



City of Busselton
Geographe Bay

Policy and Legislation Committee Agenda

11 June 2019

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city@busselton.wa.gov.au

CITY OF BUSSELTON

MEETING NOTICE AND AGENDA – 11 JUNE 2019

TO: THE MAYOR AND COUNCILLORS

NOTICE is given that a meeting of the Policy and Legislation Committee will be held in the the Committee Room, Administration Building, Southern Drive, Busselton on Tuesday, 11 June 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

4 June 2019

CITY OF BUSSELTON

AGENDA FOR THE POLICY AND LEGISLATION COMMITTEE MEETING TO BE HELD ON 11 JUNE 2019

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

2. **ATTENDANCE**

Apologies

3. **PUBLIC QUESTION TIME**

4. **DISCLOSURE OF INTERESTS**

5. **CONFIRMATION AND RECEIPT OF MINUTES**





5.1 **Minutes of the Policy and Legislation Committee Meeting held 14 May 2019**

RECOMMENDATION

That the Minutes of the Policy and Legislation Committee Meeting held 14 May 2019 be confirmed as a true and correct record.

6. REPORTS

6.1 REVIEW OF COUNCIL POLICY - PRESENTATIONS ON TERMINATION

SUBJECT INDEX:	Council Policies
STRATEGIC OBJECTIVE:	Governance systems, process and practices are responsible, ethical and transparent.
BUSINESS UNIT:	Corporate Services
ACTIVITY UNIT:	Governance
REPORTING OFFICER:	Manager Governance and Corporate Services - Sarah Pierson
AUTHORISING OFFICER:	Director Finance and Corporate Services - Tony Nottle
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Proposed Policy - Payments and presentations on termination  
	Attachment B Current Policy - Presentations on Termination  

PRÉCIS

This report presents a revised and expanded 'Presentations on Termination' Council Policy, proposed to be renamed 'Payments and presentations on termination' (Attachment A) (the Policy) for Council approval. The proposed changes are designed to ensure the Policy more fully responds to the requirements of Section 5.50 of the *Local Government Act 1995*, and that appropriate recognition of service is provided for employees leaving the organisation.

BACKGROUND

Section 5.50 of the *Local Government Act 1995* (the Act) requires the local government to have a policy in relation to payments that may be made to employees who are finishing employment which are in addition to entitlements under a contract of employment or industrial instrument, including an award or enterprise agreement. A policy in relation to the presentation of (or contribution to) a gift to an employee on termination has been in place for a long period of time, and was last reviewed in August 2017, where the method of determining the value of the contribution towards a gift was simplified.

The Local Government Amendment Bill 2019 currently before the Legislative Council, and expected to be given Royal Assent in the coming months, will result in an explicit requirement for all local governments to publish their policy in relation to Section 5.50 of the Act. The City has reviewed its current policy and recommends that it be expanded as outlined in the officer comment section of this report, improving overall governance in relation to payments made to employees on termination that are in addition to those made under the terms of a contract of employment or industrial instrument.

STATUTORY ENVIRONMENT

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

Section 5.50 (1) of the Act states:

- (1) A local government is to prepare a policy in relation to employees whose employment with the local government is finishing, setting out —

- (a) the circumstances in which the local government will pay an employee an amount in addition to any amount to which the employee is entitled under a contract of employment or award relating to the employee; and
- (b) the manner of assessment of the additional amount, and cause local public notice to be given in relation to the policy.

As per Section 5.50 (4) “a reference to a payment to a person includes a reference to the disposition of property in favour of, or the conferral of any other financial benefit on, the person” and hence includes the contribution to a gift.

The value of a payment made under this section is not to exceed the amount prescribed by Regulation 19A of the Local Government (Administration) Regulations 1996 (the Regulations), being:

- \$5,000 to a CEO or senior officer in all cases;
- 12 months’ pay for all other employees where the employment ends by way of the employee accepting voluntary severance by way of resignation; and
- \$5,000 for all other employees where the employment ended for other reasons.

Importantly, Section 5.50 and Regulation 19A only relate to payments that are made in addition to an amount which the employee is entitled to under their contract of employment or an industrial instrument. Further, regulation 18B of the Regulations provides that a contract of employment for a CEO or senior officer may include a term that the employee will (in certain circumstances) receive a payment on termination of up to 12 months’ remuneration, or the balance of their contract term. As this is a payment that the senior employee is entitled to under their contract, it is not captured by Section 5.50 or Regulation 19A, or therefore the Policy.

Section 5.50 and Regulation 19A also only deals with payments that are made in relation to an employee whose employment with the local government is finishing (i.e. a termination payment). A payment that is made to a terminated employee in settlement of a legal claim (e.g. an unfair dismissal claim) is not a payment made in relation to that employee’s employment finishing, and therefore would not fall within the scope of section 5.50 or the cap provided by Regulation 19A. A severance payment however made to an employee in settlement of a dispute where they have, or are reasonably likely to, make a claim would fall within the scope of the Policy.

RELEVANT PLANS AND POLICIES

In August 2017 the CEO commissioned a high level independent review of the City’s governance systems – the Governance Systems Review (GSR). The GSR made a number of recommendations with respect to the City’s policy and procedure framework. In response the City developed a policy framework which sets out the intent of Council policies, as opposed to operational documents such as Staff Management Practices and operational procedures.

FINANCIAL IMPLICATIONS

The provisions of the Policy are catered for within the City’s annual budget, with a current annual allocation of \$4,000 for recognition of service and the settlement of employment related claims funded where necessary through existing salaries and wages budget.

LONG-TERM FINANCIAL PLAN IMPLICATIONS

Amending the Policy will have no long term financial plan implications.

STRATEGIC COMMUNITY OBJECTIVES

The Policy, and specifically the proposed amendments, aim to improve transparency and governance in relation to payments of a type outlined in Section 5.50 of the Act, therefore supporting Key Goals Area 6 – Leadership and Community Objective 6.1 – Governance systems, processes and practices are responsible, ethical and transparent.

RISK ASSESSMENT

There are no identified risks of a medium or greater level associated with the officer recommendation, with the amendments to the Policy improving overall governance and compliance with the Act.

CONSULTATION

A review of other local government policies referencing Section 5.50 found a fair degree of diversity in terms of scope and content. The City of Joondalup's policy for instance, in addition to payments for the settlement of employment claims, provides for payments on redundancy (over and above entitlements) and in broad circumstances relating to a voluntary severance, based on the person having been employed for a continuous period of over ten years, and having demonstrated a commendable or outstanding level of performance. The City of Wanneroo's policy provides for a severance payment in circumstances relating to settlement of a claim, plus illness or impairment or poor performance / conduct. The City of Stirling provides a payment to employees on leaving based on their years of service.

The City of Busselton provides adequate redundancy entitlements under its contracts of employment / enterprise agreement and therefore we have limited the Policy to severance payments in settlement of a dispute where there is a reasonable risk of a legal claim. External legal advice about, and review of, the Policy was sought, with the inclusion of provisions relating to such payments recommended as best practice.

OFFICER COMMENT

The current 'Presentations on Termination' policy deals solely with Council's contribution (payment) in relation to a farewell gift and function for an employee on termination. Three changes are proposed in relation to this aspect of the Policy.

One, it is recommended that the threshold for eligibility be reduced from two years' of service to a minimum of one year. An employee will generally, after a year of employment, have contributed to the achievements of their team and established good working relationships with their colleagues. A farewell function in particular is considered important as it plays a role in creating positive employee relations and branding.

Secondly a change is recommended in relation to the Council contribution value for a gift where between 10 and 15 years of service has been completed. It is recommended that this be increased from \$100 to \$150. This provides for a more even increment in the contribution value with an increase of \$50 every 5 years until 20 years of service, where it then increases more significantly.

And finally it is recommended that the maximum amount for a farewell function (for those situations where the CEO feels exceptional circumstances apply) be reduced from \$400 to \$300. This is based on analysis of spend in this area.

With respect to the inclusion of provisions relating to payments made on termination, it is recommended that the Chief Executive Officer be authorised to make a severance payment in settlement of a dispute where an employee has, or is reasonably likely to, take action or make a claim under any relevant industrial relations legislation. In determining an appropriate settlement amount the Policy sets out the following factors:

- a. the amount recommended by industrial legal advisors, a court or industrial tribunal to settle the matter;
- b. the exposure or potential exposure to litigation and the strength of the respective cases;
- c. the cost or potential cost of legal services in relation to the matter; and
- d. the disruption to operations and cost to the organisation of the dispute ongoing.

Unfortunately not all employment relationships end amicably and disputes can arise that give cause for a mutual separation to be considered, generally in circumstances where the cost to the City of a matter proceeding through a court or industrial tribunal is likely to be high, or where the operational cost of a dispute ongoing is considered significant. These are enacted through a voluntary resignation and severance payment. The City's current policy does not contain specific provision for this. As a result mutual separations are required to be structured within the terms and conditions of a contract of employment. The recommended provisions will provide for improved transparency and clarity in these situations.

CONCLUSION

It is recommended that the Policy be adopted as a revised and renamed Council policy 'Payments and presentations on termination', maintaining and slightly improving the current recognition of service provisions, and ensuring that the City has clear and accountable governance structures in place for the settling of employment related disputes in accordance with Section 5.50 of the *Local Government Act 1995*.

OPTIONS

The Council could:

1. decide to retain the Policy in its current form.
2. decide to make additional amendments.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The Policy will be implemented immediately on adoption.

OFFICER RECOMMENDATION

That the Council adopts the Council Policy 'Payments and presentations on termination' as per Attachment A, to replace the current Council policy entitled 'Presentations on Termination' (Attachment B).

COUNCIL POLICY



Council Policy Name: Payments and presentations on termination

Responsible Directorate: Finance and Corporate Services Version: Proposed

1. PURPOSE

- 1.1. The purpose of this Policy is to set out the circumstances in which the City of Busselton will pay an employee who is leaving the employment of the City a severance payment in addition to any amount the employee is entitled to under their contract of employment, Industrial Instrument or order of a court or industrial tribunal, in accordance with Section 5.50 of the *Local Government Act 1995* (WA).
- 1.2. This Policy additionally provides a framework for recognising the contribution of employees when they voluntarily leave the employment of the City.

2. SCOPE

- 2.1. This Policy applies to all City of Busselton employees.

3. DEFINITIONS

Term	Meaning
Industrial Instrument	An instrument that has legal application with respect to minimum entitlements including modern awards and enterprise agreements
Policy	This City of Busselton Council policy entitled "Payments and presentations on termination"

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 6.3: Accountable leadership that is supported by a skilled and professional workforce.

5. POLICY STATEMENT

Settlement of an employment-related claim

- 5.1. Subject to the Chief Executive Officer's approval, the City may make a severance payment to an employee in settlement of a dispute where an employee has, or is reasonably likely to, take action or make a claim under any relevant industrial relations legislation. Any such decision will be made in accordance with Regulation 19A of the *Local Government (Administration) Regulations 1996* (WA).
- 5.2. Clause 5.1 does not apply to the Chief Executive Officer and those designated as senior employees in accordance with section 5.37 of the *Local Government Act 1995* (WA).
- 5.3. In assessing and making a severance payment, the following factors will be considered:
 - a. the amount recommended by industrial legal advisors, a court or industrial tribunal to settle the matter;
 - b. the exposure or potential exposure to litigation and the strength of the respective cases;

6.1 Attachment A Proposed Policy - Payments and presentations on termination

- c. the cost or potential cost of legal services in relation to the matter; and
- d. the disruption to operations and cost to the organisation of the dispute ongoing.

5.4. The amount of the payment under clause 5.1 above will be no more than the value of the employee's final annual remuneration.

Recognition of service

5.5. The Chief Executive Officer is authorised, at their discretion to make a contribution towards a gift to recognise the service of employees voluntarily leaving the employment of the City, including at the end of a fixed or maximum term contract, up to the value outlined in the table below:

Years of Service	Council Contribution
>1, ≤5 Years	\$50
>5, ≤ 10 Years	\$100
>10, ≤15 Years	\$150
>15, ≤20 Years	\$200
>20, ≤25 Years	\$350
>25 Years	\$500

5.6. Gifts enabled under this Policy will generally be presented to the employee at a farewell function held on City premises.

5.7. A contribution of up to \$200 may be provided for the purposes of a farewell function, or, where the CEO considers that special circumstances apply, a contribution of up to \$300 may be made.

6. RELATED DOCUMENTATION / LEGISLATION

- 6.1. *Local Government Act 1995*
- 6.2. *Local Government (Administration) Regulations 1996*
- 6.3. *City of Busselton Enterprise Agreement 2017*

7. REVIEW DETAILS

Review Frequency		3 yearly		
Council Adoption	DATE		Resolution #	
Previous Adoption	DATE	9 August 2017	Resolution #	C1708/188

COUNCIL POLICY



Council Policy Name: Presentations On Termination

Responsible Directorate: Finance and Corporate services Version: Current

1. PURPOSE

1.1. The purpose of this policy is to provide a framework for recognising the contribution of employees of the City of Busselton when they voluntarily leave the employ of the City.

2. SCOPE

2.1. This policy is applicable to employees voluntarily leaving the City of Busselton with a minimum of two years employment.

3. DEFINITIONS

Term	Meaning
Policy	This City of Busselton Council Policy entitled "Presentations on Termination"

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 6.3: Accountable leadership that is supported by a skilled and professional workforce.

5. POLICY STATEMENT

5.1. The Council values the contribution made by employees during their service, and views a gift and minor function to enable colleagues to farewell the departing employee as appropriate recognition of this.

5.2. Employees who have provided more than two years' service will be provided with a certificate of service. Additionally the Chief Executive Officer, on behalf of the Council, is authorised at his discretion to make a contribution towards a gift up to the value outlined in the table at 5.3.

5.3.

Years of Service	Council Contribution
>2, ≤5 Years	\$50
>5, ≤15 Years	\$100
>15, ≤20 Years	\$200
>20, ≤25 Years	\$350
>25 Years	\$500

6.1 Attachment B Current Policy - Presentations on Termination

- 5.4. Gifts enabled under this policy will generally be presented to the employee at a minor function authorised by the CEO for this purpose, to which other employees of the City of Busselton shall be invited.
- 5.5. The Council contribution to an employee’s function is not to exceed \$200, except where special circumstances apply. Where special circumstances apply the CEO may approve up to an additional \$200 for this purpose.
- 5.6. If two or more employees depart the employ of the City at a similar time, one function shall wherever possible be held to achieve cost efficiencies.







6. RELATED DOCUMENTATION / LEGISLATION

6.1. *Local Government Act 1995*

7. REVIEW DETAILS

Review Frequency		3 yearly		
Council Adoption	DATE	9 August 2017	Resolution #	C1708/188
Previous Adoption	DATE	22 August 2012	Resolution #	C1208/234

6.2 PROPOSED COUNCIL POLICY - PUBLIC INTEREST DISCLOURE (PID)

SUBJECT INDEX:	Council Policy
STRATEGIC OBJECTIVE:	Governance systems, process and practices are responsible, ethical and transparent.
BUSINESS UNIT:	Governance Services
ACTIVITY UNIT:	Governance
REPORTING OFFICER:	Executive Assistant to Council - Lisa Haste
AUTHORISING OFFICER:	Director Finance and Corporate Services - Tony Nottle
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Proposed Policy - Public Interest Disclosure  
	Attachment B City of Busselton PID Guidelines  
	Attachment C Public Sector Commission PID Guidelines  

PRÉCIS

This report presents a proposed new Council policy – ‘Public Interest Disclosure’ (Attachment A) for Council to endorse. The proposed policy seeks to satisfy a recommendation from the misconduct prevention section of the Governance Service Review (GSR) conducted by John Woodhouse in August 2017.

BACKGROUND

In August 2017 the CEO commissioned a high level independent review of the City’s governance systems – the Governance Systems Review (GSR). The GSR made the following recommendations with respect to the City’s policy and procedure framework:

- 1. There should be a review of the Council Policies with the intent that a Council Policy:*
 - a. Should deal with higher level objectives and strategies;*
 - b. Should not deal with operational matters, employee matters, or other matters which are the responsibility of the CEO; and*
 - c. Should, where appropriate provide sufficient direction to the CEO to develop OPPs which deal with the implementation of the Council Policy or other detailed matters.*
- 2. As part of that review, any existing Council Policy should be deleted where it could, more sensibly, be dealt with by an OPP adopted by the CEO.*
- 3. Consideration should be given to developing a new Council Policy which sets out the ‘framework’ for Council Policies, OPPs and other procedures. The new Policy would explain the role to be played by each level of document. It could, for example, be called a Policy Framework Policy.*

The GSR made specific recommendations in the area of Misconduct Prevention, with the development of a high level misconduct prevention strategy considered important. This is a significant undertaking and will require considerable organisational focus. The City hopes to progress this over the next twelve months. Additionally it was recommended that:

...(6) A review should be conducted of the existing Public Interest Disclosure Policy.

The *Public Interest Disclosure Act 2003* facilitates the disclosure of public interest information about improper conduct in public authorities including in local governments. All local governments are required to have in place a designated Public Interest Disclosure (PID) Officer, who a person wishing to make a disclosure can contact to discuss the proposed disclosure and to obtain more information

about their rights and responsibilities. The City of Busselton's PID Officer is the person holding the position of Director Finance and Corporate Services.

The City currently has a set of guidelines (Attachment B) on our website which provides information to members of the public about the making of PIDs, however, with regard to the above recommendation, officers have now prepared a Council policy to sit alongside these guidelines.

The Public Sector Commission has published a set of guidelines to assist authorities develop their own procedures and these have guided the development of the City's own set of PID guidelines, available on the City's external website.

STATUTORY ENVIRONMENT

The *Public Interest Disclosure Act 2003* outlines how the Public Interest Disclosure (PID) Officer will process PIDs and contains provisions which serve to protect the people involved in making these disclosures.

RELEVANT PLANS AND POLICIES

The City has a policy framework which was developed and endorsed by Council in response to the recommendations of the GSR. 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 has no financial implications.

LONG-TERM FINANCIAL PLAN IMPLICATIONS

Adoption of the Policy has no long term financial plan implications.

STRATEGIC COMMUNITY OBJECTIVES

The officer recommendation primarily aligns with the following Key Goal Area and Community Objective of the City of Busselton's Strategic Community Plan 2017:

Key Goal Area 6 - LEADERSHIP: Visionary, collaborative, accountable
6.1 Governance systems, process and practices are responsible, ethical and transparent.

RISK ASSESSMENT

There are no risks identified of a medium or greater level associated with the officer recommendation, with the Policy addressing the recommendations made in the GSR which is one step to mitigating risks associated with misconduct.

CONSULTATION

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

OFFICER COMMENT

While there is no statutory requirement for the City to have a PID policy, it was identified in the GSR that a policy containing a clear Council commitment to the PID regime would assist in the prevention of misconduct in the organisation.

Under the *Public Interest Disclosure Act 2003*, the City is required to do the following:

- Designate a PID Officer;
- Comply with the Code established by the Public Sector Commissioner;
- Prepare and publish procedures relating to the City's obligations; and
- Provide an annual report to the Public Sector Commissioner outlining the number of PIDs received and the results of any investigations.

The City complies with all of the requirements under the *Public Interest Disclosure Act 2003*. The Policy supports the existing PID guidelines and, as recommended by the GSR, is the first step in developing a broader misconduct prevention strategy.

CONCLUSION

As recommended in the GSR, a policy has been developed to support the City's existing PID guidelines and therefore officers recommend the Policy be adopted.

OPTIONS

Council may consider that the existing PID guidelines are adequate and choose not to endorse the Policy. Council could alternatively choose to make amendments to the Policy.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

If the officer recommendation is approved by the Council then it will be effective immediately.

OFFICER RECOMMENDATION

That the Council adopt Council policy 'Public Interest Disclosure' as included at Attachment A.

The banner features a green and blue background with the City of Busselton logo. It contains the following text:

COUNCIL POLICY

Council Policy Name: Public Interest Disclosure

Responsible Directorate: Finance and Corporate Services Version: Proposed

1. PURPOSE

1.1. The purpose of this Policy is to clearly articulate the City’s position in terms of Public Interest Disclosures. The City will maintain high standards of professional and ethical conduct by receiving disclosures of public interest information in accordance with the provisions of the *Public Interest Disclosure Act 2003*.

2. SCOPE

2.1. This Policy is applicable to all potential and actual Public Interest Disclosures as they apply to the City of Busselton.

3. DEFINITIONS

Term	Meaning
Policy	this City of Busselton Council policy entitled “Public Interest Disclosure”
PID	Public Interest Disclosure

4. STRATEGIC CONJTEXT

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

5. POLICY STATEMENT

5.1. The City of Busselton does not tolerate corrupt or other improper conduct, including mismanagement of public resources by its officers, employees or contractors.

5.2. The City is committed to the aims and objectives of the *Public Interest Disclosure Act 2003*, and to creating and maintaining an ethical work environment by doing the following:

- a. addressing and eliminating all improper or negligent conduct from the workplace;
- b. supporting PIDs being made by employees, contractors and members of the public about improper conduct;
- c. facilitating and processing all PIDs that relate to the City;
- d. offering support and protection from reprisals to those making PIDs or those that are the subject of a PID.

5.3. The City’s PID officer is the primary contact for any concerns relating to PIDs.

5.4. The City’s PID officer will:

- a. conduct investigations of PIDs on behalf of the City;

6.2 Attachment A Proposed Policy - Public Interest Disclosure

- b. maintain the confidentiality of the discloser and persons subject to the PID in accordance with requirements of the *Public Interest Disclosure Act 2003*;
- c. notify the discloser within 3 months about what the City plans to do in dealing with the PID;
- d. make and keep secure comprehensive records of any investigation taken.

6. RELATED LEGISLATION / DOCUMENTATION

- 6.1. *Public Interest Disclosure Act 2003*
- 6.2. *City of Busselton's Guide to Public Interest Disclosure*

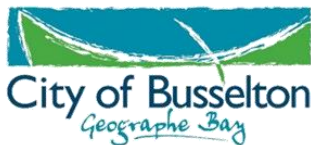
7. REVIEW DETAILS

Review Frequency		3 yearly		
Council Adoption	DATE		Resolution #	
Previous Adoption	DATE	N/A	Resolution #	N/A

City of Busselton PID Guidelines



A Guide to Public Interest Disclosures



What is a Public Interest Disclosure?

If you believe that a government official or public authority or government contractor is acting or going to act in an illegal or improper manner, it is in the public interest that you talk to someone who can do something about it. The *Public Interest Disclosure Act 2003* facilitates the disclosure of public interest information by providing protection for those who make disclosures and those who are the subject of disclosures.

You can make public interest disclosures (PID) about improper conduct in public authorities that include State government agencies and departments, local governments (including the City of Busselton), and bodies established under a written law for a public purpose, such as a public university.

What do I Need to Know Before Making a Disclosure?

The Act deals with disclosures by anyone but the information must be specific to the following areas:-

- ◇ Improper conduct.
- ◇ An act or omission that constitutes an offence under State law, including corruption.
- ◇ Substantial unauthorised or irregular use of, or substantial mismanagement of, public resources.
- ◇ Conduct involving a substantial and specific risk of injury to public health, prejudice to public safety or harm to the environment.
- ◇ A matter of administration that can be investigated under Section 14 of the *Parliamentary Commissioner Act 1971*.

Before making a disclosure it is important that you are aware of the rights and responsibilities imposed on disclosers and others under the Act:-

- ◇ It is an offence to make a disclosure if you know, or are reckless about, it being false and misleading.
- ◇ With some exceptions, the proper authority will investigate your information and you will be expected to cooperate.
- ◇ You will have to keep your information Confidential - or else you may lose protection and commit an offence under the Act.

What You Should Ask Yourself?

Making a disclosure is a serious matter and needs to be fully thought through. You should question:-

- ◇ Whether you have reasonable grounds to believe the information you are thinking of disclosing is true, or otherwise you believe it to be true.
- ◇ If the information is something that you think is important to be disclosed because it is in the public interest.
- ◇ Have you sought proper advice.
- ◇ Have you fully understood your responsibilities under the Act if you make a disclosure.

How Do I Make a Disclosure?

Before making a formal disclosure to a PID Officer, you should make contact with the PID Officer to discuss the proposed disclosure, whether alternative means of dealing with the matter might be more appropriate, and to obtain information regarding your rights and responsibilities as a discloser.

An official Public Interest Disclosure Lodgement Form will need to be completed to initiate the PID process. This form is available on line at: <https://www.commerce.wa.gov.au/publications/public-interest-disclosure-lodgement-form>

I've made a Disclosure — What Next?

After assessing your information the proper authority will have to investigate unless it considers:-

- ◇ The matter to be trivial, vexatious or frivolous.
- ◇ There is no reasonable prospect of obtaining sufficient evidence, due to the lapse of time.
- ◇ The matter is being or has already been adequately or properly investigated by a proper authority.
- ◇ The information does not relate to a matter, which the proper authority has the function or power to investigate.

Will I be Kept Informed?

The proper authority must inform you within three months of what has been done or they intend to do about your disclosure. You are entitled to a report on the outcome and any action taken when the investigation is complete.

What About Confidentiality and My Protection?

As the disclosure is about a public interest matter rather than a specific complaint, the Act requires confidentiality to be maintained on:-

- ◇ The identity of the person making the disclosure.
- ◇ The information disclosed, including the identity of any person named in the disclosure.

There are exceptions to these rules and anyone thinking of making a disclosure should seek advice from the proper authority on these prior to making a disclosure.

A person making a disclosure is provided with protection under the Act for:-

- ◇ Any reprisals.
- ◇ Civil and criminal liability in the event of making a disclosure.
- ◇ Dismissal or having services dispensed with.
- ◇ Breach of confidentiality or secrecy agreements.

A person alleging victimisation as a result of a disclosure can complain to the Equal Opportunity Commission or may be able to take civil action. (The Equal Opportunity Commission is at Level 2 Westralia Square, 141 St Georges Terrace and can be contacted by calling (08) 9216-3900 or toll free on 1800 198 149 or via their website.

Victimisation and Reprisals

The City of Busselton will take all reasonable steps to provide protection to staff who make such disclosures from any detrimental action in reprisal for the making of a disclosure.

The City of Busselton does not tolerate any of its officers, employees or contractors engaging in acts of victimisation or reprisal against those who make public interest disclosures. These acts should be reported immediately to the Public Interest Disclosure (PID) Officer or the Chief Executive Officer.

City of Busselton PID Officer

The person holding or acting in the position of Director Finance and Corporate Services is designated as the PID Officer of the City of Busselton. The PID Officer is responsible for receiving disclosures of public interest information relating to matters falling within the sphere of responsibility of the City of Busselton. The contact details of the PID Officer are as follows:

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This document can be supplied in alternative formats upon request

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PSC | Public Sector
Commission



Public Interest Disclosure (PID)

Guidelines for public authorities

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Disclaimer

This publication has been developed to assist public authorities. However, it is a guide only and should not be relied on as legal advice or regarded as a substitute for legal advice.

Accessibility

Copies of this publication are available in alternative formats upon request.

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Purpose of these guidelines

The Public Sector Commissioner has developed these guidelines in accordance with s. 21 of the *Public Interest Disclosure Act 2003* (PID Act) to assist authorities develop their own internal procedures. Under s. 23(1)(e) and s. 23(2) principal executive officers (PEOs) of public authorities (authorities) are required to prepare and publish internal procedures relating to their obligations under the PID Act. Internal procedures must be consistent with the PID Act and these guidelines.

While these guidelines cover the requirements for an authority under the PID Act. Authorities are encouraged to adapt or enhance these procedures to best reflect their operating context. Authorities will need to add information as to how they will specifically meet the requirements of the PID Act to receive, investigate, take appropriate action and provide reports to disclosers.

When developing internal procedures, authorities will need to consider these guidelines in conjunction with:

- the *Public Interest Disclosure Act 2003*
- the *Public Interest Disclosure Regulations 2003*
- *Public Interest Disclosure (PID): Supporting information for Principal Executive Officers and PID Officers (proper authorities)*
- *Don't be afraid to speak up*
- *Guide for managers.*

Structure of these guidelines

These guidelines are structured as follows.

- Content in black can be used as a template and directly replicated by authorities.
- Sections with [red text] allow public authorities to insert their own information, for example, name of public authority and the proper authority. The latter being the person designated to receive disclosures under s. 23(1)(a), referred to as the PID Officer.
- Text in blue boxes contains additional information for authorities to consider for inclusion when customising the procedures. Authorities **should delete** these blue boxes before the document is approved and published by the principal executive officer.

All references to sections (that is, 's' or 'ss.') in these guidelines and, hence, procedures for public authority on pages 5-24 relate to the PID Act, unless otherwise stated.

Important note for public authorities

While information provided in these guidelines and the supporting information for principal executive officers and proper authority (PID Officer) reflects the requirements of the PID Act, there will be, from time to time, circumstances that raise complex questions of law, where there is a real possibility of litigation or where the matter is otherwise highly contentious. In these cases, further legal or other professional advice should be sought before taking action.

Public interest disclosure procedures for the [insert name of public authority]

A. Organisational commitment for reporting public interest information

The [insert name of public authority] does not tolerate corrupt or other improper conduct.

The [insert name of public authority] is committed to the aims and objectives of the *Public Interest Disclosure Act 2003* (PID Act). The PID Act recognises the value and importance of reporting as a means to identify and address wrongdoing.

We strongly support disclosures being made by employees about corrupt or other improper conduct. We also strongly support contractors and members of the community making disclosures about corrupt or improper conduct.

The [insert name of public authority] does not tolerate any of its employees, contractors or subcontractors taking reprisal action against anyone who makes or proposes to make a public interest disclosure.

The [insert name of public authority] will take all reasonable steps to protect employees from any detrimental action in reprisal for the making of a public interest disclosure.

The commitment to effectively manage public interest disclosures extends to a proper authority of [insert name of public authority]. The persons responsible for receiving disclosures of public interest information designated under s. 23(1)(a) of the PID Act will abide by the *PID Code of conduct and integrity* in performing their duties.

The [insert name of public authority] is also committed to responding to the disclosure thoroughly and impartially. We will treat all people in the disclosure process fairly, including those who may be the subject of a disclosure.

The [insert name of public authority] will provide as much information as possible to people considering making a public interest disclosure. These internal procedures are accessible to all employees and contractors. Copies are available from the designated person appointed as the proper authority (Public Interest Disclosure (PID) Officer) and will be kept at [specify locations from which internal procedures are to be available, for example, intranet, network drive, hard copy etc.].

General information about public interest disclosures and how [insert name of public authority] will manage a disclosure is available for external clients and members of the community on our website [insert public authority's website address].

While these procedures focus on public interest disclosures, we are committed to dealing with all reports of suspected wrongdoing. We encourage people to report, if they witness any such behaviour. [insert name of public authority] will consider each matter under the appropriate reporting pathway and make every attempt to protect staff members making reports from any reprisals.

B. Purpose of the internal procedures

Our [insert position title of public authority's PEO] must prepare and publish these internal procedures under s. 23(1)(e) of the PID Act.

These procedures outline how we will meet our obligations under the PID Act. They cover the roles and responsibilities of the [insert position title of public authority's PEO], the person designated as the proper authority in accordance with s. 23(1)(a) and s. 5(3)(h) referred to in this document as the PID Officer, the discloser and the subject of the disclosure.

The procedures are to be read in conjunction with the PID Act, *Public Interest Disclosure Regulations 2003* and *Don't be afraid to speak up*.

Awareness raising

Consider strategies to inform employees, contractors and members of the community about the public interest disclosure process and publish documents accordingly. As the PID Officer it is your role to support the PEO to ensure compliance with s. 23(1).

The Public Sector Commission also has a number of products on its website www.publicsector.wa.gov.au. Your authority may use these to inform PID Officers, managers, employees and members of the community. *Don't be afraid to speak up* is a handy guide for people thinking about making a disclosure.

Communicating to employees and contractors

Consider:

- integrating information about the disclosure process and your authority's commitment to the principles of reporting wrongdoing in your induction processes
- how information about public interest disclosures may be integrated into your code of conduct and corporate policies
- where and how your authority will publish its internal procedures to encourage greater awareness of using the disclosure process as a reporting pathway.

Communicating to managers

Many employees raise issues with their managers in the first instance. Ensure your authority's managers are aware of the disclosure process, where they can access information for disclosers and the names of the authority's PID Officers, if they need to refer an employee.

When someone speaks up – Guide for managers provides general information for managers about the disclosure process.

Communicating to members of the community

Consider using the template Appendix A to develop and publish on your authority's website a general information brochure for clients and members of the community about the disclosure process in your authority. It is at your PEO's discretion whether to publish these full internal procedures on your website.

C. Scope and application of internal procedures

These procedures apply to all people involved in the public interest disclosure process, including our [insert position title of public authority's PEO], PID Officer(s), employees of the [insert name of public authority] and/or any person making a public interest disclosure and any subject(s) of a disclosure.

These procedures should be read in conjunction with:

- *Public Interest Disclosure Act 2003*
- *Public Interest Disclosure Regulations 2003*
- [include any specific legislation applying to the public authority and any other applicable policies or codes, such as the *Code of Ethics*, authority's Code of conduct].

The behaviour of all employees involved in the public interest disclosure process must accord with our Code of conduct at all times. A breach of the Code of conduct may result in disciplinary action.

D. Overview of roles and responsibilities of parties involved in the disclosure process at [insert name of public authority]

Person / role	Responsibilities
<p>Principal executive officer (s. 23)</p> <p>(in [insert name of public authority], the [insert position title of public authority's PEO]:</p>	<ul style="list-style-type: none"> • Designates the occupant of a specified position (a PID Officer) to receive public interest disclosures related to [insert name of public authority] (s. 23(1)(a)). • Provides protection from detrimental action or the threat of detrimental action for any employee of [insert name of public authority] who makes a public interest disclosure (s. 23(1)(b)). • Ensures [insert name of public authority] complies with the PID Act and the code of conduct and integrity established by the Public Sector Commissioner (ss. 23(1)(c) and (d)). • Prepares and publishes internal procedures, consistent with those prepared by the Public Sector Commission, detailing how [insert name of public authority] will meet its obligations under the PID Act (s. 23(1)(e)). • Provides information (s. 23(1)(f)) to the Public Sector Commissioner on the: <ul style="list-style-type: none"> – number of disclosures received by [insert name of public authority] – results of any investigations conducted as a result of the disclosures – action, if any taken, as a result of each disclosure – any matters as prescribed. • May have a role in enabling an investigation to be undertaken or taking disciplinary action against individuals under functions and powers separately from the PID Act.

Person / role	Responsibilities
<p>The Proper Authority (s. 5(3), s. 7 and s. 18)</p> <p>or</p> <p>PID Officer(s 23(1)(a)):</p>	<ul style="list-style-type: none"> • As is designated by ss. 5(3)(a-g) or by the [insert position title of public authority's PEO] of [insert name of public authority], under s. 23(1)(a) the PID Officer is to receive disclosures related to the [insert name of public authority]. • Provides information to potential disclosers about their rights and responsibilities consistent with the Code of conduct and integrity established under s. 20(1). • Receives and manages public interest disclosures in accordance with the PID Act (s. 5(3)). • Notifies the discloser within three months of the disclosure being made about what action is planned in dealing with the disclosure (s. 10(1)). • Where appropriate, investigates, or causes an investigation of, the matters in the disclosures (s. 8(1)). • Where appropriate, provides information to subjects of a disclosure about their rights, responsibilities, duties and potential offences (s. 9(2), s. 14, s. 15, s. 16 and s. 24). • Where appropriate, takes such action as is necessary and reasonable, within their functions and powers in accordance with s. 9. • Maintains confidentiality of the identity of the discloser and subject(s) of disclosures, in accordance with the requirements of the PID Act (s. 11 and s. 16). • Provides progress reports where requested and a final report to the discloser in accordance with s. 10. • Creates and maintains proper and secure records in relation to the disclosures in accordance with the Code of conduct and integrity established under s. 20(1) and the <i>State Records Act 2000</i>. • Completes a PID Register for each disclosure lodged (s. 23(1)(f)). • Acts in accordance with the rules of natural justice (s. 9(2) and s. 16(1)(b)). • Acts in accordance with the code of conduct and integrity established by the Public Sector Commissioner (s. 20(1)) and any authority-specific code of conduct established separately from the PID Act.

Person / role	Responsibilities
The discloser:	<ul style="list-style-type: none"> • Makes a public interest disclosure to a proper authority or our PID Officer if the matter relates to [insert name of public authority] (s. 5(1)). • Believes on reasonable grounds the information in their disclosure is, or may be, true (s. 5(2)). • Does not disclose information subject to legal professional privilege (s. 5(6)). • Does not knowingly and recklessly make a false or misleading disclosure (s. 24(1)). • Maintains confidentiality of the information disclosed and the identity of the person(s) to whom the information relates, in accordance with the requirements of the PID Act (s. 16 and s. 17(1)(b)). • Assists any person investigating the matter to which the disclosure relates by supplying the person with any information requested (s. 17(1)(a)).
The subject of the disclosure (person about whom disclosure is made):	<ul style="list-style-type: none"> • Is afforded the opportunity to make a submission, either orally or in writing, in relation to the matter before preventative or disciplinary action is taken (s. 9(2)). • Maintains confidentiality of the identity of the discloser, in accordance with the requirements of the PID Act (s. 16(1)). • Is to be treated in accordance with the rules of natural justice (s. 16(1)(b)). • Does not take or threaten to take detrimental action (defined in s. 3) against a person because they have made or intend to make a disclosure (s. 14(1)). • Does not incite another person to take detrimental action against another because they have made or intend to make a disclosure (s. 14(2)). • Does not commit an act of victimisation by taking or threatening to take detrimental action against the person making or intending to make a disclosure (s. 15(1)).
An investigating officer:	<ul style="list-style-type: none"> • May investigate matters of public interest information on behalf of a proper authority of [insert name of public authority], in accordance with the terms of reference given to them. • Maintains confidentiality of the identity of the disclosure and any persons subject to the disclosure, in accordance with s. 16. • Makes, and keeps secure, comprehensive records of any investigation undertaken.

E. Managing public interest disclosures

The following procedures describe how [insert name of public authority] will manage the public interest disclosure process.

Overarching requirements of the *Public Interest Disclosure Act 2003*

The PID Act has some overarching requirements for handling disclosures. These requirements separate the public interest disclosure process from other reporting or complaint handling processes. The PID Act does not, however, displace the notification or reporting requirements of the *Corruption, Crime and Misconduct Act 2003*, which are paramount. The following section outlines how we will meet these requirements, as well as expectations of you, as a discloser, and any subject(s) of your disclosure.

What is 'public interest information'?

The PID Act only applies to disclosures of public interest information (defined in s. 3). Public interest information means information that:

- relates to the performance of a public function by a public authority, public officer or public sector contractor (either before or after the commencement of the PID Act) and
- shows or tends to show that a public authority, a public officer, or a public sector contractor is, has been or proposes to be involved in
 - improper conduct or
 - an act or omission that constitutes an offence under a written (State) law or
 - substantial unauthorised or irregular use of, or substantial mismanagement of, public resources or
 - an act done or omission that involves a substantial and specific risk of
 - injury to public health or
 - prejudice to public safety or
 - harm to the environment or
 - a matter of administration that can be investigated under section 14 of the *Parliamentary Commissioner Act 1971* by the Parliamentary Commissioner (Ombudsman Western Australia).

Confidentiality

Maintaining confidentiality is an important part of managing a disclosure. The confidentiality requirements of the PID Act (s. 16) not only protects the discloser, but also any other people affected by the disclosure.

The confidentiality requirements do not apply to all information in a disclosure, although, we are committed to maintaining confidentiality around:

- any information that may identify the discloser or any person who may be the subject of a disclosure, including the fact a disclosure has been made
- information relating to a disclosure that, if known, may cause detriment.

Throughout the disclosure process and after its completion, the PID Act provides for the disclosers identity and the identity of any persons, that is, any subject of the disclosure to be kept confidential, except in certain circumstances. Disclosing information which might identify, or tend to identify the disclosers s. 16(1)) or any person, that is, the subject(s) (s. 16(3)) of your disclosure, except in accordance with the PID Act, is an offence punishable with a penalty of a \$24 000 fine or imprisonment for two years.

Confidentiality regarding the discloser

Maintaining confidentiality is an important part of protecting the discloser, from any detrimental action in reprisal for making or intending to make a disclosure.

If the discloser consents to having their identity revealed to assist us in dealing with the disclosure, our PID Officer will record this using the [Consent to disclosure of identifying information form](#).

Sometimes we may need to identify the discloser, without the discloser's consent s. 16(1) (b)-(f) but only where:

- it is necessary to do so having regard to the rules of natural justice or
- it is necessary to do so to enable the matter to be investigated effectively or
- we are ordered by a court or any other person or body having authority to hear, receive or examine evidence or
- we are required by ss.152 or 153 of the *Corruption, Crime and Misconduct Act 2003*.

Before we identify the discloser for any of the reasons above, our PID Officer will take all reasonable steps to inform the discloser that this will happen and the reasons why. Our PID Officer will use the [Notification of disclosure of identifying information form](#) to do this.

If we need to provide information about the identity of the discloser to another person for the reasons above, our PID Officer will inform the other person that further disclosure to a third person may put them at risk of committing an offence.

Our PID Officer will also consider whether it is necessary to inform any external investigator about the identity of the discloser. Where it is necessary to provide this identifying information, our PID Officer will notify as described above.

Confidentiality plan

Although a formalised confidentiality plan is not required under the PID Act, the development of such a plan is considered good practice. Open and effective communication with the discloser will build rapport and trust and, once established, will enable collaboration particularly when difficult decision points are encountered.

The plan should outline methods to provide support and protect the discloser from the risk of reprisal. Consider strategies that cover:

- communication methods and frequency of communication
- meeting locations
- frequency of progress reports.

The proposed text in this section could read:

'If your confidentiality cannot be maintained, we will develop a plan to support and protect you from any potential risks of detrimental action. You will be involved in developing this plan'.

Confidentiality regarding the person, that is, the subject of the disclosure

The subject of a disclosure may consent to having their identity revealed to assist with the disclosure process s. 16(3)(a). Our PID Officer will use the [Consent to disclosure of identifying information form](#) to record this.

Additionally, we may need to reveal identifying information about the subject(s) of a disclosure without their consent, ss. 16(3)(b)-(g) where:

- it is necessary to do so to enable the matter to be investigated effectively
- it is necessary to do so in the course of taking action under s. 9
- there are reasonable grounds to believe that it is necessary to prevent or minimise the risk of injury to any person or damage to any property
- we are ordered by a court or any other person or body having authority to hear, receive or examine evidence or
- we are required by ss. 152 or 153 of the *Corruption, Crime and Misconduct Act 2003*.

There is no obligation to advise the subject of a disclosure that identifying information will be released.

Protections

The PID Act provides a range of protections for disclosers (Part 3). It also requires that our [\[insert position title of public authority's PEO\]](#) provides protection for any employees who make disclosures (s. 23(1(b))).

Don't be afraid to speak up contains general information about the protections provided by the PID Act. Our PID Officer will be able to expand on this information specific to [\[insert name of public authority\]](#).

We are committed to ensuring that no detrimental action, including workplace reprisals by managers or other employees, occurs as a result of a person making a disclosure. If any of the above does occur, the discloser can request that we take action to protect them. Tell the PID Officer who is handling the disclosure immediately.

The PID Act also provides that the discloser may lose the protections provided in s. 13 in some circumstances, including where they on-disclose information or fail, without reasonable excuse, to assist any person investigating the matters of the disclosure.

Notification requirements

[Insert name of PID Officer] will ensure that we complete all reporting in accordance with the legislative and administrative requirements of the PID Act.

Provided it is not an anonymous disclosure, our PID Officer will provide the following reports:

- within three months of making a disclosure, the action taken, or propose to take, in relation to the disclosure (s. 10(1))
- when the disclosure process has concluded, the outcome of the investigation and the reasons for taking any action following the investigation (s. 10(4)).

Our PID Officer may also provide a progress report during any investigation, either on their initiative or upon your request (ss. 10(2) and (3)).

Our PID Officer has some limits on what they can include in their reports. Section 11 prevents provision of information that would be likely to adversely affect:

- any person's safety s(1)(a) or
- the investigation of an offence or possible offences s(1)(b) or
- confidentiality as to the existence or identity of any other person who made a public interest disclosure s(1)(c).

Our PID Officer is also prevented from giving any information they must not disclose under ss. 151, 152 or 153 of the *Corruption, Crime and Misconduct Act 2003*.

Record keeping

During the investigation our PID Officer may make comprehensive and contemporaneous records of any discussions and interviews. These records along with any other documentation or files relating to the disclosure, whether paper or electronic, will be stored securely and only accessed by authorised persons.

PID Register

Although a formal PID Register is not required to be developed under the PID Act, the maintenance of a PID Register is considered good practice. The Public Sector Commission has created a PID Register template to assist an authority with the effective management of PID disclosures and to comply with the reporting requirements of ss. 19 and 23(1)(f).

All information required for reporting to the Commission will be able to be extracted from the register.

The proposed text in this section could read:

To assist with annual reporting to the Public Sector Commissioner we will maintain a public interest disclosure register. We will assign a unique register number to each disclosure and record key information about your disclosure, any investigation and the outcome in the public interest disclosure register. This register (paper and/or electronic) is kept strictly confidential and maintained in a secure location.

F. How to make a public interest disclosure

1. Before you make a disclosure

We strongly encourage anyone thinking about making a public interest disclosure to seek advice from our PID Officer (“proper authority”) before they do. A disclosure must be made to a proper authority for it to be covered by the PID Act.

A number of other requirements apply to the discloser, so it is important to understand the rights and responsibilities in the process. This information is outlined generally in [Don't be afraid to speak up](#), available from the Public Sector Commission website at www.publicsector.wa.gov.au and [\[insert names of other locations within public authority that potential disclosers can access the publication\]](#).

At [\[insert name of public authority\]](#) the occupant(s) of the following designated position(s) are specified with the authority as the person(s) responsible for receiving disclosures of public interest information in accordance with s. 23(1)(a). For the purposes of this procedure a PID Officer(s) is the proper authority designated under s. 5(3)(h) for dealing with information that falls within the sphere of responsibility for [\[insert name of public authority\]](#).

Their names and contact details are:

Position	Name of PID Officer	Contact details
[Fill in details here]	[insert rows as required]	

Initial discussions between the discloser and the PID Officer should be general in nature and should not discuss the specific details of the disclosure until the discloser understands their rights and responsibilities under the PID Act. Our PID Officer will also let the discloser know that they need to make the disclosure voluntarily and consciously – we will never force a person to make a disclosure. This is because they cannot withdraw the disclosure once it is made. Once we receive your disclosure, our PID Officer is obliged to take action and we may continue to look into the matters within your disclosure irrespective of your continued approval.

These initial discussions with our PID Officer may help in deciding whether to make a public interest disclosure and also enable the PID Officer to ascertain if the information would be covered by the PID Act. If the information appears not to be the type covered by the PID Act, our PID Officer will discuss other mechanisms through which issues may be made, for example, our general complaints or grievance resolution process.

Our PID Officer will be able to provide more detailed information about [insert name of public authority]'s disclosure process and what people can expect from it.

You can also contact the Public Sector Commission Advisory Line on (08) 6552 8888 (or 1800 676 607 for country callers) for general information about the disclosure process.

What is 'sphere of responsibility'?

Under s. 5(3)(h) the PID Officer for an authority can receive information relating to a matter which falls within the 'sphere of responsibility' for their public authority. 'Sphere of responsibility' is not defined in the PID Act but may include:

- matters that relate to [insert name of public authority] or
- a public officer or public sector contractor of [insert name of public authority] or
- a matter or person that the [insert name of public authority] has a function or power to investigate.

Sphere of responsibility

Consider providing some examples of matters that may fall into your authority's sphere of responsibility.

The proper authority to which you need to make the disclosure depends on the type of disclosure information. Where the information is outside of our PID Officer's sphere of responsibility, it may need to be made to another proper authority for it to be considered as a public interest disclosure and for the discloser to receive the protections of the PID Act. A list of proper authorities and the information they can receive is covered in *Don't be afraid to speak up*.

Proper authority

To be covered under the PID Act and for the protections of the PID Act to apply, a public interest disclosure must be made to a proper authority. The proper authority for a disclosure will depend on the information or 'matter' in the disclosure. In some cases, a public interest disclosure may be made to an external 'named' proper authority, as outlined in s. 5(3).

In these named authorities, a broader range of officers may require training to receive public interest disclosures. For example, any police officer may be a proper authority for disclosures relating to offences.

Named authority

If your authority is an authority named in the PID Act, your PEO also needs to appoint a PID Officer to deal with information relating to your authority (as per s. 5(3)). Include the relevant paragraph (below) in your procedures.

For the Corruption and Crime Commission

The PID Act also provides for the Corruption and Crime Commission (CCC) to receive public interest disclosures of information relating to an offence under State law. Subsequent references in these procedures to the PID Officer shall be taken to include an employee or officer of the CCC who receives, on behalf of the CCC, information relating to an offence under State law.

For the WA Police

The PID Act also provides for any police officer to receive public interest disclosures of information relating to an offence under State law. Subsequent references in these procedures to the PID Officer shall be taken to include a police officer who receives a public interest disclosure relating to an offence under State law.

For the Parliamentary Commissioner (Ombudsman Western Australia)

The PID Act also provides for the Ombudsman to receive public interest disclosures of information relating to matters of administration within the jurisdiction of the Ombudsman, and matters relating to most public officers. Subsequent references in these procedures to the PID Officer shall be taken to include an officer of the Ombudsman who receives, on behalf of the Ombudsman, information relating to these matters.

For the Auditor General

The PID Act also provides for the Auditor General to receive public interest disclosures of information relating to substantial unauthorised or irregular use or substantial mismanagement of public resources. Subsequent references in these procedures to the PID Officer shall be taken to include a person appointed by the Auditor General who receives, on behalf of the Auditor General, information relating to these matters.

For the Public Sector Commission

The PID Act also provides for the Public Sector Commissioner to receive public interest disclosures of information that relates to a Public Officer (other than a Member of Parliament, a Minister of the Crown, a judicial officer or an officer referred to in Schedule 1 to the *Parliamentary Commissioner Act 1971*). Subsequent references in these procedures to the PID Officer shall be taken to include the Public Sector Commissioner.

2. Making the disclosure

A discloser needs to clearly identify that they are making a public interest disclosure. For the purposes of accountability and certainty, persons wishing to make a disclosure of public interest information under the PID Act are encouraged to do so in writing. As we expect that most disclosures will be made in writing the [insert name of public authority] has developed a form which can be used for the purpose of making such a disclosure. There is no requirement to use the form. The form will help to define the details of the disclosure. A discloser may fill out the form themselves or our PID Officer may complete the form if they are speaking with the discloser and then have them sign the form to acknowledge they are making a disclosure voluntarily and consciously.

We must accept anonymous disclosures, but if a discloser decides to make an anonymous disclosure they should understand that it may be more difficult for our PID Officer to investigate or take action about the disclosure. This is because they cannot come back to seek any further information. We are also not required to provide any reports about the progress or final outcome of the disclosure, if the discloser chooses to remain anonymous.

An anonymous disclosure may not prevent the discloser from being identified during an investigation. Additionally, if our PID Officer does not know who made the disclosure, it will be difficult for them to ensure the discloser is protected and to prevent any reprisal or detrimental action.

Lodgement form

Consider publishing the [Public interest disclosure lodgement form](#) as a separate document in addition to it being an Appendix to these internal procedures so disclosers can see the information required when they make their public interest disclosure.

3. Determining whether your matter is an appropriate disclosure

Once our PID Officer has received the disclosure they will assess whether it meets the requirements under the PID Act. It may be that our PID Officer undertakes initial inquiries and decides not to take the matter any further, as it does not constitute an appropriate public interest disclosure.

If the disclosure is not one to which the PID Act applies, our PID Officer will let the discloser know the reasons for their decision (unless you made an anonymous disclosure) and make proper and adequate records about it. Some matters raised within the disclosure may not be matters to which the PID Act applies and the PID Officer may discuss with the discloser other pathways to report these matters.

If the disclosure is one to which the PID Act applies, our PID Officer will ensure proper and adequate records are made and will communicate with the discloser further, unless it is an anonymous disclosure.

Our PID Officer will notify the discloser within three months about what we plan to do in dealing with the disclosure, unless it is an anonymous disclosure.

4. Determining whether your public interest disclosure will be investigated

After assessing the disclosure as one to which the PID Act applies, our PID Officer will consider whether it will be investigated, guided by the requirements in s. 8. The reasons a PID Officer may not investigate the disclosure include:

- the matter is trivial
- the disclosure is vexatious or frivolous
- there is no reasonable prospect of obtaining sufficient evidence due to the time that has elapsed since the matter(s) occurred
- the matter is being or has been adequately or properly investigated by another proper authority, s. 5(3).

Our PID Officer will make proper and adequate records of their decision and reasons about whether to investigate or not.

Functions and powers to investigate

Consider adding to your internal procedures examples of the matters which your authority has the functions and power to investigate. This will be in accordance with any legislation under which your authority operates, including any independence your authority may have under a written law.

5. Referring public interest matters

Where our PID Officer assesses the disclosure as one to which the PID Act applies, but they do not have the functions or power to investigate one or more matters within the disclosure, they will refer the information to the appropriate authority for investigation as provided for under the PID Act. Alternatively, a discloser may also be able to make a disclosure directly to this new authority, if they wish to receive reports from them about the disclosure. For example, our PID Officer may need to refer an allegation of an offence supported by evidence to the Western Australia Police for investigation.

6. Investigating the disclosure

Our PID Officer will investigate, or cause to be investigated, any matters in the disclosure within the sphere of responsibility. Our PID Officer may cause the disclosure to be investigated by engaging a suitably skilled staff member within the [insert name of public authority] or an externally contracted investigator.

If causing the disclosure to be investigated, our PID Officer will ensure that the person undertaking the investigation understands the requirements of the PID Act, in particular the confidentiality requirements and protections for disclosers. Our PID Officer will only provide the name of the discloser and that of the subject of the disclosure to the investigator in accordance with s. 16 of the PID Act.

When investigating the disclosure, our PID Officer or investigator is limited by the functions and powers derived from our operating legislation. The PID Act does not provide for any additional investigative powers.

If you are an employee, you are expected to cooperate with any investigation into the disclosure to maintain the protections under the PID Act. A discloser is also expected to act in accordance with our Code of conduct at all times.

Employees who are the subject of the disclosure can clarify the process and what to expect with our PID Officer.

Our PID Officer may also decide to discontinue an investigation, in accordance with s. 8(2). If this happens, they will give the discloser reasons for their decision in accordance with s. 8(3), unless they made an anonymous disclosure. The PID Officer may also notify any subject(s) of the disclosure, if they discontinue the investigation.

To ensure the disclosure is adequately and properly investigated our PID Officer, or other investigator, will be guided by the procedures below.

Internal investigation procedures

Consider outlining in your internal procedures how your authority's PID Officer will decide whether they will investigate the matter or whether they will engage another person to investigate, including any standing arrangements your authority may have.

Internal investigative procedures

[Consider how your authority's investigative procedures may apply here].

Typical procedures for an investigation

The PID Act does not prescribe the way your authority must investigate a disclosure, nor does it give your authority any additional investigative powers. The information in this box outlines some typical procedures for a proper investigation.

Your authority may have its own investigative powers and procedures and these may be a useful base for investigating public interest disclosures, acknowledging the additional requirements of the PID Act:

- protections, outlined in Part 3, including s. 16 (confidentiality)
- notifications to disclosers, s. 10 and s. 11
- the ability for a discloser to make a protected disclosure to a journalist as a last resort
- specific reasons why you can refuse to investigate or discontinue an investigation of a matter in a public interest disclosure.

Consider investigative procedures which allow for some flexibility, so that the disclosure can be effectively and appropriately investigated. This will ensure your authority is not limited or restricted by an overly prescriptive process.

In conducting an investigation, typical steps may include:

- developing the terms of reference for the investigation, clarifying the key issues in the disclosure
- ensuring the objectives of the investigation include
 - collecting and collating information related to the disclosure
 - considering the information collected
 - drawing conclusions objectively and impartially
- specifying a date by which the investigation should be completed and a report provided to the discloser about the final outcome, bearing in mind that the discloser may be able to disclose to a journalist if
 - the PID Officer does not notify the discloser within three months of them making their disclosure about how they plan to deal with the disclosure
 - the PID Officer discontinues an investigation
 - the PID Officer does not complete the investigation within six months
 - the PID Officer does not provide a final report to the discloser about the outcome and any action taken, including the reasons for that action
- informing the subject of the disclosure about their rights and obligations under the PID Act, the PID Officer's code of conduct and integrity, any agency code of conduct and the law
- maintaining procedural fairness for the person who is the subject of the disclosure
- the investigator making contemporaneous notes of discussions and interviews and, where practicable and appropriate, recording discussions and interviews on audio or videotape (ensuring people are made aware they are being recorded)
- ensuring strict security to maintain the confidentiality requirements of the PID Act.

What are your responsibilities if you are the subject of a disclosure?

A subject of a disclosure is a person of interest about whom an allegation of a public interest disclosure has been made.

We will treat the person fairly and impartially throughout the process, and inform them of their rights and obligations. We will generally keep the parties involved informed during any investigation, although we cannot release any information to the person that may prejudice our investigation. As an employee it is expected that they will act in accordance with our Code of conduct at all times.

The PID Act provides the person with some rights and obligations as a person subject to a disclosure. Firstly, the subject has a right to have their identity kept confidential under s. 16(3), unless one of the following conditions apply:

- you consent to your identity being disclosed
- it is necessary to enable the matter to be investigated effectively
- it is necessary to do so in taking action within s. 9
- there are reasonable grounds to believe that it is necessary to prevent or minimise the risk of injury to any person or damage to any property
- is made in accordance with a court order or other body having authority to hear evidence
- it is made in accordance with ss. 152 or 153 of the *Corruption, Crime and Misconduct Act 2003*.

We will also provide appropriate natural justice. This means that, before we take any disciplinary or other action against the person under s. 9, we will give you the opportunity to:

- be informed of the substance of the allegations and
- make a submission either verbally or in writing in relation to the matter.

If you are the subject of a disclosure, you must not identify or tend to identify the identity of the discloser or a person who they think might be the discloser, as they also have rights to confidentiality under the PID Act. It is an offence under s. 16 to identify or tend to identify any person who has made a disclosure under the PID Act.

Also, you must not engage in reprisal action, threaten anyone with reprisal action or have someone else conduct this action on your behalf because someone has made, or intends to make, a disclosure. It is still an offence to conduct this action against any person you believe has made the disclosure even if they were not the individual who actually made the disclosure. This is an offence under s. 14(1) of the PID Act.

7. Taking action

Our PID Officer will take action where they form the opinion that a person may be, may have been or may in the future be involved in conduct which may be the subject of a public interest disclosure. Usually, our PID Officer will form this opinion at the conclusion of an investigation, although there may be instances where they need to take immediate action and the PID Act enables them to do this.

Action our PID Officer may take under s. 9 includes, but is not limited to:

- preventing the matter disclosed from continuing or occurring
- referring the matter to the Western Australia Police or other appropriate body or
- taking disciplinary action against a person responsible for the matter.

The options above are not mutually exclusive. Our PID Officer may take more than one action depending on the circumstances. For example, our PID Officer may seek to terminate the employment of an employee caught stealing and refer the matter to the Western Australia Police.

In taking action our PID Officer and/or [insert name of public authority] is limited by the powers and functions derived from our operating legislation. The PID Act does not provide for any additional powers to take action. We are also guided by what is necessary and reasonable in the circumstances.

Before taking any action we will give the person against whom the action is to be taken (the subject of the disclosure) an opportunity to respond, either verbally or in writing, to ensure procedural fairness.

Confidentiality and record keeping when taking action

We will maintain confidentiality in accordance with the PID Act when taking action.

Our PID Officer will keep appropriate records about any action taken, as well as recording a summary of this action [in the public interest disclosure register].

8. After the public interest disclosure process has been finalised

The PID Act places no further obligations on [insert name of public authority] or our PID Officers after the disclosure process is complete. The confidentiality requirements of the PID Act, however, continue to apply to you and all other people involved with the disclosure.

The PID Act does not provide for you to appeal the outcome of the disclosure process. You may be able to make another disclosure to another proper authority, if the information relates to their functions or sphere of responsibility (s. 5). See [Don't be afraid to speak up](#) for the correct proper authority for your disclosure.

However, this 'new' proper authority may be able to decline to investigate the disclosure under s. 8, if they consider the matter(s) has already been properly or adequately investigated (as a public interest disclosure).

9. Making a disclosure to a journalist

The PID Act provides for certain circumstances where a discloser may be able to make a protected disclosure to a journalist s. 7A(d). These circumstances apply where the discloser has first made a disclosure to the PID Officer or another proper authority named in the PID Act (outlined in s. 5 or *Don't be afraid to speak up*).

Importantly, the PID Act states that to attract the privileges and protections of the PID Act when disclosing to a journalist, the discloser must disclose information that is substantially the same as what was disclosed in the original disclosure and the PID Officer that received the original disclosure:

- did not notify the discloser within three months of making the disclosure about actions they propose to take or have already taken or
- refused to investigate, or discontinued the investigation of, a matter raised in the disclosure or
- did not complete an investigation within six months of the discloser making the disclosure or
- completed an investigation but did not recommend that action be taken or
- did not provide the discloser with a report stating the outcome of any investigation or any action proposed or taken and the reasons for those actions.

We are committed to ensuring that we provide the notifications required under the PID Act and that the discloser understands the reasons for our decisions and actions. If a discloser is considering making a disclosure to a journalist because they believe their circumstances meet one or more of the requirements outlined above, we would encourage the discloser to discuss this with the PID Officer prior to disclosure to a journalist.

It is also recommended that the discloser seek their own legal advice before taking any action in relation to matters that have been disclosed under the PID Act.

If a discloser makes an anonymous disclosure they may not be able to demonstrate they meet the above requirements and we are not obliged to provide the discloser with any notifications about what happens to the disclosure.

10. Contact details and further information



Further contact details

Consider including contact details for your PID Officers and anywhere a discloser may be able to find further information, including your authority's intranet, website or the Public Sector Commission's website www.publicsector.wa.gov.au

All references to sections (that is, 's' and 'ss.') in these procedures relate to the PID Act, unless stated otherwise.



6.3 NEW COUNCIL POLICY - AUDIO RECORDING OF COUNCIL MEETINGS

SUBJECT INDEX:	Council Meetings
STRATEGIC OBJECTIVE:	Governance systems, process and practices are responsible, ethical and transparent.
BUSINESS UNIT:	Corporate Services
ACTIVITY UNIT:	Governance
REPORTING OFFICER:	Manager Governance and Corporate Services - Sarah Pierson
AUTHORISING OFFICER:	Director Finance and Corporate Services - Tony Nottle
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Proposed Council Policy - Audio Recording of Council Meetings  

PRÉCIS

This report presents a new policy 'Audio Recording of Council Meetings' (Attachment A) (the Policy) for Council approval. The Policy has been developed following a request from a member of the public for a copy of a recording of an Ordinary Council Meeting taken under the City's Standing Orders Local Law 2018 for minute purposes, and following advice from the Western Australian Local Government Association (WALGA) and a review of other local government policies relating to the topic. The Policy is recommended for Council approval.

BACKGROUND

Clause 6.14 of the City of Busselton Standing Orders Local Law 2018 provides for the proceedings of a meeting to be recorded by or at the discretion of the CEO for the purpose of taking minutes, subject to the meeting being advised that the meeting is being recorded for that purpose. For approximately the last six months Ordinary Council Meetings have been recorded for the purposes of taking minutes.

In April the City received a request from a member of the public for a copy of the recording of a Council meeting. In the absence of a clear policy position regarding public access to the recordings taken, the City declined the request, resulting in a request for the same being made under the Freedom of Information (FOI) Act 1992. Advice from the City's FOI officer indicated that the recording would likely be released (subject to the consideration of personal information) under the FOI Act, however it was in absence of a policy determined as the most appropriate channel for the request to be considered.

In the interim the City contacted WALGA for advice who recommended that a policy be put in place governing the recording of meetings and access to such recordings. A number of other local governments were also contacted, with the following table summarising the various policy positions:

City of Cockburn	<ul style="list-style-type: none"> • Tape recordings or transcripts not made available to members of the public outside of Freedom of Information legislation.
City of Kalgoorlie Boulder	<ul style="list-style-type: none"> • Policy states applications must be made to the CEO, and provide details of the item concerned and a reason for the request. • CEO position is generally that the recordings are for minute taking only and so are not available to anyone, including elected members
City of Kalamunda	<ul style="list-style-type: none"> • Provide copies of recordings on a disk for a \$15 fee. • Understand that recordings, even though generally for minute taking purposes, are still available under FOI, hence provide them for a fee.

City of Wanneroo	<ul style="list-style-type: none"> Public may purchase a copy of recorded proceedings or alternatively listen to recorded proceedings with the supervision of a City Officer. Costs charged as per fees and charges
City of South Perth	<ul style="list-style-type: none"> Public may purchase a copy of the recorded proceedings upon written request to the CEO and the payment of the prescribed fee.
City of Albany	<ul style="list-style-type: none"> Provide word for word transcripts of recordings to members of the public. Do not provide a media file (audio).
City of Swan	<ul style="list-style-type: none"> Recordings available on website following meeting free of charge. For the purposes of transparency and increased participation in decision-making. Also considered a record under FOI Act
City of Vic Park	<ul style="list-style-type: none"> Provide recording on website free of charge. Pending approval for live audio/video streaming of council meetings.

All of the policies reviewed considered the recordings a record retainable under the State Records Act 2000. In light of this, and the ability for them to be accessed under FOI legislation, officers have developed a policy position similar to that of the City of Wanneroo, South Perth and Kalamunda, with the recordings available to purchase for a fee.

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.

As outlined in the background section of this report the *City of Busselton Standing Orders Local Law 2018* provides for the Chief Executive Officer to audio record meetings for the purpose of taking minutes. Any such recordings are considered a record under the *State Records Act 2000* and are required under the General Disposal Authority for Local Government to be retained for 1 year after the minutes are confirmed. It is our general understanding that they are therefore also available under FOI legislation.

RELEVANT PLANS AND POLICIES

In August 2017 the CEO commissioned a high level independent review of the City's governance systems – the Governance Systems Review (GSR). The GSR made a number of recommendations with respect to the City's policy and procedure framework. In response the City developed a policy framework which 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 will require a fee to be set for the purchase of a copy of each recording. It is recommended that this fee be set at \$15 per copy, taking into account the cost of the USB and the resourcing costs associated with the conversion of the audio file.

LONG-TERM FINANCIAL PLAN IMPLICATIONS

Adoption of the Policy is not expected to have any long term financial plan implications.

STRATEGIC COMMUNITY OBJECTIVES

The officer recommendation primarily aligns with the following Key Goal Area/s and Community Objective/s of the City of Busselton's Strategic Community Plan 2017:

Key Goal Area 6 - LEADERSHIP: Visionary, collaborative, accountable

6.1 Governance systems, process and practices are responsible, ethical and transparent.

RISK ASSESSMENT

There are some low level risks associated with providing a copy of the recorded proceedings, mainly that the recording could be altered or that it could be used to try and cause reputational damage. The Policy makes it clear that the official record of the meeting will be the written minutes and additionally the City will retain the recorded proceedings as the official recorded proceedings. Council meetings are of course public meetings and so it is not expected that anything recorded would be of a high risk in terms of reputation. On balance it is felt that the interests of transparency and administrative efficiencies in not requiring requests to be considered under FOI legislation outweigh these risks.

CONSULTATION

As outlined in the background section of this report consultation has been undertaken with a number of other local governments and with WALGA.

OFFICER COMMENT

The purpose of the Policy is to outline the City's position with respect to the audio recording of Council meetings (both Ordinary and Special Council meetings) and access to the recorded proceedings.

The Policy sets out a clear position with respect to the recording of Council meetings, stating that all Ordinary and Special Council meetings will be recorded by the City, including where Council has resolved to close the meeting to members of the public in accordance with Section 5.23 of the *Local Government Act 1995* (the Act).

The Policy also makes it clear however that the official record of the meeting will be the written minutes prepared in accordance with the requirements of the Act and the Local Government (Administration) Regulations 1996.

Officers considered two options for providing public access to the recorded proceedings; allowing members of the public to, on written request, purchase of a copy of the recording, or for the recording to be placed on the City's website. While both options achieve the intended outcome officers felt that providing a copy of the recording on request and for a fee allowed for more oversight (accepting the risk noted above) and enabled recovery of associated costs. It was also considered a good starting point and something Council could potentially build on.

With respect to Elected Members the Policy provides for recorded proceedings to be provided to Elected Members on request from the CEO at no charge. All Elected Members will be notified of such requests.

With respect to the transcribing of recorded proceedings officers have recommended that this not be offered by the City, with the risk of error being high and it being resource intensive.

CONCLUSION

The Policy provides for a clear and transparent position with respect to the audio recording of Council meetings and ensures that requests for the same are dealt with in a consistent fashion.

OPTIONS

Council could instead decide:

1. not to adopt the Policy, with requests for access to the recorded proceedings to be managed at the discretion of the CEO.
2. to amend the Policy to provide the recorded proceedings on the City's website free of charge.
3. to require further amendments to the Policy.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The Policy will be implemented immediately on adoption.

OFFICER RECOMMENDATION

1. That the Council adopts the Council Policy 'Audio Recording of Council Meetings' as per Attachment A.
2. That a fee of \$15.00 be included in the City's 2019/2020 schedule of fees and charges.

COUNCIL POLICY

Council Policy Name: Audio Recording of Council Meetings

Responsible Directorate: Finance and Corporate Services Version: Proposed

1. PURPOSE

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

2. SCOPE

- 2.1. This Policy applies to all Council meetings, all recorded Council meeting proceedings and all requests for such recordings.

3. DEFINITIONS

Term	Meaning
Act	<i>Local Government Act 1995</i>
Policy	this City of Busselton Council policy entitled “Audio Recording of Council Meetings”

4. STRATEGIC CONTEXT

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

5. POLICY STATEMENT

- 5.1. All Ordinary and Special Council meetings will, wherever technically possible, be recorded by the City on sound recording equipment, including where Council has resolved to close the meeting to members of the public in accordance with Section 5.23 of the Act and the *City of Busselton’s Standing Orders Local Law 2018*.
- 5.2. The primary purpose of recording Council meetings is to assist in the preparation of the minutes of Council meetings.
- 5.3. The official record of the meeting will be the written minutes prepared in accordance with the requirements of the Act and the *Local Government (Administration) Regulations 1996*.
- 5.4. Clear signage will be placed in the Council chamber advising members of the public that the meeting will be audio recorded. Signage will also alert members of the public to the use of any other recording, audio or visual devices in use from time to time.

6.3 Attachment A Proposed Council Policy - Audio Recording of Council Meetings

- 5.5. Other than in accordance with this Policy, a person must not use any electronic, visual or audio recording device or instrument to record the proceedings of a Council (or committee) meeting without the written permission of the Presiding Member.
- 5.6. Members of the public may, by written request to the CEO, purchase a copy of the recorded proceedings, with the fee for purchase set out in the City's fees and charges each year.
- 5.7. Members of the public are not entitled to receive a copy of the recording of that part of the meeting that was declared confidential and closed to the public.
- 5.8. Elected Members may request from the CEO a copy of the recorded proceedings at no charge. All Elected Members are to be notified when recordings are requested by individual members.
- 5.9. Recordings will not be transcribed.
- 5.10. Recordings will be stored in accordance with the *State Records Act 2000*.

6. RELATED DOCUMENTATION / LEGISLATION

- 6.1. *Local Government Act 1995*
- 6.2. *State Records Act 2000*
- 6.3. *City of Busselton Standing Orders Local Law 2018*

7. REVIEW DETAILS

Review Frequency		3 yearly		
Council Adoption	DATE		Resolution #	
Previous Adoption	DATE	N/A	Resolution #	N/A

7. **GENERAL DISCUSSION ITEMS**

8. **NEXT MEETING DATE**

9. **CLOSURE**