



**City of Busselton**  
*Geographe Bay*

## **Policy and Legislation Committee Agenda**

***25 September 2018***

ALL INFORMATION AVAILABLE IN VARIOUS FORMATS ON REQUEST

[city@busselton.wa.gov.au](mailto:city@busselton.wa.gov.au)

**CITY OF BUSSELTON**

**MEETING NOTICE AND AGENDA – 25 SEPTEMBER 2018**

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**TO: THE MAYOR AND COUNCILLORS**

**NOTICE** is given that a meeting of the Policy and Legislation Committee will be held in the Committee Room, Administration Building, Southern Drive, Busselton on Tuesday, 25 September 2018, commencing at 2.00pm.

The attendance of Committee Members is respectfully requested.

**DISCLAIMER**

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



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**MIKE ARCHER**

**CHIEF EXECUTIVE OFFICER**

19 September 2018

CITY OF BUSSELTON

AGENDA FOR THE POLICY AND LEGISLATION COMMITTEE MEETING TO BE HELD ON 25 SEPTEMBER 2018

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1. DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

2. ATTENDANCE

**Apologies**

3. PUBLIC QUESTION TIME

4. DISCLOSURE OF INTERESTS

5. CONFIRMATION AND RECEIPT OF MINUTES

## 6. REPORTS

### 6.1 ADOPTION OF REGIONAL PRICE PREFERENCE POLICY

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

### 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:

| <b>Submission</b>  | <b>Comments/Additional Information</b>   |
|--|--|
| 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> |

|  |   |
|--|---|
| <p>The City of Busselton should make representations to the State Government to consider increasing the thresholds to match the State Government Buy Local policy.</p> | <p>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.</p> |
|--|---|

### **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.

### **OFFICER RECOMMENDATION**

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 per Attachment A, to replace the current policy (Attachment B).

6.1 Attachment A Proposed Regional Price Preference Policy

|                          |                                |   |
|--------------------------|--------------------------------|---|
| <b>COUNCIL POLICY</b>    |                                |   |
|                          |                                |  |
| Council Policy Name:     | Regional Price Preference      |   |
| Responsible Directorate: | Finance and Corporate Services | Version: Proposed   |

**1. PURPOSE**

- 1.1. Part 4A of the Regulations enables a local government located outside of the metropolitan area to give a regional price preference when assessing a tender. Any price preference must comply with the Regulations, including that a Policy must be adopted, following a period of State-wide advertising.
- 1.2. The purpose of this Policy is to promote, under the Regulations, local economic development through the provision of a price preference allowance to Local Suppliers when evaluating and awarding contracts under a tender process

**2. SCOPE**

- 2.1. This Policy is applicable to all tenders invited by the City of Busselton

**3. DEFINITIONS**

| Term           | Meaning  |
|----------------|--|
| Local Supplier | a supplier who has had for more than 6 months prior to the closing date of the tender a physical presence by way of a shop, depot, outlet, headquarters or other premises from which they operate within the City of Busselton district. |
| Policy         | this City of Busselton Council Policy entitled "Regional Price Preference"   |
| Regulations    | the <i>Local Government (Functions and General) Regulations 1996</i>   |

**4. STRATEGIC CONTEXT**

- 4.1. This Policy links to Key Goal Area 4 of the City's Strategic Community Plan 2017 and specifically the following Community Objective/s:
  - a. 4.2: A community where local business is supported and in turn drives our economy

**5. POLICY STATEMENT**

- 5.1. The following price preference allowance will be applied on the value of tendered goods and services sourced from a Local Supplier.
  - a. Goods and Services – 10 per cent allowance up to a maximum price reduction of \$50,000;
  - b. Construction (building) Services – 5 per cent allowance up to a maximum price reduction of \$50,000;
  - c. Goods and services, including Construction (building) Services, tendered for the first time where Council previously supplied the Goods or Services – 10 per cent allowance up to a maximum price reduction of \$500,000.
- 5.2. Only 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.

6.1 Attachment A Proposed Regional Price Preference Policy

- 5.3. The value of those goods and services claimed by the supplier may be adjusted during the tender assessment process if the value claimed is considered unreasonable or cannot be justified.
- 5.4. Price is only one factor that Council considers when evaluating a tender. There is nothing contained within this Policy that compels Council to accept the lowest tender or any tender based on price offered

**6. RELATED DOCUMENTATION / LEGISLATION**

6.1. *Local Government (Functions and General) Regulations 1996*

**7. REVIEW DETAILS**

|                          |             |            |                     |           |
|--------------------------|-------------|------------|---------------------|-----------|
| <b>Review Frequency</b>  |             | 3 yearly   |                     |           |
| <b>Council Adoption</b>  | <b>DATE</b> |            | <b>Resolution #</b> |           |
| <b>Previous Adoption</b> | <b>DATE</b> | 08/11/2017 | <b>Resolution #</b> | C1708/192 |

Last updated 08/11/2017

|     |                           |    |
|-----|---------------------------|----|
| 049 | Regional Price Preference | V4 |
|-----|---------------------------|----|

**1. PURPOSE**

In order to promote sub-regional development the City will provide a price preference allowance to local suppliers located within the City of Busselton district when evaluating and awarding contracts via the Tendering Process (note that no price preference will be offered for purchases made other than via the tendering process). Any price preference provided will comply with Part 4A of the Local Government (Functions and General) Regulations 1996 as amended.

**2. SCOPE**

This policy applies to all tenders called by the City of Busselton.

**3. POLICY CONTENT**

The following price preference allowance will be allowed on the value of all goods and services sourced from within the City on tenders assessed in relation to this policy;

**Part 1 Goods and Services**

- 10% allowance up to a maximum price reduction of \$50,000 unless a lesser amount is stipulated in the tender document.

**Part 2 Construction (building) Services**

- 5% allowance up to a maximum price reduction of \$50,000 unless a lesser amount is stipulated in the tender document.

**Part 3 Goods and Services, including Construction (Building) Services - tendered for the first time where Council previously supplied the Goods or Services**

- 10% allowance up to a maximum price reduction of \$500,000 unless a lesser amount is stipulated in the tender document.

The Regional Price Preference allowance will only be given to suppliers who have been located within the City of Busselton district for more than 6 months prior to the advertising date of the tender.

Located within the City is defined as a supplier having a physical presence in the way of a shop, depot, outlet, headquarters or other premises where the goods or services specifically being provided are supplied from. This does not exclude suppliers whose registered business is located outside the City but undertake the business from premises within the City. An example is a franchisee of a multinational company.

Only the value of those goods and services identified in the tender as being from a source or supplied through the businesses physical presence located within the City will have the price preference applied when assessing the tender. The value of those goods and services claimed by the supplier may be adjusted during the tender assessment process if the value claimed is considered unreasonable or cannot be justified.

Price is only one factor that Council considers when evaluating a tender. There is nothing contained within this policy that compels Council to accept the lowest tender or any tender based on price offered.

Last updated 08/11/2017

**Policy Background**

Policy Reference No. - 049  
Owner Unit – Contracts and Tendering  
Originator – Director, Finance and Corporate Services  
Policy approved by – Council  
Date Approved – 08/11/2017  
Review Frequency – As required  
Related Documents –  
*Local Government (Functions and General) Regulations 1996*

**History**

| <b>Council Resolution</b> | <b>Date</b>      | <b>Information</b>  |
|---------------------------|------------------|---|
| C1708/192                 | 9 August, 2017   |   |
| C1504/081                 | 8 April, 2015    | Version 3<br>Changes to reflect City of Busselton<br>structure only |
| C1012/415                 | 8 December, 2010 | Policy re-adopted in new standard<br>format<br>Version 2            |
|                           |                  | Version 1   |

## 6.2 REVIEW OF COUNCIL POLICY 233 - OCCUPATIONAL HEALTH AND SAFETY

|                             |   |
|-----------------------------|---|
| <b>SUBJECT INDEX:</b>       | Occupational Health and Safety  |
| <b>STRATEGIC OBJECTIVE:</b> | Accountable leadership that is supported by a skilled and professional workforce.   |
| <b>BUSINESS UNIT:</b>       | Corporate Services  |
| <b>ACTIVITY UNIT:</b>       | Human Resources   |
| <b>REPORTING OFFICER:</b>   | Risk and OSH Officer - Brian McCarroll  |
| <b>AUTHORISING OFFICER:</b> | Director Finance and Corporate Services - Tony Nottle   |
| <b>VOTING REQUIREMENT:</b>  | Simple Majority   |
| <b>ATTACHMENTS:</b>         | 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).

**COUNCIL POLICY**



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' |

**4. STRATEGIC CONTEXT**

- 4.1. This Policy links to Key Goal Area 6 of the City's Strategic Community Plan 2017 and specifically the following Community Objective/s:
  - a. 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 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:
  - a. 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,
  - b. 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*

**7. REVIEW DETAILS**

|                          |             |                |                     |           |
|--------------------------|-------------|----------------|---------------------|-----------|
| <b>Review Frequency</b>  |             | 3 yearly       |                     |           |
| <b>Council Adoption</b>  | <b>DATE</b> |                | <b>Resolution #</b> |           |
| <b>Previous Adoption</b> | <b>DATE</b> | 12 August 2015 | <b>Resolution #</b> | C1508/218 |

Last updated 12/08/2015

|     |                                |            |
|-----|--------------------------------|------------|
| 233 | Occupational Safety and Health | V3 Current |
|-----|--------------------------------|------------|

**PURPOSE**

The purpose of this policy is to demonstrate the commitment of the City of Busselton to ensuring a safe and healthy work environment for employees, Councillors, contractors, volunteers and visitors of the City of Busselton.

**SCOPE**

This Policy applies to all employees, contractors, volunteers and Councillors and to all City workplaces.

**POLICY CONTENT**

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. The following objectives and responsibilities will aid the City of Busselton in achieving these standards:

**1. Objectives**

- \* Comply with legislative requirements under the Occupational Safety and Health Act 1984 and other relevant legislation;
- \* Comply with AS/NZS 4801 Occupational Health and Safety Management systems;
- \* Develop 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.

**2. Responsibilities**

**2.1 Councillors**

- \* Ensure sufficient resources are available to achieve the objectives of this policy.

**2.2 CEO and Directors**

- \* Ensure that this policy is implemented.
- \* Ensure the development, implementation and maintenance of a management plan to achieve compliance with AS/NZS 4801.
- \* Ensure accountability for compliance with this policy is maintained.
- \* Meet the City's duty of care as employer under the Occupational Health and Safety Act 1984.
- \* Promote the importance and benefit of occupational safety and health throughout the organisation.

**2.3 Managers and Supervisors**

- \* Plan, implement and budget for strategies to ensure hazards are controlled, as far as practicable.
- \* Ensure accountability for compliance with safe work practices and safety related operational practices and procedures is maintained.
- \* Enforce safety and health requirements within areas of responsibility.
- \* Meet the City's duty of care as employer under the Occupational Safety and Health Act 1984

Last updated 12/08/2015

**2.4 Employees, Contractors and Volunteers**

- \* Work with care for their own safety and health and that of others.
- \* Meet the duty of care as employee under the Occupational Safety and Health Act 1984.
- \* Comply with the City of Busselton safety and health requirements.

**Policy Background**

Policy Reference No. - 233

Owner Unit – Corporate Services

Originator – Risk and OHS Officer

Policy approved by – Council

Date Approved – 12 August, 2015

Review Frequency – As required

Related Documents –

*Occupational Safety and Health (OSH) Act 1984*

*Occupational Safety and Health (OSH) Regulations 1996*

*AS/NZS 4801 Occupational Health and Safety Management Systems*

**History**

| <b>Council Resolution</b> | <b>Date</b>     | <b>Information</b>  |
|---------------------------|-----------------|---|
| C1508/218                 | 12 August, 2015 | Version 3   |
| C1107/229                 | 27 July, 2011   | Version 2   |
| C0605/145                 | 10 May, 2006    | Date of implementation.<br>Former safety policy repealed in favour of new Occupational Safety and Health Policy following a safety audit against AS4801 requiring significant changes.<br>Version 1 |

### 6.3 REVIEW OF COUNCIL POLICY 030 - ENVIRONMENT POLICY

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

**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:
- 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 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.
- 5.2 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 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 with the management of the environmental values of the District:

- a. encouraging and supporting community participation and inclusiveness;
- b. promoting community engagement and collaboration.
- c. encouraging and nurturing partnerships

5.6 The City will plan, design, operate and conduct operations in a manner that minimises waste and resource consumption.

**1. RELATED DOCUMENTATION / LEGISLATION**

- a. Local Environmental Planning Strategy
- b. Environment Strategy 2016 2021
- c. Environmental Management and Engagement Strategy 2017

**2. REVIEW DETAILS**

|                          |             |            |                     |           |
|--------------------------|-------------|------------|---------------------|-----------|
| <b>Review Frequency</b>  |             | 3 yearly   |                     |           |
| <b>Council Adoption</b>  | <b>DATE</b> |            | <b>Resolution #</b> |           |
| <b>Previous Adoption</b> | <b>DATE</b> | 09/11/2016 | <b>Resolution #</b> | C1611/128 |

Last updated 09/03/2011

|            |                           |                   |
|------------|---------------------------|-------------------|
| <b>030</b> | <b>Environment Policy</b> | <b>V2 Current</b> |
|------------|---------------------------|-------------------|

### **1. PURPOSE**

The City of Busselton will undertake its activities and ensure its decision-making considers the impacts on the environment and identifies measures to adequately manage them. The City will therefore obtain adequate levels of information required to properly assess proposals, activities and works programmes to achieve acceptable environmental standards and statutory compliance.

The City of Busselton will demonstrate a commitment towards continuous improvement in environmental management and progress towards creating a sustainable balance between environmental, social and economic values in the City.

### **2. SCOPE**

Decisions and activities will have regard to relevant environmental legislation and will be based upon recognised best practice environmental management standards. The most up to date information on environmental impacts, and their management, will be used to assess the acceptability of proposals and activities. Where applicable it will be the responsibility of the proponent to provide sufficient information to enable this to occur.

Where information is not available, the precautionary principle will be used by the City and the Council to assist in decision-making and advice will be sought from relevant government agencies or other recognised experts with suitable qualifications and experience on the environmental issues being considered.

### **3. POLICY CONTENT**

Implementation of the policy will be achieved through the following activities:

Manage natural areas under City ownership, management or control to retain and enhance their environmental values and functions by:

- implementing the Environment Strategy and adopted Management Plans;
- complying with all environmental legislation; and,
- conforming to best practice management standards.

Establish effective working relationships and partnerships with the community and other stakeholders to undertake environmental management activities;

Provide the opportunity for active stakeholder involvement, ownership and participation through:

- the provision of clear and consistent information to stakeholders;
- consultation with the broader community where applicable; and
- participation in the City Environmental Reference Group.

Ensure that City activities do not lead to unacceptable environmental impacts and are undertaken in accordance with current best practice standards. This will be achieved by:

- good governance and sound decision making;
- providing opportunities for staff training;

Last updated 09/03/2011

- placing the onus on the proponent of any proposals, activities and work programmes to identify and assess environmental impacts and propose measures to manage these or modify the proposal; and
- ensuring stakeholders are aware of the City's activities and how potential environmental impacts are being managed.

Plan, design, operate and conduct operations in a manner that minimises waste and the demand on natural resources and energy.

**Policy Background**

Policy Reference No. - 030

Owner Unit – Environmental Planning

Originator – Environment Strategy Consultancy

Policy approved by – Council

Date Approved - 9 March 2011

Review Frequency – As required

Related Documents – Environment Strategy

Background/History – Policy reviewed 2016 as part of the Environment Strategy review

| <b>Council Resolution</b> | <b>Date</b>     | <b>Information</b>  |
|---------------------------|-----------------|---|
| C1611/128                 | 9 November 2016 | Policy revised as part of the Environment Strategy review                           |
| C1103/070                 | 9 March 2011    | Policy updated after adoption in 2004 as part of the Environment Strategy Version 2 |

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

|                             |  |
|-----------------------------|--|
| <b>SUBJECT INDEX:</b>       | Governance   |
| <b>STRATEGIC OBJECTIVE:</b> | Governance systems, process and practices are responsible, ethical and transparent.  |
| <b>BUSINESS UNIT:</b>       | Corporate Services   |
| <b>ACTIVITY UNIT:</b>       | Governance Services  |
| <b>REPORTING OFFICER:</b>   | Manager Governance and Corporate Services - Sarah Pierson  |
| <b>AUTHORISING OFFICER:</b> | Director Finance and Corporate Services - Tony Nottle  |
| <b>VOTING REQUIREMENT:</b>  | Simple Majority  |
| <b>ATTACHMENTS:</b>         | 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 per cent 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 75<sup>th</sup> 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).

**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 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.

## 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 set at the 75<sup>th</sup> 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 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.

- 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 set rate of payment which provides coverage of the time calculated under 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:
- a. Council meetings - ordinary and special;
  - b. 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;
  - c. Electors' meetings - annual and special;
  - d. civic receptions hosted by the City of Busselton;
  - e. visits by Ministers of the Crown or other distinguished visitors of similar status;
  - f. City organised inspection tours of matters arising before the Council or as a JDAP member;
  - g. any City-convened meeting by the Mayor or CEO requiring Elected Member attendance, including briefing sessions, workshops and other forums;
  - h. Elected Member training courses;
  - i. City organised meetings with ratepayers;
  - j. 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;

6.4 Attachment A Proposed Council Policy

- 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 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 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.

**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.

**Corporate attire expenses**

- 5.25. Upon election, Elected Members will be entitled to be issued with the following corporate attire (with City logo):
- a. corporate suit (male – Trousers and Jacket);
  - b. corporate suit (female – Skirt, Dress, Pants and Jacket);
  - c. corporate shirts/blouses etc.;
  - d. casual/Light weight Fleecy Jacket;
  - e. polo top;
  - f. 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:
- a. business attire (which may consist of a suit, jacket and shirts/blouses);
  - b. one pair of business shoes;
  - c. 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 5.24 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 75<sup>th</sup> percentile of the applicable band, and adopted as part of the annual budget.
- 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:
- a. by deduction from the quarterly members allowance payment;
  - b. an invoice provided to the Mayor.

- 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**

|                          |             |                 |                     |           |
|--------------------------|-------------|-----------------|---------------------|-----------|
| <b>Review Frequency</b>  |             | 3 yearly        |                     |           |
| <b>Council Adoption</b>  | <b>DATE</b> |                 | <b>Resolution #</b> |           |
| <b>Previous Adoption</b> | <b>DATE</b> | 11 October 2017 | <b>Resolution #</b> | C1710/249 |

**COUNCIL POLICY**



Council Policy Name: Fees, Allowances and Expenses for Elected Members

Responsible Directorate: Finance and Corporate Services Version: Approved

**1. PURPOSE**

1.1. The purpose of this Policy is to provide the approval framework under which the provision of equipment, and all fees, allowances and reimbursements to Elected Members will be made to enable them to carry out their role as an Elected Member effectively.

**2. SCOPE**

2.1. This Policy is applicable to the purchase of all local government-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 and determinations, being the *Local Government Act 1995* and *Local Government Elected Council Members Determinations* in accordance with the *Salaries and Allowances Act 1975*.

**3. DEFINITIONS**

| Term           | Meaning  |
|----------------|--|
| Policy         | This City of Busselton Council policy entitled "Fees, Allowances and Expenses for Elected Members"                           |
| Elected Member | Any person who holds the office of Councillor on the Council of the City of Busselton, including the Mayor and Deputy Mayor. |

**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.

**5. POLICY STATEMENT**

**Elected Members**

5.1. In accordance with Division 8 of Part 5 of the *Local Government Act 1995* Elected Members are entitled to receive a fee for meeting attendance, be reimbursed for expenses and/or be paid an allowance for certain types of expenses. Certain payments are an automatic entitlement in accordance with the Act, while others require specific local government approval.

**Provision of equipment**

- 5.2. Without limiting the application of any other clause in this Policy, the local government will provide to Elected Members of the City of Busselton access to resources to enable them to carry out their duties efficiently and effectively.
- 5.3. In accordance with Section 3.1 of the *Local Government Act 1995*, in order to provide for the good government of persons in the District, any newly Elected Member will have the opportunity to be furnished with the following equipment:
  - a. a brief case up to the value of \$150;
  - b. a standard-issue mobile telephone; and
  - c. a standard issue mobile device that will be upgraded from time to time, inclusive of standard equipment associated with the day-to-day use of the device.
- 5.4. 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**

- 5.5. In accordance with the relevant *Local Government Elected Council Members Determination*, all Elected Members are eligible to claim an annual information and communications technology allowance, the amount of which will be included in the Schedule.
- 5.6. 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 that are of a kind prescribed by regulation 32(1) of the *Local Government (Administration) Regulations 1996*.
- 5.7. 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. Nothing in the relevant legislation or this policy prevents an Elected Member from changing their intention at any time.

**Reimbursement of childcare expenses**

- 5.8. In accordance with the *Local Government Act 1995* 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.
- 5.9. The extent to which the childcare expenses incurred will be reimbursed will be in accordance with the relevant *Local Government Elected Council Members Determination*. For the purposes of this section, the number of hours claimed shall be limited to the actual length of the meeting, with a nominal time allowance for partaking in refreshments and travel to and from the place of care.

**Reimbursement of travel expenses**

- 5.10. In accordance with the *Local Government Act 1995* 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 *Local Government (Administration) Regulations 1996*.

- 5.11. The following list represents the meetings and events at which the attendance of an Elected Member is required for which the Elected Member will be able to claim reimbursement in accordance with the *Salaries and Allowances Tribunal Determination for Local Government CEO and Elected Members* for incurring travel expenses:
- a. Council meetings - ordinary and special;
  - b. 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;
  - c. Electors' meetings - annual and special;
  - d. civic receptions hosted by the City of Busselton;
  - e. visits by Ministers of the Crown or other distinguished visitors of similar status;
  - f. City organised inspection tours of matters arising before the Council or as a JDAP member;
  - g. any City-convened meeting by the Mayor or CEO requiring Elected Member attendance, including briefing sessions, workshops and other forums;
  - h. Elected Member training courses;
  - i. City organised meetings with ratepayers;
  - j. attendance at Flagship\* functions and events held within the boundaries of the City and as determined by the Mayor and CEO at the commencement of each calendar year or as determined during the year;
  - k. where the Mayor is unable to attend a function or event and has requested another elected member to attend on his behalf;
  - l. where the Mayor is unable to attend a function or event and has requested another elected member to attend on his behalf;
  - 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).
- \* 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.
- 5.12. Where large distances are involved and when practicable, available Elected Members are encouraged to use a City-owned motor vehicle in the first instance.
- 5.13. The reimbursement will be made available to the Elected Member on the receipt of a certified claim form and in accordance with the rates determined by the *Salaries and Allowances Tribunal Determination for Local Government CEO and Elected Members*.
- 5.14. Where a City vehicle is utilised, the travel reimbursement or travel allowance cannot be claimed. Subject to the approval of the Chief Executive Officer or delegate, the Elected Member 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 does not go beyond use of a minor incidental nature.

**Reimbursement of expenses while away from home on sanctioned activities**

- 5.15. Expenses incurred for conferences, training, seminars 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 in accordance with the following guidelines.

6.4 Attachment B Current Council Policy

- 5.16. Air travel and accommodation will be arranged and paid for by the City in consultation with the Elected Member and the key considerations will be cost effectiveness and for accommodation also proximity to the location at which the conference, training, seminar or similar occasion is being held.
- 5.17. While staying in the accommodation provided by the City for the purpose of enabling attendance at the approved conference, training or seminar, the expenses to be met by the City will be:
- cost of laundry for Elected Member and spouse for greater than 2 nights;
  - taxi fares or other public transport - only where these directly relate to the activity and no other transport is provided and only for spouse when with Elected Member;
  - daily sustenance allowance per day, in accordance with the Public Service Award 1992 for Elected Member only;
  - specific conference related meals for Elected Member and spouse.

**Reimbursement of hospitality expenses**

- 5.18. Elected Members may seek reimbursement of the reasonable costs of beverages or snack items provided during any meeting or networking opportunity that relates to City activities, subject to the provision of receipts.

**Corporate attire expenses**

- 5.19. Each Elected Member is eligible to be provided with a range of corporate attire (with City logo) on being elected and is entitled to an additional amount of \$750pa for business attire for each year of the election term.

- 5.20. Upon election, Elected Members will be entitled to be issued with the following items:

- Corporate attire with City logo (and not charged against the allowance):
  - 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.
- Other (charged against the allowance):
  - business attire (which may consist of a suit, jacket and shirts/blouses);
  - shoes (up to the value of \$150);
  - dry cleaning and maintenance of corporate and business attire.

- 5.21. All of the corporate attire acquisitions should be acquired through the City's approved uniform supplier.

- 5.22. All items of corporate attire which are branded with the City of Busselton's logo should be returned to the City on expiry of office.

**Mayor**

**Mayoral allowance**

- 5.23. In addition to their entitlements as an Elected Member under Section 3.1 of this policy, the Mayor is eligible for a Mayoral allowance in accordance with the *Local Government Act 1995*. In accordance with the relevant *Local Government Elected Council Members Determination* the Mayor of the City of

Busselton shall be paid an allowance within the Band established as set by Council when the annual budget is adopted, payable monthly or quarterly in arrears.

- 5.24. The allowance 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. Nothing in the relevant legislation or this Policy prevents the Mayor from changing their intention at any time.

**Provision of a Mayoral vehicle**

- 5.25. 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 does not go beyond use of a minor incidental nature. 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 or CEO.
- 5.26. 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.
- 5.27. The Mayor is permitted to use the vehicle for private use without further authorisation on the basis that the cost reimbursement is made to the City by agreement in one of the following ways:
- a. by deduction from the quarterly members allowance payment;
  - b. an invoice be given to the Mayor for reimbursement.
- 5.28. The mileage rate would be calculated at the rate determined by the State Salaries and Allowances Tribunal for Local Government Elected Council Members.
- 5.29. 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**

- 5.30. In addition to their entitlements as an elected member under Section 3.1 of this policy, the Deputy Mayor may be paid a Deputy Mayor's allowance in accordance with the *Local Government Act 1995*. In accordance with the relevant *Local Government Elected Council Members Determination* the Deputy Mayor can be paid up to 25% of the Mayoral allowance. The Deputy Mayor of the City of Busselton shall be paid the maximum percentage of the Mayoral allowance of 25%, payable monthly or quarterly in arrears.
- 5.31. The allowance 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. Nothing in the relevant legislation or this policy prevents the Deputy Mayor from changing their intention at any time.

**6. RELATED DOCUMENTATION / LEGISLATION**

- 6.1. Local Government Act 1995
- 6.2. Local Government Department Circular 9-2011
- 6.3. Local Government (Administration) Regulations 1996
- 6.4. Salaries and Allowances Tribunal Determination for Local Government CEO and Elected Members  
(as current from time to time)

**7. REVIEW DETAILS**

|                          |             |                   |                     |           |
|--------------------------|-------------|-------------------|---------------------|-----------|
| <b>Review Frequency</b>  |             | 3 yearly          |                     |           |
| <b>Council Adoption</b>  | <b>DATE</b> | 11 October 2017   | <b>Resolution #</b> | C1710/249 |
| <b>Previous Adoption</b> | <b>DATE</b> | 13 September 2017 | <b>Resolution #</b> | C1709/220 |

6.4 Attachment C MERG Sponsored Events

| EVENT   | TYPE        | DATE    | 18/19     | 18/19      | 19/20     | 19/20      | 20/21    | 20/21 |
|---|-------------|---------|-----------|------------|-----------|------------|----------|-------|
|   |             |         | MERG      | MUNI       | MERG      | MUNI       | MERG     | MUNI  |
| CineFestOz                                      | MYA         | Aug     | \$ 95,000 |            | \$ 95,000 |            |          |       |
| Jazz by the Bay                                 | CITY        | May     | \$ 42,500 |            | \$ 40,000 |            |          |       |
| Ironman WA                                      | MYA         | Dec     | \$ 22,000 | \$ 168,000 | \$ 27,000 | \$ 168,000 |          |       |
| Pedal Prix WA                                   | MYA         | Aug     | \$ 20,000 |            | \$ 20,000 |            |          |       |
| Ironman WA - Volunteer Program                  | MYA         | Dec     | \$ 17,500 |            | \$ 17,500 |            |          |       |
| Busselton Jetty Swim                            | MYA         | Feb     | \$ 15,600 |            | \$ 20,600 |            |          |       |
| Australian Women's Masters Hockey Championships | MYA         | Sep/Oct | \$ 15,000 |            | \$ 25,000 |            |          |       |
| Forest Rally                                    | MYA         | Apr     | \$ 12,500 |            | \$ 12,500 |            |          |       |
| King of Concrete                                | MYA         | Mar     | \$ 12,000 |            |           |            |          |       |
| Cabin Fever                                     |             | Jul     | \$ 10,000 |            |           |            |          |       |
| City to Surf                                    | MYA         | Aug     | \$ 10,000 |            | \$ 9,000  |            | \$ 8,000 |       |
| Geographe Bay Race Week                         | NEW 1 OFF   | Feb     | \$ 10,000 |            |           |            |          |       |
| Ironman WA - FOC Rooms                          | MYA         | Dec     | \$ 9,625  |            | \$ 9,625  |            |          |       |
| X Adventure Dunsborough                         | MYA         | Mar     | \$ 9,500  |            | \$ 9,000  |            |          |       |
| Taj's Small Fries                               | MYA         | Jan     | \$ 9,000  |            | \$ 8,000  |            |          |       |
| Dunsborough Arts Festival                       | MYA         | Mar     | \$ 9,000  |            |           |            |          |       |
| Southwest Mud Fest                              | MYA         | Jul     | \$ 7,500  |            |           |            |          |       |
| Margaret River Open Studios                     | MYA         | Apr     | \$ 7,500  |            | \$ 7,000  |            |          |       |
| Cape to Cape MTB                                | MYA         | Oct     | \$ 5,000  |            | \$ 5,000  |            |          |       |
| Southwest Beer Festival                         | MYA         | Feb     | \$ 5,000  |            | \$ 5,000  |            |          |       |
| Open Water Swimming Series Busselton            | MYA         | Nov     | \$ 3,000  |            | \$ 3,000  |            |          |       |
| Wheelbite                                       |             | Apr     | \$ 2,750  |            | \$ 2,500  |            |          |       |
| Dunsborough Song Fest                           | MYA         | Nov     | \$ 2,500  |            | \$ 2,500  |            |          |       |
| City of Busselton Half Marathon                 | MYA         | Feb     | \$ 2,500  |            | \$ 2,500  |            |          |       |
| Busselton Winter Jumping Festival               | MYA         | Jun     | \$ 2,500  |            |           |            |          |       |
| Yallingup Malibu Classic                        | MYA         | Dec     | \$ 2,250  |            | \$ 2,000  |            |          |       |
| SW Yoga Fest                                    |             | Jan/Feb | \$ 2,000  |            |           |            |          |       |
| SW Bush Poets Festival                          | MYA         | Apr     | \$ 1,500  |            |           |            |          |       |
| Ironman 70.3 Busselton                          | MYA         | May     | \$ 1,200  | \$ 45,000  |           |            |          |       |
| Books by the Bay                                | NEW 1 OFF   | Jul     |           |            |           |            |          |       |
| Busselton Spring Running Festival               | MYA         | Oct     |           |            |           |            |          |       |
| Busselton Jetty Paddle                          | NEW 1 OFF   | Sep     |           |            |           |            |          |       |
| Maramoo Marathon                                | NEW 1 OFF   | Sep     |           |            |           |            |          |       |
| State Beach Volleyball Championships            | MYA         | Nov     |           |            |           |            |          |       |
| Hannay Lane                                     | SINGLE YEAR | Nov     |           |            |           |            |          |       |
| Carols by the Jetty                             | MYA         | Dec     |           | \$ 2,000   |           | \$ 2,000   |          |       |
| YCAB Opening Event                              |             | Jan     |           |            |           |            |          |       |
| Undalup Birak Festival                          | NEW 1 OFF   | Jan     |           |            |           |            |          |       |
| Festival of Busselton                           | MYA         | Jan     |           | \$ 7,000   |           | \$ 7,000   |          |       |
| Rugby Western Force                             |             | Jan     |           |            |           |            |          |       |
| Australia Day Busselton                         | MYA         | Jan     |           | \$ 3,000   |           | \$ 3,000   |          |       |
| City of Busselton Triathlon - Port Geographe    | MYA         | Jan     |           |            |           |            |          |       |
| Busselton Junior Open Tennis                    |             | Jan     |           |            |           |            |          |       |
| City of Busselton Criterium                     | MYA         | Feb     |           |            |           |            |          |       |
| Laser State Championships                       | NEW 1 OFF   | Feb     |           |            |           |            |          |       |
| Rugby 7's                                       |             | Feb     |           |            |           |            |          |       |
| SuperFoiler Grand Prix                          |             | Mar     |           |            |           |            |          |       |
| Busselton Fringe Festival                       | CITY        | Mar     |           | \$ 20,000  |           |            |          |       |
| Busselton Open Tennis                           |             | Mar     |           |            |           |            |          |       |
| Yalambi Jumping Classic                         |             | Mar     |           |            |           |            |          |       |
| 2016 Sandgroper Street Rod Nationals            | NEW 1 OFF   | Mar     |           |            |           |            |          |       |
| Sandalford Vineyard Half Marathon & Mountain B  | MYA         | Mar     |           |            |           |            |          |       |
| Busselton Pride                                 |             | Mar     |           |            |           |            |          |       |
| Harley Owners Group State Round                 | NEW 1 OFF   | Mar     |           |            |           |            |          |       |
| Emergence Creative                              |             |         |           |            |           |            |          |       |
| Undalup Djeran Youth Week Event                 | NEW 1 OFF   | Apr     |           |            |           |            |          |       |
| Margaret River Open Studios - extra funding     | NEW 1 OFF   | Apr     |           |            |           |            |          |       |
| South West Salmon Fest                          |             | Apr     |           |            |           |            |          |       |
| See Picture's Go Karts Film                     |             | May     |           |            |           |            |          |       |
| Ironman 70.3 Busselton - Volunteer Program      | MYA         | May     |           |            |           |            |          |       |
| MR Readers & Writers Festival                   |             | Jun     |           |            |           |            |          |       |
| Dunsborough Bay Fun Run                         | MYA         | Jun     |           |            |           |            |          |       |
| Down South MTB Festival                         |             | Jun     |           |            |           |            |          |       |

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

|                             |   |
|-----------------------------|---|
| <b>SUBJECT INDEX:</b>       | Governance  |
| <b>STRATEGIC OBJECTIVE:</b> | A friendly safe and inclusive community with a strong community spirit.   |
| <b>BUSINESS UNIT:</b>       | Corporate Services  |
| <b>ACTIVITY UNIT:</b>       | Governance  |
| <b>REPORTING OFFICER:</b>   | Manager Governance and Corporate Services - Sarah Pierson   |
| <b>AUTHORISING OFFICER:</b> | Director Finance and Corporate Services - Tony Nottle   |
| <b>VOTING REQUIREMENT:</b>  | Simple Majority   |
| <b>ATTACHMENTS:</b>         | Attachment A Proposed Policy - Vandalism - Reward for information relating to the damage of City property  <br>Attachment B Current Council Policy   |

## 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.

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

**COUNCIL POLICY**

Council Policy Name: Vandalism - Reward for information relating to the damage of City property

Responsible Directorate: Finance and Corporate Services      Version: Proposed

City of Busselton  
Geographic Bay

**1. PURPOSE**

- 1.1. The purpose of this 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, subject to that information leading to successful conviction of the offender or a successful outcome on the matter.

**2. SCOPE**

- 2.1. This Policy may be utilised in relation to vandalism resulting in damage to City property.

**3. DEFINITIONS**

| Term   | Meaning   |
|--------|---|
| Policy | this City of Busselton Council policy entitled "Vandalism - Reward for information relating to the damage of City property" |

**4. STRATEGIC CONTEXT**

- 4.1. This 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.

**5. POLICY STATEMENT**

- 5.1. The City of Busselton actively seeks to reduce and prevent vandalism in its community.
- 5.2. Identification and prosecution of offenders reduces the likelihood of future occurrences. To this end the City may offer a reward to anyone who provides information leading to the conviction of a person for an act of vandalism or damage of City property.
- 5.3. When an act of vandalism of City property has occurred, the Chief Executive Officer is authorised to set an appropriate reward up to a value of \$1,000 for information leading to a successful conviction, or to pay a reward to a person who voluntarily provides information as to the identity of an offender which leads to a successful conviction.
- 5.4. The amount of the reward is to take into consideration the level of damage that has been caused to City property.

5.5. Where the CEO considers a reward of greater than \$1,000 to be appropriate, he will discuss and agree this with the Mayor.

5.6. Rewards will not be paid to City employees, Elected Members, or members of the WA Police Service.

**6. RELATED DOCUMENTATION / LEGISLATION**

6.1. Local Government Act, Section 2.7 and 5.42

6.2. Graffiti Vandalism Act 2016

**7. REVIEW DETAILS**

|                          |             |              |                     |           |
|--------------------------|-------------|--------------|---------------------|-----------|
| <b>Review Frequency</b>  | 3 yearly    |              |                     |           |
| <b>Council Adoption</b>  | <b>DATE</b> |              | <b>Resolution #</b> |           |
| <b>Previous Adoption</b> | <b>DATE</b> | 14 June 2017 | <b>Resolution #</b> | C1706/131 |

Last updated 14 June 2017

|            |  |                   |
|------------|--|-------------------|
| <b>192</b> | <b>Vandalism – Reward for Information relating to the damage of Council Property</b> | <b>V3 Current</b> |
|------------|--|-------------------|

**1. PURPOSE**

Any person providing information as to the identity of an offender who has vandalised City property can be offered a reward upon successful conviction of the offender or the City obtains a successful outcome on the matter.

**2. SCOPE**

The policy may be utilised to offer a potential reward for damage that has occurred where the identity of the offender is not known, or to provide a reward to a person who voluntarily provides information on the identity of an offender. A reward will be paid upon successful conviction of the offender.

**3. POLICY CONTENT**

The City of Busselton actively seeks to reduce and prevent vandalism in its community. The control of vandalism can minimise the cost of repairs and can contribute to minimising insurance premiums.

One such way to minimise vandalism is to identify and prosecute offenders to reduce the likelihood of future occurrence. One way of achieving this is for the City to offer a reward to anyone who provides information leading to the conviction of a person for an act of vandalism against City property.

When an act of vandalism against City property has occurred, the Chief Executive Officer is authorised to set an appropriate reward for information leading to a successful conviction, or to pay a reward to a person who voluntarily provides information as to the identity of an offender which leads to a successful conviction. The amount of the reward is to take into consideration the level of damage that has been caused to City property.

Rewards will not be paid to City employees or members of the WA Police Service.

**Policy Background**

Policy Reference No. - 192  
Owner Unit – Governance Services  
Policy approved by Council – 14 June 2017  
Review frequency – As required

**Related Documents**

- Local Government Act, Section 2.7 and 5.42
- Graffiti Vandalism Act 2016

**History**

| <b>Council Resolution</b> | <b>Date</b>  | <b>Information</b>          |
|---------------------------|--------------|-----------------------------|
| C1706/131                 | 14 June 2017 | General Update<br>Version 3 |
| C1211/324                 | 28/11/2012   | Version 2                   |

7. **GENERAL DISCUSSION ITEMS**

8. **NEXT MEETING DATE**

9. **CLOSURE**