

Please note: These minutes are yet to be confirmed as a true record of proceedings

CITY OF BUSSELTON

MINUTES FOR THE COUNCIL MEETING HELD ON 10 MARCH 2021

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MINUTES

MINUTES OF A MEETING OF THE BUSSELTON CITY COUNCIL HELD IN THE COUNCIL CHAMBERS, ADMINISTRATION BUILDING, SOUTHERN DRIVE, BUSSELTON, ON 10 MARCH 2021 AT 5.30PM.

1. **DECLARATION OF OPENING ACKNOWLEDGEMENT OF COUNTRY / ACKNOWLEDGEMENT OF VISITORS / DISCLAIMER / NOTICE OF RECORDING OF PROCEEDINGS**

The Presiding Member opened the meeting at 5.30pm.

The Presiding Member noted this meeting is held on the lands of the Wadandi people and acknowledged them as Traditional Owners, paying respect to their Elders, past and present, and Aboriginal Elders of other communities who may be present.

2. **ATTENDANCE**

Presiding Member:

Cr Grant Henley Mayor

Members:

Cr Kelly Hick Deputy Mayor
Cr Sue Riccelli
Cr Ross Paine
Cr Paul Carter
Cr Phill Cronin
Cr Jo Barrett-Lennard
Cr Lyndon Miles

Officers:

Mr Mike Archer, Chief Executive Officer
Mr Matthew Twyman, Acting Director, Engineering and Works Services
Mr Paul Needham, Director, Planning and Development Services
Mrs Naomi Searle, Director, Community and Commercial Services
Mr Tony Nottle, Director, Finance and Corporate Services
Ms Sarah Pierson, Manager, Governance and Corporate Services
Ms Melissa Egan, Governance Officer

Apologies:

Nil

Approved Leave of Absence:

Cr Kate Cox

Media:

“Busselton-Dunsborough Times”
“Busselton-Dunsborough Mail”

Public:

97

3. PRAYER

The prayer was delivered by Pastor Andy Pitt of the Down South Gospel Church.

4. APPLICATION FOR LEAVE OF ABSENCE

Nil

5. DISCLOSURE OF INTERESTS

Nil

6. ANNOUNCEMENTS WITHOUT DISCUSSION

Announcements by the Presiding Member

Nil

7. QUESTION TIME FOR PUBLIC

Response to Previous Questions Taken on Notice

Nil

Question Time for Public

7.1 Mr Keith Simms

Question

At last week's Community Access Session, Councillor Paine said the Bay to Bay Action Group was not a majority group as it did not have 50% of the community involved in it. Councillor Paine, what percentage of the community was consulted in relation to the performing arts centre?

Response

(Cr Ross Paine)

The actual numbers can be taken on notice. However, there is a difference between saying that one group of people is a majority or minority as a proportion of another number and between statistical surveying, which is a random sample of the population. They are not the same thing. The numbers of the surveys, each one will be different, but importantly, they were statistically significant. The survey from 2017, for example, has a sampling error margin of 5% and a confidence level of 95%, meaning that you can be 95% confident that you would get the same answer if you surveyed literally everyone as you did with the sample.

Question

My question is to Councillor Carter – would you be happy with a borrowing of \$15 million plus the rates increasing to \$65 extra a year?

Response

Yes. I am happy to spend more money on a building that will be more functional and deliver greater benefit to the community than a less multifunctional facility which is cheaper.

7.2 Mr Ian Clarke**Question**

Has the Council got the ability to take action on obviously decaying asbestos sheds around the place? A good example is on Brown Street, where the roof is frittering away and is right next to a public walkway.

Response

(Paul Needham, Director Planning and Development Services)

We do have some powers in relation to things on private land. If you can let us know the sites, we can arrange staff to undertake an inspection and identify what needs to occur.

7.3 Ms Anne Ryan**Question**

The officer comment in response to Councillor Riccelli's motion at the 24 June 2021 Council meeting contained a quote from the Hilton developers which says "understanding that the conference facilities were to be included in the BEACH complex was one of the factors that informed our investment decision to proceed with the Hilton project down at the foreshore. Conferencing facilities that are close to hotels are great generators of room revenue. They enhance the existing business travel market and also have a positive impact on the broader tourism market. We would be disappointed if the City decides to go down this path, as we would view this as a significant deviation from what we have been led to believe. I would urge you to reconsider this proposed deviation from your original vision". Who authored the officer comment in response to Councillor Riccelli's motion at the 24 June 2021 Council meeting?

Response

(Mrs Naomi Searle, Director Community and Commercial Services)

It was a combined effort by a number of people. It was myself, our Governance Manager Sarah Pierson, and Maxine Palmer, Manager of Events and Cultural Services.

Question

You do not dispute that the quote came from the developers or the Hilton people?

Response

(Mrs Searle)

No.

Question

Which staff members were involved in the negotiations and discussions with the Hilton and/or the developers Pacifica Ausglobal Busselton?

Response

(Mayor)

I have been involved in some meetings with Pacifica, our CEO has, and our legal team.

Question

So, you were the only Councillor involved in those discussions?

Response

(Mayor)

I am the only Councillor, I understand, that has met with the Pacifica Ausglobal group, but they may have made a presentation to Council.

Question

What specifically were the Hilton or the developer led to believe?

Response

(Mayor)

Like anyone that comes to invest in the City of Busselton, we illustrate plans that we have for the long term, including the airport, the foreshore development and, at the time, the plans for a performing arts centre, which was on our budget, our long term financial plan and on our long term strategic plan from 2010.

Question

Has any written agreement been made with the Hilton and/or developer in regards to this understanding of the provision of a performing arts conference facility at the BEACH?

Response

(Mr Mike Archer, Chief Executive Officer)

No.

Question

If the BEACH did not go ahead, would there be any legal ramifications with the Hilton and/or developer?

Response

(Mr Archer)

No.

7.4 Mr Tony Plumb**Question**

I am from the soccer club in Dunsborough. Can you guarantee that the worn areas on our pitch will be rectified to the same standard as everything else around the pitch?

Response

(Mayor)

I understand our staff have been liaising with yourself and there have been some remediation works to those areas of concern. I am prepared to come down and meet with you tomorrow or Friday and I will take some more advice from staff prior to our meeting.

Question

In relation to the new Dunsborough Lakes oval, will you give us a break-up of the funds available today, the future funds, and on what you intend to spend those funds?

Response

(Mayor)

We can provide some of that information. Most of that information is in our budget for the project, but we have received State Government funding, Federal funding, various developers contributions, as well as City funds.

Question

Has the plan for the new fields been adopted by Council?

Response

(Mayor)

I will take that on notice and can tell you at our meeting tomorrow.

11. ITEMS BROUGHT FORWARD

At this juncture of the meeting, the Mayor advised, for the benefit of the public in attendance, Item 9 and Item 16.1 would be brought forward for consideration.

9. RECEIVING OF PETITIONS, PRESENTATIONS AND DEPUTATIONS**Petitions**

Nil

Presentations

Ms Anne Ryan presented as a Party with an Interest in relation to item 16.1 'Response to Motion - General Meeting Of Electors 8 February 2021 - Call for Referendum'. Ms Ryan was in favour of options A or B of the Officer Recommendation and supporting a referendum.

Mr Ray Mountney presented as a Party with an Interest in relation to item 16.1 'Response to Motion - General Meeting Of Electors 8 February 2021 - Call for Referendum'. Mr Mountney was in support of a referendum.

Mr Gordon Bleechmore presented as a Party with an Interest in relation to item 16.1 'Response to Motion - General Meeting Of Electors 8 February 2021 - Call for Referendum'. Mr Bleechmore was in support of a referendum.

Mr David Barton presented as a Party with an Interest in relation to item 16.1 'Response to Motion - General Meeting Of Electors 8 February 2021 - Call for Referendum'. Mr Barton was against a referendum.

Mrs Heather Carroll presented as a Party with an Interest in relation to item 16.1 'Response to Motion - General Meeting Of Electors 8 February 2021 - Call for Referendum'. Mrs Carroll was against a referendum.

Mrs Judy Walsh presented as a Party with an Interest in relation to item 16.1 'Response to Motion - General Meeting Of Electors 8 February 2021 - Call for Referendum'. Mrs Walsh was against a referendum.

Deputations

Nil

ITEMS FOR DEBATE**16.1 RESPONSE TO MOTION - GENERAL MEETING OF ELECTORS 8 FEBRUARY 2021 - CALL FOR REFERENDUM**

STRATEGIC GOAL	6. LEADERSHIP Visionary, collaborative, accountable
STRATEGIC OBJECTIVE	6.2 Council engages broadly and proactively with the community.
SUBJECT INDEX	Governance
BUSINESS UNIT	Corporate Services
REPORTING OFFICER	Manager Governance and Corporate Services - Sarah Pierson Director Finance and Corporate Services - Tony Nottle
AUTHORISING OFFICER	Chief Executive Officer - Mike Archer
NATURE OF DECISION	Executive: Substantial direction setting, including adopting budgets, strategies, plans and policies (excluding local planning policies); funding, donations and sponsorships; reviewing committee recommendations
VOTING REQUIREMENT	Simple Majority
ATTACHMENTS	Nil

Cr Barrett-Lennard foreshadowed an alternative to the officer recommendation prior to the meeting. In accordance with the City's *Standing Orders Local Law 2018*, the alternative motion was considered first.

There was opposition and debate ensued.

COUNCIL DECISION

C2103/035 Moved Councillor J Barrett-Lennard, seconded Councillor K Hick

That the Council:

- 1. Resolves not to proceed with a referendum in relation to the performing arts and convention centre project, noting the consultation and work undertaken to date in relation to the project; and**
- 2. Confirms it will further consider and decide whether to proceed with the project on the receipt of construction tenders and in conjunction with considering those tenders.**

CARRIED 7/1

For the motion: Cr Henley, Cr Hick, Cr Barrett-Lennard

Cr Cronin, Cr Carter, Cr Miles, Cr Paine

Against the motion: Cr Riccelli

Reasons: Since 2008, the City of Busselton has developed the plan for the Busselton Performing Arts Centre as a significant and long term strategic planning project. Since this time, there has been documented community consultation, considerable research and extensive budget planning, which brings the Performing Arts Centre to the tender stage today.

Approximately 25% of the population of the City of Busselton is under the age of 18, who are ineligible to vote in a referendum, yet make up a large group of key users of the Performing Arts Centre.

A referendum within local government is neither compulsory nor binding.

Progressing to the tender stage of any infrastructure project is not a referendum issue, but a strategic decision to be made by council.

Point 2 of the motion has created a hold point where the Performing Arts Centre can be re-evaluated. There has been significant consideration regarding the Performing Arts Centre, as well as due diligence and budget assessment, and this will continue with receipt of the construction tenders.

OFFICER RECOMMENDATION

That the Council resolve as per one of either Option A, Option B, Option C, Option D, or Option E.

Option A

That the Council:

1. In accordance with the motion moved at the General Meeting of Electors 8 February 2021, conduct a referendum as soon as possible in relation to the performing arts and conference centre project as per Resolution C2006/066 of Council resolved 24 June 2020;
2. Hold a workshop to agree to the wording of the referendum question including community groups such as the Bay to Bay Action Group and other community groups across the district together with interested individuals; and
3. Engage the Western Australian Electoral Commission to run the referendum in accordance with Section 4.99(3) of the *Local Government Act 1995*, and Regulation 89 of the *Local Government (Election) Regulations 1996*.

OR

Option B

That the Council:

1. In accordance with the motion moved at the General Meeting of Electors 8 February 2021, conducts a referendum using the combined electoral roll as soon as possible in relation to the performing arts and conference centre project as per Resolution C2006/066 of Council resolved 24 June 2020;
2. Does not support the holding a workshop with community groups or interested individuals in relation to the question;
3. Resolves on the following question to be asked
“Do you support the proposal by the City of Busselton to build a performing arts and convention centre for the District, as outlined in the attached information sheet”
with an information sheet to clearly set out factual information as to the project scope, estimated construction costs and projected operating costs; and
4. Engage the Western Australian Electoral Commission to run the referendum in accordance with Section 4.99(3) of the *Local Government Act 1995*, and Regulation 89 of the *Local Government (Election) Regulations 1996*.

OR

Option C

That the Council:

1. In accordance with the motion moved at the General Meeting of Electors 8 February 2021, conducts a referendum using a combination of the combined electoral roll and the ratepayer roll as soon as possible in relation to the performing arts and conference centre project as per Resolution C2006/066 of Council resolved 24 June 2020;
2. Does not support the holding a workshop with community groups or interested individuals in relation to the question;

3. Resolves on the following question to be asked

“Do you support the proposal by the City of Busselton to build a performing arts and convention centre for the District, as outlined in the attached information sheet”

with an information sheet to clearly set out factual information as to the project scope, estimated construction costs and projected operating costs; and

4. Engage the Western Australian Electoral Commission to run the referendum in accordance with Section 4.99(3) of the *Local Government Act 1995*, and Regulation 89 of the *Local Government (Election) Regulations 1996*.

OR

Option D

That the Council

1. Resolves not to proceed with a referendum in relation to the performing arts and convention centre project; and
2. Resolves to either
 - (a) engage an independent survey company to conduct a community wide survey of households using unaddressed mail, and in addition a random sample survey of non-elector ratepayers; or
 - (b) engage an independent survey company to conduct a representative random sample telephone survey of 1,000 community members.

OR

Option E

That the Council

1. Resolves not to proceed with a referendum in relation to the performing arts and convention centre project, noting the consultation and work undertaken to date in relation to the project; and
2. Confirms it will further consider and decide whether to proceed with the project on the receipt of construction tenders and in conjunction with considering those tenders.

EXECUTIVE SUMMARY

At the General Meeting of Electors, 8 February 2021, the following motion was carried:

“The Electors of the City of Busselton request the Council conduct a referendum as soon as possible on the performing arts and conference project as per Resolution 15.1 of Council on 24 June 2020. The Resolution being a project between \$28.5m and \$30.3m.

Further, that a workshop to agree to the wording of any referendum include community groups such as the Bay to Bay Action Group and other community groups across the district together with interested individuals.”

This report considers that motion and recommends that Council choose one of five options presented for consideration.

BACKGROUND

The development of a Performing Arts and Convention Centre (PACC) has been a long aspired community project, and has been consistently identified as a local priority project over several iterations of the City’s Strategic Community Plan (2010, 2013, review 2015, 2017 and review 2019). It was also contained in the South West Blueprint (February 2015) as a regional priority project, and is identified in the City of Busselton Economic Development Strategy (2016-26) as a key project that will support tourism growth and the concept of ‘quality of place’.

The history of the project has been outlined in previous reports to Council on 29 January 2020 and 24 June 2020. Key points are outlined in brief below.

Numerous feasibility studies and assessments into the demand for a PACC have been undertaken over the previous 13 years. In 2008, the then Shire of Busselton commissioned a report into the feasibility of a performing arts and creative industries centre. This report recommended that the Council proceed with a 250 seat black box theatre (stage 1), expanding to a 650 seat facility over time with addition of a 400 seat proscenium arch theatre. An arts and cultural needs assessment undertaken in 2012 made similar recommendations. In 2016, a market demand analysis identified demand at that point in time, given significant growth in the City’s population, for a performing arts centre of 650 seats.

With respect to location, a number of sites have been examined and in 2011, the Council (C1104/115) identified Lot 450 Queen Street in the Cultural Precinct, as a possible location for the PACC. In 2014, Council also considered the potential for a multi-function civic centre that could be incorporated into the design of the City’s new administration building. Council considered feedback from comprehensive community consultation for this proposal and confirmed its commitment (C1407/186) to progress the community’s preference of a stand-alone performing arts facility, to be developed within the Cultural Precinct. As Lot 450 Queen Street remained (and still remains) occupied by the Department of Biodiversity Conservation and Attractions, the Council, in 2016, resolved (C1605/127) to reconfirm its commitment for the development of a PACC within the Cultural Precinct and further endorsed Lots 43 and 44 Queen Street as the preferred location.

In June 2019, the City secured \$10.35M from the Federal Government’s Regional Growth Fund for the design and development of a PACC, to be matched by the City.

At the General Meeting of Electors held on 2 December 2019, the following motion was carried:

That the City of Busselton conduct a thorough survey of the Busselton Community to ascertain if the community wants a performing arts centre, whether they are prepared to pay the construction costs for it and pay the costs to operate it, and to decide the community's preference for the location of the proposed new Busselton entertainment centre; and that the location options include the Brown Street Council owned future parking site near the historic Butter Factory Museum.

Council considered the motion at its Ordinary Meeting on 29 January 2020 and resolved (C2001/021) that no further action be taken, given the extensive consultation undertaken since 2007 in relation to the development and location of a performing arts centre.

In June 2020, Council reconfirmed (C2006/066) its commitment to the project as per a design developed by Kerry Hill Architects, at a budget of between \$28.5M and \$30.3M, and endorsed a funding strategy involving loan borrowings / debt financing of up to \$17M over a 20 year term. Council also resolved that it would continue to seek external funding for the project, to reduce the quantum of loan borrowing required.

Since then, the optional Creative Industries Hub has been removed from the project design, with the current scope of the project budgeted at \$28.5M, reducing the loan requirement to fund the project to \$15M.

OFFICER COMMENT

The information and options below are provided by officers in order to assist Council in their consideration of the motion.

Option A & B – Referendum (Combined Electoral Roll)

Under Section 4.99(3) of the *Local Government Act 1995* (the Act), local governments may hold advisory (or non-binding) referendums or polls. The *Local Government (Elections) Regulations 1996* (the Regulations) outline provisions in relation to preparing for, conducting and ascertaining the result of polls and referendums, and specify that the Electoral Commissioner may, on behalf of a local government, conduct polls and referendums or other kinds of surveys.

A cost estimate for a stand-alone referendum of electors on one topic has been obtained from the Western Australian Electoral Commission (WAEC). Based on 29,400 electors and a 38% participation rates, a postal referendum is estimated at \$75,000 (GST incl.), with additional costs of between \$5k and \$10k for City officer time and set up of a polling place.

It is estimated that the referendum process would take five to six weeks. A referendum may be held in conjunction with the October 2021 Ordinary Election, however this would not provide for a timely resolution. It would also put the Federal Funding for the project at significant risk, with the City unable to meet the project completion date under the funding agreement (assuming that a tender would not be awarded until after the election). Additionally, if an early Federal election was called and there was a change in government, the City could lose the funding altogether, as has occurred in the past with a change of government at State and Federal level with the new airport terminal and the tennis club relocation (where the funding commitment was not honoured). This may also put future funding opportunities at jeopardy. A referendum run in conjunction with the October 2021 election is also likely to result in an election process focused around a singular issue. For all of these reasons it is not recommended and not presented as an option in this report.

If Council do elect to hold a referendum, it is the view of officers that the question should be determined by Council, without reference to community groups or interested individuals, as is their role. This is because the project scope has already been clearly resolved on by Council, which is the construction of a Performing Arts and Convention Centre within the Cultural Precinct, up to the value of \$28.5M.

The setting of a simple, easily understood question that provides a clear outcome is crucial in a referendum process. While referendums can present voters with more than a yes / no or more than two options, this is not recommended, noting that each option needs to be distinctive and lead to one clear outcome. Most importantly, there is only one currently endorsed performing arts and convention centre project, and therefore the question can only relate to that proposal. It is therefore recommended that Council resolve formally on the question (as is their role) and that it be phrased as follows, with an answer of yes or no to be provided:

“Do you support the proposal by the City of Busselton to build a performing arts and convention centre for the District, as outlined in the attached information sheet?”

The information sheet would set out factual information as to the project scope, estimated construction costs and projected operating costs.

The referendum result would not be binding on Council. The outcome would be reported formally to Council, and Council would be required to make a further determination. If Council do wish to hold a referendum, it is considered important that Councillors are prepared to reconsider their position on the project, dependant on the results. Councillors will need to consider what outcome in terms of voter turnout and majority vote, they consider a ‘valid’ representation of electors. For example, 51% of a 50% voter turnout, or something more or less.

Option C – Referendum (Combined Electoral and Rate Assessment Roll)

Traditionally a referendum would be carried out on the basis of the consolidated electoral roll, that is, the combined roll of residents, owners and occupiers. This roll does not however contain all of the City’s ratepayers. Ratepayers who are not residents of the City of Busselton, and who have not applied to be added to the owners and occupiers roll, are not captured. Based on a review of the ratepayer roll and the current owner occupier roll, officers estimate that approximately 30% of rateable assessments (approximately 8,500) are associated with non-resident ratepayers.

As the referendum is not proposed to be held in conjunction with the October 2021 elections, the City can request that the WAEC, use a combination of the combined electoral roll and the ratepayer roll for the referendum. Officers have contacted the WAEC to determine if they would agree to this and what the additional cost will be. At the time of publishing this report, the WAEC were unable to provide an additional cost estimate for this (obviously being very busy with the State election). Based on the quote of \$75,000 for 29,400 electors, and approximately 8,500 non-resident rateable assessments, it is estimated at an additional cost of \$20,000. Further confirmed information from the WAEC will be provided as soon as possible to Councillors.

Option D – Community Survey

As opposed to holding a referendum, Council could consider an independently run community survey. While there are a range of options available (and associated price points), the options presented below are cheaper than a stand-alone referendum, may reach a broader number of people and potential users of the facility, and also provide scope for additional analysis of results.

Council could engage an independent survey company to conduct a community wide survey of all residential households and residential PO Boxes, using unaddressed mail (circa 20,700 contacts in the Australia Post unaddressed mail database). Each household and residential PO Box, including those with no junk mail stickers (due to the City being a government body), would receive an unaddressed survey to complete. The envelope, in conjunction with promotion, can be designed to capture attention.

Respondents complete the survey either in hard copy using reply paid post, or by submitting it online. Respondents would be required to include their name and address for validation purposes and also be asked to answer some demography questions, including how many dependents (and age of) in the household. Assuming a response rate of 10%, a total of 2000 survey responses would be anticipated.

In addition, to capture absentee property owners, Council could use an independent consultant to undertake a separate random sample survey of non-resident rate assessments (based on postal codes of the ratepayer database). A 100 response survey would provide a 10% margin of error rate; that is, if 60% of respondents did or did not support the project, statistically between 50% and 70% of all people would support or not support the project. Alternatively Council could do a 1000 response survey which would reduce the error margin.

Survey results would be analysed, weighted (to ensure validity against ABS Census population data) and presented to Council separately – the community wide unaddressed survey and the random sample of absentee property owners. The total estimated cost for all of the above is between \$45,000 and \$50,000.

A variant of the survey option is for a representative random sample telephone survey. The survey company would set non-interlocking quotas by location, age and gender to be representative of the population (ABS Census). They would aim to complete 1,000 computer assisted telephone interviews (CATI) with a random sample of community members, conducting a proportionate number of interviews in each group. Telephone numbers are acquired through a third party research centre. Calls would continue to be made until the required response rate is reached for each group. This method ensures that the sample is representative of the community, without the need to weight responses. A risk to consider is that once quotas are filled in the older age groups, interviews will need to be declined for residents who may wish to take part. The estimated cost for this option is \$60,000.

Both survey options outlined would provide an avenue for non-resident ratepayers to have a say. Like a referendum, it would not allow for those under 18 to have a say (see discussion under Option E below), although with the survey addressed to the household, the views of the household, including those under 18, may be reflected.

Data collected would also allow the independent consultant to analyse the responses in more detail, including looking at the difference in responses between those with dependants and those without.

Option E – Not hold a referendum and continue with the project as per Council’s previous decision

Council is not obligated to implement motions moved at Elector’s meetings. Council could therefore choose to note the motion and resolve not to conduct a referendum.

As outlined in the background section of this report, successive Councils have, over successive years, resolved to progress the construction of a PACC as a strategic priority project. Accordingly significant work has been undertaken to get it to the point it is at today. Excluding staff time, costs involved to date in developing the detailed design (including professional fee commitment) and relocating the Wood Turners are estimated at \$1.85M.

Council have made a decision to progress the project, and, in deciding to hold a referendum, or even a community survey, Council must be prepared to reconsider their position, dependant on the results. Council must also accept that any decision not to go ahead with the project, will place in jeopardy the Federal funding of \$10.35M due to the City not being able to meet the conditions of the grant funding agreement. Interest rates are currently at an all-time low, with the City able to fix borrowings at very low interest rates over a long period of time. This won't remain the case forever though, and any delay to the project may see the costs of borrowings increase. Similarly building costs could also increase, and in fact there are already indications that this is starting to occur.

While the Council has made a decision to progress the project, they have also agreed on a hold point, with the ability to review that decision on receipt of tenders for construction. In the event that the project does proceed post a referendum, officers will, in order to meet project completion deadlines, need to continue with the tendering process in parallel to a referendum (or a community survey). A request for tender is expected to be released in March 2021, and presented to Council in early June 2021. Expending money to hold a referendum (or a community survey) in advance of this could be considered as a less than effective use of ratepayers' money, if the outcome of the tender process is significantly different to the estimated budget. It may also discourage builders from tendering, which they do at a significant cost to them.

As outlined above, if a referendum is chosen based on option A or B, input will not be sought from all of the City's ratepayers. Community members under the age of 18, who are future users of the facility and future ratepayers would also not have a say. According to population estimates, 25% of the City's population is aged under 18. While those under 18 are also not entitled to vote in a local government election, they are considered a key user group of this new facility, whether it be for dance concerts, school functions, or to attend live entertainment shows.

Finally, Council need to consider whether the holding of a referendum on this issue sets a precedent for future Councils faced with major decisions. It is the responsibility of a Council to make considered decisions in the best interest of the persons of the district; and in doing so they must weigh up a range of (sometimes competing) social, economic and environmental factors. There are of course costs associated with the construction and operating of a performing arts and convention centre, and these need to be considered also. This is true however of many facilities and services provided by Council – the provision of sporting ovals, recreation centres, libraries, the jetty, waste facilities, youth centres all have a cost associated with them. If the operating cost was always the overriding factor, none of these community facilities would have been built in the past.

It is the role of a Councillor to represent the interests of electors, ratepayers and residents of the district and to provide leadership and guidance to the community. This does not mean that a Councillor must always act in accordance with the wishes of a particular group or groups. Instead Councillors are required to form their own judgement through considering all of the information and issues put to them; they do this by listening to residents, by considering professional advice, by doing their own research and by listening to their fellow councillors through debate. It is in this context that Council must consider whether the holding of a referendum accords with their roles and responsibilities, and whether it will achieve on balance a positive outcome, as they have been elected to do.

Statutory Environment

Section 4.99 of the Act deals with polls and referendums. Relevantly, Section 4.99(3) provides that Regulations may make necessary or convenient provisions in relation to preparing for, conducting and ascertaining the result of polls and referendums held by local governments, whether under local laws or otherwise, and for ensuring the purity of the conduct of them.

Section 4.99(4) further states that, without limiting subsection (2) or (3), regulations may provide for the electoral rolls that are to be used, or prepared and used, for polls and referendums.

Regulation 88, 89 and 90 of the *Local Government (Elections) Regulations 1996*, set out as follows:

88. Election procedures apply to polls and referendums not required under Act — s. 4.99(3) and (4)

Subject to regulation 89, to the extent to which the provisions of Part 4 of the Act are capable of being applied with or without adaptation in respect of polls and referendums referred to in section 4.99(3), those provisions apply with or without adaptation in respect of those polls and referendums.

89. Election procedures need not be applied in certain cases — s. 4.99(2) to (4)

1. A local government can conduct a poll or referendum in such manner as it considers appropriate if:
 - a) the poll or referendum is not held in conjunction with an election; and
 - b) voting at the poll or referendum is not confined to electors.
2. Where a poll is required by the Minister under Schedule 2.1, clause 7 or 8 of the Act, the Minister may, by notice in writing to the relevant local government or local governments, fix the day on which the poll is to be held.
3. Where the Electoral Commissioner is to be responsible for the conduct of a poll, other than an electoral poll, the local governments involved in that poll may, with the agreement of the Electoral Commissioner, abridge the time periods set out in sections 4.20(5) and (6), 4.39(1) and (2), 4.40(1) and (2), 4.41(1), and 4.61(3) and (5), to take account of periods in Part 4 of the Act that only apply to electoral polling.

90. Electoral Commissioner may assist

The Electoral Commissioner may, on behalf of a local government, conduct:

- a) polls and referendums referred to in section 4.99(3); or
- b) other kinds of surveys, on such terms and conditions as the Electoral Commissioner and the local government may agree.

All of the options contained within this report meet the Statutory Requirements outlined in the Act and Regulations.

Relevant Plans and Policies

The development of a PACC for Busselton has been identified in the City of Busselton Strategic Community Plan since 2010 (2013, reviewed 2015; 2017 and 2019) as a local priority project. The South West Regional Blueprint (February 2015) identifies the construction of a performing arts venue in the Busselton Cultural Precinct as a project of regional significance in support of burgeoning creative industries and events. It continues to be identified as a priority project through subsequent reviews.

Financial Implications

The direct financial implications associated with the options outlined in the officer comment are tabled below:

Option	Costs
A & B– referendum using combined electoral roll	\$75,000 - \$85,000
C – referendum using a combination of the combined electoral roll and the ratepayer roll	\$95,000 - \$105,000 *
D – community survey (dependant on method)	\$45,000 - \$60,000
E – not holding a referendum and proceeding as per previous Council decision	\$0

** to be confirmed*

Additionally in relation to options A, B, C and D there will be indirect (staff) costs associated with the development and production of information material. Costs associated with these options are not provided for within the City's 2020/2021 budget and would therefore need to be offset by any potential end of year surplus or result in an end of year deficit position of the City's municipal fund.

Stakeholder Consultation

This report is the result of a motion moved at the General Meeting of Electors in February 2021. In preparing the report officers have consulted with the WAEC, and Catalyse, a well-established and respected survey company who work extensively with local government and communities.

Risk Assessment

An assessment of the potential implications of implementing each of the options contained in the officer recommendation has been undertaken using the City's risk management framework, with risks assessed taking into account any controls already in place.

The following risks associated with conducting a referendum have been identified:

Conducting a referendum and the result being close. The Council may be in the same position but having expended significant funds.			
Risk Category	Risk Consequence	Likelihood of Consequence	Risk Level
Financial	Minor	Likely	Medium
Conducting a referendum and the result indicating a lack of broad support for the project. The Council will then need to decide whether to shelve the project for now and return the grant funding, resulting in the project requiring more ratepayer funds or the need to be significantly reduced the scope of the project.			
Risk Category	Risk Consequence	Likelihood of Consequence	Risk Level *
Financial	Catastrophic	Possible	High

** Note: based on the loss of \$10.5M in funding this risk is actually considered extreme under the City's risk framework.*

The following risk associated with undertaking a community survey instead of a referendum have been identified:

Conducting a community survey instead of a referendum, the risk being that those calling for a referendum will not support the survey outcomes.			
Risk Category	Risk Consequence	Likelihood of Consequence	Risk Level
Reputation	Minor	Likely	Medium

The following risks associated with not conducting a referendum (or a community survey) have been identified:

Not conducting a referendum or a community survey and the matter remaining an election issue.			
Risk Category	Risk Consequence	Likelihood of Consequence	Risk Level
Reputation	Moderate	Likely	High
Not conducting a referendum or a community survey and therefore a perception from sectors of the community that they are not being listened to.			
Risk Category	Risk Consequence	Likelihood of Consequence	Risk Level
Reputation	Minor	Likely	Medium

Options

This report presents a number of options for the Council. It is for the Council to determine which option they prefer. Councillor/s will be required to foreshadow and move (with support of a seconder) their preferred option for consideration and / or debate.

CONCLUSION

In summary Council is asked to consider five options:

- Option A - to undertake a referendum and determine the question as per the motion moved at the General Meeting of Electors;
- Option B - to undertake a referendum and determine as a Council the question to be answered;
- Option C - to undertake a referendum as per B but using an expanded roll (subject to agreement of the WAEC);
- Option D - not to undertake a referendum and to instead run a community survey. In this option Councillors are asked to select which survey variant they would like to proceed with – option a and b; or
- Option E - not to undertake a referendum and to proceed with the project, subject to further consideration on receipt and consideration of tenders.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Option A, B, and C would be implemented over the next 12 weeks, with preparatory work undertaken in March, the referendum in April and results presented to Council at the end of May / early June. Option D would follow a similar timeline. Option E will align with the tender process and timeframes associated with presentation of the report.

8. CONFIRMATION AND RECEIPT OF MINUTES**Previous Council Meetings**8.1 Minutes of the Council Meeting held 24 February 2021**COUNCIL DECISION****C2103/036** Moved Councillor P Cronin, seconded Councillor K Hick**That the Minutes of the Council Meeting held 24 February 2021 be confirmed as a true and correct record.****CARRIED 8/0**8.2 Minutes of the General Meeting of Electors held 8 February 2021**COUNCIL DECISION****C2103/037** Moved Councillor P Carter, seconded Councillor R Paine**That the Minutes of the General Meeting of Electors held 8 February 2021 be noted.****CARRIED 8/0****Committee Meetings**8.3 Minutes of the Audit Committee Meeting held 24 February 2021**COUNCIL DECISION****C2103/038** Moved Councillor J Barrett-Lennard, seconded Councillor P Carter**That the Minutes of the Audit Committee Meeting held 24 February 2021 be noted.****CARRIED 8/0**8.4 Minutes of the Policy and Legislation Committee Meeting held 24 February 2021**COUNCIL DECISION****C2103/039** Moved Councillor K Hick, seconded Councillor R Paine**That the Minutes of the Policy and Legislation Committee Meeting held 24 February 2021 be noted.****CARRIED 8/0****10. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN (WITHOUT DISCUSSION)**

Nil

ADOPTION BY EXCEPTION RESOLUTION

At this juncture the Mayor advised the meeting that, with the exception of the items identified to be withdrawn for discussion, the following reports, including the Committee and Officer Recommendations, will be adopted en bloc, i.e. all together.

COUNCIL DECISION**C2103/040**







Moved Councillor J Barrett-Lennard, seconded Councillor P Cronin

That the Committee and Officer Recommendations in relation to the following agenda items be carried en bloc:

- 12.2 Policy and Legislation Committee - 24/2/2021 - REVIEW OF COUNCIL POLICY: AASB 124 RELATED PARTY DISCLOSURES**
- 12.3 Policy and Legislation Committee 24/2/2021 - REVIEW OF COUNCIL POLICIES: BUSHFIRE POLICIES**
- 13.1 DRAFT BUSSELTON FORESHORE STRUCTURE PLAN - ADOPTION FOR FINAL APPROVAL**
- 16.2 SALE OF LOTS 58 & 59 CHAPMAN HILL ROAD AND LOT 60 QUEEN ELIZABETH AVENUE, AMBERGATE**
- 17.1 COUNCILLORS' INFORMATION BULLETIN**

CARRIED 8/0**EN BLOC**

12.2 Policy and Legislation Committee - 24/2/2021 - REVIEW OF COUNCIL POLICY: AASB 124 RELATED PARTY DISCLOSURES

STRATEGIC GOAL	6. LEADERSHIP Visionary, collaborative, accountable
STRATEGIC OBJECTIVE	6.1 Governance systems, process and practices are responsible, ethical and transparent.
SUBJECT INDEX	Council Policies
BUSINESS UNIT	Financial Services
REPORTING OFFICER	Manager Financial Services - Paul Sheridan
AUTHORISING OFFICER	Director Finance and Corporate Services - Tony Nottle
NATURE OF DECISION	Executive: Substantial direction setting, including adopting budgets, strategies, plans and policies (excluding local planning policies); funding, donations and sponsorships; reviewing committee recommendations
VOTING REQUIREMENT	Simple Majority
ATTACHMENTS	Attachment A AASB 124 Related Party Disclosures - Proposed Draft Policy   Attachment B AASB 124 Related Party Disclosure - Current Policy   Attachment C AASB 124 Standard - Related Party Disclosures  

This item was considered by the Policy and Legislation Committee at its meeting on 24/2/2021, the recommendations from which have been included in this report.

OFFICER RECOMMENDATION

That the Council endorse the revised Council policy 'AASB 124 – Related Party Disclosures' (Attachment A), to replace the current policy as per Attachment B.

COUNCIL DECISION AND COMMITTEE RECOMMENDATION

C2103/041 Moved Councillor J Barrett-Lennard, seconded Councillor P Cronin

That the Council endorse the revised Council policy 'AASB 124 – Related Party Disclosures' (Attachment A), to replace the current policy as per Attachment B, inclusive of the following Committee amendments:

- **Clause 5.4(d) to be amended to read "An external or internal auditor appointed by the City";**
- **Clause 5.4(e) to become "An Auditor from the WA Auditor General's Office; and**
- **The addition of "KMP" in parenthesis to clause 2.1 and the abbreviation "KMP" to replace the words "Key Management Personnel" in clauses 5.2 and 5.3.**

CARRIED 8/0

EN BLOC

Reasons: The Committee recommended an amendment to clause 5.4(d) of the revised policy to clarify the reference to the Auditor from the WA Auditor General's Office and one appointed by the City; and a minor administrative amendment to the policy.

EXECUTIVE SUMMARY

This report presents Council policy AASB 124 Related Party Disclosures (the Policy), which has been transferred into the City's updated policy template (Attachment A) and amended to provide for a simple statement of compliance. The Policy is recommended for endorsement by Council. The current policy is included at Attachment B for reference.

The Policy relates to the disclosure of related party transactions, which all local governments are required to disclose in annual financial reports, in accordance with AASB 124 Related Party Disclosures (the Standard) as published by the Australian Accounting Standards Board (Attachment C).

Changes to the Standard in 2016 required that certain transactions of Key Management Personnel – Council Members, the Chief Executive Officer and senior management – must be detailed separately in the annual financial reports.

The Policy has been reviewed and officers are recommending that the Policy be retained to support a culture of compliance in line with Departmental and industry advice. In addition to the Policy having been transferred into the updated Council policy template, changes include the removal of content which is contained within the Standard (and is best referred to there) and an overall refinement of the policy back to a simple statement of the need to comply with the accounting standard.

OFFICER COMMENT

Under the *Local Government Act 1995* and the *Local Government (Financial Management) Regulations 1996*, all local governments in Western Australia must produce annual financial statements that comply with Australian Accounting Standards.

The Australian Accounting Standards Board determined that from 1 July 2016, AASB 124 Related Party Disclosures applied to government entities, including local governments. The City is required to disclose Related Party Relationships and Key Management Personnel compensation in its Annual Financial Statements.

The purpose of the Policy is to stipulate compliance with the Australian Accounting Standard AASB 124 – Related Party Disclosures.

Statutory Environment

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

The *Local Government (Financial Management) Regulations 1996* requires all local governments to produce annual financial statements that comply with the Australian Accounting Standards.

Australian Accounting Standard AASB 124 Related Party Disclosures applies to all government entities.

Relevant Plans and Policies

The City has a policy framework which was developed and endorsed by Council in response to the recommendations of the 2017 Governance Service. The framework sets out the intent of Council policies, as opposed to operational documents such as Operational Practices.

AASB 124 Related Party Disclosures sets out the definitions and requirements of disclosures all local governments are required to make.

Financial Implications

There are no financial implications associated with the officer recommendation.

Stakeholder Consultation

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

Risk Assessment

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

Options

As an alternative to the proposed recommendation the Council could:

1. Propose amendments to the Policy; or
2. Propose that the Policy be rescinded, noting that the requirements to comply with the Standard exist and are outlined in regulation.

CONCLUSION

Council endorsement of the AASB 124 Related Party Disclosures policy is being sought, with the Policy having been reduced to a statement of the need to comply, and being transferred into the City's updated policy template (Attachment A).

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The Policy will be placed on the City's website within one week of adoption.

Council Policy



Council Policy Name: AASB 124 Related Party Disclosures

Responsible Directorate: Finance and Corporate Services

Version: Draft

1. PURPOSE

- 1.1. The purpose of this Policy is to stipulate compliance with the Australian Accounting Standard AASB 124 – Related Party Disclosures.

2. SCOPE

- 2.1. This Policy applies to Key Management Personnel at the City of Busselton.

3. DEFINITIONS

Key Management Personnel	AASB 124 defines Key Management Personnel as those persons having authority and responsibility for planning, directing and controlling the activities of the entity, directly or indirectly, including any director (whether executive or otherwise) of that entity. Key Management Personnel for the City of Busselton are: <ul style="list-style-type: none"> Elected Members; Persons employed under section 5.36 of the Local Government Act 1995 in the capacity of the Chief Executive Officer or Director.
Policy	This City of Busselton Council policy titled “AASB 124 Related Party Disclosures”.

4. STRATEGIC CONTEXT

- 4.1. This Policy links to Key Goal Area 6 – Leadership of the City’s Strategic Community Plan 2017 (reviewed 2019) and specifically the Community Objective 6:1: Governance systems, processes and practices are responsible, ethical and transparent.

5. POLICY STATEMENT

- 5.1. Under the *Local Government Act 1995* and the *Local Government (Financial Management) Regulations 1996*, all local governments in Western Australia must produce annual financial statements that comply with Australian Accounting Standards.
- 5.2. The Australian Accounting Standards Board has determined that from 1 July 2016, AASB 124 Related Party Disclosures (AASB 124) will apply to government entities, including local governments. The City is required, in accordance with AASB 124, to disclose Related Party Relationships, Related Party Transactions, and Key Management Personnel compensation in its Annual Financial Statements.
- 5.3. Key Management Personnel must comply with AASB 124 by filling out an annual related party declaration in the format stipulated and supplied by the City, as part of the year-end financial statement preparation process.
- 5.4. The following persons are permitted to access, use and disclose the information provided in a related party disclosure or contained in a register of related party transactions for the purposes of paragraph 5.5:
- the Chief Executive Officer;
 - Director, Finance and Corporate Services;
 - Manager Financial Services;

- d. an Auditor of the City (including an Auditor from the WA Auditor General’s Office); and
- e. other officers as determined by the Chief Executive Officer.

- 5.5. Persons specified in paragraph 5.4 may access, use and disclose information in a related party disclosure or contained in a register of related party transactions for the following purposes:
- a. assess and verify the disclosed related party transaction;
 - b. reconcile identified related party transactions against those disclosed in the related party disclosure or contained in a register of related party transactions;
 - c. comply with the disclosure requirements of AASB 124; or
 - d. verify compliance with the disclosure requirements of AASB 124.
- 5.6. The following information is classified as confidential and is not available for inspection by or disclosure to the public:
- a. Information (including personal information) provided by KMP in a related party disclosure; and
 - b. personal information contained in a register of related party transactions.

6. RELATED DOCUMENTATION / LEGISLATION

- 6.1. *Local Government Act 1995*
- 6.2. *Australian Accounting Standards AASB 124 – Related Party Disclosures*
- 6.3. *AASB 10 Consolidated Financial Statement*
- 6.4. *AASB 11 Joint Arrangements*
- 6.5. *AASB 128 Investments in Associates and Joint Ventures*
- 6.6. City of Busselton Code of Conduct

7. REVIEW DETAILS

Review Frequency		3 yearly		
Council Adoption	DATE		Resolution #	
Previous Adoption	DATE	13 September 2017	Resolution #	C1709/215

NEW	AASB124 Related Party Disclosures	V1
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1. PURPOSE

To define the parameters for Related Party Relationships and the level of disclosure and reporting required for the City to achieve compliance with the Australian Accounting Standard AASB 124 – Related Party Disclosures.

2. SCOPE

Under the *Local Government Act 1995* and *Local Government (Financial Management) Regulations 1996*, all local governments in Western Australia must produce annual financial statements that comply with Australian Accounting Standards.

The Australian Accounting Standards Board has determined that from 1 July 2016, AASB 124 (Related Party Disclosures) will apply to government entities, including local governments. The City is now required to disclose Related Party Relationships and Key Management Personnel compensation in its Annual Financial Statements.

This Policy provides guidance on:

- the identification of the City's related parties;
- management of related party transactions;
- recording such transactions; and
- disclosure of the transactions in the City of Busselton annual financial statements in accordance with AASB 124;

And addresses the four (4) different types of related party that must be considered by the City:

1. Entities related to the City;
2. Key Management Personnel;
3. Close family members of Key Management Personnel; and
4. Entities that are controlled or jointly controlled by either 2 or 3 above.

3. POLICY CONTENT

DEFINITIONS:

Australian Accounting Standards Board, Related Party Disclosures Standard 124

Close family members of Key Management Personnel (KMP)

Those family members who may be expected to influence, or be influenced by, that KMP in their dealings with the City of Busselton and include:

- the KMP's children, and spouse or domestic partner;
- children of that KMP's spouse or domestic partner; and
- dependants of the KMP or the KMP's spouse or domestic partner.

Entity

Can include a body corporate, a partnership or a trust, incorporated, or unincorporated group or body.

Entity Related to a KMP

Related Entities to Key Management Personnel are entities that are:

- *controlled or jointly controlled by a KMP;
- apart from Council, where a KMP has significant influence over, or is a member of the key management personnel of the entity or parent of the entity; or
- controlled or jointly controlled by a close family member of a KMP of the City.

*A person or entity is deemed to have *control* if they have:

- power over the entity;
- exposure, or rights, to variable returns from involvement with the entity; or
- the ability to use power over the entity to affect the amount of returns.

To jointly control, a person or entity must have contractual rights or agreed sharing of control of the entity, which exists only when decisions about the relevant activities require the unanimous consent of the parties sharing control.

Entity Related to the City

This includes any entity that is either controlled, jointly controlled or over which the City has a significant influence. A person or entity is a Related Party of the City if any of the following apply:

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

Key Management Personnel (KMP)

AASB 124 defines KMP as “those persons having authority and responsibility for planning, directing and controlling the activities of the entity, directly or indirectly, including any director (whether executive or otherwise) of that entity”.

Key Management Personnel for the City of Busselton are:

- Elected Members; and
 - Persons employed under s5.36 of the *Local Government Act 1995* in the capacity of Chief Executive Officer or Director.
-

Material (materiality)

Means the assessment of whether a transaction, either individually or in aggregate with other transactions, by omitting it or misstating it could influence decisions that users make on the basis of an entity's financial statements. For the purpose of this Policy, it is considered appropriate to set a dollar value of \$5,000 for any individual transaction or \$25,000 for collective transactions to determine materiality.

Ordinary Citizen Transaction

A transaction that an ordinary member of the community would undertake in the ordinary course of business with the City of Busselton.

Related Party

A person or entity that is related to the entity preparing its financial statements.

Related Party Transaction

A transfer of resources, services or obligations between the City of Busselton and a related party, regardless of whether a price is charged.

Significant (significance)

Likely to influence the decisions that users of the City's financial statements make having regard to both the extent (value and frequency) of the transactions, and that the transactions have occurred between the City and related party outside a public service provider/ taxpayer relationship.

POLICY DETAILS:

1. Key Management Personnel (KMP)

All Key Management Personnel (KMP) are responsible for assessing and disclosing their own, their close family members' and their related entities' relationship with the City. All related parties must be included in the self-assessment. A disclosure form is provided as an Attachment to this Policy.

2. Related Party Transactions

2.1 Ordinary Citizen Transaction

For the purpose of this Policy, an Ordinary Citizen Transaction is one that occurs between the City and KMP and/or related parties which satisfy the following criteria. The transaction must:

- occur during the normal course of the City delivering its public service goals;
- be under the same terms that would be available to a member of the community; and
- belong to a class of transaction that an ordinary member of the community would normally transact with the City.

This includes for example the following:

- Using the council's facilities after paying the normal fee;
- Fines on normal terms and conditions; and
- Paying rates and council fees and charges.

There is no obligation to disclose Ordinary Citizen Transactions.

Transactions between the City and Related Parties that would normally be considered Ordinary Citizen Transactions but where the terms and conditions differ from normal practice however must be disclosed.

2.2 Non-ordinary Citizen Transactions

All related party transactions that do not satisfy the definition of an Ordinary Citizen Transaction (as per 2.1) must be disclosed in accordance with AASB 124.

The following are examples of transactions that must be disclosed if they are with a related party and are not an Ordinary Citizen Transaction:

- purchases of sales or goods (finished or unfinished);
- purchases or sales of property or other assets;
- rendering or receiving services;
- leases;
- transfers of research and development;
- transfers under licence agreements;
- transfers under finance arrangements (including loans and equity contributions in cash or kind);
- provisions of guarantees or collateral;
- commitments to do something if a particular event occurs or does not occur in the future, including execution of contracts (recognised or unrecognised); and
- settlement of liabilities on behalf of the City or by the City on behalf of the related party.

3. Disclosure of Information

3.1 City disclosure

AASB 124 provides that the City must disclose the following financial information in its financial statements for each financial year period:

- the nature of any related party relationships;
- the amount of the transactions;
- the amount of outstanding balances, including commitments, including:
 - (i) their terms and conditions, whether they are secured, and the nature of the consideration to be provided in settlement; and
 - (ii) details of any guarantees given or received;
- provisions for doubtful debts related to the amount of outstanding balances; and
- the expense recognised during the period in respect of bad or doubtful debts due from related parties.

The following matters must be considered in determining the materiality and significance of any related party transactions:

- significance of transaction in terms of size;
- whether the transaction was carried out on non-market terms;
- whether the transaction is outside normal day-to-day business operations, such as the purchase and sale of assets;
- whether the transaction is disclosed to regulatory or supervisory authorities;
- whether the transaction has been reported to senior management; and
- whether the transaction was subject to Council approval.

Regard must also be given for transactions that are collectively, but not individually significant.

All transactions involving related parties will be captured and reviewed to determine materiality or otherwise of such transactions, if the transactions are Ordinary Citizen Transactions (OCTs), and to determine the significance of each of the transactions.

3.2 Key Management Personnel disclosure

In accordance with this Policy, KMP must provide a Related Party Disclosure in the form set out in the Attachment twice yearly, no later than the following dates each financial year:

- 30 December each year; and
- 30 June each year.

4. Review of Related Parties

A review of KMP's and their related parties will be completed every 6 months. Particular events, such as a change of Elected Members, Chief Executive Officer or Directors or a corporate restructure will also trigger a review of the City's related parties immediately following such an event.

The Chief Executive Officer shall implement a suitable system to identify related parties. The primary identification method of close family members and associated entities of Key Management Personnel shall be by (but not limited to) KMP self-assessment. KMP have a responsibility to identify and report any changes to their related parties as they occur.

The Chief Executive Officer shall identify suitable methodology and procedures for identifying and reporting on related party transactions such that accurate data will be collated from 01 July 2017. Identification and reporting methods shall consider:

- transactions occurring via the City's accounting and electronic records management systems;
- other transactions not passing through the City's electronic accounting / management systems;
- the identification of the associated terms and conditions of the related party transactions;
- declarations in the Financial Interests Register; and
- information provided in Primary and Annual Returns.

If any elected member or employee believes a transaction may constitute a related party transaction they must notify the Chief Executive Officer who will, in consultation with the Director, Finance and Corporate Services, make a determination on the matter.

5. Privacy & Confidentiality

5.1 Access to information

The following persons are permitted to access, use and disclose the information provided in a related party disclosure or contained in a register of related party transactions for the purposes of 5.2.

- the Chief Executive Officer;
 - Director, Finance and Corporate Services ;
 - an Auditor of the City (including an Auditor from the WA Auditor General's Office); and
-

- other officers as determined by the Chief Executive Officer.

5.2 Permitted purposes

Persons specified in 5.1 may access, use and disclose information in a related party disclosure or contained in a register of related party transactions for the following purposes:

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

5.3 Confidentiality

The following information is classified as confidential and is not available for inspection by or disclosure to the public:

- Information (including personal information) provided by a KMP in a related party disclosure; and personal information contained in a register of related party transactions.

LEGISLATION AND OTHER REFERENCES:

- *Local Government Act 1995*
 - *Australian Accounting Standards AASB 124 Related Party Disclosures*
 - *AASB 10 Consolidated Financial Statement AASB 11 Joint Arrangements*
 - *AASB 128 Investments in Associates and Joint Ventures*
 - *City of Busselton Code of Conduct*
- Attachment 1 – Related Party Declaration – Key Management Personnel**

Policy Background

Policy Reference No. - NEW
Owner Unit – Financial Services
Originator – Director, Finance and Corporate Services
Policy approved by – Council
Date Approved –
Review Frequency –
Related Documents –

- *Local Government Act 1995*
- *Australian Accounting Standards AASB 124 Related Party Disclosures*
- *AASB 10 Consolidated Financial Statement AASB 11 Joint Arrangements*
- *AASB 128 Investments in Associates and Joint Ventures*
- *Department of Local Government and Communities AASB 124 Related Party Disclosures Implementation Guide*
- *City of Busselton Code of Conduct*
- *Attachment 1 – AASB124 Related Party Declaration*

History

Council Resolution	Date	Information
C1709/215	13 September 2017	
		Version 1

Compiled AASB Standard

AASB 124

Related Party Disclosures

This compiled Standard applies to annual periods beginning on or after 1 January 2020. Earlier application is permitted for annual periods beginning on or after 1 January 2014 but before 1 January 2020. It incorporates relevant amendments made up to and including 21 May 2019.

Prepared on 2 March 2020 by the staff of the Australian Accounting Standards Board.

Compilation no. 1

Compilation date: 31 December 2019



Australian Government
**Australian Accounting
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AVAILABLE ON THE AASB WEBSITE

Basis for Conclusions on IAS 24

Australian Accounting Standard AASB 124 *Related Party Disclosures* (as amended) is set out in paragraphs 1 – Aus29.2, Appendices A and B and the Australian Implementation Guidance. All the paragraphs have equal authority. Paragraphs in **bold type** state the main principles. AASB 124 is to be read in the context of other Australian Accounting Standards, including AASB 1048 *Interpretation of Standards*, which identifies the Australian Accounting Interpretations, and AASB 1057 *Application of Australian Accounting Standards*. In the absence of explicit guidance, AASB 108 *Accounting Policies, Changes in Accounting Estimates and Errors* provides a basis for selecting and applying accounting policies.

Comparison with IAS 24

AASB 124 *Related Party Disclosures* as amended incorporates IAS 24 *Related Party Disclosures* as issued and amended by the International Accounting Standards Board (IASB). Australian-specific paragraphs (which are not included in IAS 24) are identified with the prefix “Aus”. Paragraphs that apply only to not-for-profit entities begin by identifying their limited applicability.

Tier 1

For-profit entities complying with AASB 124 also comply with IAS 24.

Not-for-profit entities’ compliance with IAS 24 will depend on whether any “Aus” paragraphs that specifically apply to not-for-profit entities provide additional guidance or contain applicable requirements that are inconsistent with IAS 24.

Tier 2 Entities preparing general purpose financial statements under Australian Accounting Standards – Reduced Disclosure Requirements (Tier 2) will not be in compliance with IFRS Standards.

AASB 1053 *Application of Tiers of Australian Accounting Standards* explains the two tiers of reporting requirements.

Accounting Standard AASB 124

The Australian Accounting Standards Board made Accounting Standard AASB 124 *Related Party Disclosures* under section 334 of the *Corporations Act 2001* on 24 July 2015.

This compiled version of AASB 124 applies to annual periods beginning on or after 1 January 2020. It incorporates relevant amendments contained in other AASB Standards made by the AASB up to and including 21 May 2019 (see Compilation Details).

Accounting Standard AASB 124 *Related Party Disclosures*

Objective

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

AusCF1

AusCF entities are:

- (a) not-for-profit entities; and
- (b) for-profit entities that are not applying the *Conceptual Framework for Financial Reporting* (as identified in AASB 1048 *Interpretation of Standards*).

For AusCF entities, the term 'reporting entity' is defined in AASB 1057 *Application of Australian Accounting Standards* and Statement of Accounting Concepts SAC 1 *Definition of the Reporting Entity* also applies. For-profit entities applying the *Conceptual Framework for Financial Reporting* are set out in paragraph Aus1.1 of the *Conceptual Framework*.

Scope

- 2 **This Standard shall be applied in:**
- (a) identifying related party relationships and transactions;
 - (b) identifying outstanding balances, including commitments, between an entity and its related parties;
 - (c) identifying the circumstances in which disclosure of the items in (a) and (b) is required; and
 - (d) determining the disclosures to be made about those items.
- 3 **This Standard requires disclosure of related party relationships, transactions and outstanding balances, including commitments, in the consolidated and separate financial statements of a parent or investors with joint control of, or significant influence over, an investee presented in accordance with AASB 10 *Consolidated Financial Statements* or AASB 127 *Separate Financial Statements*. This Standard also applies to individual financial statements.**
- 4 Related party transactions and outstanding balances with other entities in a group are disclosed in an entity's financial statements. Intragroup related party transactions and outstanding balances are eliminated, except for those between an investment entity and its subsidiaries measured at fair value through profit or loss, in the preparation of consolidated financial statements of the group.

Purpose of related party disclosures

- 5 Related party relationships are a normal feature of commerce and business. For example, entities frequently carry on parts of their activities through subsidiaries, joint ventures and associates. In those circumstances, the entity has the ability to affect the financial and operating policies of the investee through the presence of control, joint control or significant influence.

- 6 A related party relationship could have an effect on the profit or loss and financial position of an entity. Related parties may enter into transactions that unrelated parties would not. For example, an entity that sells goods to its parent at cost might not sell on those terms to another customer. Also, transactions between related parties may not be made at the same amounts as between unrelated parties.
- 7 The profit or loss and financial position of an entity may be affected by a related party relationship even if related party transactions do not occur. The mere existence of the relationship may be sufficient to affect the transactions of the entity with other parties. For example, a subsidiary may terminate relations with a trading partner on acquisition by the parent of a fellow subsidiary engaged in the same activity as the former trading partner. Alternatively, one party may refrain from acting because of the significant influence of another—for example, a subsidiary may be instructed by its parent not to engage in research and development.
- 8 For these reasons, knowledge of an entity's transactions, outstanding balances, including commitments, and relationships with related parties may affect assessments of its operations by users of financial statements, including assessments of the risks and opportunities facing the entity.

Definitions

- 9 The following terms are used in this Standard with the meanings specified:
- A *related party* is a person or entity that is related to the entity that is preparing its financial statements (in this Standard referred to as the 'reporting entity').
- (a) A person or a close member of that person's family is related to a reporting entity if that person:
- (i) has control or joint control of the reporting entity;
 - (ii) has significant influence over the reporting entity; or
 - (iii) is a member of the key management personnel of the reporting entity or of a parent of the reporting entity.
- (b) An entity is related to a reporting entity if any of the following conditions applies:
- (i) The entity and the reporting entity are members of the same group (which means that each parent, subsidiary and fellow subsidiary is related to the others).
 - (ii) One entity is an associate or joint venture of the other entity (or an associate or joint venture of a member of a group of which the other entity is a member).
 - (iii) Both entities are joint ventures of the same third party.
 - (iv) One entity is a joint venture of a third entity and the other entity is an associate of the third entity.
 - (v) The entity is a post-employment benefit plan for the benefit of employees of either the reporting entity or an entity related to the reporting entity. If the reporting entity is itself such a plan, the sponsoring employers are also related to the reporting entity.
 - (vi) The entity is controlled or jointly controlled by a person identified in (a).
 - (vii) A person identified in (a)(i) has significant influence over the entity or is a member of the key management personnel of the entity (or of a parent of the entity).
 - (viii) The entity, or any member of a group of which it is a part, provides key management personnel services to the reporting entity or to the parent of the reporting entity.
- A *related party transaction* is a transfer of resources, services or obligations between a reporting entity and a related party, regardless of whether a price is charged.
- Close members of the family of a person* are those family members who may be expected to influence, or be influenced by, that person in their dealings with the entity and include:
- (a) that person's children and spouse or domestic partner;
 - (b) children of that person's spouse or domestic partner; and
 - (c) dependants of that person or that person's spouse or domestic partner.

Compensation includes all employee benefits (as defined in AASB 119 *Employee Benefits*) including employee benefits to which AASB 2 *Share-based Payment* applies. Employee benefits are all forms of consideration paid, payable or provided by the entity, or on behalf of the entity, in exchange for services rendered to the entity. It also includes such consideration paid on behalf of a parent of the entity in respect of the entity. Compensation includes:

- (a) short-term employee benefits, such as wages, salaries and social security contributions, paid annual leave and paid sick leave, profit-sharing and bonuses (if payable within twelve months of the end of the period) and non-monetary benefits (such as medical care, housing, cars and free or subsidised goods or services) for current employees;
- (b) post-employment benefits such as pensions, other retirement benefits, post-employment life insurance and post-employment medical care;
- (c) other long-term employee benefits, including long-service leave or sabbatical leave, jubilee or other long-service benefits, long-term disability benefits and, if they are not payable wholly within twelve months after the end of the period, profit-sharing, bonuses and deferred compensation;
- (d) termination benefits; and
- (e) share-based payment.

Key management personnel are those persons having authority and responsibility for planning, directing and controlling the activities of the entity, directly or indirectly, including any director (whether executive or otherwise) of that entity.

Government refers to government, government agencies and similar bodies whether local, national or international.

A *government-related entity* is an entity that is controlled, jointly controlled or significantly influenced by a government.

The terms 'control' and 'investment entity', 'joint control' and 'significant influence' are defined in AASB 10, AASB 11 *Joint Arrangements* and AASB 128 *Investments in Associates and Joint Ventures* respectively and are used in this Standard with the meanings specified in those Australian Accounting Standards.

- 10 In considering each possible related party relationship, attention is directed to the substance of the relationship and not merely the legal form.
- 11 In the context of this Standard, the following are not related parties:
 - (a) two entities simply because they have a director or other member of key management personnel in common or because a member of key management personnel of one entity has significant influence over the other entity.
 - (b) two joint venturers simply because they share joint control of a joint venture.
 - (c)
 - (i) providers of finance,
 - (ii) trade unions,
 - (iii) public utilities, and
 - (iv) departments and agencies of a government that does not control, jointly control or significant influence the reporting entity,simply by virtue of their normal dealings with an entity (even though they may affect the freedom of action of an entity or participate in its decision-making process).
 - (d) a customer, supplier, franchisor, distributor or general agent with whom an entity transacts a significant volume of business, simply by virtue of the resulting economic dependence.
- 12 In the definition of a related party, an associate includes subsidiaries of the associate and a joint venture includes subsidiaries of the joint venture. Therefore, for example, an associate's subsidiary and the investor that has significant influence over the associate are related to each other.

Disclosures

All entities

- 13 Relationships between a parent and its subsidiaries shall be disclosed irrespective of whether there have been transactions between them. An entity shall disclose the name of its parent and, if different, the ultimate controlling party. If neither the entity's parent nor the ultimate controlling party produces consolidated financial statements available for public use, the name of the next most senior parent that does so shall also be disclosed.**
- Aus13.1 When any of the parent entities and/or ultimate controlling parties named in accordance with paragraph 13 is incorporated or otherwise constituted outside Australia, an entity shall:
- (a) identify which of those entities is incorporated overseas and where; and
 - (b) disclose the name of the ultimate controlling entity incorporated within Australia.
- 14** To enable users of financial statements to form a view about the effects of related party relationships on an entity, it is appropriate to disclose the related party relationship when control exists, irrespective of whether there have been transactions between the related parties.
- 15** The requirement to disclose related party relationships between a parent and its subsidiaries is in addition to the disclosure requirements in AASB 127 and AASB 12 *Disclosure of Interests in Other Entities*.
- 16** Paragraph 13 refers to the next most senior parent. This is the first parent in the group above the immediate parent that produces consolidated financial statements available for public use.
- 17 An entity shall disclose key management personnel compensation in total and for each of the following categories:**
- (a) short-term employee benefits;
 - (b) post-employment benefits;
 - (c) other long-term benefits;
 - (d) termination benefits; and
 - (e) share-based payment.
- 17A** If an entity obtains key management personnel services from another entity (the 'management entity'), the entity is not required to apply the requirements in paragraph 17 to the compensation paid or payable by the management entity to the management entity's employees or directors.
- 18** If an entity has had related party transactions during the periods covered by the financial statements, it shall disclose the nature of the related party relationship as well as information about those transactions and outstanding balances, including commitments, necessary for users to understand the potential effect of the relationship on the financial statements. These disclosure requirements are in addition to those in paragraph 17. At a minimum, disclosures shall include:
- (a) the amount of the transactions;
 - (b) the amount of outstanding balances, including commitments, and:
 - (i) their terms and conditions, including whether they are secured, and the nature of the consideration to be provided in settlement; and
 - (ii) details of any guarantees given or received;
 - (c) provisions for doubtful debts related to the amount of outstanding balances; and
 - (d) the expense recognised during the period in respect of bad or doubtful debts due from related parties.
- 18A** Amounts incurred by the entity for the provision of key management personnel services that are provided by a separate management entity shall be disclosed.
- 19** The disclosures required by paragraph 18 shall be made separately for each of the following categories:
- (a) the parent;
 - (b) entities with joint control of, or significant influence over, the entity;
 - (c) subsidiaries;
 - (d) associates;

- (e) **joint ventures in which the entity is a joint venturer;**
 - (f) **key management personnel of the entity or its parent; and**
 - (g) **other related parties.**
- 20 The classification of amounts payable to, and receivable from, related parties in the different categories as required in paragraph 19 is an extension of the disclosure requirement in AASB 101 *Presentation of Financial Statements* for information to be presented either in the statement of financial position or in the notes. The categories are extended to provide a more comprehensive analysis of related party balances and apply to related party transactions.
- 21 The following are examples of transactions that are disclosed if they are with a related party:
- (a) purchases or sales of goods (finished or unfinished);
 - (b) purchases or sales of property and other assets;
 - (c) rendering or receiving of services;
 - (d) leases;
 - (e) transfers of research and development;
 - (f) transfers under licence agreements;
 - (g) transfers under finance arrangements (including loans and equity contributions in cash or in kind);
 - (h) provision of guarantees or collateral;
 - (i) commitments to do something if a particular event occurs or does not occur in the future, including executory contracts¹ (recognised and unrecognised); and
 - (j) settlement of liabilities on behalf of the entity or by the entity on behalf of that related party.
- 22 Participation by a parent or subsidiary in a defined benefit plan that shares risks between group entities is a transaction between related parties (see paragraph 42 of AASB 119).
- 23 Disclosures that related party transactions were made on terms equivalent to those that prevail in arm's length transactions are made only if such terms can be substantiated.
- 24 **Items of a similar nature may be disclosed in aggregate except when separate disclosure is necessary for an understanding of the effects of related party transactions on the financial statements of the entity.**

Government-related entities

- 25 **A reporting entity is exempt from the disclosure requirements of paragraph 18 in relation to related party transactions and outstanding balances, including commitments, with:**
- (a) **a government that has control or joint control of, or significant influence over, the reporting entity; and**
 - (b) **another entity that is a related party because the same government has control or joint control of, or significant influence over, both the reporting entity and the other entity.**
- 26 **If a reporting entity applies the exemption in paragraph 25, it shall disclose the following about the transactions and related outstanding balances referred to in paragraph 25:**
- (a) **the name of the government and the nature of its relationship with the reporting entity (ie control, joint control or significant influence);**
 - (b) **the following information in sufficient detail to enable users of the entity's financial statements to understand the effect of related party transactions on its financial statements:**
 - (i) **the nature and amount of each individually significant transaction; and**
 - (ii) **for other transactions that are collectively, but not individually, significant, a qualitative or quantitative indication of their extent. Types of transactions include those listed in paragraph 21.**

¹ AASB 137 *Provisions, Contingent Liabilities and Contingent Assets* defines executory contracts as contracts under which neither party has performed any of its obligations or both parties have partially performed their obligations to an equal extent.

- 27 In using its judgement to determine the level of detail to be disclosed in accordance with the requirements in paragraph 26(b), the reporting entity shall consider the closeness of the related party relationship and other factors relevant in establishing the level of significance of the transaction such as whether it is:
- (a) significant in terms of size;
 - (b) carried out on non-market terms;
 - (c) outside normal day-to-day business operations, such as the purchase and sale of businesses;
 - (d) disclosed to regulatory or supervisory authorities;
 - (e) reported to senior management;
 - (f) subject to shareholder approval.

Effective date and transition

- 28 [Deleted by the AASB]
- Aus28.1 An entity shall apply this Standard for annual periods beginning on or after 1 July 2016. Earlier application is permitted for periods beginning on or after 1 January 2014 but before 1 July 2016. If an entity applies this Standard for a period beginning before 1 July 2016, it shall disclose that fact.
- Aus28.2 AASB 2015-6 *Amendments to Australian Accounting Standards – Extending Related Party Disclosures to Not-for-Profit Public Sector Entities* amended the previous version of this Standard as follows: deleted paragraph Aus1.3, amended paragraph Aus9.1 and added the Australian Implementation Guidance for Not-for-Profit Public Sector Entities. An entity shall apply those amendments for annual periods beginning on or after 1 July 2016. Earlier application is permitted. Those amendments shall be applied prospectively as at the beginning of the annual period in which this Standard is initially applied. For example, a not-for-profit public sector entity shall apply this Standard prospectively as at the beginning of the annual period in which this Standard is initially applied.
- 28A–
28B [Deleted by the AASB]
- 28C AASB 2014-1 *Amendments to Australian Accounting Standards*, issued in June 2014, amended the previous version of this Standard as follows: amended paragraph 9 and added paragraphs 17A and 18A. An entity shall apply that amendment for annual periods beginning on or after 1 July 2014. Earlier application is permitted. If an entity applies that amendment for an earlier period it shall disclose that fact.

Withdrawal of IAS 24 (2003)

- 29 [Deleted by the AASB]

Commencement of the legislative instrument

- Aus29.1 For legal purposes, this legislative instrument commences on 30 June 2016.

Withdrawal of AASB pronouncements

- Aus29.2 This Standard repeals AASB 124 *Related Party Disclosures* issued in December 2009. Despite the repeal, after the time this Standard starts to apply under section 334 of the Corporations Act (either generally or in relation to an individual entity), the repealed Standard continues to apply in relation to any period ending before that time as if the repeal had not occurred.
- [Note: When this Standard applies under section 334 of the Corporations Act (either generally or in relation to an individual entity), it supersedes the application of the repealed Standard.]

Appendix A Australian defined terms

This appendix is an integral part of AASB 124.

Aus9.1 The following terms are also used in this Standard with the meaning specified.

Director means:

- (a) a person who is a director under the Corporations Act; and
- (b) in the case of entities governed by bodies not called a board of directors, a person who, regardless of the name that is given to the position, is appointed to the position of member of the governing body, council, commission or authority.

Remuneration is compensation as defined in this Standard.

Aus9.1.1 Although the defined term 'compensation' is used in this Standard rather than the term 'remuneration', both words refer to the same concept and all references in the Corporations Act to the remuneration of directors and executives is taken as referring to compensation as defined and explained in this Standard.

Appendix B

Australian reduced disclosure requirements

This appendix is an integral part of AASB 124.

AusB1 The following do not apply to entities preparing general purpose financial statements under Australian Accounting Standards – Reduced Disclosure Requirements:

- (a) paragraphs Aus13.1, 26 and 27;
- (b) in paragraph 17, the text “and for each of ... (e) share-based payment”; and
- (c) in paragraph 22, the text “(see paragraph 42 of AASB 119)”.

Entities applying Australian Accounting Standards – Reduced Disclosure Requirements may elect to comply with some or all of these excluded requirements.

AusB2 The requirements that do not apply to entities preparing general purpose financial statements under Australian Accounting Standards – Reduced Disclosure Requirements are also identified in this Standard by shading of the relevant text.

Australian implementation guidance for not-for-profit public sector entities

This guidance is an integral part of AASB 124 and has the same authority as the other parts of the Standard. The guidance applies only to public sector entities. The guidance does not apply to private sector entities or affect their application of AASB 124.

- IG1 AASB 124 *Related Party Disclosures* incorporates International Financial Reporting Standard IAS 24 *Related Party Disclosures*, issued by the International Accounting Standards Board. Consequently, much of the text of the body of this Standard and the Illustrative Examples is expressed from the perspective of for-profit entities. The AASB has prepared this guidance to explain and illustrate the principles in the Standard to assist application of the Standard by not-for-profit public sector entities, particularly to address circumstances where a for-profit perspective does not readily translate to a not-for-profit public sector perspective. This guidance also assists not-for-profit public sector entities in determining the extent of the information necessary to meet the objective of the Standard. This guidance does not remove the need for judgement to be applied by an entity in complying with the requirements of the Standard.
- IG2 This guidance addresses a range of matters affecting not-for-profit public sector entities broadly in the order in which the related paragraphs appear in the body of the Standard. Illustrative examples are provided in the implementation guidance. The examples apply by analogy to types of not-for-profit public sector entities other than those identified in the examples and similar circumstances. It is the facts and circumstances in any case, not simply the type of not-for-profit public sector entity, that need to be assessed in determining the appropriate disclosures that apply.

Identification of key management personnel

- IG3 Paragraph 9 of the Standard defines key management personnel as being those persons having the authority and responsibility for planning, directing and controlling the activities of the entity, directly or indirectly, including any director (whether executive or otherwise) of the entity. In a public sector context, entities should consider the facts and circumstances, including the terms of the relevant legislative instruments that give rise to the entity, in assessing whether a person is a member of the key management personnel, as defined, of the entity. For example, the facts and circumstances may reflect that not all persons described as 'senior executive staff' or 'Secretary' or 'Minister' may be a member of the key management personnel of the entity. Similarly, in relation to a not-for-profit public sector entity, the facts and circumstances may reflect that a person's powers do not give rise to a capacity to direct or control the activities of an entity, where the powers are only ceremonial or procedural in substance.
- IG4 Normally, the determination of key management personnel is similar for entities in the public sector and the private sector. However, ministerial-type roles do not normally arise in a private sector context. A Minister would be a member of the key management personnel of an entity that is within the Minister's portfolio if the Minister has the "authority and responsibility for planning, directing and controlling the activities of the entity, directly or indirectly". In some entities or jurisdictions, the responsible Minister may not, in substance, have such authority and responsibility over the activities of the entity, and consequently would not meet the definition of key management personnel.
- IG5 A Minister may be a member of the key management personnel of an entity where the Minister's role and responsibilities result in the Minister forming part of the group of persons tasked with determining the direction of the entity. It would be uncommon for a Minister to be a member of the key management personnel of an entity that is within their portfolio where the entity is not otherwise controlled by the government, as the government's powers and functions (executed by the Minister) in relation to that entity would have formed part of the government's assessment of whether it controls the entity. Whether a Minister is a member of the key management personnel of an entity controlled by the government will depend on the facts and circumstances that apply in each instance, as the determination of the key management personnel of an entity is made on an entity by entity basis. Accordingly, a member of the key management personnel of the government is not necessarily also a member of the key management personnel of each entity controlled by that government (see also paragraph IG10).
- IG6 Examples 1–6 illustrate application of the definition of key management personnel by not-for-profit public sector entities. These examples do not limit the persons who may be key management personnel of a not-for-profit public sector entity to only those roles described.

Example 1

Minister A is the Australian Minister for Education and Training. Minister A administers their portfolio through the Department of Education and Training (the Department), a controlled entity of the Australian Government. Minister A is accountable to Parliament for the actions of the Department. As part of the portfolio, the Minister is responsible for:

- education policy and programs including schools, vocational, higher education and Indigenous education, but excluding migrant adult education;
- education and training transitions policy and programs;
- science awareness programs in schools;
- training, including apprenticeships and training services;
- policy, co-ordination and support for education exports and services; and
- income support policies and programs for students and apprentices.
- Minister B is the Assistant Minister for Education and Training. Assistant Ministers are appointed to assist Ministers in prioritising work, to provide a training experience for future Ministers, to facilitate public access to the Ministers and to enable the bureaucracy to have an ongoing point of contact so that parliamentary correspondence and other parliamentary administrative issues are neither overlooked nor downgraded. As an Assistant Minister, Minister B cannot:
 - sit as a Minister in Cabinet;
 - attend a meeting of the Executive Council or sign Executive Council Minutes on behalf of the Minister;
 - perform any duties in Parliament on behalf of the Minister including answering questions without notice, presenting Ministerial Statements, tabling documents and introducing legislation; or
 - appear before a Committee of Parliament on behalf of the Minister.

The Department is responsible for delivering national policies and programs that help Australians access quality early childhood education, school education, higher education, vocational education and training, international education and research. The Department is headed by the Secretary of the Department, who reports to the Australian Minister for Education and Training. At the same time, the Secretary also makes reports to the Assistant Minister for Education and Training. The Secretary of the Department, and two Associate Secretaries and a Deputy Secretary within the Department, operate as the executive management team responsible for the day-to-day delivery of the Department's services.

Based on the facts and circumstances above, Minister A, the Secretary of the Department, and the two Associate Secretaries and Deputy Secretary are members of the key management personnel of the Department as they have the authority and responsibility for planning, directing and controlling the activities of the entity. Minister A's role is akin to that of a director in a company, as the Minister discharges their role and responsibilities regarding the Department and is ultimately responsible for the performance of the Department. Minister B is not a member of the key management personnel of the Department as Minister B's role supports that of the Minister, rather than having any authority and responsibility for planning, directing and controlling the activities of the Department in Minister B's own right.

Example 2

The Cabinet is a group within the Australian Government (the Commonwealth of Australia) comprising the Prime Minister and a number of senior Ministers. All current Ministers are part of the Executive Council, but not all Ministers are also part of Cabinet. The Governor-General is the chair of the Executive Council.

Minister A, the Australian Minister for Education and Training, is part of Cabinet. Minister B, the Assistant Minister for Education and Training is not part of Cabinet but is part of the Executive Council. Minister D, the Minister for Justice, is also not part of Cabinet but is part of the Executive Council.

Cabinet's role is to direct the overall government policy and make decisions about national issues. In Cabinet meetings, Ministers also present bills from their government departments. Cabinet examines these bills, and recommends whether bills should proceed to Parliament or changes should be made. A Minister who is not part of Cabinet may be invited to a Cabinet meeting to speak about developments within their portfolio. The Cabinet is accountable to Parliament for the running of the government.

The Executive Council is a constitutional body charged with advising the Governor-General. Legally, members of the Executive Council are chosen by the Governor-General; however, in practice, all current Ministers are part of the

Executive Council. The Executive Council acts as a formal ratification body for the decisions of Cabinet, and is required to undertake a range of functions including making proclamations, regulations and ordinances as delegated by various Acts of Parliament, issuing writs for elections, appointing public servants and recommending the appointment of judges.

Section 61 of the Australian Constitution provides that “The executive power of the Commonwealth is vested in the Queen and is exercisable by the Governor-General as the Queen’s representative, and extends to the execution and maintenance of this Constitution, and of the laws of the Commonwealth”. However, the Governor-General is bound by convention to follow the advice of the Executive Council.

Based on the facts and circumstances above, Minister A is a member of the key management personnel of the Australian Government. As part of Cabinet and having regard to Cabinet’s powers, Minister A has the authority and responsibility for planning, directing and controlling the activities of the Australian Government. In addition, as a member of the key management personnel of the Australian Government, Minister A is also a related party of any entities controlled by the Australian Government, consistent with paragraph 9 of the Standard.

Minister B and Minister D are unlikely to be members of the key management personnel of the Australian Government as, although they are part of the Executive Council, they are outside the group of persons responsible for making decisions about the overall running of the government. Further, in substance, neither the members of the Executive Council nor Governor-General have the authority and responsibility for directing and controlling the activities of the Australian Government, and accordingly, are not members of the key management personnel of the Australian Government reporting entity.

Example 3

University XYZ is a not-for-profit public sector entity established under an Act of the State Government. The State Government has determined that it does not control the University.

The governing body of the University is the University Council. The University Council consists of 17 members, five of whom are appointed directly or indirectly by the State Minister for Education. The Chair of the University Council is the Chancellor, who is the formal head of the University. The Chancellor is responsible for ensuring the efficient operation of the University Council in the performance of its governance role, presiding at ceremonial occasions of the University and acting as a signatory to official statutory reports of the University.

The Act specifies that the University Council’s responsibilities, powers and functions include:

- approving the mission, strategic direction and annual budget and business plan of the University;
- establishing policies (‘university statutes and regulations’) relating to the governance and operation of the University, including trusts and endowments, and research, development, consultancy, commercial activities and other services undertaken for commercial organisations or public bodies;
- developing guidelines (if any) concerning the carrying out of commercial activities, finance and property matters, or any other related matter;
- overseeing the management of the property, finances and business affairs of the University, such as risk management across the University, including its commercial activities;
- any other powers and functions conferred on it by or under legislation or any university statute or regulation; and
- the power to do anything else necessary or convenient to be done for or in connection with its powers and functions.

The University Council has a range of powers and functions that it can exercise directly, including the following:

- appointing the Vice-Chancellor, who is the chief executive officer of the University and responsible for the conduct of the University’s affairs in all matters;
- determining the composition of borrowings within the parameters set by the State Government;
- approving the University’s budget for a financial year, incorporating total revenue and the planned revenue sources, including planning the mix between teaching, research and commercial activities, the fees and charges to apply to those activities, and the type and value of government grants desired;
- determining the course mix and target student mix, such as vocational, undergraduate, graduate and executive courses, on-campus or distance learning, and local and international students;
- appointing staff and determining their terms and conditions;

- deciding whether to operate through multiple campuses and how to utilise the University's infrastructure; and
- making university regulations with respect to any matter relating to the University.

The University Council has delegated the day-to-day management responsibilities and other functions to the University's executive and other senior staff in order to be able to focus on the broader policy and strategic issues.

The State Minister for Education has the following powers and functions as part of the Minister's role in the State Government:

- fixing the remuneration and fees to be paid to University Council members who are not full-time staff of the University or holders of statutory office;
- approving (or vetoing) University statutes and guidelines made by the University Council;
- declaring an activity to be a university commercial activity;
- making interim guidelines concerning university commercial activities and finance and property matters – these apply unless replaced by University-submitted guidelines approved by the Minister;
- in conjunction with the State Treasurer, approving the limits and conditions (eg security) for University borrowings;
- approving (or vetoing) the disposal of land that was previously Crown land granted to the University;
- requesting commercial and financial reports from the University;
- referring a university commercial activity or any aspect thereof to the auditor-general for investigation; and
- ensuring that the University complies with certain rights specified in State Government grants provided to the University – some of the grants are required to be repaid if not applied as specified.

Based on the facts and circumstances above, as the State Government has determined that it does not control the University, it is unlikely that the State Minister for Education, as the executor of the State Government's powers, is a member of the key management personnel of the University, as the evaluation of control includes an assessment of the State Government's ability to direct the activities that most significantly affect the University's outcomes. The State Minister's powers and functions (provided to the position) may restrict the way in which the University operates, but do not of themselves give the State Minister authority and responsibility for the activities of the University.

Rather, based on the facts and circumstances above, it is the University Council (who are akin to a board of directors, with the Chancellor akin to a non-executive chairman) and the University's executive and other senior staff who have the authority and responsibility for planning, directing and controlling the activities of the University.

The purpose of this Example is to assist entities with the identification of key management personnel of a not-for-profit public sector entity. However, an entity should also consider whether the State Minister for Education, or the State Government, will otherwise meet the definition of a related party of the University (see paragraph 9 of the Standard).

Example 4

The LMN local government (the Council) is a local government entity created under a State's Local Government Act (the Act) and is subject to a wide range of State Government regulatory powers. The interest of the State Government in the activities of the Council is primarily to ensure that the general objectives set out in the Act are being achieved or furthered. The State Government's rights in respect of the Council are held primarily by the State Minister for Local Government. These rights allow the State Government (via the State Minister for Local Government) to advise or guide the Council in its activities, or under particular circumstances, to intervene in the activities of the Council.

Minister X is the State Minister for Local Government. The Minister administers their portfolio through the Local Government branch of the State Department of Transport, Planning and Local Infrastructure (the Department). As part of the Minister's role and responsibilities, Minister X is responsible for:

- the scrutiny of councils, including municipal boundaries;
- making recommendations for allocation of project grants to local governments for projects;
- overseeing tendering processes for council services;
- ensuring the concerns of local governments are communicated to the State Cabinet; and
- the coordination of council community and infrastructure work at a State level.

The Council's primary objective is to achieve the best outcomes for the local community over the long term. The Council is empowered by the Act to do all things necessary and convenient for the achievement of its objectives and the performance of its functions, subject to any limitations under the Act or any other legislation.

The Council is administered by 10 councillors, who are elected directly by the local community in periodic elections. The Council's functions include raising revenue to fund its functions and activities, and planning for and providing services and facilities (including infrastructure) for the local community. In carrying out its functions, the Council undertakes a wide range of activities including the imposition of rates and charges upon constituents, and the provision without charge of services such as parks and roads. The day-to-day operations of the Council are carried out by council staff under the direction of its elected councillors.

The State Government has determined that it does not control the Council.

Based on the facts and circumstances above, Minister X is not a member of the key management personnel of the Council, as the Minister's role does not extend to having the authority and responsibility for planning, directing and controlling the activities of the Council itself. Having concluded that the State Government does not control the council, Minister X's role as executor of the State Government's powers and rights over the Council cannot of itself enable Minister X to meet the definition of key management personnel of the Council. Rather, in this example, it is the councillors and senior council staff who have the authority and responsibility for the activities of the Council (similar to a board of directors and senior management of a company).

The purpose of this Example is to assist entities with the identification of key management personnel of a not-for-profit public sector entity. However, an entity should also consider whether Minister X, or the State Government, will otherwise meet the definition of a related party of the Council (see paragraph 9 of the Standard).

Example 5

Minister E, the State Minister for Education, Minister F, the State Minister for Children and Early Childhood, and Minister G, the State Minister for Higher Education and Skills, administer their portfolios wholly through the State Department of Education (the Department), a controlled entity of the State Government.

The day-to-day operations of the Department are managed by an Executive Board comprising the Secretary of the Department and the head of each of the Department's divisions. The Executive Board is the governance and decision-making body for the Department accountable for the:

- strategic direction and leadership of the Department;
- management of the Department;
- decision-making and risk management;
- monitoring and evaluation of the Department's activities; and
- compliance and stakeholder management.

The Department reports to the three Ministers, separately or jointly as appropriate to the nature of the Ministers' portfolio. The Ministers are jointly accountable to Parliament for the actions of the Department.

Based on the facts and circumstances above, Minister E, Minister F and Minister G, and the members of the Executive Board are members of the key management personnel of the Department as they have the authority and responsibility for planning, directing and controlling the activities of the Department. The Ministers' roles are akin to that of directors in a company, even though each has responsibility only to the extent of their respective portfolios, as they discharge their roles and responsibilities regarding the Department and are ultimately responsible for the performance of the Department.

Example 6

Statutory authority SLA is a statutory authority of the State Government tasked with providing legal information, advice and representation to financially disadvantaged residents of the State. As a statutory authority, SLA was established under its own enabling legislation, which sets out its functions, powers and responsibilities. Its remit is such that it generally operates independently of any governmental direction or influence.

SLA is funded by the State Government to undertake state law matters. The State Government may specify areas to which certain of the funds granted should be allocated. SLA is a controlled entity of the State Government.

The execution and authority for the day-to-day operations of SLA are the responsibility of its executive management team, who report to the Board of SLA. The Board is the statutory authority's governing body and is responsible for

managing SLA and ensuring that its objectives are achieved. The Board is responsible for deciding SLA's priorities and strategies, leading its policy direction and ensuring its sound and prudent financial management. Board members are appointed by the State Governor in Council, on advice of the State Minister for Justice.

SLA is accountable to the State Government for the delivery of legal assistance services. As a statutory authority, the Board of SLA reports to the State Minister for Justice, who is responsible to Parliament for the oversight of statutory authorities within the Minister's portfolio.

SLA's enabling legislation provides that the Board must:

- if asked by the State Minister for Justice, give the Minister a report on any issue relevant to its functions, other than about legal assistance for a particular person; and
- act upon a written direction given by the State Minister for Justice about the performance of SLA's functions or exercise of its powers, and its policies, priorities or guidelines, including priorities in legal assistance funding. The direction cannot be about giving legal assistance to a particular person.

While SLA generally operates independently of any governmental direction or influence, from time to time, the State Minister for Justice has requested various reports and required SLA to act as directed.

Based on the facts and circumstances above, the Board and executive management team of SLA are members of the key management personnel of the entity, as they ultimately have the authority and responsibility for planning, directing and controlling the activities of the entity. In this fact pattern, the State Minister for Justice is also a member of the key management personnel of SLA, as the powers vested in the Minister's role also give the Minister authority and responsibility for planning, directing and controlling the activities of the entity, as SLA is required to act in accordance with the Minister's written directions (which may relate to SLA's execution of its remit).

The purpose of this Example is to assist entities with the identification of key management personnel of a not-for-profit public sector entity. However, consideration should also be given to whether the State Government is a related party of SLA (see paragraph 9 of the Standard).

Key management personnel compensation

- IG7 In the public sector, Ministers are normally compensated through one or more central government agencies or authorities. In relation to not-for-profit public sector entities, the central government agency typically operates as a management entity for the purposes of applying paragraph 17A of the Standard.
- IG8 Paragraph 18A of the Standard requires disclosure of amounts incurred by the entity preparing general purpose financial statements for the key management personnel services that are provided by a separate management entity. No disclosure is required to comply with the requirement in paragraph 18A where an entity is not obligated to reimburse the management entity for key management personnel services it has obtained.

Related party transactions

- IG9 Paragraph 18 of the Standard requires an entity to disclose information about transactions that have occurred between the entity and its related parties, including transactions between the entity and its key management personnel or key management personnel of the entity's parent, that is necessary for users to understand the potential effect of the relationship on the financial statements.
- IG10 Ministers, councillors and other senior public servants may qualify as a related party of a public sector entity under one or more of the criteria set down in paragraph (a) in the definition of 'related party' in AASB 124. For example, a Minister who is a member of the key management personnel of the Commonwealth or State government is, under the definition of 'related party', a related party not only of the Commonwealth or State government consolidated entity but also of each controlled entity of that government (see Example 2 in paragraph IG6). In such instances, the Standard requires the controlled government entity to disclose related party transactions with that Minister which are necessary to meet the objective noted in paragraph 1 of the Standard, whether or not the Minister has responsibility for the entity.
- IG11 A related party transaction is a transfer of resources, services or obligations between an entity and its related party, regardless of whether a price is charged. In the not-for-profit public sector, many entities are likely to engage frequently with persons who are a related party of that entity in the course of delivering the entity's public service objectives, including the raising of funds (for example, rates and taxes) to meet those objectives. These related party transactions often occur on terms and conditions no different to those applying to the general public (for example, the Medicare rebate or public school fees). A not-for-profit public sector entity may determine that information about related party transactions occurring during the

course of delivering its public service objectives and which occur on no different terms to that of the general public is not material for disclosure in its general purpose financial statements and accordingly need not be disclosed. Guidance relevant to an entity's assessment of the materiality of a disclosure to its general purpose financial statements is included in AASB 101 *Presentation of Financial Statements* and AASB 108 *Accounting Policies, Changes in Accounting Estimates and Errors*. The factors described in paragraph 27 of the Standard may also assist an entity in making this determination.

IG12 Examples 7–8 describe different types of related party transactions that may occur between not-for-profit public sector entities and their related parties:

Example 7

Councillor P is a member of the key management personnel of the LMN local government (the Council). The Council's functions include raising revenue to fund its functions and activities, and planning for and providing services and facilities (including infrastructure) for the local community. In carrying out its functions, the Council undertakes a wide range of activities including the imposition of rates and charges upon constituents, and the provision without charge of services such as parks and roads.

Councillor P is a ratepayer residing within the Council's constituency. As such, Councillor P takes advantage of the availability of free public access to local parks and libraries. Councillor P also used the swimming pool at the Council's Recreation Centre twice during the financial year, paying the casual entry fee applicable to the general public each time. The recreation centre has approximately 20,000 visitors each financial year.

All of the transactions described above between the Council and Councillor P are related party transactions of the Council considered for disclosure in the Council's general purpose financial statements. Based on the facts and circumstances described, the Council may determine that these transactions are unlikely to influence the decisions that users of the Council's financial statements make having regard to both the extent of the transactions, and that the transactions have occurred between the Council and Councillor P within a public service provider/ taxpayer relationship.

Example 8

Minister Z, the State Minister for Planning, has responsibility for a range of functions and, in certain circumstances, has the power to intervene on matters associated with planning and heritage processes. Minister Z is a member of the key management personnel of State Government H.

Entity MED is a controlled entity of State Government H, and operates within the State Health sector. Entity MED is currently seeking State development approval for a potentially contentious new building.

Around this time, Entity MED enters into a contract with Entity STU, an entity wholly-owned and controlled by a close member of Minister Z's family for Entity STU to provide cleaning services at various current and future Entity MED locations, including the new building when completed. The cleaning contract was won by Entity STU in an open tender. Minister Z has declared information about the contract to provide cleaning services to Cabinet and it is included as part of the Minister's Register of Members' Interests. During the reporting period, Entity STU rendered services of \$50,000 to Entity MED. No amounts remain outstanding at Entity STU's reporting date. Entity MED assesses the cleaning services rendered to be a material component of its total operating expenses.

Entity STU is a related party of Entity MED in accordance with the definition of a related party in paragraph 9 of the Standard. The provision of \$50,000 cleaning services by Entity STU to Entity MED described above is a related party transaction of Entity MED as there has been a transfer of services and resources between Entity MED and Entity STU. Based on the facts and circumstances described, management of Entity MED may determine that information about the transaction is material for disclosure in its general purpose financial statements as there has been a transfer of resources occurring other than as a result of a public service provider/ taxpayer relationship between related parties and the amount of the transaction is material to Entity MED.

The provision of \$50,000 cleaning services by Entity STU to Entity MED described above is also a related party transaction of State Government H as Minister Z is a member of the key management personnel of State Government H and Entity MED is a controlled entity of State Government H. State Government H should separately assess whether the related party transaction is material for disclosure in the whole-of-government financial statements.

Government-related entities

- IG13 Paragraph 25 of the Standard provides a limited exemption from the disclosure requirements of paragraph 18 for government-related entities, subject to the alternative disclosures in paragraph 26 of the Standard. An entity considers, on balance, the range of factors included in paragraph 27, as well as any additional relevant factors, in determining the extent of the disclosure required by paragraph 26(b). In some instances, the presence of a single factor identified in paragraph 27 will not be sufficient to inform the entity of the level of individual or collective significance of the transaction. For example, a requirement of legislation to report on various transactions to Parliament may not of itself inform a not-for-profit public sector entity of the significance of a transaction to itself where the entity's objective is to carry out such transactions, and consequently, the entity should also have regard to other factors in forming its assessment of the significance of the transaction. In other instances, a single factor may be adequate to establish the extent of the significance of the transaction to the entity.
- IG14 Individually significant transactions would normally form a small subset, by number, of the total related party transactions of the entity. Paragraph IE3 in the Illustrative Examples accompanying the Standard provides examples of disclosure to comply with paragraph 26(b).

Illustrative examples

The following examples accompany, but are not part of, AASB 124 Related Party Disclosures. They illustrate:

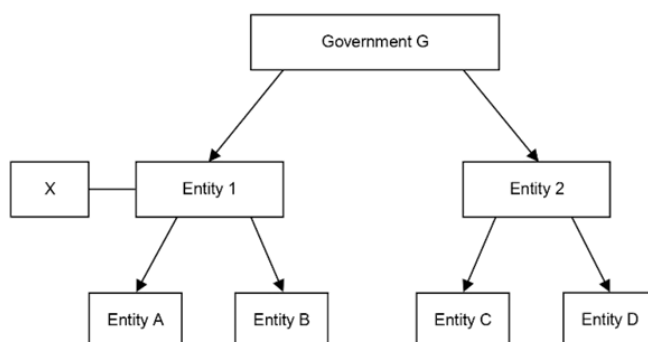
- the partial exemption for government-related entities; and
- how the definition of a related party would apply in specified circumstances.

In the examples, references to 'financial statements' relate to the individual, separate or consolidated financial statements.

Partial exemption for government-related entities

Example 1 – Exemption from disclosure (paragraph 25)

IE1 Government G directly or indirectly controls Entities 1 and 2 and Entities A, B, C and D. Person X is a member of the key management personnel of Entity 1.



IE2 For Entity A's financial statements, the exemption in paragraph 25 applies to:

- transactions with Government G; and
- transactions with Entities 1 and 2 and Entities B, C and D.

However, that exemption does not apply to transactions with Person X.

Disclosure requirements when exemption applies (paragraph 26)

IE3 In Entity A's financial statements, an example of disclosure to comply with paragraph 26(b)(i) for **individually** significant transactions could be:

Example of disclosure for individually significant transaction carried out on non-market terms

On 15 January 20X1 Entity A, a utility company in which Government G indirectly owns 75 per cent of outstanding shares, sold a 10 hectare piece of land to another government-related utility company for CU5 million.² On 31 December 20X0 a plot of land in a similar location, of a similar size and with similar characteristics, was sold for CU3 million. There had not been any appreciation or depreciation of the land in the intervening period. See note X [of the financial statements] for disclosure of government assistance as required by AASB 120 *Accounting for Government Grants and Disclosure of Government Assistance* and notes Y and Z [of the financial statements] for compliance with other relevant Australian Accounting Standards.

² In these examples monetary amounts are denominated in 'currency units (CU)'.

Example of disclosure for individually significant transaction because of size of transaction

In the year ended December 20X1 Government G provided Entity A, a utility company in which Government G indirectly owns 75 per cent of outstanding shares, with a loan equivalent to 50 per cent of its funding requirement, repayable in quarterly instalments over the next five years. Interest is charged on the loan at a rate of 3 per cent, which is comparable to that charged on Entity A's bank loans.³ See notes Y and Z [of the financial statements] for compliance with other relevant Australian Accounting Standards.

Example of disclosure of collectively significant transactions

In Entity A's financial statements, an example of disclosure to comply with paragraph 26(b)(ii) for collectively significant transactions could be:

Government G, indirectly, owns 75 per cent of Entity A's outstanding shares. Entity A's significant transactions with Government G and other entities controlled, jointly controlled or significantly influenced by Government G are [a large portion of its sales of goods and purchases of raw materials] or [about 50 per cent of its sales of goods and about 35 per cent of its purchases of raw materials].

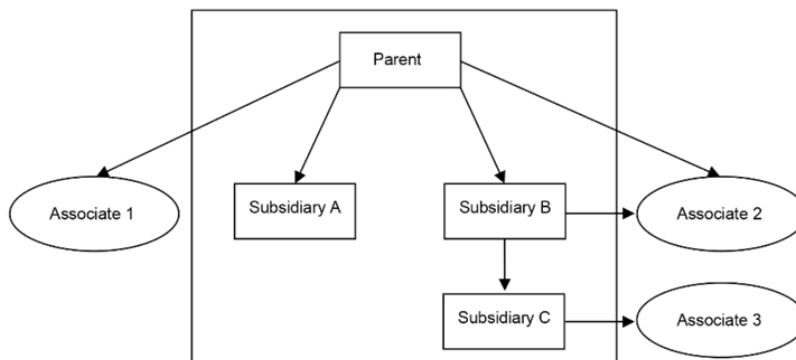
The company also benefits from guarantees by Government G of the company's bank borrowing. See note X [of the financial statements] for disclosure of government assistance as required by AASB 120 *Accounting for Government Grants and Disclosure of Government Assistance* and notes Y and Z [of the financial statements] for compliance with other relevant Australian Accounting Standards.

Definition of a related party

The references are to subparagraphs of the definition of a **related party** in paragraph 9 of AASB 124.

Example 2 – Associates and subsidiaries

IE4 Parent entity has a controlling interest in Subsidiaries A, B and C and has significant influence over Associates 1 and 2. Subsidiary C has significant influence over Associate 3.



IE5 For Parent's separate financial statements, Subsidiaries A, B and C and Associates 1, 2 and 3 are related parties. [Paragraph 9(b)(i) and (ii)]

IE6 For Subsidiary A's financial statements, Parent, Subsidiaries B and C and Associates 1, 2 and 3 are related parties. For Subsidiary B's separate financial statements, Parent, Subsidiaries A and C and Associates 1, 2 and 3 are related parties. For Subsidiary C's financial statements, Parent, Subsidiaries A and B and Associates 1, 2 and 3 are related parties. [Paragraph 9(b)(i) and (ii)]

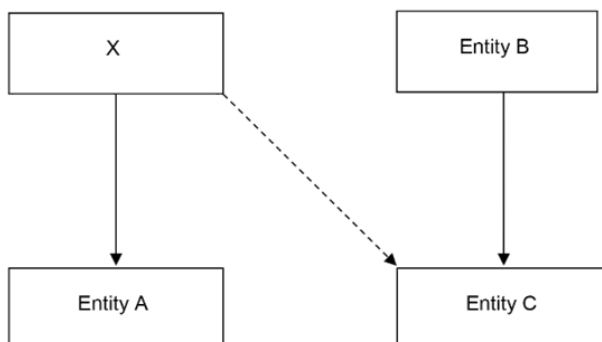
IE7 For the financial statements of Associates 1, 2 and 3, Parent and Subsidiaries A, B and C are related parties. Associates 1, 2 and 3 are not related to each other. [Paragraph 9(b)(ii)]

³ If the reporting entity had concluded that this transaction constituted government assistance it would have needed to consider the disclosure requirements in AASB 120.

IE8 For Parent’s consolidated financial statements, Associates 1, 2 and 3 are related to the Group. [*Paragraph 9(b)(ii)*]

Example 3 – Key management personnel

IE9 A person, X, has a 100 per cent investment in Entity A and is a member of the key management personnel of Entity C. Entity B has a 100 per cent investment in Entity C.



IE10 For Entity C’s financial statements, Entity A is related to Entity C because X controls Entity A and is a member of the key management personnel of Entity C. [*Paragraph 9(b)(vi)–(a)(iii)*]

IE11 For Entity C’s financial statements, Entity A is also related to Entity C if X is a member of the key management personnel of Entity B and not of Entity C. [*Paragraph 9(b)(vi)–(a)(iii)*]

IE12 Furthermore, the outcome described in paragraphs IE10 and IE11 will be the same if X has joint control over Entity A. [*Paragraph 9(b)(vi)–(a)(iii)*] (If X had only significant influence over Entity A and not control or joint control, then Entities A and C would not be related to each other.)

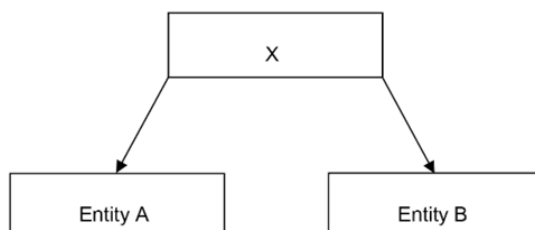
IE13 For Entity A’s financial statements, Entity C is related to Entity A because X controls A and is a member of Entity C’s key management personnel. [*Paragraph 9(b)(vii)–(a)(i)*]

IE14 Furthermore, the outcome described in paragraph IE13 will be the same if X has joint control over Entity A. The outcome will also be the same if X is a member of key management personnel of Entity B and not of Entity C. [*Paragraph 9(b)(vii)–(a)(i)*]

IE15 For Entity B’s consolidated financial statements, Entity A is a related party of the Group if X is a member of key management personnel of the Group. [*Paragraph 9(b)(vi)–(a)(iii)*]

Example 4 – Person as investor

IE16 A person, X, has an investment in Entity A and Entity B.

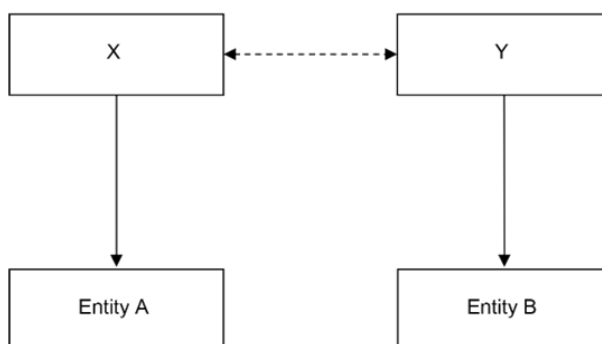


IE17 For Entity A’s financial statements, if X controls or jointly controls Entity A, Entity B is related to Entity A when X has control, joint control or significant influence over Entity B. [*Paragraph 9(b)(vi)–(a)(i) and 9(b)(vii)–(a)(i)*]

- IE18 For Entity B’s financial statements, if X controls or jointly controls Entity A, Entity A is related to Entity B when X has control, joint control or significant influence over Entity B. [*Paragraph 9(b)(vi)–(a)(i) and 9(b)(vi)–(a)(ii)*]
- IE19 If X has significant influence over both Entity A and Entity B, Entities A and B are not related to each other.

Example 5 – Close members of the family holding investments

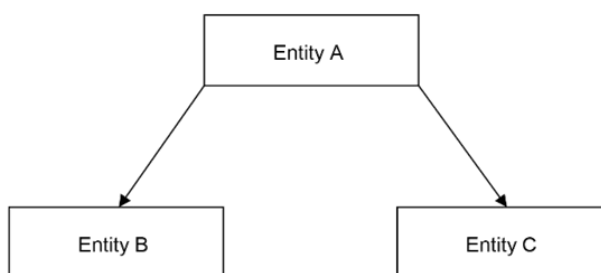
- IE20 A person, X, is the domestic partner of Y. X has an investment in Entity A and Y has an investment in Entity B.



- IE21 For Entity A’s financial statements, if X controls or jointly controls Entity A, Entity B is related to Entity A when Y has control, joint control or significant influence over Entity B. [*Paragraph 9(b)(vi)–(a)(i) and 9(b)(vii)–(a)(i)*]
- IE22 For Entity B’s financial statements, if X controls or jointly controls Entity A, Entity A is related to Entity B when Y has control, joint control or significant influence over Entity B. [*Paragraph 9(b)(vi)–(a)(i) and 9(b)(vi)–(a)(ii)*]
- IE23 If X has significant influence over Entity A and Y has significant influence over Entity B, Entities A and B are not related to each other.

Example 6 – Entity with joint control

- IE24 Entity A has both (i) joint control over Entity B and (ii) joint control or significant influence over Entity C.



- IE25 For Entity B’s financial statements, Entity C is related to Entity B. [*Paragraph 9(b)(iii) and (iv)*]
- IE26 Similarly, for Entity C’s financial statements, Entity B is related to Entity C. [*Paragraph 9(b)(iii) and (iv)*]

Compilation details
Accounting Standard AASB 124 Related Party Disclosures (as amended)

Compilation details are not part of AASB 124.

This compiled Standard applies to annual periods beginning on or after 1 January 2020. It takes into account amendments up to and including 21 May 2019 and was prepared on 2 March 2020 by the staff of the Australian Accounting Standards Board (AASB).

This compilation is not a separate Accounting Standard made by the AASB. Instead, it is a representation of AASB 124 (July 2015) as amended by other Accounting Standards, which are listed in the Table below.

Table of Standards

Standard	Date made	FRL identifier	Commence- ment date	Effective date (<i>annual periods</i> ... on or after ...)	Application, saving or transitional provisions
AASB 124	24 Jul 2015	F2015L01621	30 Jun 2016	(<i>beginning</i>) 1 Jul 2016	see (a) below
AASB 2019-1	21 May 2019	F2019L00966	31 Dec 2019	(<i>beginning</i>) 1 Jan 2020	see (b) below

- (a) Entities may elect to apply this Standard to annual periods beginning on or after 1 January 2014 but before 1 July 2016.
(b) Entities may elect to apply this Standard to annual periods beginning before 1 January 2020.

Table of amendments

Paragraph affected	How affected	By ... [paragraph/page]
AusCF1	added	AASB 2019-1 [page 20]

Deleted IAS 24 text

Deleted IAS 24 text is not part of AASB 124.

- 28 An entity shall apply this Standard retrospectively for annual periods beginning on or after 1 January 2011. Earlier application is permitted, either of the whole Standard or of the partial exemption in paragraphs 25–27 for government-related entities. If an entity applies either the whole Standard or that partial exemption for a period beginning before 1 January 2011, it shall disclose that fact.
- 28A IFRS 10, IFRS 11 *Joint Arrangements* and IFRS 12, issued in May 2011, amended paragraphs 3, 9, 11(b), 15, 19(b) and (c) and 25. An entity shall apply those amendments when it applies IFRS 10, IFRS 11 and IFRS 12.
- 28B *Investment Entities* (Amendments to IFRS 10, IFRS 12 and IAS 27), issued in October 2012, amended paragraphs 4 and 9. An entity shall apply those amendments for annual periods beginning on or after 1 January 2014. Earlier application of *Investment Entities* is permitted. If an entity applies those amendments earlier it shall also apply all amendments included in *Investment Entities* at the same time.
- 29 This Standard supersedes IAS 24 *Related Party Disclosures* (as revised in 2003).

Basis for Conclusions on AASB 2015-6

This Basis for Conclusions accompanies, but is not part of, AASB 124. The Basis for Conclusions was originally published with AASB 2015-6 Amendments to Australian Accounting Standards – Extending Related Party Disclosures to Not-for-Profit Public Sector Entities.

Background

- BC1 This Basis for Conclusions summarises the Australian Accounting Standards Board’s considerations in deciding to extend the scope of AASB 124 *Related Party Disclosures* (December 2009) to the not-for-profit public sector. Individual Board members gave greater weight to some factors than to others.
- BC2 The first version of AASB 124, AASB 124 *Related Party Disclosures* (July 2004), applied explicitly to general purpose financial statements of companies and other for-profit entities. The December 2005 and subsequent versions of AASB 124 specifically exempt not-for-profit public sector entities from applying AASB 124. This exemption was provided on the grounds of practicability, including the number of intra-government transactions.
- BC3 The Board received representations from constituents that the disclosure of relevant related party information is a critical element of accountability in the public sector. A key example is information relating to key management personnel of public sector entities, the disclosure of which is not required under current Australian Accounting Standards.
- BC4 Following requests from its constituents to review IAS 24 *Related Party Disclosures*, the International Accounting Standards Board (IASB) made amendments to simplify the definition of ‘related party’ and, to ease concerns about practicability, provide a partial exemption from the disclosure requirements for entities that are related by virtue of being controlled, jointly controlled or significantly influenced by the same government. The Board incorporated the revised IAS 24 into AASB 124 (December 2009). The Board noted that this version of AASB 124 provides a more appropriate basis for application by not for profit public sector entities than the previous versions, as transactions between government-related entities of the same jurisdiction are exempted partially from disclosure.
- BC5 Therefore, in furtherance of its policy of promulgating transaction-neutral Standards to the extent feasible, the Board initiated a project to consider issues relating to extending the scope of AASB 124 (December 2009) to not-for-profit public sector entities. The Board issued Exposure Draft ED 214 *Extending Related Party Disclosures to the Not-for-Profit Public Sector* in July 2011. ED 214 exposed for public comment the Board’s proposal to extend the scope of AASB 124 to include not-for-profit public sector entities. The ED explained the Board’s reasons for its proposals, including its considerations as to the applicability of AASB 124 to a not-for-profit public sector context. In addition, public roundtables were conducted with public sector constituents to identify concerns and implementation issues arising from the Board’s proposals.
- BC6 In finalising its proposals that not-for-profit public sector entities be required to apply AASB 124 unamended, the Board addressed a range of issues, including consideration of:
- (a) amending the definition of ‘key management personnel’ for such entities;
 - (b) amending the requirements to provide such entities with some relief from disclosure of ministerial compensation;
 - (c) exempting such entities from disclosing certain related party transactions with Ministers;
 - (d) not requiring general government sector (GGS) financial statements to comply with AASB 124;
 - (e) adding a public sector perspective to AASB 124, for example by inserting an alternative definition for the term ‘business’ in paragraph 5 of AASB 124; and
 - (f) extending the disclosure requirements in AASB 124 for key management personnel.
- Each of these issues and the outcome of the Board’s considerations are noted below.
- BC7 In finalising its proposals, the Board also considered constituent feedback for implementation guidance to be developed to assist not-for-profit public sector entities in applying AASB 124. The Board noted that while some information about Ministerial or senior executive compensation or related party transactions may be disclosed pursuant to other legislation or directives, the requirement to apply AASB 124 will be the first time that information about a not-for-profit public sector entity’s related parties is specified by Australian Accounting Standards for inclusion in its general purpose financial statements. Consequently,

such entities may not have previously considered challenges in implementing the Standard's requirements in a not-for-profit public sector environment. The Board considered that these entities may also have difficulty in identifying and determining the extent of the information necessary to meet the objective of AASB 124, as described in paragraph 1 of the Standard. Accordingly, the Board determined that the final amendments would include implementation guidance to assist not-for-profit public sector entities with their implementation of the Standard.

Significant issues

Definition of key management personnel

- BC8 The Board considered whether an amendment of the definition of key management personnel for the not-for-profit public sector would be necessary to facilitate a decision to remove the not-for-profit public sector exemption from AASB 124, but decided that the present definition was suitable. The AASB noted that, in a public sector context, entities should consider the facts and circumstances in assessing whether a person is a member of the key management personnel, as defined, of the entity.
- BC9 The Board considered that normally, the determination of key management personnel will be similar for entities in the public sector or the private sector. For example, a not-for-profit public sector entity will need to determine whether all, or only certain, of its senior executive service employees meet the definition of key management personnel. However, the Board acknowledged constituents' concerns that the determination of key management personnel may not be straightforward in the not-for-profit public sector given ministerial-type roles. The Board noted that it does not regard a Minister to always be a member of the key management personnel of a not-for-profit public sector entity; rather, this is dependent on the particular circumstances of the jurisdiction and of the entity. Accordingly, the Board decided to add guidance to the Standard, in the absence of a private sector analogy, to assist not-for-profit public sector entities in applying the definition of key management personnel to Ministers, as ministerial-type roles do not usually arise in a private sector context.
- BC10 The Board also noted that an entity may determine that a relevant Minister may not meet the definition of key management personnel of an entity. However, the Board observed that this did not preclude that Minister from being otherwise identified as a related party of the entity, for example, where the Minister is a member of the key management personnel of the entity's parent.

Key management personnel compensation – Ministers

- BC11 Respondents to ED 214 raised concerns that the requirements of AASB 124 pertaining to the disclosure of key management personnel compensation would be onerous if applicable to Ministers, noting also that any attribution of a Ministerial salary across entities coming under the responsibility of that Minister's portfolio would involve significant judgement.
- BC12 The Board considered whether some relief was necessary with respect to the compensation of a Minister who is a member of the key management personnel of an entity. The Board observed that Ministers are typically remunerated through Parliament via a central agency, and that a Minister's compensation, while related to their responsibilities, may not be related to services performed for any specific entity or group of entities.
- BC13 The Board noted the addition of paragraphs 17A and 18A into AASB 124 since the comment period on ED 214 closed. These paragraphs were inserted into AASB 124 by AASB 2014-1 *Amendments to Australian Accounting Standards* (June 2014) to address the disclosures that apply where members of the key management personnel are not employees of the reporting entity (see paragraphs BC51 and BC52 of IAS 24). The Board considered that these paragraphs will be of relevance to a not-for-profit public sector entity when considering the disclosure of the compensation of a Minister who has been identified as part of the key management personnel of the entity, and may alleviate the respondents' concerns noted in paragraph BC11. Accordingly, the Board decided that no amendment to AASB 124 to address the disclosure of ministerial compensation was necessary at this time. However, the Board decided to add implementation guidance to clarify the manner it considers paragraph 17A operates in relation to a Minister's compensation.

Related party transactions

- BC14 The definition of 'related party' in AASB 124 separately addresses persons and entities related to the entity preparing general purpose financial statements. The partial exemption in AASB 124 from the disclosure

requirements for government-related entities applies only in relation to those entities specified in paragraphs 25(a) and 25(b) of that Standard, and not also to persons who are related parties covered by paragraph 17 (key management personnel compensation) or paragraph 18 (transactions during the periods covered by the financial statements) of AASB 124.

- BC15 Having regard to the partial exemption for government-related entities in AASB 124, the Board considered whether providing an exemption for the disclosure of related party transactions with Ministers or local government councillors was justified by any circumstances unique to the public sector and that may not have been considered by the IASB, whose mandate is limited to for-profit entities. The Board's consideration included the role of Ministers in a government and how onerous the disclosures required under AASB 124 might be. As part of its consideration, the Board had regard to the New Zealand Accounting Standards Board's decisions relating to disclosures of related party transactions with Ministers.
- BC16 The Board observed that Ministers who are members of the key management personnel of their government would also be related parties not only of the government but also of each controlled entity of the government. Accordingly, a subsidiary government entity will be required to disclose related party transactions with Ministers who may have no responsibility for the entity to the extent the disclosures are considered material, from the entity's perspective, for disclosure. For example, the Board noted that in Example 1 of the Illustrative Examples accompanying AASB 124, Entities 1, 2, A, B, C and D will be required to disclose in their financial statements related party transactions between a Minister who is a member of the key management personnel of Government G and the entity, even where the Minister's portfolio does not include the entity.
- BC17 The Board noted that, as is often the case with related party transactions, judgement would be required as to when transactions are material, especially when qualitative assessments are made about the nature of transactions. The Board considered situations in which key management personnel of a not-for-profit public sector entity, including Ministers or local government councillors where so identified, paid taxes, levies or other statutory charges or fees faced generally by citizens, or used public services such as state hospitals or schools. The Board does not expect, absent unusual circumstances, that the application of materiality would result in disclosure in many of these situations. In contrast, a commercial contract entered into by a Minister or local government councillor with a related public sector entity may be relevant for disclosure, similar to a commercial contract between a member of the key management personnel of a for-profit entity and the for-profit entity (for example, a contract to provide accountancy services between the entity and an entity controlled by a member of its key management personnel). Accordingly, the Board observed that a not-for-profit public sector entity would also need to apply judgement in determining the extent of information it needs to collect to meet the objective of AASB 124, as there is little value in an entity incurring significant costs to obtain data that is immaterial for disclosure. The Board noted that it would expect appropriate criteria to be identified so that information about transactions that are possibly material (for example, transactions that have occurred at a different price or volume to that applying to the general public) is captured for assessment.
- BC18 Having regard to the role of materiality, the Board decided that no specific exemption from disclosure of the related party transactions with key management personnel of a not-for-profit public sector entity, including any Ministers or local government councillors where so identified, was necessary. However, to respond to constituents' requests for clarification on the extent of disclosures required of related party transactions that occur in the not-for-profit public sector, the Board decided to add implementation guidance to AASB 124 to assist not-for-profit public sector entities in this regard.

Transactions with Ministers acting in their collective government capacity

- BC19 The Board considered whether transactions with Ministers who are related parties and who are acting in their collective government capacity would be assessed as being with the government and eligible for the partial exemption from disclosure in paragraphs 25 and 26 of AASB 124. The Board decided that such transactions were in substance transactions between the entity and the government-related entity, rather than being transactions with the Ministers in their own right, and that no clarification to the Standard was necessary in this regard (however, see also paragraphs BC20–BC22 below).

Government-related entities

- BC20 The Board noted that not-for-profit public sector entities were previously excluded from applying the Standard on grounds of practicability, including having regard to the number of intra-government transactions. In extending the Standard to apply to not-for-profit public sector entities, the Board

considered the extent of transactions for which disclosure may be necessary to comply with paragraph 26 of the Standard.

- BC21 In its considerations, the Board had regard to the IASB's reasons for including the partial exemption, being to resolve concerns raised when the Standard was applied in environments where government control is pervasive. The Board noted that the IASB had indicated that it did not intend to require the entity to identify every government-related entity or to quantify in detail every transaction with such entities, as such a requirement would negate the exemption (see paragraph BC43 of IAS 24).
- BC22 The Board noted that it shared the IASB's view communicated in paragraph BC45 of IAS 24. Paragraph BC45 of IAS 24 states:
- BC45 The Board noted that this requirement should not be too onerous for the reporting entity because:
- (a) individually significant transactions should be a small subset, by number, of total related party transactions;
 - (b) the reporting entity should know what those transactions are; and
 - (c) reporting such items on an exceptional basis takes into account cost-benefit considerations.

Nevertheless, the Board decided to add implementation guidance to the Standard to respond to constituent concerns about the extent of disclosure required by paragraph 26.

Other issues

Applicability to the general government sector

- BC23 Respondents to the Exposure Draft sought clarification as to whether related party disclosures would be required in general purpose financial statements of entities in the general government sector (GGS). The Board noted the requirements in AASB 1049 *Whole of Government and General Government Sector Financial Reporting* for GGS and whole of government financial statements to be made available at the same time and, if presented separately, to be cross-referenced to each other. The Board also noted that there may be considerable overlap between the related party disclosures for the GGS and whole of government financial statements, and that exempting GGS entities from the scope of the Standard may reduce complexity and duplication of disclosures.
- BC24 The Board noted that the issue of related party disclosures by subsidiary entities is also relevant to for-profit entities, and considered that related party disclosures for the GGS entity need not be the same as the disclosures for the whole-of-government or other public sector entities. Accordingly, the Board decided that GGS financial statements should not be exempt from complying with the Standard.

Public sector perspective

- BC25 The Board considered whether amendment was necessary to AASB 124, for example, to paragraphs 5 and 27, to add a public sector perspective to the Standard. The Board decided that amendment was not necessary in this regard and that the addition of limited implementation guidance in respect of not-for-profit public sector entities would provide a sufficient public sector perspective to the Standard.
- BC26 For example, the Board considered whether an alternative definition (to that in Appendix A of AASB 3 *Business Combinations*) for the term 'business' in paragraph 5 of AASB 124 was necessary. The Board decided that an alternative definition is not required, which is consistent with its decision when it reissued AASB 3 in March 2008. In the Board's view, the term 'business' can be read broadly. In particular, the phrase "lower costs or other economic benefits directly to investors or other owners, members or participants" in the definition of 'business' in AASB 3 is broad and can be applied by not-for-profit public sector entities.

Extending the disclosures of key management personnel of public sector entities

- BC27 In finalising the amendments, the Board considered requests from some public sector constituents for additional disclosures (such as salary banding disclosures) for key management personnel in the public sector. Some constituents also queried whether additional disclosures similar to those required by section 300A of the *Corporations Act 2001* of key management personnel of listed companies should be required in respect of key management personnel of government business enterprises, based on the view

that for-profit government business enterprises should be regarded as at least as publicly accountable as such entities.

- BC28 The Board follows a policy of transaction neutrality in the requirements in Standards. Therefore, the Board decided not to require any compensation or other related party disclosures for key management personnel of public sector entities in addition to those specified of key management personnel of private sector entities, including in instances where a not for profit public sector entity has availed itself of the relief in paragraph 17A of AASB 124. The Board was not convinced that there was a not for profit sector specific reason to impose disclosures that exceed the requirements for for-profit entities.









Reduced disclosure requirements

- BC29 The Board considered whether amendment was required to the reduced disclosure requirements specified in paragraph Aus1.11 for application by not-for-profit public sector entities, and decided that no amendment was necessary in this regard. Accordingly, the reduced disclosure requirements set out in AASB 124 that apply to Tier 2 not-for-profit public sector entities are the same as those applying to other Tier 2 entities.

Application date and transitional provisions

- BC30 The Board considered the application date and transitional provisions of the amendments to extend the scope of AASB 124 to include not for profit public sector entities. The Board acknowledged constituent concerns about the ability of existing systems, processes and controls to capture the information required, and requests for a lengthy transition period prior to mandatory application of the amendments.
- BC31 The Board was disinclined to unnecessarily further extend the period to which these amendments are on issue before mandatory application, having made its key decisions on the amendments in 2012, and as the finalised amendments are largely as were exposed. Further, the Board noted that Australian Implementation Guidance to AASB 10 *Consolidated Financial Statements* relating to the application of control by not-for-profit entities had been issued by the Board in October 2013. The Board also noted that the forthcoming issue of an amending standard extending the scope of AASB 124 to not-for-profit public sector entities has been signalled in its publicly available work program. Accordingly, the Board decided that the amendments should apply to annual reporting periods beginning on or after 1 July 2016.
- BC32 However, having regard to constituent concerns, the Board decided not to require comparative related party disclosures to be presented in the period of initial application of the amendments.

12.3 Policy and Legislation Committee 24/2/2021 - REVIEW OF COUNCIL POLICIES: BUSHFIRE POLICIES

STRATEGIC GOAL	6. LEADERSHIP Visionary, collaborative, accountable
STRATEGIC OBJECTIVE	6.1 Governance systems, process and practices are responsible, ethical and transparent.
SUBJECT INDEX	Council Policies
BUSINESS UNIT	Environmental Services
REPORTING OFFICER	Manager Environmental Services - Tanya Gillett
AUTHORISING OFFICER	Director, Planning and Development Services - Paul Needham
NATURE OF DECISION	Executive: Substantial direction setting, including adopting budgets, strategies, plans and policies (excluding local planning policies); funding, donations and sponsorships; reviewing committee recommendations
VOTING REQUIREMENT	Simple Majority
ATTACHMENTS	Attachment A Proposed Council Policy - Bush Fire Brigades ↓ 
	Attachment B Current Council Policy 32 - Bush Fire Brigade Grievance Process and Disciplinary Action ↓ 
	Attachment C Current Council Policy 33 - Meetings of Bush Fire Brigades ↓ 
	Attachment D Current Council Policy 34 - Membership of Bush Fire Brigades ↓ 
	Attachment E Current Council Policy 35 - Qualifications of Bush Fire Brigade Officers ↓ 
	Attachment F Current Council Policy 36 - Roles of Bush Fire Brigade Officers ↓ 
	Attachment G Current Council Policy 40 - Bush Fire Brigade Accounting ↓ 
	Attachment H Current Council Policy 41 - Code of Conduct, Bush Fire Brigade Objectives and Values ↓ 

This item was considered by the Policy and Legislation Committee at its meeting on 24/2/2021, the recommendations from which have been included in this report.

OFFICER RECOMMENDATION

That the Council:

1. Acknowledge the proposal to adopt the proposed Council Policy – Bush Fire Brigades (Attachment A) and rescind the Council policies listed below and attached (Attachments B-H):
 - a. 32 – Bush Fire Brigade Grievance Process and Disciplinary Action;
 - b. 33 – Meetings of Bush Fire Brigades;
 - c. 34 – Membership of Bush Fire Brigades;
 - d. 35 – Qualifications of Bush Fire Brigade Officers;
 - e. 36 – Roles of Bush Fire Brigade Officers;
 - f. 40 – Bush Fire Brigade Accounting; and
 - g. 41 – Code of Conduct, Bush Fire Brigade Objectives and Values.
2. Acknowledge the Policy and Legislation Committee support of the proposal contained in recommendation 1.
3. Refers the proposal contained in recommendation 1 to the Bush Fire Advisory Committee, with the Bush Fire Advisory Committee to provide a recommendation to Council.

COUNCIL DECISION AND COMMITTEE RECOMMENDATION**C2103/042** Moved Councillor J Barrett-Lennard, seconded Councillor P Cronin**That the Council:**

- 1. Do not adopt the proposed Council Policy (Attachment A) and do not rescind the Council policies listed below and attached (Attachments B-H):**
 - a. 32 – Bush Fire Brigade Grievance Process and Disciplinary Action;**
 - b. 33 – Meetings of Bush Fire Brigades;**
 - c. 34 – Membership of Bush Fire Brigades;**
 - d. 35 – Qualifications of Bush Fire Brigade Officers;**
 - e. 36 – Roles of Bush Fire Brigade Officers;**
 - f. 40 – Bush Fire Brigade Accounting; and**
 - g. 41 – Code of Conduct, Bush Fire Brigade Objectives and Values.**
- 2. Request officers to undertake a detailed review of the Council policies (Attachments B-H) in consultation with the Bush Fire Advisory Committee and return the policies to the Policy and Legislation Committee at a later time.**
- 3. Acknowledge the current review of the State Government bushfire framework which may have a future impact on Council policies or local laws.**

CARRIED 8/0**EN BLOC**

Reasons: The Committee requested a further review of the Council policies and consultation with the Bush Fire Advisory Committee before it would make a recommendation to Council. The Committee also considered it to be prudent to determine the impact of the outcomes of the State Government's bushfire framework review on these policies and any future local laws.

EXECUTIVE SUMMARY

This report proposes the adoption of a new Council Policy – Bush Fire Brigades, and the rescission of the following current Council policies pertaining to Bush Fire Brigades:

- a. 32 – Bush Fire Brigade Grievance Process and Disciplinary Action
- b. 33 – Meetings of Bush Fire Brigades
- c. 34 – Membership of Bush Fire Brigades
- d. 35 – Qualifications of Bush Fire Brigade Officers
- e. 36 – Roles of Bush Fire Brigade Officers
- f. 40 – Bush Fire Brigade Accounting
- g. 41 – Code of Conduct, Bush Fire Brigade Objectives and Values

It is considered that the proposal should be considered by two Committees of Council, the Policy and Legislation Committee and the Bushfire Advisory Committee; and as such this report recommends that Council acknowledges the Policy and Legislation Committee review of the Policy and proposal to rescind the current policies, and further refer the proposal to the Bushfire Advisory Committee before the Council makes a final decision.

BACKGROUND

In 2015, the current Bush Fire Brigade Council Policies were adopted with the aim of providing governance and operational direction across a variety of matters pertaining to the City's Bush Fire Brigades. The policies have not been reviewed since that time.

During 2017, the City engaged Mr John Woodhouse who produced a report entitled 'Promoting Confidence: A Review of the City of Busselton Governance Systems And Processes.' Within this report, Mr Woodhouse recommended the following (bold text in original):

17.4 Local laws – Bush Fires – Recommendations

- (1) *The Bush Fires Act 1954 not only empowers a local government to make local laws for certain matters but also **requires** that certain matters are to be dealt with by way of local laws.*
- (2) *An example of a power to make local laws is section 41(1) which provides:
"For the purpose of carrying out normal brigade activities a local government may, in accordance with its local laws made for the purpose, establish and maintain one or more bush fire brigades and may, in accordance with those local laws, equip each bush fire brigade so established with appliances, equipment and apparatus."*
- (3) *An example of a requirement to make a local law is section 43 which provides:
"A local government which establishes a bush fire brigade **shall by its local laws provide for** the appointment or election of a captain, a first lieutenant, a second lieutenant, and such additional lieutenants as may be necessary as officers of the bush fire brigade, and prescribe their respective duties." [Emphasis added]*
- (4) *Despite this, the City has no local laws made under the Act.*
- (5) *There is a Council Policy but no local law.*
- (6) *Consideration should be given, therefore, to the preparation of suitable local laws under the Bush Fires Act 1954.*

The use of a Bush Fire Brigades Local Law would most certainly streamline governance structures for the Brigades and reduce the need for comprehensive Council Policies and Operational Practices to be developed and implemented. At this stage, though, adoption of a local law is not recommended – for reasons set out in 'Officer Comment' below.

Further, Mr Woodhouse, in relation to the City's policy framework also recommended:

- (7) *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.**
- (8) *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.*

Accordingly, review of the current policies has been undertaken.

OFFICER COMMENT

Currently within local government, Bush Fire Brigades are either governed by Council policies, as per the City's current governance model, or local governments have adopted a version of a 'Model Local Law' developed some years ago.

In October 2019, WALGA advised that the Minister for Emergency Services, the Hon. Francis Logan MLA announced the commencement of a review of the emergency management legislation, including the *Fire Brigades Act 1942*, *Bush Fires Act 1954* and *Fire and Emergency Services Act 1998*. It is envisaged that the legislation will be consolidated under a single Act. The existing legislation is, in substantial part, quite dated, and it is fair to say that in many ways, it is no longer 'fit-for-purpose'.

While it is acknowledged that the drafting of new legislation is rarely a quick process, the development of a local law under the current legislation is unlikely to be a swift process either. With the announcement by the Minister that the legislation review is imminent, and the need to review the City's policies with reasonable frequency (and also align them with the City's overall governance framework), it is at this stage recommended that the Council adopt a new, higher level, integrated 'Bush Fire Brigades' Council Policy, and that more detailed and / or operational elements of the existing policies are incorporated instead into Operational Practices.

Council has established a Policy and Legislation Committee and a Bush Fire Advisory Committee, with both committees asked to review and provide recommendations to Council in relation to the above proposal.

It should also be noted that officers do not envisage that there will be any significant change in terms of how Brigade governance functions at an operational level. There may, at times in the future, be a need to update and refine operational governance, and it is envisaged that consultation with the Bush Fire Advisory Committee would occur as required.

Statutory Environment

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

The *Bush Fires Act 1954* provides the City of Busselton the power to establish and maintain Bush Fire Brigades.

The Council has, in accordance with section 5.8 of the Act established a Bush Fire Advisory Committee, its role being to provide advice to Council in regard to all matters relating to bush fire control, prevention and management.

Relevant Plans and Policies

In response to the Governance Services Review, the City developed a policy framework to clearly establish the strategic nature and intent of Council policies, as opposed to operational documents.

The proposed Council Policy – Bush Fire Brigades, will replace the seven current Council Policies and a series of Operational Practices will be drafted to provide for the operational requirements to effect this Policy.

Financial Implications

There are no financial implications associated with the officer recommendation.

Stakeholder Consultation

As per the officer recommendation, consultation is recommended with the Bush Fire Advisory Committee before Council makes a final decision in relation to this matter.

Risk Assessment

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

The governance measures currently applied to the Bush Fire Brigades will not change in an operational sense but will administratively align to the City's requirements with respect to policy and procedural documentation.

Options

As an alternative to the proposed recommendation, the Council could:

1. Retain the seven Council Policies as listed above;
2. Make changes to the proposed Council Policy – Bush Fire Brigades; or
3. Commence preparation of a Local Law where it is applicable to the City's requirements; and
4. Rescind the current 7 Council Policies as listed when the Local Law has been Gazetted.

CONCLUSION

Following a review of the current Bush Fire Brigade policies, officers have determined that they are not strategic in nature, and propose that a single Council Policy replace them. In addition, Operational Practices will then be developed to administer the more operational requirements of the brigades.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Should the Officer Recommendation be endorsed by the Council, the proposals contained within this report will be referred to the next Bush Fire Advisory Committee meeting, with a further recommendation presented by that Committee to Council.

Council Policy



Council Policy Name: Bush Fire Brigades

Responsible Directorate: Planning and Development Services

Version: Draft

1. PURPOSE

- 1.1. The purpose of this Policy is to demonstrate the Council's commitment to the City of Busselton Bush Fire Brigades and the important role they play in managing community safety.

2. SCOPE

- 2.1. This Policy is applicable to all City of Busselton (City) Bush Fire Brigades (Brigades) and their Members pursuant to section 41 of the *Bush Fires Act 1954*.

3. DEFINITIONS

Term	Meaning
Member	Has the same meaning as 'volunteer fire fighter', as defined in section 35A of the <i>Bush Fires Act 1954</i> .
Policy	This City of Busselton Council policy titled "Bush Fire Brigades".

4. STRATEGIC CONTEXT

- 4.1. This Policy links to Key Goal Areas 6 (Leadership) and 1 (Community) of the City's Strategic Community Plan 2017 and specifically the following Community Objectives:
 - a. 1.1 A friendly safe and inclusive community with a strong community spirit
 - b. 6.1 Governance systems, process and practices are responsible, ethical and transparent.

5. POLICY STATEMENT

- 5.1. The City acknowledges the important role that Brigades play in fire response and community safety and is committed to the establishment of a governance structure which supports the effective function of its Brigades.
- 5.2. The Chief Executive Officer is responsible for the development of governance systems which:
 - a. clearly establish the roles and responsibilities of Members of the Brigades;
 - b. establish qualification and training pathways across both operational and administrative functions;
 - c. ensure Members are inducted and provided appropriate training ; and
 - d. ensure that Brigade finances are appropriately managed.
- 5.3. All Members of a Brigade are expected to conduct themselves in a manner that:
 - a. is consistent with the best interests of the Brigade;
 - b. is consistent with the Brigade chain of command;
 - c. does not bring discredit to the Brigade or the City; and
 - d. contributes to an inclusive environment where all Members are treated fairly and with respect.

6. RELATED DOCUMENTATION / LEGISLATION

- 6.1. *Bush Fires Act 1954*

7. REVIEW DETAILS

Review Frequency		3 yearly		
Council Adoption	DATE		Resolution #	
Previous Adoption	DATE	12 August 2015	Resolution #	C1508/216

Last updated 12/08/2015 (Implementation)

032	Bush Fire Brigade Grievance Process and Disciplinary Action	V1 Current
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PURPOSE

Objective

The purpose of this policy is to establish an environment where members of Volunteer Bush Fire brigades of the City of Busselton can expect to be treated equally and with respect.

SCOPE

Policy Statement

Through the application of this Policy, Volunteer Bush Fire Brigades of the City of Busselton shall operate in a manner that affords respect to all brigade members and provides for a fair process for dealing with grievances within the brigade.

POLICY CONTENT

1. Grievance Process / Disciplinary Action

- (1) All Brigades, through their management and members shall commit to providing an environment in which all persons can expect to be treated equally and with respect.
- (2) All members upon joining a brigade shall be provided with a copy of this Policy as part of their induction into the brigade.
- (3) A grievance is any serious allegation, dispute or claim, arising during any training or activity involving the brigade, in relation to an act committed by a member. Examples that may be considered a grievance include acts that—
 - (a) constitute a breach of the Rules that may be from time to time be formed by a brigade,
 - (b) contravene the values of the Rules or the *Code of Conduct Policy*,
 - (c) bring the brigade, the City of Busselton Volunteer Bush Fire Service, and or the City of Busselton into disrepute;
 - (d) contravenes any reasonable direction given by the brigade's Fire Control Officer, Captain or the delegated authority of the committee of the Brigade;
 - (e) shows disregard for brigade regulations, City of Busselton policies or procedures;
 - (f) jeopardises the safety of the member or others; and/or
 - (g) results in the member being convicted of an offence for which an offender may be imprisoned.
- (4) Where a grievance arises, an investigation must be conducted by the Chairman of the Brigade and the CBFCO if necessary, or the CBFCO if the grievance involves the Chairman, or by the Chief Executive Officer or their nominee if the grievance involves the CBFCO.
- (5) During the investigation it may be determined that the member be suspended from all or part of brigade activities, subject to the CBFCO's approval. If a member is to be suspended during the investigation the CBFCO shall notify the member in writing or email of the terms of the suspension, including the reason for the suspension and the time period. The time period for suspension during an investigation, should not exceed three (3) consecutive months.

When an investigation is completed a report will be provided by the investigating officer to the CBFCO outlining the process of the investigation, the conclusions drawn and any recommended action.

Last updated 12/08/2015 (Implementation)

- (6) Disciplinary action in relation to the member may include—
 - (a) suspension of membership;
 - (b) termination of membership; or
 - (c) any other reasonable disciplinary action as determined by the Brigade Executive Committee in consultation with the CBFCO.
- (7) If a disciplinary suspension is imposed, the CBFCO must notify the member in writing or email that they are suspended, including the suspension period and reason for suspension. Suspension may be from complete or specific brigade duties and activities.
- (8) The period of disciplinary suspension shall be determined by the CBFCO in consultation with the Chairman and the Brigade Executive Committee.
- (9) On completion of the suspension period the member may be required to undertake refresher training before resuming active fire fighting duties which will be supervised and or acknowledged by the Captain.
- (10) If a membership is to be terminated, the Chairman with the approval of the CBFCO will notify the member in writing or email, and provide a reason for termination.
- (11) Where a membership is terminated, all property owned by the local government shall be returned to the local government within fourteen (14) days of giving notice. Failure to meet these conditions may require the local government to seek reimbursement of costs against the member.

2. Termination by the Member

- (1) A member can decide to resign from brigade activities and terminate their membership by providing written notification to the Brigade Executive Committee.
- (2) Where a member resigns, all property owned by the local government shall be returned to the local government within fourteen (14) days of giving notice. Failure to meet these conditions may result in the local government to seeking reimbursement of costs against the member.

3. Rights of a Volunteer Member

- (1) A member shall not be suspended or dismissed from any brigade duty without an opportunity to defend the allegation.
- (2) Any member may lodge a written objection to the CBFCO should they consider they have been unfairly dealt with by the Brigade Executive Committee.
- (3) The CBFCO shall consider the objection and deal with it in consultation with the Brigade Executive Committee. This may include either—
 - (a) dismissing the objection;
 - (b) varying the decision;
 - (c) revoking the original decision;
 - (i) imposing an independent decision; or
 - (ii) referring the matter back to the Brigade Executive Committee to reconsider the decision.

Last updated 12/08/2015 (Implementation)

Policy Reference No. – 032

Owner Unit – Ranger & Emergency Services

Originator - Ranger & Emergency Services Coordinator

Policy approved by – Council

Date Approved – 12 August 2015

Review Frequency - As required

Related Documents - Acts, Regulations and Local Laws administered by the City

Background/History -

History

Council Resolution	Date	Information
C1508/216	12 August, 2015	Date of implementation Version 1

Last updated 12/08/2015 (Implementation)

033	Meetings of Bush Fire Brigades	V1 Current
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PURPOSE

Objective

The purpose of this policy is to provide a structure for the conduct of meetings of Volunteer Bush Fire Brigades to assist the operation of the Brigade and any Committee that the brigade may establish.

SCOPE

Policy Statement

Through the application of this Policy, meetings of Volunteer Bush Fire Brigades of the City of Busselton shall be held in a manner that is open to respected principles of inclusion and accountability.

POLICY CONTENT

Part 1 -Meetings of the Brigade

1. Ordinary meetings

- (1) The brigade may at any time call an Ordinary Meeting of its members.
- (2) The brigade shall hold a minimum of one (1) Ordinary Meeting between 1 July and 30 June each year or as they deem necessary.
- (3) A quorum for an Ordinary Meeting shall comprise not less than 25% of the eligible voting members of the Brigade.

2. Annual General Meeting (AGM)

- (1) The brigade shall hold an AGM in the month of May each calendar year.
- (2) A quorum for the AGM shall comprise not less than 25% of the eligible voting members of the Brigade.
- (3) A report may be presented to the membership by a Brigade Executive Committee Office Bearer.
- (4) At this meeting all Brigade Executive Committee and Brigade Officer positions will be declared vacant.
- (5) All equipment and documentation relevant to each position is to be made available for auditing at the AGM.
- (6) The Chairman or proxy will act as returning officer during the election of the new Brigade Executive Committee and brigade officer positions.
- (7) The incoming Brigade Executive Committee will assume the positions at the close of the AGM.
- (8) Any outgoing Brigade Executive Committee Member is to conduct a handover to the new incumbent.

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- (9) All minutes of the AGM including financial statements are to be lodged with Executive Officer of the Bush Fire Advisory Committee for the information of the local government within a period no later than twenty-one (21) days after the AGM.

3. Special Meeting

- (1) The Chairman may at any time convene a special meeting of the brigade.
- (2) The Secretary of the brigade must convene a special meeting when a written request is made by not less than ten (10) or fifty (50) percent (whichever is least) active members of the brigade.
- (3) The names of the members requesting the special meeting are to be recorded in the notice of meeting submitted to members and the minutes of the meeting.
- (4) A quorum for a Special Meeting shall comprise not less than 25% of the eligible voting members of the Brigade.

4. Notice of a Meeting

- (1) Notice of any Special Meeting of the brigade, must be given to all members of the brigade eligible to vote at least seventy two (72) hours before the commencement of the meeting.
- (2) Notice of the AGM of the brigade must be given to all members of the brigade eligible to vote, as well as the CBFCO, at least thirty (30) days before the commencement of the meeting.
- (3) Notice of any Ordinary Meeting of the brigade must be given to all members of the brigade eligible to vote, as well as the CBFCO, at least seven (7) days before the commencement of the meeting.
- (4) Notice of an Ordinary Meeting, Special Meeting or AGM—
 - (a) must be given by the Secretary;
 - (b) may be given by written notice to each member—
 - (i) Personally, by post or electronic email; or
 - (ii) By a notice published in a newspaper circulating in the area of the brigade;
 - (c) must set out the date, time, and venue of the meeting;
 - (d) must be signed by the Secretary or, in the case of a special meeting, by the person convening the meeting; and
 - (e) must set out an agenda for the meeting.

5. Quorum

No formal business is to be transacted at a meeting of the brigade unless a quorum of members is present.

6. Voting

- (1) Each Active and Auxiliary Member shall be entitled to one (1) vote.
- (2) In the event of an equality of votes, the Chairman may exercise the deciding vote.
- (3) Votes may be counted by either—
 - (a) formal secret ballot; or
 - (b) informal show of hands.

Last updated 12/08/2015 (Implementation)

- (4) The form of voting in (3) above shall be determined by a simple majority of members present at the meeting.
- (5) A member is not deemed to be active and is unable to cast a vote at any meeting of the brigade, unless all requirements in regards to brigade training and activities as set out under section 4.7 have been satisfied.

7. Procedure at Meetings

Meeting procedures and protocols are to be in accordance with the brigade's meeting procedures and protocol guidelines.

Part 2—Committee

1. Meetings

- (1) Each brigade shall have a Brigade Executive Committee. The Brigade Executive Committee shall meet each calendar month or as required.
- (2) Any functions of the brigade may be delegated to the Brigade Executive Committee provided that a motion approving of the delegation has been carried at either an Ordinary Meeting or AGM.
- (3) The Brigade Executive Committee shall consist of the following Office Bearers—
 - (a) Chairman
 - (b) Secretary
 - (c) Treasurer
 - (d) FCO's
 - (e) Captain
 - (f) Other Office Bearers
 - (g) A Bush Fire Ready Coordinator Representative where this organisation exists and the representative is a member of the Brigade.
- (4) The Brigade Executive Committee will be responsible for the management and administration of the brigade. The brigade officers are responsible for all operational requirements of the brigade.
- (5) A motion carried by the vote of a majority of those present at a Brigade Executive Committee meeting shall be accepted as the decision of the Brigade Executive Committee.
- (6) Each Brigade Executive Committee Member present at a meeting of the Brigade Executive Committee shall be entitled to one (1) vote. In the event of an equality of votes the Chairman will be entitled to a second or casting vote.
- (7) The Secretary must keep accurate minutes of the meeting.
- (8) Minutes of these meetings shall be made available to members of the brigade.
- (9) The term of all elected positions on the Brigade Executive Committee shall expire at the completion of the next AGM of the brigade.

Last updated 12/08/2015 (Implementation)

Part 3—Brigade Elections

1. Nomination of Candidates for Brigade Elections

- (1) Any person accepting a nomination for a Brigade Executive Committee position must be competent and qualified to perform the duties and responsibilities of that position.
- (2) The Secretary shall advise the Chairman of the brigade at the general meeting prior to the AGM that nominations are required to be presented at the AGM.
- (3) A person can only be nominated by an Active Member.
- (4) A nomination must be endorsed by a second Active Member filling out a Nomination Form in the form of Schedule 1 attached.
- (5) Each member is only entitled to nominate one (1) person per position.
- (6) A nomination may be made—
 - (a) in writing or email to be received by the Chairman before the official close of nominations; or
 - (b) verbally at a general meeting prior to the AGM.
- (7) Nominees must sign or indicate acceptance of nomination.
- (8) Nominees for operational Brigade Officer positions must meet the minimum requirements for training as set out under section 3 of these Rules.
- (9) Nominees for Brigade Officer positions must accept all requirements imposed by the Local Government, the brigade or legislation.
- (10) The Brigade Executive Committee will assist and mentor new Brigade Officers in their new roles.
- (11) The CBFCO or a proxy may act in the position as returning officer during the election of office bearers at the AGM if requested by the brigade.

2. Conduct of Elections

- (1) Positions shall be determined by vote in accordance with the following order:

Order	Officer	Term
1	Chairman	1 year
2	Secretary	1 year
3	Treasurer	1 year
4	FCO Nominations	1 year
5	Captain	1 year
6	Lieutenants	1 year
7	Training Officer	1 year
8	Equipment Officer	1 year
9	Other	1 year

- (2) Any additional positions to the Brigade Executive Committee or the Brigade are to be elected in accordance with Brigade standard meeting procedures.

Last updated 12/08/2015 (Implementation)

- (3) Any appointment to the office of Bush Fire Control Officer shall not have effect until the nomination has been considered by the Bush Fire Advisory Committee and the appointment has been approved by the local government.

3. Absentee Votes

- (1) Where a member of the Brigade or the Brigade Executive Committee is not able to be present to cast their vote in person, that member may cast an absent vote.
- (2) An absent vote shall be cast by the member in writing or email and be received by the brigade secretary prior to the voting on any matter before the meeting.
- (3) The absent vote shall contain the name of the person casting the vote and some verification of authenticity of the vote (ie signature or email address if voting by email).

4. Supplementary Elections

Where a supplementary election must be held due to a vacancy in a position as a result of an early resignation or other reason, the Brigade Executive Committee, by majority vote, will appoint a consenting Active Member for the remaining term of the vacant position.

Policy Reference No. – 033

Owner Unit – Ranger and Emergency Services

Originator – Ranger and Emergency Services Coordinator

Policy approved by – Council

Date Approved – 12 August, 2015

Review Frequency - As required

Related Documents - Acts, Regulations and Local Laws administered by the City

Background/History –

Council Resolution	Date	Information
C1508/216	12 August, 2015	Date of implementation Version 1

Last updated 12/08/2015 (Implementation)

Schedule 1

NOMINATION FORM
(Part 3 – Brigade Elections - Clause 1(4))
(Name of Brigade) Volunteer Bush Fire Brigade

I.....as an active member of the
.....Volunteer Bush Fire Brigade hereby nominate for the position of (please tick v)–

- | | |
|-----------------------|---------------------------|
| Fire Control Officers | Lieutenant |
| Captain | Chairman |
| Secretary | Treasurer |
| Training Officer | Equipment/Comms Officer |
| First Aid Officer | Station/Callout Attendant |

(If nominating for more than one position, separate forms are required)

I..... as an active member of
..... Volunteer Bush Fire Brigade hereby endorse the above nomination.

Signed _____ Date _____

Full name of Nominee:
Address:
Contact Details—
Home:
Mobile:
E-mail:
DFES Identification Number:

I certify that I have read and understand the duties and responsibilities for the position I have been nominated as specified under the Volunteer Bush Fire Brigade Rules and that I have currency in all the competencies required. I understand that if I do not have currency in all the competencies required I can still be nominated subject to the approval of the CBFCO. Such approval may be conditional on further training or other arrangements as deemed necessary.

Signature Date
Received by Secretary/Returning Officer—

Signature Date

Last updated 12/08/2015 (Implementation)

034	Membership of Bush Fire Brigades	V1 Current
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PURPOSE

Objective

The purpose of this policy is to establish the classifications of membership within Bush Fire brigades of the City of Busselton and provide for the integration of new members into the brigade.

SCOPE

Policy Statement

Through the application of this Policy, persons seeking to become members of Volunteer Bush Fire Brigades of the City of Busselton shall have an understanding of the commitment expected of a brigade member so that they may contribute in a manner that enhances their experience and value as a member of the brigade.

POLICY CONTENT

1. New Membership Application

- (1) A new member is to complete a DFES volunteer nomination form and accept the conditions for membership.
- (2) A minimum of two (2) Brigade Executive Committee members, including the Captain, should decide whether to recommend the application to the Senior FCO.
- (3) At the meeting of the Committee, the brigade Office Bearers may-
 - (a) Accept Application;
 - (b) Defer the Application for further consideration; or
 - (c) Refer the application to the Senior FCO for consideration.

2. Dual Membership

- (1) A member may be a member of another local government brigade.
- (2) A member may not be a member of another brigade within the local government unless they have the written permission of the Senior FCO's of the brigades concerned. This permission may be conditional.

3. Categories of Membership

The categories of membership shall be—

- (a) Fire Fighters;
- (b) Management Support;
- (c) Auxiliary Members;
- (d) Cadets, and
- (e) Associates.

4. Training

Last updated 12/08/2015 (Implementation)

- (1) A new member is required to complete the necessary Fire Fighter Training Courses as required by the local government prior to commencing active and unsupervised Fire Fighter duties.
- (2) Competency in these Training Courses shall be the minimum acceptable standard required for a Fire Fighter to perform active and unsupervised fire fighting duties. Currently this includes Induction, Introduction to Fire Fighting and Bush Fire Fighting training Courses.
- (3) Members must comply with the legislative requirements of the—
 - (a) *Bush Fires Act 1954 (WA)*;
 - (b) *FESA Act 1998 (WA)*; and
 - (c) *Equal Opportunity Act 1984 (WA)*.
- (4) Members must act within the—
 - (a) Local guidelines;
 - (b) Brigade's local policies;
 - (c) Code of Conduct Policy,
 - (d) Competency and commitment requirements for an active volunteer Fire Fighter or Operation and Management Support roles as required by the CBFCO; and
 - (e) Westplan Bushfire.
- (5) Members must maintain currency of the appropriate licenses to be able to operate brigade vehicles. Any traffic offence that results in a suspension or loss of license must be reported to the Captain, the FCO and CBFCO and the member must comply with the terms of their suspension.

5. Decision on Application Membership

- (1) The Chairman of the brigade must contact the applicant in writing or email within fourteen (14) days of a final decision by the brigade or the CBFCO.
- (2) The applicant has the right to appeal the decision of the Brigade Executive Committee. The appeal shall be in writing or email addressed to the Senior FCO and Chairman.

6. Induction

All new members shall be—

- (a) introduced to brigade members and shown all brigade facilities during induction;
- (b) instructed about any safety requirements;
- (c) made aware of brigade duties and responsibilities;
- (d) provided with a mentor/s until such time as they are familiar with Normal Brigade Activities;
- (e) provided with a copy of the Code of Conduct Policy, and
- (f) made aware of City of Busselton and local brigade guidelines and policies if any exist within that brigade.

7. Membership Requirements (Brigade Commitments)

- (1) Members are required to maintain currency in brigade activities and training to be deemed as an Active Member and or be granted special considerations due to extenuating circumstances.
- (2) Brigade Activities—
 - (a) During the Fire Season members are required to attend a minimum of one (1) brigade ordinary meeting or other brigade activity or incident.

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- (b) During the Non-Fire Season members are required to attend a minimum of one (1) brigade ordinary meeting or other brigade activity or incident.
- (3) Brigade Training—
 - (a) During the Fire Season members are required to attend and participate at a minimum of one (1) brigade training activity or incident.
 - (b) During the Non-Fire Season members are required to attend and participate at a minimum of one (1) brigade training activity or incident.
- (4) If extenuating circumstances apply that a member is unable to meet brigade commitments, it shall be the responsibility of the member to notify the Brigade Executive Committee, in writing or email to advise of the circumstance, and the Brigade Executive Committee will acknowledge in writing or email any special considerations to the member.
- (5) The Training Officer should endeavour to make alternative arrangements for the member to meet the requirements wherever possible.

8. Failure to Comply with Commitments

- (1) Should an active member of a brigade fail to comply with section 7, correspondence will be forwarded to the member requesting contact be made with the brigade to indicate the intentions of the member's status.
- (2) The Brigade Member may—
 - (a) respond to the correspondence providing a reasonable explanation and request for alternative arrangements to be made for training or meeting obligations.
 - (b) request in writing or email for Leave of Absence from brigade commitments due to personal circumstances.
 - (c) terminate their membership.
- (3) If a member fails to respond to the correspondence Under section 8 within fourteen (14) days a subsequent letter will be forwarded putting the member on final notice. Should a member fail to acknowledge the final notice within fourteen (14) days, the membership shall be terminated, to take effect from the date of the final notice.

9. Change of Members' Details

The local government and DFES are to be notified of any change of personal details of a member. The brigade will complete a DFES volunteer application form and forward it to the Local Government representative and DFES within fourteen (14) days of the change.

10. Leave of Absence

- (1) A member may at any time request a Leave of Absence from all brigade commitments for a period not to exceed twelve (12) consecutive months.
- (2) The application should be made in writing or email and addressed to the Captain. Copy to Brigade FCO's.
- (3) On completion of the Leave of Absence period the member must complete a Membership Update Form if deemed necessary providing any change of details and forward to the Captain and FCO's.
- (4) On completion of the Leave of Absence period the member must undertake any refresher training required before resuming active fire fighting duties. If the request for Leave of

Last updated 12/08/2015 (Implementation)

Absence is for a medical condition the member must provide confirmation of fitness to the satisfaction of the CBFCO to be able to resume active duties.

Policy Reference No. – 034

Owner Unit – Ranger & Emergency Services

Originator – Ranger & Emergency Services Coordinator

Policy approved by – Council

Date Approved – 12 August, 2015

Review Frequency – As required

Related Documents - Acts, Regulations and Local Laws administered by the City

Background/History –

Council Resolution	Date	Information
C1508/216	12 August,2015	Date of implementation Version 1

Last updated 12/08/2015 (Implementation)

035	Qualifications of Bush Fire Brigade Officers	V1 Current
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PURPOSE

Objective

The purpose of this policy is to establish the qualifications required of persons seeking to hold office within Volunteer Bush Fire Brigades of the City of Busselton; either in an operational or administrative capacity.

SCOPE

Policy Statement

Through the application of this Policy, member of Volunteer Bush Fire Brigades of the City of Busselton shall be informed in advance of required training and qualifications required of Brigade Officers. This will enable members aspiring to become brigade Officers to plan a training pathway to obtain the necessary qualifications.

This Policy will also serve to provide direction to the brigade Training Officer on appropriate training that will support a member’s brigade aspirations.

POLICY CONTENT

Duties and Responsibilities of Brigade Office Bearers

The Office Bearers of the brigade should be able to demonstrate current competencies for the position of office they are nominated for, or give an undertaking to complete any training requirements prior to accepting the nomination or undertaking the duties and responsibilities of the said position.

Nominations are subject to the approval of the Senior FCO. Such approval may be conditional on the nominee undertaking further training or other necessary arrangements to satisfy the competency requirements.

The following are to be adopted as guidelines and where competencies names may vary from time to time the member may have an alternative appropriate competency.

1. Captain

- (1) The Captain of the brigade shall be responsible for the leadership and management of brigade operations in liaison with Fire Control Officers.
- (2) A member wishing to be appointed to the position of Captain of the brigade shall meet the following combination of technical qualification and experience:

Qualifications	Experience	Competency Required
Fire fighting and/or support experience	Minimum 3 years	Competent
Induction		Competent
Introduction to Fire fighting		Competent
Bush Fire Fighting		Competent
Sector Commander		Competent
Structural Fire fighting		Competent
AIIMS Awareness		Competent

Last updated 12/08/2015 (Implementation)

2. Fire Control Officer (FCO)

- (1) A FCO is a delegated representative of the local government responsible for the administration of provisions within the Act. The position is required to perform active operational duties in relation to both fire defence and fire prevention strategies within the local community.
- (2) A member wishing to be appointed to the position of Fire Control Office of the brigade shall meet the following combination of technical qualification and experience:

Qualifications	Experience	Competency Required
Fire fighting experience	Minimum 4 years	Competent
Induction		Competent
Introduction to Fire fighting		Competent
Bush Fire Fighting		Competent
Sector Commander		Competent
Structural Fire fighting		Competent
AllMS Awareness		Competent
Fire Control Officer		Competent

3. Lieutenant

- (1) The Lieutenant of a brigade is responsible for the operational management of members during brigade activities. The position is required to provide operational support to the Captain in managing the brigade. The position reports to the Captain on all matters relevant to the functioning of the Brigade and/or personnel they are supervising.
- (2) A member wishing to be appointed to the position of Lieutenant of the brigade shall meet the following combination of technical qualification and experience:

Qualifications	Experience	Competency Required
Fire fighting experience	Minimum 3 years	Competent
Induction		Competent
Introduction to Fire fighting		Competent
Bush Fire Fighting		Competent
Sector Commander		Competent

4. Fire Fighter

A Fire Fighter is an active member of the brigade who, when engaging in Brigade operational matters shall act in accordance with the instructions of senior brigade officers.

A member shall be a competent fire fighter before being engaged on wildfire suppression duties.

The minimum qualifications for a person to be considered competent are as follows:

Qualifications	Experience	Competency Required
Induction		Competent
Introduction to Fire fighting		Competent
Bush Fire Fighting		Competent

Last updated 12/08/2015 (Implementation)

5. Chairman

The Chairman of the Brigade is elected to preside over all brigade meetings and promote open fair discussion during debate in relation to brigade matters.

The occupant of the position of Chairman is not required to perform active operational duties and may be inclusive to an additional position held within the brigade.

The Chairman must have:

- (a) Sound understanding of meeting procedures; and
- (b) Demonstrated ability to conduct and manage meetings.

6. Secretary

The Secretary is to record and manage administrative matters of the brigade. The position is not required to perform active operational duties and may be inclusive to an additional position held within the brigade.

The occupant of the position of Secretary must have:

- (a) Demonstrated ability to take minutes;
- (b) Demonstrated record keeping and filing skills;
- (c) An understanding of meeting procedure; and
- (d) Developing computer skills.

7. Treasurer

The role of the Treasurer is to manage and report on all financial matters relevant to the brigade. The position is not required to perform active operational duties and may be inclusive to an additional position held within the brigade.

The occupant of the position of Treasurer must have:

- (a) Knowledge and understanding of accounting principles; and
- (b) Developing computer skills.

8. Brigade Training Officer

(1) The Brigade Training Officer is responsible for the management and co-ordination of brigade training in conjunction with the Local Government Training Coordinator, including the documentation of these activities. The position is not required to perform active operational duties and may be inclusive to an operational position held within the brigade.

(2) Duties and Responsibilities of the Brigade Training Officer may include—

- (a) Ensure brigade members maintain necessary skill levels equivalent to the competency standards required by the local government and as recommended by DFES;
- (b) Endeavour to ensure regular training sessions are conducted within the brigade to maintain currency of qualifications and skills;
- (c) Maintain accurate records of training undertaken by members and ensure that qualification and training updates are forwarded to the Local Government Training Coordinator as required;
- (d) Provide mentoring for members who express an interest in training to encourage future facilitators.
- (e) Liaise with Captain and FCO's on training operations

Current Council Policy 35 - Qualifications of Bush Fire Brigade Officers

Last updated 12/08/2015 (Implementation)

9. Brigade Equipment Officer

The Brigade Equipment Officer is not required to perform active operational duties but needs to be able to demonstrate a degree of knowledge of brigade equipment.

Policy Reference No. – 035

Owner Unit – Ranger and Emergency Services

Originator - Ranger and Emergency Services Coordinator

Policy approved by – Council

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Background/History -

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Last updated 12/08/2015 (Implementation)

036	Roles of Bush Fire Brigade Officers	V1 Current
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PURPOSE

Objective

The purpose of this policy is to establish the roles of persons appointed as officers of Volunteer Bush Fire Brigades of the City of Busselton.

SCOPE

Policy Statement

Through the application of this Policy, officers of Volunteer Bush Fire Brigades of the City of Busselton, shall have a clear understanding of the extent of their authority and how their role will contribute to the strong management and operations of the brigade.

POLICY CONTENT

Roles and Responsibilities of Brigade Office Bearers

Office bearers of a brigade shall perform the following roles:

1. Captain

- (1) The Captain of the brigade shall be responsible for the leadership and management of brigade operations in liaison with Fire Control Officers.
- (2) As a role model and mentor for members, the Captain should always act with integrity and consider each member equally. All decisions should be in the interest of the Brigade and its members.
- (3) The position reports to the FCO's and the CBFCCO on brigade related matters.
- (4) Duties and responsibilities of the Captain include—
 - (a) Demonstrate positive leadership and mentor members;
 - (b) If the Captain is the senior officer at an incident;
 - (i) command, control and confidently manage activities at emergency incidents
 - (ii) to ensure incident control systems and management principles are implemented and maintained during all emergency incidents if required;
 - (iii) maintain some form of personal incident diary with a record of events and decisions that occur at an incident;
 - (iv) conduct Brigade briefings and post incident analysis of any incident involving fire fighting, incident support or management issues;
 - (v) ensure members deployed for operational duties have the competencies to complete the task or duty assigned and hold currency in training to carry out the functions required, in accordance with training recommendations;
 - (vi) to undertake responsibility for the proper management and maintenance of Brigade property and equipment to the best of their ability;
 - (vii) ensure conduct of members is in accordance with the *Code of Conduct*, and
 - (viii) report any injuries of personnel or damage to fire fighting vehicles or equipment immediately to the FCO and the CBFCCO.

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- (5) In the absence of the Captain, the next senior officer of the brigade has authority to exercise the powers of the Act delegated to the Captain (Part IV Section 44(1)).

2. Fire Control Officer (FCO)

- (1) A FCO is a delegated representative of the local government responsible for the administration of provisions within the Act. The position is required to perform active operational duties in relation to both fire defence and fire prevention strategies within the local community.
- (2) A member of the Brigade may be nominated for this position at the Brigade AGM.
- (3) Fire Control Officers are nominated by the brigade to the Bush Fire Advisory Committee. The nomination is considered by BFAC and the CBFCO and if appropriate it is forwarded to the local government for its consideration and ratification.
- (4) Duties and responsibilities of the FCO include—
 - (a) authorise permits for hazard reduction burns within the local government in accordance with the Act;
 - (b) identify and conduct risk assessments of fire hazards within the local government;
 - (c) perform duties prescribed by the Act and authorised by the local government;
 - (d) may take overall control of fire suppression activities or operational incidents where the local government is the Controlling Agency;
 - (e) maintain a personal incident diary to include a record of events and decisions during an incident;
 - (f) conduct brigade briefings and post incident analysis of any incident involving fire fighting or management issues.
 - (g) provide advice and guidance and assist in Brigade management to effect improvements to fire management in the area.
 - (h) carry out normal brigade activities
 - (i) ensure conduct of members is in accordance with the Code of Conduct.

3. Lieutenant

- (1) The Lieutenant of a brigade is responsible for the operational management of members during brigade activities. The position is required to provide operational support to the Captain in managing the brigade. The position reports to the Captain on all matters relevant to the functioning of the Brigade and/or personnel they are supervising.
- (2) The Brigade should appoint a minimum of two (2) Lieutenants. Additional Lieutenants may be appointed according to the needs of the Brigade. If operational circumstances require the number of Lieutenants for a brigade to be more than four (4), as decided by the Brigade Executive Committee, a request is to be submitted in writing or email to the CBFCO for endorsement.
- (3) The brigade must rank all Lieutenants numerically according to seniority including length of service and relevant skills.
- (4) Duties and responsibilities of a Lieutenant include—
 - (a) provide support to the Captain and assist with the operational management of the brigade;
 - (b) in the absence of the Captain administer all powers and responsibilities of the Act (Part IV Section 44(1));
 - (c) command and manage members during emergencies and other brigade related incidents and activities;

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- (d) maintain a personal incident diary with a record of events that occur during all incidents if assuming the role of the most Senior Officer;
- (e) in the absence of a more Senior Officer, conduct brigade briefings and post incident analysis of any incident involving fire fighting or management issues;
- (f) encourage positive interaction and teamwork between members;
- (g) ensure Bush Fire Operating Procedures are adhered to at brigade activities;
- (h) to endeavour to ensure active members engaged in brigade activities are allocated tasks relevant to their competencies;
- (i) work cohesively with the Brigade Training Officer to conduct training activities for active members;
- (j) to ensure the behaviour of members is in accordance with the Code of Conduct.

4. Chairman

- (1) The Chairman of the Brigade shall be elected at the Annual General Meeting of the Brigade, or a Special Meeting of the Brigade held for that purpose.
- (2) The Chairman shall be elected by a majority of the members present at the meeting, subject to sufficient members of the meeting being present to constitute a quorum.
- (3) The occupant of the position of Chairman is not required to perform active operational duties and may be inclusive to an additional position held within the brigade.
- (4) The position reports to the Captain and FCO's on administrative matters pertinent to the brigade. In the absence of the Chairman, the members of the Brigade present shall elect one of the members present to deputise as Chairman for the duration of that meeting.
- (5) The Chairman shall perform the following functions—
 - (a) preside over all brigade meetings;
 - (b) ensure meeting procedure and protocol is maintained;
 - (c) promote the aims and objectives of the brigade where possible;
 - (d) advise the brigade on administrative matters;
 - (e) report brigade matters to the Captain and FCO's;
 - (f) promote open fair discussion during debate in relation to brigade matters; and
 - (g) ensure minutes of meetings are signed and dated by the Chairman.

5. Secretary

- (1) The Secretary is to record and manage administrative matters of the brigade. The position is not required to perform active operational duties and may be inclusive to an additional position held within the brigade.
- (2) The position reports to the Chairman on administrative matters relevant to the brigade. This position may be held in conjunction with the Treasurer position.
- (3) The Secretary shall perform the following functions—
 - (a) Ensure members receive notification of brigade meetings in accordance with Council Policy – Meetings of Brigades,
 - (b) Where deemed appropriate, prepare an agenda for brigade meetings and distribute to members prior to meetings;
 - (c) Ensure minutes of brigade meetings are recorded and where ever possible, distributed to all members prior to next meeting;
 - (d) Document and record all brigade correspondence;
 - (e) Ensure brigade information is disseminated to all listed members;
 - (f) Make available circulars and other information to members;

Last updated 12/08/2015 (Implementation)

- (g) Work cohesively with local government management and administration staff on matters relevant to brigade administration.
- (h) Maintain a register of Brigade Members

6. Treasurer

- (1) The role of the Treasurer is to manage and report on all financial matters relevant to the brigade. The position is not required to perform active operational duties and may be inclusive to an operational position held within the brigade.
- (2) The position reports to the Chairman on financial matters relevant to the brigade. This position may be held in conjunction with the Secretary position.
- (3) The Treasurer shall perform the following functions—
 - (a) Manage financial affairs including budgets of the brigade;
 - (b) Maintain brigade financial records and provide detailed reports of income and expenditure at meetings;
 - (c) Work cohesively with the City of Busselton on matters pertinent to brigade financial matters, including providing copies of financial statements when requested.

7. Brigade Training Officer

- (1) The Brigade Training Officer is responsible for the management and co-ordination of brigade training in conjunction with the Local Government Training Coordinator, including the documentation of these activities. The position is not required to perform active operational duties and may be inclusive to an operational position held within the brigade. The Office is expected to maintain a sound knowledge of the Competencies required by members.
- (2) Duties and Responsibilities of the Brigade Training Officer may include—
 - (a) Ensure brigade members maintain necessary skill levels equivalent to the competency standards required by the local government and as recommended by DFES;
 - (b) Endeavour to ensure regular training sessions are conducted within the brigade to maintain currency of qualifications and skills;
 - (c) Maintain accurate records of training undertaken by members and ensure that qualification and training updates are forwarded to the Local Government Training Coordinator as required;
 - (d) Provide mentoring for members who express an interest in training to encourage future facilitators.
 - (e) Liaise with Captain and FCO's on training operations.

8. Brigade Equipment Officer

- (1) The role of the Brigade Equipment Officer is to manage brigade property, fleet vehicles, general equipment and stock levels of personal protective equipment. The position is not required to perform active operational duties but may be able to demonstrate a degree of knowledge of brigade equipment. The position may be inclusive to an operational position held within the brigade.
- (2) The equipment officer shall perform the following functions—
 - (a) Manage brigade equipment and maintain a register of all assets;
 - (b) Coordinate and record maintenance of brigade equipment;
 - (c) Report all damage of brigade equipment or property to the FCO's and Captain immediately;
 - (d) Manage brigade requests for replacement items and equipment; and

Last updated 12/08/2015 (Implementation)

- (e) Compile documentation of replacement items and submit to the Captain and FCO's and CBFCO.

Policy Reference No. – 036

Owner Unit – Ranger and Emergency Services

Originator – Ranger and Emergency Services Coordinator

Policy approved by – Council

Date Approved – 12 August, 2015

Review Frequency - As required

Related Documents - Acts, Regulations and Local Laws administered by the City

Background/History -

Council Resolution	Date	Information
C1508/216	12 August,2015	Date of implementation Version 1

Last updated 12/08/2015 (Implementation)

040	Bush Fire Brigade Accounting	V1 Current
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PURPOSE

Objective

The purpose of this policy is to ensure that the financial affairs of Bush Fire Brigades of the City of Busselton are conducted in a manner that will ensure accountability of community funds.

SCOPE

Policy Statement

Through the application of this Policy, the City of Busselton seeks to ensure that the financial affairs of volunteer bush fire brigades are managed in a manner that will ensure that brigade and community members can be satisfied that any funds held by the brigade are properly accounted for, and are used for the purposes for which they were raised.

POLICY CONTENT

1. Accounts at Financial Institutions

- (1) The brigade must disclose where brigade account(s) are to be held for the ensuing Financial Year at each AGM and record this information within the minutes of the AGM.
- (2) The brigade must have three (3) Brigade Executive Committee Members to act as signatories for the brigade accounts each Financial Year.
- (3) A minimum of two (2) signatures is required on any brigade account cheque or bank transaction form.
- (4) All brigade purchases are to be approved by the Brigade Executive Committee.
- (5) All accounts raised, works undertaken or goods to be purchased by the brigade must be authorised in advance by the Brigade Executive Committee.
- (6) All accounts raised, works undertaken or goods to be purchased need to be ratified by the brigade at the next Ordinary Meeting.
- (7) All funds raised by the brigade are to be used for the purpose of improving the profile and operation of the brigade and its members.
- (8) All payments issued must be accompanied by the appropriate documentation (invoice or monthly account).
- (9) All money received by the brigade or by a member on behalf of the brigade must be recorded in the brigade financial records.

2. Financial Reports

- (1) The Treasurer must, at each AGM, present a financial report for the previous 12-month period or since the last AGM.
- (2) The financial report must include—

Last updated 12/08/2015 (Implementation)

- (a) a Statement of Receipts and Payments;
 - (b) a Bank Reconciliation Statement;
 - (c) notes detailing any outstanding receipts or payments; and
 - (d) an Inventory of Assets held by the brigade.
- 3) The financial report will be forwarded to the Executive Officer of the Bush Fire Advisory Committee for the information of the local government
- (4) The City shall have the option to re/view the financial statement of any brigade if it considers it is necessary, and may undertake an audit if required by the Chief Executive Officer

3. Rules for Deductible Gift Recipient Funds

- (1) If a Volunteer Bush Fire Brigade establishes a Fire and Emergency Public Fund, the fund called the "(insert Brigade name) Volunteer Bush Fire Brigade Public Fund" is to be governed by this policy.
- (2) The object of the (insert Brigade name) Volunteer Bush Fire Brigade Public Fund is to solicit and receive gifts from the public solely for the purpose of supporting the volunteer-based emergency service activities of the (insert Brigade name) Volunteer Bush Fire Brigade.
- (3) The (insert Brigade name) Volunteer Bush Fire Brigade must maintain the (insert Brigade name) Volunteer Bush Fire Brigade Public Fund as a 'gift fund' to receive and record all of the following:
- a) gifts of money or property;
 - b) deductible contributions described in item 7 and 8 of the table in section 30-15 of the *Income Tax Assessment Act 1997* in relation to a fund-raising event held for that purpose;
 - c) money received because of such gifts and contributions.
- (4) The public fund is not to receive any other money or property.
- (5) All receipts for gifts must include all of the following:
- a) be issued in the name of the (insert Brigade name) Volunteer Bush Fire Brigade Public Fund;
 - b) state that the receipt is for a gift;
 - c) state the (insert Brigade name) Volunteer Bush Fire Brigade's ABN.
- (6) The (insert Brigade name) Volunteer Bush Fire Brigade may invite the public to donate to the (insert Brigade name) Volunteer Bush Fire Brigade Public Fund.
- (7) A Brigade Executive Committee of management of no fewer than three persons will be appointed by the (insert Brigade name) Volunteer Bush Fire Brigade to administer the (insert Brigade name) Volunteer Bush Fire Brigade Public Fund. A majority of the members of the Brigade Executive committee of management are required to be persons having a degree of responsibility to the general community by reason of their occupation or standing in the community.
- (8) The (insert Brigade name) Volunteer Bush Fire Brigade Public Fund (Fund) shall operate on a non-profit basis. No portion of the assets or income of the Fund will be distributed directly or indirectly to members of (insert Brigade name) Volunteer Bush Fire Brigade or the Fund's management Brigade Executive committee apart from bona fide compensation for services rendered or expenses incurred on behalf of the Fund.

Last updated 12/08/2015 (Implementation)

- (9) If the (insert Brigade name) Volunteer Bush Fire Brigade Public Fund is wound up or if the endorsement of the (insert Brigade name) Volunteer Bush Fire Brigade as a deductible gift recipient for the operation of the Fund is revoked, any surplus assets of the (insert Brigade name) Volunteer Bush Fire Brigade Public Fund remaining after the payment of liabilities attributable to it, shall be transferred to a fund, authority or institution which has similar objects and to which income tax deductible gifts can be made.

- (10) (insert Brigade name) Volunteer Bush Fire Brigade must notify the Australian Taxation Office in writing or email if it is no longer entitled to be endorsed for the operation of the (insert Brigade name) Volunteer Bush Fire Brigade Public Fund, or of any changes that would affect its entitlement to endorsement.

Policy Reference No. – 040

Owner Unit – Ranger & Emergency Services

Originator – Ranger & Emergency Services Coordinator

Policy approved by – Council

Date Approved – 12 August 2015

Review Frequency - As required

Related Documents - Acts, Regulations and Local Laws administered by the City

Background/History –

Council Resolution	Date	Information
C1508/216	12 August,2015	Date of implementation Version 1

Last updated 12/08/2015 (Implementation)

041	Code of Conduct, Bush Fire Brigade Objectives and Values	V1 Current
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PURPOSE

Objective

The purpose of this policy is to establish core values that underpin membership of, and the operations of Volunteer Bush Fire Brigades of the City of Busselton.

SCOPE

Policy Statement

Through the application of this Policy, Volunteer Bush Fire Brigades of the City of Busselton, and the members of those brigades will conduct themselves in a manner that is worthy of the respect of the community in acknowledgement of their dedication to community values and safety.

POLICY CONTENT

1. Code of Conduct

The City of Busselton has established Volunteer Bush Fire brigades pursuant to the powers enabling the City contained in Section 41 of the Bush Fires Act 1954.

As members of Volunteer Bush Fire Brigades established under the Act, members of the brigade are officers of the City and as such are expected at all times to conduct themselves in a manner that is

1. consistent with the best interests of the brigade,
2. is in line with the organisational chain of command for both fire fighting and brigade activities, and
3. does not in any way bring discredit to either the brigade, it's members or the City.

To this end, the City of Busselton has adopted the Code of Conduct for Volunteer Bush Fire Fighters. Members of Brigades are required to commit to the standards of the Code and be governed by the Code.

Any person who is a member of a Brigade, when acting in that capacity shall:

- Act with reasonable care and diligence;
- Act with honesty and integrity;
- Act lawfully;
- Avoid damage to the reputation of the local government;
- Be open and accountable;
- Base decisions on relevant and factually correct information;
- Treat others with respect and fairness;
- Not be impaired by mind affecting substances.
- Fulfil their public and professional duties in a manner that is ethical, impartial, objective and responsible;
- Not use or attempt to use their positions for personal benefit or the personal benefit of others, either by influencing others, the improper use of information gained in the performance of their duties, or otherwise;
- Understand and be mindful of their role, responsibilities, empowerment and limitations and act within those parameters
- Refrain from making allegations which are improper or derogatory, unless true, in the public interest and in an appropriate forum;

Last updated 12/08/2015 (Implementation)

- Refrain from any form of conduct in the performance of their official or professional duties which may cause any reasonable person unwarranted offence or embarrassment.

2. Brigade Objectives

The Brigade shall undertake the following objectives—

- provide timely, efficient and effective emergency services;
- minimise the impact of emergencies on the community;
- work with the community to increase bush fire awareness and fire prevention;
- ensure that active Members' training requirements are maintained and documented to meet City of Busselton and DFES standards
- ensure all operational equipment is serviceable and available for emergencies;
- provide an environment where every individual is treated with respect, and which is free from discrimination or harassment;
- uphold the City of Busselton's Policy - *Code of Conduct*; Brigade Objective and Values; and
- service the needs of the community and work cohesively with other agencies.

3. Brigade Values

- Members are to adopt the Brigade values at all times when representing the Brigade in accordance with the *Code of Conduct as in Clause 3*.
- The Brigade values include—
 - Put the community first;
 - Act with integrity and honesty;
 - Work together as a committed team;
 - Strive to keep ourselves and others safe;
 - Respect and value the contribution of others;
 - Have open and honest two way communication; and
 - Continuously develop our skills to improve our service to the community.

Policy Reference No. – 041

Owner Unit – Ranger and Emergency Services

Originator - Ranger and Emergency Services Coordinator

Policy approved by – Council

Date Approved – 12 August, 2015















Review Frequency - As required

Related Documents - Acts, Regulations and Local Laws administered by the City

Background/History -

Council Resolution	Date	Information
C1508/216	12 August,2015	Date of implementation Version 1

13.1 DRAFT BUSSELTON FORESHORE STRUCTURE PLAN - ADOPTION FOR FINAL APPROVAL

STRATEGIC GOAL	2. PLACE AND SPACES Vibrant, attractive, affordable
STRATEGIC OBJECTIVE	2.1 Planning strategies that foster the development of healthy neighbourhoods that meet our needs as we grow.
SUBJECT INDEX	Structure Plans
BUSINESS UNIT	Strategic Planning
REPORTING OFFICER	Principal Strategic Planner - Louise Koroveshi
AUTHORISING OFFICER	Director, Planning and Development Services - Paul Needham
NATURE OF DECISION	Legislative: adoption of “legislative documents” such as local laws, local planning schemes and local planning policies
VOTING REQUIREMENT	Simple Majority
ATTACHMENTS	Attachment A Endorsed Busselton Foreshore Structure Plan   Attachment B Busselton Foreshore Master Plan   Attachment C Draft Busselton Foreshore Structure Plan   Attachment D Busselton Car Parking Utilisation and Turnover Survey   Attachment E Old Tennis Club Precinct   Attachment F Schedule of Modifications   Attachment G Schedule of Submissions  

COUNCIL DECISION AND OFFICER RECOMMENDATION

C2103/043

Moved Councillor J Barrett-Lennard, seconded Councillor P Cronin

That the Council adopts the draft Busselton Foreshore Structure Plan depicted at Attachment C for final approval, pursuant to Part 4 of the Deemed Provisions (Schedule 2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, subject to modifications as set out in Attachment F.

CARRIED 8/0

EN BLOC

EXECUTIVE SUMMARY

The Council is requested to consider adopting for final approval proposed modifications to the endorsed Busselton Foreshore Structure Plan.

The modifications include: presentation of the Structure Plan in a format consistent with the *Planning and Development (Local Planning Schemes) Regulations 2015*; allowing for consideration of additional land uses in some existing precincts; identifying an ‘Old Tennis Club Precinct’ focused on the former Busselton Tennis Club building; and reviewing car parking requirements.

As a result of advertising, two submissions were received and no objections or matters of concern were raised. The draft Busselton Foreshore Structure Plan has been prepared in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*. Officers are recommending that the draft Busselton Foreshore Structure Plan is adopted for final approval and referred to the Western Australian Planning Commission for endorsement.

BACKGROUND

The proposal comprises modifications to the endorsed Busselton Foreshore Structure Plan (Attachment A). The Structure Plan area is zoned ‘Special Use 3 Busselton Foreshore’ (SU3) and is within ‘Special Provision Area 44’, pursuant to *Local Planning Scheme No. 21 (LPS21)*. Land uses within SU3 are guided by the Busselton Foreshore Structure Plan and include recreational, community, commercial, retail and entertainment activities, as well as thoroughfares and parking areas. The draft Plan was adopted for advertising by the Council on 25 November 2020.

The Busselton Foreshore Precinct has been extensively redeveloped over the last 10 years including: key infrastructure items (e.g. roads, public car parking and coastal protection structures); community facilities (e.g. Youth and Community Activities Building, Railway House, skate park, playgrounds, sporting fields, tennis club relocation and grassed picnic/BBQ areas); and commercial development (kiosks and microbrewery). Redevelopment works undertaken to date have reflected the community vision established through the formulation of the Busselton Foreshore Master Plan (Attachment B).

As an important means of implementing the Busselton Foreshore Master Plan, the Busselton Foreshore Development Guide Plan was adopted by the Council (and subsequently by the WA Planning Commission) in 2012. Amendments were subsequently made and the plan adopted as a Structure Plan in 2016, in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations).

The review of the Structure Plan is a response to matters associated with two development applications within the Foreshore Precinct. In March 2020, the City approved the proposed change of use of the former Busselton Tennis Club building from 'Club Premises' to 'Educational Establishment'. The approval reflected lease arrangements between the City and the Bunbury Regional Community College.

In April 2020, the Southern JDAP granted approval to the proposed development of a hotel on Lot 503 Foreshore Parade, Busselton. Of relevance to consideration of proposed modifications to the Structure Plan, the City has determined, in consultation with the hotel proponent, that a dedicated hotel car park comprising 30 parking bays (based on the size of the hotel - 110 rooms) be situated adjacent to an existing, larger public car parking area. A hotel in a regional location does require some dedicated parking for guests, however allowing numerous private car parks for specific development sites within the Foreshore Precinct would not be the best outcome. The City has various potential options in relation to parking should the need arise, including parking management and overflow parking areas. Planning of the Foreshore has generally been undertaken on the basis of an integrated, rather than site-by-site basis, but the Southern JDAP had some difficulty with fully understanding that in the context of the planning framework. Changes are proposed to address that issue, and better support that integrated approach.

It is also a timely opportunity to reformat the Structure Plan in accordance with the Regulations and further refine land use permissibilities and development standards to provide flexibility and opportunities to attract further activity, as well as to consolidate vibrancy and connectivity between attractions within and adjacent to the Foreshore Precinct, especially the Cultural Precinct and the Busselton City Centre.

The Proposal

The modifications to the Busselton Foreshore Structure Plan are described in greater detail below:

1. In relation to the Structure Plan Provisions:
 - a. Amend Provision No.2 by removing the reference to, and definition of, 'Exhibition Centre' as the land use term and definition are set out under Division 2 of 'Schedule 1 – Interpretations' of LPS21.
 - b. Amend Provision No.5 Car Parking Requirements so that it reads as follows: *"Car parking requirements shall be assessed on a case-by-case basis. The City shall manage car parking across the Structure Plan area"*.
 - c. Remove Provision No's. 8 and 9 that relate to requirements for an 'Irrigation and Fertiliser Management Plan' and a 'Stormwater and Groundwater Management Plan' as these documents have been prepared and are being implemented as part of ongoing development.
 - d. Remove Provision No.10 as controls relating to liquor licensing can be effectively managed through planning approvals and liquor licensing regulations.

2. In relation to Table 1 – Land Use Permissibility:
 - a. In the Queen Street precinct include ‘Tavern’, ‘Small Bar’ and ‘Reception Centre’.
 - b. In the Busselton Jetty precinct include ‘Small Bar’ and ‘Reception Centre’.
 - c. In the Short Stay Accommodation precinct include ‘Guesthouse’, ‘Small Bar’ and ‘Reception Centre’.
 - d. Include a new ‘Old Tennis Club Precinct’ focused on the former Busselton Tennis Club building and allow for consideration of the following uses in addition to the current educational use: ‘Restaurant/Café’, ‘Shop’, ‘Tavern’, ‘Small Bar’, ‘Exhibition Centre’, ‘Amusement Parlour’ and ‘Cinema/Theatre’.
3. In relation to Table 2 – Building Height and Floor Area for Development Locations: include development standards for the proposed Old Tennis Club Precinct.

The draft Busselton Foreshore Structure Plan is provided at Attachment C.

Busselton City Centre Parking Utilisation and Turnover Survey

Of relevance to the consideration of proposed changes to the Busselton Foreshore Structure Plan are the findings of the Car Parking Utilisation and Turnover Survey (Attachment D) commissioned by the City to support the preparation of an Activity Centre Plan for the Busselton City Centre (the Dunsborough Town Centre was also included in the study but is not discussed in this report).

The purpose of the survey, together with a current and projected future needs analysis of (public and private) car parking, was to assess the performance of the City’s existing car parking management arrangements and also identify specific areas of under and over supply within the Busselton City Centre. The survey area included car parks and parking zones within the Busselton City Centre, as well as those within the Busselton Foreshore Precinct, the Geographe Bay Road car park to the west of the Foreshore Precinct and the Barnard Park carpark on Brown Street.

The survey was undertaken on two separate days between the hours of 6.00am – 10.00pm on:

- Wednesday 4 December 2019 – being a normal ‘non-peak’ day; and
- Tuesday 7 January 2020 – being a seasonal ‘peak’ day.

Licence Plate Recognition technology was used to collect data on the respective survey days, which included average parking turnover (cars/space), average duration of stay (hours/car) and maximum duration of stay (hours/car) to determine overall utilisation. For the main car parking areas within the Busselton Foreshore Structure Plan area, the survey determined the following peak and non-peak utilisation:

- Carpark 1 (Equinox/foreshore) peak 87%, non-peak 80%
- Carpark 2 (Queen Street/Foreshore Parade) peak 81%, non-peak 74%
- Carpark 3 (former tennis club building/Jetty Way west) peak 54%, non-peak 49%
- Carpark 4 (The Goose/Foreshore Parade north & south) peak 77%, non-peak 78%

The survey concluded that the Busselton City Centre and the Busselton Foreshore Precinct do not have a shortage of parking supply. A maximum parking occupancy percentage of 52% (1960 vehicles across 3774 parking supply) was observed during the non-peak survey compared with 56% (2127 vehicles across 3774 parking supply) observed during the peak survey. The highest average amount of time that cars occupied parking bays was less than 1 hour, with the second highest occupancy time being between 1 to 2 hours.

The survey also found that there is sufficient existing parking capacity to accommodate projected demand forecast for the next twenty years which supports assumptions in regard to likely Busselton Performing Arts and Cultural Centre (BPACC) parking demand. Furthermore, this indicates little impetus at this stage to construct car parking on the City's land at Harris Road (i.e. the former 'Donga City' site, originally acquired as a strategic land supply to meet future parking needs).

OFFICER COMMENT

Modifications to the Busselton Foreshore Structure Plan relate to: making the format and presentation consistent with the Regulations; review of provisions to remove those that are redundant (as requirements have been completed or are dealt with under separate legislation); additional land uses for some existing precincts; identification of an 'Old Tennis Club Precinct'; and review of current and future car parking requirements.

The first two matters are essentially administrative. The proposed changes in regard to additional land uses, the 'Old Tennis Club Precinct' and ongoing car parking requirements are discussed below under appropriate subheadings.

Land Uses

Additions to land uses currently contemplated by the endorsed Structure Plan for the Queen Street, Busselton Jetty and Short Stay Accommodation precincts essentially reflect existing activities. The Goose and the Equinox restaurants each have a small bar component and there is little doubt that the recently approved Hilton Hotel will also seek to have a licensed premises, especially if it is to operate a restaurant. Restaurants, taverns and hotels can host functions in the same manner as premises defined as 'Reception Centre' under LPS21. The microbrewery is defined as a 'Tavern' and, like hotels and restaurants, is licenced under the Liquor Control Act 1988. Liquor licences for restaurants, taverns and hotels can be restricted under the Act, as can these for a 'Small Bar' (this land use was introduced into LPS21 by Amendment 29 gazetted in June 2019).

The endorsed Structure Plan restricts the location of certain land uses such as Restaurant/Café and Tavern and does not include 'Small Bar', 'Guesthouse' or 'Reception Centre'. From a planning perspective such land uses reflect attractive development that is currently occurring. They also provide for future development flexibility for existing restaurants and other land uses that may be developed (there is an undeveloped restaurant/cafe site in the Queen Street Precinct). 'Guesthouse' provides an additional option in the Short Stay Accommodation precinct.

Land use and liquor licensing definitions under LPS21 and the Liquor Control Act 1988 are closely aligned. From a planning perspective, there is no compelling reason to close off the option for a restaurant to operate as a tavern at some point in the future, the only differences being increased patron capacity (which would be determined through the development application process), and the ability to sell packaged liquor, subject to discretion and lease conditions.

Please note that in relation to the land use permissibilities proposed for the 'Old Tennis Club Precinct' the addition of 'Reception Centre' is being recommended (Attachment F Schedule of Modifications).

At the time of advertising, this land use was proposed to be included in the 'Queen Street Precinct', the 'Busselton Jetty Precinct' and the 'Short Stay Accommodation Precinct'. It should also have been proposed to be included in the 'Old Tennis Club Precinct' but was inadvertently left out of that list of land uses. Its inclusion makes no substantive difference in effect or form to those other land uses being proposed for the premises. 'Reception Centre' simply allows for '...hosted functions on formal and ceremonial occasions' (LPS21) and should logically be permitted for premises in the particular location and historical context of the Old Tennis Club building.

Old Tennis Club Precinct

The former Busselton Tennis Club building on Lot 488 Marine Terrace (Attachment E) is the closest building within the Busselton Foreshore Precinct to the Cultural Precinct and occupies a prime location given its proximity to the planned BPACC at the northern end of Queen Street. Lot 488 and the club building are currently leased by the City to the Bunbury Regional College for educational purposes. Whilst this is a worthwhile and beneficial use, there is seen to be merit in the identification of a new precinct focused on the former Busselton Tennis Club building that would allow for consideration of other commercial uses, particularly ones that would provide activation and interest for this part of the Foreshore Precinct that is currently underutilised, and help to better integrate the Foreshore and City Centre over time.

Land uses proposed for consideration within the Old Tennis Precinct include café/restaurant, small bar, shop, tavern, exhibition centre, amusement parlour, cinema/theatre and reception centre. The precinct could facilitate future pedestrian connectivity between attractions elsewhere within the Foreshore Precinct (as well as those in the Cultural Precinct and the Busselton City Centre) given that the proposed land uses would provide for pedestrian focused activity. Development standards proposed for the new precinct would allow reasonable expansion of the building's floor area and perhaps a new building in time (Lot 488 is approximately 700m² in area).

Car Parking

It is proposed to amend the Structure Plan to allow assessment and determination of car parking requirements on a case-by-case basis. This reflects the strategic and holistic approach that the City has formulated and implemented since the adoption of the Busselton Foreshore Master Plan and recognises that the City is best placed to determine such matters as it is the land manager for the Foreshore Precinct.

There are over 1,000 public parking bays across the Busselton Foreshore Precinct in addition to those available in the adjoining Cultural Precinct and the Busselton City Centre. In many ways, these are overlapping areas for the purposes of considering parking supply and demand.

The City has already spent considerable time developing a strategic approach to parking in both the Foreshore, Cultural and City Centre Precincts (including acquisition of land for future parking supply in the City Centre). The City recently commissioned a holistic examination of this through the Busselton City Centre Parking Utilisation and Turnover Survey, which included the Busselton Foreshore Precinct within the study area. The survey findings indicate that there is sufficient parking capacity in the Precinct for the foreseeable future and that, overall, there is a significant oversupply of parking in the Busselton City Centre.

At peak times, the survey found that parking supply in the Busselton Foreshore Precinct can be tight, but for the vast majority of the time it is not. It would be difficult and undesirable to provide infrastructure to meet peak demand as that would significantly impact the amenity and activity that makes the area so attractive from an urban/design landscape perspective (e.g. replacement of recreational grassed areas with bitumen car parks). The fundamental principles of the Busselton Foreshore Master Plan support this view, as set out below:

- reduce the visual dominance of car parks;
- limit parking bays in the inner core to enable a greener, more people friendly, environment;
- integration with the Busselton City Centre is an important element of the Foreshore Precinct to encourage people to walk, cycle or skate between the two using pedestrian and cycling pathways; and
- the Busselton Foreshore Precinct is an integrated recreational and commercial area allowing for the management of parking supply and demand on a 'whole of precinct' basis, rather than site-by-site.

During periods of peak demand, overflow parking can also be made available on Signal Park and possibly in future, if the need arises, on parts of Barnard Park and Churchill Park. An additional 176 vehicle public car park has been constructed on the former Busselton Tennis Club grounds. The BPACC planned for the adjoining Cultural Precinct will generate significant parking demand at times, but would generally not overlap with peak times for the Foreshore and City Centre Precincts.

The survey found that most of the parking demand generated in the Foreshore and Busselton City Centre Precincts is during the day. The highest parking occupancy rates on both peak and non-peak days were between 1 – 4 hours and this declined steadily after 2pm. This supports the view in terms of parking demand likely to be generated by attractors such as the BPACC and the new microbrewery. There is likely to be an under-utilisation of available parking in the afternoons and evenings, hence opportunities for separate turnover in shared parking areas.

Statutory Environment

The key components of the statutory environment for the proposal are set out in the *City of Busselton Local Planning Scheme No. 21* and the *Planning and Development (Local Planning Schemes) Regulations 2015*. Each is discussed below under appropriate subheadings.

City of Busselton Local Planning Scheme No. 21

The proposal is considered to be generally consistent with LPS21 which sets out the intent for the subject land under Special Provision Area 44 being to facilitate the planned, progressive renewal and revitalisation of the Busselton Foreshore in accordance with a broad community vision.

Planning and Development (Local Planning Schemes) Regulations 2015

The Regulations came into operational effect on 19 October 2015 and introduced deemed provisions for the preparation, advertising and approval of structure plans. The deemed provisions are adopted into LPS21 and define the process for receiving and assessing proposed structure plans and/or modifications to same. Local governments are to have 'due regard' to approved structure plans when making decisions relating to subdivision and development.

Relevant Plans and Policies

The key plans and policies most relevant to the proposal include:

- State Planning Policy 2.6: State Coastal Planning Policy
- Busselton Foreshore Master Plan
- Local Tourism Planning Strategy
- Planning Bulletin 83/2013 – Planning for Tourism

State Planning Policy 2.6 State Coastal Planning Policy

The Busselton Foreshore Structure Plan and the various land tenure amendments required to implement the Structure Plan to date have been considered by the Department of Planning, Lands and Heritage, including in the context of SPP2.6. The section of the City's coast adjacent to the structure plan area is subject to coastal protection and contains very significant assets, including the Busselton Jetty. Additional coastal protection measures have been implemented as part of redevelopment within the Busselton Foreshore Structure Plan area, including a buried seawall to a height of approximately 3.4m with a design life of 40 years. Further consideration of coastal protection will be required by the City during the terms of current and future leases for commercial leasehold sites within the Busselton Foreshore Precinct.

A draft Coastal Hazard Risk Management and Adaptation Plan (CHRMAP) has been prepared for the majority of the City's coast and was recently adopted by the Council for consultation. The draft CHRMAP recommends a 'protection' approach for that part of the coast containing the Busselton Foreshore Precinct, as it is already protected, and contains and/or is on the seaward side of the highest concentration of assets (economic, social and heritage) in the City of Busselton.

Busselton Foreshore Master Plan

The Busselton Foreshore Master Plan (Attachment B) outlines the vision, objectives and design principles for the Busselton Foreshore. The Master Plan identifies development sites for land uses that are focused on community and civic use, hospitality, recreation and tourism. Detailed design considerations are also incorporated in the Master Plan that relate to building character and form, setbacks, orientation and frontages, ancillary development, landscaping and pedestrian links.

The design approach of the Master Plan has been to reduce car parking bays in the core of the Foreshore Precinct to enable a greener and more people friendly environment. The proposal reinforces the concept of having parking on the periphery, as well as improving access and legibility throughout.

Local Tourism Planning Strategy

The Busselton Foreshore Structure Plan area and the Busselton Jetty are identified by the Local Tourism Planning Strategy (LTPS) as Strategic Tourism Precinct 2 and is noted as an iconic site of State significance. The modifications proposed for the Busselton Foreshore Structure Plan will not undermine the strategic policy directions for the Busselton Foreshore Precinct which are to: support the development of a resort hotel/landmark building, provide focus for entertainment and recreation; and maintain/improve connectivity and visual linkages to the Busselton City Centre.

Planning Bulletin 83/2013 – Planning for Tourism

Planning Bulletin 83/2013 provides guidance on the determination of the strategic value of sites and precincts for tourism, highlighting the importance of strategic planning for tourism. The policy specifically recognises the Busselton foreshore as a potential tourism precinct due to its proximity to tourist attractions and facilities; existing compatible land uses and infrastructure; existing and potential short stay accommodation opportunities; its character and amenity; visitation statistics to the locality; access including transport opportunities; and capacity to accommodate a mix of uses that complement tourism development.

Short stay accommodation was identified for the Busselton Foreshore in previous planning proposals and strategies including the Local Tourism Planning Strategy and Local Commercial Planning Strategy. This was in recognition of the project area being accessible, unique, having an excellent setting and meeting a perceived need for short stay accommodation close to the Busselton City Centre and beachfront.

Financial Implications

There are no financial implications associated with the Officer Recommendation.

Stakeholder Consultation

The draft Structure Plan was advertised for an extended period (given the Christmas/New Year period), ending 27 January 2021 and two submissions were received. A Schedule of Submissions is provided at Attachment G. No objections or issues were raised, therefore no modifications to the Structure Plan proposal are being recommended.

Risk Assessment

Officers have undertaken an assessment of the potential implications of carrying out the Officer Recommendation using the City's risk assessment framework. The assessment identifies 'downside' risks only, rather than 'upside' risks as well. The implementation of the Officer Recommendation will involve referring the draft Structure Plan to the WAPC for endorsement. In this regard, there are no significant risks identified.

Options

As an alternative to the proposed recommendation the Council could:

1. Resolve not to adopt the draft Structure Plan for final approval (with reasons to be provided).
2. Resolve to adopt the draft Structure Plan, but with recommended modifications (for instance, inclusion of Nightclub as an additional permissible land use).

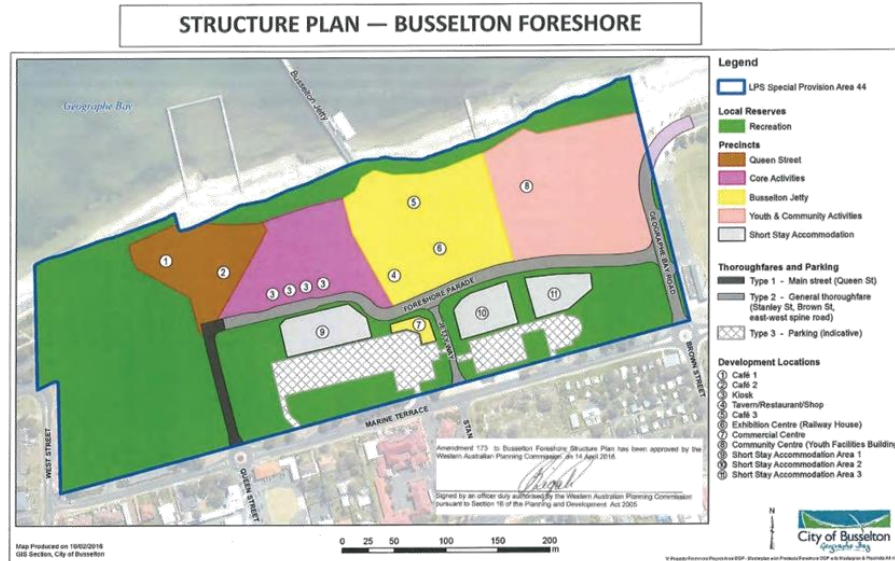
Officer assessment has not revealed any substantive issue or reasonable grounds that would support either of the above options.

CONCLUSION

Officers are recommending that the draft Busselton Foreshore Structure Plan is adopted for final approval and referred to the WAPC for endorsement.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Implementation of the Officer Recommendation will occur within one month of the date of the delegated decision.



PROVISIONS:

- This Structure Plan shall be read in conjunction with the City of Busselton Local Planning Scheme 21 (the Scheme“).
- Land use permissibility within the Foreshore Precincts will be in accordance with Table 1. Where a use that is listed in the Scheme or Table 1 does not appear against a specific precinct in Table 1 then this land use will generally not be permitted within that precinct. Land uses are defined in accordance with the Scheme except as follows:
‘Exhibition Centre’ means a premises used for the display, or display and sale, of materials of an artistic, cultural or historic nature, and includes a museum or art gallery.
‘Kiosk’ means a small structure of no more than one storey and up to approximately 90m² floor area wherein predominantly food and drinks are offered for sale and consumption.
- Development shall be generally located as indicated on the Structure Plan and to the satisfaction of the Local Government.
- Maximum building heights, maximum storeys and maximum building ground floor areas pertaining to each ‘Development Location’, shall be in accordance with Tables 2 or 3 as applicable.
- Car parking requirements for development within the Short Stay Accommodation Precinct shall be assessed in accordance with the Scheme. On-site car parking is generally not required for development in the other precincts. However, where parking is determined to be required, the amount and location will be to the satisfaction of the Local Government.
- Development design, including all landscaping, servicing, public open space areas, drainage, exterior finish of structures and appearance of the overall developments shall be consistent with the objectives for the relevant Foreshore Precinct as set out in Table 1 and generally in accordance with the guidance provided by the Busselton Foreshore Master Plan.
- All subdivision and development is to be connected to reticulated sewer.
- Preparation of an Irrigation and Fertiliser Management Plan is to be developed and implemented for the DGP area to the satisfaction of the Department of Water.
- Prior to the approval of any subdivision and/or development in the Structure Plan, preparation and endorsement of a Stormwater and Groundwater Management Plan to the satisfaction of the Department of Water.
- At the planning application stage, the City will give detailed consideration to any proposed liquor licensed premises in regard to their design, scale, licensed floor area, hours of operation, management and interface with the public realm to minimise the potential for adverse impacts on the public realm, anti-social behaviour and/or land use conflict. As such, the City will require the proponent to comprehensively address these impacts as part of the planning application.

Table 1: Land Use Permissibility Table

Precinct	Precinct Objective	Use Class	Permissibility
Queen Street	This precinct will reflect a pedestrian friendly space, which provides a point of entry to connect the foreshore with the Busselton City Centre, and points of attraction including the existing Equinox Café and a new Café lease site.	Restaurant	D
		Recreation Area	D
Core Activities	This central activity space connects the Queen Street and Busselton Jetty precincts. It will focus on the provision of high quality amenities including a salt water play park as a focal element and new single storey pavilion style kiosks. This precinct will focus on enhancing views of the foreshore and jetty, improving the pedestrian experience, and development will provide for maximum activation of surrounding spaces.	Kiosk	D
		Recreation Area*	D
Busselton Jetty	This precinct is a key movement corridor to Marine Terrace and an extension of the original railway line along Stanley Street into the town centre. It contains interpretive and restaurant functions including ‘Railway House’, an interpretive centre for the Busselton Jetty, the local historic rail network and the south west timber industry. This precinct will provide a pedestrian focused environment, maximum activation of spaces, and retain views of the foreshore and jetty.	Restaurant	D
		Exhibition Centre	D
		Shop	D
		Tavern	D
		Recreation Area*	D
Youth and Community Activities	This precinct is to provide a pedestrian oriented activity space to cater for events and to complement the family oriented beach and parkland. This precinct will include a new community building that will accommodate the Busselton Surf Life Saving Club and other youth groups, a skate/BMX park, adventure playground and occasional kiosk, while retaining a sense of open space and views of the foreshore and jetty.	Community Centre	D
		Recreation Area*	D
Short Stay Accommodation	This precinct will provide for high quality development sites for tourist accommodation and supporting land uses, aiming to provide active frontage to the east-west spine road, landscaped setting and retain wide view corridors between buildings. The predominant land use in this precinct will be short stay accommodation such as hotels and serviced apartments. Restaurants, shops and bars will be provided at ground level to address surrounding streets and the public realm.	Hotel	D
		Tourist Accommodation	D
		Shop	D
		Tavern	D

‘D’ means that the use is permitted when the local government has exercised its discretion by granting planning approval.
*Indicates that the use class is permissible throughout the precinct.

Adoption
Adopted by resolution of Council pursuant to
City of Busselton Local Planning Scheme No. 21
On: 23/03/2021
Michael Stephen Lee Archer
Chief Executive Officer Date: 23/3/2021

Table 2: Building Height and Floor Area for Development Locations

Notation	Development Location	Storeys	Maximum Building Height from natural (existing) ground level	Maximum Building Ground Floor Area (m ²)
1	Café 1 (opposite Equinox)	1	7.5m	240
2	Café 2 (currently the Equinox Cafe)	1 plus loft	7.5m	1000
3	Kiosk 1	1	7.5m	90
3	Kiosk 2	1	7.5m	90
3	Kiosk 3	1	7.5m	90
3	Kiosk 4	1	7.5m	90
4	Tavern/Restaurant/Shop	2	10.2m	1700
5	Café 4 (currently The Goose)	1	7.5m	1000
6	Exhibition Centre (Railway House)	2	10.3m	650
7	Commercial Centre	2 plus loft	12m	600
8	Community Centre (Youth Facilities Building)	2	10.2m	900

Table 3: Building Height and Floor Area for Short Stay Accommodation Areas

Notation	Development Location	Storeys	Building Height from Natural Ground Level			Maximum Building Ground Floor Area (m ²)
			Top of external wall	Top of external wall (concealed roof)	Top of pitched roof	
9	Short Stay Accommodation Area 1	4 plus loft	16m	18m	20m	2,920
10	Short Stay Accommodation Area 2	4 plus loft	16m	18m	20m	2,265
11	Short Stay Accommodation Area 3	4 plus loft	16m	18m	20m	2,010



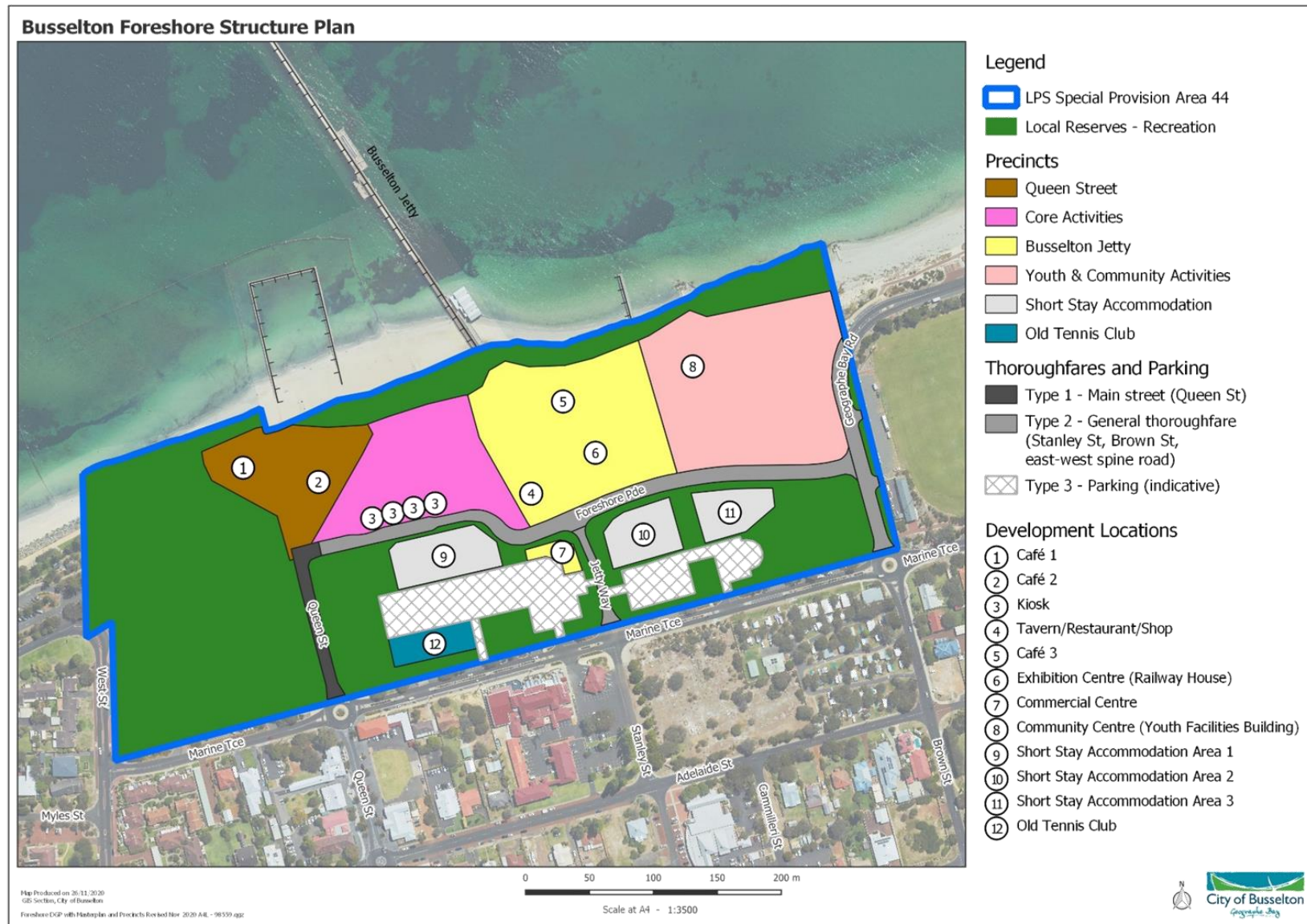
- 1. SOCIAL PARK PROVISION FOR OVERSEA PARKING
- 2. SWIMMING POOL
- 3. RECONFIGURED CARPARK
- 4. PROPOSED STADIUM
- 5. BEACH ACCESS
- 6. PROPOSED SHED/SHEDS WITH SEATING
- 7. GROUND CARE
- 8. BEACH LIFEGUARD PLATFORM
- 9. SHEDS
- 10. PROPOSED ROAD
- 11. SHED FOR ACCOMMODATION OFFICE
- 12. PROPOSED LIGHTHOUSE ESTATE
- 13. PROPOSED CARE
- 14. PROPOSED CARE
- 15. THE GOODIES MURALS
- 16. PROPOSED CARPARK
- 17. SHARABLE LINK
- 18. BUS STOP
- 19. BEACH FRONT SHELFER
- 20. BRICKA
- 21. YOUTH FACILITIES BUILDING
- 22. FUTURE SKATE PARK
- 23. FUTURE ADVENTURE PLAYGROUND
- 24. BEACH MAINTENANCE ACCESS ROAD
- 25. BUSSTOP LIGHT
- 26. PROPOSED SCENT JETTY
- 27. FUTURE ESCALATORS
- 28. 200M FUTURE ESCALATOR CONSULTATION
- 29. PROPOSED ESCALATOR CONSULTATION
- 30. PROPOSED ESCALATOR CONSULTATION
- 31. CRICKET / SOCCER / JESSIE CANALS
- 32. EMERGENCY SERVICES EXHIBITION & COMPETITION AREA
- 33. MULTIPURPOSE SPORTS CLUB FACILITY
- 34. SCOUTS CLUB
- 35. PERSONAL CONSULTATION PARK
- 36. SEA SCOUTS BUILDING
- 37. TABLE TENNIS
- 38. BASKETBALL
- 39. FUTURE PARK
- 40. PROPOSED CARPARK

DATE: 04.10.2013
REVISION: C
SCALE: 1:1500 @ A1

BUSSETON FORESHORE - OVERALL MASTERPLAN

THIS PLAN IS CORRECT AT THE TIME OF PRINTING BUT MAY BE SUBJECT TO ALTERATION WITHOUT NOTICE





Busselton Foreshore Structure Plan

PART ONE: IMPLEMENTATION

1.0 Structure Plan Area

The Structure Plan area comprises all land shown on the Busselton Foreshore Structure Plan as being within Special Provision Area 44.

2.0 Operation

The Structure Plan comes into effect on the date that it is endorsed by the Western Australian Planning Commission.

3.0 Staging

There are no specific staging requirements.

4.0 Subdivision and Development Requirements

The following provisions apply to the Structure Plan area:

1. Land use permissibility within the Foreshore Precincts shall be in accordance with Table 1. Where a use that is listed in the Scheme or Table 1 does not appear against a specific precinct in Table 1, then this land use shall generally not be permitted within that precinct. Land uses are defined according to the Scheme except as follows:

'Kiosk' means a small structure of no more than one storey and up to approximately 90m² floor area predominantly wherein food and drinks are offered for sale and consumption.

2. Development shall be located as indicated on the structure plan and to the satisfaction of the City of Busselton.
3. Maximum building heights, maximum storeys and maximum building ground floor areas pertaining to each 'development area' shall generally be in accordance with Tables 2 or 3 as applicable.
4. Car parking requirements shall be assessed on a case-by-case basis. The City shall manage car parking across the Structure Plan area.
5. Development design, including all landscaping, servicing, public open space areas, drainage, exterior finish of structures and appearance of the overall developments shall be consistent with the objectives for the relevant Foreshore Precinct as set out in Table 1 and generally in accordance with the guidance provided by the Busselton Foreshore Master Plan.

Busselton Foreshore Structure Plan

Table 1: Land Use Permissibility			
Precinct	Precinct Objectives	Use Class	Permissibility
Queen Street	This precinct provides a pedestrian friendly space which provides a point of entry to connect the foreshore with the Busselton City Centre and points of attraction including the existing Equinox Café and new café lease area.	<ul style="list-style-type: none"> • Restaurant/Café • Tavern • Small Bar • Reception Centre • Activities consistent with a Recreation Reservation under the Scheme 	The uses specified shall be deemed to be a 'D' use for the purposes of the Scheme.
Core Activities	This precinct connects the Queen Street and Busselton Jetty precincts. It will focus on the provision of high quality amenities including a playspace as a focal element, central green space and new single storey pavilion style kiosks. The focus of this precinct is enhancing the views of the foreshore and jetty, improving the pedestrian experience, and development that provides maximum activation of surrounding spaces.	<ul style="list-style-type: none"> • Kiosk • Activities consistent with a Recreation Reservation under the Scheme 	The uses specified shall be deemed to be a 'D' use for the purposes of the Scheme.
Busselton Jetty	This precinct is a key movement corridor to Marine Terrace and an extension of the original railway line along Stanley Street into the City Centre. It contains interpretive functions in 'Railway House', an interpretive centre for the Busselton Jetty, as well as food and beverage related development. This precinct will provide a pedestrian focussed environment, maximum activation of spaces, and retain views of the coast and jetty.	<ul style="list-style-type: none"> • Restaurant/Café • Exhibition Centre • Shop • Office • Tavern • Small Bar • Reception Centre • Activities consistent with a Recreation Reservation under the Scheme 	The uses specified shall be deemed to be a 'D' use for the purposes of the Scheme.
Youth & Community Activities	This precinct provides a pedestrian oriented activity space to cater for events and to complement the family oriented beach and parkland. This precinct includes a new community building that accommodates the Busselton Surf Life Saving Club /Youth and Community Activity Building, a skate/BMX park, adventure playground, while retaining a sense of open space and views of the coast and jetty.	<ul style="list-style-type: none"> • Community Purpose • Activities consistent with a Recreation Reservation under the Scheme 	The uses specified shall be deemed to be a 'D' use for the purposes of the Scheme.
Short Stay Accommodation	This precinct will provide high quality development sites for tourist accommodation and supporting land uses, aiming to provide active frontage to the east-west spine road, an open, landscaped setting, and retaining wide view corridors between buildings. The predominant land use in this precinct will be short stay accommodation such as hotels and serviced apartments. Restaurants, shops and bars will be provided at ground level to address surrounding streets and the public realm.	<ul style="list-style-type: none"> • Hotel • Tourist Accommodation • Guesthouse • Shop • Tavern • Small Bar • Reception Centre • Restaurant/Cafe 	The uses specified shall be deemed to be a 'D' use for the purposes of the Scheme.

Busselton Foreshore Structure Plan

Old Tennis Club	This precinct aims to provide for pedestrian focused activity with active frontages to recreation areas and Marine Terrace to encourage pedestrian movement between points of attraction within the Busselton Foreshore Precinct, the Queen Street Cultural Precinct and the Busselton City Centre.	<ul style="list-style-type: none"> • Restaurant/Café • Shop • Tavern • Small Bar • Exhibition Centre • Amusement Parlour • Cinema/Theatre 	The uses specified shall be deemed to be a 'D' use for the purposes of the Scheme.
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Table 2: Building Height and Floor Area for Development Locations

No.	Development Location	Storeys	Maximum building height from natural (existing) ground level	Maximum building ground floor area (m ²)
1	Café 1 (opposite Equinox)	1	7.5m	240
2	Café 2 (currently the Equinox Café)	1 plus loft	7.5m	1,000
3	Kiosk 1	1	7.5m	90
3	Kiosk 2	1	7.5m	90
3	Kiosk 3	1	7.5	90
3	Kiosk 4	1	7.5m	90
4	Tavern/Restaurant/Shop	2	10.2m	1,700
5	Café 3 (currently The Goose)	1	7.5m	1,000
6	Exhibition Centre (Railway House)	2	10.3m	650
7	Commercial Centre	2 plus loft	12m	600
8	Youth and Community Activities Building	2	10.2m	900
12	Old Tennis Club	2 plus loft	12m	700

Table 3: Building Height and Floor Area for Short Stay Accommodation Areas

No	Development Location	Storeys	Building Height from Natural Ground Level			Maximum Building Ground Floor Area (m ²)
			Top of external wall	Top of external wall (concealed)	Top of pitched roof	
9	Short Stay Accommodation Area 1	4 plus loft	16m	18m	20m	2,920
10	Short Stay Accommodation Area 2	4 plus loft	16m	18m	20m	2,265
11	Short Stay Accommodation Area 3	4 plus loft	16m	18m	20m	2,010

Technical Memo

Technical Memo No	0001	Date of Issue	26 March 2020
Subject/Title	Busselton City Centre Parking Utilisation and Turnover Survey		
Project Name	Technical Memo	Project Number	3006375
Discipline	Transport Planning, Logistics and Analysis		
Document Number	3006375		
Revision Details	04		
Author	Cameron Steel & Clara Hechei		
Reviewed by	Clara Hechei		
Approved by	Louise Round		
Prepared for	City of Busselton	Attention	Paul Needham, Matthew Riordan & Louise Korovesi

1 Introduction

The City of Busselton (the City) commissioned SMEC Australia Pty Ltd (SMEC) to undertake peak and non-peak Parking and Utilisation surveys for the Busselton City Centre. The extent of the surveyed area and individual parking zones surveyed are attached in Appendix A.

SMEC's scope of work consists of the following;

- Conducting a typical day (non-peak) and a holiday season day (peak) Parking Occupancy and Duration Survey for parking within the Busselton City Centre;
- Analysis of the survey results to inform the performance of the existing parking management, identify areas of short and over parking supply; and
- Undertake up to 20 years of parking demands projection for the Busselton City Centre.

1.1 Data Collection

Parking Surveys were conducted on the following days between hours of 6:00 am to 10:00 pm.

- Wednesday, 4 December 2019 (non-peak) and
- Tuesday, 7 January 2020 (peak).

On both days, License Plate Recognition (LPR) technology was used to capture parking data. The peak survey was undertaken during the school summer holidays. Key dates were:

- School summer holidays: 18 December – 31 January,
- Christmas and Boxing days – 25 December – 26 December, and
- New years day: 1 January

During the non-peak survey, a traffic management detour and closure were in place for the western part of parking zone 30 (Kent Street).

2 Parking Survey Analysis

On both survey occasions, a total of 3,774 parking bays were available.

On the non-peak day survey, traffic management detour and closure were in place for the western part of parking zone 30 (Kent Street). The assessment of parking data has assumed that other parking zones were unlikely to have been affected by the closure.

2.1 Overall Parking Observation

On the peak day, 12,092 vehicles were observed using the Busselton City Centre car parks. This equates to 31% more parking demand for the peak day, in comparison to the non-peak day where 8,317 vehicles were counted.

Maximum occupancy percentage for peak day was noted to be 56% across all parking zones (2127 vehicles across 3774 parking supply) in comparison to 52% (1960 vehicles across 3774 parking supply) in a non-peak day. A detailed hourly parking occupancy rates comparison between a typical day and peak day is provided in Section 2.2.

The data has also highlighted; average parking turn over per bay for peak day is higher by 1.7 cars per bay in comparison to non-peak day. Average parking utilisation also goes up by 3% on a peak day. A comprehensive overview of non-peak and peak survey outputs for all parking zones within the study area is provided in Table 1 below.

Table 1: Observed Peak vs Non-Peak Data for all parking zones

	Non-Peak Day	Peak Day	Difference (Peak – Non-Peak)
Average Parking Turn Over (cars/space)	3.8	5.5	1.7
Average Duration of stay (hrs/car)	1.5	1.2	-0.3
Maximum Duration of stay (hrs/car)	2.0	1.8	-0.2
Average Parking Utilisation	29%	32%	3 percentage points

In terms of average parking duration, the survey data suggests on a peak day; vehicles park 18 minutes less than on a non-peak day. Survey data has also pointed out that 93% of all the observed vehicles on the peak day stayed for 4 hours or less in comparison to 88% on the non-peak day. Out of this 46 % stayed for less than 1 hour in the peak compared to 33% on non-peak. The table below details observations of the duration of stay in terms of percentage of counted vehicles.

Table 2: Peak and Non-Peak Comparison of Average Parking Duration Demand

Observed duration of stay	Non-Peak Day		Peak Day	
	Vehicles Counted	Percentage	Vehicles Counted	Percentage
<= 1 hour	2746	33.1%	5624	46.4%
1 hour – 2 hours	3303	39.8%	4205	34.7%
3 hour – 4 hours	1235	14.9%	1497	12.4%
5 hour – 6 hours	622	7.5%	646	5.3%
7 hour – 9 hours	324	3.9%	137	1.1%
> 10 hours	70	0.8%	7	0.1%
TOTAL	8300	100.0%	12116	100.0%

2.2 Hourly Parking Occupancy Rate

Figure 1 provides an overview comparison of the observed hourly occupancy rate between peak and non-peak days. The survey data suggest occupancy rates above 50% occurs for peak day between 10.45 am and 2.30 pm while for non-peak happens between 11.30 am and 2.15 pm. The highest observed occupancy rate for the non-peak day was 52% occurred at 12.15 pm, and the highest occupancy rate for the peak day was 56% occurred at 1.30 pm.

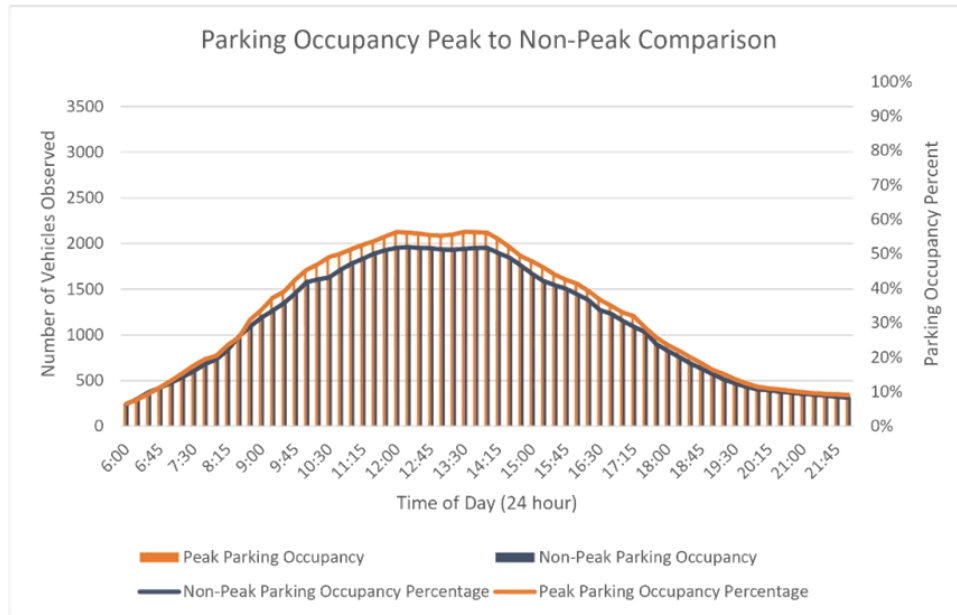


Figure 1: Observed 6 am to 10 pm hourly parking occupancy rate.

2.3 Parking Zones Utilisation

There are four zones with a significant difference in utilisation between non-peak and peak. These Zones are highlighted in the table below.

Table 3: Zones with significant Peak to Non-Peak Parking Utilisation difference

Zone Name	Non-Peak	Peak	Parking Utilisation Percentage Point (pp) Difference (Peak - Non- Peak)	Surrounding Landuse
2	23%	34%	+11pp	Busselton Jetty
4	34%	43%	+10pp	Busselton Jetty
34	30%	40%	+10pp	Busselton Central Shopping Centre
40	36%	52%	+16pp	Busselton Central Shopping Centre

A comparison of parking utilisation variation in individual zones between peak and non-peak period is provided in Figure 3.

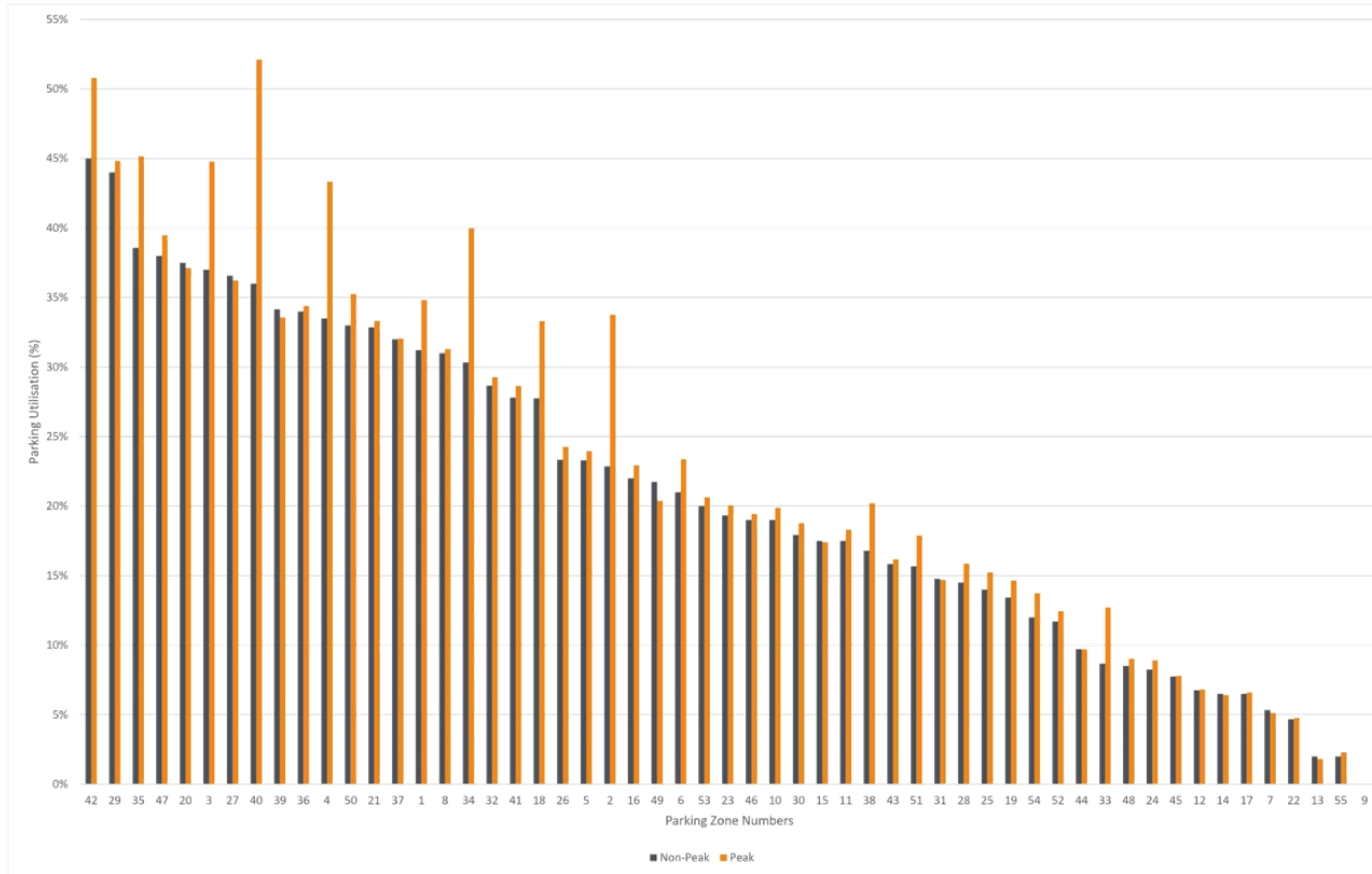


Figure 2: Average Parking Utilisation per Zone for each day.

Each parking zone is further divided into sub-sections. Table 4 reports parking sub-sections with the highest percentage of utilisation.

On both surveyed days, survey data has indicated zone 1 – Busselton Jetty Car Park 1 East had parking utilisation above 80%. Utilisation above or equal to 80% was also observed in various sections of parking zone 2 and 50 on the peak day. A list of zones with utilisation above 70% is provided in Table 4 below.

Table 4: High Utilisation Parking Sections.

Zone	Section	Side	Restriction	Supply	Parking Utilisation		Land-Use
					Peak	Non-Peak	
1	Busselton Jetty Car Park - Car Park 1 East	E	Unrestricted	67	87%	80%	Jetty Parking
	Busselton Jetty Car Park - Car Park 1 East	E	Caravan Parking	7	82%	81%	
2	Queen St - From Foreshore Pde To Marine Terrace	E	Unrestricted	9	80%	74%	Jetty Parking
	Queen St - From Foreshore Pde To Marine Terrace	W	Unrestricted	11	81%	74%	
4	Busselton Jetty Car Park - Car Park 4 North Of Foreshore Pde	N	Unrestricted	72	77%	72%	Jetty Parking
	Car Park 4 Foreshore Pde - From Geographe Bay Rd To Car Park S Access	S	Unrestricted	3	77%	78%	
35	Queen St - From Kent St To Prince St	E	1/2P 9Am-5Pm Mon-Fri, 9Am-12Noon Sat	6	72%	69%	Near Mitchell Park, Fire Station, Food, Banks & both Shopping Centres
41	Prince St - From West St To Queen St	N	1P 9Am-5Pm Mon-Fri, 9Am-12Noon Sat	8	74%	71%	Next to Busselton Central Shopping Centre and Mitchell Park
50	Pries Ave - From Albert St To Peel Terrace	E	Unrestricted	31	80%	73%	In between Bed & Breakfast/Motel and Victoria Square Park

On the peak day survey, usage of marked accessible parking spaces was observed to increase significantly in zones 3, 4, 34, 35 and 40. Figure 5 provides the total parking utilisation percentage for each zone supplying accessible parking for both peak and non-peak days with the difference noted between the two labelled.

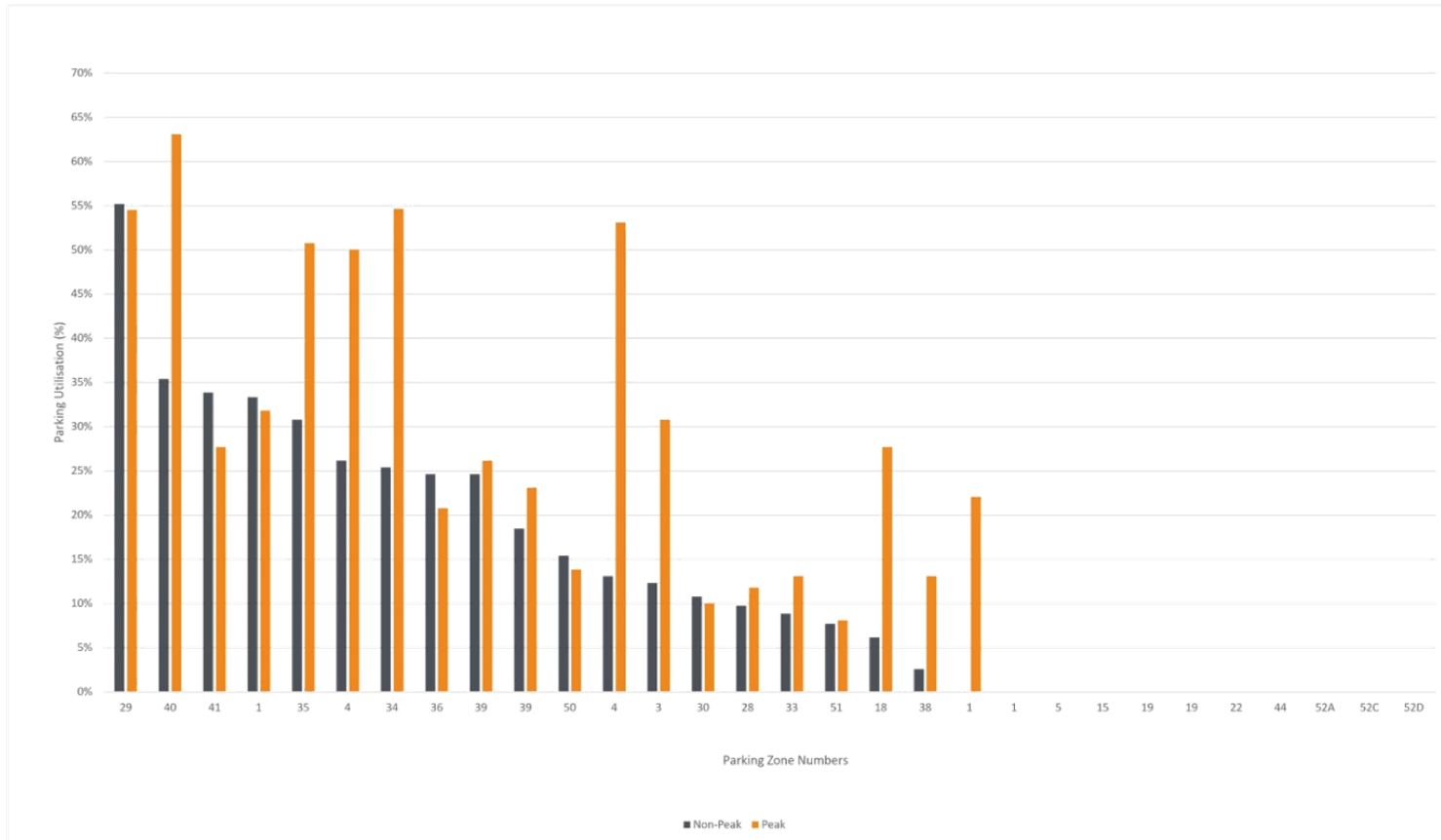


Figure 3: Parking utilisation per accessible zone.

2.4 Vehicles Duration of Stay in Parking Zones

The average duration of stay for individual parking zones for both peak and non-peak days were observed to be under 4 hours.

Parking zone 1, which is located at the Busselton Jetty, has a high average and maximum duration of stay in non-peak day. The maximum duration of stay recorded on the non-peak day was 7.3 hours and 6.1 hours for the peak. This zone is located within 10 minutes of walking distance to Busselton Central Shopping Centre.

Figure 4 provides the average duration of stay for each zone in the peak and non-peak day with the difference between the two.

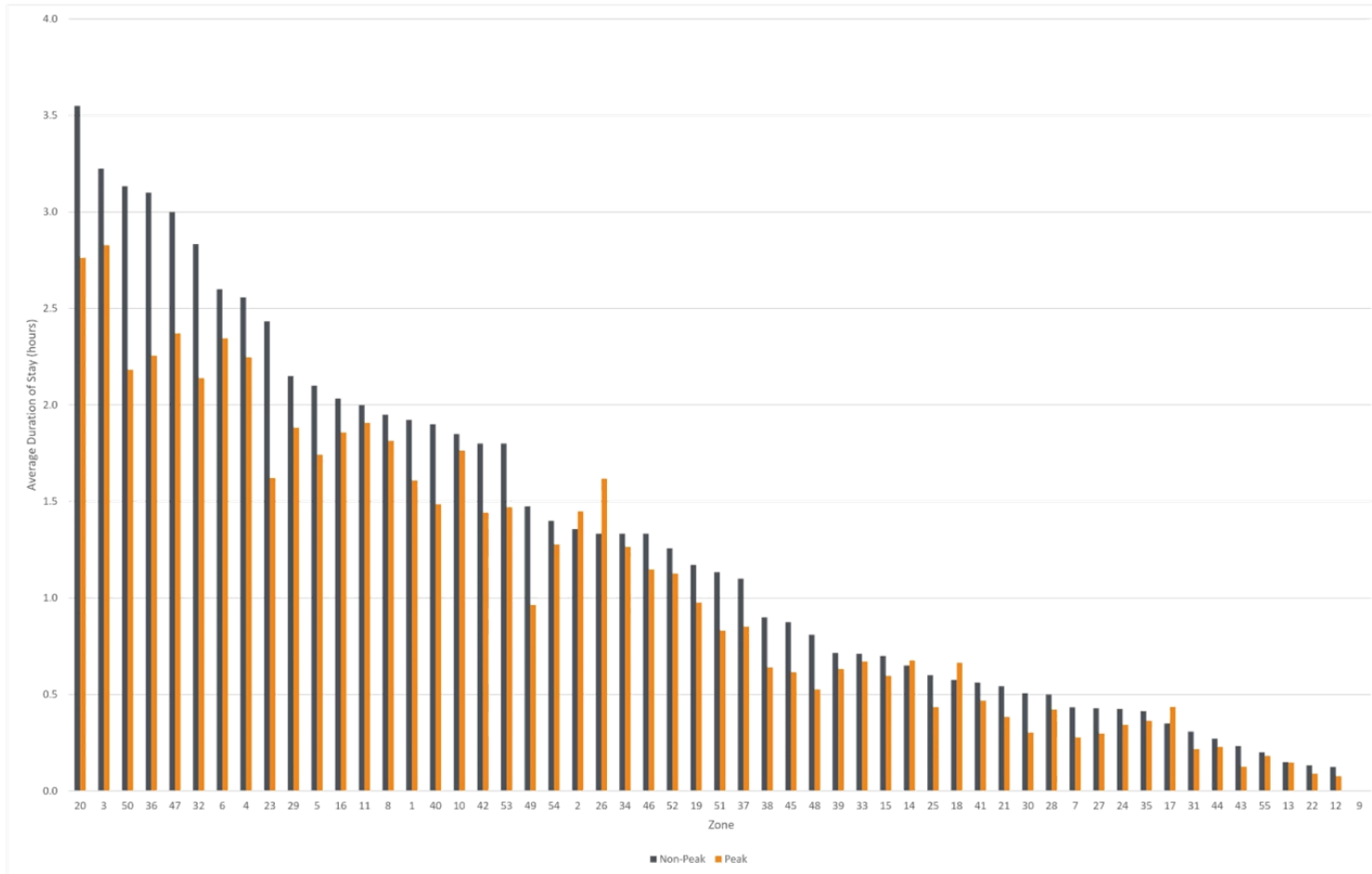


Figure 4: Observed Average Parking Duration of Stays

2.5 Parking Turn Over

On the peak day, three-quarters of parking zones were observed to have a turnover of above 1 car per parking bay. On the non-peak day, less than two-thirds of parking zones had a turnover above 1 car per parking bay.

The average parking turnover for each parking zone is provided in Figure 6. Parking zone 35 has the highest vehicle turn-over on both the peak (18.7 cars per bay) and non-peak day (11.9 cars per bay).

Parking zone 35 is equidistant from the two shopping centres. Zone 35 offers a total of 18, 30-minute parking bays along with one accessible and three taxi parking bays. Therefore, it can be expected to have high demand and justifies the high turn-over recorded.

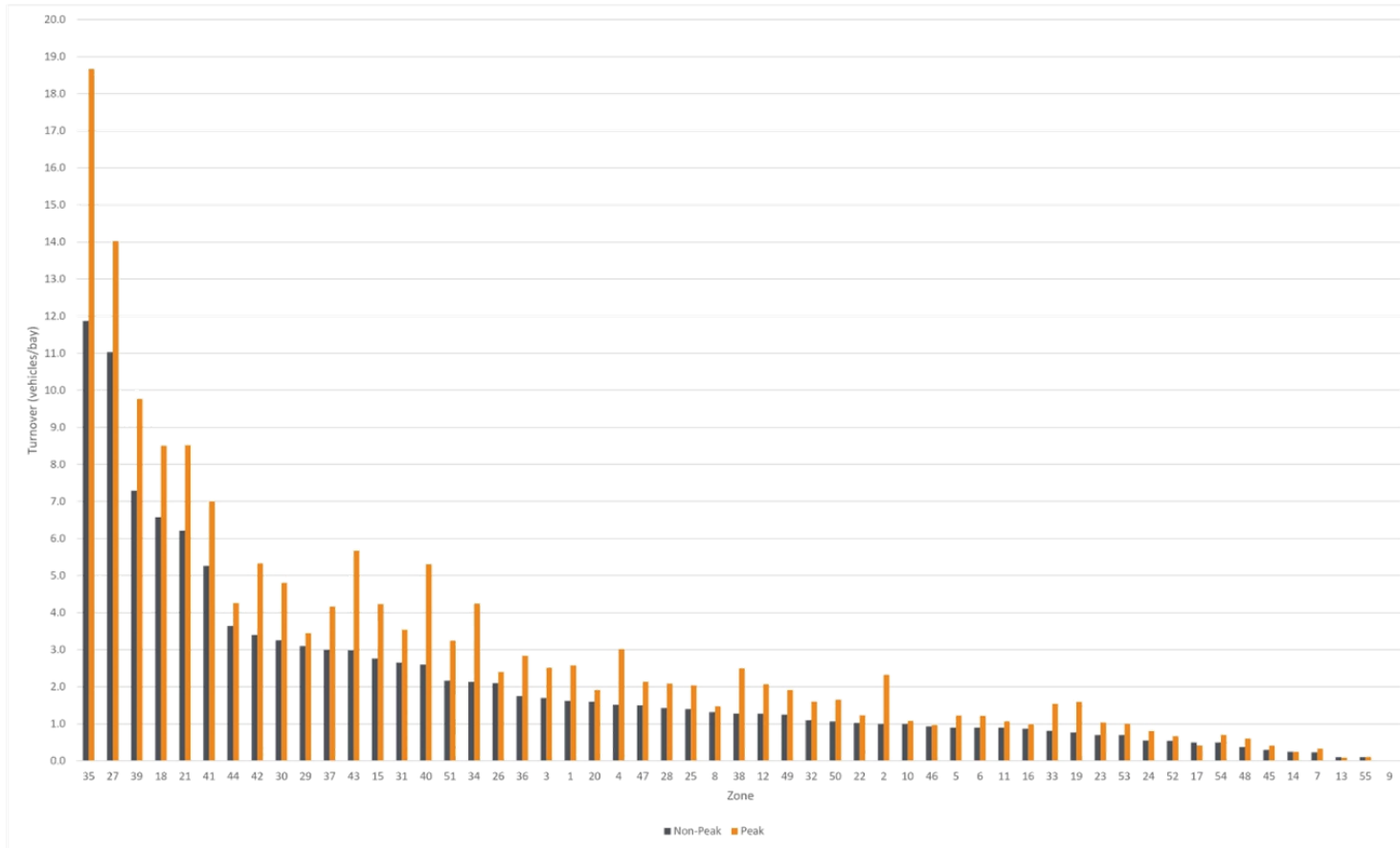


Figure 5: Parking zone turn-over comparison for peak and non-peak days

3 Conclusions

Survey data has indicated the Busselton City Centre has no shortage of parking supply. A maximum parking occupancy percentage of 52% (1960 vehicles across 3774 parking supply) was observed in a non-peak in comparison to 56% (2127 vehicles across 3774 parking supply).

The data also suggests the majority of vehicles in Busselton City Centre park for 4 hours or less. However, major car parking areas of zones 1,2,4, 35,41 and 50 have parking utilisation percentage of above 70%.

On both surveyed days, zone 54 (Signal Park) was observed to be used as an informal parking area. Peak parking demands for zone 54 occurred between hours of 1:15 pm to 4:00 pm. This time period falls within the time when parking zone 1, 2 and 4 have more than 70% occupancy percentage.

SMEC recommends the City to consider parking restriction reviews, monitoring and management program for parking zones with utilisation percentage of above 70%. This will include parking zone 1, 2 and 4 which are located close to Signal Park and have direct access to Marine Terrace corridor. This will safeguard the operation of Marine Terrace as surplus parking demands for zone 1, 2 and 4 are likely to impact the operation of Marine Terrace corridor.

The traffic management detour and closure of the western part of parking zone 30 (Kent Street) did not impact the overall results, due to the availability of alternative parking area within the study area.



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Appendix A: Parking Zone Cells





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Technical Memo

Technical Memo No	TM0003	Date of Issue	14 September 2020
Subject/Title	Future Parking Demands		
Project Name	Projected Future Car Parking Needs	Project Number	3006375
Discipline	Transport Planning		
Document Number	3006375_TM_0003_Future Parking Demand		
Revision Details	FINAL		
Author	Louise ROUND		
Reviewed by	Kathy Ward		
Approved by	James Parrott		
Prepared for	City of Busselton	Attention to	Louise Koroveshi
Attachments	Dunsborough Town Centre Parking Utilisation and Turnover Survey (July 2019) Dunsborough Town Centre Parking Utilisation and Turnover Survey (Feb 2020) Busselton City Centre Parking Utilisation and Turnover Survey (Mar 2020) Base Parking Demand for Future Years (July 2020) Current Proposed Parking Changes		

1 Purpose

The purpose of this Technical Memo is to provide the City of Busselton (the City) with an estimate of future parking demand in the Dunsborough Town Centre and the Busselton City Centre. The estimates will be used as part of the Activity Centre planning being undertaken by the City.

This is intended as an internal document for the City.

2 Introduction

2.1 Background

Parking surveys for peak and non-peak days have been conducted and base levels of parking demand were agreed with the City at a meeting on 23 July. This Technical Memo should be read in conjunction with the previous Technical Memos prepared by SMEC:

- Dunsborough Town Centre Parking Utilisation and Turnover Survey (July 2019)
- Dunsborough Town Centre Parking Utilisation and Turnover Survey (Feb 2020)
- Busselton City Centre Parking Utilisation and Turnover Survey (Mar 2020)
- Base Parking Demand for Future Years (July 2020)



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The previous Technical Memos are attached in Appendix A to Appendix D.

2.1.1 Dunsborough Town Centre

A base parking demand of 670 spaces has been agreed for Dunsborough Town Centre.

This demand was exceeded for four hours (12:15 to 16:15) in the peak season survey, and not at all in the non-peak survey.

2.1.2 Busselton City Centre

A base parking demand of 1,880 spaces has been agreed for Busselton City Centre.

This demand was exceeded for four hours (10:45 to 14:45) in the peak season survey, and for three hours (11:30 to 14:30) in the non-peak survey.

2.2 Objectives

The objective of this Technical Memo is to present the methodology that SMEC has used to derive the future parking demands and to compare future parking demand with likely future parking supply.

2.3 Scope

The scope of this memo is as follows:

- Model and analyse the projected future car parking needs for a 20-year timeframe, from 2020 to 2040, for the Busselton City Centre and Dunsborough Town Centre based on
 - Predicted commercial/retail floorspace growth and development within the Busselton City Centre and Dunsborough Town Centre
 - Projected population growth
 - Seasonal holiday-maker visitation periods/trends.
- provide recommended improvements and/or changes required in the provision and management of car parking zones/cells for both the short and longer terms

3 Factors Creating Future Parking

3.1 Population Growth

An increase in the resident population will lead to an increase in demand for parking. This is irrespective of the age groups that are increasing. A positive correlation between population and parking demand exists in the absence of any travel behaviour constraints.

3.2 Driver's Licence Holders

The number of people holding a licence and level of car ownership, and hence car parking demand, are linked. Western Australia (WA) has high levels of licencing and car ownership, or access to a vehicle. Analysis of car ownership in 2016 indicates 96.2% of households in the South West Region had access to a motor vehicle.¹

¹ <https://profile.id.com.au/wapl/car-ownership?WebID=740>



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There is an increasing number of driver's licence holders in Australia². Whilst younger drivers are delaying obtaining a licence, the number of people over 60 years old with a driver's licence continues to rise. Looking at the next 20 years, there will continue to be an increase in driving licence holders as nearly everyone in the current age group 40 – 60 years old has a driver's licence.

In addition, the generation 40 – 60 years old has grown up with the car dependency culture. This generation will continue to drive as long as infrastructure, such as parking, is provided. This predict and provide approach gives rise to "the continual expansion of transport infrastructure to meet inferred latent demand"³. Therefore, this approach perpetuates the car dependency culture.

3.3 Tourism

Both Dunsborough and Busselton attract large numbers of tourists, particularly in the school summer holidays. Busselton is located just over 200km or two and a half hours south of Perth, and Dunsborough is a further half hour west. Most of the tourism is domestic and is set to increase in the next 10 years.

As both Dunsborough and Busselton are a relatively easy drive from Perth, the majority of tourists have a car. The attractions are widespread and there is no public transport, further making a private vehicle advantageous. Therefore, an increase in tourists will inevitably result in an increase in parking demand.

3.4 Technology

Much is made of changes in technology that will bring about autonomous vehicles, which have different parking demands. However, given the large number of barriers still to be overcome with the technology it is unlikely to have an impact on parking demand in the next 20 years.

The deployment of technology for car parking management has become common place, both for enforcement and for wayfinding to available spaces.

3.5 Changes to Land Use

For both Dunsborough and Busselton, peak demand is concentrated to a few locations with particular land uses. The Busselton Foreshore Redevelopment is a good example of this, incorporating future hotel developments and commercial venues.

Changes of land use to complementary activities will assist in smoothing out the demand, through reciprocity and increasing demand in the evening.

3.6 Public Transport

The provision of public transport is a key measure for limiting parking demand in areas of intense activity or where land for car parking is constrained. However, it is not expected that activity will increase in the next 20 years to levels that would require a comprehensive public transport system.

3.7 Dominant Factors

The two dominant factors in predicting future demand will be the future population of people with a driver's licence and future tourism.

² <https://chartingtransport.com/2015/03/09/trends-in-drivers-license-ownership-in-australia/>

³ Murray Goulden, Tim Ryley, Robert Dingwall *Beyond 'predict and provide': UK transport, the growth paradigm and climate change* - <https://doi.org/10.1016/j.tranpol.2014.01.006>



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4 Dunsborough Town Centre

4.1 Population

Figures supplied by the City indicate that the resident population of Dunsborough, including the adjoining localities, is estimated to be 9,820 in 2020 and this will increase to 16,390 by 2040. This is a 67% increase.

Taking the base parking demand of 670 spaces and applying a 67% increase, to reflect population growth, gives a parking demand of 1,118 spaces. It is unknown how much of the parking is tourism related, using population gives a slight overestimate of future demand.

4.2 Tourism

Tourism visitor nights in Dunsborough are increasing at a slower rate than population, approximately 49% from 2020 to 2040 (refer to *Dunsborough City Centre Commercial Growth Analysis* Pracsys 2018).

Taking the base parking demand of 670 spaces and applying a 49% increase, to reflect tourism growth, gives a parking demand of 996 spaces. It is unknown how much of the parking is by tourists, using tourism gives a slight underestimate of future demand.

4.3 Land Use

The report *Dunsborough City Centre Commercial Growth Analysis* (Pracsys 2018) indicates an increasing demand for retail/shop, entertainment/recreation/cultural, health/welfare/community services, and office/business. All these land uses will generate demand for private and public parking.

Pracsys 2018 suggests that the growth in demand for the floor spaces noted above increases faster than population increase. However, future demand for other floor space is increasingly likely to be accommodated outside the town centre, examples of such land use are storage/ distribution and utilities / communication, thereby reducing the amount of this floor space in the Town Centre.

Assuming complementary land uses, the increase in floor space will be offset by reciprocity of parking demand and will increase the length of time that people stay in the town centre.

4.4 Future Demand and Supply

A future demand of 1,118 spaces is estimated for the Dunsborough Town Centre. The main increase in demand will come from an increasing population.

For efficient car parking, demand should be 85% of supply. Therefore, 1,316 bays should be provided in the Dunsborough Town Centre by 2040. The existing parking supply across public and private parking is 1,160 formal bays.

It should be noted that public parking in the Dunsborough Town Centre is quite limited, with the private parking in the Dunsborough Centrepoint Shopping Centre being used by 41% of cars parking in the Town Centre.

4.4.1 Proposed Parking Changes

Currently, there are an estimated 160 informal bays in a vacant lot at the corner of Cyrilleean Way and Dunn Bay Road. It is assumed that these bays will be unavailable in the future.



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Proposed changes to Dunsborough parking are that Naturaliste Terrace (Cyrillean Way to Dunn Bay Road) will have streetscaping, which may reduce parking supply, in conjunction with an increase in supply in the car park off Chieftain Crescent, refer Appendix E.

The City is also looking at the potential for additional parking on the southern side of Caves Road, around the Dunsborough playing fields, which may yield around 60 additional bays. There are ongoing discussions with Main Roads regarding pedestrian movement across Caves Road for access to the Town Centre from the Dunsborough Playing Fields.

The City is in negotiation to acquire an area of land in a vacant block to the north of the Cape Naturaliste Road / Caves Road roundabout for 300 bays of additional parking. Negotiations on this acquisition have stalled so it cannot be assumed that the City will be successful in purchasing this land.

These changes will yield approximately 360 additional bays.

4.4.2 Summary

The current oversupply of parking in the Dunsborough Town Centre may continue into 2040 if the predicted increase in of 360 bays eventuates, refer Table 1.

Table 1 - Dunsborough Town Centre Parking Provision

	2020	Additional Parking Spaces (potential)	Medium Term 2030	Long Term 2040
Demand	670		894	1,118
Required Supply (85% occupancy)	788		1,052	1,316
Supply	1,160	360	1,520	1,520
+Over / -under Supply	+372		+468	+204

4.5 Parking Management

The Dunsborough Town Centre's parking supply is sufficient for the next 20 years, allowing that at peak times the most popular parking areas will be congested and that the Town relies on the continued provision of private parking. To echo the comments in the *Dunsborough City Centre Commercial Growth Analysis*, the location of the parking is just as important as the quantity.

The 2019 parking survey by SMEC showed that the majority of vehicles are parking within the given time parking restrictions. The exceptions, in public parking areas, were the on-street parking in Naturaliste Terrace and Dunsborough Place. Naturaliste Terrace has occupancy greater than 80% in the peak season for most of the day.

The City has noted that Dunsborough has only recently had enforced parking management. However, this was interrupted by the impact of Covid 19, with fewer tourists and more people working from home. Now that intrastate travel is possible there will be a return to enforcement.



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5 Busselton City Centre

5.1 Population

Figures supplied by the City indicate that the resident population of Busselton, including the adjoining localities, is estimated to be 29,460 in 2020 and this will increase to 49,169 by 2040. This is a 67% increase.

Taking the base parking demand of 1,880 spaces and applying a 67% increase gives a parking demand of 3,691 spaces.

5.2 Tourism

The *Busselton City Centre Retail & Commercial Analysis* (Urbis 2020) anticipates a small growth in tourism between 2019 and 2029, and notes that “Busselton City Centre has a significant level of spending generated by tourists.”

5.3 Land Use

The Urbis Report 2020 recommends that the retail strategy in the Activity Centre Plan, over the next 15 years, should be focused “on consolidation and enhancement of the mix and overall revitalisation of the precinct, rather than an increase in floorspace.” Therefore, it is anticipated that there will not be an increase in demand for parking spaces related to retail but consideration of demand for parking spaces for other land uses is required.

The report further identifies an “undersupply of several non-retail uses in the City Centre, particularly commercial and entertainment/leisure focussed developments.” A recommendation of the Urbis Report is to provide more entertainment in and around the City Centre to attract more activity in the evenings and to increase visitors’ length of stay, both during the day and into the evening.

5.4 Future Demand and Supply

It is anticipated that from 2020 to 2030 there will be a consolidation of the City Centre in terms of land use, with the provision of complementary land uses. This should see visitors staying longer and higher demand in the evenings, without an increase in the peak demand. This will allow better usage of the existing public car parks.

Existing supply in Busselton is 3,374 formal spaces, which is well in excess of the 2,212 spaces that would cater for the existing demand of 1,880 spaces.

5.4.1 Proposed Parking Changes

At the time of the parking surveys there were an estimated 200 informal spaces in Signal Park and a further estimated 200 informal spaces on vacant land at the south west corner of Brown Street and Harris Road.

Proposed changes to parking in Busselton include the addition of a 600 seat Performing Arts Centre, located at the top end of Queen Street. The Centre will rely on existing public parking as most of the demand for parking will be in the evenings. Similarly, a microbrewery is under construction on the foreshore with an expected opening in spring 2020. The microbrewery has a capacity for 700 patrons and relies on public parking.

There are three hotels proposed for Foreshore Precinct. Other than Site 2 (development of which is imminent), it is not known what car parking supply and demand for those sites will be, but for the purposes of this work, it is reasonable to assume they will require some dedicated car parking (30 bays,



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30 bays and 60 bays) and that will result in the loss of some public parking. The City proposes 176 additional public parking close to the tennis courts at the Foreshore. Over time, this additional parking will compensate for the loss of public parking from the hotel developments. Therefore, there is no net gain of parking bays.

5.4.2 Summary

Assuming a 1% per annum increase in parking demand, there will still be an oversupply of parking spaces, refer Table 2.

Should parking supply be increased in line with population growth there may be an undersupply of parking spaces in the City Centre by 2040, refer Table 2. However, this is unlikely due to the changing nature of the land uses within the City Centre.

Table 2 - Busselton City Centre Parking Provision

	2020	Additional Parking Spaces (potential)	Medium Term 2030 (1.0% growth in demand)	Long Term 2040 (1.0% growth in demand)	Long Term 2040 (In line with population)
Demand	1,880		2,077	2,294	3,138
Required Supply (85% occupancy)	2,212		2,443	2,699	3,691
Supply	3,374	120	3,494	3,494	3,494
+Over / -under Supply	+1,162		+1,051	+795	-197

5.5 Parking Management

There is an oversupply of parking in the Busselton City Centre for both the Medium and Long Term.

There is strong parking management for the Busselton City Centre.

6 Recommendations

6.1 Peak Season Parking

The use of additional parking in the peak season should be continued. This allows the City to limit the oversupply of parking outside the summer months.

6.2 Parking Policy

The City does not have direct control over private parking but can set policies that ensure that there is not an oversupply.

It is inevitable that high private vehicle usage will continue across the City of Busselton, particularly for tourists, and therefore policies around travel demand management and public transport will not be appropriate in the next ten years. These types of policies should be revisited in 2030.



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6.3 Dunsborough Town Centre Parking Supply

6.3.1 Medium Term 2030

A parking supply of 1,052 spaces, across public and major private car parks, is recommended for Dunsborough Town Centre by 2030.

Currently, public parking in the Dunsborough Town Centre is limited and the City should consider increasing the ratio of public to private parking.

6.3.2 Long Term 2040

A parking supply of 1,316 spaces, across public and major private car parks, is recommended for Dunsborough Town Centre by 2040.

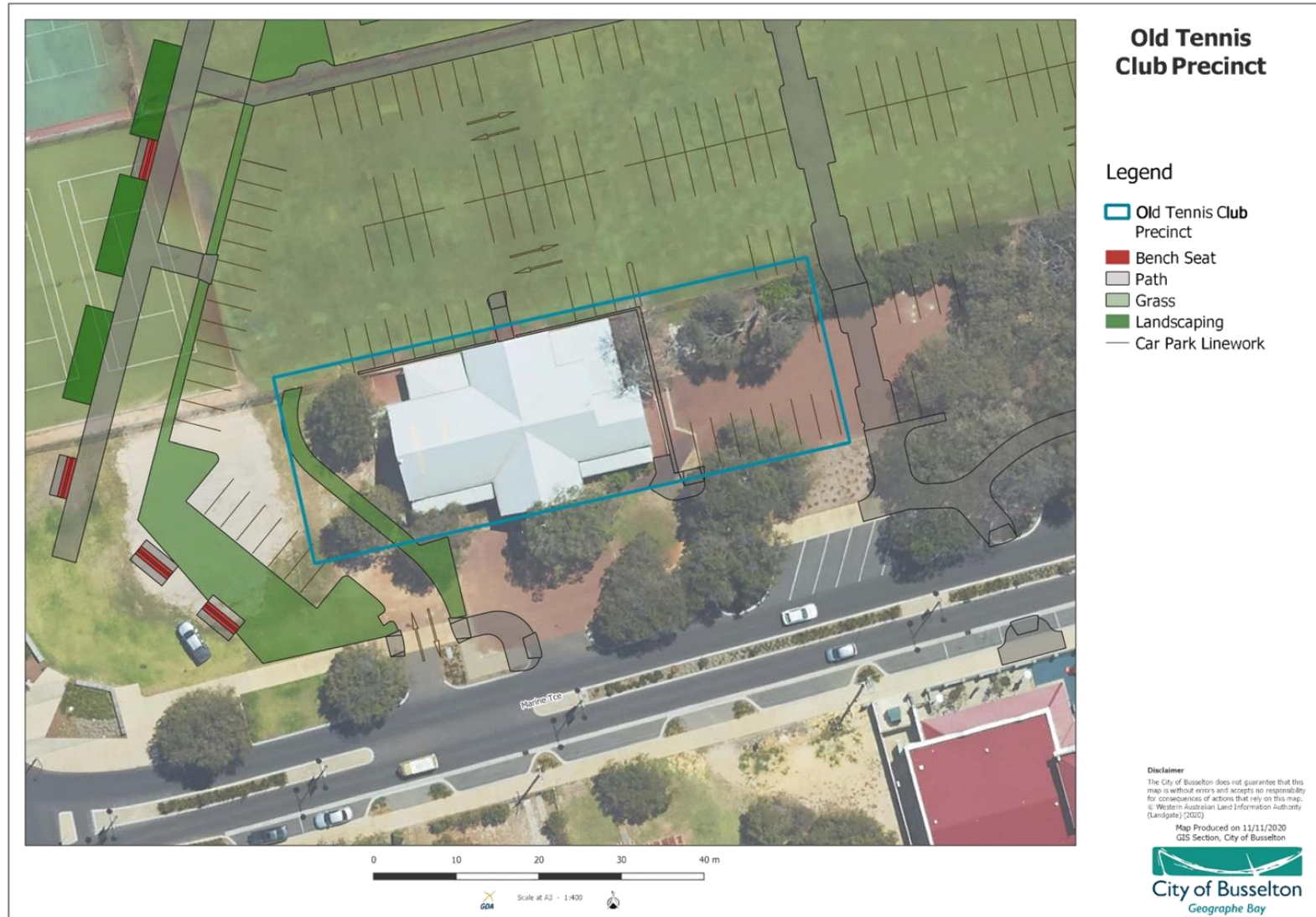
6.4 Busselton City Centre Parking Supply

6.4.1 Medium Term 2030

A parking supply of 2,443 spaces across public and major private car parks, is recommended for Busselton City Centre by 2030.

6.4.2 Long Term 2040

A parking supply of 2,699 spaces, across public and major private car parks, is recommended for Busselton City Centre by 2040. This assumes that the land use recommendations of the *Busselton City Centre Retail & Commercial Analysis* (Urbis 2020) are implemented, resulting in visitors staying longer in the City and additional visitors in the evenings.




ATTACHMENT F – SCHEDULE OF MODIFICATIONS
DRAFT BUSSELTON FORESHORE STRUCTURE PLAN
DP20/0003

No.	MODIFICATION	REASON
1.	<p>In relation to the Old Tennis Club precinct –</p> <p>Modify Table 1: Land Use Permissibility by adding ‘Reception Centre’ under the ‘Use Class’ column for the Old Tennis Club precinct.</p>	<p>At the time of advertising this land use was proposed to be included in the ‘Queen Street Precinct’, the ‘Busselton Jetty Precinct’ and the ‘Short Stay Accommodation Precinct’. It should also have been proposed to be included in the ‘Old Tennis Club Precinct’ but was inadvertently left out of that list of land uses. Its inclusion makes no substantive difference in effect or form to those other land uses being proposed for the premises. ‘Reception Centre’ simply allows for ‘...hosted functions on formal and ceremonial occasions’ (LPS21) and should logically be permitted for premises in the particular location and historical context of the Old Tennis Club building.</p>

Schedule of Submissions
DP20/0003 - Draft Busselton Foreshore Structure Plan
Submissions Closed: 27 January 2021
Officer: Louise Koroveshi

No	Submittor	Nature of Submission	Comment	Recommendation
<i>External Agency Submissions</i>				
1.	Department of Water and Environmental Regulation PO Box 261 Bunbury WA 6231	No objection.	Noted.	That the submission be noted.
2.	Department of Planning Lands and Heritage 140 William Street Perth WA 6000	No comment. The proposal does not affect State Registered Heritage Places in the vicinity.	Noted.	That the submission be noted.

16.2 SALE OF LOTS 58 & 59 CHAPMAN HILL ROAD AND LOT 60 QUEEN ELIZABETH AVENUE, AMBERGATE

STRATEGIC GOAL	1. COMMUNITY: Welcoming, friendly, healthy
STRATEGIC OBJECTIVE	1.3 A community with access to a range of cultural and art, social and recreational facilities and experiences.
SUBJECT INDEX	Disposition of Land
BUSINESS UNIT	Corporate Services
REPORTING OFFICER	Property Management Coordinator - Sharon Woodford-Jones
AUTHORISING OFFICER	Director Finance and Corporate Services - Tony Nottle
NATURE OF DECISION	Contractual: To enter into a contract e.g. a lease or the award of a tender etc.
VOTING REQUIREMENT	Simple Majority
ATTACHMENTS	Attachment A Location Plan 

COUNCIL DECISION AND OFFICER RECOMMENDATION

C2103/044 Moved Councillor J Barrett-Lennard, seconded Councillor P Cronin

That the Council:

- 1. Acknowledges that Lots 58 and 59 on Chapman Hill Road and Lot 60 Queen Elizabeth Avenue, Ambergate (the Land) is no longer required to be retained for strategic purposes.**
- 2. Approves the advertising of an Expression of Interest for the disposal of the Land to inform decisions regarding the future use and ownership.**
- 3. Be presented with the outcomes and recommendations following the Expression of Interest process on a disposition by way of sale or lease in accordance with the requirements of section 3.58 of the *Local Government Act 1995*.**

CARRIED 8/0

EN BLOC

EXECUTIVE SUMMARY

The City of Busselton is the freehold owner of Lots 58 and 59 Chapman Hill Road and Lot 60 Queen Elizabeth Avenue, Ambergate (the Land).

A previous Council resolution (C1801/011) authorised the CEO to negotiate and enter into a land exchange contract for the Land with the Chapman family and their related entities. Negotiations have ended without a land exchange contract being finalised.

This report recommends that Council agree to a marketing strategy and expression of interest process that will enable officers to present options and make a recommendation for the future disposition of the Land.

BACKGROUND

The Land comprises a total area of just over 136 hectares and is zoned 'Agriculture'. It is currently leased for grazing and farming purposes to an adjoining landowner.

The Land is situated on the eastern side of Queen Elizabeth Avenue running through to the western side of Chapman Hill Road in Ambergate, approximately 5km south of the Busselton town site. Nearby land uses consist of 'Rural Residential' development to the north (St Andrews Lane) and 'Special Residential' (Ambergate Heights) to the south. Busselton Golf Club and Busselton Margaret River Airport are located to the east. See location plan attached (Attachment A).

Property Details

The legal description of each parcel is:

- Lot 58 on Diagram 64060 being the whole of the land comprised in Certificate of Title Volume 1675 Folio 623;
- Lot 59 on Diagram 64060 being the whole of the land comprised in Certificate of Title Volume 1675 Folio 624;
- Lot 60 on Diagram 70229 being the whole of the land comprised in Certificate of Title Volume 1761 Folio 410.

Lot 58 comprises an area of 37.84 hectares, Lot 59 is 46.25 hectares and Lot 60 totals 52.22 hectares. All three lots are totally cleared and pastured and have been fertilised by the current lessee to maintain adequate pasture for cattle.

Services available to the lots are limited to Western Power electricity available on Queen Elizabeth Avenue and telecommunication lines. There is no scheme water or deep sewer available.

Lease

The Land is encumbered by a lease. The initial term of the lease expired on 30 June 2017, however the tenant has remained on the Land as a monthly tenant under the holding over provisions. The lease may be terminated by the City with one months' notice.

The lease also contains a right of first refusal for future leasing which means that before a new lease can be entered into, the same terms must be offered first to the current tenant.

Property History

The City originally acquired the Land in 1984 as a potential site for a new airport in Busselton. The Land was never used for that purpose and the airport was ultimately constructed in 1997 at its current location on Vasse Highway.

As part of a strategic land review in 2010, Council resolved (C1005/158):

"That with respect to Lots 58, 59 and 60 Chapman Hill Road, the Council resolve to 'land bank' the land for the future to provide funding for community projects in 10 to 20 years' time. In the meantime the Acting CEO be authorised to undertake statutory process and enter into an appropriate grazing lease under the Shire's usual commercial conditions, for a term of up to 5 years with a first right of refusal for the lessee if an extension of the lease is approved."

In a 2016 strategic land review, officers reported on the potential sale of the Land "...and the re-investing of the returns in land that better meets the strategic needs of the community into the future".

Council resolved (C1609/257):

"...with respect to the Strategic Land Review and the management of City and Crown Land within the District, to generally endorse the strategic direction set out in the agenda report".

Finally, in 2018, Council endorsed the officer recommendation and resolved (C1801/011):

"That the Council authorises the CEO to negotiate and enter into a land exchange contract for the Land with the Chapman family and related entities on terms and conditions consistent with those outlined in this report".

The objective was to swap the Land for land under the flight path immediately to the south of Busselton Margaret River Airport. Negotiations ended without a land exchange contract being finalised.

OFFICER COMMENT

As the Land is not identified as a strategic land holding and the land exchange contract identified in Council resolution C1801/011 was never completed, officers are recommending that the resolutions of the strategic land reviews in 2010 and 2016 be revisited.

The resolutions endorsed considering the sale of the Land and to use the proceeds to purchase land that better met the needs of the community in the future.

In February 2019, following the decision to refuse an application for development of premises for the Clay Target Club on Lot 501 Coolilup Road, Ludlow, Council resolved (C1902/024):

“to request that the CEO continues to investigate a suitable location for ballistic clubs, including writing to the Federal Member for Forrest, seeking discussion with the Department of Defence on co-location of additional ballistic clubs on the existing Hutton Road range”.

City officers have identified potential land parcels that may be suitable for the co-location of noisy sports and, as such, now may be the time to consider whether it is appropriate to dispose of land assets such as this to fund such an acquisition.

Anecdotally, the value of agricultural land in the South West has increased recently, in part due to the strong commodity prices and the fact that smaller land holdings are being sought by investors and family farmers.

City officers have also obtained informal advice from local specialist real estate agents who have advised that demand for agricultural land has increased in the last few months attributable to the extreme and novel change of circumstances brought about by the impact of the COVID-19 pandemic.

Officers are recommending an expression of interest process be run as a precursor to any disposition. This strategy will allow interested parties the time to formulate proposals and enables the City to gauge the level of interest and the range of options for disposition.

Opportunities for disposition that may arise from the expression of interest process include:

- the sale of the whole or part of the Land;
- the leasing of the whole or part of the Land; or
- land exchange opportunities.

To enable the best possible outcome from a marketing perspective, it is recommended that a local real estate agent with the relevant experience and expertise is engaged to market the expression of interest.

An expression of interest process will afford ample time to make the final decision and all proposals can be fairly considered on their individual merits. A further report and recommendations will then be presented to Council following the outcome of the expression of interest process.

Statutory Environment

Section 3.58 of the *Local Government Act 1995* (the Act) relates to the disposal of property by local government. It enables a local government to dispose of property:

- To the highest bidder at public auction;
- By way of a public tender process; or
- By giving local public notice of the proposed disposition and following the public consultation process as prescribed by sub-section 3.58(3) of the Act.

Local public notice will require:

- A description of the property concerned;
- Details of the proposed disposition (including names of the parties concerned; the consideration to be received and the market value of the disposition); and
- An invitation for submissions to be made before a date to be specified in the notice, being not less than 2 weeks after the notice is first given.

Any submissions received during the notice period must be considered by Council and the resulting decision recorded in the minutes of the meeting at which the decision is made.

Seeking expressions of interest alone will not trigger the statutory requirements, they are referenced here in relation to any subsequent recommendations for disposition.

Relevant Plans and Policies

Under the City of Busselton Local Planning Scheme 21 the Land is zoned 'Agriculture'. Until recently, it was designated as a Development Investigation Area (DIA). In May 2020, Council resolved (C2005/141) to amend the Town Planning Scheme and remove the land from this designation. The justification for this was it determined that it was no longer within an urban growth area and, in the absence of support under the Local Planning Strategy, the designation as a DIA was redundant.

To the north of Lots 58, 59 and 60, and the rural-residential subdivisions at 'Ambergate Heights' and 'St. Andrew's Lane', is the 'Ambergate North' Structure Plan area.

The Ambergate North Structure Plan (2014) covers an area generally bounded by Queen Elizabeth Avenue to the west, the Busselton Bypass to the North, the Vasse Diversion Drain to the east and the future alignment of the Busselton Outer Bypass to the south. If fully developed in accordance with the current structure plan, this area could potentially accommodate a residential population of between 10,000 – 12,000 people. Only about one third of the structure plan area is currently zoned for 'Urban Development', however, with the remainder currently zoned 'Rural' and subject to 'Special Provision Area 39' in Local Planning Scheme 21.

The land the subject of this report (Lots 58, 59 and 60) is not zoned for either urban or rural-residential development, and the City's current strategic planning framework does not provide support for any change of zoning in that regard.

The Sport and Recreation Facilities Strategy 2020-2030 adopted by Council in March 2020 reflects the fact that, over the last 10 years, extensive investigations have been undertaken by the City and clubs to locate and develop sports such as clay target, rifle and pistol shooting sports within the district. To that end, the City has, since the Strategic Land Review of 2016, been in negotiations with land owners in the district with a view to acquiring a strategic site suitable for noisy sports and other recreational opportunities or alternatives, or part thereof, allocate proceeds to another community project.

Financial Implications

The lease generates an annual income of \$11,120.04 exclusive of GST. City officers have obtained informal advice that the current rent may be below market value.

The most recent valuation for the Land was conducted in 2018 and is not reflective of current market values. A current valuation will be sought in conjunction with the expression of interest process and be presented to Council in a future report dealing with the results of the expression of interest.

Until the outcome of a procurement process to identify a suitable agency or organisation to conduct a marketing strategy for the disposition of the Land is concluded, the cost of sale or disposition will not be ascertainable. Details of the marketing strategy and the cost of the ultimate recommendation following the process will be embodied in the subsequent report to Council noted above.

Stakeholder Consultation

City officers have consulted informally with local real estate agents about marketing the Land.

Negotiations with the lessee of the Land have been ongoing for some time.

Risk Assessment

An assessment of the potential implications of implementing the officer recommendation has been undertaken. There is no risk associated with investigating the level of interest in the Land via an expression of interest process.

Options

As an alternative to the proposed recommendation:

1. Council may resolve to retain the Land and not undertake an expression of interest process.
2. Council may resolve to dispose of the Land in accordance with Section 3.58(2) of the *Local Government Act 1995* by way of public auction or public tender.

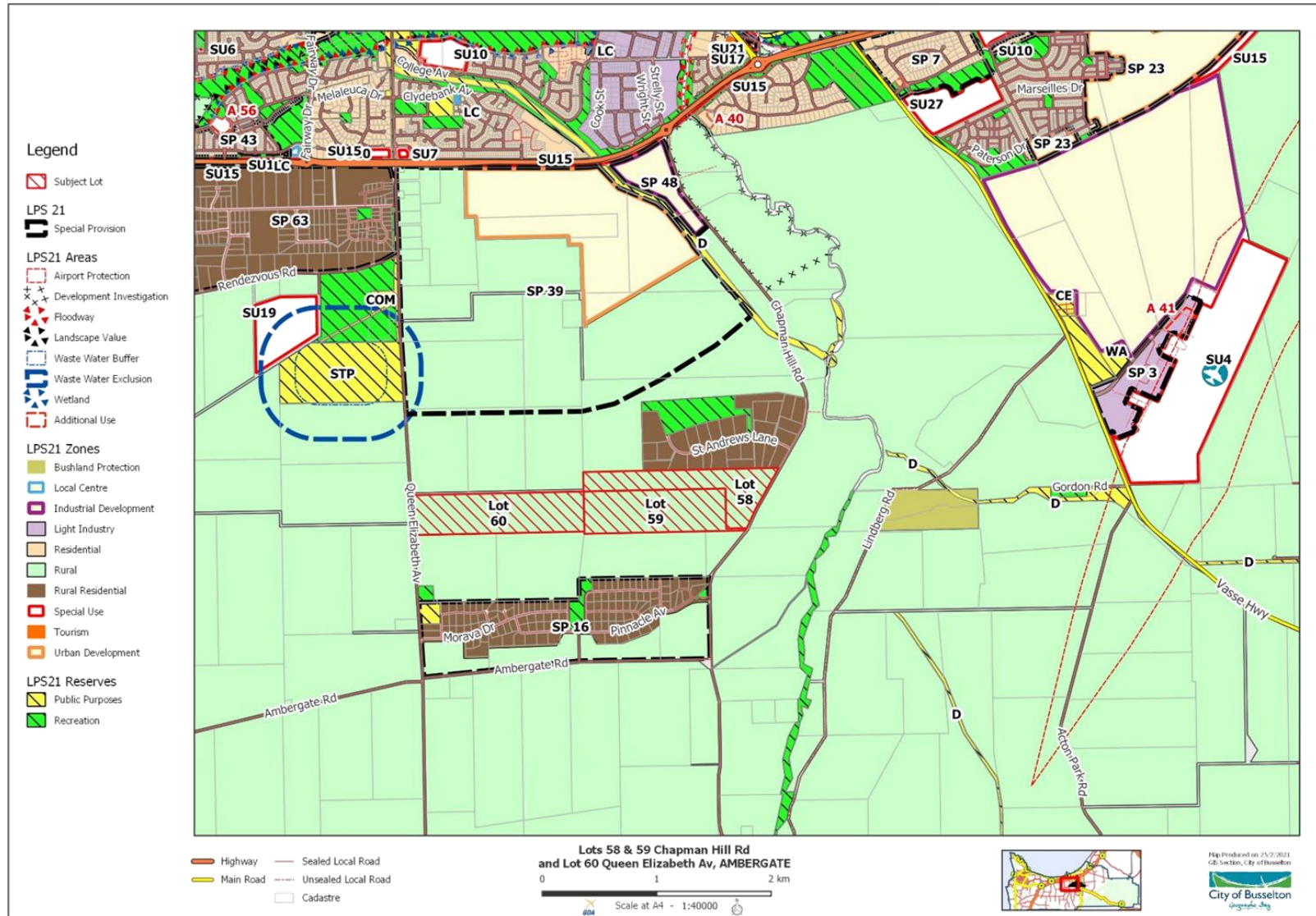
CONCLUSION

The officer recommendation supports a marketing campaign and expression of interest process be run by a local real estate agent for the disposal of the Land. This process will provide a range of options for Council and flexibility in decision making. It may, for example, be determined that it is preferable to sell only part of the Land or consider other land swap opportunities.





On conclusion of the expression of interest process, a further report and recommendations will be presented to Council after which a disposal under s 3.58(3) of the *Local Government Act 1995* may be progressed.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Should Council support the officer recommendation, the procurement process for identifying the provider of a marketing strategy and undertaking an expression of interest will be commenced immediately.



17.1 COUNCILLORS' INFORMATION BULLETIN

STRATEGIC GOAL	6. LEADERSHIP Visionary, collaborative, accountable
STRATEGIC OBJECTIVE	6.1 Governance systems, process and practices are responsible, ethical and transparent.
SUBJECT INDEX	Councillors' Information Bulletin
BUSINESS UNIT	Executive Services
REPORTING OFFICER	Reporting Officers - Various
AUTHORISING OFFICER	Director Finance and Corporate Services - Tony Nottle
NATURE OF DECISION	Noting: The item is simply for information purposes and noting
VOTING REQUIREMENT	Simple Majority
ATTACHMENTS	Attachment A Current Running State Administrative Tribunal Reviews  
	Attachment B WALGA Energy and Sustainability and Renewables Project: Letter from WALGA CEO Nick Sloan  

COUNCIL DECISION AND OFFICER RECOMMENDATION**C2103/045**

Moved Councillor J Barrett-Lennard, seconded Councillor P Cronin

That the items from the Councillors' Information Bulletin be noted:**17.1.1 State Administrative Tribunal Reviews****17.1.2 WALGA Energy Sustainability and Renewables Project****CARRIED 8/0****EN BLOC****EXECUTIVE SUMMARY**

This report provides an overview of a range of information that is considered appropriate to be formally presented to the Council for its receipt and noting. The information is provided in order to ensure that each Councillor, and the Council, is being kept fully informed, while also acknowledging that these are matters that will also be of interest to the community.

Any matter that is raised in this report as a result of incoming correspondence is to be dealt with as normal business correspondence, but is presented in this bulletin for the information of the Council and the community.

INFORMATION BULLETIN**17.1.1 State Administrative Tribunal Reviews**

A summary of the current State Administrative Tribunal reviews as at 24 February 2021 is provided at Attachment A.

17.1.2 WALGA Energy Sustainability and Renewables Project

A letter from WALGA Chief Executive Officer, Nick Sloan, regarding the Energy Sustainability and Renewables Project is provided at Attachment B.

CEO Comment

The CEO will be referring consideration of this opportunity to the City of Busselton's Sustainability and Energy Working Group.

As at 24 February 2021

APPLICATION (Name, No. and City File Reference)	PROPERTY	DATE COMMENCED	DECISION BEING REVIEWED	RESPONSIBLE OFFICER	STAGE COMPLETED	NEXT ACTION AND DATE OF ACTION AS PER SAT ORDERS	DATE COMPLETED / CLOSED
CITY OF BUSSELTON							
Lindberg v City of Busselton	4822 Bussell Highway, Busselton	October 2019	Review of a decision to give a direction under s.214.	Ben Whitehill / Lee Reddell	<ul style="list-style-type: none"> • Directions hearing on the 8 November 2019 against the decision of the City to give a direction under s.214. • The matter was adjourned to a further directions hearing on 29 November 2019 in order to determine whether the application is misconceived or lacking in substance pursuant to s.47 of the <i>State Administrative Tribunal Act 2004</i> • Directions hearing on the 29 November 2019 where it was resolved: <ul style="list-style-type: none"> - The application is amended by substituting Mr Doug Hugh Lindberg as applicant in place of Mr Johnson. - The matter is listed for an on-site mediation on 6 January 2020. - Mr Michael Johnson is invited to attend and participate in the mediation. • Mediation on 6 January 2020 where it was resolved that : <ul style="list-style-type: none"> - the applicant is to provide additional information to the respondent by 3 February 2020; - The matter is listed for mediation on 13 February 2020. • Mediation on 13 February where, following further discussion with the landowners and Mr Johnson, it was resolved to adjourn the proceeding back to a further directions hearing on 17 April 2020. • Directions hearing on 17 April was vacated and listed for a directions hearing on 5 June 2020. • Directions hearing on 5 June was vacated and listed for a directions hearing on 7 August 2020. • Directions hearing on 7 August 2020 was vacated and listed for a directions hearing on 6 November 2020. • Directions hearing on 6 November 2020 was vacated and listed for a directions hearing on 5 February 2021. • Directions hearing on 5 February 2021 was vacated and listed for a directions hearing on 7 May 2021. 	Directions Hearing 7 May 2021	
JOINT DEVELOPMENT ASSESSMENT PANEL							
NIL							

WESTERN AUSTRALIAN PLANNING COMMISSION							
Newport Geographe v WAPC	Port Geographe	November 2020	Review of structure plan / subdivision conditions.	State Solicitors Office / Paul Needham	<ul style="list-style-type: none">• Mediation Scheduled for 10 December 2020• 10 December 2020 mediation hearing resulted in scheduling of further mediation hearing for 3 March 2021 (the City attended the 10 December hearing and has also been invited to attend the 3 March 2021 hearing)	Mediation 3 March 2021	



23 February 2021

Our Ref: PSA007

Mr Mike Archer
Chief Executive Officer
City of Busselton

Dear Mike,

WALGA Energy Sustainability and Renewables Project

WALGA has embarked on a whole of sector Energy project that aims to support renewable energy policy targets and reduce the cost of electricity, gas, and carbon offsets for the sector. The Association aims to reduce the cost of energy for Members whilst also providing a commercial solution to renewable energy utilising Western Australian wind, solar and biomass projects.

WALGA's Corporate Strategy 2020-2025 set a sector vision in which Local Governments enhance community wellbeing and enable economic prosperity. The proposed Energy Sustainability and Renewables Project encapsulates this vision by leveraging the economic scale of the Local Government sector to deliver a longer-term solution.

The State Council of WALGA initially adopted a Climate Change Policy Statement in July 2018 calling for strong climate change action, leadership and coordination at all levels of government. In August 2019, the Western Australian Government set aspiration of net-zero greenhouse gas emissions for WA by 2050 under the WA Climate Change Policy.

Current to February 2021, forty-six WALGA Members have made declarations acknowledging that climate change is occurring and that climate change will continue to have significant effects on the WA environment, society and economy and Local Government sector. Many of these organisations have adopted environmental policies with carbon neutral targets included.

With this in mind, WALGA proposes to aggregate Energy and Sustainability related supply charges and evolve a Power Purchase Agreement (PPA) to support Members to achieve their policy targets. This includes establishing platforms to facilitate circular economies for both carbon offset and renewable infrastructure projects.

- 2 -

Initial communications with Members have received positive in-principle support. To date the following actions have been undertaken:

- WALGA governance endorsement
- Officer engagement and measurement of collective sector load
- Legal advisory support inclusive of ACCC exemption for a sector buying group
- Indicative pricing requests lodged with major retailers with responses currently under evaluation
- Development of project brief (appended)

In the coming weeks WALGA will be providing a business case and Memorandum of Understanding (MOU) proposal to Members with a request to formally commit to the project by the end of August 2021. Under the structure of the MOU WALGA Members will authorise WALGA to include their load profile within the aggregate procurement process and express their intent to participate in the group process. Members will be provided with an evaluated best value offer and recommendation. Initial contract commencement dates are envisaged to commence from April 2022.

In the lead up to the MOU signing, WALGA respectfully requests Members engage with the WALGA project team ahead of any current contract renewals, extensions or consideration of direct market procurement for Energy. The ability to aggregate the collective sector spend, initially and conservatively estimated at \$70 million per annum, can be impacted by locking contractual arrangements into place concurrent to the MOU process.

I strongly encourage your consideration to participate in the initiative. By pioneering a sustainability buying group in Western Australia, WALGA is facilitating positive change and supporting the commitments to climate change made by all levels of Government. It remains clear that if our supply developments are not sustainable Local Government will face unpredictable challenges into the future.



For more information about the Energy Sustainability and Renewables Project please contact Toby Costanzo, Contract Manager, Management.

Yours sincerely



Nick Sloan
Chief Executive Officer

ITEMS TO BE DEALT WITH BY SEPARATE RESOLUTION (WITHOUT DEBATE)12.1 Audit Committee - 24/2/2021 - 2020 ANNUAL COMPLIANCE AUDIT RETURN

STRATEGIC GOAL	6. LEADERSHIP Visionary, collaborative, accountable
STRATEGIC OBJECTIVE	6.1 Governance systems, process and practices are responsible, ethical and transparent.
SUBJECT INDEX	Compliance Audit Return
BUSINESS UNIT	Governance Services
REPORTING OFFICER	Governance Coordinator - Emma Heys
AUTHORISING OFFICER	Director Finance and Corporate Services - Tony Nottle
NATURE OF DECISION	Legislative: adoption of “legislative documents” such as local laws, local planning schemes and local planning policies
VOTING REQUIREMENT	Absolute Majority
ATTACHMENTS	Attachment A 2020 Compliance Audit Return  

This item was considered by the Audit Committee at its meeting on 24/2/2021, the recommendations from which have been included in this report.

COUNCIL DECISION AND COMMITTEE RECOMMENDATION AND OFFICER RECOMMENDATION

C2103/046 Moved Councillor P Carter, seconded Councillor K Hick

That the Council, having received the 2020 Compliance Audit Return (Attachment A), adopt the 2020 Compliance Audit Return and authorises the Mayor and Chief Executive Officer to sign in joint the Certificate.

CARRIED 8/0

BY ABSOLUTE MAJORITY

EXECUTIVE SUMMARY

The Compliance Audit Return (CAR) is a statutory reporting tool that evaluates the City’s compliance with targeted sections of the *Local Government Act 1995* (the Act) during the period 1 January 2020 to 31 December 2020.

The City has completed the 2020 CAR and it is included in this report (Attachment A) for the Audit Committee’s consideration. The 2020 CAR is recommended for adoption by Council, after which it will be lodged with the Department of Local Government, Sport and Cultural Industries (the Department), as required, by 31 March 2021.

BACKGROUND

Between 1 January 2021 and 31 March 2021, local governments are required to carry out an audit of compliance covering the period 1 January 2020 to 31 December 2020. The City’s responses to the 2020 CAR are to be reviewed by the Audit Committee and then adopted by Council. The certified CAR, together with an extract of the Council Minutes of the meeting in which the 2020 CAR is adopted, is to be lodged with the Department via the online SmartHub portal by 31 March 2021.

OFFICER COMMENT

In completing the 2020 CAR, designated officers have undertaken an audit of the City's activities, practices and procedures in line with the Act and associated Regulations.

The Audit results are summarised in the Table below:

Compliance Area	Number of Questions	Compliant
Commercial Enterprises by Local Government	5	YES - 100%
Delegation of Power/Duty	13	YES - 100%
Disclosures of Interest	21	YES - 100%
Disposal of Property	2	YES - 100%
Elections	3	YES - 100%
Finance	11	YES - 100%
Integrated Planning and Reporting	3	YES - 100%
Local Government Employees	6	YES - 100%
Official Conduct	4	YES - 100%
Tenders for Providing Goods and Services	24	YES - 100%
Optional Questions	10	COMPLETED

There are two optional questions where we have been unable provide a positive response. Optional Question #1 refers to Financial Management Regulation 5(2)(c) and whether the CEO reviewed the appropriateness and effectiveness of the local government's financial management systems and procedures within the three years prior to 31 December 2020. The City engages an independent Auditor to undertake its Financial Management Systems Review (FMSR) every three years. The FMSR was due to occur in November 2020. Due to COVID-19 however, the Auditor was unable to come down and complete the Audit. As opposed to doing the Audit internally, a decision was made to postpone the Audit to February 2021. The FMSR has since been completed.

Optional Question #9 refers to section 5.127 of the Act, requiring a local government (the CEO) to prepare a report detailing the training completed by Council Members in each financial year. This report is required to be published on the City's website within one month of the end of each financial year. This is the first year in which this requirement has been in place. A comprehensive list of the training undertaken by each Council Member has been published to the City's website since the 2019 Local Government Ordinary Elections, and officers were of the understanding this information met the requirements of section 5.127. A separate consolidated report (of the same information) has therefore not been compiled or published. A report is now available to view on the Elected Members Training page on the City's website and relevant governance procedures have been amended to ensure this requirement is met in the future.

Overall and on review, the 2020 CAR represents a high level of compliance by the City.

Statutory Environment

Section 7.13 of the *Local Government Act 1995* provides for the making of Regulations in regards to Audits.

Regulation 13 of the *Local Government (Audit) Regulations 1996* prescribes the statutory requirements for which the compliance audit is needed.

Regulations 14 and 15 state the following:

14. *Compliance audits by local governments*
 - (1) *A local government is to carry out a compliance audit for the period 1 January to 31 December in each year.*
 - (2) *After carrying out a compliance audit the local government is to prepare a compliance audit return in a form approved by the Minister.*
 - (3A) *The local government's audit committee is to review the compliance audit return and is to report to the council the results of that review.*
 - (3) *After the audit committee has reported to the council under subregulation (3A), the compliance audit return is to be –*
 - (a) *presented to council at a meeting of the council; and*
 - (b) *adopted by council; and*
 - (c) *recorded in the minutes of the meeting at which it is adopted.*
15. *Certified copy of compliance audit return and other documents to be given to Departmental CEO*
 - (1) *After the compliance audit return has been presented to the council in accordance with regulation 14(3) a certified copy of the return together with -*
 - (a) *a copy of the relevant section of the minutes referred to in regulation 14(3)(c); and*
 - (b) *any additional information explaining or qualifying the compliance audit, is to be submitted to the Departmental CEO by 31 March next following the period to which the return relates.*
 - (2) *In this regulation – **certified** in relation to a compliance audit return means signed by –*
 - (a) *the mayor or president; and*
 - (b) *the CEO.*

Relevant Plans and Policies

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

Financial Implications

There are no financial implications associated with the officer recommendation.

Stakeholder Consultation

The City has consulted with the Department of Local Government, Sport and Cultural Industries in relation to the impacts of COVID-19 on aspects of compliance, such as the completion of the FMSR. The Department have indicated that they understand COVID-19 will have had some impacts and that we should indicate where this is the case.

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

Risk Assessment

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

Options

As an alternative to the proposed recommendation, the Council may choose to request further information from officers prior to adopting the 2020 CAR. It is however a statutory requirement that the 2020 CAR is endorsed by Council and submitted to the Department prior to 31 March 2021.

CONCLUSION

It is recommended that the Council adopts the 2020 CAR for submission to the Department prior to 31 March 2021.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The 2020 CAR will be lodged with the Department prior to 31 March 2021.

Department of Local Government, Sport and Cultural Industries - Compliance Audit Return



Department of
**Local Government, Sport
and Cultural Industries**

Busselton - Compliance Audit Return 2020

Commercial Enterprises by Local Governments					
No	Reference	Question	Response	Comments	Respondent
1	s3.59(2)(a) F&G Regs 7,9,10	Has the local government prepared a business plan for each major trading undertaking that was not exempt in 2020?	N/A	No such undertaking occurred in the reporting period.	Manager, Legal and Property Services
2	s3.59(2)(b) F&G Regs 7,8,10	Has the local government prepared a business plan for each major land transaction that was not exempt in 2020?	N/A	No such transaction occurred in the reporting period.	Manager, Legal and Property Services
3	s3.59(2)(c) F&G Regs 7,8,10	Has the local government prepared a business plan before entering into each land transaction that was preparatory to entry into a major land transaction in 2020?	N/A	No such transaction occurred in the reporting period.	Manager, Legal and Property Services
4	s3.59(4)	Has the local government complied with public notice and publishing requirements for each proposal to commence a major trading undertaking or enter into a major land transaction or a land transaction that is preparatory to a major land transaction for 2020?	N/A	No such transactions or undertaking occurred in the reporting period.	Manager, Legal and Property Services
5	s3.59(5)	During 2020, did the council resolve to proceed with each major land transaction or trading undertaking by absolute majority?	N/A		Manager, Legal and Property Services

Department of Local Government, Sport and Cultural Industries - Compliance Audit Return



Department of
Local Government, Sport
and Cultural Industries

Busseton - Compliance Audit Return 2020

Delegation of Power/Duty					
No	Reference	Question	Response	Comments	Respondent
1	s5.16	Were all delegations to committees resolved by absolute majority?	YES		Manager, Governance and Corporate Services
2	s5.16	Were all delegations to committees in writing?	YES		Manager, Governance and Corporate Services
3	s5.17	Were all delegations to committees within the limits specified in section 5.17?	YES		Manager, Governance and Corporate Services
4	s5.18	Were all delegations to committees recorded in a register of delegations?	YES		Manager, Governance and Corporate Services
5	s5.18	Has council reviewed delegations to its committees in the 2019/2020 financial year?	YES	C1908/168 27 August 2019	Manager, Governance and Corporate Services
6	s5.42(1) & s5.43 Admin Reg 18G	Did the powers and duties delegated to the CEO exclude those listed in section 5.43 of the Act?	YES		Manager, Governance and Corporate Services
7	s5.42(1)	Were all delegations to the CEO resolved by an absolute majority?	YES		Manager, Governance and Corporate Services
8	s5.42(2)	Were all delegations to the CEO in writing?	YES		Manager, Governance and Corporate Services
9	s5.44(2)	Were all delegations by the CEO to any employee in writing?	YES		Manager, Governance and Corporate Services
10	s5.16(3)(b) & s5.45(1)(b)	Were all decisions by the council to amend or revoke a delegation made by absolute majority?	YES		Manager, Governance and Corporate Services
11	s5.46(1)	Has the CEO kept a register of all delegations made under Division 4 of the Act to the CEO and to employees?	YES		Manager, Governance and Corporate Services
12	s5.46(2)	Were all delegations made under Division 4 of the Act reviewed by the delegator at least once during the 2019/2020 financial year?	YES	C1908/168 27 August 2019	Manager, Governance and Corporate Services
13	s5.46(3) Admin Reg 19	Did all persons exercising a delegated power or duty under the Act keep, on all occasions, a written record in accordance with Admin Reg 19?	YES		Manager, Governance and Corporate Services

Department of Local Government, Sport and Cultural Industries - Compliance Audit Return



Department of
**Local Government, Sport
and Cultural Industries**

Busseton - Compliance Audit Return 2020

Disclosure of Interest					
No	Reference	Question	Response	Comments	Respondent
1	s5.67	Where a council member disclosed an interest in a matter and did not have participation approval under sections 5.68 or 5.69, did the council member ensure that they did not remain present to participate in discussion or decision making relating to the matter?	YES		Manager, Governance and Corporate Services
2	s5.68(2) & s5.69(5) Admin Reg 21A	Were all decisions regarding participation approval, including the extent of participation allowed and, where relevant, the information required by Admin Reg 21A, recorded in the minutes of the relevant council or committee meeting?	YES		Manager, Governance and Corporate Services
3	s5.73	Were disclosures under section sections 5.65, 5.70 or 5.71A(3) recorded in the minutes of the meeting at which the disclosures were made?	YES		Manager, Governance and Corporate Services
4	s5.75 Admin Reg 22, Form 2	Was a primary return in the prescribed form lodged by all relevant persons within three months of their start day?	YES		Manager, Governance and Corporate Services
5	s5.76 Admin Reg 23, Form 3	Was an annual return in the prescribed form lodged by all relevant persons by 31 August 2020?	YES		Manager, Governance and Corporate Services
6	s5.77	On receipt of a primary or annual return, did the CEO, or the mayor/president, give written acknowledgment of having received the return?	YES		Manager, Governance and Corporate Services
7	s5.88(1) & (2)(a)	Did the CEO keep a register of financial interests which contained the returns lodged under sections 5.75 and 5.76?	YES		Manager, Governance and Corporate Services
8	s5.88(1) & (2)(b) Admin Reg 28	Did the CEO keep a register of financial interests which contained a record of disclosures made under sections 5.65, 5.70, 5.71 and 5.71A, in the form prescribed in Admin Reg 28?	YES		Manager, Governance and Corporate Services
9	s5.88(3)	When a person ceased to be a person required to lodge a return under sections 5.75 and 5.76, did the CEO remove from the register all returns relating to that person?	YES		Manager, Governance and Corporate Services
10	s5.88(4)	Have all returns removed from the register in accordance with section 5.88(3) been kept for a period of at least five years after the person who lodged the return(s) ceased to be a person required to lodge a return?	YES		Manager, Governance and Corporate Services
11	s5.89A(1), (2) & (3) Admin Reg 28A	Did the CEO keep a register of gifts which contained a record of disclosures made under sections 5.87A and 5.87B, in the form prescribed in Admin Reg 28A?	YES		Manager, Governance and Corporate Services

Department of Local Government, Sport and Cultural Industries - Compliance Audit Return



Department of
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12	s5.89A(5) & (5A)	Did the CEO publish an up-to-date version of the gift register on the local government's website?	YES		Manager, Governance and Corporate Services
13	s5.89A(6)	When a person ceases to be a person who is required to make a disclosure under section 5.87A or 5.87B, did the CEO remove from the register all records relating to that person?	YES		Manager, Governance and Corporate Services
14	s5.89A(7)	Have copies of all records removed from the register under section 5.89A(6) been kept for a period of at least five years after the person ceases to be a person required to make a disclosure?	YES		Manager, Governance and Corporate Services
15	Rules of Conduct Reg 11(1), (2) & (4)	Where a council member had an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person, did they disclose the interest in accordance with Rules of Conduct Reg 11(2)?	YES		Manager, Governance and Corporate Services
16	Rules of Conduct Reg 11(6)	Where a council member disclosed an interest under Rules of Conduct Reg 11(2) was the nature of the interest recorded in the minutes?	YES		Manager, Governance and Corporate Services
17	s5.70(2) & (3)	Where an employee had an interest in any matter in respect of which the employee provided advice or a report directly to council or a committee, did that person disclose the nature and extent of that interest when giving the advice or report?	YES		Manager, Governance and Corporate Services
18	s5.71A & s5.71B(5)	Where council applied to the Minister to allow the CEO to provide advice or a report to which a disclosure under s5.71A(1) relates, did the application include details of the nature of the interest disclosed and any other information required by the Minister for the purposes of the application?	N/A	No such application was made during the reporting period.	Manager, Governance and Corporate Services
19	s5.71B(6) & s5.71B(7)	Was any decision made by the Minister under subsection 5.71B(6) recorded in the minutes of the council meeting at which the decision was considered?	N/A	No such decision was made by the Minister in the reporting period.	Manager, Governance and Corporate Services
20	s5.103 Admin Regs 34B & 34C	Has the local government adopted a code of conduct in accordance with Admin Regs 34B and 34C to be observed by council members, committee members and employees?	YES		Manager, Governance and Corporate Services
21	Admin Reg 34B(5)	Has the CEO kept a register of notifiable gifts in accordance with Admin Reg 34B(5)?	YES		Manager, Governance and Corporate Services

Department of Local Government, Sport and Cultural Industries - Compliance Audit Return



Department of
**Local Government, Sport
and Cultural Industries**

Busseton - Compliance Audit Return 2020

Disposal of Property					
No	Reference	Question	Response	Comments	Respondent
1	s3.58(3)	Where the local government disposed of property other than by public auction or tender, did it dispose of the property in accordance with section 3.58(3) (unless section 3.58(5) applies)?	YES		Manager, Legal and Property Services
2	s3.58(4)	Where the local government disposed of property under section 3.58(3), did it provide details, as prescribed by section 3.58(4), in the required local public notice for each disposal of property?	YES		Manager, Legal and Property Services

Department of Local Government, Sport and Cultural Industries - Compliance Audit Return



Department of
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Busseton - Compliance Audit Return 2020

Elections					
No	Reference	Question	Response	Comments	Respondent
1	Elect Regs 30G(1) & (2)	Did the CEO establish and maintain an electoral gift register and ensure that all disclosure of gifts forms completed by candidates and donors and received by the CEO were placed on the electoral gift register at the time of receipt by the CEO and in a manner that clearly identifies and distinguishes the forms relating to each candidate?	Yes	No elections were held in the reporting period, however the CEO established and maintained an electoral gift register in accordance with Regulation 30G(1) & (2)	Manager, Governance and Corporate Services
2	Elect Regs 30G(3) & (4)	Did the CEO remove any disclosure of gifts forms relating to an unsuccessful candidate, or a successful candidate that completed their term of office, from the electoral gift register, and retain those forms separately for a period of at least two years?	N/A	No elections were held in the reporting period.	Manager, Governance and Corporate Services
3	Elect Regs 30G(5) & (6)	Did the CEO publish an up-to-date version of the electoral gift register on the local government's official website in accordance with Elect Reg 30G(6)?	Yes	No elections were held in the reporting period, however the CEO maintained and published the Electoral Gift Register on the City's website in accordance with Regulation 30G(6)	Manager, Governance and Corporate Services

Department of Local Government, Sport and Cultural Industries - Compliance Audit Return



Department of
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Busseton - Compliance Audit Return 2020 - Finance

Finance					
No	Reference	Question	Response	Comments	Respondent
1	s7.1A	Has the local government established an audit committee and appointed members by absolute majority in accordance with section 7.1A of the Act?	YES		Manager, Financial Services
2	s7.1B	Where the council delegated to its audit committee any powers or duties under Part 7 of the Act, did it do so by absolute majority?	YES		Manager, Financial Services
3	s7.3(1) & s7.6(3)	Was the person or persons appointed by the local government to be its auditor appointed by an absolute majority decision of council?	YES		Manager, Financial Services
4	s7.3(3)	Was the person(s) appointed by the local government under s7.3(1) to be its auditor a registered company auditor or an approved auditor?	YES		Manager, Financial Services
5	s7.9(1)	Was the auditor's report for the financial year ended 30 June 2020 received by the local government by 31 December 2020?	YES	Received by Council 25 November 2020, C2011/140	Manager, Financial Services
6	s7.12A(3)	Where the local government determined that matters raised in the auditor's report prepared under s7.9(1) of the Act required action to be taken, did the local government ensure that appropriate action was undertaken in respect of those matters?	YES		Manager, Financial Services
7	s7.12A(4)(a)	Where matters identified as significant were reported in the auditor's report, did the local government prepare a report that stated what action the local government had taken or intended to take with respect to each of those matters?	N/A	No such matters were identified	Manager, Financial Services
8	s7.12A(4)(b)	Where the local government was required to prepare a report under s.7.12A(4)(a), was a copy of the report given to the Minister within three months of the audit report being received by the local government?	N/A	No such report was required.	Manager, Financial Services
9	s7.12A(5)	Within 14 days after the local government gave a report to the Minister under s7.12A(4)(b), did the CEO publish a copy of the report on the local government's official website?	N/A	No such report was required.	Manager, Financial Services
10	Audit Reg 7	Did the agreement between the local government and its auditor include the objectives and scope of the audit, a plan for the audit, details of the remuneration and expenses paid to the auditor, and the method to be used by the local government to communicate with the auditor?	YES		Manager, Financial Services
11	Audit Reg 10(1)	Was the auditor's report for the financial year ending 30 June received	YES	Completed by the Auditor 9 November	Manager, Financial Services

Department of Local Government, Sport and Cultural Industries - Compliance Audit Return



Department of
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by the local government within 30
days of completion of the audit?

2020 and received by
the Audit Committee
13 November 2020,
AU2011/045, received
by the Council 25
November 2020,
C2011/140

Department of Local Government, Sport and Cultural Industries - Compliance Audit Return



Department of
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Busselton - Compliance Audit Return 2020

Integrated Planning and Reporting					
No	Reference	Question	Response	Comments	Respondent
1	Admin Reg 19C	Has the local government adopted by absolute majority a strategic community plan? If Yes, please provide the adoption date or the date of the most recent review in the Comments section?	YES	The City's Strategic Community Plan 2017 was adopted on 12 April 2017 C1704/076 and underwent a minor review in 2019, C1904/070. The City's Strategic Community Plan 2021 is currently under view and will be adopted in the 2021 calendar year.	Manager, Governance and Corporate Services
2	Admin Reg 19DA(1) & (4)	Has the local government adopted by absolute majority a corporate business plan? If Yes, please provide the adoption date or the date of the most recent review in the Comments section?	YES	The City's Corporate Business Plan 2020-2024 was adopted 29 July 2020, C2007/077	Manager, Governance and Corporate Services
3	Admin Reg 19DA(2) & (3)	Does the corporate business plan comply with the requirements of Admin Reg 19DA(2) & (3)?	YES		Manager, Governance and Corporate Services

Department of Local Government, Sport and Cultural Industries - Compliance Audit Return



Department of
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Busseton - Compliance Audit Return 2020

Local Government Employees					
No	Reference	Question	Response	Comments	Respondent
1	Admin Reg 18C	Did the local government approve a process to be used for the selection and appointment of the CEO before the position of CEO was advertised?	N/A	The position of the CEO was not advertised during the reporting period.	Manager, Governance and Corporate Services
2	s5.36(4) & s5.37(3) Admin Reg 18A	Were all CEO and/or senior employee vacancies advertised in accordance with Admin Reg 18A?	N/A	No such positions were advertised during the reporting period.	Manager, Governance and Corporate Services
3	Admin Reg 18E	Was all information provided in applications for the position of CEO true and accurate?	N/A	The position of the CEO was not advertised during the reporting period.	Manager, Governance and Corporate Services
4	Admin Reg 18F	Was the remuneration and other benefits paid to a CEO on appointment the same remuneration and benefits advertised for the position under section 5.36(4)?	N/A	The position of the CEO was not advertised during the reporting period.	Manager, Governance and Corporate Services
5	s5.37(2)	Did the CEO inform council of each proposal to employ or dismiss senior employee?	N/A	No senior employee was employed or dismissed during the reporting period.	Manager, Governance and Corporate Services
6	s5.37(2)	Where council rejected a CEO's recommendation to employ or dismiss a senior employee, did it inform the CEO of the reasons for doing so?	N/A	No senior employee was employed or dismissed during the reporting period.	Manager, Governance and Corporate Services

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Official Conduct					
No	Reference	Question	Response	Comments	Respondent
1	s5.120	Has the local government designated a senior employee as defined by section 5.37 to be its complaints officer?	YES	The Director, Finance and Corporate Services, Mr. Tony Nottle has been appointed as the City's Complaints Officer.	Director, Finance and Corporate Services
2	s5.121(1)	Has the complaints officer for the local government maintained a register of complaints which records all complaints that resulted in a finding under section 5.110(2)(a)?	YES	While maintained appropriately, there is some conjecture around the outcomes when a finding was reached but overturned by the SAT. A decision was made not to publish these circumstances.	Director, Finance and Corporate Services
3	s5.121(2)	Does the complaints register include all information required by section 5.121(2)?	YES	Continuation of existing register and template.	Director, Finance and Corporate Services
4	s5.121(3)	Has the CEO published an up-to-date version of the register of the complaints on the local government's official website?	YES	Continuation of existing register and template.	Director, Finance and Corporate Services

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Optional Questions					
No	Reference	Question	Response	Comments	Respondent
1	Financial Management Reg 5(2)(c)	Did the CEO review the appropriateness and effectiveness of the local government's financial management systems and procedures in accordance with Financial Management Reg 5(2)(c) within the three years prior to 31 December 2020? If yes, please provide the date of council's resolution to accept the report.	NO	The 2020 FMSR was to occur in November 2020. Due to COVID-19 the independent Auditor was unable to attend. It was postponed to February 2021 and is currently being completed.	Manager, Financial Services
2	Audit Reg 17	Did the CEO review the appropriateness and effectiveness of the local government's systems and procedures in relation to risk management, internal control and legislative compliance in accordance with Audit Reg 17 within the three years prior to 31 December 2020? If yes, please provide date of council's resolution to accept the report.	YES	Council adopted the report of Regulation 17 Review 10 June 2020, C2006/043	Manager, Governance and Corporate Services
3	s5.87C(2)	Where a disclosure was made under sections 5.87A or 5.87B, was the disclosure made within 10 days after receipt of the gift?	YES		Manager, Governance and Corporate Services
4	s5.87C	Where a disclosure was made under sections 5.87A or 5.87B, did the disclosure include the information required by section 5.87C?	YES		Manager, Governance and Corporate Services
5	s5.90A(2)	Did the local government prepare and adopt by absolute majority a policy dealing with the attendance of council members and the CEO at events?	YES		Manager, Governance and Corporate Services
6	s.5.90A(5)	Did the CEO publish an up-to-date version of the attendance at events policy on the local government's official website?	YES		Manager, Governance and Corporate Services
7	s5.96A(1), (2), (3) & (4)	Did the CEO publish information on the local government's website in accordance with sections 5.96A(1), (2), (3), and (4)?	YES		Manager, Governance and Corporate Services
8	s5.128(1)	Did the local government prepare and adopt (by absolute majority) a policy in relation to the continuing professional development of council members?	YES		Manager, Governance and Corporate Services
9	s5.127	Did the local government prepare a report on the training completed by council members in the 2019/2020 financial year and publish it on the local government's official website by 31 July 2020?	NO	A comprehensive list of the training undertaken by Elected Members was published to the City's website from October 2019. A report with this information was not	Manager, Governance and Corporate Services

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				published within a month of 31 July 2020. This has now been published to the City's website.	
10	s6.4(3)	By 30 September 2020, did the local government submit to its auditor the balanced accounts and annual financial report for the year ending 30 June 2020?	YES		Manager, Financial Services

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Tenders for Providing Goods and Services					
No	Reference	Question	Response	Comments	Respondent
1	F&G Reg 11A(1) & (3)	Does the local government have a current purchasing policy that complies with F&G Reg 11A(3) in relation to contracts for other persons to supply goods or services where the consideration under the contract is, or is expected to be, \$250,000 or less or worth \$250,000 or less?	YES		Manager, Legal and Property Services
2	F&G Reg 11A(1)	Did the local government comply with its current purchasing policy in relation to the supply of goods or services where the consideration under the contract was, or was expected to be, \$250,000 or less or worth \$250,000 or less?	YES		Manager, Legal and Property Services
3	s3.57 F&G Reg 11	Subject to F&G Reg 11(2), did the local government invite tenders for all contracts for the supply of goods or services where the consideration under the contract was, or was expected to be, worth more than the consideration stated in F&G Reg 11(1)?	YES		Manager, Legal and Property Services
4	F&G Regs 11(1), 12(2), 13, & 14(1), (3), and (4)	When regulations 11(1), 12(2) or 13 required tenders to be publicly invited, did the local government invite tenders via Statewide public notice in accordance with F&G Reg 14(3) and (4)?	YES		Manager, Legal and Property Services
5	F&G Reg 12	Did the local government comply with F&G Reg 12 when deciding to enter into multiple contracts rather than a single contract?	N/A	The City did not enter into multiple contracts	Manager, Legal and Property Services
6	F&G Reg 14(5)	If the local government sought to vary the information supplied to tenderers, was every reasonable step taken to give each person who sought copies of the tender documents or each acceptable tenderer notice of the variation?	YES		Manager, Legal and Property Services
7	F&G Regs 15 & 16	Did the local government's procedure for receiving and opening tenders comply with the requirements of F&G Regs 15 and 16?	YES		Manager, Legal and Property Services
8	F&G Reg 17	Did the information recorded in the local government's tender register comply with the requirements of F&G Reg 17 and did the CEO make the tenders register available for public inspection and publish it on the local government's official website?	YES		Manager, Legal and Property Services
9	F&G Reg 18(1)	Did the local government reject any tenders that were not submitted at the place, and within the time, specified in the invitation to tender?	N/A	All tenders were received at the place, and within the time, specified in the invitation to tender.	Manager, Legal and Property Services
10	F&G Reg 18(4)	Were all tenders that were not rejected assessed by the local government via a	YES		Manager, Legal and Property Services

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		written evaluation of the extent to which each tender satisfies the criteria for deciding which tender to accept?			
11	F&G Reg 19	Did the CEO give each tenderer written notice containing particulars of the successful tender or advising that no tender was accepted?	YES		Manager, Legal and Property Services
12	F&G Regs 21 & 22	Did the local government's advertising and expression of interest processes comply with the requirements of F&G Regs 21 and 22?	YES		Manager, Legal and Property Services
13	F&G Reg 23(1) & (2)	Did the local government reject any expressions of interest that were not submitted at the place, and within the time, specified in the notice or that failed to comply with any other requirement specified in the notice?	N/A	All expressions of interest were received at the place, and within the time specified.	Manager, Legal and Property Services
14	F&G Reg 23(3)	Were all expressions of interest that were not rejected assessed by the local government?	YES		Manager, Legal and Property Services
15	F&G Reg 23(4)	After the local government considered expressions of interest, did the CEO list each person considered capable of satisfactorily supplying goods or services as an acceptable tenderer?	YES		Manager, Legal and Property Services
16	F&G Reg 24	Did the CEO give each person who submitted an expression of interest a notice in writing of the outcome in accordance with F&G Reg 24?	YES		Manager, Legal and Property Services
17	F&G Regs 24AD(2) & (4) and 24AE	Did the local government invite applicants for a panel of pre-qualified suppliers via Statewide public notice in accordance with F&G Reg 24AD(4) and 24AE?	YES		Manager, Legal and Property Services
18	F&G Reg 24AD(6)	If the local government sought to vary the information supplied to the panel, was every reasonable step taken to give each person who sought detailed information about the proposed panel or each person who submitted an application notice of the variation?	YES		Manager, Legal and Property Services
19	F&G Reg 24AF	Did the local government's procedure for receiving and opening applications to join a panel of pre-qualified suppliers comply with the requirements of F&G Reg 16, as if the reference in that regulation to a tender were a reference to a pre-qualified supplier panel application?	YES		Manager, Legal and Property Services
20	F&G Reg 24AG	Did the information recorded in the local government's tender register about panels of pre-qualified suppliers comply with the requirements of F&G Reg 24AG?	YES		Manager, Legal and Property Services
21	F&G Reg 24AH(1)	Did the local government reject any applications to join a panel of pre-qualified suppliers that were not submitted at the place, and within the time, specified in the invitation for applications?	N/A	All applications were received at the place, and within the time specified.	Manager, Legal and Property Services
22	F&G Reg 24AH(3)	Were all applications that were not rejected assessed by the local government via a written evaluation of the extent to which each application	YES		Manager, Legal and Property Services

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		satisfies the criteria for deciding which application to accept?		
23	F&G Reg 24AI	Did the CEO send each applicant written notice advising them of the outcome of their application?	YES	Manager, Legal and Property Services
24	F&G Regs 24E & 24F	Where the local government gave regional price preference, did the local government comply with the requirements of F&G Regs 24E and 24F?	YES	Manager, Legal and Property Services

18. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

19. URGENT BUSINESS

Nil

20. CONFIDENTIAL REPORTS

Nil

21. CLOSURE

The Presiding Member closed the meeting at 7.16pm.

THESE MINUTES CONSISTING OF PAGES 1 TO 167 WERE CONFIRMED AS A TRUE AND CORRECT RECORD ON WEDNESDAY, 24 MARCH 2021.

DATE: 24/3/2021 PRESIDING MEMBER: _____

