

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

CITY OF BUSSELTON

MINUTES FOR THE POLICY AND LEGISLATION COMMITTEE MEETING HELD ON 25 SEPTEMBER 2018

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MINUTES

MINUTES OF POLICY AND LEGISLATION COMMITTEE HELD IN COMMITTEE ROOM, ADMINISTRATION BUILDING, SOUTHERN DRIVE, BUSSELTON, ON 25 SEPTEMBER 2018 AT 2.00PM.

1. DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

The Presiding Member opened the meeting at 2.00pm

2. ATTENDANCE

Presiding Member:

Cr Grant Henley Mayor

Members:

Cr Ross Paine
Cr Rob Bennett
Cr Kelly Hick
Cr Robert Reekie (Deputy Member)

Officers:

Mr Mike Archer, Chief Executive Officer (entered the meeting at 3.48pm and left the meeting at 4.00pm)

Mr Paul Needham, Director, Planning and Development Services (left the meeting at 2.36pm)

Ms Sarah Pierson, Acting Director, Finance and Corporate Services

Mr Martyn Cavanagh, Manager Legal and Property Services (left the meeting at 2.12pm)

Mr Greg Simpson, Environmental Management Coordinator (left the meeting at 2.36pm)

Ms Lisa McDonald, Contract & Tendering Officer (left the meeting at 2.12pm)

Miss Kate Dudley, Administration Officer, Governance

Apologies:

Cr Lyndon Miles

3. PUBLIC QUESTION TIME

Nil

4. DISCLOSURE OF INTERESTS

Nil

5. CONFIRMATION AND RECEIPT OF MINUTES

5.1 Minutes of the Policy and Legislation Committee Meeting held 28 August 2018

COMMITTEE DECISION



PL1809/209 Moved Councillor R Bennett, seconded Councillor R Reekie

That the Minutes of the Policy and Legislation Committee Meeting held 28 August 2018 be confirmed as a true and correct record.

CARRIED 5/0

6. REPORTS

6.1 ADOPTION OF REGIONAL PRICE PREFERENCE POLICY

SUBJECT INDEX:	Procurement
STRATEGIC OBJECTIVE:	Governance systems, process and practices are responsible, ethical and transparent.
BUSINESS UNIT:	Corporate Services
ACTIVITY UNIT:	Legal Services
REPORTING OFFICER:	Contract & Tendering Officer - Lisa McDonald
AUTHORISING OFFICER:	Director Finance and Corporate Services - Tony Nottle
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Proposed Regional Price Preference Policy  Attachment B Existing Policy - 049 Regional Price Preference Policy 

PRÉCIS

This report advises Council in respect of submissions received in relation to the City's proposed Regional Price Preference Policy (Attachment A) and recommends that Council adopts the New RPP Policy.

BACKGROUND

Following a review of the City's existing Regional Price Preference Policy which resulted in preparation of the New RPP Policy, Council resolved on 25 July 2018 to proceed with the process for adopting of the New RPP Policy by giving Statewide public notice of its intention to have a new regional price preference policy and inviting submissions commenting on the proposed policy.

The New RPP Policy was advertised in accordance with regulation 24E of the *Local Government (Functions and General) Regulations 1996 (Regulations)* on 28 July 2018 and the closing date for submissions was 28 August 2018. Two submissions have been received and neither of them contained any adverse comments in relation to the New RPP Policy. Further detail in relation to these submissions is provided under the CONSULTATION section of this report.

STATUTORY ENVIRONMENT

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

Part 4A – Regional Price Preference of the Regulations enables a Local Government to give a regional price preference in connection with assessing tenders, where it has a regional price preference policy made in accordance with the Regulations. The process for adopting a regional price preference policy and the matters to be governed under the policy are also prescribed in Part 4A of the Regulations.

RELEVANT PLANS AND POLICIES

Once adopted the New RPP Policy will replace the City's existing Regional Price Preference Policy and will form an element of the City's procurement framework, applying under the Regulations in conjunction with the operation of the Council's Purchasing Policy.

The New RPP Policy is also considered to be consistent with the following objectives of the City's Purchasing Policy:

Most Advantageous Outcome

5.7 The most advantageous outcome of a purchasing process is to be determined by weighing up the considerations of price, risk and relevant qualitative factors.

5.8 Accordingly purchasing decisions should take into account factors other than price.

FINANCIAL IMPLICATIONS

Adoption of the New RPP Policy could potentially result in tenderers submitting the lowest prices not necessarily being selected as being the preferred supplier. However the Regulations and the City's Purchasing Policy seek to achieve the most advantageous outcome for the City for procurement of goods and services (which may not necessarily be the lowest price outcome).

Other than that and the relative nominal costs associated with advertising and inviting public submissions, adoption of the New RPP Policy should not have any further financial implications.

LONG-TERM FINANCIAL PLAN IMPLICATIONS

Adoption of the New RPP Policy will not impact on the City's long term financial plan.

STRATEGIC COMMUNITY OBJECTIVES

The Officer's recommendation aligns with and supports the Council's Strategic Community Plan 2017 as follows:

Key Goal Area 4: Economy - 4.2 – A community where local business is supported and in turn drives our economy.

Key Goal Area 6: Leadership - 6.1 – Governance systems, process and practices are responsible, ethical and transparent.

RISK ASSESSMENT

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

CONSULTATION

The New RPP Policy was advertised for public comment in accordance with the relevant statutory requirements and two submissions were received. Both submissions dealt with a number of procurement strategies, the majority of which were not relevant to the New RPP Policy. The only public comments relevant to the New RPP Policy can be summarised as follows:

Submission	Comments/Additional Information
A concern was raised that non-local large business can have a display home or shed based in the Busselton boundary and therefore become eligible as a local.	The New RPP Policy adequately addresses this concern. The policy stipulates that tenderers will only qualify for a regional price preference <i>"where the management or delivery of the majority of the tendered goods and services will be carried out from the Local Supplier's premises will the price preference apply."</i>

The City of Busselton should make representations to the State Government to consider increasing the thresholds to match the State Government Buy Local policy.	The Local Government Act and Regulations are currently Statewide under review. The City participates in this review and intends to make submissions in respect of the review of the Regulations.
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OFFICER COMMENT

The New RPP Policy seeks to support local business to the maximum extent allowed under the Regulations. Neither of the submissions received sought any adverse change to the draft Policy. No amendment to the draft New RPP Policy is therefore recommended.

It should be noted that one of the submissions was received from the Busselton Chamber of Commerce and Industry (BCCI). That submission included detailed comments relating to other procurement strategies and made suggestions relating to the City's procurement processes in connection with engaging local business/services. Following receipt of the submission City officers met with representatives of BCCI to discuss potential strategies around facilitating the engagement of local suppliers. It is intended that these discussions will continue as an open dialogue.

CONCLUSION

Following review by the City and consultation with the community in respect of the New RPP Policy it is considered that the policy will achieve the City's objectives in relation to extension of a regional price preference to local tenderers, to the extent permissible under the Regulations.

OPTIONS

The Council may wish to retain the City's Regional Price preference Policy or change the wording of the New RPP Policy. However for the reasons outlined in this report and the Council report of 25 July 2018, these options are not recommended.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

If Council resolves to adopt the New RPP Policy, it can only be applied after Statewide public notice of adoption of the policy has to be given. Therefore the City should be in a position to apply the New RPP Policy within a month from adoption of the policy.

COMMITTEE RECOMMENDATION AND OFFICER RECOMMENDATION

PL1809/210 Moved Councillor R Paine, seconded Councillor K Hick



That following consideration of the submissions received following advertising in accordance with Regulation 24E of the *Local Government (Functions and General) Regulations 1996*, the Council adopts the proposed Regional Price Preference policy as indicated at Attachment A.

CARRIED 5/0

2.12pm At this time the Manager of Legal and Property Services and the Contract & Tendering Officer left the meeting.

In order to accommodate the officers in attendance the Committee agreed to deal with item 6.3 on the agenda as the next items of business.

6.3 REVIEW OF COUNCIL POLICY 030 - ENVIRONMENT POLICY

SUBJECT INDEX:	Environmental Management
STRATEGIC OBJECTIVE:	Natural areas and habitats are cared for and enhanced for the enjoyment of current and future generations.
BUSINESS UNIT:	Environmental Services
ACTIVITY UNIT:	Environmental Management
REPORTING OFFICER:	Environmental Management Coordinator - Greg Simpson
AUTHORISING OFFICER:	Director, Planning and Development Services - Paul Needham
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Proposed Environment Policy  Attachment B Current Environment Policy 

PRÉCIS

This report presents a revised Environment Policy (Attachment A) (the Policy) for Council approval, with the current policy having been revised as part of the City's overall review of its Council policies, having regard to the recommendations of the Governance System Review carried out by Mr John Woodhouse in 2017.

The Policy, which has been moved into the new policy template and refined, is considered to be of continuing relevance and importance and is therefore recommended for Council approval.

BACKGROUND

A policy in relation to the City's commitment to and protection of the environment was originally adopted in 2004 as part of an environment strategy prepared at that time. Since then the policy has been reviewed twice, most recently in 2016, as part of the overall revision of the environment strategy. Both reviews resulted in only minor changes, with the overall strategic direction remaining the same.

STATUTORY ENVIRONMENT

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

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. Included in the scope of the review was the City's policy and procedure framework with the following recommendations made:

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.*

In response a Policy Framework has been developed and endorsed by Council, setting out the intent of Council policies, as opposed to operational documents such as Staff Management Practices and operational procedures, and a Council policy template developed. The proposed revised policy adheres to this framework and template.

FINANCIAL IMPLICATIONS

Adoption of the Policy has no additional financial implications.

LONG-TERM FINANCIAL PLAN IMPLICATIONS

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

STRATEGIC COMMUNITY OBJECTIVES

The Policy links to Key Goal Area 3 – Environment of the City's Strategic Community Plan 2017 and specifically the following Community Objective/s:

- a. 3.1: Development is managed sustainably and our environment valued;
- b. 3.2: Natural areas and habitats are cared for and enhanced for the enjoyment of current and future generations; and
- c. 3.3: The health and attractiveness of our waterways and wetlands is improved to enhance community amenity

RISK ASSESSMENT

There are no risks identified of a medium or greater level associated with the Officers recommendation, with the Policy simply reiterating and maintaining Council's current support for the protection and enhancement of environmental values.

CONSULTATION

No specific consultation was undertaken in relation to the review of the Policy, noting that extensive consultation was undertaken in 2016 in relation to review of the environment strategy which the Policy guides.

OFFICER COMMENT

The purpose of the Policy is to outline Council's commitment towards continuous improvement in environmental management practices and the long-term protection of environmental values within the District.

The Policy is aimed at ensuring

- the proactive management of City land to protect and enhance environmental values,
- the establishment and maintenance of effective partnerships with the community and other stakeholders, and
- that decision making by the City gives due regard to environmental values alongside economic and social considerations.

The Policy overall has been streamlined to ensure that the strategic aims and objectives are clear and that the strategic documents by which the City will drive achievement of the objectives are identified.

The Policy removes reference to principles and concepts such as the precautionary principle. The precautionary principle is outlined as a key principle in the *Environmental Protection Act 1986* as being:

“where there are threats of serious or irreversible damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation. In application of the precautionary principle decisions should be guided by –

- a) careful evaluation to avoid, where practicable, serious or irreversible damage to the environment; and
- b) an assessment of the risk-weighted consequences of various options.”

While the principle remains of relevance, noting that any action that falls within that scope would require EPA approval where the principle would be applied, it is felt that the City often needs to be more responsive and holistic in its decision making. Council regularly has to make decisions on actions with less potential impact on the basis of some uncertainty; in which case it is important to consider, as early as possible and in an integrated fashion, the environment and environmental values alongside social and economic factors. In this way the environment will be seen less as a constraint and more as a core part of decision making.

The Policy statement in paragraph 5.2, sets out that the City will ensure its decision making considers potential impacts on the environment and will endeavour to integrate environmental protection and values with social and economic considerations and values, reflects this.

CONCLUSION

The Policy updates the current environment policy and in doing so maintains Council’s commitment to the long-term protection of environmental values within the District and best practice environmental management.

OPTIONS

Council could decide not to adopt the Policy and instead choose to take a different position / approach in relation to strategic environmental management. Council could also require further amendments to the Policy.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The Policy will be effective as of its adoption by Council.

OFFICER RECOMMENDATION

That the Council adopts the revised Environment Policy as per Attachment A, to replace the current policy (Attachment B).

COMMITTEE RECOMMENDATION

PL1809/211 Moved Councillor K Hick, seconded Councillor R Paine

That the Council adopts the revised Environment Policy as per Attachment A, which includes committee amendments as shown in Attachment C, to replace the current policy at Attachment B.

CARRIED 5/0

2.36pm At this time the Director of Planning and Development Services and the Environmental Management Coordinator left the meeting.

Attachment C

COUNCIL POLICY		
		
Council Policy Name:	Environment Policy	
Responsible Directorate:	Planning and Development Services	Version: Proposed

1. PURPOSE

- 1.1. The purpose of this Policy is to outline Council's commitment towards continuous improvement in environmental management practices and the long-term protection of environmental values within the District.

2. SCOPE

- 2.1. This Policy ~~is aimed at ensuring~~ applies to all land managed by the City and to all operations of the City:
- ~~a. the proactive management of City land to protect and enhance environmental values;~~
 - ~~b. the establishment and maintenance of effective working relationships and partnerships with the community and other stakeholders to undertake environmental management;~~
 - ~~c. decision making by the City gives due regard to environmental values alongside economic and social considerations.~~

3. DEFINITIONS

Term	Meaning
Policy	this City of Busselton Council policy entitled "Environment Policy"

4. STRATEGIC CONTEXT

- 4.1. This Policy links to Key Goal Area 3 - Environment of the City's Strategic Community Plan 2017 and specifically the following Community Objective/s:
- a. 3.1: Development is managed sustainably and our environment valued;
 - b. 3.2: Natural areas and habitats are cared for and enhanced for the enjoyment of current and future generations;
 - c. 3.3: The health and attractiveness of our waterways and wetlands is improved to enhance community amenity

5. POLICY STATEMENT

- 5.1. The City will ensure:
- a. the proactive management of City land to protect and enhance environmental values;
 - a-b. the establishment and maintenance of effective working relationships and partnerships with the community and other stakeholders to undertake environmental management;
 - b-c. decision making by the City gives due regard to environmental values alongside economic and social considerations

Attachment C

- 5.2. The City will maintain an 'Environment Strategy' to provide direction on how the City will meet the environmental aspirations of the community, as set out in the Strategic Community Plan, and to guide the City's activities.
- 5.3. The City will ensure its decision making considers potential impacts on the environment ~~and endeavour to meet the needs of current and future generations~~ by integrating environmental protection, social advancement and economic prosperity principles within sound governance frameworks.
- 5.4. The City will implement 'best practice' in its management of the environmental values of the District ~~in order to identify and protect and ensure that~~ the City's exceptionally high biodiversity values ~~are identified and protected~~.
- 5.5. The City will develop and maintain an 'Environmental Volunteer Management and Engagement Strategy' with the aim of building and maintaining community capacity and engagement ~~in relation to with~~ the management of the environmental values of the District, ~~in particular through:~~
- encouraging and supporting community participation and inclusiveness;
 - promoting community engagement and collaboration;
 - encouraging and nurturing partnerships
- 5.6. The City will plan, design, operate and conduct operations in a manner that minimises waste and resource consumption.



6. RELATED DOCUMENTATION / LEGISLATION

- 6.1. Local Environmental Planning Strategy
- 6.2. Environment Strategy 2016-2021
- 6.3. Environmental Volunteer Management and Engagement Strategy 2017

7. REVIEW DETAILS

Review Frequency		3 yearly		
Council Adoption	DATE		Resolution #	
Previous Adoption	DATE	09/11/2016	Resolution #	C1611/128

6.2 REVIEW OF COUNCIL POLICY 233 - OCCUPATIONAL HEALTH AND SAFETY

SUBJECT INDEX:	Occupational Health and Safety
STRATEGIC OBJECTIVE:	Accountable leadership that is supported by a skilled and professional workforce.
BUSINESS UNIT:	Corporate Services
ACTIVITY UNIT:	Human Resources
REPORTING OFFICER:	Risk and OSH Officer - Brian McCarroll
AUTHORISING OFFICER:	Director Finance and Corporate Services - Tony Nottle
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Proposed Council Policy - Occupational Safety and Health  Attachment B Current Council Policy - Occupational Safety and Health 

PRÉCIS

This report presents a revised Occupational Safety and Health Policy (Attachment A) (the Policy) for Council approval, with the current policy having been amended as part of the City's overall review of its Council policies, having regard to the recommendations of the Governance System Review (GSR) carried out by Mr John Woodhouse in 2017.

The Policy, which has been moved into the new policy template and refined, is considered to be of continuing relevance and importance and is therefore recommended for Council approval.

BACKGROUND

A policy in relation to Occupational Safety and Health was originally adopted in May 2006, with the aim of demonstrating Council's commitment to ensuring a safe and healthy work environment. Since then the current policy has been reviewed a number of times, most recently in 2015, with only very minor changes made such as updating Shire to City.

STATUTORY ENVIRONMENT

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

RELEVANT PLANS AND POLICIES

In August 2017 the CEO commissioned a high level independent review of the City's governance systems - the GSR. Included in the scope of the review was the City's policy and procedure framework with the following recommendations made:

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.*

In response a Policy Framework has been developed and endorsed by Council, setting out the intent of Council policies, as opposed to operational documents such as Staff Management Practices and operational procedures, and a Council policy template developed. The proposed revised policy adheres to this framework and template.

FINANCIAL IMPLICATIONS

Adoption of the Policy has no additional financial implications.

LONG-TERM FINANCIAL PLAN IMPLICATIONS

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

STRATEGIC COMMUNITY OBJECTIVES

The Policy links to Key Goal Area 6 of the City's Strategic Community Plan 2017 and specifically the following Community Objective/s:

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

RISK ASSESSMENT

There are no risks identified of a medium or greater level associated with the Officers recommendation, with the Policy simply reiterating and maintaining Council's current support for Occupational Safety and Health.

CONSULTATION

No specific consultation was undertaken in relation to the review of the Policy.

OFFICER COMMENT

While the safety and health of staff is the responsibility of the CEO, Council are responsible for the provision of adequate resources to meet safety objectives and targets. The purpose of the Policy is to demonstrate the Council's commitment to ensuring a safe and healthy work environment and outlines the strategic responsibilities of the CEO in this regard.

CONCLUSION

The Policy updates the current Occupational Safety and Health policy and in doing so maintains the City's support for a safe and healthy work environment.

OPTIONS

Council could decide not to adopt the Policy and instead choose to take a different position / approach in relation to Occupational Safety and Health. Council could also require further amendments to the Policy.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The Policy will be effective as of its adoption by Council.

OFFICER RECOMMENDATION

That the Council adopts the revised Occupational Safety and Health policy as per Attachment A, to replace the current policy (Attachment B).

COMMITTEE RECOMMENDATION

PL1809/212 Moved Councillor K Hick, seconded Councillor R Paine

That the Council adopts the revised Occupational Safety and Health policy as per Attachment A, which includes committee amendments as shown in Attachment C, to replace the current policy at Attachment B.

CARRIED 5/0

Attachment C

COUNCIL POLICY


City of Busselton
Geographic Bay

Council Policy Name: Occupational Safety and Health Policy

Responsible Directorate: Finance and Corporate Services

Version: Proposed

1. PURPOSE

- 1.1. The purpose of this Policy is to demonstrate the commitment of the City of Busselton to providing and maintaining a safe and healthy environment for all people at City of Busselton workplaces.

2. SCOPE

- 2.1. This Policy is applicable to all City of Busselton workplaces.

3. DEFINITIONS

Term	Meaning
Policy	this City of Busselton Council Policy entitled 'Occupational Safety and Health Policy'
Workplace	A workplace as defined within the Occupational Safety and Health Act 1984

4. STRATEGIC CONTEXT

~~4.1.~~ This Policy links to Key Goal Area 6 of the City's Strategic Community Plan 2017 and specifically ~~the following~~ Community Objective ~~fs~~:

- 4.1. 6.3: Accountable leadership that is supported by a skilled and professional workforce.

5. POLICY STATEMENT

- 5.1. The City of Busselton regards the provision of a safe and healthy work environment as fundamental to all organisational activities and essential to maintaining high standards of organisational sustainability, performance and governance.
- 5.2. Council will ~~ensure sufficient~~ allocate resources ~~are available~~ to achieve the safety and health objectives ~~and targets~~ of the City of Busselton.
- 5.3. The CEO will be responsible for:
- developing and maintaining an organisational culture with a high level of safety and health awareness through a continuous improvement process of consultation, communication, information provision, training and accountability;
 - ensuring the development, implementation and maintenance of an Occupational Safety and Health Management System.

6. RELATED DOCUMENTATION / LEGISLATION




- 6.1. *Occupational Safety and Health (OSH) Act 1984*
6.2. *Occupational Safety and Health (OSH) Regulations 1996*

Attachment C

7. REVIEW DETAILS

Review Frequency		3 yearly		
Council Adoption	DATE		Resolution #	
Previous Adoption	DATE	12 August 2015	Resolution #	C1508/218

6.4 REVIEW OF COUNCIL POLICY FEES ALLOWANCES AND EXPENSES FOR ELECTED MEMBERS

SUBJECT INDEX:	Governance
STRATEGIC OBJECTIVE:	Governance systems, process and practices are responsible, ethical and transparent.
BUSINESS UNIT:	Corporate Services
ACTIVITY UNIT:	Governance Services
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 
	Attachment B Current Council Policy 
	Attachment C MERG Sponsored Events 

PRÉCIS

This report presents and seeks Council's adoption of a revised 'Fees Allowances and Expenses for Elected Members' Council policy (Attachment A) (the Policy) for Council approval. The current policy (which has already been moved into the new policy template as per Council Resolution (C1805/084) has been reviewed to clarify entitlements in relation to reimbursement of childcare expenses, specifically reimbursement for costs incurred while an Elected Member attends briefing sessions and workshops, as well as reimbursements for travel, expenses while away from home on sanctioned activities and corporate attire expenses. It is proposed that the Policy also set a policy position with respect to Elected Member annual fee and the Mayoral allowance.

BACKGROUND

The current policy, which was last adopted in October 2017, provides for reimbursement of childcare expenses incurred while an Elected Member is attending a Council or Committee meeting. Officers, through discussion with the Policy and Legislation Committee at its August meeting, have confirmed that it was always the intention for the policy to also provide childcare reimbursements while Elected Members are attending briefing sessions (held on a Wednesday afternoon) and other organised briefing sessions / workshops within the City.

The broad intention of the policy was to provide a reimbursement framework which allowed Elected Members to meet their commitments. It was assumed that this would include childcare reimbursement (as per travel) for briefing sessions, with these being key forums to ensure Elected Members are informed when making decisions. As such the Policy has been amended and is presented for Council's adoption.

Additionally Officers have taken the opportunity to set out a policy position with respect to Elected Member fees and the Mayoral allowance, and to provide more clarity in relation to travel reimbursements (specifically reimbursement for travel associated with what is currently referred to as 'Flagship' events), reimbursements while away from home on sanctioned activities, and corporate attire expenses.

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 that Act.

Section 5.98(1) and 5.98(2A) of the Act entitles Council members to a fee for attending a council, committee or other prescribed meeting. Section 5.99 of the Act allows a local government to decide that instead of paying a fee referred to in Section 5.98(1), it will instead pay an annual fee determined by the *Salaries and Allowances Tribunal Act 1975* or a fee set by the local government within the range for annual fees determined by the Salaries and Allowances Tribunal (SAT).

Section 5.98(5) entitles the mayor or president of a local government to be paid, in addition, an annual allowance determined for mayors or presidents or as set by the local government within the range determined by the SAT.

Section 5.98A allows a local government to pay the deputy mayor or deputy president an allowance of up to (currently) 25% as determined by the SAT.

Section 5.98(2)(b) of the Act and Regulation 32 of the *Local Government (Administration) Regulations 1996* provides that a Council member may be reimbursed for an expense of a kind prescribed where it has been approved by the local government and where it is incurred in performing a function in his or her capacity as a council member with the express authority of the local government.

Section 5.98(4) of the Act provides that the expense approved by a local government for reimbursement may be approved either generally or in a particular case. All reimbursements are to be in accordance with the determination made by the SAT.

RELEVANT PLANS AND POLICIES

In August 2017 the CEO commissioned a high level independent review of the City's governance systems - the Governance Services Review (GSR). Included in the scope of the review was the City's policy and procedure framework with the following recommendations made:

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.*

In response a Policy Framework has been developed and endorsed by Council, setting out the intent of Council policies, as opposed to operational documents such as Staff Management Practices and operational procedures, and a Council policy template developed. The proposed revised policy adheres to this framework and template.

FINANCIAL IMPLICATIONS

Adoption of the Policy has no additional financial implications, with the Policy being updated to reflect current practice.

LONG-TERM FINANCIAL PLAN IMPLICATIONS

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

STRATEGIC COMMUNITY OBJECTIVES

The Policy links to Key Goal Area 6 – Leadership of the City’s Strategic Community Plan 2017 and specifically the following Community Objective/s:

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

RISK ASSESSMENT

There are no risks identified of a medium or greater level associated with the Officers recommendation, with the Policy providing improved clarity in relation to a number of reimbursements.

CONSULTATION

No specific consultation was undertaken in relation to the review of the Policy.

OFFICER COMMENT

The purpose of the Policy is to set out the fees, allowances, reimbursements and equipment that Elected Members are entitled to, to enable them to carry out their role efficiently. The following aspects have been adjusted in the Policy.

Elected Member fee

Setting of a policy position is proposed through the adding of this section to the Policy; that is, that Elected Members will be paid an annual attendance fee in lieu of fees for attending meetings referred to in Section 5.98(1) of the Act and that this will be set at the 75th percentile of the applicable band in accordance with the determination of the SAT. The fee will still be required to be set as part of the annual budget adoption however setting a policy position ensures there is transparency in relation to Elected Member fees and administratively provides a clear basis on which the City can prepare its financials.

Reimbursement of childcare expenses

As outlined in the background section of this report, it has been identified that adjustments are required to the current policy in order to provide for the reimbursement of childcare expenses while an Elected Member is attending briefing sessions and workshops organised by the City. Paragraph 5.12 of the Policy provides for this. Additionally the Policy has been amended, with the inclusion of Paragraph 5.13, to cater for the different ways in which childcare is charged, with many places charging on half and full day rates as opposed to hourly rates. Given this, the calculation of time in Paragraph 5.13 has also been amended to remove inclusion of a nominal time allowance after a meeting / briefing session for partaking in refreshments. For daytime meetings / briefings where childcare costs are generally incurred a half day rate is likely to cater for this.

Reimbursement of travel expenses

With respect to reimbursement for travel, the current policy provides reimbursement for Elected Members who attend 'Flagship' functions and events held within the boundaries of the City, as determined by the Mayor and CEO at the commencement of each calendar year or as determined during the year. This subclause currently has a footnote which indicates that 'Flagship' events and functions will be published in the Friday factsheet or will be the subject of a specific invitation sent by the City's administration.

In practice the identification of Flagship functions and events is left to the discretion of governance officers and the footnote, which indicates they will be included on the Friday factsheet or be the subject of a specific invitation by the City's administration, is leading to confusion. Governance officers pass on to Elected Members many invitations from groups and organisations to attend events, however not all of those are likely to be considered 'Flagship'.

Officers have therefore recommended that this provision be clarified to provide reimbursements for travel for functions and events sponsored to a value of \$10,000 or more through the City's Marketing and Events Reference Group (MERG) funding, and where the Elected Member has been issued a specific invitation by the City's administration. As per the current policy the event must be within the City of Busselton district. Based on 2018/19 MERG funding (Attachment C) this would provide the potential for travel to be reimbursed for 12 events.

An alternative option discussed with the Mayor is for travel to be reimbursed for all MERG sponsored events (currently 29) but limited to one appointed Council representative only for each event, as determined by the Mayor.

Clarification has also been added to point (k) to provide clarity around situations where Elected Members attend, in lieu or on behalf of the Mayor, events to present awards or gifts and a new point (l) has been added to provide for travel expenses (where not required to stay away from home) for situations where an Elected Member attends an event / function to receive an award on behalf of the City.

Reimbursement of expenses while away from home on sanctioned activities

Elected Members may at times also be asked to travel away from home (generally intrastate) for the purposes of receiving awards on behalf of the City. This has been added as a specific occasion for when which reimbursement (or payment) of expenses while away from home would be provided, that is, accommodation, a daily sustenance allowance, transport costs and the cost of attending any specific event related meals for the Elected Member and spouse.

Reimbursement of hospitality expenses

This paragraph has been adjusted to provide for reimbursement of hospitality expenses only for meetings and events for which travel can be claimed under the Policy (whether travel is actually claimed or not) and only where it is reasonable, approved by the Mayor and substantiated with receipts. It was felt that this section of the current policy is too open to interpretation and the changes are intended to provide more certainty.

Corporate attire expenses

The current policy provides Elected Members with reimbursement of up to \$750 in each election year for the purchase of the following:

- b. business attire (which may consist of a suit, jacket and shirts/blouses);
- c. one pair of shoes (up to \$150);
- d. dry cleaning and maintenance of corporate and business attire.

The Policy proposes this be changed to financial year to align with City budgeting processes, and that the dollar limit on shoes be removed, while at the same time clarifying the shoes are to be business shoes. In making the change to financial year an additional condition has been added to prevent an Elected Member who is up for re-election claiming for anything purchased in the period of the financial year preceding the election.

Mayoral allowance

As per inclusion of the Elected Member fee, the Policy seeks to set a position with respect to the Mayoral allowance, noting that the current policy already does this in relation to the Deputy Mayor's allowance.

Reimbursement submissions

The final significant change is the inclusion of a time limit for reimbursements, with reimbursements to be submitted within three months of the expenses being incurred. The remainder of the changes are of a minor nature to streamline the Policy.

CONCLUSION

The Policy updates the current Fees Allowances and Reimbursements for Elected Members policy to provide clarity in relation to reimbursement of childcare, travel, and corporate attire expenses and to streamline the Policy with regard to the recommendations of the GSR.

OPTIONS

Council could decide not to adopt the Policy and instead choose to take a different position / approach in relation to promotion of the City with other levels of government. Council could also require further amendments to be to the Policy.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The Policy will be effective as of its adoption by Council.

OFFICER RECOMMENDATION

That the Council adopts the proposed Fees Allowances and Reimbursements for Elected Members policy as per Attachment A, to replace the current policy (Attachment B).

COMMITTEE RECOMMENDATION AND OFFICER RECOMMENDATION

PL1809/213 Moved Councillor G Henley, seconded Councillor R Paine

That the Council adopts the proposed Fees Allowances and Reimbursements for Elected Members policy as per Attachment A, which includes committee amendments as shown in Attachment D, to replace the current policy at Attachment B.


CARRIED 4/1

Voting:

For the motion: Councillor G Henley, Councillor R Paine, Councillor K Hick and Councillor R Reekie.

Against the motion: Councillor R Bennett.

Attachment D

COUNCIL POLICY		
		
Council Policy Name:	Fees, Allowances and Expenses for Elected Members	
Responsible Directorate:	Finance and Corporate Services	Version: Proposed

1. PURPOSE

- 1.1. The purpose of this Policy is to set out the fees, allowances, reimbursements and equipment that Elected Members are entitled to, to enable them to carry out their role [effectively and efficiently](#).

2. SCOPE

- 2.1. This Policy is applicable to the purchase of all City of Busselton owned equipment for the specific and individual use of an Elected Member, the reimbursement of any expenses incurred by an Elected Member in the performance of their functions and duties, and fees and allowances provided to all Elected Members.
- 2.2. All matters approved in this Policy are in accordance with the relevant legislation, being the *Local Government Act 1995* and the *Local Government (Administration) Regulations 1996* and the Local Government Chief Executive Officers and Elected Members Determination made under the *Salaries and Allowances Act 1975*.

3. DEFINITIONS

Term	Meaning
Act	Local Government Act 1995
Determination	The determination of the Salaries and Allowances Tribunal for Local Government Chief Executive Officers and Elected Members as current from time to time
Elected Member	Any person who holds the office of Councillor on the Council of the City of Busselton, including the Mayor and Deputy Mayor.
Policy	This City of Busselton Council policy entitled "Fees, Allowances and Expenses for Elected Members"
Regulations	Local Government (Administration) Regulations 1996

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 following Community Objective/s:
- a. 6.1: Governance systems, process and practices are responsible ethical and transparent.

Attachment D

5. POLICY STATEMENT**Elected Members**

- 5.1. In accordance with Division 8 of Part 5 of the Act Elected Members are entitled to receive a fee for meeting attendance, to be reimbursed for expenses and/or be paid an allowance for certain types of expenses. Certain payments are an entitlement in accordance with the Act, while others require specific local government approval.
- 5.2. Reimbursements under this Policy must be submitted within three months of the expenses being incurred.

Elected Member fee

- 5.3. As per Section 5.99 of the Act, Elected Members will be paid an annual attendance fee in lieu of fees for attending meetings referred to in Section 5.98(1) of the Act. In accordance with the Determination Elected Members shall be paid an annual fee within the Band established as set by Council when the annual budget is adopted~~set at the 75th percentile of the applicable band, and adopted as part of the annual budget.~~
- 5.4. The annual fee will be payable monthly or quarterly in arrears and will be calculated on a pro-rata basis for any Elected Member who commences or ceases office during the month or quarter. Upon commencement of office, and Elected Member, for the purposes of budget development, will be requested to indicate their preferred payment method.

Provision of equipment

- 5.5. Without limiting the application of any other clause in this Policy, the local government will provide to Elected Members access to resources to enable them to carry out their duties efficiently and effectively.
- 5.6. In accordance with Section 3.1 of the Act, in order to provide for the good government of persons in the District, any new Elected Member will be provided upon request with the following equipment:
- a. brief case up to the value of \$150;
 - b. standard-issue mobile telephone;
 - c. standard issue mobile-portable device that will be upgraded from time to time, inclusive of standard equipment associated with the day-to-day use of the device.
- 5.7. Any equipment provided in accordance with this Policy can be retained by the Elected Member at the completion of their term of office or if they serve a minimum of 24 months as an Elected Member.

Information and communication technology allowance

- 5.8. In accordance with the Determination, Elected Members are eligible to claim an annual information and communications technology allowance.
- 5.9. This allowance is to cover an Elected Member's costs in relation to expenses that relate to information and communications technology, for example telephone rental and call charges and internet service provider fees, and are of a kind prescribed by Regulation 32(1) of the Regulations.

Attachment D

- 5.10. The information and communications technology allowance will be paid monthly or quarterly in arrears. The allowance will be calculated on a pro-rata basis for any Elected Member who commences or ceases office during the month or quarter. Upon commencement of office, Elected Members, for the purposes of budget development, will be requested to indicate whether it is their intention to claim the information and communications technology allowance and their preferred payment method.

Reimbursement of childcare expenses

- 5.11. In accordance with the 5.98(2)(a) of the Act an Elected Member who incurs childcare expenses due to their attendance at a Council meeting or a meeting of a formally constituted Council committee of which they are a member is entitled to be reimbursed.
- 5.12. In addition, pursuant to 5.98(2)(b) of the Act, an Elected Member who incurs childcare expenses due to their attendance as an Elected Member at arranged briefing sessions and workshops within the City of Busselton district is entitled to be reimbursed.
- 5.13. The extent to which childcare expenses incurred will be reimbursed will be in accordance with the Determination, with the number of hours claimed limited to the actual length of the meeting plus a nominal time allowance for travel to and from the place of care.
- 5.14. Notwithstanding 5.13, ~~where the payment incurred is set by the place of care as either a half day or full day rate,~~ reimbursement will be for the lowest minimum set rate of payment which provides coverage of the time calculated under paragraph 5.13.

Reimbursement of travel expenses

- 5.15. In accordance with the Act an Elected Member who incurs expenses to travel to a Council meeting or a meeting of a formally constituted Council committee of which they are a member is entitled to be reimbursed. Elected Members can also be reimbursed for other types of travel in accordance with Regulation 32 of the Regulations.
- 5.16. The following list represents the meetings and other events for which Elected Members will be able to claim reimbursement in accordance with the Determination for incurring travel expenses:
- Council meetings - ordinary and special;
 - Committee meetings of a formally constituted Council committee of which they are a member or a deputy member acting in the capacity of a member;
 - Electors' meetings - annual and special;
 - civic receptions hosted by the City of Busselton;
 - visits by Ministers of the Crown or other distinguished visitors of similar status;
 - City organised inspection tours of matters arising before the Council or as a JDAP member;
 - any City-convened meeting by the Mayor or CEO requiring Elected Member attendance, including briefing sessions, workshops and other forums;
 - Elected Member training courses;
 - City organised meetings with ratepayers;
 - attendance at functions and events sponsored to a value of \$10,000 or more by the City of Busselton through the Marketing and Events Reference Group funding, held within the boundaries of the City, and where a specific invitation has been issued by the City's administration. Additionally other events may be approved from time to time by the Mayor and the CEO;

Attachment D

- k. where the Mayor is unable to attend a function or event and has requested another elected member to attend on his behalf. This includes attendance at functions within the district for the purposes of presenting awards / gifts;
 - l. attendance at functions and events for the purposes of receiving awards on behalf of the City;
 - m. seminars and conferences attended in the capacity of an Elected Member as approved by the City in accordance with Policy 08 "Councillors Induction, Training and Professional Development";
 - n. meetings of community groups or other external organisations of which the Elected Member has been appointed the Council's representative / delegate by Council resolution (except where the other body pays the elected member for meeting attendance and/or travel e.g. ministerial appointment to State Advisory Boards).
- 5.17. Where large distances are involved and when practicable, Elected Members are encouraged to use a City-owned motor vehicle in the first instance.
- 5.18. Reimbursement will be made available to Elected Members on the receipt of a certified claim form, in accordance with the Determination.
- 5.19. Where a City vehicle is utilised, the travel reimbursement or travel allowance cannot be claimed.
- 5.20. Subject to the approval of the Chief Executive Officer or delegate, Elected Members are entitled to use a City-owned motor vehicle for travel for personal reasons during the time when the vehicle is being used for City purposes, provided such use is of a minor incidental nature only.

Reimbursement of expenses while away from home on sanctioned activities

- 5.21. Expenses incurred for conferences, training, seminars, attendance at intrastate functions for the purposes of receiving awards and similar occasions requiring an Elected Member to stay overnight away from their place of residence will be reimbursed to the Elected Member or paid directly by the City subject to and in accordance with paragraphs 5.22 and 5.23.
- 5.22. Air travel (where applicable) and accommodation will be arranged and paid for by the City in consultation with the Elected Member, with the key consideration being cost effectiveness and, in relation to accommodation, proximity to the location at which the conference, training, seminar or similar occasion is being held.
- 5.23. While staying in accommodation provided by the City, the City will also meet the following expenses:
- a. cost of laundry for Elected Member and spouse or partner for greater than 2 nights;
 - b. taxi fares or other public transport ~~—only where these directly relate to the activity and no other transport is provided.~~ Reimbursement for an Elected Member's spouse or partner is subject to them being and only for spouse when accompanied by the Elected Member;
 - c. daily sustenance allowance per day, in accordance with the Public Service Award 1992 for Elected Member only;
 - d. specific conference / event related meals for Elected Member and spouse or partner.

Reimbursement of hospitality expenses

- 5.24. Elected Members may, subject to the provision of receipts and approval by the Mayor, seek reimbursement of the reasonable costs of beverages or snack items provided during any meeting or function for which they are entitled to reimbursement of travel under paragraph 5.15 and 5.16.

Attachment D

Corporate attire expenses

- 5.25. Upon election, Elected Members will be entitled to be issued with the following corporate attire (with City logo):
- corporate suit (male – Trousers and Jacket);
 - corporate suit (female – Skirt, Dress, Pants and Jacket);
 - corporate shirts/blouses etc.;
 - casual/Light weight Fleecy Jacket;
 - polo top;
 - City tie/scarf.
- 5.26. In addition each Elected Member will be entitled to reimbursement of up to \$750 in each financial year for the purchase of the following:
- business attire (which may consist of a suit, jacket and shirts/blouses);
 - one pair of business shoes;
 - dry cleaning and maintenance of corporate and business attire.
- 5.27. An Elected Member who is up for re-election will not be able to claim reimbursement under 5.24⁶ for anything purchased in the period of the financial year preceding the election.
- 5.28. All corporate attire should be acquired through the City's approved uniform supplier and will be returned to the City on expiry of office.

Mayor**Mayoral allowance**

- 5.29. In addition to their entitlements as an Elected Member under this Policy, the Mayor is eligible for a Mayoral allowance in accordance with the Act. ~~In accordance with the Determination the Mayor shall be paid an allowance set at the 75th percentile of the applicable band, and adopted as part of the annual budget In accordance with the Determination the Mayor shall be paid an allowance within the Band established as set by Council when the annual budget is adopted.~~
- 5.30. The allowance will be payable monthly or quarterly in arrears and will be calculated on a pro-rata basis for any Mayor who commences or ceases office during the month or quarter. Upon commencement of office, the Mayor, for the purposes of budget development, will be requested to indicate whether it is their intention to claim a Mayoral allowance and their preferred payment method.

Provision of a Mayoral vehicle

- 5.31. The Mayor shall be provided with a City-owned motor vehicle for use in his or her official capacity. The Mayor is entitled to use the City-owned motor vehicle for travel for personal reasons during the time when the vehicle is being used for City purposes, provided such use is of a minor incidental nature only. Nothing in this section prevents the vehicle from being utilised in accordance with City fleet guidelines by other Elected Members with the agreement of the Mayor.
- 5.32. The Mayor may also use the vehicle for private use for convenience or necessity on a cost recovery basis. Details of private use shall be recorded in a log book which shall be provided to the City on a quarterly basis with reimbursement made to the City in one of the following ways:
- by deduction from the quarterly members allowance payment;
 - an invoice provided to the Mayor.

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5.33. The mileage rate will be determined by the State Salaries and Allowances Tribunal.

5.34. Unless Council approves otherwise, the Mayoral vehicle may only be used for private purposes for travel within the State of WA.

Deputy Mayor**Deputy Mayor's allowance**

5.35. In addition to their entitlements as an Elected Member under this Policy, the Deputy Mayor may be paid a Deputy Mayor's allowance in accordance with the Act. In accordance with the Determination the Deputy Mayor shall be paid 25% of the Mayoral allowance.

5.36. The allowance will be payable monthly or quarterly in arrears and will be calculated on a pro-rata basis for any Deputy Mayor who commences or ceases office during the month or quarter. Upon commencement of office, the Deputy Mayor, for the purposes of budget development, will be requested to indicate whether it is their intention to claim a Deputy Mayor's allowance and their preferred payment schedule.

6. RELATED DOCUMENTATION / LEGISLATION

6.1. *Local Government Act 1995*

6.2. *Local Government (Administration) Regulations 1996*



6.3. Salaries and Allowances Tribunal Determination for Local Government Chief Executive Officers and Elected Members (as current from time to time)

6.4. Local Government Department Circular 9-2011

7. REVIEW DETAILS

Review Frequency		3 yearly		
Council Adoption	DATE		Resolution #	
Previous Adoption	DATE	11 October 2017	Resolution #	C1710/249

6.5 REVIEW OF COUNCIL POLICY 192 VANDALISM - REWARD FOR INFORMATION RELATING TO THE DAMAGE OF COUNCIL PROPERTY

SUBJECT INDEX:	Governance
STRATEGIC OBJECTIVE:	A friendly safe and inclusive community with a strong community spirit.
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 - Vandalism - Reward for information relating to the damage of City property  Attachment B Current Council Policy 

3.48pm At this time the Chief Executive Officer entered the meeting.

PRÉCIS

This report presents a revised Vandalism - Reward for information relating to the damage of City property (Attachment A) (the Policy) for Council approval, with the current policy having been amended as part of the City's overall review of its Council policies, having regard to the recommendations of the Governance System Review (GSR) carried out by Mr John Woodhouse in 2017.

The Policy, which has been moved into the new policy template and refined, is considered to be of continuing relevance and importance and is therefore recommended for Council approval.

BACKGROUND

A policy in relation to the provision of a reward for information relating to vandalism or damage to City property was originally adopted with the aim of preventing future vandalism and reducing maintenance costs incurred through the damaging of City property.

The policy was last reviewed in June 2017 post the WA State Parliament introducing specific legislation that deals with Graffiti. The *Graffiti Vandalism Act 2016* (the Act) was passed in 2016 and provides for:

- Graffiti Offenses;
- Local Government Powers; and
- Notices, Objections and Powers of Entry.

Section 16 of the Act provides that a local government may delegate to the CEO the exercise of its powers and duties. It was proposed at the time of the last policy review that Council delegate to the CEO its powers and duties under the Act (which it did). Minor amendments were also made to the policy.

STATUTORY ENVIRONMENT

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

In accordance with Section 16(1) of the Act Council may exercise its power of delegation to the CEO to exercise any of the local government's powers or the discharge of any of its duties provided for in Part 3 of the Act. Council have delegated these powers to the CEO under Delegation GV1.

RELEVANT PLANS AND POLICIES

In August 2017 the CEO commissioned a high level independent review of the City's governance systems - the GSR. Included in the scope of the review was the City's policy and procedure framework with the following recommendations made:

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.*

In response a Policy Framework has been developed and endorsed by Council, setting out the intent of Council policies, as opposed to operational documents such as Staff Management Practices and operational procedures, and a Council policy template developed. The proposed revised policy adheres to this framework and template.

FINANCIAL IMPLICATIONS

Adoption of the Policy has no additional financial implications.

LONG-TERM FINANCIAL PLAN IMPLICATIONS

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

STRATEGIC COMMUNITY OBJECTIVES

The Policy links to Key Goal Area 1 – Community and Key Goal Area 2 - Places and Spaces of the City's Strategic Community Plan 2017 and specifically the following Community Objective/s:

- a. 1.1: A friendly safe and inclusive community with a strong community spirit;
- b. 2.2: Attractive parks and open spaces that create opportunities for people to come together, socialise and enjoy a range of activities.

RISK ASSESSMENT

There are no risks identified of a medium or greater level associated with the Officers recommendation, with the Policy simply reiterating and maintaining Council's current practice with respect to providing a reward to deter damage to City property.

CONSULTATION

No specific consultation was undertaken in relation to the review of the Policy.

OFFICER COMMENT

The purpose of the Policy is to set guidelines for the rewarding of a person who provides information as to the identity of an offender who has vandalised or damaged City property. The information provided must lead to a successful conviction or a successful outcome on the matter.

While retaining the CEO's ability to decide on an appropriate level of reward, it is recommended that a maximum reward value of \$1,000 be included within the Policy. This will provide additional clarity and assist in managing expectations. It is however also recommended that the Policy provides scope for the CEO and Mayor to agree on a higher value reward in circumstances where it may be appropriate (although not expected to be often).

Other than minor editing associated with transfer of the Policy into the new template, the only other change is to include Elected Members in paragraph 5.6 which prohibits City employees and WA Police, and proposed Elected Members, from receiving rewards under the Policy.

CONCLUSION

The Policy maintains Council's pro-active commitment to deterring damage to City property and proposed only one substantive change as outlined.

OPTIONS

Council could decide not to adopt the Policy and instead choose to take a different position / approach in relation to Occupational Safety and Health. Council could also require further amendments to the Policy.

4.00pm At this time the Chief Executive Officer left the meeting.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The Policy will be effective as of its adoption by Council.

The Presiding Member foreshadowed an alternative motion to rescind the Vandalism - Reward for information relating to the damage of City property policy.

OFFICER RECOMMENDATION

PL1809/214 Moved Councillor R Bennett, seconded Councillor R Reekie

That the Council adopts the revised Vandalism - Reward for information relating to the damage of City property policy as per Attachment A, to replace the current policy (Attachment B):.

LOST 2/3

Voting:

For the motion: Councillor R Bennett and Councillor R Reekie.

Against the motion: Councillor G Henley, Councillor R Paine and Councillor K Hick.

COMMITTEE RECOMMENDATION**PL1809/215** Moved Councillor G Henley, seconded Councillor R Paine

That the Council rescind Vandalism - Reward for information relating to the damage of City property policy.

CARRIED 4/1

Voting:

For the motion: Councillor G Henley, Councillor R Paine, Councillor K Hick and Councillor R Reekie.

Against the motion: Councillor R Bennett.

7. GENERAL DISCUSSION ITEMS

Nil

8. NEXT MEETING DATE

Tuesday, 23 October 2018

9. CLOSURE

The meeting closed at 4.10pm.

THESE MINUTES CONSISTING OF PAGES 1 TO 31 WERE CONFIRMED AS A TRUE AND CORRECT RECORD ON TUESDAY, 23 OCTOBER 2018.

DATE: _____

PRESIDING MEMBER: _____