

<b>Policy number</b>	Policy 011
<b>Policy title</b>	Elections
<b>Strategic outcomes supported</b>	<del>CL8 – Visionary civic leadership with sound and accountable governance that reflects objective decision making.</del> <a href="#">CL3 - Accountability and good governance.</a>

## Policy objective:

The objective of this policy is to:

- prevent the making of major decisions that would bind an incoming Council prior to an ordinary election
- prevent the use of public resources in ways that are, or are perceived to be, advantageous to or promoting the sitting elected members that are seeking re-election, or new candidates
- ensuring the Town of Victoria Park administration acts impartially in relation to all candidates.

## Policy scope:

This policy applies to elected members, candidates for election and Town employees in the period leading up to and during an election.

This policy does not apply to an extraordinary election, unless that election is for four or more of the elected members.

## Policy definitions:

**caretaker period** ~~for local government elections, from the date of the opening of nominations being 44 days prior to Election Day in accordance with Section 4.49(a) of the Local Government Act 1995, until 6pm on Election Day,~~ [has the same meaning as section 1.4A of the Local Government Act 1995.](#)

**community engagement** means the process of providing stakeholders with opportunities to be informed, consulted and engaged in relation to a proposed decision of the Town.

**election day** means the day fixed under the *Local Government Act 1995* for the holding of any poll needed for an election.

**electoral material** has the meaning given to it in section 4.87 of the *Local Government Act 1995* but does not include any materials produced by the Town relating to the election process by way of information, education or publicity, or materials produced by or on behalf of the Returning Officer for the purposes of conducting an election. Without limiting the generality of the definition of 'electoral material', material will be intended or likely to affect voting in the election if it contains an express or implicit reference to, or comment on:

- a. the election
- b. a candidate in the election
- c. an issue submitted to, or otherwise before, the voters in connection with the election.

**election sign** has the meaning given to it in the *Activities on Throughfares and Trading on Throughfares and in Public Places Local Law 2000*.

**events and functions** means gatherings of internal and external stakeholders to discuss, review, acknowledge, communicate, celebrate or promote a program, strategy or issue which is of relevance to the Town and its stakeholders and may take the form of launches, promotional activities and social occasions such as dinners and receptions.

**extraordinary circumstances** mean a situation that requires a major decision of the Council because the Chief Executive Officer's opinion is that:

- a. the urgency of the issue is such that it cannot wait until after the election;
- b. legal and/or financial repercussions are possible if a decision is deferred; and/or
- c. it is in the best interests of the Town, community or impacted stakeholders for the decision to be made as soon as possible.

**major decision** means any:

- a. decisions relating to the employment, termination or remuneration of the Chief Executive Officer or any other designated senior officer, other than a decision to appoint an Acting Chief Executive Officer, or to suspend the current Chief Executive Officer (in accordance with the terms of their contract), pending the election;
- b. decisions relating to the Town entering a sponsorship arrangement unless that sponsorship arrangement has previously been granted "in principle" support by the Council and sufficient funds have been included in the Council's annual budget to support the sponsorship arrangement;
- c. decisions relating to the Town entering into a major trade undertaking or major land transaction as defined by Section 3.59 of the *Local Government Act 1995*;
- d. decisions that would commit the Town to substantial unbudgeted expenditure;
- e. decisions that result in actions which the Chief Executive ~~Officer's~~ Officer considers significant and unplanned, such as that which might be brought about through a Notice of Motion by an Elected Member;
- f. decisions that, in the Chief Executive Officer's opinion, will have significant impact on the Town or the community;
- g. the adoption, repeal or substantial amendment of a policy, including local planning policy, a local law or local planning scheme;
- h. reports requested or initiated by an elected member, candidate or member of the public that, in the Chief Executive Officer's opinion, could be perceived within the general community as an electoral issue and has the potential to call into question whether decisions are soundly based and in the best interests of the community.

**media** includes publications, advertising, social media, the website and videos.

**substantial unbudgeted expenditure** means expenditure not included in the annual budget that exceeds 0.5% of the Town's annual budgeted revenue (inclusive of GST) in the relevant financial year.

## Policy statement:

### Caretaker period

1. The ordinary election of the Council is the most significant decision made by the community and sets the direction of the Town into the future. It is important that the Town allows for a free and open election without interference from the Town and the decisions it needs to make. In order to achieve this, prior to an ordinary election of Council, a caretaker period shall apply during which:
  - a. no major decisions should be made except in extraordinary circumstances;

- b. no community engagement should occur except where required by law;
- c. no media engagement should be occur that promotes or could be seen to promote elected members who are seeking re-election.

## Major decisions

2. To give effect to clause 1.a., the Chief Executive Officer should:
  - a. avoid scheduling major decisions for consideration during the caretaker period;
  - b. ensure any major decisions made prior to the caretaker period are announced prior to the beginning of the caretaker period;
  - c. if a decision (including a Council report, committee recommendation or notice of motion) could be considered a major decision include information in that report explaining that the decision could be a major decision and result in a breach of this policy.
3. Whilst this policy establishes that a Chief Executive Officer may not be appointed or dismissed during a caretaker period, the Council may, where the substantive officer is on leave, appoint an Acting Chief Executive Officer, or in the case of an emergency, suspend the current Chief Executive Officer (in accordance with the terms of their contract) and appoint a person to act in the position of Chief Executive Officer, pending the election, after which date a permanent decision can be made.

## Community engagement

4. To give effect to clause 1.b., the Chief Executive Officer should:
  - a. ensure that all community engagement is finished prior to the caretaker period or scheduled to begin after the election;
  - b. where community engagement needs to be conducted, ensure the community engagement could not be perceived to be about an election issue or otherwise influence the outcome of the election;
  - c. where a proposed decision (including a Council report, committee recommendation or notice of motion) could result in a need for community engagement, including information in that report explaining the decision could result in the need for community engagement and result in a breach of this policy.
5. This policy does not prevent any mandatory public consultation required by the *Local Government Act 1995*, *Planning and Development Act 2005* or any other relevant law, the Town must undertake to fulfil its statutory functions.

## Events and functions

6. Elected members may continue to attend events and functions hosted by external bodies during the caretaker period.
7. Elected members that are also candidates are not be permitted to make speeches or addresses at events/functions organised or sponsored by the Town, [with the exception of citizenship ceremonies](#), and community engagement events during the caretaker period.

## Media

8. To give effect to clause 1.d.c., the Chief Executive Officer should ensure that:
  - a. any reference to elected members in Town media distributed during the caretaker period must not include promotional text relating to the elected members. Any of the Town's media that are

potentially affected by this policy will be reviewed by the Chief Executive Officer to ensure any circulated, displayed or otherwise publicly available material does not contain material that may be construed as 'electoral material' during the caretaker period;

- b. the Town's website doesn't contain any material which is precluded by this policy during the caretaker period. Any references to the election will only relate to the election process. Information about elected members will be restricted to names and contact details;
  - c. the Town does not print, publish or distribute, or cause, permit or authorise others to print, publish or distribute on behalf of the Town, any advertisement, handbill, pamphlet or notice that contains 'electoral material' during the caretaker period.
9. Candidates and/or elected members are permitted to publish campaign material on their own behalf but cannot claim for that material to be originating from or authorised by the Town.
  10. This policy does not prevent publications by the Town which merely announce the holding of the election or relate only to the election process itself or a required to be published by the Town relating to the election pursuant to the Act and electoral regulations.
  11. During the caretaker period, elected members shall ensure their allocated business cards are used only for purposes associated with the normal role of an elected member in servicing the community. Elected member business cards shall not be used in a manner that could be perceived as an electoral purpose.
  12. The use of photographs or articles featuring elected members whose terms of office expire at the next ordinary election shall not be used in any media funded by the Town in the period starting from the commencement of the caretaker period to Election Day, in the year of the ordinary election, with the exception of their portraits on display at the various Town venues, the Town website and in each edition of the Town's newsletter during that period.
  13. Any requests for media advice or assistance from elected members or candidates during the caretaker period will be referred to the Chief Executive Officer. No media advice will be provided in relation to election issues or in regard to publicity that involves elected members seeking re-election. If satisfied that advice sought by an elected member during the caretaker period does not relate to the election or publicity involving any elected members seeking re-election, the Chief Executive Officer may authorise the provision of a response to such a request.

### Promotion of an election

14. Despite clauses 9 – 14, For any election, inclusive of local, state and federal elections, the Town should:
  - a. encourage the community to ensure their enrolment is up to date;
  - b. promote the call for candidates to nominate for local government elections;
  - c. encourage all electors to vote.
15. This promotion should be through the channels of communication determined by the Chief Executive Officer and should focus on encouraging and reaching as many demographic groups in the Town as possible.
16. The Town should endeavour to hold a candidate information session for all ordinary local government elections, which may be held jointly with other local governments.

### Use of Town resources

17. The Code of Conduct for Council Members, Committee Members and Candidates prescribes that Town resources are only to be used for Council business. Town Resources must not be used for electoral purposes. The Town's resources, including officers, support staff, hospitality services, equipment and stationery should

be used exclusively for normal Town business. This prohibition applies to any form of election, including local, state or federal.

18. Elected members will not use or access Town employees or resources to gain media attention in support for their, or any other candidate's, election campaign, including local, state or federal elections.

### Elected Member Access to Information

19. During the Caretaker Period, Elected Members can access Council information relevant to their role as an elected member. Any Council information accessed must not be used for electoral purposes.

### Election signs

20. Election signs cannot be erected, left or otherwise displayed on Town property such as parks and reserves, administrative facilities or recreation facilities.
21. Election signs can be displayed on throughfares subject to obtaining a permit under the *Town of Victoria Park Activities on Throughfares and Trading on Throughfares and in Public Places Local Law 2000*.
22. In the event election signs are in a place they are not permitted, the Chief Executive Officer or persons authorised by them, will remove the signs and dispose of them in an environmentally sustainable way and, if appropriate, an infringement should be issued.
23. The Chief Executive Officer will ensure the requirements of clauses 21 - 23 relating to election signs are communicated to candidates as soon as possible after the close of nominations.
24. Clauses 21 - 23 apply to any election including a local government election, state election or federal election including any by-election or extraordinary election.

### Electoral rolls and rates roll

25. In accordance with the *Local Government (Election) Regulations 1997*, candidates and elected members may obtain copies of the electoral roll from the Chief Executive Officer or Returning Officer.
26. In accordance with the *Local Government (Administration) Regulations 1996* a person can inspect or obtain a copy of the rates roll or owners and occupiers roll at any time from the Town however they:
  - a. must provide a statutory declaration that they will not use this information for commercial purposes; and
  - b. pay any fees or charges set in relation to obtaining a copy.

### Related documents

[Local Government Act 1995](#)

[Local Government \(Elections\) Regulations 1997](#)

[Activities on Throughfares and Trading on Throughfares and in Public Places Local Law 2000](#)

[Code of Conduct for Council Members, Committee Members and Candidates](#)

<b>Responsible officers</b>	Coordinator Governance and Strategy
<b>Policy manager</b>	Manager Governance and Strategy
<b>Approval authority</b>	Council

Next evaluation date ~~November 2022~~ [March 2025](#)

## Revision history

Version	Action	Date	Authority	Resolution number	Report number
1	Adopted	20/07/2021	Council	166/2021	Item 15.4
2	Reviewed and amended	12/04/2022	Council	73/2022	Item 15.5

<b>Policy number</b>	Policy 101
<b>Policy title</b>	Governance of Council Advisory and Working Groups
<b>Strategic outcomes supported</b>	<p>CL2 – <del>A community that is authentically engaged and informed in a timely manner.</del> <a href="#">Communication and engagement with community.</a></p> <p><del>CL8 – Visionary civic leadership with sound and accountable governance that reflects objective decision making.</del></p> <p><del>CL9 – Appropriate devolution of decision making and service provision to an empowered community.</del> <a href="#">CL3 - Accountability and good governance.</a></p>

## Policy objective:

To provide for the governance of Council’s advisory and working groups, inclusive of requirements for establishment, appointment, remuneration, operation and reporting.

## Policy scope:

This policy applies to all Council-established working and advisory groups comprised of community members, staff and elected members.

## Policy definitions:

**Advisory group** is a group established by resolution of Council, which may consist of elected members, community members and officers, for the provision of strategic advice on a matter.

**Working group** is a group established by resolution of Council, which may consist of elected members, community members and officers, for the purpose of delivering strategic outcomes.

## Policy statement:

1. The Town recognises the importance of engaging meaningfully with its community and ensuring that its citizens are able to participate and influence the decision-making process. While there are many methods in which the Town promotes public participation and engages with its community, the establishment of advisory groups are intended to give community members a formal avenue to advise Council on a specific matter, whilst working groups are intended to empower and support the community in delivering strategic outcomes in partnership with the Town. The creation of an advisory or working group shall align with Policy 103 – Communication and engagement.

## Establishment:

2. To establish an advisory or working group, Council must resolve to:
  - a. Create that group for the purposes outlined in clause 3 and 4 of this policy
  - b. Set the purpose and objective of the group in line with clause 3 and 4 of this policy
  - ~~c. Determine the length of the group’s term and any extensions in line with clause 5 of this policy~~
  - c Endorse the criteria for membership and composition of the group
  - d Give public notice relating to the establishment of the group and its community vacancies.

3. An advisory group may be established to provide advice on a specific matter, which contributes to achieving strategic outcomes within the Strategy Community Plan, as determined by Council.
4. A working group may be established to develop a policy and/ or a strategic document for the Town to be adopted by Council in the future, or to deliver a strategic outcome for the Town through the implementation of a Council-adopted strategy or plan.
- ~~5. To ensure that groups are meaningfully engaged, Council will determine the length of the group's term. In making this determination, Council is to consider the group's purpose and objective, and the scope in which they will operate. Council may authorise the Chief Executive Officer to extend the group's term for a set time period.~~
- ~~6.5.~~ Members of advisory and working groups may include elected members, community members and staff members. The number of positions available, as well as the composition of the group, is to be determined by Council as stipulated in clause 2(c) of this policy.
- ~~7.6.~~ Council must also determine the criteria in which candidates are to be assessed against before being formally appointed to the group. The criteria can include skills, education or experience relevant to the set purpose and objective of the group.
- ~~8.7.~~ Advisory and working groups established by Council, pursuant to this policy are not, and are not intended to be, committees established under Section 5.8 of the *Local Government Act 1995*.
- ~~9. An example recommendation to meet the establishment requirement in this policy is included in Schedule A.~~

### Membership and appointment:

- ~~10.8.~~ There are three types of members that may be appointed to advisory and working groups, which are: community members, elected members and officers. Each type of member has different appointment requirements and voting provisions.

### Elected members

- ~~11.9.~~ The number of elected members in an advisory or working group shall not exceed one-third of the total number of elected members holding office. Appointment of elected members will be by resolution of Council.
10. The term for an elected member appointed to an advisory or working group shall be for two years with appointments of elected members being made by resolution of Council following an ordinary local government election.
11. An elected member cannot serve more than three (3) consecutive two (2) year terms on any specific group.
12. Elected members formally appointed by Council to an advisory or working group are to be participating members of that group.

### Community members

13. Once Council has resolved to establish a group, inclusive of endorsing its composition and criteria for membership, the Chief Executive Officer is to publicly advertise the community vacancies for a period of at least two weeks.



14. At the close of the application period, the Chief Executive Officer is to assess the applications based on the criteria for membership set by Council, as stipulated in clause 2(d) of this policy. Where required, the Chief Executive Officer may choose to interview applicants as part of the application process.
15. Appointments of community members to an established group will be upon recommendation of the Chief Executive Officer and by resolution of Council.
16. The term for community members appointed to an advisory or working group shall be for two years with appointments of community members being made by resolution of Council the year following an ordinary local government election.
- ~~15.17.~~ Community members cannot serve more than three (3) consecutive two (2) year terms on any specific group.
- ~~16.18.~~ Community members formally appointed by Council to an advisory or working group are to be participating members of that group.
- ~~17.19.~~ Should any community member be unable to fulfil their role on an advisory or working group at any point in time they may apply in writing to the Chief Executive Officer to be released from the group. The Chief Executive Officer will then reappoint their replacement from those previous applicants in order of merit until a replacement has been filled. The Chief Executive Officer may choose for the community member position to remain vacant depending on the nature of the groups' terms of reference and / or length of time remaining for the group's term.

#### Officers

- ~~18.20.~~ The Chief Executive Officer is to appoint relevant officers to the group as follows:
- a. To provide professional advice and conduct research in line with the group's purpose and objective
  - b. To provide administrative and governance support, inclusive of ensuring adherence to the group's terms of reference as adopted by Council, and to the reporting requirements in this policy.
- ~~19.21.~~ Although appointment of officers will be at the discretion of the Chief Executive Officer and is not to be resolved upon by Council, the Chief Executive Officer is to advise Council of the appointments once made.
- ~~20.22.~~ Officers formally appointed by the Chief Executive Officer to an advisory or working group are only advisory and/or secretarial members of that group.
- ~~21.~~ An example recommendation to meet the appointment requirement in this policy is included in Schedule A.

#### Remuneration and expenses:

- ~~22.23.~~ Members appointed to a Council-established group are not entitled to a sitting fee, or any such type of remuneration, unless otherwise considered and resolved by Council.
- ~~23.24.~~ Should Council resolve to provide remuneration to members of a Council-established group, the amount must be determined by Council and be in line with the adopted budget.
- ~~24.25.~~ Elected members and officers that are members of an advisory or working group are not to be remunerated under any circumstance.

~~25.26.~~ Members appointed to an advisory or working group, excluding elected members and officers, that are unable to drive a motor vehicle or whose primary mode of transportation is by public means, may be reimbursed for the cost of the incurred fare to and from meetings.

~~26.27.~~ The reimbursement of expenses for elected members is dealt with in Policy 021 – Elected member fees, expenses and allowances.

~~27.28.~~ To be eligible for reimbursement, a community member must seek approval from the Chief Executive Officer who will process the reimbursement.

## Operation:

### Terms of Reference

~~28.29.~~ Each group is responsible for drafting its own terms of reference, inclusive of:

- a. Purpose
- b. Objective
- c. Membership including roles and composition
- d. Meeting procedures including, but not limited to, its general conduct, meeting frequency, administration and other such requirements.

~~29.30.~~ Within three months of ~~establishment~~ members being appointed, the Chief Executive Officer, with agreement from members of that group, is required to present a group's proposed terms of reference to Council for adoption.

~~30.31.~~ Upon adoption by Council, the group's terms of reference, including its membership, must be made publicly available on the Town's website.

~~31.32.~~ The Chief Executive Officer is responsible for ensuring that each established group has appropriate administrative and professional support.

~~32.33.~~ A sample ~~recommendation to meet the terms of reference requirement is included in Appendix A, and~~  
a Terms of Reference Template is included in Schedule BA.

### Delegation

~~33.34.~~ A group shall have no delegated authority to make any decisions for or on behalf of Council and no group, or individual member thereof, shall, in particular:

- a. Expend, or authorise the expenditure of, any Town funds
- b. Correspond with any party
- c. Speak for or on behalf of the Town or Council
- d. Issue any press release
- e. Issue any instruction to Town staff.

~~34.35.~~ A group may make decisions relating to the conduct and operation of its meetings, and any other decisions, within its scope, that will allow it to deliver its objectives as set by Council.

## Reporting:

~~35.36.~~ Being formally established and appointed by Council, each advisory and working group is required to publish its agenda and minutes on the Town's website in the prescribed form.

~~36.37.~~ The minutes of each group must be presented to Council for receiving at the next relevant Ordinary Council Meeting.

~~37.38.~~ Council may, at any time, request that the Chief Executive Officer to present a report on the progress of each group.

~~38.39.~~ Where appropriate, Council may also request a group, or members thereof, to make a presentation at an informal Council meeting, including an elected member workshop or Concept Forum.

## Related documents

Nil.

<b>Responsible officers</b>	Coordinator Governance and Strategy
<b>Policy manager</b>	Manager Governance and Strategy
<b>Approval authority</b>	Council
<b>Next evaluation date</b>	

## Revision history

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1	Approved	19/05/2020	Council	413/2020	Item 15.1
2	Reviewed and amended	20/04/2021	Council	78/2021	Item 15.4
3	Reviewed and amended	12/04/2022	Council	73/2022	Item 15.5

## ~~SCHEDULE A~~

~~Sample recommendation for the establishment of an advisory or working group~~

~~That Council:-~~

- ~~1. Establishes [name of advisory or working group] for the purpose of [including purpose as per clause 2 and 3 of this policy] with the objective of [include objective and/or final deliverable of the group]~~
- ~~2. Endorses membership of the group to include the following:-~~
  - ~~a. [Number of elected members]~~
  - ~~b. [Number of community members]~~
- ~~3. Advertises the establishment of the [insert name] group, its [insert number] community member vacancies and seeks applications from candidates that meet the following criteria:-~~
  - ~~a. [Insert criteria in bullet point format]~~
- ~~4. Requests that the Chief Executive Officer presents a further report back to Council by [insert date] with a recommendation on community member appointments in line with point 3 above~~

~~Sample recommendation for the appointment of members to an advisory or working group~~

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That Council:-

- 1.—Appoints [insert number of elected member vacancies] to the [insert name of group]-
- 2.—Appoints the following persons to the [insert number] available community member positions:-
  - a.—[Insert name of person and type of membership fulfilled, if applicable]-
  - b.—[Insert name of person and type of membership fulfilled, if applicable]-
- 3.—Notes that the following officers have been appointed to the group:-
  - a.—[Insert officer position]-
- 4.—Requests that the Chief Executive Officer, with agreement from the group, presents a further report back to Council by [insert date being within a 3-month period] with its proposed terms of reference-

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Sample recommendation for the adoption of a group's terms of reference-

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That Council endorses the terms of reference for the [insert group name] as included in attachment [insert number].-



## SCHEDULE B-A

### **[Name of group]** Terms of reference

#### *Purpose and objective*

##### **For advisory group**

1. The purpose of the [name of group] (the group) is to provide strategic advice to Council on [outline specific matter and objective]. This advice is related to the following strategic outcomes:
  - a. [Include strategic outcomes]
  - b. [Include strategic outcomes]

##### **For working group**

2. The purpose of the [name of group] (the group) is to deliver [name objective –i.e. policy/strategic document/strategy or plan] for Council consideration. This [policy/document/strategy/plan] is related to the following strategic outcomes:
  - a. [Include strategic outcomes]
  - b. [Include strategic outcomes]

#### ~~Term~~

- ~~1. These terms of reference are effective upon endorsement by Council and continues until the [insert expected date of completion of the group as set by Council].~~

#### Membership

3. The group shall be comprised of:
  - a. [number] elected members
  - b. [number] community members
  - c. [number] officers

#### Term

4. All memberships ~~expire at the end of the group's term~~ are for a two-year term. Elected members are appointed following an ordinary local government election and community members are appointed the year following an ordinary local government election.

#### Roles and responsibilities

5. Each member of the group is responsible for attending meetings, reviewing relevant material to enable informed discussion, and making timely decisions/actions to progress the objectives of the group.
6. Each member is expected to abide by the Town's Code of Conduct, to have open and honest discussions and to treat each member with due courtesy and respect.
7. In addition to these, the specific roles for each membership type are as follows:
  - a. Elected members are responsible for ensuring that the group adheres to the direction set by Council, contributing from a Town-wide perspective, and ensures that delivery of the group's objective – [to be altered depending on agreement from group]
  - b. Community members are responsible for contributing to the delivery of the group's objectives within the scope of their skills, knowledge and capabilities – [to be altered depending on agreement from group]

- c. Officers are responsible for conducting necessary research as required by the group, providing professional advice, and for administering its meetings.

### Meeting procedures

8. The group will elect a presiding member and deputy presiding member at its first meeting. The presiding member will be the person consulted on the day-to-day operations of the group and its required preparations, including the agenda, for its next meeting.
9. The group will meet [include timeframe] or the group will meet as required, upon the calling of the meeting by the presiding member.
10. A meeting quorum will be at least 50% of the participating members of the group. Decisions are to be made by consensus (i.e. members are satisfied with the decision even though it may not be their first choice). If not possible, the presiding member can make the final decision.
11. If a member is unable to attend the meeting, they must advise the presiding member as soon as reasonably practicable.
12. The agenda and minutes of the meeting are to be prepared by the Town, as follows:
  - a. The agenda will be distributed no later than three working days before the meeting on the Town's website.
  - b. The minutes will be distributed no later than five working days after the meeting on the Town's website.
  - c. Both the agenda and minutes are to be developed in the prescribed form.

### Reporting

13. The group is expected to report to Council, in accordance with Policy 101 Governance of Council Advisory and Working Groups.

<b>Policy number</b>	Policy 027
<b>Policy title</b>	Legal Representation for Elected Members and Employees
<b>Strategic outcomes supported</b>	CL3 – Accountability and good governance.

## Policy objective:

To set out guidelines to assist Council in determining when it is appropriate to pay legal representation costs.

## Policy scope:

This Policy does not apply to legal representation obtained by the Town (under *Policy 003 – Legal Advice*) in relation to the day-to-day management of the Town's affairs.

## Policy definitions:

**"approved lawyer"** means:

- an Australian lawyer as defined in the *Legal Profession Uniform Law (WA)* section 6(1); and / or
- from a law firm on the WALGA panel of legal service providers, unless Council considers that this is not appropriate – for example, where there is or may be a conflict of interest or insufficient expertise; and
- who is approved in writing by the Council or the CEO acting under delegated authority.

**"Elected Member"** means a current or former, Mayor, Councillor, Commissioner or non-elected member of a Council Committee of the Town.

**"Employee"** means a current or former Employee of the Town.

**"legal proceedings"** may be civil, criminal or investigative (including the conduct of an inquiry).

**"legal representation"** means the provision of legal services, to or on behalf of an Elected Member or Employee, by an approved lawyer that are in respect of:

- a matter or matters arising from the performance of the functions of the Elected Member or Employee; and
- legal proceedings involving the Elected Member or Employee that have been, or may be, commenced.

**"legal services"** includes advice, representation or documentation that is provided by an approved lawyer.

**"payment"** by the Town of legal representation costs may be either by:

- a direct payment to the approved lawyer (or the relevant firm); or
- a reimbursement to the Elected Member or Employee.

**"WALGA"** means the Western Australian Local Government Association.

## Policy statement:

1. Under the *Local Government Act 1995*, the general function of a local government is to provide for the good government of the persons in its district. Money held by the local government may be applied towards the performance of this function including the expenditure of funds to provide legal representation for Elected Members and Employees, as long as the Town believes on reasonable grounds that the expenditure falls within the scope of the general function.
2. This Policy provides for criteria and circumstances for assessing the appropriateness of expending Town funds on the legal representation of Elected Members and Employees.
3. This policy only applies if the Town's insurers decline to accept responsibility for providing legal representation to Elected Members and Employees.

## Payment Criteria

4. There are four major criteria for determining whether the Town will pay the legal representation costs of an Elected Member or Employee. These are:
  - a. The legal representation costs must relate to a matter that arises from the performance, by the Elected Member or Employee, of their functions.
  - b. The legal representation costs must be in respect of legal proceedings that have been, or may be, commenced.
  - c. In performing the functions, to which the legal representation relates, the Elected Member or Employee must have acted in good faith, and must not have acted unlawfully or in a way that constitutes improper conduct.
  - d. The legal representation costs do not relate to a matter that is of a personal or private nature.

## Legal Representation Costs that May be approved

5. If the criteria in clause 4 are satisfied, the Council may approve legal representation costs:
  - a. where proceedings are brought against an Elected Member or Employee in connection with his or her functions – for example, an action for defamation or negligence arising out of a decision made or action taken by the Elected Member or Employee; or
  - b. for involvement in a statutory or other inquiry that requires information to be given, or to which information is given, by an Elected Member or Employee in connection with his or her functions; or
  - c. to enable proceedings to be commenced and/or maintained by an Elected Member or Employee to permit them to carry out their functions – for example where an Elected Member or Employee seeks to take action to obtain a restraining order against a person using threatening behaviour to the Elected Member or Employee; or
  - d. where exceptional circumstances are involved – for example, where a person or organisation is lessening the confidence of the community in the local government by publicly making adverse personal comments about Elected Members or Employees.
6. The Council will not approve the payment of legal representation costs to an Elected Member or Employee for a defamation action, or a negligence action, instituted by the Elected Member or Employee.

## Application for payment

7. An Elected Member or Employee who seeks assistance under this Policy is to make an application(s) for payment of legal representation costs.



8. The application:
  - a. is to be made in writing to the Chief Executive Officer;
  - b. is to give details of:
    - i. the matter for which legal representation is sought;
    - ii. how the matter relates to the functions of the Elected Member or Employee;
    - iii. the lawyer (or law firm) who is to be asked to provide the legal representation;
    - iv. the nature of legal representation to be sought (such as advice, representation in court, preparation of a document. etc);
    - v. the estimated cost of the legal representation (if known); and
    - vi. why it is in the interests of the Town for payment to be made.
  - c. is to contain a declaration by the applicant that he or she has acted in good faith and has not acted unlawfully or in a way that constitutes improper conduct in relation to the matter to which the application relates;
  - d. so far as possible, is to be made before seeking the legal representation to which the application relates.
9. The application is to be accompanied by a written statement by the applicant that they:
  - a. have read and understands the terms of this Policy;
  - b. acknowledged that any approval of legal representation costs is conditional on the repayment provisions of clause 23 and any other conditions to which the approval is subject; and
  - c. undertake to repay to the Town any legal representation costs in accordance with the provisions of clause 23.
10. In relation to clause 8(c.), when a person is to be in receipt of such monies the person should sign a document which requires repayment of that money to the local government as may be required by the local government and the terms of the Policy.
11. An application is to be accompanied by a report, prepared by or on behalf of the CEO, to Council for approval.

### Legal representation costs – limit

12. Unless otherwise determined by Council, payment of legal representation costs in respect of a particular application is not to exceed \$5,000.
13. An Elected Member or Employee may make a further application in respect of the same matter.

### Council powers

14. Council may:
  - a. refuse;
  - b. grant; or
  - c. grant subject to conditions, an application for payment of legal representation costs.
15. A condition under clause 13 may include a financial limit and/or a requirement to enter into a formal agreement, including a security agreement, relating to the payment, and repayment, of legal representation costs.
16. In assessing an application, regard may be had to any insurance benefits that may be available to the applicant under the Town's existing insurance policy.

17. Council may at any time revoke or vary an approval, or any conditions of approval, for the payment of legal representation costs.
18. Council may, determine that an Elected Member or Employee whose application for legal representation costs has been approved:
  - a. has, in respect of the matter for which approval was given, not acted in good faith, or has acted unlawfully or in a way that constitutes improper conduct; or
  - b. has given false or misleading information in respect of the application.
19. A determination under clause 18 may be made by Council only on the basis of, and consistent with, the findings of a court, tribunal or inquiry.
20. Where Council makes a determination under clause 18, it may also determine that all or part of the legal representation costs paid by the Town, are to be repaid by the Elected Member or Employee in accordance with clause 24.

### CEO Authorisation

21. In cases of urgency, the CEO, may exercise, on behalf of the Council, any of the powers of the Council under clause 5, to a limit of \$5,000, where a delay in approving an application would be detrimental to the legal rights of an Elected Member or Employee.
22. Where the CEO is the applicant, the powers in clause 21 are to be exercised by the Chief Financial Officer and the Mayor or Deputy Mayor.
23. An application approved by the CEO under clause 21, or by the Chief Financial Officer under clause 22, is to be submitted to the next meeting of Council which may exercise any of its powers under this Policy.

### Repayment of Legal Representation Costs

24. An Elected Member or Employee, whose legal representation costs have been paid by the Town, is to repay the Town:
  - a. all or part of those costs – in accordance with a determination by Council under clause 18; or
  - b. as much of those costs as are available to be paid by way of off-set – where the Elected Member or Employee receives monies paid for costs, damages, or settlement, in respect of the matter for which the Town paid the legal representation costs.
25. The Town may take action in a court of competent jurisdiction to recover any monies due to it under this Policy.

### Related documents

[Departmental Operational Guideline - Legal Representation for Council Members and Employees \(dlgsc.wa.gov.au\)](http://dlgsc.wa.gov.au)

<b>Responsible officers</b>	Coordinator Governance and Strategy
<b>Policy manager</b>	Manager Governance and Strategy

<b>Approval authority</b>	Council
<b>Next evaluation date</b>	

## Revision history

Version	Action	Date	Authority	Resolution number	Report number
1	Adopted		Council	-	



<b>Policy number</b>	Policy 028
<b>Policy title</b>	Fraud, Corruption and Misconduct Control
<b>Strategic outcomes supported</b>	CL3 – Accountability and good governance.

## Policy objective:

To communicate the Town’s zero tolerance approach and response actions to fraudulent and corrupt conduct within the performance of its functions and interactions with contractors and suppliers, the community and all other stakeholders of the Town.

## Policy scope:

The management of fraud, corruption and misconduct is a collective responsibility of all persons engaged or closely associated with the Town in any capacity, which includes but is not limited to elected members, employees and contractors.

## Policy definitions:

**“fraud”** is a dishonest activity causing actual or potential financial loss to any person or entity including theft of moneys or other property by employees or persons external to the entity and where deception is used at the time, immediately before or immediately following the activity. This also includes the deliberate falsification, concealment, destruction or use of falsified documentation used or intended for use for a normal business purpose or the improper use of information or position for personal financial benefit. The theft of property belonging to an entity by a person or persons internal to the entity but where deception is not used is also considered ‘fraud’. (Australian Standard *AS8001:2008 Fraud and Corruption Control*).

**“corruption”** is a dishonest activity in which a director, executive, manager, employee or contractor of an entity acts contrary to the interests of the entity and abuses his/her position of trust in order to achieve some personal gain or advantage for him or herself or for another person or entity. The concept of corruption can also involve corrupt conduct by the entity, or a person purporting to act on behalf and in the interests of the entity, in order to secure some form of improper advantage for the entity either directly or indirectly. (Australian Standard *AS8001:2008 Fraud and Corruption Control*).

**“misconduct”** has the same meaning given in section 4 of the *Corruption, Crime and Misconduct Act 2003* (WA).

**“serious misconduct”** occurs when a public officer:

- a. corruptly acts or corruptly fails to act in the performance of the functions of the public officer’s office or employment; or
- b. corruptly takes advantage of the public officer’s office or employment as a public officer to obtain a benefit for himself or herself or for another person or to cause a detriment to any person; or
- c. whilst acting or purporting to act in his or her official capacity, commits an offence punishable by two or more years’ imprisonment. (*Corruption, Crime and Misconduct Act 2003*)

**“minor misconduct”** occurs if a public officer engages in conduct that:

- a. adversely affects the honest or impartial performance of the functions of a public authority or public officer, whether or not the public officer was acting in their public officer capacity at the time of engaging in the conduct; or
- b. involves the performance of functions in a manner that is not honest or impartial; or
- c. involves a breach of the trust placed in the public officer; or
- d. involves the misuse of information or material that is in connection with their functions as a public officer, whether the misuse is for the benefit of the public officer or the benefit or detriment of another person; and
- e. constitutes, or could constitute, a disciplinary offence providing reasonable grounds for termination of a person’s office or employment. (*Corruption, Crime and Misconduct Act 2003*).

**“public interest information”** - means information that tends to show, in relation to its public function a public authority, a public officer, or a public sector contractor is, has been, or proposes to be, involved in:

- a. improper conduct; or
  - b. an act or omission that constitutes an offence under a written law; or
  - c. a substantial unauthorised or irregular use of, or substantial mismanagement of, public resources; or
  - d. an act done or omission that involves a substantial and specific risk of –
    - i. injury to public health; or
    - ii. prejudice to public safety; or
    - iii. harm to the environment;
- or
- e. a matter of administration that can be investigated under section 14 of the *Parliamentary Commissioner Act 1971 (Public Interest Disclosure Act 2003)*.

**“public officer”** includes a member, officer, or employee of an authority, board, corporation, commission, local government, council, committee or other similar body established for a public purpose under an Act (*Corruption, Crime and Misconduct Act 2003*).

**“public authority”** includes an authority, board, corporation, commission, council, committee, local government, regional local government or similar body established under a written law. (*Corruption, Crime and Misconduct Act 2003*).

## Policy statement:

1. The Town expects its elected members, committee members and employees, including contractors and advisors whether paid or unpaid, to act in compliance with the relevant Code of Conduct and behave ethically and honestly when performing their functions and during their interactions with each other, the community and all stakeholders of the Town.
2. A zero tolerance attitude is taken to fraudulent or corrupt conduct which will be thoroughly investigated and the appropriate reporting, disciplinary, prosecution and recovery actions initiated.
3. This policy along with the Town’s Codes of Conduct, the Town’s values, culture and its governance and risk management frameworks all operate in synergy to prevent, detect and respond to potential or actual fraud, corruption and misconduct.

### Fraud and misconduct control strategy:

4. The Town's fraud, corruption and misconduct control strategy is cognisant of Australian Standard *AS 8001-2008 – Fraud and Corruption Control* and the Australian National Audit Office's (ANAO) 10 principle model for fraud and misconduct control, as follows:
  - a. Principle 1 – Organisational Wide Policy.
  - b. Principle 2 – Risk Assessment.
  - c. Principle 3 – Internal Controls.
  - d. Principle 4 – Internal Reporting.
  - e. Principle 5 – External Reporting.
  - f. Principle 6 – Public Interest Disclosure.
  - g. Principle 7 – Investigations.
  - h. Principle 8 – Code of Conduct.
  - i. Principle 9 – Employee Training and Awareness.
  - j. Principle 10 – Customer and Community Awareness.

### Fraud, Corruption and Misconduct Control Framework:

5. The Town is to maintain a Fraud, Corruption and Misconduct Framework to operationalise the 10 principle model for fraud and misconduct control. The purpose of the framework is to:
  - a. detail the roles and responsibilities of Council and the Town's administration, including the role and responsibilities of elected members and employees for the prevention and detection of fraud, corruption and misconduct throughout the Town's operations
  - b. describe how opportunities for fraud, misconduct, bribery and corruption are minimised whilst maintaining the effectiveness of the Town's operations
  - c. identify the controls in place, or that will be put in place, to prevent, detect and respond to fraud, corruption and misconduct.

### Reporting Serious or Minor Misconduct:

6. As a principal officer of a notifying authority the Chief Executive Officer is required by the *Corruption, Crime and Misconduct Act 2003* to notify the Corruption and Crime Commission or the Public Sector Commission in writing of any matter that they suspect, on reasonable grounds, concerns either serious or minor misconduct by a public officer.
7. The Town expects that all elected members, employees and contractors will report serious or minor misconduct to the Corruption and Crime Commission or the Public Sector Commission.

### Public Interest Disclosure:

8. Any person may make an appropriate disclosure of public interest information to a proper authority which includes a local government. The legislation which governs such disclosures is the *Public Interest Disclosure Act 2003* (PID Act).
9. A disclosure can be made by anyone and may be made anonymously. If disclosures are made in accordance with the PID Act, the person making them is protected from reprisal. This means that the person enjoys immunity from civil or criminal liability and is protected from any disciplinary action or dismissal.
10. The PID Act requires the Town to appoint a PID Officer to whom disclosures may be made. The PID Officer should be consulted when considering whether to make a disclosure.
11. Information on public interest disclosures and the City's PID Officers are available on the Town's website.

**Disciplinary and Recovery Action:**

- 12. The Town will respond to all instances of fraud, corruption and misconduct in accordance with its disciplinary process which may lead to termination.
- 13. The Town will also seek to recover any losses it may have suffered through fraud, corruption and misconduct.

**Related documents**

- [Local Government Act 1995](#)
- [Corruption, Crime and Misconduct Act 2003](#)
- [Public Interest Disclosure Act 2003](#)
- [Code of Conduct for council members, committee members and candidates](#)
- [Employee Code of Conduct](#)
- [Policy 004 - Risk Management](#)

<b>Responsible officers</b>	Coordinator Governance and Strategy
<b>Policy manager</b>	Manager Governance and Strategy
<b>Approval authority</b>	Council
<b>Next evaluation date</b>	June 2024

**Revision history**

Version	Action	Date	Authority	Resolution number	Report number
1	Adopted		Council	-	

<b>Policy number</b>	<b>Policy 104</b>
<b>Policy title</b>	Managing Complaints and Customer Behaviour
<b>Strategic outcomes supported</b>	CL2 – Communication and engagement with community.

## Policy objective:

This policy outlines the Town's commitment to a consistent, fair and equitable framework in its management of customer services, handling of complaints and customer behaviour.

## Policy scope:

This policy applies to all employees, contractors and elected members who work for, or act on behalf of the Town of Victoria Park and the wider community.

## Policy definitions:

**Australian Standard** - See Australian/New Zealand Standard AS/NZS 10002:2014 Guidelines for Complaint Management in Organizations (as amended) at [www.standards.com.au](http://www.standards.com.au).

**Complaint** - is: a written "expression of dissatisfaction made to or about an organisation, related to its products, services, staff or the handling of a complaint, where a response or resolution is explicitly or implicitly expected or legally required" (as defined by the AS/NZS 10002-2014 Guidelines for complaint Management in Organisations)

A complaint is an allegation of:

- unmet standard or timeliness of service delivery;
- inappropriate behaviour of employees, contractors, or Councillors of the Town; or
- non-compliance with practices, policies and procedures of the Town.

**Customer** – A person, service area, organisation or its representative who has a direct relationship with the Town of Victoria Park. They receive or use the Town's services, attend and participate in meetings such as Council Meetings and provide feedback.

**Enquiries (does not include complaints)** Each enquiry below is covered under a separate process or policy.

- The initial request for a service to be delivered;
- A request for documents, information or explanation of policies or procedures;
- Compliance enforcement action;
- The lodging of an appeal or objection in accordance with a statutory process, standard procedure or policy;
- A petition; and
- A civil dispute between private individuals

## Complaints about Elected Members

Complaints about Elected Members are covered by Policy 026 Complaints Relating to Council Members, Committee Members and Candidates.



## Policy statement:

1. The Town delivers a wide range of services to our community and visitors, and we are committed to providing exceptional service through the delivery of customer service standards and behaviours. Our customer service delivery aligns with the principles of commitments in the Town's Customer Service Charter.
2. The Town aims to demonstrate:
  - a) Transparency and good governance when delivering services, actioning requests and receiving feedback;
  - b) Increased customer satisfaction by achieving the right outcome when delivering services, with accountability and continuous improvement;
  - c) Consistency in all customer correspondence to meet set standards including resolution of complaints;
  - d) Guidance on responding to unreasonably persistent customers.
3. The Town values complaints as they provide feedback on our services which allows us to continuously improve. We are committed to a quality complaint handling process which reflects the essential elements as set out in the Australian Standard guidelines of effective complaint handling published by the Ombudsman's Office of Western Australia.

## Complaints

### How to make a complaint

4. Complaints may be lodged in writing by:
  - [Online web form \(Contact form\)](#)
  - By letter
  - [By e-mail](#)
  - By completing the feedback tear off page on the customer service charter brochure at our reception centre
5. At a minimum, the following information is to be supplied in order to effectively process the complaint:
  - Name and address
  - Contact details
  - Brief description concerning the feedback
  - Dates, times and location of key events
  - Photos if relevant
  - A statement of what the customer hopes to achieve by providing feedback

### Anonymous complaints

6. An anonymous customer complaint will only be investigated where reasonable and sufficient information is provided and which, in the opinion of Town staff, constitutes:
  - I. A breach of statutory provisions;
  - II. A breach an approval, license or permit;
  - III. A matter for which the Town is obligated to act, prescribed in the Local Government Act 1995, Corruption and Crime Commission Act 2003 or under any other written law;
  - IV. A matter which if not attended to could reasonably constitute a risk to the public health and safety of persons, animals or the environment; and
  - V. A matter which is deemed to be capable of investigation and resolution without assistance from the customer.

## Complaints Process

### ***Complaint courses of action***

7. The Town may determine to take the following courses of action:
  - Take no further action and advise the complainant of the reason/s;
  - Resolve the complaint by use of appropriate strategies such as, but not limited to, mediation, informal discussion or negotiation;
  - Enter into a formal mediation process; or
  - Discontinue the assessment in circumstances where it becomes evident that the matter would be referred to another body or person and advise the complainant accordingly.

### ***Procedural Fairness***

8. The Town will ensure that a fair and proper procedure is used when making a decision in regard to complaints and that the decision-maker is free from bias and is impartial when reading or listening to what is being complained of. The Town will handle complaints and deliver customer service based on the Town's vision, mission and values.

### ***Privacy and confidentiality***

9. The Town will ensure that information will be treated with confidentiality with regards to complaints and recorded within the Town's records management systems.

### ***Recording complaints***

10. Information recorded must be factual, accurate and current as per the State Records Act 2000 and will be recorded within the Town's records management systems.

### ***Complaints about employees***

11. A complaint against an employee is considered confidential and the complainant will not be advised of the outcome, unless required by law.

## Complaints Review processes

### ***Internal Review***

12. A customer not satisfied with the way the Town has handled their initial complaint can request for the complaint to be reviewed. This can be due to several reasons:
  - Dissatisfied with the way in which the complaint was dealt with
  - Dissatisfaction with the final determination
  - Further information is provided
13. When a written request to review is received it will be reviewed by relevant Officer to ensure responses were equitable, objective and dealt with in unbiased manner.

### ***External Review***

14. The Town acknowledges that customers may request an external review of a complaint through the Department of Local Government and/or the State Ombudsman. The CEO will work cooperatively with the State Ombudsman and/or the Department of Local Government as appropriate to assist in the resolution of external review.

### **Closing of complaint**

15. Where the Town has conducted an internal review and/or has been involved in an external review of a complaint and subject to the result of the external review, the Town must be able to bring the matter to a conclusion. Accordingly, where a customer repeatedly corresponds with the Town regarding a complaint that has been the subject of an internal review and/or the external review process that has concluded, the CEO may close the Town's file on the matter after informing the customer in writing of the decision.

### **Unreasonable customer behaviour**

**Unreasonable behaviour** – means behaviour that is malicious, hostile, offensive or disruptive, and results in exhausting the resources of the Town, actively disrupts Town or Council business, or may cause a safety risk to others who are exposed to or dealing with such behaviour.

16. If a customer becomes unreasonable, then the Chief Executive Officer may implement restrictions on contact with the Town. This may include:
- Restricting who the customer has contact with;
  - Restricting the number of communications with the customer;
  - when a customer can have contact with the Town;
  - in what form the customer can have contact;
  - where a customer can make contact; and/or
  - restrictions to buildings owned or operated by the Town.
17. The customer will be advised in writing if any restriction will be implemented, and will include:
- The rationale and reason for the decision
  - What restrictions apply;
  - How long the restrictions apply for; and
  - Any alternative methods for dealing with the Town
18. Customers restrictions will be reviewed within one month of the restrictions ceasing. The review will include the reassessment of the customers behaviour and whether the restrictions are to be reinstated, reinstated with modifications or no need for reinstatement of the restrictions.

### **Related documents:**

[Town of Victoria Park – Employee Code of Conduct](#)

[Town of Victoria Park – Code of Conduct for Council Members, Committee Members and Candidates](#)

*Local Government Act 1995*

*State Records Act 2000*

Town of Victoria Park- Customer Service Charter

[International Standardisation Organisation - ISO 26000- Social Responsibility](#)

<b>Responsible officers</b>	<b>Customer Engagement Coordinator</b>
<b>Policy manager</b>	Manager Stakeholder Relations
<b>Approval authority</b>	Council
<b>Next evaluation date</b>	

**Revision history:**

Version	Action	Date	Authority	Resolution number	Report number
1					



<b>Policy number</b>	Policy 001
<b>Policy title</b>	Policy management and development
<b>Strategic outcomes supported</b>	CL8 – Visionary civic leadership with sound and accountable governance that reflects objective decision making.

## Policy objective:

To provide for the processes for the making, evaluation and management of policies and management practices.

## Policy scope:

This policy applies across the Town.

## Policy definitions:

**policy evaluation** is the examination of the content, implementation or impact of a policy, with the intent of determining its success against reaching its objectives, and intended impact.

**minor policy review** entails a broad review of the content of each policy to allow for minor amendments, including changes to formatting, spelling and grammar, rewording of sections to increase clarity, standardisation of terms used, and the updating of references to relevant legislation and other documents. Any amendments arising from a policy review should not alter the purpose or objective of the policy.

## Policy statement:

1. Pursuant to section 2.7(2)(b) of the *Local Government Act 1995*, Council determines the policies of the local government.
2. A policy is the Council's position on a particular matter, and is to guide the Town in undertaking administrative actions relevant to the policy. It is not intended to provide administrative detail, but rather to set out a general direction and guidance.
3. Some policies may be accompanied by supplementary documentation to ensure that the application of the policy is clear and consistent. The hierarchy of policy documents are as follows:
  - a. **Policy** - Strategic direction adopted by Council. This document is public and is intended for all those that live in, work for, or have dealings with the Town.
  - b. **Management Practice** - Administrative detail on how principles set out by the policy will be carried out by the Town. This document is for internal use by the Town's officers. Management practices are to be made under policies by the Council or other relevant legislative instruments and must be consistent with the policy under which they are made. Management practices shall outline how a policy is to be implemented, particularly any administrative processes necessary to give effect to a policy. Management practices are approved by the CEO in the manner as set out in the practice.
  - c. **Guideline** - Further information explaining the practical application of the policy. This document is intended for the general public and will be made available on the Town's website.

Guidelines are made as a supplement to the Council policy. They do not bind the Town, its officers or elected members. Guidelines are intended to assist members of the community by setting out as simply and clearly as possible the Town's approach in applying an adopted policy.

Guidelines are approved by the CEO in the manner as set out in the practice.

### Guiding principles:

4. Policies and management practices will be concise, clear, consistent and compliant.
  - a. Concise – policies will state no more than is necessary to direct decision making and clarify expected conduct.
  - b. Clear – policies and management practices will be written, in plain English, to avoid ambiguity and to be easily understood by the people affected.
  - c. Consistent – policies and management practices will encompass and be consistent with the Town’s strategic goals, values, risk appetite and template documents.
  - d. Compliant – policies and management practices will comply with all relevant compliance obligations and commitments and the Town’s governance framework.
5. It is acknowledged that there are three key stakeholders with differing relationships in policy development:
  - a. Officers develop and write policies, engage the community in the policy development process and conduct policy evaluations
  - b. Community members participate in co-creation and consultation processes to inform policy development
  - c. Elected members set policies for the Town by considering policies presented for adoption, review and evaluation.

### Policy management and development principles:

6. A policy response will be considered where there is either complexity or lack of clarity in one or a combination of any of the following circumstances:
  - a. legislative requirement
  - b. new or changing industry and organisational standards
  - c. to meet the Town’s strategic objectives
  - d. community need or expectation
  - e. advocacy on issues that Council considers to be significant
  - f. as a result of a Council resolution.
7. Further, a policy response will only be proposed where it can be demonstrated that the policy will deliver:
  - a. clarity and consistency in decision making
  - b. improved efficiency and effectiveness
  - c. improved customer / community outcomes.
8. Each policy to be created, reviewed or evaluated, is to be assessed against the principles set out in Policy 103 – Communication and engagement to ensure that an appropriate level of community engagement has been undertaken before the policy is presented to Council.
9. A minor policy review of all Council policies is to occur annually.
10. A policy evaluation is to occur for each policy at least once every four years.
11. All policies are to be available on the Town’s website.

## Related documents

[Local Government Act 1995 \(WA\)](#)

Practice 001.1 - Policies

Policy 103 – Communication and engagement

<b>Responsible officers</b>	Coordinator Governance and Strategy
<b>Policy manager</b>	Manager Governance and Strategy
<b>Approval authority</b>	Council
<b>Next evaluation date</b>	2025/26

## Revision history

Version	Action	Date	Authority	Resolution number	Report number
1	Adopted	21/05/2019	Council	84/2019	Item 10.1
2	Reviewed and amended	21/04/2020	Council	384/2020	Item 15.7
3	Reviewed and amended	20/04/2021	Council	78/2021	Item 15.4
4	Reviewed and amended	12/04/2022	Council	72/2022	Item 15.4

<b>Policy number</b>	Policy 053
<b>Policy title</b>	Meeting of electors
<b>Strategic outcomes supported</b>	CL02 – A community that is authentically engaged and informed in a timely manner. CL10 – Legislative responsibilities are resourced and managed appropriately, diligently and equitably. S2 – An informed and knowledgeable community.

## Policy objective:

To outline the preferred format and processes for Annual Meetings of Electors and Special Meetings of Electors.

## Policy scope:

This policy applies to Town of Victoria Park staff, elected members and community members in attendance at Annual Meetings of Electors and Special Meetings of Electors.

## Policy definitions:

**Electors** refers to a person who is eligible to be enrolled to vote at elections for the district.

**Annual Meeting of Electors** refers to the meeting required to be held once every financial year for the purpose of discussing the annual report and any other general business.

**Special Meeting of Electors** refers to a meeting held at the request of electors or council members to discuss specific matters.

## Policy statement:

1. Whilst it is acknowledged that Electors' meetings are dealt with in Part 5, Division 2, Subdivision 4 of the *Local Government Act 1995* and Part 3 of the *Local Government (Administration) Regulations 1996*, there is a need to set the preferences in regards to the format and processes that apply to electors' meetings to ensure consistency and to provide an understanding of roles for all of those involved.

### Notice and timing of meetings

2. The convening of electors' meetings is dealt with under section 5.29 of the *Local Government Act 1995*.
3. Electors' meetings are not to be held in the last two weeks of December or the first two weeks of January.

### Format of meetings

4. The order of proceedings for an Annual Meeting of Electors is to be:
  - a. declaration of opening
  - b. discussion about contents of annual report for the previous financial year
  - c. update on decisions from previous Annual Meeting of Electors
  - d. general business
5. The order of proceedings for a Special Meeting of Electors is to be:
  - a. declaration of opening
  - b. presentations on the matters specified in the request for a Special Meeting of Electors



c. general business

6. The proceedings referred to in points 3 and 4 can be altered by the presiding person.

### Role of person presiding

7. The role of the presiding person is to run the meeting in accordance with the order of proceedings.
8. The person presiding is entitled to move, second, speak to and vote on motions in their capacity as an elector.

### Role of elected members

9. Elected members may attend electors' meetings and are able to move, second, speak to and vote on motions in their capacity as an elector.

### Role of Town of Victoria Park employees

10. Appropriate senior officers may attend electors' meetings to provide information, as required.

### Role of electors

11. Electors are required to sign the attendance register to provide their name and address to confirm whether they are electors of the Town before participating in the meeting.
12. Electors' meetings are open to all members of the public however, only electors may move, second, speak to and vote on motions.
13. At an Annual Meeting of Electors, electors may raise any motion that is related to the responsibilities and functions of local government.
14. At a Special Meeting of Electors, electors may raise motions that are related to the purpose for which the meeting was called for.
15. Each elector present at a meeting of electors is entitled to one vote on each matter to be decided, but is not required to vote.

### Consideration of decisions made at electors' meetings

16. Decisions made at electors' meetings will be considered by Council at the next Ordinary Council Meeting, or as soon as reasonably practicable.
17. An update on the decisions made at the Annual Meetings of Electors will be provided at the following year's Annual Meeting of Electors.

### Recording of meetings

18. Meetings of electors that are held in the Council Chambers are to be recorded and live-streamed in accordance with Policy 052 – Recording and live streaming.
19. No other audio or visual recording may be undertaken without the permission of the presiding person.
20. The minutes of an electors' meeting will record a summary of the meeting and the decisions made. It will not be recorded verbatim.

## Related documents

[Part 5, Division 2, Subdivision 4 of the Local Government Act 1995](#)

[Part 3 of the Local Government \(Administration\) Regulations 1996](#)

[Town of Victoria Park Meeting Procedures Local Law 2019](#)

[Policy 052 – Recording and live streaming](#)

<b>Responsible officers</b>	Coordinator Governance and Strategy Governance Officer
<b>Policy manager</b>	Manager Governance and Strategy
<b>Approval authority</b>	Council
<b>Next evaluation date</b>	

## Revision history

Version	Action	Date	Authority	Resolution number	Report number
1	Approved	19/11/2019	Council	228/2019	Item 10.3
2	Reviewed	20/04/2021	Council	78/2021	Item 15.4
3	Reviewed and amended	12/04/2022	Council	73/2022	Item 15.5