

Policy number

Policy 028

Policy title

Fraud, Corruption and Misconduct Control

**Strategic
outcomes
supported**

CL1 – Effectively managing resources and performance.
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 AS8001:2021 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 AS8001:2021 Fraud and Corruption Control).

"misconduct" means when a public officer abuses their position and/or authority for personal gain, to cause detriment to another person, or acts contrary to the public interest (Source: Corruption and Crime Commission).

"serious misconduct" occurs when a public officer:

- corruptly acts or corruptly fails to act in the performance of the functions of the public officer's office or employment; or
- 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 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 to be cognisant of Australian Standard AS 8001-2021 – 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 principles 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. A public officer or any other person may report to the Corruption and Crime Commission or the Public Sector Commission any matter which that person suspects on reasonable grounds concerns or may concern serious or minor misconduct respectively. Information on reporting to the appropriate authority is available on the Town's website.

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](#)

Responsible officers	Coordinator Governance and Strategy
Policy manager	Manager Governance and Strategy
Approval authority	Council
Next evaluation date	August 2024

Revision history

Version	Action	Date	Authority	Resolution number	Report number
1	Adopted	15/08/2023	Council	176/2023	Item 11.6
2	Administratively amended	13/09/2023	Delegation		

Policy number	Policy 051
Policy title	Agenda Briefing Forum, Concept Forum and workshops
Strategic outcomes supported	CL2 – Communication and engagement with community CL3 - Accountability and good governance

Policy objective:

To set out the purpose, structure and proceedings of the Town's informal (non-statutory) meetings that fall under Part 17 'Briefings and Other Informal Forums' of the *Town of Victoria Park Meeting Procedures Local Law 2019*, which include the Agenda Briefing Forum, Concept Forum and Council workshops.

Policy scope:

This policy applies to all elected members, officers of the Town and any member of the public involved in informal meetings.

Policy definitions:

Agenda Briefing Forum refers to the non-statutory meeting held by Council to ask questions, receive presentations and seek clarity on officer reports presented within the draft Ordinary Council Meeting agenda.

Concept Forum refers to the non-statutory meeting held by Council to provide input and guidance on the development of matters that have a strategic impact and/or relate to the delivery of the Strategic Community Plan.

deputation refers to a presentation made by up to five people affected (adversely or favourably) by a matter on the agenda.

officer report refers to a report presented to Council by an officer of the Town, which includes professional advice and a recommendation, from which a Council decision is sought at the Ordinary Council Meeting.

workshop refers to any other non-statutory meeting of Council, which may be called upon from time to time, for the purpose of raising and discussing matters that are issue-specific with a strategic and/or community-wide significance.

Policy statement:

1. This policy seeks to ensure that informal meetings are responsibly managed, transparent and are in line with principles of good governance.

Agenda Briefing Forum:

2. The purpose of the Agenda Briefing Forum is to maximise the opportunity for elected members to be informed, and seek additional information, on an officer report contained in the draft Ordinary Council Meeting agenda, before it is presented for a decision at the Ordinary Council Meeting. No decisions or debate are to be made at the forum.
3. While the formal meeting structure of Council and committee meetings do not apply to this forum, the general conduct of the forum must be in line with the *Town of Victoria Park Meeting Procedures Local Law 2019* for the purpose of preserving order.

4. This forum is held on the first Tuesday of each month, unless otherwise determined by Council.
5. This forum is open to members of the public, except in matters deemed to be confidential in nature, in accordance with the *Local Government Act 1995*.
6. Elected members are to disclose any conflicts of interest to the Chief Executive Officer. Participation on an agenda item will not be allowed where the interest declared is of a financial, indirect financial or proximity nature.
7. While every endeavour is made to ensure that all items to be presented at the Ordinary Council Meeting are included in the Agenda Briefing Forum, there may be instances where items will not be ready in time for the forum and will have to be presented straight to Council for a decision.

Officer Presentation at Agenda Briefing Forums

8. Elected members may request that an officer presentation be provided on any report item, upon approval of the Chief Executive Officer. The time allotted for such presentations is no longer than 10 minutes, unless otherwise approved by the Presiding Member.

Public Participation at Agenda Briefing Forums

9. Members of the public are to be given opportunities to participate at the forum.

Deputation on a report item

10. A request to make a deputation at the forum must be submitted in writing and approved by the Chief Executive Officer.
11. All requests must be sent no later than 6.30pm on the Monday preceding the forum.
12. Any documents that will be presented at the forum must be provided at the time of making the request.
13. The Town is to ensure that any member/s of the public that are directly impacted by an agenda item are advised of their ability to make a deputation at this forum.
14. The time allotted for public deputations is not to exceed 10 minutes on any agenda item, unless otherwise approved by the Presiding Member.

General public participation through questions and statements

15. Public participation is limited to only those items on the agenda.
16. Public participation at the end of the forum is limited to those members of the public who did not participate in the first public participation time at that forum.
17. The time allotted for each public participation time will be a minimum of 15 minutes. Any extension of time will be in five minute increments and at the discretion of the Presiding Member.
18. All public questions must be asked through the Presiding Member. The Presiding Member may answer the question or choose to call upon an officer of the Town, or another elected member, to assist with responses.

Record of Agenda Briefing Forum

19. While formal minutes of the forum will not be kept, notes regarding any action to be undertaken, discussion held and any public participation, will be recorded and be made available on the Town's website within five working days after the forum has been held.
20. Recordings of the forum are to be kept and made available on the Town's website.
21. Notes and recordings for matters which are deemed confidential in nature, in line with the *Local Government Act 1995* and any other relevant legislation, will not be made publicly available.
22. The Agenda Briefing Forum notes are to be received by Council at the relevant Ordinary Council Meeting to promote transparency and ensure that any additional information regarding a report item is appropriately included into the decision-making process.

Concept Forum:

23. The purpose of the Concept Forum is to provide elected members and officers with an opportunity to discuss ideas, strategies and concepts for items in development. This forum is strictly for elected members to provide input and guidance on the development of matters that have a strategic impact and/or relate to the delivery of the Strategic Community Plan.
24. Topics to be considered are typically those that will require an eventual Council decision. They must be aligned to the Town's Strategic Community Plan.
25. Matters that are presented for information only must be approved by the Chief Executive Officer and be considered contentious, high risk or to have significant community impact.
26. No decisions are to be made at a Concept Forum.
27. Both elected members and officers may add an item to the forum agenda by making a submission in writing using the approved form.
28. This forum is not open to the public, unless upon invitation by the Chief Executive Officer.

Officer Presentation at a Concept Forum

29. Elected members may request that an officer presentation be made on a topic, upon approval of the Chief Executive Officer. Requests must be made at least five working days before the distribution of the forum agenda.

Public Participation at a Concept Forum

30. Members of the public, including relevant community, advisory, project and reference groups of the Town, and other such stakeholders, may, from time to time, be invited to attend the Concept Forum by the Chief Executive Officer. Any such engagement must be in line with Policy 103 – Communications and engagement and Policy 101 – Governance of Council Advisory and Working Groups.

Record of a Concept Forum

31. While formal minutes of the forum will not be kept, notes regarding any outcomes will be recorded and distributed to all elected members.

32. Additional documents or information requested to be provided to elected members during the course of a forum are to be provided to elected members separately to the notes of the forum, via email or the Councillor Portal.

Workshop:

33. It is recognised that Council may need to convene an informal meeting other than an Agenda Briefing Forum or Concept Forum.
34. The purpose of a workshop is to gain a better understanding on an issue-specific topic, or as a form of community engagement, in line with Policy 103 – Communications and engagement.
35. Attendance at the workshop is to be determined on a case-by-case basis and may be open to the public. The Presiding Member or the Chief Executive Officer, in consultation with the Presiding Member, may convene a workshop by providing at least five working days' notice to all elected members, and all anticipated attendees.
36. No decisions are to be made at a workshop.

Related documents

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

[Policy 103 – Communications and engagement](#)

[Policy 023 - Elected Members – Provision of Information and Services](#)

[Policy 101 – Governance of Council Advisory and Working Groups](#)

Responsible officers	Coordinator Governance and Strategy Governance Officer
Policy manager	Manager Governance and Strategy
Approval authority	Council
Next evaluation date	December 2026

Revision history

Version	Action	Date	Authority	Resolution number	Report number
1	Approved	19/03/2019	Council	40/2019	Item 10.1
2	Reviewed and amended	20/04/2021	Council	78/2021	Item 15.4
3	Reviewed and amended	20/07/2021	Council	165/2021	Item 15.3
4	Review and amended	12/04/2022	Council	73/2022	Item 15.5
5	Administratively amended	24/08/2023	Delegation		
6	Reviewed and amended	12/12/2023	Council	254/2023	Item 11.4

Policy number	Policy 104
Policy title	Managing Complaints and Customer Behaviour
Strategic outcomes supported	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.

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](#)

**Responsible
officers****Customer Engagement Coordinator****Policy manager**

Manager Stakeholder Relations

Approval authority

Council

**Next evaluation
date**

August 2025

Revision history:

Version	Action	Date	Authority	Resolution number	Report number
1	Adopted	15/08/2023	Council	176/2023	Item 11.6

Policy number	Policy 208
Policy title	Street verges – reinstatement of lawns following works
Strategic outcomes supported	EN5 – Providing facilities that are well-built and well-maintained

Policy objective:

To provide for the conditions by which the Town will reinstate lawns following works.

Policy scope:

This policy applies to works undertaken by the Town that affect the lawns on a street verge.

Policy definitions:

Nil.

Policy statement:

1. Where works require an alteration to the level of a street verge to the extent that part or all of an established lawn is removed, the Town's liability for reinstating the lawn will be limited to:
 - a. modifying the reticulation system; and
 - b. replanting the modified verge with lawn runners.
2. Unless warranted in special circumstances, the Town will not reinstate a lawn with full turf.
3. The Town will take responsibility to reinstate permissible verge treatments following any construction or maintenance works undertaken by the Town that impact on the verge. Material and finishes will be matched as closely as practicable to the existing.
4. In the case where synthetic turf is affected by routine maintenance of services, assets or construction works, the Town will reinstate or repair the affected area with an appropriate alternative treatment allowable under the Town of Victoria Park Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2000.
5. Where requested, the Town will make available to the householder the lawn turf to be removed due to roadworks. A householder is entitled only to the lawn turf removed from the verge immediately outside their property.

Related documents

[Town of Victoria Park Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2000](#)

Responsible officers	-
Policy manager	Manager Infrastructure Operations
Approval authority	Council
Next evaluation date	April 2025

Revision history

Version	Action	Date	Authority	Resolution number	Report number
1	Approved	28/09/1999	Council	-	Item 14.3
2	Reviewed	15/08/2006	Council	-	Item 4.1
3	Reviewed	09/07/2013	Council	-	Item 10.1
4	Reviewed	11/08/2015	Council	-	Item 10.1
5	Reviewed and amended	20/08/2019	Council	148/2019	Item 10.1
6	Reviewed and amended	20/04/2021	Council	81/2021	Item 15.7
7	Reviewed and amended	12/04/2022	Council	73/2022	Item 15.5
8	Administratively amended	24/08/2023	Delegation		

Policy number	Policy 224
Policy title	Fences between property owned by the Town and adjoining property
Strategic outcomes supported	S1 – Helping people feel safe CL3 - Accountability and good governance

Policy objective:

To provide for the processes in dealing with fencing between property owned by the Town and adjoining properties.

Policy scope:

This policy applies to fencing between property owned by the Town and adjoining property.

Policy definitions:

Nil.

Policy statement:

1. The Town may contribute to the cost of a dividing fence between property owned in fee simple by the Town and adjoining property. The Town will not contribute to the cost of a dividing fence between Crown land managed by the Town and adjoining property.
2. For the purpose of this policy land owned by the Town includes parks, reserves and drainage sumps that the Town owns freehold.
3. The Town contribution will be limited to 50% of the cost of erecting an original fence, or replacing a deteriorated existing fence with a sufficient fence under the Town of Victoria Park Fencing Local Law 2021.
4. A request from an owner for the Town to share in the cost of erecting an original dividing fence or replacing a deteriorated existing dividing fence must be made in writing by the owner setting out:
 - a. The reason for the request;
 - b. The total length of proposed new fence that adjoins Town property;
 - c. The material(s) to be used in the making of the fence together with - if other than a standard material dividing fence - brochures or a sketch detailing the height, design, materials proposed and a quotation (or estimated cost) of the portion adjoining Town property.

(Note: Dividing fences or walls acting as dividing fences made from materials other than standard fence materials such as 'HardiFence'®, 'Colorbond'®, timber picket may require development approval or approval under the Town of Victoria Park Fencing Local Law 2021).
5. Where the Town and the owner are agreed on the terms of the agreement, it shall be documented and signed by both parties. The agreement is to include the type of fence, the cost sharing arrangements and which party will arrange the erection.
6. Where it has been agreed that the Town will arrange the fence erection, the Town will follow the Policy 301 – Purchasing. The adjoining owner's contribution will be required to be paid to the Town prior to accepting the most suitable quotation, the Town not being obligated to accept the lowest quotation.

7. Where it has been agreed that the owner will arrange the fence erection, the Town's contribution is subject to the Town having agreed to a quotation obtained by the owner - or the owner's selection if more than one quotation. The Town is required to pay the owner within 14 days of the Town being satisfied the new fence has been installed to an acceptable standard and is in accordance with the Town of Victoria Park Fencing Local Law 2021.
8. In cases of financial hardship or where the adjoining owner is the holder of an Aged Pensioner card or a Disability Pensioner card, the Town may agree to erect or replace a fence and have the owner's share of the costs paid by instalments.
9. The Town will not contribute to the cost of a dividing fence between property owned in fee simple by the Town and adjoining property if a new or existing development proposes a change in fencing material and the fence was in an acceptable and functional condition prior to any works on the site.

Related documents

[Town of Victoria Park Fencing Local Law 2021](#)
[Dividing Fences Act 1954](#)

Responsible officers	Engineering Supervisor, Parks and Capital Works Supervisor
Policy manager	Manager Infrastructure Operations
Approval authority	Council
Next evaluation date	April 2025

Revision history

Version	Action	Date	Authority	Resolution number	Report number
1	Approved	01/07/1994	Council	-	-
2	Reviewed	15/08/2006	Council	-	Item 4.1
3	Reviewed	09/07/2013	Council	-	Item 10.1
4	Reviewed	11/08/2013	Council	-	Item 10.1
5	Reviewed and amended	20/08/2015	Council	148/2020	Item 10.1
6	Reviewed and amended	17/10/2020	Council	562/2020	Item 15.1
7	Reviewed and amended	12/04/2022	Council	73/2022	Item 15.5
8	Administratively amended	24/08/2023	Delegation		

Policy number	Policy 252
Policy title	Nuclear free zone
Strategic outcomes supported	EN1 – Protecting and enhancing the natural environment

Policy objective:

To provide for the Town to be a nuclear free zone.

Policy scope:

This policy applies across the Town.

Policy definitions:

Nuclear: Any source material or special fissionable material under the International Atomic Energy Agency Statute (in practice, this means uranium, thorium and plutonium).

Radioactive: Having or producing powerful and dangerous energy that comes from the breaking up of atoms.

Policy statement:

1. The Town of Victoria Park accepts that the transport, storage, treatment and use of radioactive substances could involve potential threats to the health and well-being of the residents and environment of the Town:
2. While Council recognises that Federal and State legislation may negate any power of council to make decisions in respect to the processing, storage or transport of radioactive materials, this policy provides a statement of intent that Council does not support:
 - a. The building of any nuclear power stations, enrichment plants, weapons plants, radio-active storage facilities within the Town;
 - b. The storage of uranium and/or nuclear waste within the Town's boundaries;
 - c. The transport of uranium or nuclear waste through the Town's boundaries.
3. That council is not opposed the responsible use of low levels of radioactive material in medical practices, education and research facilities, equipment used in geological, geophysical, forensic investigations, structural engineering and materials analysis, and within smoke detectors as the benefits to residents far outweigh the risk to the community at large.
4. That the Town of Victoria Park is a nuclear free zone.

Related documents

Nil.

Responsible officers	Project Officer
Policy manager	Chief Operations Officer
Approval authority	Council
Next evaluation date	September 2025

Revision history

Version	Action	Date	Authority	Resolution number	Report number
1	Adopted	20/09/2022	Council	199/2022	Item 15.2
2	Administratively amended	13/09/2023	Delegation		

Policy number	Policy 253
Policy title	Water conservation
Strategic outcomes supported	EN1 – protecting and enhancing the natural environment

Policy objective:

To ensure the conservation of water in the activities of the Town, to achieve the best return from the available water entitlement.

Policy scope:

This policy applies to all employees when making decisions associated with the Town's operations and the various initiatives and activities proposed by the community.

Policy definitions:

Nil.

Policy statement:

1. The Council of the Town of Victoria Park is committed to the conservation of water including optimising the management and reuse of water resources; and
2. The Council of the Town of Victoria Park is committed to the promotion and implementation of water conservation measures, both for the Town's own operations and that of its community.

Background:

3. The south-west of Western Australia has experienced a decrease in annual rainfall of 15% since the mid-1970s, which has resulted in a greater reduction in stream flow into dams. Conversely, the population has increased in recent years with higher population growth predicted for the future.
4. Factors such as decreasing rainfall and water supply combined with an increasing population and water demand means that efforts to conserve water are needed more now than ever before.
5. With the present potable water scarcity being experienced in Perth, it is necessary for the Town of Victoria Park and its community to reconsider the ways in which water sources are used and managed.

Practice Implications:

6. Protection, conservation and enhancement of the Town's surface and groundwater resources;
7. Promotion and implementation of water conservation measures and considerations into the Town's management and operations as well as the various initiatives and activities proposed by the community; and

8. Incorporation of high performance water efficiency measures in future buildings and other infrastructure design and introduction of water efficient retrofits when renewing or upgrading the Town's buildings and facilities. In accordance with the Department of Water and Environmental Regulation Policy: Water Conservation/Efficiency Plan, consideration will be given to the water conservation hierarchy:
 - a. avoid: use options not requiring water where possible
 - b. reduce: use suitable equipment, technology and systems to reduce the amount of water used
 - c. recycle: recycle water to minimise the need to use more water
 - d. fit-for-purpose: use lower quality water that is 'fit-for-purpose' where possible.
9. Consideration of water use efficiency and Water Sensitive Urban Design (WSUD) at all project stages: planning, design, construction, operation and maintenance.
10. The evaluation of this policy should occur with the following considerations:
 - a. Review of Water Action Plan;
 - b. Analysis of the Town's annual water consumption;
 - c. Identification of high consuming sites;
 - d. Opportunities for water efficiency improvements;
 - e. Review of physical measures taken to improve water efficiency;
 - f. Development of incentive schemes for ratepayers and businesses; and
 - g. Review by the organisational cross-functional Water Team, who is responsible for the development and continual review of the Water Action Plan and reporting via the Strategic Management Team.

Related documents

Practice 253.1 Water Conservation

Response officers	Environment Officer
Policy manager	Manager Assets and Environment
Approval authority	Council
Next evaluation date	April 2025

Revision history

Version	Action	Date	Authority	Resolution number	Report number
1	Adopted	12/09/2017	Council	-	Item 4.1
2	Reviewed and amended	20/08/2019	Council	148/2019	Item 10.1
3	Reviewed and amended	17/03/2020	Council	352/2020	Item 15.1
4	Reviewed and amended	12/04/2022	Council	73/2022	Item 15.5
5	Administratively amended	24/08/2023	Delegation		

Policy number	Policy 301
Policy title	Procurement
Strategic outcomes supported	EC1 – Facilitating a strong local economy EN1 – Protecting and enhancing the natural environment EN2 - Facilitating the reduction of waste. CL1 – Effectively managing resources and performance CL2 – Communication and engagement with community CL3 - Accountability and good governance

1. Policy objective:

1.1 The objective of this policy is to:

- Provide a policy and guidance to all Town of Victoria Park (Town) workers to allow consistency and robust control over the Town's procurement activities.
- Comply with the *Local Government Act 1995*, *Local Government (Functions and General) Regulations 1996*, other relevant legislation, codes of practice, standards, and other Town policies and procedures.
- Ensure records and evidence are kept of the procurement activities in accordance with the *State Records Act 2000* and the Town's Risk Management Framework.
- Use consistent, transparent, and accountable procurement processes and decision-making, including competitive quotation processes, assessment of best value for money and sustainable procurement principles for all procurement activities, including tender exempt arrangements.

2. Policy scope:

2.1 This policy applies to all employees, contractors, consultants, and entities that procure goods, services, or works for, or on behalf of, the Town of Victoria Park.

3. Policy definitions:

Aboriginal Business: means a business:

- with a majority ownership by a person of Aboriginal or Torres Strait Island descent; and
- is currently registered on the Aboriginal Business Directory WA issued by the Small Business Development Corporation; and/or
- registered with the Australian Indigenous Minority Supplier Office Limited (trading as Supply Nation).

Australian Disability Enterprise: means an Australian Disability Enterprise registered as such on the Australian Business Register.

Emergency Purchases: means the supply of goods or services associated with:

- A Local Emergency and the expenditure is required (either with or without relevant available budget allocation) to respond to an imminent risk to public safety, or to protect or make safe property or infrastructure assets in accordance with s.6.8 of the *Local Government Act 1995* and *Local Government (Functions and General) Regulations* r.11(2)(a); OR

- (ii) A State of Emergency is declared under the *Emergency Management Act 2005* and therefore, the *Local Government (Functions and General) Regulations* rr.11(2)(aa), (ja) and (3) apply to vary the application of this policy.

Local Businesses: means a business that is located within the boundaries of the Town or its adjoining Local government Areas (LGAs). Furthermore, an eligible local business must:

- (i) have a physical business premises (in the form of an office, depot, shop, outlet, headquarters, or other premises, including home offices, where goods or services (including professional services) are being supplied from), located with the Town or adjoining LGAs. This does not exclude suppliers whose registered business is located outside the town or adjoining LGAs, but undertake the business from premises located in the Town or adjoining LGAs;
- (ii) have permanent staff that are based at the business premises located within the Town or adjoining LGAs;
- (iii) manage or deliver the majority of the outcomes which will be carried out from the business premises located in the Town or adjoining LGAs; and
- (iv) provide to the Town sufficient evidence which demonstrates compliance with the above criteria.

Local Emergency: means an "Emergency" as defined in Section 3 of the *Emergency Management Act 2005* that is located within the boundaries of the Town or its adjoining local governments.

Officer: means Town of Victoria Park employee.

State of Emergency Declaration: has the meaning given in Section 3 of the *Emergency Management Act 2005*.

Sustainable Product Stewardship: means that producers will take on the financial or physical responsibility for their products once they reach the end of their life cycle by designing products to reduce waste and make it easier to recover materials or recycle them when they are no longer in use.

Town: is the Town of Victoria Park.

WALGA: means Western Australian Local Government Association.

WALGA PSP: means the Western Australian Local Government Association Preferred Supplier Program.

WA State CUA: means the Government of Western Australia Common Use Arrangement.

4. Policy statement:

4.1 The Town is committed to efficient, effective, economical and sustainable procedures in all procurement activities. This policy:

- (a) Provides the Town with a procurement policy as required by regulation 11A of the *Local Government (Functions and General) Regulations 1996*.
- (b) Ensures that the procurement of goods, services, or works are managed appropriately, sustainably and transparently for the benefit of the community.
- (c) Ensures that the use of alternative procurement methods, such as corporate credit cards, transaction cards and supplier panels are supported where benefits through improved administrative practices and more efficient cash management can be demonstrated.

- (d) Ensures that the Town considers the environmental impact of the procurement process throughout the life cycle of the goods, services, and works.
- (e) Ensures that throughout the procurement process, the Town will:
 - (i) maintain transparency, probity, and good governance to rate payers and relevant stakeholders on procurement activities;
 - (ii) maintain consistency and control over procurement activities;
 - (iii) encourage competitive procurement of goods, services or works and maximise community value;
 - (iv) use Town funds effectively and economically to gain value for money by considering both qualitative and quantitative factors; and
 - (v) as much as practicable support local business.
- (f) includes monetary values stated exclusive of GST.

5. Principles for procurement

- 5.1 The principle of responsible financial management is to be applied to all procurement activities. Town funds are to be used efficiently and effectively to procure goods, services, or works and every attempt must be made to contain the cost of the procurement process without compromising any of the procurement principles set out in this policy.

Procurement Requirements

Legislation	All procurement activities must comply with legal obligations including the requirements of the <i>Local Government Act 1995</i> , <i>Local Government (Functions and General) Regulations 1996</i> , <i>Local Government (Financial Management) Regulations 1996</i> , as well as the <i>Competition and Consumer Act 2010</i> .
Honesty and fairness	Town officers must conduct all procurement with honesty, fairness and probity and must not disclose any confidential information.
Accountability and transparency	All procurement activities are undertaken through a process that is open, clear, and documented.
Declaration of conflicts of interest	Any conflicts of interest (actual, potential, or perceived) during the procurement process must be declared and managed.
No anti-competitive practices	Town officers must not engage in practices that are anti-competitive or engage in any form of collusive practice.
No improper advantage	Town officers must not engage in practices that aim to give any supplier an advantage over other suppliers.
Intention to proceed	The procurement process must be undertaken with an intention to proceed with the purchase including having funding available for the purchase.
Cooperation	Town officers must encourage business relationships based on open and effective communication, respect, and trust.
Gifts and Hospitality	No Councillor or Town officer shall, either directly or indirectly solicit or accept gifts or presents from any member of the public involved with any matter that is connected with the duties of the officer, or in which the Council is interested.

6. Value for money

- 6.1 Value for money is a key principle in procurement, ensuring the best possible outcomes for the Town. Value for money is the consideration of not only the lowest purchase price but also the maximum efficiency and effectiveness

of the purchase. To achieve this at the individual purchase level, assessments must consider both cost and non-cost factors, relevant objectives, and make a value judgment about the best outcome. An assessment of the best value for money outcome for any procurement should consider:

- (a) All relevant whole of life costs and benefits, whole of life costs (for goods) and whole of contract life costs (for services) including transaction costs associated with acquisition, delivery, distribution, as well as other costs such as, but not limited to, consumables, deployment, maintenance, and disposal.
- (b) The supplier's financial viability and capacity to supply without risk of default (competency of the prospective suppliers in terms of managerial and technical capabilities and compliance history).
- (c) A strong element of competition in the allocation of orders or the awarding of contracts. This is achieved by obtaining a sufficient number of competitive quotations wherever practicable.
- (d) Consider the environmental sustainability of the proposed goods, services, and works (such as energy efficiency, environmental impact, and the use of re-usable, recycled, and recyclable products).
- (e) The technical merits of the goods, services, and works being offered in terms of compliance with the specifications, contractual terms and conditions, plus any relevant methods of assuring quality.

7. Sustainable Procurement

- 7.1 The Town is committed to sustainable procurement and where possible shall endeavour to design quotations and tenders to advantage goods, services, and works that minimise negative environmental, social, and local economic impacts. Consideration shall be given to the inclusion of sustainable evaluation criteria in the evaluations process for goods, services, and works requiring a formal request for quotation or tender process.
- 7.2 Practically, sustainable procurement means the Town will endeavor to identify contractors who engage in sustainable product stewardship and procure products and services that:
 - (a) Demonstrate environmental best practice in energy efficiency/ and or consumption, which can be demonstrated through recognised sustainability rating systems and eco-labelling.
 - (b) Demonstrate environmental best practice in water efficiency.
 - (c) Can be refurbished, reused, recycled, or reclaimed shall be given priority and those that are designed for ease of recycling, remanufacture, or otherwise to minimise waste.
 - (d) Ensure recycled products are procured competitively from licensed waste processing facilities.
 - (e) Demonstrate policies and practices that have been implemented by the business as part of its operations.
 - (f) Demonstrate waste prevention, recycling, market development, and use of recycled/recyclable materials.
 - (g) Demonstrate capabilities to reduce waste and make it easier to recover materials, obtain spare parts or recycle the products when they are no longer in use.
- 7.3 The Town adoption of a sustainable procurement criterion that considers environmental, social and local economic impacts will be selected at the time that a formal request for quotation or tender document is prepared, with consideration to the type of contract and industry involved. The Town will adopt an approach to procurement that supports sound environmental considerations in its procurement activities. For example, a sustainable procurement criterion will be included and applies an appropriate qualitative weighting, typically between 5 and 20 per cent, which will be used in the evaluation process of quotations or tenders.

8. Socially Sustainable Suppliers

- 8.1 The Town will support the procurement of goods, services, and works from socially sustainable suppliers such as Australian Disability Enterprise, Aboriginal and Local Businesses.

Australian Disability Enterprises

- 8.2 *Local Government (Functions and General) Regulations 1996* regulation 11(2)(i) provides a tender exemption if the goods or services are supplied by an Australian Disability Enterprise (**ADE**).
- 8.3 The Town will support procurement from ADEs. Where practical, the Town will provide opportunities to ADEs to provide goods, services or works to the Town. All requests should consider ways to encourage ADEs to respond.
- 8.4 When procuring from ADEs, officers must ensure that all employees or contractors of the ADE are paid no less than the Australian National Minimum Wage.
- 8.5 For example, a socially sustainable procurement criterion will be included, and appropriate qualitative weighting will be used in the evaluation of quotes and tenders to provide advantages to Australian Disability Enterprises in instances where they are not directly contracted. An Australian Disability Enterprise may be contracted directly without the need to comply with the requirements pertaining to the threshold levels outlined in point 10 of this document.

Aboriginal Businesses

- 8.6 *Local Government (Functions and General) Regulations 1996* regulation 11(2)(h) provides a tender exemption if the goods or services are supplied by a person on the Aboriginal Business Director WA published by the Chamber of Commerce and Industry of Western Australia, or Australian Indigenous Minority Supplier Officer Limited (trading as Supply Nation), where the consideration under contract is \$250,000 or less, or worth \$250,000 or less.
- 8.7 The Town will support procurement from Aboriginal Businesses. Where practical, the Town will provide opportunities to Aboriginal Businesses to provide goods, services, or works to the Town. All requests should consider ways to encourage Aboriginal Businesses to respond.
- 8.8 For example, a socially sustainable procurement criterion will be included, and appropriate qualitative weighting will be used in the evaluation of quotes and tenders to provide advantages to Aboriginal Businesses in instances where they are not directly contracted. An Aboriginal Business may be contracted directly without the need to comply with the requirements pertaining to the threshold levels outlined in point 10 of this document.

Local Businesses

- 8.9 The Town will support procurement from local businesses. Where practical, the Town will provide opportunities for local businesses to provide goods, services or work to the Town. All requests should consider ways to encourage local businesses to respond.
- 8.10 The evaluation panel may consider a graduated score which recognises businesses that are primarily located within the Town boundary, and a lower graduated score for businesses located within the adjoining LGAs. The Town will also consider adopting key performance indicators for successful suppliers that encourage the placement of the local workforce i.e. employees that reside within the Town's boundary. This could take the form of promotional activities for recruitment that target local residents or schools. However, recruitment activities must not discriminate in favour of employees that reside within the Town's boundary.

9. Procurement

Anti-avoidance

- 9.1 In accordance with *Local Government (Functions and General) Regulations 1996* regulation 12(1), procurement activities for the same good or service should be aggregated into a single procurement activity to achieve best value for money and efficiencies for the Town. Multiple procurement activities, for the same good or service, must not be conducted, with the dominant purpose (unintentional or otherwise) of separating the procurement over two or more purchase orders or contracts, so that the effect is to avoid a procurement threshold outlined in the following section.

Procurement order of priority

9.2 When approaching the market to obtain quotations, where applicable, the Town will consider and apply, the following Procurement Order of Priority:

Priority 1:	Existing Pre-Qualified Supplier Panel Current contracts, including a Panel of Pre-Qualified Suppliers or contracted suppliers, must be used where the Town's supply requirements can be met through the existing contract.
Priority 2:	Local Suppliers Where the total purchase value does not exceed the tender threshold, and a relevant local supplier that is permanently located within the Town can provide the required goods or services.
Priority 3:	Tender Exempt Arrangement Use a relevant WALGA PSP or WA State CUA regardless of whether or not the total procurement value will exceed the tender threshold.
Priority 4:	Other Tender Exempt Arrangement Investigate and seek quotations from relevant WA Disability Enterprises and Aboriginal Businesses that are capable of providing the required goods or services regardless of whether or not the total procurement value will exceed the tender threshold.
Priority 5:	Other Suppliers Where there are no relevant existing contract or tender exempt arrangements available, procurement activities from any other supplier are to be in accordance with relevant procurement value thresholds.



Procurement value thresholds

9.3 The following procurement value thresholds apply where the total value (excluding GST) of the full contract period for the procurement of goods and/or services (including any option(s) to extend) is, or is expected to be:

Up to \$5,000	<p>The Town seeks direct source purchase with at least one visual, verbal or written quotation.</p> <p>Goods and services of a low risk and occasional and not repetitive in nature.</p>
From \$5,000 up to \$50,000	<p>The Town must seek at least three written quotations and obtain a minimum of one quotation from a supplier in accordance with the relevant management practice.</p> <p>The Town must clearly define the specifications for the goods, services, or works being procured with the intent being to enable suppliers to respond and to appropriately price their quote.</p>
From \$50,000 up to \$100,000	<p>The Town must seek at least three written quotations and obtain a minimum of two quotations from a supplier in accordance with the relevant management practice.</p> <p>The Town must clearly define the specifications for the goods, services, or works being procured with the intent being to enable suppliers to respond and to appropriately price their quote.</p>
From \$100,000 up to \$250,000	<p>The Town must seek at least three written quotations from relevant suppliers by invitation via a formal Request for Quotation process (including detailed written specifications for the goods, services, or works required, and pre-determined evaluation criteria) in accordance with the relevant management practice.</p> <p>All quotations above \$100,000 must be sought in conjunction with the Town's Procurement Team.</p>
Above \$250,000	<p>The Town must conduct a formal public Request for Tender process (including detailed written specifications for the goods, services or works required, and pre-determined evaluation criteria) in accordance with the <i>Local Government Act 1995</i>, <i>Local Government (Functions and General) Regulations 1996</i>, and other relevant Town policy, procedure, or management practice.</p> <p>OR</p> <p>Seek at least three written quotations from Tender Exempt Suppliers via a Formal Request for Quotation process.</p> <p>All tenders and tender exemptions must be sought in conjunction with the Town's Procurement Team.</p>

Waiver of Quotations

- 9.4 In accordance with this policy, multiple quotations are required for purchases of \$5,001 and above. In exceptional circumstances, a request for exemption from obtaining multiple quotations for procurement up to \$250,000 may be obtained from the CEO.
- 9.5 For the purpose of this clause, exceptional circumstances may be defined as:
- (a) Emergency Purchases; or
 - (b) Sole Supplier Arrangement; or
 - (c) Unexpected equipment failure or sudden deterioration where delays in replacement would impact the Town's service delivery; or
 - (d) Where there is a significant financial or other adverse impact to;
 - (i) The business continuity of an essential service; or
 - (ii) The safety and security of Town Officers, Contractors, volunteers or the public; or
 - (iii) The integrity and security of the information held by the Town.
- 9.6 Further to the above, the Town may waive the requirement to call for multiple quotations for the following goods and services:
- (a) subscriptions
 - (b) association and professional memberships
 - (c) conferences, seminars and training programs
 - (d) Government Gazette advertising (regulatory requirement – Local Government Act Section 3.12)
 - (e) government rates
 - (f) non-contestable utility services (e.g. Synergy, Water Corp)
 - (g) banking fees and costs
 - (h) insurance premiums with LGISWA
 - (i) proprietary consumables, parts and maintenance for existing equipment where there is no substitute or warranty is voided if a substitute is used
 - (j) proprietary software license renewals (including support and maintenance), where the software continues to meet the needs and budget of the Town, and there would be a migration and implementation cost to change software.
- 9.7 All waiver of quotation arrangements must be in accordance with the relevant management practice, and all documentation, approved or declined, must adhere to the record management practice outlined within this policy.

Sole Supplier Arrangement

- 9.8 After intensive market research, for procurement of goods, services or works available from only one source of supplier is only permitted without undertaking a procurement process (public Tender, RFQ or Tender exempt processes) in circumstances where the CEO is satisfied that there is genuinely only one source of supply that falls within the CEO's delegated authority.
- 9.9 An arrangement of this nature will only be approved for a period not exceeding three (3) years. For any continuing procurement requirement, the approval must be re-assessed before expiry, to evidence that only one potential supplier still genuinely exists.

9.10 All Sole Supplier arrangements must be in accordance with the relevant management practice, and all documentation, approved or declined, must adhere to the record management practice outlined within this policy.

Tender exemptions

9.11 The Town is exempt from publicly inviting tenders when procurement meets any of the requirements outlined under regulation 11(2) of the Local Government (Functions and General) Regulations 1996 (WA). Accordingly, tenders do not have to be publicly invited for contracts over \$250,000 in the following instances:

- (a) The purchase is obtained from pre-qualified supplier panel under the WALGA Preferred Supply Program or State Government Common Use Arrangement (CUA);
- (b) The purchase is from a Regional Local Government or another Local Government;
- (c) The purchase is from a person registered on the WA Aboriginal Business Directory, as published by the Chamber of Commerce and Industry of Western Australia, or Australian Indigenous Minority Supplier Officer Limited (trading as Supply Nation), where the consideration under contract is \$250,000 or less, or worth \$250,000 or less;
- (d) The purchase is acquired from an Australian Disability Enterprise and represents value for money;
- (e) The purchase is from a pre-qualified supplier under a Panel established by the Town; or
- (f) Any other exclusions under Regulation 11 of the Local Government (Functions and General) Regulations 1996 (WA).

9.12 All tender exemption arrangements must be in accordance with the relevant regulation, delegated authority, management practices, and all documentation, approved or declined, must adhere to the record management practice outlined within this policy.

Probity advisor

9.13 To ensure a transparent and fair assessment of the procurement process and to achieve best value for money, an independent person may be appointed to act as a Probity Advisor. Circumstances by which a Probity Advisor may be engaged include:

- (a) A procurement with an expected total value of \$2,000,000 or over.
- (b) A procurement that is complex or unusual in nature.
- (c) A procurement consideration that is politically sensitive or subject to a high degree of public scrutiny.

9.14 The decision to appoint a Probity Advisor will be at the discretion of the Chief Executive Officer.

Approval of expenditure

9.15 Subject to conditions imposed under delegations, policy and relevant management practices, management discretion may be used to incur expenditure for all approved budget items except those identified in the budget as requiring a report, or a further report, to Council.

9.16 The CEO may as appropriate, through a management practice establish bands for the approval of expenditure and procurement decisions to be undertaken by Officers or particular groups of Officers.

10. Panels of pre-qualified suppliers

10.1 In accordance with Regulation 24AC of the Local Government (Functions and General) Regulations 1996, a Panel of Pre-qualified Suppliers ("Panel") may be created where most of the following factors apply:

- (a) The Town determines that a range of similar goods and services are required to be purchased on a continuing and regular basis;
- (b) There are numerous potential suppliers in the local and regional procurement-related market sector(s) that satisfy the test of 'value for money'.

- (c) The procurement activity under the intended Panel is assessed as being of a low to medium risk;
- (d) The Panel will streamline and will improve procurement processes

Application

10.2 If the Town determines it beneficial for a Panel to be created, it must do so in accordance with Part 4, Division 3 of the Local Government (Functions and General) Regulations 1996.

Establishment of a Panel of pre-qualified suppliers

10.3 The CEO is to provide a list of recommended pre-qualified suppliers to Council for approval before appointment to the panel. The CEO is to also recommend to Council how the panel will be structured in one of two ways:

- (a) A ranking system where the top ranked supplier is listed as No.1. The CEO can then always seek written quotes from No.1. If No.1 can't supply or does not wish to supply a quotation, the CEO can then proceed to the next highest ranked supplier until a supplier is able to quote for the Town's requirements.
- (b) An equally ranked system where the CEO seeks written quotations from each supplier and a value for money determination is made in relation to which supplier will be successful.

10.4 Where considered by the CEO to be operationally beneficial the CEO is able to purchase from any prequalified supplier appointed to the panel. The CEO will endeavour to distribute the goods, services or works required between each panel member evenly, subject to the operational requirements of the Town at the time. Care is to be taken to ensure that no one supplier is over-committed at any one time.

10.5 Where a panel of pre-qualified suppliers is established, the duration of the panel contract is to be no longer than 5 years.

Procuring from the panel

10.6 The Town will request quotations from pre-qualified suppliers and ensure each pre-qualified supplier will be invited to quote for the supply of goods and services by:

- (a) Maintaining a comprehensive panel register.
- (b) Inviting each pre-qualified supplier to quote for the supply of goods and services.

10.7 When engaging a supplier from a pre-qualified panel, the following must be undertaken:

- (a) Detailed written specifications for the goods, services, or works required, and pre-determined evaluation criteria must be prepared.
- (b) Authorisation received from relevant authorised officer to the respected limit to invite panel members to respond.
- (c) Follow the relevant process outlined in the town procedures.

10.8 Each quotation process, including the invitation to quote, communication with panel members, quotation received, evaluation of quotes and notification of award (via purchase order) communication must all be captured in the Town's record management system. A record is to be maintained for each quotation process made under each Panel that captures all communication between the Town and Panel members.

11. Procurement Policy Non-Compliance

11.1 All of the Town's procurement activities are subject to financial and performance audits, internally and externally. These audits review compliance with legislative requirements and compliance with the Town's policies and management practices.

11.2 If non-compliance with legislation, this policy, or the Code of Conduct, is identified it must be reported to the Chief Executive Officer and/or the Chief Financial Officer.

11.3 A failure to comply with legislation or policy requirements, including compliance with the Code of Conduct when undertaking procurement activities, may be subject to investigation, with findings to be considered in context of the responsible person's training, experience, seniority and reasonable expectations for performance of their role.

11.4 Where a breach is substantiated, it may be treated as:

- (a) An opportunity for additional training to be provided.
- (b) A disciplinary matter, which may or may not be subject to reporting requirements under the Public Sector Management Act 1994.
- (c) Where the breach is also identified as potentially serious misconduct, the matter will be reported in accordance with the Corruption, Crime and Misconduct Act 2003.

12. Contract Management

12.1 All contracts will be proactively managed by the officer responsible in accordance with the relevant management practice during the contract lifecycle to ensure the Town receives value for money and to enforce performance against the contract.

12.2 The Town's Procurement team are responsible for the administration and maintenance of the Town's contract management system and register. All goods and services contracts valued at \$50,000 (ex GST) and above will be maintained in the register.

12.3 The Town prefers procurement to be conducted under its own terms and conditions to mitigate risks. However, procurement under a supplier's terms can present significant adverse risks for the Town. In cases where it is not reasonable or practicable to proceed with the Town's terms, acceptance of a supplier's terms should be considered and referred to by the responsible officer in conjunction with the Procurement Team for evaluating whether the risks associated with accepting the supplier's terms are sufficiently low to be acceptable and whether further advice should be obtained.

12.4 Upon expiry of the original contract, and after any options for renewal or extensions included in the original contract have been exercised, the Town is required to review the procurement requirements and commence a new competitive procurement process in accordance with this Policy.

Contract variations

12.5 In accordance with Local Government (Functions and General) Regulations 21A, a contract must not be varied unless:

- (a) The variation is necessary in order for the goods or services to be supplied and does not change the scope of the contract, or
- (b) The variation is a renewal or extension of the term of the contract where the extension or renewal options were included within the original contract.

13. Record Management

13.1 All records associated with procurement activities must be retained in compliance with the State Record Act 2000 (WA), the Town's Record Keeping Policy, and associated procurement procedures.

13.2 For a formal tender/quotation process this includes:

- (a) All tender/quotation documentation
- (b) Internal documentation
- (c) Evaluation documentation
- (d) All correspondence including enquiry and response documentation

- (e) Notification and award documentation

13.3 For a direct procurement process this includes:

- (a) Quotation documentation, including correspondence and file notes
- (b) Internal documentation
- (c) Order forms and requisitions

14. Related documents

Legislation:

- [Local Government Act 1995 \(WA\)](#)
- [Local Government \(Functions and General\) Regulations 1996 \(WA\)](#)
- [Local Government Act 1995 – Section 9.49A\(4\) - Execution of documents](#)
- [Public Sector Management Act 1994](#)
- [Corruption, Crime and Misconduct Act 2003](#)
- [State Records Act 2000 \(WA\)](#)

Organisational:

- [Policy 312 Credit Card](#)
- [Policy 332 Record Keeping Policy](#)
- [Management Practice 301.1 Purchasing](#)
- [Codes of Conduct](#)

Responsible officers	Manager Strategic Accounting Manager Finance Procurement Officer Contracts and Procurement Officer
Policy manager	Chief Financial Officer
Approval authority	Council
Next evaluation date	June 2025

Revision history

Version	Action	Date	Authority	Resolution number	Report number
1	Adopted	15/10/2024	Council	258/2024	11.3

Policy number	Policy 310
Policy title	Leasing and Licensing
Strategic outcomes supported	CL1 – Effectively managing resources and performance CL3 - Accountability and good governance

Policy objective:

This policy provides guidelines for leasing and licensing of facilities under Town ownership or management.

This policy aims to:

- Balance appropriate management and responsible use of the Town's facilities for the benefit of the community.
- Ensure sound financial management and effective administration.
- Balance administration of the Town's leases and licences with the objectives of the Town's Land Asset Optimisation Strategy.
- Ensure Town managed properties are appropriately maintained, developed and occupied.
- Ensure any in kind support from the Town, including peppercorn, discounted or other rent subsidy, is recognised transparently in light of community benefit and having regard to social impact investment processes.
- Provide a framework for key lease and licence terms.

Policy scope:

This Policy applies to all leases and licences of facilities owned or managed by the Town.

Policy definitions:

Community Purpose means use primarily aimed at benefiting the local community. It includes use by an incorporated sporting club or community organisation or community group, and may also include use for a Government Purpose where the Town considers that use to be of particular value to the local community.

Community Facility means a Facility intended for use for a Community Purpose.

Commercial Purpose means use aimed at advancing commercial or economic interests. This typically entails business activity that targets income generation or profit.

Commercial Facility means a Facility intended for use for a Commercial Purpose.

Facility means land, halls, pavilions, change rooms, clubrooms, civic offices and other buildings owned or managed by the Town.

Government Purpose means use for the provision of public services by a State or Federal government department or a body corporate that is incorporated within Australia and is a public authority or an instrumentality or agency of the Crown.

Land Asset Optimisation Strategy means the strategy adopted by Council resolution 253/2022 dated 13 December 2022.

Lease means a written contract of terms under which the Town grants exclusive possession of all or part of a Facility for a specified period of time in return for the payment of rent.

Licence means a written contract of terms under which the Town grants non-exclusive possession in respect of a Facility for a specified period of time.

Long Lease means a Lease, the fixed term of which is longer than any of: (1) an initial term of 5 years; (2) an option to extend for a further period of up to 5 years.

Social Impact Investment Process: Peppercorn Leases means Attachment 2 to Council resolution 235/2022 dated 15 November 2022.

Policy statement:

1. The Town of Victoria Park owns and manages Facilities on behalf of its community. Leases and Licences provide means for Facilities to be made available for the use, benefit and in the best interests of residents and ratepayers.
2. Decisions regarding Leasing and/or Licensing of Facilities will have regard to the following principles:
 - a. Supporting local groups
 - b. Social Return, including Social Impact Investment Process: Peppercorn Leases
 - c. Sustainability
 - d. Commercial Value
 - e. Equity
 - f. Exclusive or shared use
 - g. Financial Return
 - h. Land Asset Optimisation Strategy
 - i. Transparency as to leasing and licensing terms
3. Facilities will be classified in accordance with Policy 221 Strategic Management of Land and Property Assets.

Administration:

4. Leases and Licences of the Town's Community Facilities will be administered in an equitable and consistent manner so far as is reasonable and practicable.
5. Leases and Licences of the Town's Commercial Facilities will be administered so as to maximise income generation for the Town, to align with market conditions so far as is reasonable and practicable.

Leases

6. Leases are to comply with the following:
 - a. Exclusive possession is to be granted in respect of the Facility;
 - b. Leases will be for a fixed term of up to 5 years with any option to extend being for a further term of up to 5 years;
 - c. The Lessee will be responsible for all non structural maintenance within the leased area and will provide documentation on the following (if applicable):
 - i. Fire servicing equipment;
 - ii. Mechanical services maintenance and service records (in accordance with Australian Standards);

- iii. Annual gutter cleaning;
 - iv. Annual pest control treatments;
 - v. Electrical compliance testing;
 - vi. Sewer pump and grease trapping services; and
 - vii. Septic system servicing.
- d. The Lessee will be responsible for cleaning and the general presentation of the leased area;
- e. The Lessee will be responsible for all operating/running costs, including but not limited to:
- i. Refuse collection;
 - ii. Emergency services levy;
 - iii. Water rates;
 - v. Council rates;
 - vi. All utilities related to their use (e.g. electricity, gas, water, telecommunications etc.); and
 - vii. Reimbursement of the Town for the cost of building insurance, where the Lease is for a Commercial Purpose or a Government Purpose.
- f. The Lessee will be responsible for obtaining appropriate insurance (e.g. public liability insurance, contents insurance etc.);
- g. The Lease will be based on a rental amount;
- h. The Lease will include a redevelopment clause. If the Town wishes to do anything that may result in significant redevelopment of the land and/or Facility, the Town may give six months written notice of termination of the Lease, requiring the Lessee to vacate on such termination;
- i. The Lessee will be permitted to undertake capital improvements (with prior written approval from the Chief Executive Officer), provided that the Town will not be obliged to pay compensation for such improvements on termination; and
- j. Approval from the Chief Executive Officer will be required prior to any assignment or subletting.
7. The Town as the Lessor will be responsible for:
- a. Arranging appropriate building insurance at the cost of the Town, limited to the protections under the Local Government Insurance Scheme; and
 - b. All structural maintenance within the leased area.

Licences

8. Licences provide non-exclusive possession of a Facility use and typically provide sporting clubs and other community based user groups with use of a Facility shared with other users, for example on a seasonal basis. Shared use promotes greater utilisation of Facilities, which are a finite resource.
9. Licences are to comply with the following:
- a. A grant of non-exclusive possession of the Facility;
 - b. Licences will be for a term of up to 3 years;
 - c. The Licensee will be responsible for obtaining appropriate insurance (e.g. public liability insurance, contents insurance)
 - d. A licence fee will apply;
 - e. The Licence will include a redevelopment clause, whereby if the Town wishes to do anything that may result in significant redevelopment of the land and/or Facility, the Town may give six months written notice of termination of the Licence requiring the Licensee to vacate on such termination;
 - f. Approval from the Chief Executive Officer will be required prior to any sublicensing of the premises (if granted the power to sublicense); and
 - g. The Licensee will be responsible for cleaning and the general presentation of the leased area;

10. The Town as the Licensor will be responsible for:

- a. Arranging appropriate building insurance at the cost of the Town, limited to the protections under the Local Government Insurance Scheme;
- b. Managing the Facility as a shared use venue;
- c. Ensuring the user groups needs can be met as a shared use Facility in the Town's view;
- d. All maintenance of the Facility, including structural, as well as any capital development of the facility; and
- e. All utility costs associated with the Facility (which may in the interests of promoting responsible consumption be on charged in part or in full to the Licensee).

Additional guidelines – Lease and Licences of Commercial Facilities

11. In general, Leases and Licences for Commercial Purposes will only be granted where a Facility is located on property held for capital appreciation or income generation.

12. Leases and Licences of a Commercial Facility shall:

- a. Be at a rental not less than 10% below a market rental valuation assessment by a licensed valuer that takes into account relevant and applicable matters affecting the Facility (for example, restrictions (if any) placed on the use of the Facility by any Management Order, Town Planning zoning and land title restrictions);
- b. The rent is to be reviewed every 12 months in accordance with the rate of CPI and at 5 year intervals in accordance with valuation by a licensed valuer;
- c. The Lessee or Licensee will be responsible to reimburse the Town for the cost of building insurance; and
- d. The Lessee or Licensee will be responsible for the cost of local government rates (unless exempt).

Additional guidelines – Leases and Licences of Community Facilities

13. Leases and Licences of Community Facilities will typically be granted only to bodies that are incorporated with charitable, benevolent, cultural, educational, recreational, sporting or other like nature, the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions.

14. The following apply to Leases and Licences of Community Facilities:

- a. Rents/Licence Fees will usually be at a peppercorn, discounted or other subsidised rate set by Council having regard to the community benefit to be achieved and social impact investment processes. Where the Community Purpose is a Government Purpose, the rent/licence fee shall be market related.
- b. Lessees and Licensees shall use reasonable endeavours to (so far as is reasonably practicable) comply with the Social Impact Investment Process: Peppercorn Leases;
- c. The Town's Annual Report will contain an estimate of the value of each Facility that is made available at a peppercorn, discounted or other subsidised rate, in the interests of full disclosure of the amount of the subsidy provided by the Town by way of reduced rent or licence fee;
- d. Lessees and Licensees that receive any form of subsidy from the Town will be required to deliver programs, services and social benefits for the community and to acknowledge any peppercorn, discounted or other subsidised rent or licence fee is to be acknowledged by the Lessee/Licensee to the Town's satisfaction in Lessee/Licensee's the annual report, promotional materials and correspondence;
- e. Lessees and Licensees will be required to annually provide information to the Town to assist with accurate records of office holder contact details, financial data and occupancy statistics. They will also be subject to annual facility inspections to ensure maintenance obligations are being met.

Additional guidelines – Legislative Requirements

The application of this policy shall be subject to relevant and applicable legislative requirements and shall be modified in order to comply with such requirements, for example:

- The form, content and management of residential tenancies is regulated by the *Residential Tenancies Act 1987*;
- *Commercial Tenancy (Retail Shops) Agreements Act 1985*.

Additional guidelines - Long Lease

A Long Lease will not be considered unless Council is satisfied that exceptional circumstances justify such tenure to be granted. Exceptional circumstances may include significant income to the Town, significant capital investment into the Facility by a Lessee or significant community benefit.

Approval

15. All Long Leases, Leases and Licences of a Facility must be approved by Council, unless authority to approve has been delegated by Council to the Chief Executive Officer.
16. Approval must comply with any applicable requirements of Section 3.58 and/or Section 3.59 of the *Local Government Act 1995*.
17. Criteria for the Town to lease or licence a Facility shall include the Town being satisfied that:
 - a. The use is consistent with the Town Planning zoning, any land title restrictions and the nature of the reserve or Facility and the surrounding area;
 - b. The applicant is capable of ensuring the safe and appropriate use of the reserve or facility.
18. The applicant may be required to provide:
 - a. A bond or other security;
 - b. Proof of qualifications;
 - c. Audited financial statements;
 - d. Proof of relevant current insurance;
 - e. Permits, trading licence and/or a liquor licence; and
 - f. Evidence of risk and event management practices, such as a risk management plan, noise management, traffic management and compliance to environmental health requirements.

Crown Land

19. Leases and Licences of crown land managed by the Town require additional approval under Section 18 of the *Land Administration Act 1997* from the State Government (Minister for Lands). Other government departments may have approval requirements, for example, the Department of Biodiversity, Conservations and Attractions for land adjacent to the Swan River.

Related documents

[Commercial Tenancy \(Retail Shops\) Agreements Act 1985](#)

[Disability Services Act 1993](#)

[Land Administration Act 1997](#)

[Local Government Act 1995](#)

[Property Law Act 1969](#)

[Residential Tenancies Act 1987](#)

[Land Asset Optimisation Strategy](#)

[Policy 221 Strategic Management of Land and Property Assets](#)

[Social Impact Investment Process: Peppercorn Leases](#)

Responsible officers	Nil.
Policy manager	Manager Property Development and Leasing
Approval authority	Council
Next evaluation date	February 2025

Revision history

Version	Action	Date	Authority	Resolution number	Report number
1	Adopted	19/05/2020	Council	414/2020	Item 15.2
2	Reviewed and amended	12/04/2022	Council	73/2022	Item 15.5
3	Administratively amended	24/08/2023	Delegation		
4	Reviewed and amended	20/02/2024	Council	7/2024	Item 11.3

Policy number	Policy 331
Policy title	Information systems security D23/43968
Strategic outcomes supported	CL3 - Accountability and good governance

Policy objective:

To set a multi-pronged approach in place to protect the data and systems of the Town. This includes robust practices to provide for business continuity in the event of a disaster.

The Town of Victoria Park (the Town) has a strategic priority to implement an Information Security Management System (ISMS). An ISMS consists of a suite of policies, procedures, guidelines and relevant resources to manage all information assets.

The strategic objectives are drawn from the WA Government Cyber Security Policy, published in December 2021.

Policy scope:

The scope of the policy is the management of digital and physical information security and access in the context in which information is created and managed.

Policy definitions:

Nil.

Policy statement:

IS Security Strategic Plan:

1. The Town has implemented the IS Security Strategic Plan which includes the adherence to the Australian Signals Directorate's (ASD) Essential Eight as part of its security tool kit and has aligned its cyber security practices to ISO 27001 (Information technology -- Security techniques -- Information security management systems -- Requirements).
2. The ASD Essential Eight is one of many tools to enable the Town to enable cyber resilience focusing on two areas:
 - a. Preventing malware from running in the environment; and
 - b. Limiting the extent of security incidents, and being able to recover data.

Cyber security:

3. The CEO will ensure the following security objectives for the Town are maintained:
 - a. Develop and continuously improve security management practices.

- b. Empower our staff, partners, and communities to be strong links in our overall security chain through collaboration and enablement.
- c. Enable innovation while effectively identifying and managing cyber risks.

Digital security:

- 4. The CEO will ensure the application and management of controls are in place to ensure that the right information is available when ever required by staff with the appropriate access permission and the confidentiality and integrity of information is secured.

Information privacy:

- 5. In accordance with Information Privacy Principles the Town has developed a Privacy Statement. The Town adheres to the provisions of the Freedom of Information Act 1992 (WA).

Information access:

- 6. Staff, contractors and consultants may, subject to appropriate permissions and authority, have access to the Town's records to fulfil their duties and obligations.
- 7. The CEO will ensure measures are in place to ensure the security of its records, both hard copy and electronic, and authorised access to them. Reference to Security and Access have been documented in the Town's Record Keeping Plan.

Public access documents:

- 8. The CEO will ensure that regular identification of Council's documents for public access purposes is followed to increase greater communication with the community. This may have a positive effect by reducing Freedom of Information applications submitted to the Town.

Security of physical documents:

- 9. The management of physical records is outlined in the Town's Record Keeping Plan.

Third party information access permissions:

- 10. The CEO will ensure that access to Corporate Information / Networks / Business System will be defined to ensure all appropriate security measures are in place.
- 11. The term 'third party' refers to various forms of external hire of labour and specialists such as contractors, consultants, Trainees, Work experience students and various specialists such as IS support and other vendors etc.
- 12. When providing access to the network/business systems the CEO will consider the following:
 - a. Signing a confidentiality agreement restricting the use and dispersal of confidential information
 - b. Documented permissions standards appropriate to fulfil duties and obligations as per contract/terms of reference.
 - c. Procedures to identify what type of third party should gain access the type and how much access to systems should a third party gain to perform their duties as required.
 - i. Contractor – location and reporting level, develop appropriate criteria if applicable
 - ii. Consultant – location and reporting level, develop appropriate criteria if applicable
 - iii. Trainees
 - iv. Work experience students
 - v. IS - Software vendors and support etc.
 - vi. Include – mobile devices such as laptop, tablets, and other mobile devices – thumb drives etc.

- vii. Induction training
- viii. Comply with all aspects of relevant policies – e.g. IS policy – which includes conditions of use for mobile devices, standards, guides, references, practices and procedures.

Related documents

[ICT Strategic Plan](#)

[Information and Communications Technology Asset Management Plan](#) (as part of the Integrated planning and reporting framework)

[Information Statement](#)

Responsible officers	-
Policy manager	Manager Technology and Digital Strategy
Approval authority	Council
Next evaluation date	February 2025

Revision history

Version	Action	Date	Authority	Resolution number	Report number
1	Adopted	17/12/2019	Council	281/2019	Item 14.2
2	Reviewed and amended	20/04/2021	Council	78/2021	Item 15.4
3	Administratively amended	24/08/2023	Delegation		
4	Reviewed and amended	20/02/2024	Council	7/2024	Item 11.3

Policy number	Policy 332
Policy title	Record Keeping Policy
Strategic outcomes supported	CL3 – Accountability and good governance.

POLICY OBJECTIVE:

The Town of Victoria Park (the Town) is committed to ensuring that its recordkeeping functions are undertaken to ensure that business transactions and activities are created and managed in a manner that is compliant, relevant, reliable and accurate.

The purpose of this policy is to ensure the Town meets its statutory obligations consistent with the *State Records Act 2000* and operationalises legislative requirements into management practice. It articulates the principles of the records management function and the approach to effective management of records

POLICY SCOPE:

This policy applies to all Town of Victoria Park Elected Members, employees and contractors.

a) Elected Members

All elected members are to create and maintain records relating to their role as a Council Member for the Town of Victoria Park in line with legislation and State Government policies and procedures for the management of records. Personal records, ephemeral records and political material are exempt from these requirements.

b) Chief Executive Officer

In accordance with section 5.41 of the *Local Government Act 1995*, the Chief Executive Officer is to "Ensure that records and documents of the local government are properly kept for the purpose of this act and any other written law".

c) Management (Chiefs, Managers)

Management are to ensure that all employees under their supervision comply with this policy and associated records management procedures and the Town's Record Keeping Plan. Management is to ensure that all new staff attend all induction to their record keeping responsibilities and training sessions.

d) Officers

All employees (including all staff, contractors, trainees, apprentices, cadets, interns, consultants, volunteers) are to create, collect and retain records relating to business activities they perform, including:

- Identify significant and ephemeral records, ensuring that the significant records are captured into the record keeping system, and that all records are handled in a manner compliant with legislation and the Town's practices and procedures for record keeping.
- Ensure that only authorised disposal of records occur in accordance with the General Disposal Authority (GDA) for Local Government

e) Information Management Team

The Information Management Team is responsible for providing a records management service which complies with the Town's records keeping plan, policy and procedures, and WA State Records Office requirements.

DEFINITIONS:

Record is recorded information, regardless of its medium or characteristics. It records business decisions, transactions or a state of knowledge and is generated as part of a business process.

Examples include correspondence, electronic documents, forms, electronic messages, plans, photographs, drawings, audiovisual materials etc.

Significant Records contain information, which is of administrative, legal, fiscal, evidential or historical value, which are not recorded elsewhere on the public record. They typically describe an issue, who was involved, record why a decision was made and may embody actual guidelines.

Ephemeral Records are either duplicated records or those having only short term value to the Town with little or no ongoing administrative, legal, fiscal, evidential or historical value. This may include insignificant drafts, rough notes and records of routine enquiries.

Vital Records are essential to the continuing business of the Town. These include those that protect the rights of individuals and the Town

Non-Vital Records relate to documents generally available in the public domain and do not form part of the Town's business processes. They are generally used for reference and information purposes and may include documents from other organisations, published directories and third party training manuals.

POLICY STATEMENT:

This policy establishes the Town's position in relation to suitable definitions, accessibility to records, destruction of records, management of ephemeral records and training.

Records are recognised as an important information resource for the Town, and it is accepted that sound records management practices will contribute to the overall efficiency and effectiveness of Town of Victoria Park. Due to legislative requirements, the Town is obliged to maintain a records management system that completely, accurately and reliably creates and maintains evidential records, and to dispose of those records only through an approved scheme.

This policy applies to all external and internal records, which are handled, received or generated by Town of Victoria Park, regardless of their physical format or media type.

DETAILS:

Elected Members, employees and contractors of the Town will create full and accurate records, in the appropriate format, of the Town's business decisions and transactions to meet all legislative, business, administrative, financial, evidential and historical requirements.

1. Custodianship

The Town's records are a government owned asset. The records created during the course of business belong to the Town of Victoria Park by virtue of their possession, not to the individual who created such records during their time as an officer at the Town of Victoria Park. Officers who acquire or create any records in the course of business shall not retain proprietary interest. Ownership of these records is vested in the Town therefore, are subject to the recordkeeping practices and procedures of the Town.

2. Maintaining Records

- a) All 'records' are to be managed according to their:
 - Classification as 'significant' or 'ephemeral',
 - Classification as 'vital' or 'non vital', and
 - Security classification.
- b) Registers are to be maintained of all records including; but not limited to:
 - Policies;
 - Delegations;
 - Tenders and Quotations;
 - Assets and Property Ownership including dealings in property; and
 - Contracts and Deeds;
- c) All Elected Members, employees and contractors are responsible for maintaining complete, accurate and reliable evidence of all business transactions, and ensuring all corporate records are retained within the Town's official recordkeeping systems at the point of creation, regardless of the format, being in accordance with:
 - Corruption and Crime Commission Act 2003
 - Criminal Code Act 1913
 - Electronic Transactions Act 2011
 - Evidence Act 1906
 - Financial Management Act 2006
 - Freedom of Information Act 1992
 - Interpretation Act 1984
 - Limitations Act 2005
 - Local Government Act 1995
 - State Records Act 2000
 - State Records Commission: Principle and Standards
- d) The Chief Executive Officer, Chiefs, Managers and officers nominated by Chiefs, are responsible for records generated within their scope of responsibility. The Chief Executive Officer is responsible for ensuring compliance to the above legislative requirements.
- e) All contractual arrangements undertaken by the Town which are likely to result in third parties creating 'significant' records are to provide for third parties to transfer possession of those records to the Town.
- f) Records are not to be removed from the Town's site unless this is in accordance with the approved Retention and Disposal Schedule, or the records are in the custody of an officer performing official business.

3. Access to Records

Access to corporate records by Elected Members and Committee Members will be via the Chief Executive Officer in accordance with Section 5.92 of the Local Government Act 1995. Access to corporate records by employees and contractors will be in accordance with designated access and security classifications. Access to corporate records by the general public will be in accordance with the *Freedom of Information Act 1992*.

4. Disposal and Destruction

The Information Management Coordinator will retain and dispose of all corporate records in accordance with the General Disposal Authority for Local Government Records and/or the General Disposal Authority for Source Records, following authorisation from the Chief Executive Officer.

5. Ephemeral and Non-vital Records

Ephemeral and non-vital records may not be required to be placed within the Town's official recordkeeping systems. Elected Members, employees or contractors may dispose of such ephemeral and non-vital records once reference ceases.

Related documents:

[State Records Act 2000](#)

Responsible officers	Information Management Coordinator
Policy manager	Manager Technology & Digital Strategy
Approval authority	Council
Next Evaluation Date	April 2025

Revision history

Version	Action	Date	Authority	Resolution Number	Report number
1	Adopted	18/04/2023	Council	75/2023	Item 15.5
2	Administratively amended	24/08/2023	Delegation		
3	Administratively amended	21/09/2023	Delegation		
4	Reviewed	21/05/2024	Council	84/2024	Item 11.3