



City of Busselton
Geographe Bay

Policy and Legislation Committee Agenda

12 November 2019

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city@busselton.wa.gov.au

CITY OF BUSSELTON

MEETING NOTICE AND AGENDA – 12 NOVEMBER 2019

TO: THE MAYOR AND COUNCILLORS

NOTICE is given that a meeting of the Policy and Legislation Committee will be held in the Committee Room, Administration Building, Southern Drive, Busselton on Tuesday, 12 November 2019, commencing at 2.00pm.

The attendance of Committee Members is respectfully requested.

DISCLAIMER

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



MIKE ARCHER

CHIEF EXECUTIVE OFFICER

8 November 2019

CITY OF BUSSELTON

AGENDA FOR THE POLICY AND LEGISLATION COMMITTEE MEETING TO BE HELD ON 12 NOVEMBER 2019

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

2. **ATTENDANCE**

Apologies

3. **ELECTION OF PRESIDING MEMBER AND DEPUTY PRESIDING MEMBER**

3.1 Mr Tony Nottle will conduct the nomination and voting to elect a Presiding Member of the Policy and Legislation Committee in accordance with section 5.12 of the *Local Government Act 1995*.

3.2 Mr Tony Nottle will conduct the nomination and voting to elect a Deputy Presiding Member of the Policy and Legislation Committee in accordance with section 5.12 of the *Local Government Act 1995*.

4. **DISCLOSURE OF INTERESTS**

5. **CONFIRMATION AND RECEIPT OF MINUTES**





5.1 Minutes of the Policy and Legislation Committee Meeting held 8 October 2019

RECOMMENDATION

That the Minutes of the Policy and Legislation Committee Meeting held 8 October 2019 be confirmed as a true and correct record.

6. REPORTS

6.1 REVIEW OF ASSET MANAGEMENT POLICY

STRATEGIC GOAL	6. LEADERSHIP Visionary, collaborative, accountable
STRATEGIC OBJECTIVE	6.4 Assets are well maintained and responsibly managed.
SUBJECT INDEX	Council Policy
BUSINESS UNIT	Engineering and Facilities Services
REPORTING OFFICER	Asset Coordinator - Daniel Hall
AUTHORISING OFFICER	Director, Engineering and Works Services - Oliver Darby
NATURE OF DECISION	Executive: substantial direction setting, including adopting strategies, plans and policies (excluding local planning policies), tenders, setting and amending budgets, funding, donations and sponsorships, reviewing committee recommendations
VOTING REQUIREMENT	Simple Majority
ATTACHMENTS	Attachment A Proposed Policy - Asset Management   Attachment B Current Policy  

OFFICER RECOMMENDATION

That the Council adopts the updated Asset Management policy as per Attachment A, to replace the current policy - Attachment B.

EXECUTIVE SUMMARY

The purpose of this report is to present for adoption an updated City of Busselton Asset Management Policy (the Policy) (Attachment A) to replace the existing policy (Attachment B). The Policy outlines the key principles which the City will apply to the long term planning and management of its assets to ensure that they are safe, sustainable and meet the needs of the community. The Policy also provides guidance for the development of an asset management strategy.

BACKGROUND

An asset management policy was first adopted by the Council on 8 October 2008 (C0810/303) and subsequently reviewed and updated in 2016 (C1609/233). It is now due for review having regard to the Governance System Review, which recommended that Council's policies be reviewed to remove operational level detail and function as strategic guidance documents.

Since the 2016 policy review, the City's knowledge of its infrastructure asset-base and the capability required to effectively manage its assets have continued to grow. The outcome of this continuous improvement is that the asset management philosophies of 2016 need to be refined and updated; and incorporated into a revised policy position.

OFFICER COMMENT

Asset management is a broad subject area covering a range of elements. All of these elements have a purpose, however, some will be more important for the City to address than others, at any given point in time. Adoption of the most important elements as policy principles ensures organisational understanding of what the current priorities are and allows for a targeted approach to asset management planning.

Asset Management Priorities

Below are the five priority areas proposed that the policy principles are designed to address. In order to provide some context for the underpinning policy principles, examples have been provided showing how each principle reflects current asset management priorities for the City. These examples are not intended as a definitive list of what the principles may drive, but rather the best example to illustrate how the principle can be implemented through the asset management plans.

1. Growth of the Infrastructure Asset Base

The estimated replacement value of the City's infrastructure assets has increased to a total value of \$920,758,934 (an increase of \$386,758,934 from 2013). A breakdown of the current value is shown in Table 1 below.

The 2013 calculations in Table 1 are an extract from the original Overall Asset Management Plan. Assets such as Car Parks, Airport, Bridges, Busselton Jetty, Signage and Waste Sites would have carried a value in 2013, however had not received an asset management valuation at that point in time. A significant amount of work has been undertaken since 2013 to improve the knowledge of the asset base, with the calculation process now more thorough than it was and the three yearly fair value cycle having created more accurate valuation data.

Table 1 Current Replacement Value of Infrastructure Assets

Asset Type	Value 2013 \$	Value 2019 \$	Variance
Roads	284,000,000	370,419,378	86,419,378
Car Parks	0	11,959,466	11,959,466
Airport	0	64,350,789	64,350,789
Bridges	0	69,028,840	69,028,840
Footpaths	30,000,000	47,118,362	17,118,362
Coastal Infrastructure (Excluding Busselton Jetty)	8,000,000	19,279,000	11,279,000
Busselton Jetty	0	33,658,187	33,658,187
Buildings	104,000,000	126,907,523	22,907,523
Drainage	69,000,000	101,497,452	32,497,452
Signage	0	3,045,626	3,045,626
Public Open Space and Lighting	34,000,000	70,024,377	36,024,377
Waste Sites	0	3,469,934	3,469,934
Other (now valued above)	5,000,000	0	-5,000,000
Total	534,000,000	920,758,934	386,758,934

The City is growing and in order to cater for growth demands larger projects have or are being implemented such as the Busselton foreshore, airport, waste site, and traffic study implementation. Additionally upgrades to infrastructure such as to smaller coastal recreation nodes and narrow seal rural roads are required. All of these activities add value to the area and to the assets.

The growth of the City also generates an annual amount of donated assets which are constructed by property developers and handed to the City to manage after a set maintenance period. These donated assets include Public Open Space (POS) and associated assets, roads, stormwater drainage, footpaths and cycle ways. Once they are donated to the City, they are included in the relevant asset registers to form part of calculations for ongoing maintenance and renewal planning.

As a general rule, as the value of the asset portfolio increases, so does the funding required to maintain it at an acceptable standard. What this means in terms of actual cost and impact on the Councils bottom-line is complex, requiring the consideration of many variables for each asset class.

This includes life of the asset and its components, complexity of components, required appearance, intended functionality etc. A balanced approach is required between acquiring, maintaining and renewing assets to meet community needs and being able to sustainably maintain the asset base into the future. Adopting a principle to identify this will help to ensure these impacts are understood, communicated to the Council and planned for.

2. Lifecycle Management of Assets

In order to understand and quantify the bottom-line impact of growth, it is necessary to first understand the lifecycle management requirements for each asset class. Lifecycle management of infrastructure involves many activities throughout its life including planning, design, construction, acquisition, operation, maintenance, renewal and disposal costs.

Initial asset management plans undertaken have focussed on the renewal portion of the lifecycle in determining the funds required to replace the asset at the end of its life. Improved asset management knowledge has highlighted the need for a more comprehensive approach that addresses maintenance related works, and in particular, preventative maintenance activities.

Preventative (or scheduled) work involves pre-planned activities designed to avoid wear and tear, more expensive structural issues in the future and reduce mobilisation costs through undertaking works in a structured manner. Corrective (or reactive) maintenance work is conversely work undertaken in response to an event or general wear and tear of the elements. Renewal work is required either when corrective and /or preventive works have not been undertaken when required, are ineffective or the element has simply reached the end of its useful life. All elements of the lifecycle are linked, and therefore must be considered together when determining the financial requirements for infrastructure. Levels of preventive and corrective maintenance undertaken can have a bearing on required renewal (i.e. may cause it to be undertaken sooner if not adequate) and conversely, timing of renewals can impact maintenance and operating costs if assets remain in a poor condition for too long.

Improved organisational understanding of lifecycle management activities will facilitate a broader view of asset management considering all maintainable elements. This will include implementation of preventive maintenance plans as part of ongoing asset management planning.

3. Community Expectations and Setting of Service Standards

To date the City's asset management planning has largely been based around industry best practice and staff knowledge and experience. This is a sound methodology which can deliver effective outcomes, however would benefit from improved knowledge of community expectations.

Community engagement should be undertaken in order to fully understand what the community values, and in turn what they are prepared to pay for. Community engagement provides guidance on standards for operating, maintenance and renewal activities to determine asset appearance, functionality and performance.

This principle can be addressed by quantifying community expectations through the development of service standards which can be costed, tested for affordability and discussed with the community. These discussions can also inform the community on how the city plans to balance the required renewal against the need for new and upgraded assets.

4. Ongoing Improvement of the City's Asset Management Capability

Asset Management Capability is defined as the combined concepts of the capacity and ability of a system to meet a specified objective in all its aspects. This includes all the assets and associated personnel, resources and services which are required to meet the objective (i.e. required service standards for infrastructure). A system relies on all its elements to work effectively together, so if one is missing or insufficient, it can affect the whole system. Adopting a capability-based principle acknowledges the importance of a strong foundation for asset management.

In order to meet statutory obligations and reporting requirements the City must implement systems and practices enabling effective storage, sharing and evaluation of asset data, knowledge and information.

5. Maintaining Asset with Minimal Backlog of Maintenance and Renewal Works

In order to assist in the long term sustainability of the City's infrastructure assets, consideration should be given to existing assets in conjunction with provision of new assets. This is to ensure a balance between expenditure on new and upgraded assets and required renewal expenditure on existing assets.

The aim is to ensure that all infrastructure assets are maintained adequately and passed on to future generations in a good condition (i.e. no major backlog of maintenance or renewal works). Items such as replacement, expansion or major upgrade should be considered separate to the normal 'like for like' renewal incumbent on the current users of the assets. Replacement, expansion or major upgrade of assets should be subject to separate discussions with the community at the time the works are planned, to agree on the best course of action. An example of this differentiation in practice is outlined below in terms of the building funding methodology.

In 2018 asset staff undertook a modelling exercise for the purpose of allocating renewal funds for buildings into Reserve Accounts; the purpose being to fund major and minor renewal works, such as replacement of components and larger-scale maintenance that require a capital budget allocation.

The methodology allocates an annual percentage of the replacement value of buildings into reserves based on building criticality (Service Level Hierarchy), replacement value and apportioning a percentage of replacement value annually into a reserve account.

The ultimate intention of the funding plan is to maintain these buildings at an acceptable standard until such time as they require replacement, refurbishment or significant upgrade.

The like for like replacement of the City's Administration Building in 50 years' time would cost an estimated \$52.7M (based on base cost of \$20M plus 2% p.a. Building Cost Indexation). In basic terms this equates to an annual amount of \$1.05M required to be saved over the fifty years in order to fund the replacement. This would be in addition to the annual amount required to be spent on maintenance and renewal of components, currently allocated through the methodology.

While the methodology does consider each generations required contribution to these buildings, it is also very mindful of the importance of avoiding situations such as the narrow seal country roads. The narrow seal country roads program is currently dealing with a backlog of renewal as a result of works undertaken in the late sixties without a structured renewal program attached. Had a funding and renewal methodology been implemented at the time of construction, the current backlog of renewal works could have largely been avoided.

How the actual expenditure tracks against what has been predicted, should be monitored and annual allocations adjusted if necessary. This should be a living process that is reviewed and updated to inform each iteration of the Long Term Financial Plan.

Policy Principles

Based on these five priority areas detailed above, the following policy principles are proposed to underpin the City's approach to asset management and the development of strategies and plans:

- Assets are to be acquired, maintained and renewed to adequately meet present-day community expectations and pass to future generations with minimal backlog of maintenance and renewal works.
- Community expectations will be quantified through the implementation of service standards informed by asset lifecycle costing and incorporated into the asset management and Long Term Financial Plans.
- Decisions on implementation of new assets, major upgrades or acceptance of donated assets is to be informed by lifecycle costing analysis to determine the true cost of operating and maintaining the asset.
- Ensure that the City has the Asset Management capability to meet statutory obligations and reporting requirements through the implementation of systems and practices enabling effective storage, sharing and evaluation of asset data, knowledge and information.

The outcomes and actions required to implement these principles are to be further expanded upon within the Asset Management Strategy. This will then provide guidance in the day to day asset management as well as with the development of asset management plans.

Statutory Environment

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

Asset management planning is a key component of the integrated planning and reporting framework which is enforced through the section 5.56 of the *Local Government Act 1995*. Local Governments are required to develop a strategic community plan that links community aspirations with the Council's long term strategy and a corporate business plan which outlines the medium term priorities for delivery. Supporting both of these plans is a long term financial plan that integrates asset management planning and workforce planning.

Relevant Plans and Policies

This Policy provides overarching guidance and direction for the development of an asset management strategy and asset management plans. The data from asset management plans is incorporated into the Long Term Financial Plan and informs the Corporate Business Plan and Annual Budget.

The asset management strategy is in the process of being developed for adoption by the Council, with its purpose being to outline the City's current asset management capability and the organisational resource requirements and responsibilities for adhering to the principles set out in the Policy.

This Policy also has links with other asset management related policies of the Council, namely Footpaths and Cycle ways Funding Policy, Asbestos Management Policy and Building Insurance Policy.

Financial Implications

There are no direct financial implications with the adoption of the Policy. However, it does provide guidance for Long Term Financial Planning and Annual Budget formulation.

Under the guidance set by the policy, asset management plans are required to be formulated. These plans are to outline relevant information about each asset class such as location, size, value, condition and timing and cost of replacements/renewals of existing infrastructure. The outcomes of the adopted asset management plans then inform the Long-term Financial Plan, which in-turn informs the Annual Budget.

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.

The Officer recommendation serves to mitigate the currently identified risk of not adopting clear asset management principles:

Decline over time of condition and capacity of Infrastructure assets.			
Risk Category	Risk Consequence	Likelihood of Consequence	Risk Level
Financial	Moderate	Unlikely	Medium

Options

The Council could chose not to adopt the current draft update of the Policy in favour of an alternative set of principles, however in doing so, may not be recognising the current asset management requirements for the City of Busselton.

CONCLUSION

The Policy provides an overview of required focus areas for the City's Asset Management practices to ensure that infrastructure assets are well maintained and responsibly managed. This will be achieved through continuation of current practices as well as continuous improvement.

The principles outlined in the Policy align to the main asset management priorities at the City of Busselton, which are maintaining the existing portfolio, understanding, quantifying and implementing community expectations, catering for the financial and operational impacts of new and upgraded assets and understanding key asset management capabilities required for effective asset management.

How these focus areas are to be achieved and improved will be outlined within an asset management strategy which will detail the activities and resources required to improve the City's ongoing asset management capability.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The implementation of the Asset Management Policy would be effective immediately upon adoption of the officer's recommendation.

The banner features a green and blue background with the text 'COUNCIL POLICY' in white. Below this, the 'City of Busselton' logo is displayed, which includes a stylized bridge and the text 'City of Busselton' and 'Geographic Bay'. Below the logo, the following information is presented in white text on a dark blue background:

Council Policy Name:	Asset Management		
Responsible Directorate:	Engineering and Works Services	Version:	Proposed

1. PURPOSE

1.1. The purpose of this Policy is to outline the principles which guide the City of Busselton in the management of its infrastructure assets, with the objective being to ensure they are well maintained and responsibly managed.

2. SCOPE

2.1. This Policy is applicable to the management of all infrastructure assets owned and directly managed by the City, whether constructed, purchased or donated. This includes, but is not limited to, roads, bridges, footpaths, cycle ways, stormwater drains, park & recreation space components, buildings and facilities.

2.2. Reserve (land) areas under management order with the City are not included in the scope of this policy, however the physical infrastructure they contain such as footpaths, furniture, roads, seawalls, jetties, boat ramps, drains and any facilities are.

3. DEFINITIONS

Term	Meaning
Service Standards	Defines standards for the construction, maintenance and operation of types of assets (i.e. roads, footpaths).
Asset Management Capability	The combined capacity and ability of a system to meet a specified objective in all its aspects. This includes all the assets and associated personnel, resources and services which are required to meet the objective (i.e. Service Standard).

4. STRATEGIC CONTEXT

4.1. This Policy links to Key Goal Area 6 - Leadership of the City's Strategic Community Plan 2017 and specifically Community Objective 6.4: Assets are well maintained and responsibly managed.

5. POLICY STATEMENT

5.1. The City recognises its responsibility to provide and maintain infrastructure assets that service the needs of the community in a manner that does not place undue economic, social or environmental burden on future generations.

5.2. In order to achieve this objective the City is committed to implementing a coordinated and integrated approach to asset management that aligns with and supports the City to achieve its Strategic Community Plan objectives.

6.1 Attachment A Proposed Policy - Asset Management

- 5.3. This Policy is to be used as a guide for strategic asset management, with the following principles to guide the development of the City’s Asset Management Strategy:
 - a. assets are to be acquired, maintained and renewed to adequately meet present-day community expectations and pass to future generations with minimal backlog of maintenance and renewal works;
 - b. community expectations will be quantified through the implementation of Service Standards informed by asset lifecycle activities and incorporated into the asset management and long term financial plans;
 - c. decisions on implementation of new assets, major upgrades or acceptance of donated assets is to be informed by lifecycle costing analysis to determine the true cost of operating and maintaining the asset;
 - d. the City will continuously develop its Asset Management Capability (to meet statutory obligations and reporting requirements) through the implementation of systems and practices enabling effective storage, sharing and evaluation of asset data, knowledge and information.
- 5.4. This Policy and the Asset Management Strategy will be supported by asset management plans covering the City’s infrastructure assets.
- 5.5. These documents will form part of a living process, subject to ongoing review and update. Reviews will be undertaken on a three yearly cycle, unless otherwise stated for a particular item.
- 5.6. The Chief Executive Officer (CEO) and Senior Management Group (SMG) have overall responsibility for developing the Asset Management Strategy, plans and operational practices and for informing and advising Council on the status and effectiveness of asset management within the City.
- 5.7. Council will formalise the short, medium and long term strategic direction of asset management through adoption of its Strategic Community Plan, Corporate Business Plan, Long Term Financial Plan, annual budget, Asset Management Strategy and Asset management Plans.

6. RELATED DOCUMENTATION / LEGISLATION

- 6.1. International Infrastructure Management Manual – 2015
- 6.2. Australian Accounting Standards Board AASB13 Fair Value Measurement
- 6.3. Asset Management Strategy and Overall Asset Management Plan
- 6.4. Strategic Community Plan, Corporate Business Plan, Workforce Plan and Long Term Financial Plan
- 6.5. Footpath Renewal Policy

7. REVIEW DETAILS

Review Frequency		3 yearly		
Council Adoption	DATE		Resolution #	
Previous Adoption	DATE	14 September 2016	Resolution #	C1609/233

Last Updated 14/09/2016

002	Asset Management	V2 Current
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1. PURPOSE

The intention of this policy is to outline the City of Busselton's commitment to continuous improvement of asset management through a structured, well-planned and integrated approach. This will ensure that the City's infrastructure assets are well maintained for their current purpose and are able to adapt to the changing expectations of future generations.

2. STATEMENT

Scope

The Policy applies to existing infrastructure assets as well as assets that are to be purchased or donated to the City. It covers infrastructure assets, including but not limited to roads, bridges, footpaths and cycleways, stormwater drains, parks and open spaces, buildings, facilities and leisure centres that are *owned and directly managed* by the City of Busselton.

The definition of an infrastructure asset applicable to this policy is as follows:

"Stationary systems forming a network and serving whole communities, where the system as a whole is intended to be maintained indefinitely, at a particular level of service potential by the continuing replacement and refurbishment of its components. The network may include normally recognised ordinary assets as components." (International Infrastructure Management Manual – 2011)

This includes constructed or improved physical assets. Hence, in the example of a reserve area under Management Order with the City of Busselton, the reserve is not included in the asset register, however the physical components such as footpaths, furniture, roads, seawalls, jettys, boatramps, drains and any buildings would be included as assets.

3. POLICY CONTENT

The Council is committed to the long-term sustainability of its infrastructure assets, and recognises the need to undertake asset management planning to ensure that adequate levels of maintenance and renewal are undertaken; whilst also ensuring that demand for new and upgraded infrastructure assets is being catered for.

This will be done by the Council adopting the following asset management principles:

Continuous Improvement of Asset Management

Through the commitment to continuous improvement of asset management, the City will ensure that asset management plans are reviewed and updated at least every three years. This regular review will ensure that the plans are an accurate reflection of the current status and required funding for the various assets at any given time.

Development, review and update of the asset management plans will be done in a cyclic manner to ensure that some form of asset management development, update and review is being undertaken in any given year.

Last Updated 14/09/2016

Improvement Planning

Effective Asset Management Planning will be enabled by the implementation of an Asset Management Improvement Plan. The purpose of this document is to provide a summary of which activities have been undertaken up until the present day and those which are required into the future. This summary will be provided at an asset type level (Roads, Buildings etc.) in order to provide detail on each areas progress and current status.

The Improvement Plan should give a task breakdown for each asset type and a basic timeline to assist with future planning of the City's asset management tasks. The improvement plan should cover activities ranging from initial data collection up to asset management plan adoption and review.

Integrated Planning Framework Compliance

The Council utilises a suite of corporate planning documents in order to comply with the State Government's Integrated Planning Framework. These documents are: a Strategic Community Plan and a Corporate Business Plan, supported and informed by key resourcing and informing plans, namely Asset Management Plans, a Long-term Financial Plan and a Workforce Plan. Falling out of such planning each year will be the local government's Annual Budget. This framework is commonly referred to as Integrated Planning.

Under the guidance of the framework, asset management plans are required to be formulated outlining relevant information about each asset class such as location, size, value, condition and timing and cost of replacements/renewals of existing infrastructure.

Donated Assets

When considering the provision or receipt of a new asset, the following practices are taken into account:

A business case (considering elements such as (but not limited to) condition, age, asset type, location) has been completed to ensure that any new asset will deliver direct and tangible benefits to the community and stakeholders.

- (A) This includes assets that are proposed to be transferred to the City of Busselton (e.g. where the City of Busselton is obliged to accept assets or applies under a Management Order) or where assets are donated (e.g. the City of Busselton is not legally obliged to take ownership). This could show some assets should not be accepted by the City.
 - (ii) That the "life-cycle" costs and cost effectiveness of the asset have been considered over the life of the asset;
 - (iii) Any financial implications to the City of Busselton have been taken into account and can be incorporated into the City's corporate and financial plans. This should include operational costs as well as maintenance, renewal or replacement of the asset.

Last Updated 14/09/2016

As-constructed Data

The City recognises the importance that provision of detailed as-constructed data plays in the effective lifecycle management of an infrastructure asset. As-constructed data will be required from all contractors / consultants before final close out of construction projects.

Detailed as-constructed data will also be provided for infrastructure asset construction undertaken by the Council's internal construction teams.

Lifecycle Costs

The total cost of an asset throughout its life, including planning, design, construction, acquisition, operation, maintenance, rehabilitation and disposal costs will be considered prior to construction / implementation of an asset.

Prioritisation of Renewal Works

Consideration for budgetary priority will be given to existing assets for their operation, maintenance and renewal where required before the provision of new assets. This is to ensure that expenditure on new and upgraded assets is not at the detriment of required renewal expenditure on existing assets. This approach will assist in the long term sustainability of the City's infrastructure assets.

Where appropriate, separate policies should be developed outlining minimum levels of renewal to be applied to individual asset sub class i.e. (roads, buildings, paths and cycle ways).

Core and Advanced Asset Management Plans

Initial asset management plans will be prepared in the context of core asset management working towards advanced asset management planning. The initial plans will be undertaken to meet minimum organisational and legislative requirements for financial planning and reporting. This is referred to as the "core" approach and provides basic technical management outputs such as statements on current levels of service, forward replacement programmes and associated cash flow projections based on historical performance.

Advanced asset management involves engaging with the community to discuss and agree on alternative levels of service, applying analysis to individual assets and implementation of improvements identified in core planning.

The City of Busselton will progress towards advanced asset management through ongoing review and update of asset management data and practices – continuous improvement.

Fair Value According to AASB

Australian Accounting Standards Board AASB13 – Defines Fair Value as "the price that would be received to sell an asset or paid to transfer a liability in an orderly transaction between market participants at the measurement date".

Three Valuation Techniques recommended by AASB13:

Last Updated 14/09/2016

- Market approach: A valuation technique that uses prices and other relevant information generated by market transactions involving identical or comparable (i.e. similar) assets, liabilities or a group of assets and liabilities, such as a business.
- Cost approach: A valuation technique that reflects the amount that would be required currently to replace the service capacity of an asset (often referred to as current replacement cost).
- Income approach: Valuation techniques that convert future amounts (e.g. cash flows or income and expenses) to a single current (i.e. discounted) amount.

Fair Value at the City of Busselton

Infrastructure assets are “specialised” in nature (i.e. roads, drainage, footpaths, carparks etc.), therefore market evidence is not always available to guide fair value measurement. AASB 116 recognises the specialised nature of some assets and, provides for an income or current replacement cost approach to be used to determine fair value. The City will predominately use the current replacement cost approach, to value all infrastructure assets. AASB13 defines replacement cost as “a valuation technique that reflects the amount that would be required currently to replace the service capacity of an asset (often referred to as current replacement cost)”.

The City will use two methods under the current replacement cost approach for calculating fair value depending on the data that is available / able to be sourced for that particular asset.

The City will determine Fair Value by an assessment of the current replacement cost of the asset, measured against its existing condition to determine to percentage of its life consumed and in turn, the life remaining. This technique reflects the amount that would be required currently to replace the service capacity of an asset.

Where detailed condition data is either unable to be obtained within the required timeframes, unreliable or incomplete, an assessment will be made based on construction date, useful life and replacement cost. This differs from the condition based method as it uses an assumed remaining life based on how old the asset is, rather than a detailed inspection of its current condition.

For each infrastructure asset sub class, a determination will be made to use either condition or age as the determining factors, not a mix of both within the one infrastructure class. This will be done to avoid any inconsistencies when comparing values within a particular class.

Asset Management Information systems

The City will ensure that appropriate Asset Management Information Systems (AMIS) are in place to effectively manage asset management data. This will entail a combination of processes, data, software and hardware; which are used to provide the essential outputs for effective asset management.

Review of Policy

This policy will be reviewed as required to ensure the Policy properly reflects the current asset management requirements of the City.

Last Updated 14/09/2016

Definitions

Renewal Work is defined as works to replace existing assets or facilities with assets or facilities of equivalent capacity or performance capability.

New works are assets acquired for a new (never before provided) service to the community.

Upgrade works result in a higher (improved) level of service than previously offered. As distinct from new assets, the service currently exists.

Asset – an item that has potential value to an organisation (International Infrastructure Management Manual – 2011).

Asset Management Plan (AM Plan) Long-Term plans (usually 10-20 years or more for infrastructure assets) that outline the asset activities and programmes for each service area and resources applied to provide a defined level of service in the most cost effective way (International Infrastructure Management Manual – 2011).

Lifecycle Cost – The total cost of an asset throughout its life including planning, design, construction, acquisition, operation, maintenance, rehabilitation and disposal costs.

Advanced Asset Management – Asset Management which employs predictive modelling, risk management and optimised decision-making techniques to establish lifecycle treatment options and related long-term cash flow predictions (International Infrastructure Management Manual – 2011).

Core Asset Management (Also called basic AM) – Asset Management which relies primarily on the use of an asset register, maintenance management systems, top down condition assessments, simple risk assessment and defined levels of service, in order to establish a long term cash flow prediction (International Infrastructure Management Manual – 2011).

Levels of Service – Defines standards for the construction, maintenance and operation of types of assets (i.e. roads, footpaths).

4. APPLICATION OF THE POLICY

Policy Background

Policy Reference No. - 002

Owner Unit – Engineering and Facilities Services

Originator – Asset Management Coordinator

Policy approved by – Council

Date Approved – 8 October, 2008

Review Frequency – as required

Related Documents – Roads Asset Renewal Policy, Footpaths and Cycleways Renewal Policy, Building Insurance Policy, Asbestos Management Policy.



Background/History –

Council Resolution	Date	Information
C1609/233	14 September, 2016	The City's asset management maturity and expectations of asset management are now much more defined. The updated policy aims to capture this through the provision of more specific information regarding the present day

Last Updated 14/09/2016

		requirements and providing guidance on future areas for improvement. Version 2
C0810/303	8 October, 2008	Date of implementation Version 1

6.2 REVIEW OF ASBESTOS MANAGEMENT POLICY

STRATEGIC GOAL	6. LEADERSHIP Visionary, collaborative, accountable
STRATEGIC OBJECTIVE	6.4 Assets are well maintained and responsibly managed.
SUBJECT INDEX	Council Policies
BUSINESS UNIT	Engineering and Facilities Services
REPORTING OFFICER	Asset Coordinator - Daniel Hall
AUTHORISING OFFICER	Director, Engineering and Works Services - Oliver Darby
NATURE OF DECISION	Executive: substantial direction setting, including adopting strategies, plans and policies (excluding local planning policies), tenders, setting and amending budgets, funding, donations and sponsorships, reviewing committee recommendations
VOTING REQUIREMENT	Simple Majority
ATTACHMENTS	Attachment A Proposed Policy - Management and Removal of Asbestos  Attachment B Current Policy 

OFFICER RECOMMENDATION

That the Council adopts the Council policy Management and Removal of Asbestos as per Attachment A, to replace the current policy (Attachment B).

EXECUTIVE SUMMARY

This report presents a revised Management and Removal of Asbestos policy (Attachment A) (the Policy) for Council consideration, with the current policy being amended as part of the City's overall review of its Council policies. The Policy, which has been moved into the new policy format, is considered to be of continuing relevance and is therefore recommended for Council's approval.

BACKGROUND

The current policy was adopted in April 2011, the purpose being to provide a framework and guidance for the safe management of asbestos. The policy was last reviewed in April 2016, with only minor changes made to update Shire to City.

Prompted by a requirement to periodically review policies and an initiative to ensure policy documents are strategic in nature and consistent with the City's policy framework, the Policy has been moved into the current policy format and reviewed to remove operational level detail. This operational detail will be included in an Operational Practice to guide staff in the day to day management of asbestos.

OFFICER COMMENT

The City as an employer has a responsibility to maintain a safe working environment under the provisions of the *Occupational Safety and Health Act 1984* and related Regulations.

The ultimate long-term aim of the City is for all buildings on City owned or managed land to be free of asbestos containing materials (ACM). The Policy articulates this commitment but also recognises that immediate removal of all ACM is neither practical nor absolutely necessary where the ACM is left undisturbed and in good condition.

The Policy maintains the current strategic approach whereby the programmed removal of ACM is based on a combination of risk and the availability of resources, with immediate removal of ACM triggered by a risk assessment declaring a risk to human health or imminent demolition or major renovation of a Council building or a building under the City's management control.

The Policy also maintains the approach of removing ACM in conjunction with any major works or upgrade of buildings or facilities on City owned or managed land. Additionally where funding is sought, submissions are required to include the removal of ACM, as part of the application and / or scope of works.

Operational aspects of the Policy associated with the process of asbestos management planning and the maintenance of the asbestos register have been removed to be included within an Operational Practice.

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's policies. The Council does this on the recommendation of a Committee it has established in accordance with Section 5.8 of the Act.

Relevant Plans and Policies

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

Financial Implications

Adoption of the Policy does not commit the Council to any specific allocation of funds for asbestos management, however an annual allocation of funds for this purpose significantly improves the effectiveness and timeliness of the City's asbestos management practices.

The City's annual budget for 2019/20 has an allocation of \$88,636 for asbestos removal and replacement, funded from the Building Asset Reserve. These funds assist with removal and replacement of asbestos, as well as testing and identification prior to removal works. They provide an effective mechanism for staff to promptly deal with any risks associated with ongoing asbestos management. These funds are currently allocated through the annual budget process.

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

Council could decide not to adopt the Policy or to require further amendments to the Policy.

CONCLUSION

The Policy updates the current Asbestos Management policy and in doing so maintains the current approach to the management of asbestos and the Council's commitment for all buildings on City owned or managed land to, over time, be free of asbestos containing materials.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

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



M
COUNCIL POLICY

Council Policy Name: Management and Removal of Asbestos

Responsible Directorate: Engineering and Works Services Version: Proposed

1. PURPOSE

1.1. The purpose of this Policy is to articulate the City’s commitment to the long term removal of Asbestos Containing Materials from buildings on City owned or managed land; and in the interim to the identification, risk assessment, monitoring and management of ACM.

2. SCOPE

2.1. This Policy is applicable to the management and removal of ACM by City employees and contractors in all buildings on City-owned or managed land.

3. DEFINITIONS

Term	Meaning
ACM	Asbestos Containing Materials; any material, object, product or debris containing asbestos
Competent Person	A person certified under the Code of Practice for the Management and Control of Asbestos in Workplaces as competent to carry out inspection and assess the risk of ACM in buildings
Policy	this City of Busselton Council policy entitled “Asbestos Management”

4. STRATEGIC CONTEXT

4.1. This Policy links to Key Goal Area 1 – Community of the City’s Strategic Community Plan 2017 and specifically Community Objective 1.1: A friendly, safe and inclusive community with a strong community spirit.

5. POLICY STATEMENT

- 5.1. The City is committed over the long-term to ensuring that all buildings on City owned or managed land are free of ACM.
- 5.2. In the interim, the City is committed to ensuring that ACM in all buildings on City owned or managed land is managed and controlled to protect the health and well-being of employees, contractors and the community.
- 5.3. It is recognised that ACM in sound condition, left undisturbed and when managed appropriately, presents little risk to the general community.
- 5.4. The City will manage the risks from ACM in accordance with the following objectives:
 - a. increase awareness of the presence of ACM;
 - b. prevention of airborne asbestos fibre exposure;
 - c. prevention of the spread of asbestos fibres;

- d. increase competency and experience in managing ACM;
- e. provide adequate control of works likely to disturb ACM.

5.5. As the opportunity arises, the removal of ACM (regardless of risk level) will be undertaken in conjunction with any major works / alterations and be included in any funding submissions for works on buildings owned or managed by the City. This includes works to be undertaken by the City as well as lessees and user groups.

6. RELATED DOCUMENTATION / LEGISLATION

- 6.1. *Occupational Safety and Health Act 1984*
- 6.2. *Occupational Safety and Health Regulations 1996*
- 6.3. Code of Practice for the Management and Control of Asbestos in Workplaces [NOHSC:208 (2005)]

7. REVIEW DETAILS

Review Frequency		3 yearly		
Council Adoption	DATE		Resolution #	
	DATE	13 April 2016	Resolution #	C1604/077

Last updated 13/04/2016

010	Asbestos Management	V2 Current
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1. PURPOSE

This Policy is developed to assist the City of Busselton to comply with government policy and legislative requirements in the management of Asbestos Containing Materials (ACM) in workplaces.

The City of Busselton as an employer has a responsibility to maintain a safe working environment under the provisions of:

- * Occupational Safety and Health Act 1984.
- * Regulation 3.1 of the *Occupational Safety and Health Regulations 1996 (OSH Regulations 1996)*, which requires an employer to identify hazards at a workplace, assess the risk of harm to a person from each hazard and to take steps to reduce the risk.
- * Regulation 5.43 (*OSH Regulations 1996*) which specifically requires the presence and location of asbestos at a workplace to be identified and that the process of identification and risk assessment is conducted in accordance with the *Code of Practice for the Management and Control of Asbestos in Workplaces* [NOHSC:2018 (2005)].

2. SCOPE

This policy applies to management of ACM in all buildings on City owned or managed land including, but not limited to;

- * Ablutions and Toilets;
- * Art and Cultural Buildings;
- * Commercial and Community Leased Buildings;
- * Community Buildings;
- * Community Halls;
- * Operations Facilities (Depots etc);
- * Recreation Facilities;
- * Residential Buildings;
- * City Offices;
- * Caravan Parks; and
- * Camping Reserves (including Locke Estate).

ACM is the general term used to describe all products that contain asbestos; it is defined as any material, object, product or debris containing asbestos.

3. POLICY CONTENT

The City of Busselton is committed to ensuring that ACM in all buildings on City owned or managed land is managed and controlled to protect the health and well-being of workers, contractors and the community.

The ultimate long-term aim is for all buildings on City owned or managed land to be free of asbestos materials. The presence of asbestos in premises on City owned or managed land will be identified and the risk to health evaluated.

Last updated 13/04/2016

The programmed removal of ACM will be based on the risk to health as identified by a competent person carrying out an inspection. It is recognised that ACM in sound condition, left undisturbed, present little risk to the general community. Removal may not be immediately necessary but should be completed prior to demolition or major renovation.

The City will manage the risks from ACM and provide a record of actions undertaken with the ultimate aim being to:

- * Increase awareness;
- * Prevent airborne asbestos fibre exposure;
- * Prevent the spread of asbestos fibres;
- * Increase competency and experience; and
- * Control of works likely to disturb ACM.

To achieve these outcomes the City will:

- * Ensure that clubs / organisations wanting to upgrade buildings or facilities on City owned or managed land will be required to remove ACM as part of any facility upgrade or alteration/improvement where it is necessary to do so to comply with legislative requirements.
- * In relation to organisations seeking Council support and / or funding support for external funding from such bodies as CSRFF etc, any submission will be required to include the removal of ACM, as part of the application and/ or scope of works.
- * Review Council's Lease Documentation to ensure ACM management in accordance with the policy is adequately provided for.
- * Ensure that during the planning process and before commencement of major upgrades or renovations of any buildings / facility on City owned or managed land that priority is given to the removal of ACM in relation to funding.
- * Where the building is located on land that the City owns or manages, the City will ensure that an appropriate risk assessment of any identified ACM has been conducted. Where the risk assessment has deemed it necessary, the ACM will be safely removed as per the requirements of the OHS Act 1982 and related Regulations and Codes of Practice.
- * Ensure that all buildings on City owned or managed land are surveyed to identify ACM, so far as is reasonably practicable, that may be present therein.
- * Ensure that all appropriate building surveys prior to any demolition or structural alteration of any buildings on City owned or managed land being undertaken.
- * Provide information on ACM to employees, contractors, sub-contractors and any other person who may be affected by the presence of the ACM in their work area.

Last updated 13/04/2016

- * Promote awareness of the risks from ACM and the City's Management Procedures through training and induction of relevant employees.
- * Ensure that information regarding the presence of asbestos is contained in tender and Request for Quotation documentation as may be appropriate, and that contractors and sub contractors have risk assessments, method statements etc., where appropriate for its removal and/or management in place.
- * Ensure that any ACM that may be present in any buildings on land that it owns or manages is maintained in a condition so as to prevent the possibility of any harm to health occurring.
- * Monitor the condition of ACM left in situ.
- * Provide adequate resources to ensure the provision of appropriate information, instructions and training.
- * The Schedule programmed removal of ACM in buildings on City owned or managed land to ensure the eventual long-term aim of removal of all ACM, will be based on the availability of resources, funding and the prioritisation based on a risk assessment that includes the facilities service level hierarchy, assigned level of insurance and the purpose of the facility.

Asbestos management planning will define roles and responsibilities for decisions and address appropriate methodologies for the implementation of these decisions.

The following information shall be collated and documented as a minimum as part of asbestos management planning:

- * Asbestos Register. This includes details of the location and condition of the known or presumed ACM and the level of risk posed by the identified ACM;
- * Process involved for the Identification of ACM hazards;
- * Rationale for conducting risk assessments of ACM hazards;
- * Control measures required as a result of risk assessments of ACM hazards;
- * Details of any monitoring and management arrangements in place (i.e. labelling and signage and buildings scheduled for planned removal of ACM);
- * Safe work methods for working with ACM;
- * Emergency procedures;
- * Details of consultation, information sharing and training;
- * Any operational considerations;
- * A timetable for review;
- * Areas of responsibility within the asbestos management process.

Last updated 13/04/2016

This Policy is to act as a guide for the effective identification, risk assessment, monitoring and management of ACM within buildings on City owned or managed land; the guidelines contained within are to ensure that the requirements of government policy and legislative requirements are adhered to.



Policy Background

Policy Reference No. - 010
Owner Unit – Engineering and Facilities Services
Originator – Asset Management Officer
Policy approved by – Council
Date Approved – 13 April, 2016
Review Frequency – As required
Related Documents –
Occupational Safety and Health Act 1984

History

Council Resolution	Date	Information
C1604/077	13 April, 2016	Update to City Terminology and responsible business unit Version 2
C1104/126	27 April, 2011	Date of implementation Version 1

6.3 RESCISSION OF COUNCIL POLICY: ELECTED MEMBERS MAIL HANDLING

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	Governance Services
REPORTING OFFICER	Governance Coordinator - Emma Heys
AUTHORISING OFFICER	Director Finance and Corporate Services - Tony Nottle
NATURE OF DECISION	Executive: substantial direction setting, including adopting strategies, plans and policies (excluding local planning policies), tenders, setting and amending budgets, funding, donations and sponsorships, reviewing committee recommendations
VOTING REQUIREMENT	Simple Majority
ATTACHMENTS	Attachment A Council Policy 229 Elected Members Mail Handling  Attachment B Excerpt Elected Members Guide - Record Keeping 

OFFICER RECOMMENDATION

That the Council rescinds Council Policy 229 ‘Elected Members Mail Handling’ (Attachment A) effective immediately.

EXECUTIVE SUMMARY

This report recommends the rescission of Council policy 229 ‘Elected Members Mail Handling’ (the Policy) (Attachment A), with the Policy having been reviewed as part of the City’s overall review of its Council policies. The record keeping responsibilities of Elected Members will instead be included in the Elected Members Guide, with aspects relating to operational processes contained within internal work processes, noting some changes to those work processes are proposed.

BACKGROUND

Council policy 229 ‘Elected Members Mail Handling’ was developed in March 2004 to provide guidance to Elected Members in managing official records created or received by them in the course of their role as Elected Members. It was last reviewed in March 2017, where amendments were made to simplify the processes for Elected Members in relation to record keeping and their compliance with the State Records Act 2000.

The City has developed and implemented a Policy Framework, which sets out the intent of Council policies, as opposed to Operational Practices and other documents. Upon reviewing the Policy, officers found it to be operational and for the most part, repetitive of the City’s requirements under the State Records Act 2000, which are captured in the City’s Record Keeping Plan 2016.

OFFICER COMMENT

The Policy outlines the two different category of record – records of continuing value and records of temporary value – and sets out how Elected Members are to treat various types of records which are created and received through their role. While the Policy does serve to inform Elected Members of their obligations under the State Records Act 2000, it is largely operational in nature, setting out how Elected Members, Governance staff and Records staff are to transact records management.

An Elected Members Guide has recently been developed to guide and assist Elected Members in their role and responsibilities. This guide already contains some information in relation to records, including an overview of what is considered a record of continuing or temporary value.

It is recommended that this be expanded to cover all Elected Member requirements and processes for record keeping (as per the excerpt at Attachment B), and the Policy be rescinded. This will also allow adjustments to be made to processes as required through updating of the Guide.

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's policies. The Council does this on recommendation of a Committee it has established in accordance with Section 5.8 of the Act.

Section 19 of the *State Records Act 2000* outlines the record-keeping responsibilities of Elected Members.

Relevant Plans and Policies

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

Financial Implications

There are no financial implications associated with the officer recommendation.

Stakeholder Consultation

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

Risk Assessment

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

Options

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

1. Retain the Policy in its current form; or
2. Retain and make amendments to the Policy.

CONCLUSION

The Policy has been reviewed and it is recommended to be rescinded, with the record keeping requirements for Elected Members to be further added to the Elected Members Guide.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The Policy will be rescinded immediately upon Council's endorsement. The Elected Members Manual will be updated and published within one week of Council's endorsement and then be updated as required.

6.3 Attachment A Council Policy 229 Elected Members Mail Handling

Last updated 8 March 2017

229	Elected Members Mail Handling	V2 Current
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PURPOSE

The purpose of these guidelines is to assist elected members to manage the official records created or received by them in the course of their role as an elected member and to comply with their responsibilities under the State Records Act 2000.

RECORDKEEPING PRINCIPLES

Accurately created and maintained records are important, and necessary, because they serve as a history of the transactions and business processes of local government. They are a fundamental tool for providing evidence of local government accountability and responsibility. It is for these reasons that legislation exists to ensure that the government record is properly maintained and preserved for future generations.

DEFINITIONS

Government organisation employee means –

- (a) a person who, whether or not an employee, alone or with others governs, controls or manages a government organisation;
- (b) a person who, under the Public Sector Management Act 1994, is a public service officer of a government organisation; or
- (c) a person who is engaged by a government organisation, whether under a contract for services or otherwise and includes, in the case of a government organisation referred to in item 5 or 6 of Schedule 1, a ministerial officer (as defined in the Public Sector Management Act 1994) assisting the organisation. (State Records Act 2000)

Government record – is a record created or received by or for a government organisation or a government organisation employee or contractor in the course of the work for the organisation (State Records Act 2000).

Record – means any record of information however recorded and includes:

- * anything on which there is writing or Braille;
- * a map, plan, diagram or graph;
- * a drawing, pictorial or graphic work, or photograph;
- * anything on which there are figures, marks, perforations, or symbols, having a meaning for persons qualified to interpret them;
- * anything from which images, sounds or writings can be reproduced with or without the aid of anything else; and
- * anything on which information has been stored or recorded, either mechanically, magnetically, or electronically (State Records Act 2000).

APPLICABILITY OF THE STATE RECORDS ACT TO ELECTED MEMBERS

It is the view of the Crown Solicitor’s Office that although elected members are not employees, they are clearly persons who govern, control and manage the local government in accordance with the Local Government Act 1995.

6.3 Attachment A Council Policy 229 Elected Members Mail Handling

Last updated 8 March 2017

Therefore, elected members fall under the definition of the term “government organisation employee” as outlined in section 3 of the State Records Act 2000. “Accordingly, records created or received by {elected members} in the course of their capacity as office holders for the local government constitute government records.”

The State Records Commission’s policy for recordkeeping requirements for local government elected members is as follows:

“In relation to the recordkeeping requirements of local government elected members, records must be created and kept which properly and adequately record the performance of member functions arising from their participation in the decision making processes of Council and Committees of Council.

This requirement should be met through the creation and retention of records of meetings of Council and Committees of Council of local government and other communications and transactions of elected members which constitute evidence affecting the accountability of the Council and the discharge of its business.

Local governments must ensure that appropriate practices are established to facilitate the ease of capture and management of elected members’ records up to and including the decision making processes of Council”

ELECTED MEMBERS' RECORDS

Elected Members must create and keep records of communications or transactions, which convey information relating to local government business or functions. These records should be forwarded to the local government for capture into the official recordkeeping system.

Records may include any correspondence received or sent by elected members in any format (e.g. by post, fax, email, courier, hand-delivered) whether received or sent at the City offices or at an elected member’s private residence / post box.

Records created or received by elected members can be divided into two broad groups – those of continuing value to the local government and those of temporary value.

Records of continuing value

These are those records which contain information that is of administrative, legal, evidential, fiscal or historical value to the local government. These records may be referred to for many purposes, including the need to:

- * document elected members’ decisions, directives, reasons and actions;
- * check an interpretation of the local government policy or the rationale behind it;
- * check the facts on a particular case or provide information;
- * monitor progress and coordination of responses to issues; and
- * document formal communications.

Records of temporary value

These are those records which have no continuing value and are considered of interest or used for a short time only, for example, a few hours or a few days.

Last updated 8 March 2017

HOW TO DEAL WITH SPECIFIC KINDS OF RECORDS

To assist elected members' to handle the records created and/or received, the following descriptions and actions relate to some common records with which they may deal.

1. Diaries / Appointment Books / Calendars

Diaries, appointment books and calendars are generally used to record appointments. They may also be used to record messages and notes, some of which may only be an aide memoire of a routine nature, and some of which may be of significance to the conduct of local government business.

Guidelines

Elected members' diaries, appointment books and calendars that are used to record information such as dates and times of meetings and appointments or to record notes and messages generally, have NO continuing value and may be destroyed when reference to them ceases. However, it is a matter of discretion to be judged by the elected member based on whether the information is:

relevant;
worthy of retention; and
has not already been recorded elsewhere in the recordkeeping system.

2. Telephone and other verbal conversations

Elected members may have telephone or face-to-face conversations at any time on a variety of matters. Some conversations may involve the relay of information, or involve matters, of significance to the conduct of local government business. These conversations should be documented in an appropriate format.

Other conversations may only be very basic or routine in nature, such as the issuing or receiving of basic instructions or information, and need not be documented.

Guidelines

- * Conversations involving the exchange of routine or simple administrative instructions or information; and
- * Conversations that do not relate to the business functions of the local government if they are documented in a written or other form, have NO continuing value and may be destroyed when reference to them ceases.
- * Conversations which relate to the business functions of the local government involving the issuing of directives, proposals, recommendations, definitions or interpretations from the elected member to another party or vice versa; and
- * Conversations that are part of an actual business transaction itself, or have policy/procedure implications, or otherwise identified as being significant to the conduct of the local government's business if they are documented in a written or other form, may have continuing value and at the discretion of the elected member should be forwarded to Records for incorporation into the recordkeeping system.

Last updated 8 March 2017

3. Lobbying

Lobbying is the activity of ratepayers or members of the community attempting to influence the Council through representations to elected members, and may include one or more elected members lobbying other elected members.

Guidelines

Records, such as correspondence or petitions, relating to lobbying matters regardless of whether the lobbying itself is of local government or community interest may have continuing value and at the discretion of the elected member should be forwarded to Records for incorporation into the recordkeeping system.

4. Electioneering material

Electioneering material or records created or received by an elected member in regard to electioneering are private records of the elected member, and do not need to be forwarded to the local government office.

5. Agendas/minutes/information brochures

Notes that are written on Council Agendas, Council Minutes or Information Brochures and are considered relevant to the decision made by Council may have continuing value and at the discretion of the elected member should be forwarded to Records for incorporation into the recordkeeping system.

A copy of the notes can be provided to the elected member for their reference, if required.

6. Confidential documents/records

If the elected member believes that some of the documentation forwarded to the City office for incorporation into the recordkeeping system is of a highly sensitive or confidential nature, the elected member should advise the local government to treat the information as confidential and restrict access to those records.

The State Records Office information sheet on how to handle elected members' records is attached for further assistance in determining which records should be captured in the City of Busselton recordkeeping system

7. Destruction of Records

All records should be returned to the City of Busselton Records Management Unit for authorised and legal destruction.

Last updated 8 March 2017

MAIL HANDLING GUIDELINES

Correspondence	Action
Hard copy mail addressed to Councillors and received via COB (Excludes Mayor)	<ul style="list-style-type: none"> → Opened → Date stamped by Records → Registered → Tasked to Governance for distribution → Hard copy retained by Records to allow authorised disposal to occur
Hard copy mail addressed to Mayor	<ul style="list-style-type: none"> → Opened → Date stamped by Records → Registered → Tasked to Governance Task List for distribution as appropriate → Hard copy retained by Records to allow authorised disposal to occur
Hard copy received directly by Councillors i.e. at home, meetings etc	<ul style="list-style-type: none"> → Councillor to forward to Records → Date stamped by Records → Registered → Tasked to Governance Task List for distribution as appropriate → Hard copy retained by Records to allow authorised disposal to occur
Emails received via city@busselton.wa.gov.au with Councillor name or cc to Councillors notation	<ul style="list-style-type: none"> → Registered by Records → Task to Governance Task List for distribution as appropriate
Emails received via councillors@busselton.wa.gov.au	<ul style="list-style-type: none"> → Forwarded to Records for registering by the Executive Assistant to the Director Finance and Corporate Services (noting that all Directors will receive a copy of these emails)
Emails received by Councillors that constitute corporate records	<ul style="list-style-type: none"> → Councillor to forward email to Records using city@busselton.wa.gov.au
Email responses from Councillors to incoming records	<ul style="list-style-type: none"> → Councillor to include cc to relevant Governance officer to enable registration to occur <p>This will ensure integrity of the email is maintained and allow capture of the relevant metadata etc</p>
Hard copy responses from Councillors	<ul style="list-style-type: none"> → Governance Officer to scan and register signed response prior to posting
Hard copy responses written on behalf of Councillors	<ul style="list-style-type: none"> → Responsible Officer to scan and register signed response prior to posting

Last updated 8 March 2017



INFORMATION SHEET

State Records Office of Western Australia

**Local Government Elected Members' Records:
Which records to capture?**

The State Records Commission policy regarding the records of local government elected members requires the creation and retention of records of the:

"...communications and transactions of elected members which constitute evidence affecting the accountability of the Council and the discharge of its business."

This policy applies regardless of a record's format or where it was received.

Elected members **must** create and keep records of communications or transactions, which convey information relating to local government **business or functions**. These records should be forwarded to the local government administration for capture into the official recordkeeping system.

Which records should be captured?

YES – forward to your local government administration	NO – do not need to be forwarded to your local government
<p>Communications from ratepayers, such as:</p> <ul style="list-style-type: none"> • complaints & compliments; • correspondence concerning corporate matters; • submissions, petitions & lobbying; • information for Council's interest relating to local government business activity & functions. 	<p>Duplicate copies – of Council meeting agenda, minutes & papers.</p>
<p>Telephone, meetings & other verbal conversations – between an elected member and another party, regarding local government projects or business activities.</p>	<p>Draft documents or working papers – which are already captured at the local government.</p>
<p>Work diaries – containing information that may be significant to the conduct of the elected member on behalf of the local government.</p>	<p>Publications – such as newsletters, circulars and journals.</p>
<p>Presentations and speeches – delivered as part of an elected member's official duties.</p>	<p>Invitations – to community events where an elected member is <i>not</i> representing Council or the local government.</p>
	<p>Telephone, meetings & other verbal conversations which:</p> <ul style="list-style-type: none"> • convey routine information only; or • do not relate to local government business or functions.
	<p>Electioneering – or party political information.</p>
	<p>Personal records – not related to an elected member's official duties.</p>

Destruction of records: return all records to the local government for authorized and legal destruction.

More information: contact your local government administration or
State Records Office of Western Australia
Tel: 9427 3661 or Email: sro@sro.wa.gov.au

October 2013

6.3 Attachment A Council Policy 229 Elected Members Mail Handling

Last updated 8 March 2017

Policy Background

Policy Reference No. - 229
Owner Unit – Records
Originator – Records Coordinator
Policy approved by – Council
Date Approved – 8 March, 2017

History

Council Resolution	Date	Information
C1703/037	8 March, 2017	Amended Policy to simplify current process ensuring compliance with the State Records Act 2000 Version 2
C0403/064	10 March, 2004	Date of implementation Version 1

11.15 Records Management

Accurately created and maintained records are important and necessary, as they serve as a history of the transactions and business processes of the local government. They are a fundamental tool for providing evidence of local government accountability and responsibility. It is for those reasons that legislation exists to ensure that local government records are properly maintained and preserved for future generations.

It is the view of the Crown Solicitor's Office that although Elected Members are not employees, they are persons who govern, control and manage the local government in accordance with the *Local Government Act 1995* and therefore Elected Members fall under the definition of the term "government organisation employee" as outlined in Section 3 of the *State Records Act 2000* – "accordingly, records created or received by Elected Members in the course of their capacity as office holders for the local government constitute government records".

The State Records Commission's policy for recordkeeping requirements for local government Elected Members is as follows:

"...records must be created and kept which properly and adequately record the performance of member functions arising from their participation in the decision making processes of Council and Committees of Council.

This requirement should be met through creation and retention of records of meetings of Council and Committee of Council of local government and other communications and transaction of Elected Members which constitute evidence affecting the accountability of the Council and the discharge of its business.

Local governments must ensure that appropriate practices are established to facilitate the ease of capture and management of Elected Members records' up to and including the decision making process of Council".

Elected Members must create and keep records of communication or transaction, which convey information relating to local government business or functions. These records should be forwarded to the appropriate staff, e.g. Executive Assistant to Council or Governance Services for capture into the official recordkeeping system.

Records may include any correspondence received or sent by Elected Members in any format whether received or sent at the City offices / via a City email address or at an Elected Member's private residence or private email.

Records created or received by Elected Members can be divided into two broad groups – those of continuing value to the local government and those of temporary value.

11.15.1 Records of continuing value

Those records which contain information that is of administrative, legal, evidential, fiscal or historical value to the local government. These records may be referred to for many purposes, including the need to:

- a. document Elected Member's decisions, directives, reasons and actions;
- b. check an interpretation of the local government policy, or the rationale behind it;
- c. check the facts on a particular case or provide information;
- d. monitor progress and coordination of responses to issues; and
- e. document formal communications.

11.15.2 Records of temporary value

Those records which have no continuing value and are considered of interest or used for a short time only. Examples of records of temporary value may be an email trail discussing the availability of Elected Members to attend a meeting;

11.15.3 Diaries/Calendars

Elected Members diaries and calendars that are used to record information such as dates and times of meetings or to record notes and messages generally have no continuing value and may be destroyed when reference to them ceases. However, it is a matter of discretion to be judged by the Elected Member based on whether the information is:

- a. worthy of retention; and
- b. has not already been recorded somewhere else in the recording keeping system.

11.15.4 Telephone and Verbal Conversations

Conversations which relate to the business functions of the City involving the issuing of directives, proposals, recommendations, definitions or interpretations from an Elected Member to another party or vice versa should be documented and forwarded to Governance for the appropriate action.

Conversations involving the exchange of routine or simple administrative instructions or information, and conversations which do not relate to the business functions of the City are not of continuing value and need not be documented or retained.

11.15.5 Lobbying

Records, such as correspondence or petitions relating to lobbying matters regardless of whether the lobbying itself is of the City's or community interest, may have continuing

value and at the discretion of the Elected Member, should be forwarded to Governance for the appropriate action.

11.15.6 Electioneering Material

Electioneering material or records created or received by an Elected Member in regard to electioneering are private records of the elected members and do not need to be forwarded to Governance.

11.15.7 Agendas/Minutes/Information Brochures

Notes that are written by an Elected Member upon Council agendas, Council minutes or information brochures and are considered relevant to the decision made by Council may have continuing value and at the discretion of the Elected Member, should be forwarded to Governance for the appropriate action. A copy of the notes can be provided back to the Elected Member for their reference if required.

11.15.8 Confidential Records

If the Elected Member believes that some of the documentation forwarded to Governance for action is of a highly sensitive or confidential nature, the Elected Member should advise Governance accordingly.

11.15.9 Elected Members Records – process for recording

All records received by Elected Members in the course of their duties and determined by the Elected Member to be a record of continuing value, are to be forwarded to Governance. This includes hard copy records address to individual Elected Members.

Emails received via the City@busselton.wa.gov.au will be recorded as appropriate by Records and tasked through to Governance if required.

Emails received via the Councillors@busselton.wa.gov.au will be managed and recorded as appropriate by Governance.

6.4 PROPOSED COMMITTEE MEETING DATES 2020

STRATEGIC GOAL	6. LEADERSHIP Visionary, collaborative, accountable
STRATEGIC OBJECTIVE	6.1 Governance systems, process and practices are responsible, ethical and transparent.
SUBJECT INDEX	Committee Meetings
BUSINESS UNIT	Governance Services
REPORTING OFFICER	Governance Officer - Melissa Egan
AUTHORISING OFFICER	Director Finance and Corporate Services - Tony Nottle
NATURE OF DECISION	Executive: substantial direction setting, including adopting strategies, plans and policies (excluding local planning policies), tenders, setting and amending budgets, funding, donations and sponsorships, reviewing committee recommendations
VOTING REQUIREMENT	Simple Majority
ATTACHMENTS	Nil

OFFICER RECOMMENDATION

That the Policy and Legislation Committee adopts the following Committee meeting dates for 2020, to be held at 9.30am at the Wonerup Committee Room:

Wednesday 29 January 2020

Wednesday 26 February 2020

Wednesday 25 March 2020

Wednesday 22 April 2020

Wednesday 27 May 2020

Wednesday 29 July 2020

Tuesday 25 August 2020

Wednesday 23 September 2020

Wednesday 28 October 2020

Wednesday 9 December 2020

EXECUTIVE SUMMARY

This report is presented to the Policy and Legislation Committee to enable the Committee to schedule its meeting dates for the 2020 calendar year.

BACKGROUND

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

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

OFFICER COMMENT

Under its terms of reference, the Committee must meet at least 6 times per year and report to Council in accordance with clause 2.10 of the *City of Busselton Standing Orders 2018*, i.e. when and to the extent required by Council. Following a Committee resolution made in October 2015, the Committee has been meeting on a monthly basis with the meeting schedule prepared accordingly. In October 2019, Councillors indicated a preference for the Committee meetings be held on the same day as Council Meetings or Briefings, being a Wednesday.

It is intended to hold the City's Finance Committee meetings on the alternative Wednesday so that a Finance Committee and a Policy and Legislation Committee meeting are not held on the same day. Given statutory timelines applicable to the Finance Committee, it is proposed that the Policy and Legislation Committee meets on the fourth Wednesday of each month (with the Finance Committee to meet on the second Wednesday).

To accommodate the Council mid-year and end of year recess, there will not be any Policy and Legislation Committee meetings scheduled for 24 June 2020 or 25 November 2020. Instead, due to statutory timelines in relation to financial reporting, a Finance Committee meeting will be held on these dates. November's policy and legislation committee meeting will be moved to the 9 December 2020, and no policy and legislation committee meeting will be held in June. If any urgent policy or legislative matters arise the item may be put straight on the Agenda of an Ordinary Council meeting.

Under regulation 12 of the *Local Government (Administration) Regulations 1996*, if a committee meeting is open to the public or proposed to be open to the public, the Committee must give public notice of the dates, times and place at which the committee meetings are to be held in the next 12 months. Once endorsed by the Committee, the meeting dates will be published on the City of Busselton's website.

The proposed meeting dates, to be held at the Wonnerup Committee Meeting room at 9.30am, are as follows:

Wednesday 29 January 2020
Wednesday 26 February 2020
Wednesday 25 March 2020
Wednesday 22 April 2020
Wednesday 27 May 2020
Wednesday 29 July 2020
Tuesday 25 August 2020 *
Wednesday 23 September 2020
Wednesday 28 October 2020
Wednesday 9 December 2020

* Council meeting to be held on the Tuesday due to Cinefest Oz.

Statutory Environment

The governing legislation relevant to this report is the *Local Government Act 1995* and the *Local Government (Administration) Regulations 1996*.

Relevant Plans and Policies

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

Financial Implications

The holding of Committee meetings on a Wednesday when Councillors are already in attendance at the City administration will likely result in a small cost saving in terms of travel allowances.

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.

There is a risk that Councillors may find the agenda for a fourth Wednesday (and second) to be demanding and in turn tiring. While this is considered to be a low level risk, a review will be conducted after six months to determine how well the meeting arrangement is working.

Options

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

CONCLUSION

The Act requires the City to give notice of the dates of its Committee meetings that are open, or proposed to be open, to the public. Councillors have indicated that Wednesday is a more pragmatic day upon which to hold Committee meetings. The proposed 2020 Committee meeting dates have been scheduled accordingly and are presented to the Committee for endorsement.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The schedule of the Policy and Legislation Committee 2020 meetings will be advertised and published prior to the end of 2019.

7. GENERAL DISCUSSION ITEMS

7.1 ATTENDANCE AT EVENTS POLICY

OFFICER RECOMMENDATION

That the Committee note that the Events Policy will be reviewed to incorporate the requirements of Section 5.90A of the *Local Government Act 1995*.

Amendments to the *Local Government Act 1995* (the Act) require that local governments prepare and adopt a policy for attendance at events. Section 5.90A of the Act states:

- (1) In this section —
event includes the following —
 - (a) a concert;
 - (b) a conference;
 - (c) a function;
 - (d) a sporting event;
 - (e) an occasion of a kind prescribed for the purposes of this definition.
- (2) A local government must prepare and adopt* a policy that deals with matters relating to the attendance of council members and the CEO at events, including —
 - (a) the provision of tickets to events; and
 - (b) payments in respect of attendance; and
 - (c) approval of attendance by the local government and criteria for approval; and
 - (d) any prescribed matter.

* *Absolute majority required.*
- (3) A local government may amend* the policy.

* *Absolute majority required.*
- (4) When preparing the policy or an amendment to the policy, the local government must comply with any prescribed requirements relating to the form or content of a policy under this section.
- (5) The CEO must publish an up-to-date version of the policy on the local government's official website.

The purpose of the policy is to exclude a gift from creating a financial conflict of interest between the gift giver and the Councillor / CEO receiving the gift. Section 5.62 of the Act states:

1. For the purposes of this Subdivision a person is to be treated as being closely associated with a relevant person if
 - (eb) the relevant person is a council member and the person has given a gift to which this paragraph applies to the relevant person since the relevant person was last elected; or
 - (ec) the relevant person is a CEO and the person has given a gift to which this paragraph applies to the relevant person since the relevant person was last employed (or appointed to act) in the position of CEO;
- 1B. A gift is an excluded gift —
 - (a) if —
 - (i) the gift is a ticket to, or otherwise relates to the relevant person's attendance at, an event as defined in section 5.90A(1); and
 - (ii) the local government approves, in accordance with the local government's policy under section 5.90A, the relevant person's attendance at the event....

The Department of Local Government, Sport and Cultural Industries (DLGSC) have released some FAQ's in relation to gifts and conflicts of interests (Attachment A) and have indicated they will be releasing further guidelines in relation to the policy requirements. No timeframe has been provided. WALGA have advised they there are a few matters they are awaiting clarity on from the DLGSC, including whether or not the provision is suitable for delegation to the CEO to enact in accordance with the policy. They are unaware of any Local Government that has commenced the process to establish an Attendance at Events Policy.

Given the above officers have commenced but have not yet finalised a review of the City's current Events Policy (to be revised to focus on the required provisions). To assist in the drafting of a policy officers are proposing discussion in relation to the potential policy conditions.



Gifts and Conflicts of Interests Frequently Asked Questions

Council members, Chief Executive Officers (CEOs) and other local government employees occasionally receive gifts. As part of the Local Government Act Review it was recognised that a new gift framework should be developed to provide a transparent system of accountability where members of the community can have confidence in the decision-making of their elected representatives.

The recent changes to gifts outlined below has not changed the current code of conduct gift provisions relating to employees (regulation 34B of the *Local Government (Administration) Regulations 1996*). These provisions will be reviewed when section 5.51A (Code of conduct for employees) of the *Local Government Legislation Amendment Act 2019* is proclaimed in 2020.

Gifts

What changes are being made?

- The former gift exemption categories no longer apply, and council members and CEOs must declare any gift received in their capacity as a council member or CEO valued at \$300 or above (or the cumulative value of gifts from the one donor exceeds \$300 in a 12-month period). See sections 5.87A and 5.87B.
- If a council member receives *any* gift (or a series of gifts in a 12-month period) valued at \$300 or above and the donor has a matter before council, the council member must disclose an interest and remove themselves from the meeting (unless approval is granted by the council or the Minister, depending on the value of the gift). The donor becomes a closely associated person in accordance with section 5.62.
- Similarly, gifts received by the CEO will exclude them from involvement in a matter requiring a local government decision (unless approval is granted by the council or the Minister, depending on the value of the gift).

- Gifts that will not create an interest are those involving attendance at events as approved by council in accordance with the attendance at events policy and those from specified entities.
- Local governments are required to develop and publish a policy covering council member and CEO attendance at events, and addressing who will pay for the tickets.
- The former definition of a gift has been deleted, and a new definition of gift in the Act now includes contributions to travel.
- CEOs are responsible for publishing and maintaining a gift register on the local government's official website which now needs to be updated within ten days of a disclosure being made.

Why are these changes being made?

- It is important that council members and CEOs make decisions – and are seen to be making decisions – free from influence.
- The changes increase transparency while recognising that gifts received in their personal lives, such as wedding presents, are not matters of public interest.
- The amendments also recognise that there is a valid role for council members in attending events, but makes this a decision of council in accordance with a published policy.

What are the obligations on Council members and CEOs when receiving a gift?

- Disclose all gifts valued over \$300 received in their capacity as council member or CEO. This threshold includes cumulative gifts over a 12-month period from the one donor that add up to the value of \$300 or above.
- Disclose these gifts within 10 days of receipt.
- A failure to comply with requirements is an offence.

What is a gift received in their capacity as a council member mean?

- The question is, would the gift have been given if the person was not a member of the council (or CEO), if the answer is no, then it must be disclosed if the value of the gift (or the cumulative value of gifts from the same donor), is over \$300.
- Attendance at an event, whether as a representative of the local government or otherwise as a councillor or CEO, where the council member or CEO has not paid for the ticket or hospitality is a gift and must be disclosed.

- Gifts that generally wouldn't have to be disclosed would include:
 - wedding gifts,
 - birthday gifts,
 - gifts received through a will,
 - gifts (or travel) received through their ordinary course of outside employment, or
 - the temporary loan of personal property belonging to a relative, acquaintance, neighbour etc.
- Care should still be taken when receiving a gift through the pathways listed above, as an assessment on the nature of the relationship between the recipient and the donor must still be made.

How can a council member or CEO decide if the gift was received in that capacity?

- Each member will need to make their own assessment.
- The test is — if I was not a council member/CEO would this person have given me a gift (or a gift of that size)?
- If the answer is no, it must be disclosed.
- If in doubt, disclose.

How do you determine the value of a gift?

- The value of a gift is its market value at the time it is given.
- It will be up to the council member or CEO to establish the cost of the gift.
- If challenged, the onus is on the recipient to prove the value.

If I am away how can I make a disclosure in writing within 10 days?

- It is sufficient to email the CEO (or mayor or president if a CEO).
- The following details must be provided:
 - a description of the gift,
 - the name and address of the donor,
 - the date of receipt,
 - the estimated value of the gift,

- the nature of the relationship between the donor and yourself, and
- if the gift relates to travel, a description of the travel and the date of the travel.

How soon after a disclosure is made will it be available on the local government's website?

- The CEO must update the register within 10 days of a disclosure being made.
- The version on the local government's website must be up-to-date.

What new information is required in the gift register?

- Where the gift is in accordance with the Attendance at Events policy and that attendance has been approved by council, the entry must also include:
 - the date of council approval, and
 - the reasons for the decision.
- Approval cannot be given for tickets that are provided directly to the council member (or CEO).

Why are the publication of address details being changed?

- The full address of the donor still needs to be disclosed, but to balance privacy with transparency, only the town or suburb of the donor's address will be published online.

How do election gifts work with the new framework?

- Amendments have not been made to election gifts.
- Election gifts are being reviewed in Phase 2.

Conflicts of Interest

What is an interest relating to a gift?

- It is a type of interest which recognises that a relationship is created between the donor and a recipient of a gift which could be perceived to affect decision-making.

What is the purpose of the interest provisions?

- These ensure that decision-making is free from influence and so decisions can be made in the best interests of the community.

What types of gifts could create an interest?

- Any gift (or a series of gifts in a 12 month period) valued at over \$300 creates an interest as the donor becomes a closely associated person (section 5.62).
- An interest can be created from gifts that do not have to be disclosed in accordance with sections 5.87A and 5.87B.
- For a council member, the interest is created from any gifts since they were last elected (although election gifts also creates an interest).
- For a CEO, the interest is created from any gifts received since the CEO was last employed or appointed to act.

Are any gifts excluded from creating an interest?

- Yes, section 5.62(1B) provides that the following gifts are considered not to have created an interest:
 - Attendance at events which have been approved by the council in accordance with the Attendance at Events policy
 - Gifts from the following entities:
 - WALGA (note: this does not include LGIS)
 - ALGA
 - Local Government Professionals WA
 - A State public service department
 - A Commonwealth, State or Territory government department
 - Another local government or regional local government.
- Note: these still have to be disclosed and entered on the gifts register if received in the capacity of council member or CEO.

When does this interest become important?

- When the donor has a matter before council.

What does this mean for the council member or CEO?

- A council member must not participate in any part of a council or committee meeting relating to that matter without approval.
- A CEO must not provide advice or a report in relation to the matter, either directly or indirectly, unless otherwise approved.

- If advice or a report is being provided by another employee, the CEO must disclose the nature of the interest they have in the matter.

What do I do if a matter comes before council affecting the donor?

- A council member must disclose this interest in writing to the CEO before the meeting or immediately before the matter is discussed. (If disclosure is made to the CEO, the CEO must bring this to the attention of the presiding member before the meeting and the presiding member must bring this to the attention of the attendees immediately before the matter is discussed).
- A CEO who has an interest must disclose the nature of the interest in a written notice given to council.

When can approval be given to participate or provide advice or a report?

- If the interest is from a gift valued at up to \$1,000 and full disclosure has been made, the council, by absolute majority, can approve participation (section 5.68) but only in the following circumstances:
 - those members decide that the interest is so trivial or insignificant as to be unlikely to influence the disclosing member or CEO's conduct in relation to the matter; or
 - the interest is common to a significant number of electors or ratepayers in the case of disclosure by a council member.
- The council can decide to allow the CEO to provide advice or a report if they decide that the nature of the interest is unlikely to influence the CEO (section 5.71B).
- The decisions and the council's reasons for making that decision must be recorded in the minutes of the meeting.

Why is the council deciding on whether another council member can participate in consideration of a matter in which they have an interest?

- Council is in the best position to judge whether the receipt of the gift is likely to affect the person's decision-making.
- If the council agrees, the council member will be able to be present during and participate in the discussions and decision-making in relation to that matter.
- Council will need to record the reason for making that decision in the minutes so there is accountability.
- A cap is being placed on this so that for gifts over \$1,000, an application will need to be made to the Minister for approval to participate.

Can a committee make the decision or does the member have to go to the full council for permission to participate?

- The council can give power to a committee to decide if they feel it is appropriate.

What if the gift is over \$1,000?

- Only the Minister can make a decision to allow participation or the provision of advice or a report (section 5.69).
- The Minister can only decide to allow a council member to participate if:
 - a quorum is needed, or
 - the Minister is of the opinion that it is in the interests of the electors or ratepayers to do so.
- The Minister can decide to allow the CEO to provide advice or a report if the Minister is of the opinion that the interest is unlikely to influence the CEO in the provision of the advice or report (section 5.71B).
- The Minister's decision and the reasons for it must be recorded in the council's minutes when the matter is considered by council.

Will the CEO have to make an application to council for approval to be involved in matters affecting the donor of a gift from whom the CEO has received a gift?

- Yes. A CEO must, when proposing to provide any advice or report to the council or a committee, disclose the nature of any interest (section 5.70).
- This must be in writing and be provided to the council.
- The advice or report could be one that will be provided directly by the CEO or indirectly through another employee.
- A CEO that has an interest relating to a gift and authorises another employee to provide advice or a report must disclose the nature of their interest when the advice or report is provided (section 5.71A).

Who is responsible for liaising with the Minister to get approval for the CEO to be involved in a matter where the CEO has received a gift over \$1,000?

- It is the council's responsibility.
- It would be practical for the Mayor or President to be authorised by Council to do so.

Attendance at Events policy

What is the purpose of an Attendance at Events policy (section 5.90A)?

- For council to actively consider the purpose of and benefits to the community from council members attending events.
- To provide a framework for the acceptance of invitations to such events.
- To clarify who pays for tickets to events.
- To provide transparency to the community on the acceptance of tickets to events.

What should a council consider in developing and endorsing an Attendance at Events Policy?

- What benefit will there be to the community or local government in having council member(s) or the CEO (or staff) attend?
- What role will the person attending the event be taking: for example, speaker, giver of awards, member of the audience?
- How many people should appropriately be authorised to attend?
- Is the event to be held within the district?
- Who is bearing the costs of attending and is this appropriate?
- Should the person attending contribute to the costs?
- Who provides the tickets: the organiser of the event or a third party.

What matters should be contained in the Attendance at Events Policy?

- The criteria that the council will use in deciding whether attendance is appropriate.
- How many people should be approved to attend as representatives of the council.
- How tickets to events will be distributed.
- How much a councillor or CEO will have to contribute to the costs of attending.

Does the policy cover all events that a council member attends?

- No, a council member may attend an event outside the policy, or without the council's authorisation.

- If they do so, they must not use a ticket that has been given to the council or that has been funded by another person.
- Unless attendance has been paid for in full by the council member, they must disclose the value of the tickets or hospitality to the CEO within ten days of receipt.
- The council member will also have an interest in any matter involving the donor that comes before council.
- The policy should cover all events that the council member attends as representative of the council.

Does the policy have to detail actual events and who will attend?

- No, but if council members traditionally attend certain events, these could be detailed in the policy so that further approval is not needed.
- The policy must clearly outline on what basis the decision to approve attendance at any other events will be made.

As a council member can I attend an event if I believe it is in accordance with the policy?

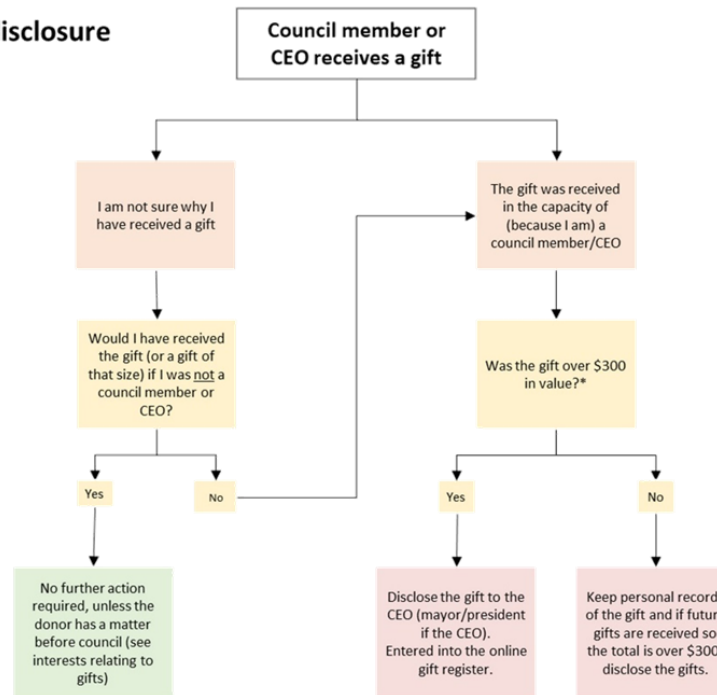
- You must have council approval to attend – this will either be explicitly stated in the council approved policy or a council decision will be required.

What if tickets or an invitation is given directly to a council member?

- These will not be covered by the policy.
- The recipient must disclose receipt of the tickets (and any other associated hospitality) within ten days.
- The recipient will also have an interest in any matter involving the donor of the tickets that comes before council.

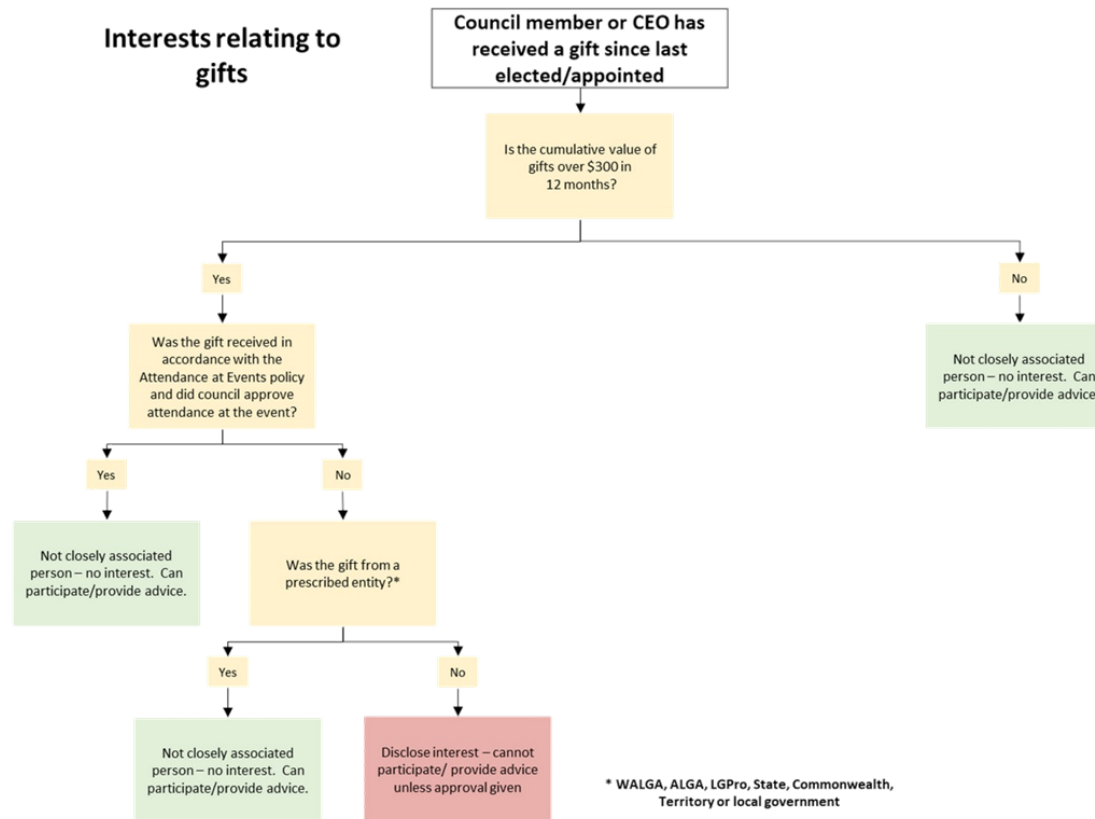
Attachment A

Gift framework - disclosure

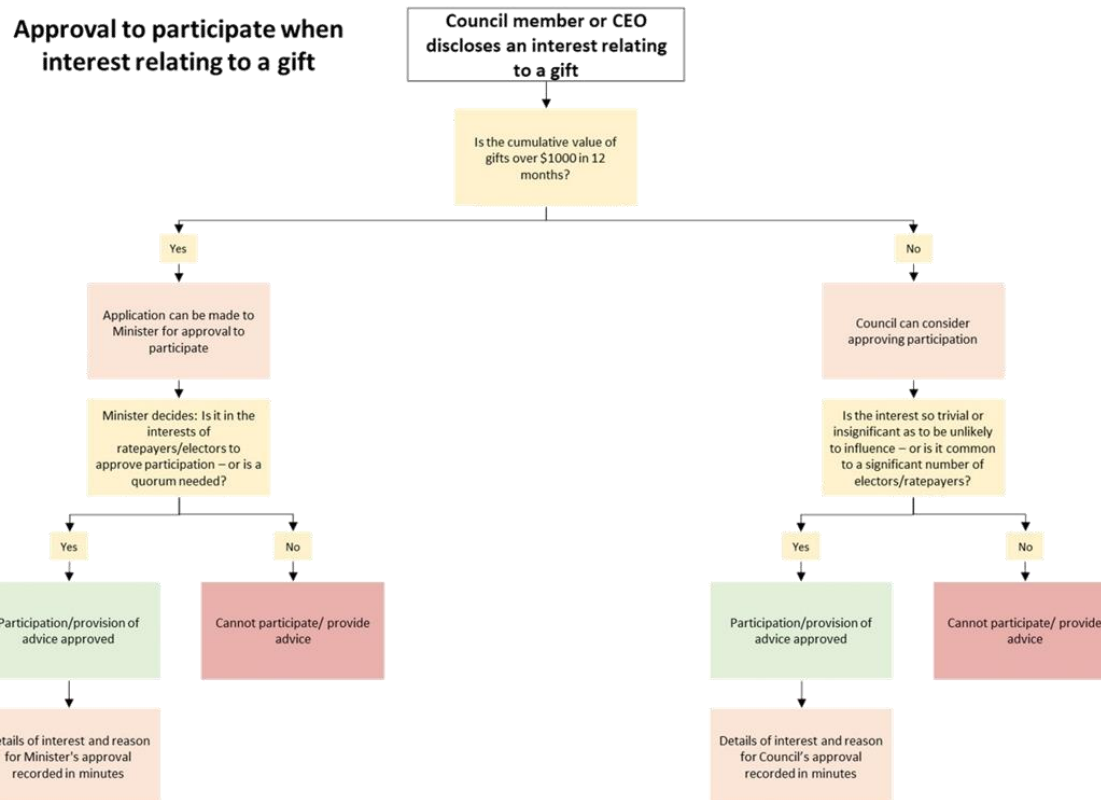


* Or a series of gifts from that person in a 12 month period was over \$300 in value

Attachment B



Attachment C



8. **NEXT MEETING DATE**

9. **CLOSURE**