listed regulatory requirements <p>Intermediate Standard:</p> <p>Intermediate standard is met when:</p> <ul style="list-style-type: none"> ▪ The Annual Report outlines progress towards the achievement of (4 yearly) Council priorities as established through the Corporate Business Plan <p>Advanced Standard:</p> <p>Advanced standard is met when:</p> <ul style="list-style-type: none"> ▪ The Annual Report meets Achieving and Intermediate Standards ▪ The Annual Report outlines progress towards the achievement of community objectives established through the Strategic Community Plan

Contact details

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6.3 SALARY PACKAGING POLICY

SUBJECT INDEX:	Remuneration and Benefits
STRATEGIC OBJECTIVE:	Accountable leadership that is supported by a skilled and professional workforce.
BUSINESS UNIT:	Corporate Services
ACTIVITY UNIT:	Human Resources
REPORTING OFFICER:	Manager Corporate Services - Sarah Pierson
AUTHORISING OFFICER:	Director Finance and Corporate Services - Tony Nottle
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Proposed Salary Packaging Policy ↓ Attachment B Current Salary Packaging Policy ↓

PRÉCIS

This report presents a revised Salary Packaging Policy (Attachment A) for Council approval, with the policy having been amended to reflect the function and purpose of a Council Policy as recommended by the Governance System Review carried out by Mr John Woodhouse in 2017.

Salary packaging is considered an effective attraction and retention tool. Continuing to support the offering of these benefits will assist the City in meeting its Workforce Planning strategy of “retaining our staff through attractive remuneration, benefits and innovative practices”.

BACKGROUND

In April 2012 Council endorsed (C1204/095) a new Salary Packaging Policy which allowed City employees to salary package a number of benefits in addition to those that were available at the time (Superannuation, City uniforms and recreational facility fees). These additional benefits were Remote Area Rent, Living Away From Home Allowance and Novated Leasing of Vehicles. The policy provided that an external provider specialised in packaging arrangements administer these benefits. To this end the City has been working with Pay Plan for approximately five (5) years.

As part of the 2013 Enterprise Agreement negotiations staff requested that the City further look into the possibility of providing additional benefits that would allow them to access greater tax savings through a legitimate avenue. In particular employees with mortgages were seeking the ability to access remote area housing assistance. As a result of this Officers identified a number of additional benefits that could be offered, namely:

- Airline Lounge Membership
- Remote Area Housing Mortgage Interest
- Remote Area Domestic Energy

In August 2014 Council endorsed a revised Salary Packaging policy which included the provision of these additional benefits (C1408/197).

In March 2017 Council endorsed (C1703/039) a further revision of the policy as part of its ongoing review of Council policies, with the policy simplified and more operational aspects moved into a new operational level practice and procedure (Attachment B).

The current policy is however still considered to be too operational in nature when considered against the recommendations of the Governance System Review conducted by Mr John Woodhouse in August – November 2017, namely:

1. *There should be a review of the Council Policies with the intent that a Council Policy:*
 - a. *Should deal with higher level objectives and strategies;*
 - b. *Should not deal with operational matters, employee matters, or other matters which are the responsibility of the CEO; and*
 - c. *Should, where appropriate provide sufficient direction to the CEO to develop OPPs which deal with the implementation of the Council Policy or other detailed matters.*
2. *As part of that review, any existing Council Policy should be deleted where it could, more sensibly, be dealt with by an OPP adopted by the CEO*

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 the recommendation of a Committee it has established in accordance with Section 5.8 of that Act.

Salary packaging is a complex area of remuneration management and the Council must comply with the requirements of the Australian Taxation Office ("ATO") and relevant State and Federal taxation legislation and regulations associated with FBT and salary packaging.

Remote Area Benefits

The remote area benefits provided within the policy are available to employees by virtue of a portion of the City of Busselton and surrounding localities being considered a 'remote area' by the ATO. Under the ATO's definition of 'remote area' a locality is considered remote if it is one of the following:

- At least 40 kms from an urban centre with a population of 14,000 or more
- At least 100 kms from an urban centre with a population of 130,000 or more

(Remote Area)

Fringe Benefits Tax

Legally FBT is payable by the employer for any non-cash benefits provided to employees. There are however certain benefits which are classified as concessional or FBT exempt benefits. With the exception of novated lease motor vehicles, remote area housing for mortgages and remote area domestic energy, the benefits offered under the policy are FBT exempt. Remote area housing for mortgages and remote area domestic energy attract FBT on 50% of the value packaged. Any FBT costs and / or related costs associated with the benefits are borne by the employee and factored into the packaging arrangement.

Fringe benefits provided to staff (whether salary packaged or not) are, unless exempt, required to be reported on a staff member's **Payment Summary** where the aggregate taxable value exceeds \$2,000 per FBT year. Further it is the grossed-up value (i.e. multiplied by 1.9417) that is required to be shown on the Payment Summary. Whilst this amount will not be taxable income, it will be taken into account for the purposes of determining the application of certain surcharges, levies and Government entitlements, such as the additional Medicare levy and Family Tax Benefits. Employees are advised to seek their own financial advice prior to entering into any salary packaging arrangement.

Australian Taxation Office Requirements – Tax Compliance

Employees cannot claim a tax deduction on packaged benefits and are required to observe all standards set by the ATO regarding salary packaging. The standards require complete proof of expenditure and adherence to the employees nominated flexible remuneration. Regular requests for proof of expenditure are undertaken by the City's external salary packaging provider. Failure to observe these standards can result in ATO penalties for the employee.

RELEVANT PLANS AND POLICIES

The Salary Packaging Policy provides for improved employee benefits, and aids the City in achieving its Workforce Plan strategy of "retaining our staff through attractive remuneration, benefits and innovative practices.

FINANCIAL IMPLICATIONS

The revised policy has no additional financial implications. The cost of any associated fees and charges for each package arrangement (administrative or FBT) will continue to be borne by the employee.

Long-term Financial Plan Implications

Nil

STRATEGIC COMMUNITY OBJECTIVES

The Officers recommendation aligns with and supports the Council's Strategic Community Plan 2017, specifically Key Goal 6– Leadership and Community Objective 6.3 – Accountable leadership that is supported by a skilled and professional workforce.

RISK ASSESSMENT

The revised policy does not materially change the City's position or offering in relation to salary packaging, and hence poses no risk.

A risk assessment was previously undertaken to assess potential risks associated with offering salary packaging benefits to employees, with the overall risk being assessed as low. In introducing the current range of benefits the City sought and received Tax Rulings from the ATO on various aspects and liaised extensively with its tax advisers.

The City, through its external administrator Pay-Plan, conducts a thorough assessment of eligibility prior to packaging benefits, with employees having to provide documentary evidence related to the benefit being claimed, for instance rental agreements in relation to remote area rent and mortgage settlement documents and loan statements in relation to remote area mortgage interest.

A Salary Packaging Agreement is also entered into between the City, Pay-Plan and the employee which contains obligations for the employee to comply with all ATO and declaration requirements.

CONSULTATION

Nil

OFFICER COMMENT

The revised policy presented does not materially change the City's position or offering in relation to salary packaging. The policy is simply being streamlined to align with the City's new Policy Framework and converted into the City's new policy template.

There are currently 29 employees who take advantage of the benefits offered through the policy. A brief overview of the salary packaging benefits available is provided below.

Work Related Items

The following items were used for work purposes only and not provided by the City:

- portable electronic devices (laptops, mobile phones and PDA's)
- protective clothing
- briefcase
- calculator
- computer software

Airline Lounge Membership

Airline lounge membership joining fees and airline membership annual renewal fees are "tax free" when provided to an employee as part of a salary packaging arrangement.

Novated Leasing of Vehicles

Novated car leases for new or used cars may be packaged by employees. The employee owns the vehicle and has the right to take the vehicle with them should they leave employment of the City, with full responsibility for the vehicle passed on to the employee.

Remote Area Housing Rent*Rent - Employer Provided Housing*

Eligible employees may be provided with a Council owned or leased rental property within a Remote Area as part of their package, and the employee may apply to salary package 100% of the rental value tax free.

Rent - Private Rentals

Employees renting privately (i.e. employees who have a rental agreement with a landlord or agency), within a Remote Area can apply to salary package 50% of their rental value tax free.

Remote Area Housing Mortgage Interest

Subject to qualifying criteria, employees with a mortgage on their home which is in a Remote Area can apply to salary package their interest expenses on the mortgage. The home must be their usual place of residence.

Remote Area Domestic Energy

Subject to qualifying criteria, employees who package remote area housing benefits can apply to salary package 100% of the value of the cost of their residential electricity and gas expenses. 50% of the reimbursement does however attract FBT, which is payable by the employee.

CONCLUSION

It is recommended that Council continue to support salary packaging as a useful staff attraction and retention tool. In accordance with the recommendations of the Governance Systems Review, it is however recommended that the current policy be amended to reflect Council's support of salary packaging as opposed to outlining more operational aspects. A Staff Management Procedure is in place to ensure salary packaging is provided within appropriate operational parameters and in accordance with the parameters of the policy.

OPTIONS

The Council may not agree with the revisions to the policy and may seek for the policy to be re-endorsed in its current format.


TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The new policy will be effective as of its adoption by Council.

OFFICER RECOMMENDATION

That the Council adopts the Salary Packaging Policy as shown in Attachment A, to replace the current Salary Packaging Policy shown at Attachment B.

COUNCIL POLICY
SALARY PACKAGING


City of Busselton
Geographic Bay

Council Policy Number: 042

Version: Proposed

Responsible Directorate: Finance and Corporate Services

1. PURPOSE

- 1.1. The purpose of this policy is to set out Council's commitment to the provision of Salary Packaging as an attraction and retention tool.

2. SCOPE

- 2.1. This policy provides for the salary packaging of a range of Benefits by full time, part time and fixed term employees (with a term longer than 12 months).

3. DEFINITIONS

Term	Meaning
ATO	Australian Taxation Office
Base Cash Salary	Remuneration in accordance with relevant workplace agreement or contract of employment paid by way of regular periodic cash payments subject to PAYG tax. This does not include superannuation guarantee contributions.
Benefit	Any non-cash benefit and cash payment (other than Base Cash Salary) made or expected to be made for the benefit of the employee
Remote Area	An area which is one of the following: <ul style="list-style-type: none">At least 40 kms from an urban centre with a population of 14,000 or moreAt least 100 kms from an urban centre with a population of 130,000 or more
Salary Packaging	An arrangement between an employee and employer whereby the employee elects to exchange Base Cash Salary for a Benefit but for the purposes of this Policy does not include superannuation.

4. STRATEGIC CONTEXT

- 4.1. This policy links to Key Goal Area 6 of the City's Strategic Community Plan 2017 and specifically the following Community Objective/s:
- a. Accountable leadership that is supported by a skilled and professional workforce.

5. POLICY STATEMENT

- 5.1. Salary Packaging is acknowledged as an effective attraction and retention tool.
- 5.2. Employees may salary package a range of allowable Benefits in accordance with ATO legislation and any ATO rulings and as outlined in the City's relevant Staff Management Practice.

- 5.3. Specific eligibility and participation criteria apply dependant on the Benefit and an employee's employment status.
- 5.4. Salary Packaging arrangements will be administered at minimal financial cost to the City with any administration costs and any Fringe Benefits Tax (FBT) or other tax liability to be met by the participating employee.
- 5.5. Employees contemplating Salary Packaging are strongly encouraged to seek independent financial or other appropriate advice. Benefits of participation will vary according to individual circumstances and individual participation. It is an individual employee's responsibility to be aware of and responsible for any individual consequences of participating in a Salary Packaging arrangement.

6. RELATED DOCUMENTATION / LEGISLATION

- 6.1. City of Busselton Enterprise Agreement 2017
- 6.2. SMP003 Salary Packaging

7. REVIEW DETAILS

Review Frequency		3 yearly		
Council Adoption	DATE		Resolution #	
Last Reviewed	DATE	08/03/2017	Resolution #	C1703/039

Last updated 08 March 2017

042	Salary Packaging	Version 4
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1. PURPOSE

The objective of this policy is to provide the guiding document for the provision of various salary packaging options to eligible City of Busselton employees. Salary Packaging is primarily an attraction and retention tool and hence this policy aims to increase staff attraction and retention.

2. SCOPE

This policy applies to all full time, part time and fixed term employees (longer than 12 months duration), subject to meeting specific eligibility criteria relevant to the packaged benefit sought.

This Policy provides for the salary packaging of an Allowable Benefit as defined.

Definitions

Allowable Benefit	<p>The following range of Salary Packaging Benefits:</p> <ul style="list-style-type: none"> ○ Work Related Items – i.e. laptops, mobile phones ○ Leisure Centre and Child Care Fees (at City operated premises only) ○ Novated Leasing of Vehicles ○ Remote Area Housing Benefit <ul style="list-style-type: none"> ● Rental ● Mortgage Interest ○ Remote Area Domestic Energy ○ Airline Lounge Membership
ATO	Australian Taxation Office
Base Cash Salary	Remuneration in accordance with relevant workplace agreement or contract of employment paid by way of regular periodic cash payments subject to PAYG tax. This does not include superannuation guarantee contributions.
Benefit	Any non-cash benefit and cash payment (other than Base Cash Salary) made or expected to be made for the benefit of the employee
Fringe Benefits Tax (FBT)	Tax payable by the City to the Government on some categories of benefits provided to employees
FBT Year	1 April to 31 March each year
PAYG	Pay As You Go taxation
Remote Area	<p>An area which is one of the following:</p> <ul style="list-style-type: none"> ○ At least 40 kms from an urban centre with a population of 14,000 or more ○ At least 100 kms from an urban centre with a population of 130,000 or more

6.3 Attachment B Current Salary Packaging Policy

Last updated 08 March 2017

Note, not all of the City of Busselton district is classified as a Remote Area. A map showing the cut off is available in the City's Salary Packaging Guide.

Salary Packaging

An arrangement between an employee and employer whereby the employee elects to exchange Base Cash Salary for a Benefit but for the purposes of this Policy does not include superannuation.

Total Remuneration

Total package value assigned to the permanently occupied position that the employee is entitled to receive under an agreement or contract of employment with the City expressed as an annual sum.

3.0 POLICY CONTENT

Salary Packaging will be made available to employees as a benefit in accordance with City operational practices and procedures and in accordance with ATO legislation, rulings, and any other relevant legislation, as amended from time to time, but only to the extent of an Allowable Benefit as defined in this Policy.

Salary packages will be adjusted accordingly (within an employee's agreed Total Remuneration) to account for variations in a salary packaging arrangement, including variations in an Allowable Benefit, taxation, and scheme participation.

Salary Packaging arrangements will be administered at minimal financial cost to the City and where required by the CEO, by an external Salary Packaging provider approved by the City. As part of any Salary Packaging arrangement, the cost of administering the package (if applicable) is to be met by the participating employee.

Any Fringe Benefits Tax (FBT) or other tax liability is to be met by the participating employee.

All employees entering into a Salary Packaging arrangement must enter into an agreement appropriate to the type of Benefit. All employees must ensure compliance with the agreement entered into and all organisational practices and procedures, as amended from time to time.

It is an individual employee's responsibility to monitor packaging arrangements and to be aware of and responsible for any individual consequences of participating in an arrangement relating to an Allowable Benefit. The City strongly urges employees contemplating Salary Packaging to seek independent financial or other appropriate advice. Benefits of participation will vary according to individual circumstances and individual participation, therefore participation is a matter of individual employee decision, responsibility and risk.

3.1 Responsibilities:

Elected Members will:

-
- Adopt and review this policy on a periodic basis as required.

CEO will:

- Endorse and enforce all standards documented in this policy;
- Endorse and enforce operational Salary Packaging practices and procedures which include, but are not limited to:
 - Eligibility and participation criteria

Last updated 08 March 2017

- Rules for application of Salary Packaging;
 - Processes and/or forms to ensure an effective, compliant scheme;
 - Information capture requirements;
 - Training requirements.
- Regularly review Salary Packaging opportunities to continuously identify opportunities for improved attraction and retention of staff.
- Establish mechanisms to monitor compliance with this policy;
- Establish processes to deal with instances of non-compliance to this policy or related operational practices and procedures.

3.2 Eligibility Criteria

Specific eligibility and participation criteria apply dependant on an employee's employment status at a point in time, and the Allowable Benefit provided. The City's operational practices and procedures detail criteria further to that outlined below.

Work Related Items

The following items, where used for **work purposes only** and not provided by the City, may be paid for from an employee's pre-tax salary:

- portable electronic devices (laptops, mobile phones and PDA's)
- protective clothing
- briefcase
- calculator
- computer software

There is a limit of one item per category per FBT year.

Novated Leasing of Vehicles

Novated car leases for new or used cars may be packaged by employees. A car classified as 'luxury' by the ATO cannot be salary packaged. Novated leases may not be entered into for City provided (fleet) vehicles.

In entering into a novated lease, Council and an employee will enter into an agreement with the financier whereby Council will ensure repayments under the finance lease are made by deducting the repayment amount from the employee's salary.

The employee will own the vehicle and has the right to take the vehicle with them should they leave employment of the City, with responsibility for the vehicle passed on to the employee.

Remote Area Housing

Eligible employees may salary package the following items under this Policy:

Rent - Employer Provided Housing

Council, at its discretion may agree to provide eligible employees with a Council owned or leased rental property as part of their package, and the employee may apply to salary package 100% of the rental value tax free by being paid part of their Total Remuneration as a non-taxable remote housing reimbursement. Their Base Cash Salary will be reduced accordingly.

Last updated 08 March 2017

Rent - Private Rentals

Employees renting privately (i.e. employees who have a rental agreement with a landlord or agency), within a Remote Area can apply to salary package 50% of their rental value tax free through being paid part of their Total Remuneration as a non-taxable remote housing reimbursement. Their Base Cash Salary will be reduced accordingly.

Mortgage Interest

Subject to qualifying criteria outlined in the City's operational practice and procedure, employees with a mortgage on their home which is in a Remote Area can apply to salary package their interest expenses on the mortgage. The home must be their usual place of residence.

The employee receives reimbursement of 100% of their interest expenses paid through being paid part of their Total Remuneration as a reimbursement. Their Base Cash Salary will be reduced accordingly. 50% of the reimbursement does however attract FBT, which is payable by the employee. The reimbursement is not a reportable fringe benefit and is therefore exempt from payment summary reporting.

The employee is only able to package interest paid during the period of their employment with the City of Busselton and only from 1 July 2014 onwards.

Remote Area Domestic Energy

Subject to qualifying criteria outlined in the City's operational practice and procedure, employees who package remote area housing benefits can apply to salary package 100% of the value of the cost of their residential electricity and gas expenses tax free through being paid part of their Total Remuneration as a reimbursement. Their Base Cash Salary will be reduced accordingly. 50% of the reimbursement does however attract FBT, which is payable by the employee. The reimbursement is not a reportable fringe benefit and is therefore exempt from payment summary reporting.

The employee is only able to package energy costs paid during the period of their employment with the City of Busselton and for the period that they are / have been claiming a remote housing benefit.

Airline Lounge Membership

Employees can apply to salary package the cost of the following:

- Airline lounge membership joining fee
- Airline membership annual renewal fee

Their Base Cash Salary will be reduced accordingly. These membership fees are "tax free" when provided to an employee as part of a Salary Packaging arrangement.

Membership fees to more than one airline lounge facility are permitted.

Frequent Flyer membership fees are not eligible for salary packaging as they do not give an entitlement to use an airline lounge facility.

Policy Background

Policy Reference No. -	042
Owner Unit –	Employee Services & Risk
Originator –	Employee Services & Risk
Policy approved by –	Council

Last updated 08 March 2017

Date Approved - 8 March, 2017
Date Reviewed - As required
Related Documents Salary Packaging Operational Practices, Procedures and Manuals
Salary Packaging Agreement
City of Busselton Enterprise Agreement 2014

History

Council Resolution	Date	Information
C1703/039	8 March, 2017	Amended Policy to simplify and remove operational aspects now included in the OPP Version 4
C14/08/197	13 August, 2014	Amended Policy to streamline and simplify Version 3
C1204/095	24 April, 2012	Amended Policy to include Remote Area Mortgage Interest, Remote Area Domestic Energy, Airline Lounge Membership Version 2
		Date of implementation Version 1

6.4 DESIGNATION OF SENIOR EMPLOYEES AND ACTING CEO.

SUBJECT INDEX:	Human Resources
STRATEGIC OBJECTIVE:	Accountable leadership that is supported by a skilled and professional workforce.
BUSINESS UNIT:	Corporate Services
ACTIVITY UNIT:	Human Resources
REPORTING OFFICER:	Manager Corporate Services - Sarah Pierson
AUTHORISING OFFICER:	Director Finance and Corporate Services - Tony Nottle
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Proposed Policy - Designation of Senior Employees and Acting CEO ↓ Attachment B Current Policy - Senior Employee ↓

PRÉCIS

This report presents a new policy with respect to the designation of senior employees and the appointment of an Acting Chief Executive Officer (CEO) during periods of leave by the Chief Executive Officer for periods of up to six continuous weeks.

Council policy 149 – Senior Employees currently deals with the designation of senior employees however there is currently no formal policy in place with respect to the appointment of an Acting CEO. It is recommended that Council adopt the new policy as attached (Attachment A).

BACKGROUND

Section 5.37(1) of the Local Government Act 1995 (the Act) provides for a local government to designate employees or persons belonging to a class of employees to be Senior Employees. Section 5.37(2) of the Act requires the CEO to inform the Council of each proposal to employ or dismiss a Senior Employee. The current Council policy 149 – Senior Employees, last reviewed in April 2015, designates the following positions as Senior Employees:

- Director, Planning and Development Services;
- Director, Community and Commercial Services;
- Director, Engineering and Works Services; and
- Director, Finance and Corporate Services

The proposed policy does not amend the designation of senior employees but converts the current policy into the new Council policy template and adds to it with respect to the appointment of an Acting CEO.

Section 5.36 of the Act establishes that a person is not to be employed in the position of CEO unless the council believes that the person is suitably qualified for the position. Council does not currently have a formal policy with respect to the appointment of an Acting CEO, with the CEO having responsibility under his contract of employment for all staffing matters, including the appointment of an Acting CEO for periods when he is on leave. While this has worked effectively since his commencement in 2010, recent reviews of the City's governance system has identified a potential gap in the City's policy framework.

STATUTORY ENVIRONMENT

Section 5.37 of the Act provides for a local government to designate employees or persons belonging to a class of employees to be Senior Employees and outlines the requirement for the CEO to inform the Council or each proposal to employ or dismiss a Senior Employee.

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 the recommendation of a Committee it has established in accordance with Section 5.8 of that Act.

RELEVANT PLANS AND POLICIES

N/A

FINANCIAL IMPLICATIONS

N/A

Long-term Financial Plan Implications

N/A

STRATEGIC COMMUNITY OBJECTIVES

The Officers recommendation aligns with and supports the Council's Strategic Community Plan 2017, specifically Key Goal 6– Leadership and Community Objective 6.1 – Governance systems, processes and practices are responsible, ethical and transparent, and 6.3 – Accountable leadership that is supported by a skilled and professional workforce.

RISK ASSESSMENT

There are no risks identified of a medium or greater level associated with the Officers recommendation with the policy serving to secure the operational effectiveness of the organisation.

CONSULTATION

Officers sought advice from the Western Australian Local Government Association who confirmed that a Council policy outlining the person/s and / or the incumbents of position/s considered to be suitably qualified to act as CEO was recommended.

OFFICER COMMENT

The proposed policy does not seek to change the designation of Senior Employees. It does however seek to formalise Council's policy position with respect to who is a suitably qualified person for the position of Acting CEO. To this end the policy proposes that incumbent Senior Employees will be appointed as Acting CEO for periods of leave at the discretion of the CEO, subject to performance and dependant on availability and operational requirements. Leave is defined as annual or personal leave (that is sick or carers leave) with the policy limiting this discretion to a period of six continuous weeks. Beyond this a formal decision of Council will be required to appoint an Acting CEO.

Since commencing employment in August 2010, the CEO has effectively managed the appointment of an Acting CEO for his periods of leave, ensuring that each Senior Employee is given the opportunity to act, while at the same time ensuring timing is appropriate to each person and their role requirements.

This has enabled all four Senior Employees to develop their skills and gain experience in the role of CEO, and minimises the risk of the organisation not having a suitably capable person to act as CEO.

The proposed policy does not therefore seek to change the current practice with respect to the appointment of an Acting CEO, but seeks to formally endorse it and ensure there is a supporting policy background.

CONCLUSION

The proposed policy updates the current Senior Employees policy and introduces a policy background for the appointment of an Acting CEO. Current practices with respect to the designation of Senior Employees and the appointment of an Acting CEO are considered to be effective and the policy is not designed or expected to change these.

OPTIONS

Council could decide not to adopt the proposed policy and instead require a different approach to be taken to either the designation of Senior Employees or to the appointment of an Acting CEO. For reasons outlined in this report this is not recommended.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The new policy will be effective as of its adoption by Council.

OFFICER RECOMMENDATION

That the Council adopts the Designation of Senior Employees and Acting CEO Policy as shown in Attachment A, to replace the current Senior Employees Policy as shown in Attachment B.

COUNCIL POLICY
DESIGNATION OF SENIOR EMPLOYEES AND ACTING CEO


City of Busselton
Geographic Bay

Council Policy Number: 149

Version: Proposed

Responsible Directorate: Finance and Corporate Services

1. PURPOSE

- 1.1. To designate Senior Employees in accordance with Section 5.37(1) of the Local Government Act 1995.
- 1.2. To provide for the appointment of a Senior Employee as Acting Chief Executive Officer during periods of Leave by the Chief Executive Officer such that the continuous and efficient execution of the City's functions is maintained.

2. SCOPE

- 2.1. This Policy applies to the role of Chief Executive Officer of the City of Busselton and those employees designated as Senior Employees.

3. DEFINITIONS

Term	Meaning
Act	Local Government Act 1995
City	City of Busselton
Council	The Council of the City of Busselton
Leave	Annual or personal leave for periods of up to six continuous weeks

4. STRATEGIC CONTEXT

- 4.1. This policy aligns with and supports the Council's Key Goal Area 6 'Leadership' of the City's Strategic Community Plan 2017 and specifically the following Community Objective/s:
 - a. 6.1 Governance systems, process and practices are responsible, ethical and transparent; and
 - b. 6.3 Accountable leadership that is supported by a skilled and professional workforce.

5. POLICY STATEMENT

- 5.1. In accordance with Section 5.37(1) of the Act, a local government may designate employees or persons belonging to a class of employees to be Senior Employees.
- 5.2. In accordance with Section 5.37(2) of the Act, the CEO is to inform the Council of each proposal to employ or dismiss a Senior Employee.
- 5.3. The Senior Employees of the City are designated as:
 - a. Director, Planning and Development Services;
 - b. Director, Community and Commercial Services;
 - c. Director, Engineering and Works Services; and

d. Director, Finance and Corporate Services

5.4. In accordance with the requirements of the *Local Government Act 1995*, section 5.36(2)(a), the Council has determined that the persons appointed as Senior Employees are suitably qualified to perform the role of Acting Chief Executive Officer.

5.5. Senior Employees will be appointed to the role of Acting Chief Executive Officer at the discretion of the Chief Executive Officer subject to performance and dependent on availability and operational requirements.

5.6. Appointments for any periods exceeding six continuous weeks will be determined by Council resolution.

6. RELATED DOCUMENTATION / LEGISLATION

6.1. Local Government Act 1995

7. REVIEW DETAILS

Review Frequency		3 yearly		
Council Adoption	DATE		Resolution #	
Last Reviewed	DATE	08/05/2015	Resolution #	C1504/081

Last updated 08/04/2015

149	Senior Employees	V3 Current
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1. PURPOSE

To designate employees as Senior Employees in accordance with Section 5.37(1) of the Local Government Act 1995.

2. SCOPE

In accordance with Section 5.37(2) of the Local Government Act 1995, the CEO is to inform the Council of each proposal to employ or dismiss a Senior Employee.

In accordance with Section 5.39(1) the employment of a Senior Employee is to be governed by a written contract.

In accordance with Section 5.120, the Complaints Officer in relation to the Conduct of Certain Officials must be a Senior Employee or the CEO.

3. POLICY CONTENT

The Senior Employees of the City of Busselton are designated as:

- * Director, Planning and Development Services;
- * Director, Community and Commercial Services;
- * Director, Engineering and Works Services;
- * Director, Finance and Corporate Services.

Policy Background

Policy Reference No. - 149

Owner Unit – CEO – Governance/Major Projects

Originator – CEO

Policy approved by – Council

Date Approved – 24 November 2010

Review Frequency – As required

Related Documents –

Section 5.37 of the Local Government Act 1995

Background -

Policy supersedes Policy 149/6 as at 1 January 2011

History

Council Resolution	Date	Information
C1504/081	8 April, 2015	Version 3
C1011/406	24 November, 2010	New structure implemented Version 2
		Version 1

7. GENERAL DISCUSSION ITEMS

8. NEXT MEETING DATE

Tuesday, 26 June 2018

9. CLOSURE