

## **Policy Committee - 22 March 2021 Attachments**

4.1 Confirmation of minutes.....	3
4.1.1 Policy Committee minutes - 22 February 2021.....	3
7.1 Minor review of Council policies and policy workplan for.....	47
7.1.1 Policy 053 Meetings of electors.....	47
7.1.2 Policy 054 Access to reserve funds through notices of motion.....	50
7.1.3 Policy 101 Governance of Council Advisory and Working.....	52
7.1.4 Policy 112 Visual art.....	60
7.1.5 Policy 260 Single Use Plastic and Polystyrene.....	62
7.1.6 Policy 301 Purchasing.....	66
7.1.7 Policy 302 Investment.....	71
7.1.8 Policy 303 Debt Collection.....	73
7.1.9 Policy 305 Loan borrowing limitations.....	78
7.1.10 Policy 306 Business dealings with elected members and employees.....	80
7.1.11 Policy 312 Transaction card.....	82
7.1.12 Policy 331 Information Systems Security.....	85
7.1.13 Policy 001 Policy management and development.....	89
7.1.14 Policy 002 Review of decisions.....	92
7.1.15 Policy 003 Legal advice.....	94
7.1.16 Policy 004 Risk management.....	98
7.1.17 Policy 014 Appointment to outside bodies.....	101
7.1.18 Policy 021 Elected members fees, expenses and allowances.....	102
7.1.19 Policy 022 Elected Member Professional Development.....	106
7.1.20 Policy 023 Provision of Information and Services - Elected Members.....	112

7.1.21 Policy 024 Event attendance.....	117
7.1.22 Policy 025 Independent committee members.....	121
7.1.23 Policy 051 Agenda Briefing Forum, Concept Forum and workshops.....	124
7.1.24 Policy 052 Recording and live streaming.....	129
7.2 Code of Conduct and Complaints Policy for Council Members, Committee Members and Candidates.....	132
7.2.1 Code of Conduct for Council Members Committee Members and Candidates.....	132
7.2.2 Complaints Policy for Council Members, Committee Members and Candidates.....	141
7.3 Review of Policy 207 Paths - locations within road reserves.....	148
7.3.1 Policy-207- Paths-locations-within-road-reserves.....	148
7.4 Review of Policy 208 – Street verges – reinstatement of lawns following works.....	150
7.4.1 Policy-208- Street-verges- Reinstatement-of-lawns-following-works.....	150
7.5 Proposed Waste Disposal Local Law 2021.....	152
7.5.1 Revised Waste Disposal Local Law 2021 [4EZ7].....	152

## Policy Committee Minutes – 22 February 2021

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Please be advised that an **Policy Committee** was held at **5.30pm** on **Monday 22 February 2021** as an electronic meeting.



**Cr Brian Oliver– Presiding Member**  
5 March 2021



## Table of contents

Item	Page no
1 Declaration of opening .....	3
2 Attendance.....	4
2.1 Apologies.....	4
2.2 Approved leave of absence .....	4
3 Declarations of interest .....	5
4 Confirmation of minutes.....	5
5 Presentations.....	6
6 Method of dealing with agenda business .....	6
7 Reports .....	7
7.1 Adoption of Policy 011 - Elections .....	7
7.2 Review of Policy 304 - Disposal of Surplus Assets.....	15
7.4 Review of Policy 205 - Vehicle Crossovers.....	22
7.3 Review of Policy 114 - Community Funding .....	27
8 Motion of which previous notice has been given.....	44
9 Meeting closed to the public .....	44
9.1 Matters for which the meeting may be closed .....	44
9.2 Public reading of resolutions which may be made public.....	44
10 Closure .....	44

## **1 Declaration of opening**

Cr Brian Oliver opened the meeting at 5.30pm.

### **Acknowledgement of Country (by Presiding Member)**

I am not a Nyungar man, I am a non-Indigenous man. I am honoured to be standing on Whadjuk - Nyungar country on the banks of the Swan River.

*Ngany yoowart Noongar maam, ngany wadjella maam. Ngany djerapiny Wadjak – Noongar boodja-k yaakiny, nidja bilya bardook.*

I acknowledge the traditional custodians of this land and respect past, present and emerging leaders, their continuing cultural heritage, beliefs and relationship with the land, which continues to be important today.

*Ngany kaaditj Noongar moort keny kaadak nidja Wadjak Noongar boodja. Ngany kaaditj nidja Noongar birdiya – koora, ye-ye, boorda, baalapiny moorditj Noongar kaadijtin, moort, wer boodja ye-ye.*

I thank them for the contribution made to life in the Town of Victoria Park and to this region.

*Ngany youngka baalapiny Noongar birdiya wer moort nidja boodja.*

## 2 Attendance

<b>Mayor</b>	Mayor Karen Vernon
<b>Banksia Ward</b>	Cr Wilfred Hendriks Cr Claire Anderson Cr Ronhhda Potter Cr Luana Lisandro
<b>Jarrah Ward</b>	Cr Jesvin Karimi Cr Brian Oliver (Presiding Member) Cr Vicki Potter (Deputy Presiding Member) Deputy Mayor Bronwyn Ife
<b>Chief Community Planner</b> <b>Chief Financial Officer</b> <b>A/Chief Operations Officer</b> <b>A/Chief Operations Officer</b>	Ms Natalie Martin Goode Mr Michael Cole Ms Nicole Anns Ms Jayde Robbins
<b>Manager Governance and Strategy</b> <b>Manager Technical Services</b> <b>Manager Community</b> <b>Acting Financial Controller</b>	Ms Bana Brajanovic Mr John Wong Mr Paul Gravett Ms Bonnie Hutchins
<b>Secretary</b>	Ms Amy Noon

### 2.1 Apologies

<b>Chief Executive Officer</b>	Mr Anthony Vuleta
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### 2.2 Approved leave of absence

Nil.

### 3 Declarations of interest

#### Declaration of financial interest

Name/Position	Cr Vicki Potter
Item No/Subject	7.3 - Review of Policy 114 - Community Funding
Nature of interest	Financial
Extent of interest	Employee of Connect Victoria Park which receives an operating subsidy under this policy.

#### Declaration of proximity interest

Nil.

#### Declaration of interest affecting impartiality

Name/Position	Cr Wilfred Hendriks
Item No/Subject	7.2 - Review of Policy 304 - Disposal of Surplus Assets
Nature of interest	Impartiality
Extent of interest	Member of Rotary Club of Victoria Park and Victoria Park Men's Shed

Name/Position	Cr Wilfred Hendriks
Item No/Subject	7.3 - Review of Policy 114 - Community Funding
Nature of interest	Impartiality
Extent of interest	Member of Rotary Club of Victoria Park and Victoria Park Men's Shed and on the committee of Harold Hawthorn Community Centre

### 4 Confirmation of minutes

#### COMMITTEE RESOLUTION:

**Moved:** Cr Wilfred Hendriks

**Seconded:** Cr Claire Anderson

That the Policy Committee confirms the minutes of the Policy Committee meeting held on 23 November 2020.

**CARRIED (8 - 0)**

**For:** Cr Brian Oliver, Cr Claire Anderson, Cr Vicki Potter, Cr Ronnhda Potter, Mayor Karen Vernon, Cr Luana Lisandro, Cr Wilfred Hendriks, Cr Bronwyn Ife

**Against:** nil

## 5 Presentations

Nil.

## 6 Method of dealing with agenda business

### PROCEDURAL MOTION:

**Moved:** Cr Claire Anderson

**Seconded:** Cr Vicki Potter

That the Policy Committee suspends clause 50 - speaking twice of the *Meeting Procedures Local Law 2019* for the duration of the meeting, in accordance with clause 58 of the *Meeting Procedures Local Law 2019*.

**CARRIED (8 - 0)**

**For:** Cr Brian Oliver, Cr Claire Anderson, Cr Vicki Potter, Cr Ronnhda Potter, Mayor Karen Vernon, Cr Luana Lisandro, Cr Wilfred Hendriks, Cr Bronwyn Ife

**Against:** nil

### PROCEDURAL MOTION:

**Moved:** Cr Vicki Potter

**Seconded:** Cr Luana Lisandro

That item 7.4 - Review of Policy 205 - Vehicle Crossovers be consider prior to item 7.3 - Review of Policy 114 - Community Funding.

**CARRIED (8 - 0)**

**For:** Cr Brian Oliver, Cr Claire Anderson, Cr Vicki Potter, Cr Ronnhda Potter, Mayor Karen Vernon, Cr Luana Lisandro, Cr Wilfred Hendriks, Cr Bronwyn Ife

**Against:** nil



## 7 Reports

### 7.1 Adoption of Policy 011 - Elections

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Liam O'Neill
<b>Responsible officer</b>	Bana Brajanovic
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	<ol style="list-style-type: none"><li>1. Policy 011 Elections [7.1.1 - 6 pages]</li><li>2. Policy 011 Caretaker [7.1.2 - 8 pages]</li><li>3. Policy 012 Street listing of owners and occupiers [7.1.3 - 2 pages]</li><li>4. Policy 013 Electoral signs [7.1.4 - 2 pages]</li></ol>

#### Recommendation

That the Policy Committee recommends that Council:

1. Repeals:
  - a. Policy 011 Caretaker, as at attachment 2
  - b. Policy 012 Street listing of owners and occupiers, as at attachment 3
  - c. Policy 013 Electoral signs, as at attachment 4.
2. Adopts Policy 011 Elections, as at attachment 1.

#### Purpose

To review Policy 011 Caretaker, Policy 012 Street listing of owners and occupiers and Policy 013 Electoral signs, and have Council adopt a consolidated policy, Policy 011 – Elections.

#### In brief

- At the April 2020 Ordinary Council Meeting, Council resolved for the Chief Executive Officer to conduct a review of the three policies relating to elections. The review was conducted and presented to the September Policy Committee. The Policy Committee resolved to defer the proposed policy to the November Concept Forum.
- The caretaker policy was adopted in 2016, with the other two policies being policies carried over from the City of Perth in 1994.
- It is proposed to merge the policies together into one election policy and focus on, where possible, simplifying and clarifying the policy.
- The Town's policy on electoral signs was inconsistent with its own local law in respect of electoral signage and this inconsistency needs to be addressed.
- The policy is resubmitted for consideration by the Policy Committee following discussion at November Concept Forum.

#### Background

1. At its meeting on 21 April 2020, Council adopted a work plan to complete the review of several policies. Policies 011 Caretaker, 012 Street listing of owners and occupiers and 013 electoral signs were policies identified for review.

2. At its meeting on 28 September 2020, the Policy Committee considered the proposed policy and referred it to the November Concept Forum.
3. Policy 011 Caretaker was adopted by Council at its meeting on 8 November 2016, however it previously existed as a different policy regarding publishing matters about elected members during an election year.
4. Policies 012 and 013 based upon the Council report of 28 September 1999, were part of the City of Perth Policy Manual of 1994 and have remained broadly unchanged since then.
5. The caretaker policy establishes a caretaker period prior to an ordinary election to help promote appropriate decision making and use of public resources prior to an election.
6. A street listing of owners and occupiers is also known as a ratepayer roll and can be sourced by any member of the public for a \$190 fee after they make a statutory declaration that it will not be used for commercial purposes.
7. The Town has provisions relating to electoral signs in the Activities on Throughfares and Trading on Throughfares and in Public Places Local Law 2000.

## Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL08 - Visionary civic leadership with sound and accountable governance that reflects objective decision-making.	Ensuring the appropriate use of public resources and sound decision making during an election ensures the delivery of this strategic outcome.

Social	
Strategic outcome	Intended public value outcome or impact
S02 - An informed and knowledgeable community.	Ensuring proper promotion of the election helps to inform the community of their opportunity to vote.

## Engagement

Internal engagement	
Stakeholder	Comments
Stakeholder relations	Feedback, particularly in relation to media and communications was provided.
Street improvement	Feedback relating to electoral signs was provided.
Rangers and parking	Feedback relating to electoral signs was provided.
C-Suite	C-Suite members supplied general feedback in relation to the proposed policy.
Elected members	Elected members provided feedback through the September Policy Committee meeting. Elected members provided feedback through the November Concept Forum.

## Legal compliance

8. The Town sought legal advice about the extent to which it could prohibit election signs. Based upon a series of court decisions and the Town's current local law it is not proper for policy to prohibit signs on thoroughfares. It can however utilise the permit system required under the *Activities on Thoroughfares and Trading on Thoroughfares and in Public Places Local Law 2000*.

[Section 2.7 of the Local Government Act 1995](#)

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

## Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	Not applicable.				Low	
Environmental	An extensive amount of unregulated election signs litter throughfares.	Minor	Likely		Medium	Accept - It is still a breach of the local law to display electoral signs without a permit and it would be unlikely that the Town would grant such an extensive number of permits for electoral signs.
Health and safety	An extensive amount of unregulated election signs creates hazards for motorists.	Minor	Likely		Low	Accept - It is still a breach of the local law to display electoral signs without a permit and infringements can be issued if a significant hazard is created.
Infrastructure/ ICT systems/ utilities	Not applicable.				Medium	
Legislative compliance	The resources of the Town are used for electoral purposes.	Insignificant	Possible	Low	Low	Accept - The Rules of Conduct provide that this is a minor breach.

Reputation	The Council makes decisions in the lead up to the election that influence the election outcome.	Moderate	Possible	Medium	Low	Treat - By maintaining a caretaker period.
Service delivery	Not applicable.				Medium	

## Financial implications

<b>Current budget impact</b>	Sufficient funds exist within the annual budget to address this recommendation.
<b>Future budget impact</b>	Not applicable.

## Analysis

### Review of Policy 011 Caretaker

9. The version of the caretaker policy adopted by Council in 2016 was a copy of the template policy produced by the Western Australian Local Government Association (WALGA). This template has since been changed by WALGA which has been considered in this review. The WALGA template policy is quite complex and in undertaking the review the opportunity was taken to simplify the policy where possible.
10. The current policy is unclear in how it applies to several digital communication methods. This has been identified as an opportunity for improvement in the current policy.
11. Queries arose this year as to if the policy applies to an extraordinary election. It is recommended to resolve this question through this review. The Town did not apply the policy to this year's extraordinary election because:
  - a) The adopted policy did not specify that it applied to extraordinary elections and the report adopting it and clauses direct themselves at an ordinary election;
  - b) At other levels of government, a caretaker policy does not apply to a 'by-election'.
  - c) the primary goal of the policy is intended to prevent 'decisions that would bind an incoming council' and 'promoting the re-election of sitting members or new candidates'. There is no sitting member in an extraordinary election and the majority of members had already been elected.

### Review of Policy 012 Street listing of owners and occupiers

12. In examining this policy, the Town has established that an elected member has not requested a street listing in a number of years. The street listing or rates roll is available for members of the public to buy for \$190. However, members of the public also have to supply a statutory declaration that they are not utilising it for a commercial purpose, such as a real estate agent using it to contact property owners.
13. In considering the review of this policy the Town considered if it is right for elected members to receive free of charge the ratepayers roll, without the statutory declaration. Having examined other

neighbouring local governments, and those local governments created by the splitting up of the City of Perth in 1994, none of these councils have a similar policy.

14. Given that a policy such as this is not kept by other local governments and creates an entitlement for elected members that other persons have to supply payment and a statutory declaration for, it is recommended that this policy be repealed.
15. Elected members and candidates can always access a copy of the electoral roll from the CEO or Returning Officer which is updated following the close of rolls at each election. If an elected member sought a copy of a street listing/rates roll they would be able to access it on the same basis as any other member of the public.

#### Review of Policy 013 Electoral Signs

16. There were a number of complaints given to the Town and Returning Officer during the last ordinary election in relation to election signs. These signs were displayed along a mixture of thoroughfares as well as parks. No permit was issued to display these signs on public property.
17. In preparing the *Amendment (Signs on Thoroughfares) Local Law 2020* and preparing the review of the electoral signs policy the Town identified that the policy was inconsistent with the local law. The Town cannot have a policy that overrides a local law. In preparing both documents, legal advice was obtained that the Town could not prohibit electoral signs on thoroughfares as this would likely be struck down by the Joint Standing Committee on Delegated Legislation.

#### Proposed Policy 011 Elections

18. It is proposed as a result of the review to repeal the three policies and adopt one policy to replace it. This policy combines portions of the original three policies and provides one guideline for all matters relating to elections.

#### Caretaker period

19. This policy establishes the caretaker period is starting from the date of the opening of nominations being 44 days prior to Election Day in accordance with Section 4.49(a) of the Local Government Act 1995, until 6pm on Election Day.
20. The caretaker period seeks to prevent, where possible, four key things from occurring during the caretaker period:
  - Major decisions;
  - Community engagement;
  - Town events; and
  - Media and publications that promote sitting elected members
21. The caretaker period does not apply in an extraordinary election unless four or more elected members are up for election.

#### Major decisions

22. This section establishes how major decisions are to be dealt with in the caretaker period.

#### Community engagement

23. This section supports how community engagement occurs during the caretaker period.

#### Events

24. This section sets out how events occur during the caretaker period.

## Media

25. This section sets out a number of provisions around the Town's media and communications materials during the caretaker period. It is changed from the current provisions to be clearer about what is and isn't allowed in communications materials.

## Promotion of the election

26. These clauses establish that the Town should promote in a suitable and a-political way elections to remind community members to vote and promote nominating for the local government elections.
27. These clauses also establish that the promotion should reach as many people and demographic groups as possible.
28. Finally, it is expected that the Town will arrange a candidate information session for local government elections.

## Use of Town resources

29. These two clauses reinforce the principle that the Town's resources are not to be used for electoral purposes. This is proposed to include federal and state elections in addition to local government elections.

## Elected Member Access to Information

30. This clause notes that during the Caretaker Period, Elected Members can access Council information relevant to their role as an Elected Member. Any Council information accessed must not be used for electoral purposes.

## Election signs

31. The following five clauses capture the relevant rules about elections signs, which are:
  - a) They are not allowed on parks, administrative or recreational facilities;
  - b) They are allowed on throughfares, with a permit;
  - c) If they are in a place they are not allowed, they will be removed and if appropriate, an infringement will be issued to the person who authorised the material.
  - d) The CEO will ensure this is communicated to candidates.
  - e) These clauses apply to all elections including local, state, or federal.

## Electoral roll and rates roll

32. These two clauses deal with the ability of candidates and other people to obtain copies of the electoral roll and rates roll.

## Relevant documents

Not applicable.

### COMMITTEE DISCUSSION:

The committee discussed:

- why candidate information sessions are held at the City of South Perth
- whether Council decision summary videos featuring the Mayor would still occur during the caretaker period
- what would permit infringements for election signs
- whether it is too prescriptive to state that signs shouldn't be nailed to trees
- if the definition for election signs should be updated to reference the new local law
- whether the definition for extraordinary circumstances should be refined so that all points are under the Chief Executive Officer's opinion
- whether the definition for major decision should reference major trade undertaking rather than commercial enterprise
- if there should be a definition included for events
- whether candidates should be invited to attend events
- whether candidates for state and federal elections should be prohibited from campaigning at Town events.

The committee were advised that:

- the Town can investigate why candidate information sessions are held at the City of South Perth
- it is proposed that Council decision summary videos featuring the Mayor would still occur during the caretaker period
- candidates may be infringed for election signs if they have not obtained a permit
- the policy is not able to override any related local laws
- references to local laws can be updated
- the definition for extraordinary circumstances can be refined
- the definition for major decision can be changed to reference major trade undertakings
- a definition for events can be added.

### MOTION:

**Moved:** Cr Ronnhda Potter

**Seconded:** Mayor Karen Vernon

That the Policy Committee recommends that Council:

1. Repeals:
  - a. Policy 011 Caretaker, as at attachment 2
  - b. Policy 012 Street listing of owners and occupiers, as at attachment 3
  - c. Policy 013 Electoral signs, as at attachment 4.
2. Adopts Policy 011 Elections, as at attachment 1.

**AMENDMENT:****Moved:** Mayor Karen Vernon**Seconded:** Cr Claire Anderson

1. That an addition clause 19 be added to read:

19. Candidates for state and federal elections are not permitted to conduct campaign activities at Town events.

2. That all other clauses be numbered accordingly.

**Reason:**

To ensure that Town resources are not misused by those running in state and federal elections.

*Cr Jesvin Karimi joined the meeting at 6.13pm.*

**PROCEDURAL MOTION:****Moved:** Cr Luana Lisandro**Seconded:** Cr Vicki Potter

That the item be referred back to the Chief Executive Officer to be presented at a future concept forum, under clause 89 of the *Town of Victoria Park Meeting Procedures Local Law 2019*.

**CARRIED (7 - 2)**

**For:** Cr Brian Oliver, Cr Vicki Potter, Cr Ronhhda Potter, Cr Luana Lisandro, Cr Wilfred Hendriks, Cr Bronwyn Ife, Cr Jesvin Karimi

**Against:** Cr Claire Anderson, Mayor Karen Vernon

**Reason:**

Given that Council are now discussing an additional element in the policy to include state and federal elections, it would be prudent to revisit the policy at a concept forum to discuss further changes to the draft policy.

**PROCEDURAL MOTION:****Moved:** Cr Brian Oliver**Seconded:** Cr Vicki Potter

That the meeting be adjourned to Wednesday 3 March 2021 at 5.30pm under clause 92 of the *Town of Victoria Park Meeting Procedures Local Law 2019*.

**CARRIED (9 - 0)**

**For:** Cr Brian Oliver, Cr Claire Anderson, Cr Vicki Potter, Cr Ronhhda Potter, Mayor Karen Vernon, Cr Luana Lisandro, Cr Wilfred Hendriks, Cr Bronwyn Ife, Cr Jesvin Karimi

**Against:** nil

**Reason:**

To facilitate commencement of Audit and Risk Committee at 6pm.



## 7.2 Review of Policy 304 - Disposal of Surplus Assets

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Bonnie Hutchins
<b>Responsible officer</b>	Michael Cole
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	<ol style="list-style-type: none"><li>1. DRAFT Policy 304 - Disposal of Surplus Assets [7.2.1 - 4 pages]</li><li>2. Summary of Changes - Policy Review 304 [7.2.2 - 1 page]</li><li>3. Policy 304 Disposal of disused equipment machinery and other materials - Comments [7.2.3 - 3 pages]</li></ol>

### Recommendation

That the Policy Committee recommends that Council:

1. Repeals Policy 304 - Disposal of disused equipment, machinery and other material, as attached.
2. Adopts Policy 304 - Disposal of Surplus Assets, as attached.

### Purpose

For Council to adopt the recommended amendments and name change for Policy 304 – Disposal of Surplus Assets.

### In brief

- Policy 304 was last reviewed August 2019.
- At its Policy Committee meeting in March 2020, Council resolved to review Policy 304 - Disposal of disused equipment, machinery and other material.
- The recommended Policy 304 - Disposal of Surplus Assets guides the principles for the disposal of assets deemed surplus to the Town's needs.
- This report recommends amendments to the name of the policy, refinement of the policy objective, scope and definitions, and removal of operational directions.

### Background

1. At its meeting on 21 April 2020, Council adopted a work plan to complete the review of several policies. Policy 304 - Disposal of disused equipment, machinery and other materials was one of the policies identified for review.
2. Policy 304 is required to be used when the Town identifies surplus assets which cannot otherwise be readily sold or traded in and have little or no residual value.
3. Policy 304 assists with equitable and environmentally conscious disposal of these assets in a way to benefit community and environment.

## Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL06 - Finances are managed appropriately, sustainably and transparently for the benefit of the community.	Any assets which are exempt as per the Local Government (Functions & General) Regulations 1996 are disposed of appropriately. Appropriate due diligence is done to ensure these assets have no, or nominal residual value to the Town and their disposition is transparent. The order of which these assets are disposed is to benefit the community and provide sustainability in their use.
CL08 - Visionary civic leadership with sound and accountable governance that reflects objective decision-making.	Policy provides clarity on accountability and objective decision making in the way in which surplus assets are disposed.

Environment	
Strategic outcome	Intended public value outcome or impact
EN04 - A clean place where everyone knows the value of waste, water and energy.	Facilitates disposal of assets in an environmentally conscious way by avoiding unnecessary dumping at landfill and continued use by other parties and members of the community (and others) in a sustainable way.

## Engagement

Internal engagement	
Stakeholder	Comments
Operations staff – Assets	Reviewed policy, offered feedback.
Governance	Review of policy and how it currently operates.

## Legal compliance

[Section 2.7 of the Local Government Act 1995](#)

[Regulation 30 of the Local Government \(Functions and General\) Regulations 1996](#)

## Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	Assets with remaining financial value are inappropriately included in this policy.	Medium	Possible	Medium	Medium	Treat risk by ensuring robust asset management systems are in place and recording keeping is of a high standard to ensure due diligence can be conducted easily by Finance and Assets to guide the decision making for disposal and their inclusion for policy use.
Environmental	Assets being inappropriately dumped at landfill.	Low	Possible	Low	Medium	Treat risk by providing clarity in the policy for which assets are included or not, and clarity on the appropriate decision making required to ensure limited refuse dumping.
Health and safety	Town assets are provided to community groups (or others) and cause injury.	High	Low		Medium	Treat risk by ensuring any assets which are not safe and do not comply with health and safety standards are not able to meet the conditions for order of disposal by any other means than disposal at refuse sites.

Infrastructure/ ICT systems/ utilities	Not applicable.					
Legislative compliance	Not applicable.					
Reputation	The Town is not seen to be equitable in their disposal of assets by donation.	Low	Possible	Low	Medium	Treat risk by ensuring robust record keeping is done as per policy to ensure parties which receive donated items are noted and there can be equitable distribution over time. Ensure applications are viewed without bias and follow the same approval requirements.
Service delivery	Not applicable.					

## Financial implications

<b>Current budget impact</b>	Sufficient funds exist within the annual budget to address this recommendation.
<b>Future budget impact</b>	Not applicable

## Analysis

- Changes to the policy are set out in the below table.
- Additional clarity of changes can also be found within the attachments to this report.

Clause	Proposed	Reason
Policy objective	Reworded in more detail	Allow for more clarity around the use of the policy and stronger decision-making ability.
Policy scope	Reworded in more detail	Allow for more clarity around the use of the policy and stronger decision-making ability.
Definitions	Reworded in more detail	Allow for more clarity around the use of the policy and stronger decision-making ability.

Clause 2	Removed	The Town does not install office equipment (owned by the Town) into premises of elected members. Tablets are provided which are returned at the end of their term. This clause has no relevance to the policy and any equipment utilised by elected members (but owned by the Town) would be included in this policy if it meets the objective and scope.
Clause 3	Removed	It is noted that this policy does not apply to land or building/property assets, so this clause is incorrect.
Clause 4b (i to vi)	Removed	Relate to operational procedure which should be included in an accompanying management practice, not within the policy itself.
Clause 4 c (i)	Removed	Relate to operational procedure which should be included in an accompanying management practice, not within the policy itself.
Clause 4 d (i)	Removed	Relate to operational procedure which should be included in an accompanying management practice, not within the policy itself.
Clause 5 b	Removed	It is felt that sale to Elected Members and staff should be conducted as part of sale to other individuals as per Clause 5 c to ensure equity and no advantage given to staff or Elected Members.

6. Research was conducted which found that the name of this policy was outdated and should align with other local governments.
7. Disposal of any property or land should be conducted as per Regulation 30 (1 and 2) of the Local Government (Functions and Regulations) 1996.
8. Disposal of items/assets not within this policy (those with a trade in or sale value or property and land) are dealt with as per the appropriate delegations, Local Government Act and Council approval.

## Relevant documents

[Policy 222 Asset Management](#)

*The Acting Chief Operations Officer, Ms Jayde Robbins left the meeting at 5.58pm.*

Cr Brian Oliver reopened the meeting at 5.32pm on Wednesday 3 March 2021.

*The Acting Chief Operations Officer, Ms Nicole Annson joined the meeting at 5.32pm.*

*The Acting Financial Controller, Ms Bonnie Hutchins joined the meeting at 5.32pm.*

#### **COMMITTEE DISCUSSION:**

The committee discussed whether:

- clause 1 should be strengthened to apply to surplus assets owned by the Town that do not have residual monetary or useful value to the Town.
- the Town should have a target for e-waste.

The committee were advised that:

- the policy is proposed to apply to surplus assets that may not have residual monetary or useful value to the Town as the monetary value may be less than the amount of effort required to dispose of the asset.
- staff were unaware if there was currently a target for e-waste and the question was taken on notice.

#### **AMENDMENT:**

**Moved:** Cr Brian Oliver

**Seconded:** Cr Claire Anderson

That the definition of "tender" be amended to read:

"Tender means an externally conducted process to seek interest for the purchase of items by any individual or organisation"

**CARRIED (9 - 0)**

**For:** Cr Brian Oliver, Cr Claire Anderson, Cr Vicki Potter, Cr Ronnhda Potter, Mayor Karen Vernon, Cr Luana Lisandro, Cr Wilfred Hendriks, Cr Bronwyn Ife, Cr Jesvin Karimi

**Against:** nil

#### **Reason:**

The policy has been changed to exclude the sale to staff and elected members through internal tender or expression of interest. This will ensure the policy is consistent and clear in its definitions and clauses.

**AMENDMENT:****Moved:** Cr Brian Oliver**Seconded:** Cr Vicki Potter

That clause 9 be amended to read:

"Any tenders, expressions of interest or private treaty for the sale of surplus assets, and any associated documentation are to be recorded and kept"

**CARRIED (9 - 0)**

**For:** Cr Brian Oliver, Cr Claire Anderson, Cr Vicki Potter, Cr Ronnhda Potter, Mayor Karen Vernon, Cr Luana Lisandro, Cr Wilfred Hendriks, Cr Bronwyn Ife, Cr Jesvin Karimi

**Against:** nil

**Reason:**

The policy has been changed to exclude the sale to staff and elected members through internal tender or expression of interest. This will ensure the policy is consistent and clear in its definitions and clauses.

**COMMITTEE RESOLUTION:****Moved:** Cr Ronnhda Potter**Seconded:** Cr Wilfred Hendriks

That the Policy Committee recommends that Council:

1. Repeals Policy 304 - Disposal of disused equipment, machinery and other material, as attached.
2. Adopts Policy 304 - Disposal of Surplus Assets, as attached, subject to:

a) the definition of "tender" being amended to read:

"Tender means an externally conducted process to seek interest for the purchase of items by any individual or organisation".

b) clause 9 being amended to read:

"Any tenders, expressions of interest or private treaty for the sale of surplus assets, and any associated documentation are to be recorded and kept".

**CARRIED (9 - 0)**

**For:** Cr Brian Oliver, Cr Claire Anderson, Cr Vicki Potter, Cr Ronnhda Potter, Mayor Karen Vernon, Cr Luana Lisandro, Cr Wilfred Hendriks, Cr Bronwyn Ife, Cr Jesvin Karimi

**Against:** nil

## 7.4 Review of Policy 205 - Vehicle Crossovers

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Frank Squadrito
<b>Responsible officer</b>	Nicole Annson
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	1. Current Policy 205 Vehicle crossovers [7.4.1 - 2 pages] 2. Tracked Policy 205 Vehicle crossovers revised [7.4.2 - 3 pages]

### Recommendation

That the Policy Committee recommends that Council:

1. Repeals Policy 205 – Vehicle crossovers, as attached.
2. Adopts the amended Policy 205 – Vehicle crossovers, as attached

### Purpose

To comply with Council resolution dated 21 April 2020 requiring the review of several policies including Policy 205 – Vehicle crossovers

### In brief

- At its meeting on 21 April 2020, Council adopted a work plan to review several policies. Policy 205 was identified as one of the policies to be reviewed.
- Technical Services has reviewed Policy 205 to ensure that it meets current operational needs of the organisation and recommends minor clarification to the basis for determination of contributions for crossovers so that these are adequately endorsed in line with local government regulations.
- The review provides additional advice to applicants regarding the preference of an existing path continuing through the proposed crossover to provide priority for pedestrians where new crossovers about the footpath network.
- The review also strengthens and discourages applicants applying for a second crossover unless adequate justification is provided.

### Background

1. Council resolution 384/2020 of 21 April 2020 adopted a work plan to review several policies. Policy 205 was identified to be completed by March 2021. Technical Services has now completed its review.
2. The last review/amendment to Policy 205 was completed in 2019 and presented to Council on 20 August 2019 which essentially amended the policy to bring it in line with the current policy template.
3. The objective of Policy 205 is to provide guidance for the construction of vehicle crossovers in the Town
4. Prior to the commencement of constructing a crossover in the Town, property owners must refer to the crossover installation package located on the Town's website which details the technical specifications.



## Strategic alignment

Environment	
Strategic Outcome	Intended public value outcome or impact
EN02 - A safe, interconnected and well maintained transport network that makes it easy for everyone to get around.	To provide appropriate guidelines for the construction and maintenance of vehicle crossovers to properties, including any contributions applicable for construction works.
EN05 - Appropriate and sustainable facilities for everyone that are well built, well maintained and well managed.	Ensure property access is fit for purpose and standards are adhered to by property owners or their contractors.

## Engagement

Internal engagement	
Stakeholder	Comments
Technical Services	Feedback sought by relevant technical staff administering crossover permits. No material changes needed to the policy. Case by case determination of second crossover requests is supported subject to sensible justifications and where the frontage crossover is not able to accommodate the occupier's requirements.
Urban Planning	There is general support for the provision to limit second crossovers to lots. Current planning controls generally unable to control the number of crossovers per lot as the construction of driveways and compliant-carports and garages (for residential properties) are exempt from requiring development approval.
Place Planning	There is general support for the provision to limit second crossovers to lots. Future provisions in the Town's planning policies or guidelines may be able to accommodate clauses to refine the approval criteria to align with the Town's requirements.

## Legal compliance

[Section 2.7 of the Local Government Act 1995](#)

[Local Government Act 1995 Schedule 9.1 \(7\)](#)

[Local Government \(Uniform Local Provisions\) Regulations 1996](#)

## Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
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Financial	Rebate not provided to customer due to non-conformance.	Insignificant	Possible	Low	Low	TREAT risk by Having Compliance Officer providing clear specifications and continuing random inspections of crossover construction activities.
Environmental	Construction of crossovers can result in removal of trees on the verge.	Major	Possible	High	Medium	Treat risk by continuing to require a stand alone application for crossovers with existing verge trees identified in the proposal.
Health and safety	Crossovers uneven surface such as sunken pavers could be a tripping hazard causing serious injuries.	Major	Possible	High	Low	Treat risk by requiring concrete footpaths to remain and cutting through crossovers as the Town's preference
Infrastructure/ ICT systems/ utilities	Errors in the provision of crossover related advice to lot owners or contractors.	Minor	Possible	Medium	Medium	Treat risk by having the specification and other relevant information on the Town's website relating to crossovers reviewed annually to make sure it is updated and accurate.
Legislative compliance	Delay in the approval process due to staff availability and delegation limits.	Insignificant	Possible	Low	Low	Treat risk by reviewing the sub delegation register to ensure the appropriate number of staff are authorised to assess.

Reputation	Not applicable.	Low
Service delivery	Not applicable.	Medium

## Financial implications

<b>Current budget impact</b>	Sufficient funds exist within the annual budget to address this recommendation.
<b>Future budget impact</b>	Not applicable.

## Analysis

- Policy 205 looks at guidance for the construction and maintenance of vehicle crossovers. Under the Local Government (Uniform Local Provisions) Regulations 1996 (clause 15), the Town is required to meet 50% of the construction cost (as estimated by the local government) of a property's first standard crossing (vehicle crossover). The local government decides (by resolution) what will constitute a standard crossing. As the policy does not currently define this, it is recommended to clarify the policy on what constitutes a standard crossing (vehicle crossover) in order to meet any legislative requirement. Officer recommendation is that a standard crossover is 3m wide by 4m long of 100mm thick and at least standard 20 MPa strength concrete material.
- Beyond the contribution (subsidy) payable by the Town for eligible crossover construction works (which has current threshold of \$400), the Town also provides contributions for upgrades as described in the policy, and these remain in place.
- Concerns have been raised by staff regarding applicants wanting a second crossover to their property due to several reasons such as caravan storage on private property or hardstand for vehicle parking. A second crossover is not encouraged by Technical Services as it reduces verge space for planting of trees, on-street parking and creates another conflict point for access onto the public road network. Approvals associated with development applications managed by the Urban Planning service area generally provide a trigger for endorsing crossovers for new or modified residential/commercial buildings. The current policy has been strengthened to discourage a second crossover being built to the same lot unless there is a compelling case to allow multiple access points such as a subdivided corner lot or approved carport structure where no common property exists.

Clause	Proposed	Reason
Added clause 7	Secondary crossover requests to a single lot shall only be considered and approved in exceptional circumstances where the applicant can demonstrate the need for additional vehicular access to a proposed car port/garage or proper circulation as supported by a traffic impact statement, prepared by a suitably qualified transport engineer. These requests may not be approved for reasons including but not limited to loss of verge trees, additional	Compliance requirements, UFS opportunities and avoiding future redundant crossovers.

	contribution to stormwater runoff, planting space, diminished on street parking and safety.	
Added clause 8	In alignment with the requirements of the Town's Disability and Access Inclusion plan, a continuous path of travel through the crossover is preferred to provide clear and legible pedestrian priority.	Disability access improvement. Minimise injury due to uneven surface such as damaged brick paved crossovers.
Amended clause 11	The contribution by the Town is to be determined annually by the Chief Executive Officer through an internal memorandum. This contribution is determined with reference to 50% of the estimated cost of a standard crossing (vehicle crossover) under local government regulations. A standard crossover is defined as an insitu concrete material crossover, 3m wide x 4m long, constructed to the Town's crossover specifications. This amount will subsidise the cost of a property's initial crossover, and the first new crossover to each individually titled lot or strata development.	Better define the description of a standard crossover.
Added weblink of Crossover specification to Related documents	Crossover specification <a href="https://www.victoriapark.wa.gov.au/Your-property/House-and-garden/Crossovers-and-driveways?BestBetMatch=crossover[d13b95b2-5146-4b00-9e3e-a80c73739a64]4f05f368-ecaa-4a93-b749-7ad6c4867c1f en-AU">https://www.victoriapark.wa.gov.au/Your-property/House-and-garden/Crossovers-and-driveways?BestBetMatch=crossover[d13b95b2-5146-4b00-9e3e-a80c73739a64]4f05f368-ecaa-4a93-b749-7ad6c4867c1f en-AU</a>	To help guide applicants.

## Relevant documents

[Crossover Policy 205](#)

[Crossover Specification](#)

### COMMITTEE RESOLUTION:

**Moved:** Cr Ronnhda Potter

**Seconded:** Cr Vicki Potter

That the Policy Committee recommends that Council:

1. Repeals Policy 205 – Vehicle crossovers, as attached.
2. Adopts the amended Policy 205 – Vehicle crossovers, as attached

**CARRIED (9 - 0)**

**For:** Cr Brian Oliver, Cr Claire Anderson, Cr Vicki Potter, Cr Ronnhda Potter, Mayor Karen Vernon, Cr Luana Lisandro, Cr Wilfred Hendriks, Cr Bronwyn Ife, Cr Jesvin Karimi

**Against:** nil

### 7.3 Review of Policy 114 - Community Funding

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Paul Gravett
<b>Responsible officer</b>	Natalie Martin Goode
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	<ol style="list-style-type: none"><li>1. Policy-114- Community-funding - 15 Dec 2020 [7.3.1 - 10 pages]</li><li>2. Policy 114 Community Funding - with Tracked Changes [7.3.2 - 11 pages]</li><li>3. Policy 114 Community funding - with Tracked Changes Accepted [7.3.3 - 11 pages]</li></ol>

#### Recommendation

That the Policy Committee recommends that Council:

1. Repeals Policy 114 Community Funding, as Attachment 1.
2. Adopts Policy 114 Community Funding, as at Attachment 3.

### Purpose

To review and approve changes to the operating subsidy component of Policy 114 Community Funding.

### In brief

- The Town provides a range of community funding programs which are governed by Policy 114 Community Funding.
- Operating subsidies are made available to support the operating capacity of local service providers to deliver a range of programs, services, events, and partnerships, that align with the Town's strategic outcomes to enhance the quality of life of the community.
- At its Ordinary Council Meeting on 17 November 2020, Council requested the Policy 114 Community Funding be reviewed.
- Content derived from internal and external engagement processes has been integrated into the revised Policy 114 Community Funding for Council consideration.

### Background

1. At the Ordinary Council Meeting 17 November 2020, Council resolved:
  1. Approves a further extension of the operating subsidy for Connect Victoria Park in the sum of \$50,000 from 1 January 2021 to 30 June 2021;
  2. Approves an operating subsidy for Connect Victoria Park in the sum of \$75,000 to commence on 1 July 2021 for 3 years;
  3. Declines to award an operating subsidy of \$6,000 to The Haven;
  4. Approves a community grant of \$1,000 to The Haven for the provision of a Christmas lunch for 2020;
  5. Approves a community grant of \$5,000 to The Haven for the provision of regular meals for people in need.

6. Requests the Chief Executive Officer to invite the Victoria Park Community Centre and the Victoria Park Centre for the Arts to submit new applications for an operating subsidy to commence on 1 July 2021 for 3 years in accordance with the following timetable:

a. applications to be called for in January 2021;

b. applications to be assessed by the Town's community funding assessment panel in February 2021;

7. Requests the Chief Executive Officer to present a further report back to Council in March 2021 with the recommendations on any applications received from the Victoria Park Community Centre and the Victoria Park Centre for the Arts;

8. Requests the Chief Executive Officer to commence a review Policy 114 – Community Funding in December 2020, beginning with a concept forum for elected members in December 2020;

9. Requests the Chief Executive Officer to bring a report on the review of Policy 114 to the Policy Committee by no later than February 2021.

2. In December 2020, officers presented questions for consideration at a concept forum. It was determined that another workshop session be held in January 2021 to further consider the topic.
3. To assist the January 2021 workshop process, elected members were provided two weeks to provide written responses to the questions presented. These questions and associated workshop responses are outlined in the Analysis below.
4. Responses were subsequently distributed to elected members prior to the January 2021 workshop.
5. The Town currently provides operating subsidies to the following groups:

Organisation	Amount	Timeframe
Harold Hawthorne Community Centre	<ul style="list-style-type: none"> <li>3-year operating subsidy</li> <li>\$132,328 + Perth CPI annually</li> <li>Peppercorn lease - \$222,000 annually</li> <li>Financial assistance to contribute to the employment costs of the Centre to deliver programs to community.</li> </ul>	Contract end 30 June 2022
Vic Park Centre for the Arts	<ul style="list-style-type: none"> <li>2-year operating subsidy</li> <li>\$111,200 + Perth CPI annually</li> <li>Peppercorn lease - \$30,000 annually</li> <li>Financial assistance to contribute to the employment costs of the Centre of the Arts Director to deliver programs to community.</li> </ul>	Contract end 30 June 2021
Connect Vic Park	<ul style="list-style-type: none"> <li>3-year operating subsidy</li> <li>Contract extension endorsed Nov 2020</li> <li>Financial assistance to contribute to the employment costs of the Village Hub Coordinator to deliver programs to community.</li> <li>\$50,000 to 30 June 2021</li> <li>\$75,000 1 July 2021 to 30 June 2024</li> </ul>	Contract end 30 June 2024

## Strategic alignment

Civic Leadership	
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Strategic outcome	Intended public value outcome or impact
CL06 - Finances are managed appropriately, sustainably and transparently for the benefit of the community.	To provide a transparent and accountable framework for the provision of financial assistance to eligible parties.
CL08 - Visionary civic leadership with sound and accountable governance that reflects objective decision-making.	Improved governance and decision making resulting from integration of continuous improvement feedback

Social	
Strategic outcome	Intended public value outcome or impact
S01 - A healthy community.	Community funding can be a relevant tool to support third party providers to enhance overall community health and wellbeing.
S02 - An informed and knowledgeable community.	Through provision of funding not for profits and charitable organisations will have greater capacity to assist community to remain connected and engaged on topics that are of importance to them.
S03 - An empowered community with a sense of pride, safety and belonging.	Through provision of funding not for profits and charitable organisations will have greater capacity to increase interdependence and agency of individuals and the wider community.
S04 - A place where all people have an awareness and appreciate of arts, culture, education and heritage.	Through provision of funding not for profits and charitable organisations will have greater capacity to provide community with access to arts, culture and education opportunities.

## Engagement

Internal engagement	
Stakeholder	Comments
C-Suite	Provided input into the direction of operating subsidies related to the overarching purpose, intent and associated financial implications.
Community Development	Responsible for administering the policy, as such provided significant input into the policy review.
Property Development and Leasing	Feedback regarding current leasing and licensing arrangements and implications for tenants also receiving an operating subsidy. Leasing and licensing options are being explored that may seek to channel operating subsidy funding to offset costs incurred by tenants associated with outgoings and preventative maintenance. Further discussion / collaboration is still required in this area.
Governance	Feedback on legal advice, lobbying of elected members and managing conflicts of interest.

Elected Members	<p>Feedback included both strategic and operational considerations:</p> <p>(Strategic) Policy:</p> <ul style="list-style-type: none"> <li>• Synchronising the timing of operating subsidy applications with annual budget deliberation cycles to enhance financial planning outcomes;</li> <li>• Consider implications of the Town's leasing and licensing functions and decision making against operating subsidy decisions including the agreement / lease terms;</li> <li>• Amount of financial support per group / operating subsidies overall.</li> </ul> <p>(Operational) General Approach:</p> <ul style="list-style-type: none"> <li>• Report Attachments <ul style="list-style-type: none"> <li>o Providing details of both successful and unsuccessful applications in the main Ordinary Council Meeting report;</li> <li>o Provide sufficient detail within the report / attachment related to applications to enable Council the capacity to make an informed determination based on Officers evaluation and assessment.</li> </ul> </li> <li>• Benchmarking with other local governments and Lotterywest regarding: <ul style="list-style-type: none"> <li>o Types of operating subsidies provided – Cash / Peppercorn Leases / Rental / Maintenance / Outgoings Subsidies;</li> <li>o Level of contribution per group / per round / operating subsidies overall;</li> <li>o Application process, including notification of groups throughout the process.</li> </ul> </li> </ul> <p>(Operational) Management Practice:</p> <ul style="list-style-type: none"> <li>• Training and development for applicants <ul style="list-style-type: none"> <li>o Enhance capacity for addressing application criteria by contracting an independent grant writing professional to assist.</li> </ul> </li> <li>• Smarty Grants – types of questions; amount of questions / prompts / use of examples <ul style="list-style-type: none"> <li>o Review criteria that applicants are required to address based on feedback and level of expertise currently within the system, while positioning for future development in this area;</li> <li>o Further training face to face and online for the Smarty Grants platform.</li> </ul> </li> </ul> <p>Elected Member feedback generated during the Concept Forum workshops is provided in the Analysis section below.</p>
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External engagement	
Stakeholders	Operating Subsidy Applicants (2020/21);
Period of engagement	November 2020 – January 2021
Level of engagement	Consult
Methods of engagement	Written and verbal feedback was provided directly to Town officers for consideration regarding the Operating Subsidy application process and associated Policy.
Advertising	Nil – stakeholders were directly engaged via phone and or email.
Submission summary	<ul style="list-style-type: none"> <li>• Training and development for applicants <ul style="list-style-type: none"> <li>o Enhance capacity for addressing application criteria by contracting an independent grant writing professional to assist.</li> </ul> </li> <li>• Smarty Grants – types of questions; amount of questions / prompts / use of examples <ul style="list-style-type: none"> <li>o Review criteria that applicants are required to address based on feedback and level of expertise currently within the system, while positioning for future development in this area;</li> <li>o Further training face to face and online for the Smarty Grants platform.</li> </ul> </li> <li>• Clarifying internal point of contact <ul style="list-style-type: none"> <li>o Operating Subsidies overarching - Manager Community;</li> <li>o Smarty Grants portal and related items - Community Development Officer – Grants, Donations Administration.</li> </ul> </li> <li>• Round opening and decision timing / process <ul style="list-style-type: none"> <li>o Further work to occur to align Peppercorn Leasing / Maintenance and Operating Costs approaches;</li> <li>o Timelines to be clearly identified within the Management Practice</li> </ul> </li> <li>• Feedback to and from applicants <ul style="list-style-type: none"> <li>o Processes to be refined regarding notification of applicants;</li> </ul> </li> <li>• Training and development for assessment panel members <ul style="list-style-type: none"> <li>o Guideline and training for assessors to be developed and implemented.</li> </ul> </li> </ul>
Key findings	<p>An action plan has been developed to address key findings / relevant feedback.</p> <p>The Policy, Management Procedure, skills, and supporting resources to be updated accordingly.</p>

Other engagement	
Stakeholder	Comments
Other local governments	<p>Several Local Government Authorities (LGAs) in Western Australia were approached for information regarding operating subsidies, and consequentially leasing and licensing. This information has been difficult to source as the role of leasing, licensing and funding sits across a number of areas in each individual local government, and the time of year (holiday season). Further data continues to be sourced.</p> <p>Preliminary research indicates support to groups from local governments is mainly in the form of peppercorn rental subsidies, rather than cash based operating subsidies.</p> <p>The approach to leasing and licensing can be adhoc, managed across several areas within a local government, which has made it difficult to gather a comprehensive line of sight related to this topic.</p> <p>Operating subsidies, when provided, are more often focused on arts and cultural groups/performing arts facilities. Local governments can and do manage senior citizen facilities which could also be considered akin to an operating subsidy for this section of the community ie direct service provision by the local government, rather than payment to a third party to provide this service.</p>

#### Local Government Benchmarking Operating Subsidies Overview

	Armadale	Canning	Joondalup	Rockingham
Operating subsidies for community groups	No  However, provide financial support to several Arts groups through their programming (ie. contracting via fee for service)	Yes (2)  Brass Band - \$40k – rolled over each year  Arts Group - \$30k rolled over each year	No  Previously supported the Joondalup Art Gallery but decided not to renew the commercial lease for premises. Concluded April 2020.	No  However, the City run the Autumn Centre (over 60's centre) and Rockingham Art Centre.
Operating subsidies for Not for Profit (welfare focused) groups	No	No	No	No
Peppercorn Leases	Yes (3)  Group that runs the golf course;	Yes – however varies  Unstructured – requires further consideration	Some historical peppercorn leases but majority are on standard lease	Yes (approximately 50)

	Not for Profit DFES	Senior Citizens based clubs x 2 – including maintenance and utilities		
Fee waivers	Junior sports clubs	Rating waivers for community groups and sporting clubs  Some groups get free facility use i.e. New City Theatre who use the Town Hall.	Facility Hire Subsidies and some fee waivers  Senior centres, art groups and other community groups hire facilities and receive fee waiver up to 10 hours; and seek facility hire subsidy for remaining cost.	All requests encouraged to apply through Community Grants Program
Maintenance costs	Not consistent – moving towards more consistent approach as part of renewal of agreements. Looking to shift to tenant pays all outgoings.	Different agreements in place for different groups depending on who owns the facility.	Structural costs are City's responsibility.  Maintenance and outgoings are lease holders responsibility.	City pays some maintenance.  All utilities, building insurance and rates are paid by lessee.  Grants available up to \$10,000 per year for maintenance costs for incorporated NFP's leasing / license of City owned property.
Tenancy agreements – licenses and leases	Yes (70 total) – management agreements, MOUs and rental classifications (i.e. \$50 per annum for community groups)	Yes – Policy in place and rental scale used.	Yes – 85 agreements (around 36 are community / other / govt departments)	Yes – 80 agreements (around 60 are community) Several grants opportunities including City property, leased property, maintenance and rate subsidy, infrastructure capital, and community infrastructure grants.
Policies	Yes – Property Lease Rentals	Yes – Rating Waivers for Community Groups and Community Grants Program Policy	Facility Hire Subsidy Policy  Property Management Framework	Yes – Community Grants Program

## Legal compliance

[Section 2.7 of the Local Government Act 1995](#)

6. Independent legal advice was sought regarding the level of detail to be provided by officers for elected member review as part of considering applications for approval, aligned with Policy 114. While not material to changes proposed for the Policy 114, content has been provided below for context and transparency related to the overall process, and its role in the informing future directions.
- *It is appropriate for officers to provide details of applications within Council reports to enhance the decision making / deliberation process of Councillors, as long as it is not seen as duplicating the process of assessment, and or disregarding the assessment and evaluation undertaken by the Town's assessment panel.*
  - *It is appropriate to provide details of unsuccessful applications in Council reports, as long as no personal or commercial in confidence information of an associated individual is also included.*

### Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	Not adopting a maximum ceiling to annual contributions could result in cost escalations that impact on the Long Term Financial Plan.	Moderate	Likely	High	Low	TREAT by adopting a maximum ceiling to annual funding amounts to be considered for the Operating Subsidy program.
Environmental	Not applicable.				Medium	
Health and safety	Not applicable.				Low	
Infrastructure/ ICT systems/ utilities	Not applicable.				Medium	
Legislative compliance	Conflicts of Interest are not handled appropriately	Major	Possible	Medium	Low	TREAT by including clear directions regarding the management of Conflict of Interest in the Policy.
Legislative compliance	Not clarifying the permissibility of applicant capacity to lobby Elected Members may	Major	Possible	Medium		TREAT by including clear directions regarding lobbying of

	result in adverse decisions or conflicts of interest.					Elected Members and Town staff in the Policy.
Reputation	Not clarifying a maximum ceiling of contributions may result in difficulties managing expectations within the social sector, beyond what the Town is able to provide.	Moderate	Possible	Medium	Low	TREAT by communicating prior to each funding round priority focus areas for the Operating Subsidy program.
	Not providing community / stakeholders a chance to review the revised Policy before adoption may result in reputation risk.	Moderate	Possible	Medium	Low	ACCEPT as organisations impacted have been engaged previously regarding the need to create operating subsidy Exit Plans.
Service delivery	Not clarifying the Town's priority focus areas for operating subsidies through evidential sources may lead to service delivery gaps.	Moderate			Medium	TREAT by undertaking a Service Needs Analysis Study to inform future priority focus areas.

## Financial implications

<b>Current budget impact</b>	Sufficient funds exist within the annual budget to address this recommendation.
<b>Future budget impact</b>	<p>Based on the recommendations within this report and associated policy updates, future budget impacts for operating subsidies is proposed to be up to 1% of rates income. In 2020/21, this equates to \$435,880. This amount is to cover all existing and any future operating subsidy arrangements in any one year.</p> <p>Funding is provided to successful applicants for a three-year period.</p>

## Analysis

7. In considering refinements to Policy 114 Community Funding with regards to operating subsidies, Officers benchmarked from other local government authorities, reviewed information from applicants and engaged elected members via workshops.

8. As Council are considering applications for the current Operating Subsidy round at the March 2021 Ordinary Council Meeting, the adoption of a revised Policy 114 Community Funding is not intended to come into effect until after these applications have been considered.
9. Below is a summary of elected member feedback provided within the January 2021 Concept Forum workshop:

Question	Elected Member Response
<p>A) <i>Should the Town offer cash based operating subsidies to all groups operating within the Town, or should it be restricted to certain categories of groups, and or restricted to focus on in-kind support such as peppercorn leases / licenses?</i></p> <p>B) <i>If Council support providing operating subsidies as cash contributions, what groups should the policy apply to?</i></p>	<p>Yes, cash based operating subsidies should be limited to those groups / enterprises that align to priority areas identified by the Town, rather than offered to all groups, open ended. Consideration should focus on those services that local government may normally deliver but chooses not to eg arts centre, senior citizens centre; community centre; youth centre / leadership / activities. Focus should be on areas that are unmet within the community, and not delivered by other groups / enterprises / government.</p> <p>Support should avoid cost shifting from other stakeholders.</p> <p>There was also feedback regarding the potential to separate peppercorn leases and operating subsidies. Further exploration is required.</p>
<p>C) <i>Should there be a maximum cash contribution per group, per year, inclusive of in-kind support (currently capped at 50% of total contribution);</i></p>	<p>Yes, overwhelming support for a maximum of \$100,000 (ex GST) per annum.</p> <p>There was also minor support for a proposed reduction to \$20,000 per group, per year (ext GST)</p> <p>Example: applicant seeks \$80,000 cash operating subsidy, while also receiving a \$35,000 peppercorn lease benefit. Total expenditure is \$160,000.</p> <ul style="list-style-type: none"> <li>• \$160,000 + \$35,000 peppercorn = \$195,000</li> <li>• \$195,000 x 50% of total contribution = \$97,500 is maximum allowable cash operating subsidy.</li> <li>• Applicant is seeking \$80,000 which is beneath both \$100,000 and 50% of total contribution cap.</li> </ul>
<p>D) <i>Should there be a maximum Town provided cash contribution per year overall?</i></p>	<p>There was majority support for an amount of up to 1% of annual rates income towards the program. In 2020/21, this equates to \$435,880.</p>
<p>E) <i>Should there be a maximum period groups to receive cash based operating subsidy?</i></p>	<p>A majority felt that there should not be a maximum period however each group would need to re-apply every three years. This was based on the challenges groups within priority sectors face in attracting ongoing funding, and the importance of their service offering in the Town.</p>

<p>F) <i>Should operating subsidies be considered alongside peppercorn leases and licenses?</i></p> <p>G) <i>Should operating subsidies be considered within the same policy as leases and licenses?</i></p>	<p>There were split views as to whether peppercorn leases should be considered alongside / within the same policy as operating subsidies.</p> <p>Further exploration required.</p>
<p>H) <i>Should Elected Members be allowed to be lobbied by groups prior to formal deliberation by Council regarding operating subsidies?</i></p>	<p>Unanimous support that groups should not be permitted to lobby Elected Members prior to formal deliberation, once an application has been submitted.</p>
<p>I) <i>Should provision be made for a Social Needs Analysis study to identify priority themes to inform targeting of future occupancies / tenancies (and social planning more broadly)?</i></p>	<p>There was a split response to this question. Commentary focused on the benefits able to be provided from such a resource, ensuring however that the Town does not duplicate existing resources, is able to link into WACOSS resources / research and outcomes can be measured.</p> <p>Conversely, there was a view the Strategic Community Plan review would provide relevant information to inform future operating subsidy focus areas. This was enhanced by the notion that Council know existing providers.</p>

### **Managing financial sustainability**

10. The Town is well placed to provide cash based operational subsidies to support functional areas that it would normally deliver but chooses not to i.e. arts and cultural centre; senior citizen support; youth development.
11. If these services were not provided by third party entities, there may be an expectation that the Town should provide these services (and or fund) on behalf of the community.
12. The Town needs to be mindful however of the implications of directly funding social welfare agencies to undertake their core work, as this may create ongoing expectations and difficulties should it look to exit from a service once embedded.
13. By introducing a cap to a maximum amount per year, per group, as well as the total pool of program funding available, the Town can be confident of the financial sustainability of the program, managing stakeholder / community expectations, and managing the impacts within the Long-Term Financial Plan.

### **Guiding focus areas**

14. Development of a Community Needs Analysis Study can be used to increase knowledge and awareness of potential focus areas for operating subsidies and or properties becoming available for occupancy / tenancy. That is, an operating subsidy / EOI for properties may target specific demographics and or social conditions such as youth mental health / unemployment, based on study findings.
15. By refining its operating subsidy focus areas for each round based on evidential research / knowledge, the Town will be able to directly target and attract those services identified as a priority. This would also reduce work being undertaken in the sector on initiatives that do not meet the Town's priorities.

### Managing conflicts of interest

16. By introducing clarification regarding the lobbying of Elected Members and Town staff, conflicts of interest are reduced, while governance structures and approaches are enhanced.

### Overall practice improvements

17. Management Practice Operation Subsidies - 114.4 is currently being updated to reflect changes proposed by stakeholders, and within Policy 114 Community Funding.
18. An action plan has been created to capture areas for improvement and implementation to enhance future outcomes and program success.
19. The below table outlines the proposed changes to Policy 114 Community Funding, based on investigation and findings.

Clause	Proposed	Reason
<i>Lobbying of Elected Members: 12 and 13</i>	<i>Applicants may not lobby, or seek to influence the decision-making of Elected Members, in relation to their submitted funding applications.</i>  <i>If, during the period between submitting a funding application and a determination by Council, an applicant seeks to lobby any Elected Member of the Town of Victoria Park, or attempts to provide additional information, either directly or indirectly, on any matter relating to the funding application to an Elected Member, the person/organisation may be disqualified and the grant or donation excluded from being considered for approval.</i>	To provide clarity regarding lobbying of Elected Members and Town staff by applicants
<i>Eligibility 35.d</i>	<i>Operating subsidy request must align with the Town's identified priority focus area(s);</i>	To emphasise the need to align with Town priorities as identified each round.
<i>Ineligibility 36.b</i>	<i>...or does not primarily deliver services within the Town</i>	To enable inclusion of organisations based outside of the Town boundary, who may deliver services of significance and or priority within the Town.
<i>Approval Process: 39</i>	<i>Allocation of up to 1% of the Town's rateable income will be considered to support the Operating Subsidy program annually.</i>	To clarify maximum amount of annual funds to be provided to the program, to enhance financial sustainability.
<i>Approval Process: 41</i>	<i>Operating Subsidies will be capped at \$100,000 (ex GST) cash contribution per organisation per year, and no more than 50% of total operating costs, inclusive of cash, in-kind support relating to subsidised rental value of the lease forfeited under a peppercorn lease.</i>	To clarify maximum amount capped at \$100,000 ex GST per group per year. To enhance the spread of program funding across the community.
<i>Approval Process: 47</i>	<i>Previously successful applicants are eligible to re-apply for an Operating Subsidy.</i>	To clarify that groups are able to re-apply for an operating



		subsidy once their existing agreement has lapsed.
<i>Approval Process: 48</i>	<i>Operating Subsidy applications will be considered alongside Lease / License Agreements, where relevant.</i>	To acknowledge that work is still progressing in the lease and licensing area and cross overs with operating subsidies.
<i>Grammar across the document</i>	<i>Changed spelling from 'Publically' to 'Publicly' throughout</i>	Spelling correction

## Relevant documents

Nil.

*Cr Vicki Potter left the meeting at 5.45pm.*

### COMMITTEE DISCUSSION:

The committee discussed:

- whether a conflict of interest should be declared if an applicant provided assistance with their election campaign and whether there is a minimum amount that applies to declarations relating to financial contributions
- if subsidies capped at \$100,000 should receive CPI increases and this would affect the Town's budget
- if previous applicants should be able to reapply for subsequent rounds
- whether the cap for funding of 1% of rates means that the amount of available funding may decrease from year to year
- whether applicants would be advised how much funding is available for a round before they apply
- that the reference to the Local Government (Rules of Conduct) Regulations 2007 needs to be updated to the current legislation
- whether identified priority focus areas should be defined
- what industry benchmarked standard costs of operation are, whether they exist for all industries and whether it is fair to require community organisations to source that information
- how setting a cap of \$100,000 excluding GST would affect existing subsidies that have already been granted or will be granted at the May Ordinary Council Meeting
- whether Harold Hawthorne's operating subsidy is tied to their lease
- whether the annual allocation will be exhausted from the commencement of the policy due to subsidies already being granted
- whether references to year should be financial year
- whether reporting frequency could be change to lessen the burden on community organisations
- when community organisations can reapply for an operating subsidy when their current one is coming to an end
- whether the dates for funding rounds should be included in the policy.

The committee were advised that:

- either an impartiality or financial interest may need to be declared if an applicant provided assistance on an elected members' election campaign
- there is no minimum amount that applies to financial declarations
- the amount of available funding may decrease each year as the total amount should be capped at 1% of rates
- applicants would be advised of how much funding is available for a round before they apply
- priority focus areas will be identified through a community needs analysis that is endorsed by Council prior to a round opening
- industry benchmarked standard costs of operation demonstrate value for money, exist for most industries and are free to obtain in some cases
- the \$100,000 cap would only apply to operating subsidies granted if the proposed policy is adopted by Council
- Harold Hawthorne's operating subsidy is not tied to their lease and they will need to reapply in the future
- the existing operating subsidies already granted mean that available funding would be less than 1% of rates in future rounds unless Council decided to amend policy or make a decision contrary to the policy
- reporting could be changed to half-yearly and annual and still meet the Town's needs
- application rounds will open at the end of the calendar year for community organisations to apply prior to the start of the next financial year
- dates for funding rounds will be included in the management practice.

#### **AMENDMENT:**

**Moved:** Mayor Karen Vernon

**Seconded:** Cr Brian Oliver

That clause 9 be amended to read:

9. In order to achieve this, in keeping with the requirements of the *Local Government Act 1995*, Local Government (Model Code of Conduct) Regulations 2021 and Local Government (Administration) Regulations 1996, employees and elected members with any involvement in community funding programs shall declare:
  - a. any financial, indirect financial, proximity or gift interests that they have with any applicant for a community funding program; and
  - b. any impartiality interests they have with any applicant for a community funding program.

**CARRIED (8 - 0)**

**For:** Cr Brian Oliver, Cr Claire Anderson, Cr Ronnhda Potter, Mayor Karen Vernon, Cr Luana Lisandro, Cr Wilfred Hendriks, Cr Bronwyn Ife, Cr Jesvin Karimi

**Against:** nil

#### **Reason:**

To reflect change in regulations from 2017 to 2021 regulations.

**AMENDMENT:****Moved:** Mayor Karen Vernon**Seconded:** Cr Bronwyn Ife

That clause 35(e) be amended to read:

e. operating subsidy request is based upon industry benchmarked standard costs of operation or comparable information.

**CARRIED (8 - 0)****For:** Cr Brian Oliver, Cr Claire Anderson, Cr Ronhhda Potter, Mayor Karen Vernon, Cr Luana Lisandro, Cr Wilfred Hendriks, Cr Bronwyn Ife, Cr Jesvin Karimi**Against:** nil**Reason:**

So that this particular eligibility criteria doesn't become too restrictive.

**AMENDMENT:****Moved:** Mayor Karen Vernon**Seconded:** Cr Bronwyn Ife

That the policy be amended to include a definition that reads:

year: the financial year from 1 July to 30 June.

**CARRIED (8 - 0)****For:** Cr Brian Oliver, Cr Claire Anderson, Cr Ronhhda Potter, Mayor Karen Vernon, Cr Luana Lisandro, Cr Wilfred Hendriks, Cr Bronwyn Ife, Cr Jesvin Karimi**Against:** nil**Reason:**

To make it clear that it is a reference to the financial year.

**AMENDMENT:****Moved:** Mayor Karen Vernon**Seconded:** Cr Claire Anderson

That clause 50 be amended to read:

50. Successful applications will be required to provide six-monthly 'output reports' and an annual 'outcome report' to the Town, to be used by the Town as the Town deems fit.

**CARRIED (8 - 0)****For:** Cr Brian Oliver, Cr Claire Anderson, Cr Ronhhda Potter, Mayor Karen Vernon, Cr Luana Lisandro, Cr Wilfred Hendriks, Cr Bronwyn Ife, Cr Jesvin Karimi**Against:** nil**Reason:**

To create more flexibility and reduce the burden of reporting.

**AMENDMENT:****Moved:** Cr Wilfred Hendriks**Seconded:** Nil

To add clause 41(a) to read:

a) clause 49 overrides this clause in a case where the CPI Perth results in the subsidy amount going over \$100,000.

**LAPSED****For:** nil**Against:** nil**Reason:**

To enable the CPI to be applied to clause 41 when the CPI causes the amount of more than \$100,000 to be paid.

*Deputy Mayor Bronwyn Ife left the meeting at 6.54pm and returned at 7.02pm.*

**AMENDMENT:****Moved:** Mayor Karen Vernon**Seconded:** Cr Luana Lisandro

That clause 41 be amended to read:

41. Operating subsidies will be capped at \$100,000 (ex GST and Consumer Price Index Perth all groups) cash contribution per organisation per year, and no more than 50% of total operating costs, inclusive of cash, in-kind support relating to subsidised rental value of the lease forfeited under a peppercorn lease.

**CARRIED (8 - 0)**

**For:** Cr Brian Oliver, Cr Claire Anderson, Cr Ronhhda Potter, Mayor Karen Vernon, Cr Luana Lisandro, Cr Wilfred Hendriks, Cr Bronwyn Ife, Cr Jesvin Karimi

**Against:** nil**Reason:**

To make clause 41 synchronised with clause 49.

## COMMITTEE RESOLUTION:

**Moved:** Cr Ronnhda Potter

**Seconded:** Cr Wilfred Hendriks

That the Policy Committee recommends that Council:

1. Repeals Policy 114 Community Funding, as Attachment 1.
2. Adopts Policy 114 Community Funding, as at Attachment 3, subject to:

a) clause 9 being amended to read:

9. In order to achieve this, in keeping with the requirements of the *Local Government Act 1995*, Local Government (Model Code of Conduct) Regulations 2021 and Local Government (Administration) Regulations 1996, employees and elected members with any involvement in community funding programs shall declare:

- a. any financial, indirect financial, proximity or gift interests that they have with any applicant for a community funding program; and
- b. any impartiality interests they have with any applicant for a community funding program.

b) clause 35(e) being amended to read:

e. operating subsidy request is based upon industry benchmarked standard costs of operation or comparable information.

c) a definition for year being included that reads:

year: the financial year from 1 July to 30 June.

d) clause 50 being amended to read:

50. Successful applications will be required to provide six-monthly 'output reports' and an annual 'outcome report' to the Town, to be used by the Town as the Town deems fit.

e) clause 41 being amended to read:

41. Operating subsidies will be capped at \$100,000 (ex GST and Consumer Price Index Perth all groups) cash contribution per organisation per year, and no more than 50% of total operating costs, inclusive of cash, in-kind support relating to subsidised rental value of the lease forfeited under a peppercorn lease.

**CARRIED (8 - 0)**

**For:** Cr Brian Oliver, Cr Claire Anderson, Cr Vicki Potter, Cr Ronnhda Potter, Mayor Karen Vernon, Cr Luana Lisandro, Cr Wilfred Hendriks, Cr Bronwyn Ife, Cr Jesvin Karimi

**Against:** nil

**8 Motion of which previous notice has been given**

Nil.

**9 Meeting closed to the public**

**9.1 Matters for which the meeting may be closed**

Nil.

**9.2 Public reading of resolutions which may be made public**

Nil.

**10 Closure**

There being no further business, Cr Brian Oliver closed the meeting at 7.19pm.

I confirm these minutes to be true and accurate record of the proceedings of the Committee.

Signed: .....  
.....

Dated this: ..... Day of: ..... 2021

<b>Policy number</b>	Policy 053
<b>Policy title</b>	Meetings of Electors
<b>Strategic outcomes supported</b>	CL02 – A community that is authentically engaged and informed in a timely manner. CL10 – Legislative responsibilities are resourced and managed appropriately, diligently and equitably. S02 – An informed and knowledgeable community.

#### POLICY OBJECTIVE:

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

#### POLICY SCOPE:

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

#### DEFINITIONS:

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

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

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

#### POLICY STATEMENT:

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

#### Notice and timing of meetings

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

#### Format of meetings

4. The order of proceedings for an Annual Meeting of Electors is to be:
  - a) declaration of opening
  - b) discussion about contents of annual report for the previous financial year
  - c) update on decisions from previous Annual Meeting of Electors



- d) general business
- 5. The order of proceedings for a Special Meeting of Electors is to be:
  - a) declaration of opening
  - b) presentations on the matters specified in the request for a Special Meeting of Electors
  - c) general business
- 6. The proceedings referred to in points 3 and 4 can be altered by the presiding person.

#### **Role of person presiding**

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

#### **Role of elected members**

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

#### **Role of Town of Victoria Park employees**

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

#### **Role of electors**

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

#### **Consideration of decisions made at electors' meetings**

- 16. Decisions made at electors' meetings will be considered by Council at the next Ordinary Council Meeting, or as soon as reasonably practicable.





17. An update on the decisions made at the Annual Meetings of Electors will be provided at the following years' Annual Meeting of Electors.

#### Recording of meetings

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

#### RELATED DOCUMENTS:

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

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

[Meeting Procedures Local Law 2019](#)

[Policy 052 - Audio and video recording and live streaming of Council meetings, Agenda Briefing forums, committees and electors meetings](#)

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Policy manager	Manager – Governance and Strategy
Responsible officers	<del>Governance Officer – Council Support</del> Coordinator Governance and Strategy
Approval authority	Council
Next Evaluation Date	

#### REVISION HISTORY

Version	Approved, Amended, Rescinded or Reviewed	Date	Authority	Resolution Number	Key Changes/Notes
1	Approved	19/11/2019	Council	228/2019	Item 10.3

<b>Policy number</b>	Policy 054
<b>Policy title</b>	Access to reserve funds <u>through notices of motion</u>
<b>Strategic outcomes supported</b>	CL8 – Visionary civic leadership with sound and accountable governance that reflects objective decision making.

### POLICY OBJECTIVE:

To ensure Council is informed prior to making a decision to expend reserve funds.

### POLICY SCOPE:

This policy applies to notices of motion provided by elected members.

### DEFINITIONS:

Nil.

### POLICY STATEMENT:

Any notice of motion involving or requesting the expenditure of reserve funds shall be referred to the Town's administration for a report prior to a decision being made on the allocation of such funds.

### RELATED DOCUMENTS:

[Meeting Procedures Local Law 2019](#)

<b>Policy manager</b>	Manager – Governance and Strategy
<b>Responsible officers</b>	<del>Governance Officer – Council Support</del> <u>Coordinator Governance and Strategy</u>
<b>Approval authority</b>	Council
<b>Next Evaluation Date</b>	

### REVISION HISTORY

Version	Approved, Amended, Rescinded or Reviewed	Date	Authority	Resolution Number	Key Changes/Notes
1	Approved	11/04/2000	Council	-	Item 4.1
2	Reviewed	17/08/2004	Council	-	Item 4.1
2	Reviewed	09/07/2013	Council	-	Item 10.1
2	Reviewed	11/08/2015	Council	-	Item 10.1
3	Reviewed	20/08/2019	Council	148/2019	Item 10.1
3	Reviewed	21/04/2020	Council	381/2020	Item 15.4



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

#### **POLICY OBJECTIVE:**

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

#### **POLICY SCOPE:**

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

#### **DEFINITIONS:**

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

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

#### **POLICY STATEMENT:**

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

#### **Establishment**

2. To establish an advisory or working group, Council must resolve to:
  - a. create that group for the purposes outlined in clause 3 and 4 of this policy
  - b. set the purpose and objective of the group in line with clause 3 and 4 of this policy
  - c. determine the length of the group's term and any extensions in line with clause 5 of this policy
  - d. endorse the criteria for membership and composition of the group
  - e. give public notice relating to the establishment of the group and its community vacancies.
3. An advisory group may be established to provide advice on a specific matter, which contributes to



achieving strategic outcomes within the Strategy Community Plan, as determined by Council.

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

### **Membership and appointment**

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

#### *Elected members*

11. The number of elected members in an advisory or working group shall not exceed one-third of the total number of elected members holding office. Appointment of elected members will be by resolution of Council.
12. Elected members formally appointed by Council to an advisory or working group are to be participating members of that group.

#### *Community members*

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



at least two weeks.

14. At the close of the application period, the Chief Executive Officer is to assess the applications based on the criteria for membership set by Council, as stipulated in clause 2(d) of this policy. Where required, the Chief Executive Officer may choose to interview applicants as part of the application process.
15. Appointments of community members to an established group will be upon recommendation of the Chief Executive Officer and by resolution of Council.
16. Community members formally appointed by Council to an advisory or working group are to be participating members of that group.
17. Should any community member be unable to fulfil their role on an advisory or working group at any point in time they may apply in writing to the Chief Executive Officer to be released from the group. The Chief Executive Officer will then reappoint their replacement from those previous applicants in order of merit until a replacement has been filled. The Chief Executive Officer may choose for the community member position to remain vacant depending on the nature of the groups' terms of reference and / or length of time remaining for the group's term.

#### *Officers*

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

#### **Remuneration and expenses**

22. Members appointed to a Council-established group are not entitled to a sitting fee, or any such type of remuneration, unless otherwise considered and resolved by Council.
23. Should Council resolve to provide remuneration to members of a Council-established group, the amount must be determined by Council and be in line with the adopted budget.



24. Elected members and officers that are members of an advisory or working group are not to be remunerated under any circumstance.
25. Members appointed to an advisory or working group, excluding elected members and officers, that are unable to drive a motor vehicle or whose primary mode of transportation is by public means, may be reimbursed for the cost of the incurred fare to and from meetings.
26. The reimbursement of expenses for elected members is dealt with in Policy 021 – Fees, expenses and allowances – Elected Members, ~~and Independent Committee Members.~~
27. To be eligible for reimbursement, a community member must seek approval from the Chief Executive Officer who will process the reimbursement.

## Operation

### *Terms of Reference*

28. Each group is responsible for drafting its own terms of reference, inclusive of:
  - a. purpose
  - b. objective
  - c. membership including roles and composition
  - d. meeting procedures including, but not limited to, its general conduct, meeting frequency, administration and other such requirements
29. Within three months of establishment, the Chief Executive Officer, with agreement from members of that group, is required to present a group's proposed terms of reference to Council for adoption.
30. Upon adoption by Council, the group's terms of reference, including its membership, must be made publicly available on the Town's website.
31. The Chief Executive Officer is responsible for ensuring that each established group has appropriate administrative and professional support.
32. A sample recommendation to meet the terms of reference requirement is included in Appendix A, and a Terms of Reference Template is included in Schedule B.

### *Delegation*

33. A group shall have no delegated authority to make any decisions for or on behalf of Council and no group, or individual member thereof, shall, in particular:
  - a. expend, or authorise the expenditure of, any Town funds
  - b. correspond with any party



- c. speak for or on behalf of the Town or Council
- d. issue any press release
- e. issue any instruction to Town staff.

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

#### Reporting

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

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

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

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

#### RELATED DOCUMENTS:

Responsible Officers	<a href="#">Chief Executive Officer</a> <a href="#">Coordinator Governance and Strategy</a>
Policy manager	<a href="#">Manager Governance and Strategy</a> <a href="#">Manager Governance and Strategy</a>
Approval authority	Council
Next Evaluation Date	<i>This will be set by Governance</i>

#### REVISION HISTORY

Version	Approved, Amended, Rescinded	Date	Authority	Resolution Number	Key Changes/Notes
1	Approved		Council		



## SCHEDULE A

### **Sample recommendation for the establishment of an advisory or working group**

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That Council:

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

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

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That Council:

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

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

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

**SCHEDULE B*****[Name of group]***  
**Terms of reference***Purpose and objective***For advisory group**

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

**For working group**

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

*Term*

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

*Membership*

4. The group shall be comprised of:
  - a. [number] elected members
  - b. [number] community members
  - c. [number] officers
5. All memberships expire at the end of the group's term.

*Roles and responsibilities*

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



- b. Community members are responsible for contributing to the delivery of the group's objectives within the scope of their skills, knowledge and capabilities – *[to be altered depending on agreement from group]*
- c. Officers are responsible for conducting necessary research as required by the group, providing professional advice, and for administering its meetings.

#### Meeting procedures

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

#### Reporting

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

<b>Policy number</b>	Policy 112
<b>Policy title</b>	Visual arts
<b>Strategic outcomes supported</b>	S4 – A place where all people have an awareness and appreciation of arts, culture, education and heritage

### POLICY OBJECTIVE:

The purpose of this policy is to guide the Town's aspirations to be a leader of contemporary visual arts and to further develop the cultural identity of Town of Victoria Park

### POLICY SCOPE:

This policy applies to the Town's visual art collection.

### DEFINITIONS:

Nil.

### POLICY STATEMENT:

1. The Town recognises the important role played by visual arts in expressing the cultural identity of the Town of Victoria Park, as well as the broader benefits of associating a place with art, rather than art with a specific place.
2. To achieve this cultural aspiration, the Town's approach to visual arts collection management is driven by a focus on contemporary, quality and professionally significant artwork that elevates the status of the Town as an investor in a culturally-enriched environment that provides a documentation of time. The management of Town's art collection is in accordance with 'National Standards for Australian Museums and Galleries' as the Town facilitates its development as a recognised cultural and artistic hub. Artwork could be acquired Australia wide in contributing to the Town's art collection.
3. For the Town, promoting and encouraging a significant visual arts education program is key in providing a community engagement with the art collection. This program will provide a clear reflection of Victoria Park, the place and it's people whilst also creating opportunities to build relationships and educate the community on the investment in the culture and health of the community.

3.4. Any visual art purchased by the Town must be in accordance with Policy 301 Procurement and the relevant procedures, unless otherwise resolved by Council.

### RELATED DOCUMENTS:

[Nil. Policy 301 Procurement](#)

<b>Policy manager</b>	Manager – Community
<b>Responsible officers</b>	Community Development Coordinator
<b>Approval authority</b>	Council
<b>Next Evaluation Date</b>	

## REVISION HISTORY

Version	Approved, Amended, Rescinded or Reviewed	Date	Authority	Resolution Number	Key Changes/Notes
1	Approved	10/06/2014	Council	-	Item 13.1
1	Reviewed	11/08/2015	Council	-	Item 10.1
2	Reviewed and Amended	20/08/2019	Council	148/2019	Item 10.1
3	Reviewed and Amended	21/04/2020	Council	384/2020	Item 15.7

<b>Policy number</b>	Policy 260
<b>Policy title</b>	Single-use Plastic and Polystyrene
<b>Strategic outcomes supported</b>	EC2 – A clean, safe and accessible place to visit. EN4 – A clean place where everyone knows the value of waste, water and energy.

### POLICY OBJECTIVE:

- To provide controls that minimise potential adverse impacts of single use plastic and polystyrene on the community and the environment.
- To provide education and community leadership on the issue of single use plastic.

### POLICY SCOPE:

This Policy applies to:

- all Council buildings except those buildings which are, or may become, a subject to a lease or licence permitting the use of the building for commercial tenancy or residential occupancy;
- all Council-run events; and
- all market stalls held on Council land.

This Policy does not apply to:

- Events within the Town that are not Council-run;
- Traders and businesses that do not require a permit from the Town under a Local Law; and
- Activities operating under current lease agreement from the Town.

### DEFINITIONS:

**Compostable** means materials capable of breaking down completely or decomposing to produce a soil product without toxic residue. These materials should be certified compostable under AS 4736 – Industrial Composting or AS 5810 – Home Composting.

**Event** means any planned activity that occurs in a certain place, during a certain time, which involves a gathering of people and has some level of impact on the immediate surroundings.

**Local Government Property** has the meaning given to it in the Local Law.

**Local Law** means the relevant Town of Victoria Park Local Law. At the time of writing this Policy it included the Activities and Trading Thoroughfares Public Places Local Law 2000; Local Government Property Law 2000; and Health Local Law 2003.

**Market Stall** means a stand or booth where goods are sold at a market or event.

**Permit** has the meaning given to it in the Local Law.

**Plastic** means synthetic materials manufactured from fossil fuels such as oil and petrochemicals. Can be either soft, flexible or rigid.

**Polystyrene** means synthetic resin which is a polymer of styrene, used chiefly as lightweight rigid foams and films.

**Public places** has the meaning given to it in the Local Law.

**Serving material** means any items that are distributed for the intended use as food or beverage serving and/or consumption aids, including but not limited to: plates, cutlery, take away food containers, hot/cold beverage cups and lids (including paper coffee cups with plastic lining or lids), drinking straws.

**Single use** means materials that are manufactured for disposable usage and an intended short lifespan.

**Trader** has the meaning given to it in the Local Law.

**Thoroughfares** has the meaning given to it in the Local Law.

## POLICY STATEMENT:

1. Single-use plastics (or disposable plastics) and polystyrene are used only once before they are thrown away or recycled. These items include, but are not limited to, straws, coffee stirrers, soda and water bottles and most food packaging.
2. Council acknowledges that widespread use, distribution and misuse of single-use plastics and polystyrene at events and facilities can have a significant impact on our environment; particularly as events are predominantly held outdoors.
3. The phasing out single use plastics and polystyrene products will:
  - a. reduce the amount of plastics being disposed to landfill or ending up as litter in our community;
  - b. help to reduce the degradation of the Australian marine environment including the Swan River;
  - c. reduce the adverse impacts on the Town's environment and human health;
  - d. educate the Town's community to shift away from single use plastic and polystyrene products;
  - e. support businesses to embrace alternative options to single use plastic and polystyrene products and those already utilising alternatives; and
  - f. reduce the carbon and greenhouse emissions associated with creating plastic from non-renewable oil resources.

### Restrictions

4. Single-use plastic or polystyrene serving materials are not to be used, sold or distributed, where suitable fit for purpose alternatives are available.
5. Bottled water is not to be provided at Town functions where potable drinking water facilities are available.
6. All avoidable plastic and polystyrene packaging must not be used in the purchase, sale, distribution and transport of food or goods, unless required under other conditions or legislation.
7. Plastic and polystyrene event materials are to be reused where possible, including event signage and promotional banners.

### Suitable alternatives

8. Suitable alternatives to single-use plastic and polystyrene serving materials, packaging and other items must be:
  - a. Compostable;
  - b. Available; and
  - c. Fit for purpose.
9. For more information on suitable alternatives, please refer to the [Plastic-Free Vic Park guide](#) (forthcoming educational guidance document).

### Exemptions

10. This Policy exempts single-use plastic items necessary to meet health and safety requirements, or where there are no suitable alternatives.
11. Unless necessary to satisfy other conditions of the permit, exemptions will require prior approval from the Town at the discretion of the Chief Executive Officer.

### RELATED DOCUMENTS:

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

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

Policy 226 Recreation reserves - hire

[Plastic-Free Vic Park guide](#) (Forthcoming educational guidance document).

<b>Policy manager</b>	Manager – Technical Services
<b>Responsible officers</b>	Environment Officer
<b>Approval authority</b>	Council
<b>Next Evaluation Date</b>	



**REVISION HISTORY**

Version	Approved, Amended, Rescinded or Reviewed	Date	Authority	Resolution Number	Key Changes/Notes
1	Approved	20/08/2019	Council	155/2019	Item 12.1

<b>Policy number</b>	Policy 301
<b>Policy title</b>	Purchasing
<b>Strategic outcomes supported</b>	CL6 – Finances are managed appropriately, sustainably and transparently for the benefit of the community. CL8 – Visionary civic leadership with sound and accountable governance that reflects objective decision-making. CL10 – Legislative responsibilities are resourced and managed appropriately, diligently and equitably.

### POLICY OBJECTIVE:

The objective of this policy is to establish guidelines to ensure the most cost effective and efficient methods are used in the procurement of goods, works and services.

This policy reinforces the principle that the maintenance of comprehensive and well documented records is crucial to ensuring that value for money has been obtained and that the procurement process has been conducted with probity and transparency.

### POLICY SCOPE:

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

### DEFINITIONS:

**Aboriginal Business** means an Aboriginal or Torres Strait Islander business registered in the Aboriginal Business Directory issued by the Small Business Development Corporation.

**Australian Disability Enterprise** means and Australian Disability Enterprise registered as such on the Australian Business Register.

### POLICY STATEMENT:

1. This policy is the purchasing policy of the local government under regulation 11A of the *Local Government (Functions and General) Regulations 1996*.
2. The Council of the Town of Victoria Park is committed to ensuring the procurement of goods and services are managed appropriately, sustainably and transparently for the benefit of the community.
3. 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.

4. Throughout the procurement process, the Town will:

- a. Ensure transparency, probity and good governance to rate payers and relevant stakeholders on procurement activities
- b. Ensure consistency and control over procurement activities
- c. Encourage competitive procurement of goods, works and services and maximise community value.
- d. Ensure that funds are spent effectively and economically to gain value for money by taking into account price and non-price factors such as after sales service, warranty, safety, environmental, repair costs, spare parts, etc.
- e. As much as practicable support local business.

### Principals for procurement

#### Ethical Principles

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 officials 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 or potential) during the procurement process must be declared and managed.
No anti-competitive practices	Town officials must not engage in practices that are anti-competitive or engage in any form of collusive practice
No improper advantage	Town officials 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 officials must encourage business relationships based on open and effective communication, respect and trust.
Gifts and Hospitality	No Councilor or member of Town staff 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.

#### Responsible financial management

5. 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 and 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.

#### Value for money

6. Procurement activities are to be carried out on the basis of obtaining value for money. This means minimising the total cost of ownership over the lifetime of the good or service consistent with

acceptable quality, reliability, safety and delivery considerations. Contracts will be formed with a view to maximising the economies available through the quotation/tender process and ensuring that the process provides real competition.

7. Council is committed to ensuring funds are spent effectively and economically by taking into account price and non-price factors.

#### **Procurement thresholds**

8. The methods of conducting procurement processes are intended to be transparent and appropriate while ensuring value for money and the best use of the Town's resources.
9. The Town to supply the same information to all suppliers. If an important change to the procurement requirements is made, then all suppliers are to be alerted at, or around, the same time. Confidentiality is to be maintained throughout any quotation or tender process.
10. The values below prescribe the procurement thresholds, along with the associated guidelines, that are to be observed (all values are exclusive of Goods and Services Tax) are set out in the below table:

Up to \$5,000	<p>The Town will use its general knowledge of the market to ascertain whether the purchase represents value for money in accordance with the relevant management practice.</p> <p>The Town should seek more than one quotation if they are not satisfied that the first choice of supplier would represent value for money.</p>
From \$5,000 up to \$50,000	<p>The Town is to obtain at least three written quotations from suppliers in accordance with the relevant management practice.</p> <p>The Town is to clearly define and specify 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 \$250,000	<p>The Town is to obtain at least three written quotations from suppliers in accordance with the relevant management practice.</p> <p>This process may include obtaining quotes from preferred supplier panels or state common use agreements in accordance with the management practice.</p>

	The procurement evaluation and decision is to be based on the pre- determined evaluation criteria and is to be undertaken by an evaluation panel of not less than three relevantly qualified persons in accordance with the relevant management practice.
Above \$250,000	<p>A Request for Tender process is to be conducted where the purchasing requirement is not suitable to be met through a panel of pre-qualified suppliers, or any other tender-exempt arrangement, as prescribed.</p> <p>The Request for Tender process is to be conducted in accordance with part 4 of the <i>Local Government (Functions and General) Regulations 1996</i>.</p> <p>The procurement decision is to be based on pre-determined evaluation criteria that assess all value for money considerations, as defined in this policy and relevant management practices.</p>

11. Where obtaining quotes are impractical due to significant financial or other adverse impact to the Town, the Chief Executive Officer at their discretion, may waive the requirements to obtain quotes. The request to waive the quotation requirement must be in writing. If approved by the Chief Executive Officer, this quotation waiver must be saved within the appropriate records management system.

12. For procurement of goods, services and works above the minimum threshold and below the tender threshold, where it can be demonstrated that there is only one source of supply, procurement may be permitted without undertaking a quotation process, in accordance with the relevant management practice.

#### **Approval of expenditure**

13. 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.

14. The Chief Executive Officer 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.

#### **Sustainable and ethical procurement**

15. Council recognises it has an implicit role in furthering sustainable development, through its procurement of goods, and services and works. In addition, Council recognises the potential impact

this spend has on the environment and where applicable will integrate sustainability, environmental and social issues into the procurement process. Accordingly procurement should consider in addition to value for money, the sustainability, ethical, environmental impact and social value of a procurement decision.

16. Where possible procurement processes should give consideration to supporting potential suppliers that are Aboriginal Businesses and/or Australian Disability Enterprises.

## RELATED DOCUMENTS:

[Local Government \(Functions and General\) Regulations 1996](#)

Policy 306 Business dealings with elected members and employees

Policy 312 Transaction Card

Practice 301.1 Purchasing Practice

<b>Policy manager</b>	Chief Financial Officer
	<del>Manager – Corporate Services</del>
	<del>Finance Manager</del>
	Financial Controller
	Senior Accounting Officer
<b>Responsible officers</b>	Senior Procurement Officer
<b>Approval authority</b>	Council
<b>Next Evaluation Date</b>	

## REVISION HISTORY

Version	Approved, Amended, Rescinded or Reviewed	Date	Authority	Resolution Number	Key Changes/Notes
1	Adopted	12/08/1997	Council	-	-
2	Amended	20/03/2007	Council	-	Item 3.5
3	Amended	24/11/2009	Council	-	Item 3.8
3	Reviewed	09/07/2013	Council	-	Item 10.1
3	Reviewed	11/08/2015	Council	-	Item 10.1
4	Amended	09/08/2016	Council	-	Item 15.1
5	Reviewed and Amended	20/08/2019	Council	148/2019	Item 10.1
6	Amended	17/12/2019	Council	282/2019	Item 14.3
7	Amended	19/05/2020	Council	393/2020	Item 11.1

<b>Policy number</b>	Policy 302
<b>Policy title</b>	Investment
<b>Strategic outcomes supported</b>	CL6 – Finances are managed appropriately, sustainably and transparently for the benefit of the community. CL8 – Visionary civic leadership with sound and accountable governance that reflects objective decision-making.

### **POLICY OBJECTIVE:**

To provide guiding policy for the investment of surplus funds.

### **POLICY SCOPE:**

This policy applies to all employees who actively manage the Town's cash and investments or have the responsibility for employees who actively manage the Town's cash and investments

### **DEFINITIONS:**

Nil.

### **POLICY STATEMENT:**

1. The Council of the Town of Victoria Park is committed to ensuring the Town's finances are managed appropriately, sustainably and transparently for the benefit of the community.
2. Council supports the investment of the Town's surplus funds, which seek to maximise the return to the Town whilst having due consideration for the risk and security of each investment; and ensuring the Town's liquidity requirements are met.

### **Practice Implications**

3. Implementation of practices to demonstrate the following:
  - a. Preservation of capital (Investment management is to be undertaken in a manner that seeks to ensure security and safeguarding the investment portfolio. This includes managing credit and interest rate risk where applicable within identified threshold and parameters).
  - b. Liquidity (There is to be sufficient liquidity to meet all reasonably anticipated cash flow requirements as and when they fall due without incurring significant costs due to the unanticipated sale of an investment).
  - c. Investment return (Maximise returns within Council's risk appetite. Investments are expected to achieve a market average rate of return in line with the Council's risk tolerance).
  - d. Prudent financial management (Investment activities to be managed transparently with probity and good governance).

### **RELATED DOCUMENTS:**

Policy 302 Investment

Page 1

[Local Government Act 1995 - Section 6.14;](#)  
[Local Government \(Financial Management\) Regulations 1996;](#)  
[The Trustees Act 1962 – Part III;](#) and  
[Australian Accounting Standards.](#)

<b>Policy manager</b>	Chief Financial Officer
<b>Responsible officers</b>	<del>Manager – Corporate Services</del> <u>Finance Manager</u> Financial Controller
<b>Approval authority</b>	Council
<b>Next Evaluation Date</b>	

## REVISION HISTORY

Version	Approved, Amended, Rescinded or Reviewed	Date	Authority	Resolution Number	Key Changes/Notes
1	Adopted	28/11/1995	Council	-	-
2	Amended	23/03/1999	Council	-	Item 3.5
3	Amended	24/02/2009	Council	-	Item 4.5
3	Reviewed	09/07/2013	Council	-	Item 10.1
4	Amended	09/06/2015	Council	-	Item 14.3
4	Reviewed	11/08/2015	Council	-	Item 10.1
5	Amended	08/05/2018	Council	-	Item 14.3
6	Reviewed and Amended	20/08/2019	Council	148/2019	Item 10.1
6	Reviewed	18/02/2020	Council	325/2020	Item 15.6



<b>Policy number</b>	Policy 303
<b>Policy title</b>	Debt collection
<b>Strategic outcomes supported</b>	CL6 – Finances are managed appropriately, sustainably and transparently for the benefit of the community. CL8 – Visionary civic leadership with sound and accountable governance that reflects objective decision-making.

## POLICY OBJECTIVE:

To provide for the recovery of overdue monies owed to the Town.

## POLICY SCOPE:

This policy applies to all employees of the Town and agents authorised to perform debt recovery services on behalf of the Town.

## DEFINITIONS:

### Rates and Service Charges debtors

Rates and service charges debtors are amounts raised against ratepayers and are secure in the sense that they attach to land which cannot effectively be sold unless the debt is cleared.

### All other Sundry Debtors

Sundry debtors include (but not limited to) monies owed to the Town through Technical Services, Town Facilities, Community Engagement and Financial Services. There is no security over these debts and it is important that they are rigorously monitored and collected.

### Fines, Prosecutions and Infringements

Any sums of money owed to the Town as the result of breaches of statutory requirements imposed by the Town or a court of law and includes any costs awarded by the courts.

## POLICY STATEMENT:

1. The Town is committed to the collection of overdue debt in a fair, equitable and timely manner. The Town will show due diligence in the application of administrative processes relating to payment arrangements and the selection of various actions for the effective recovery of overdue debts.
2. The following principles provide high-level direction for the ethical and effective management of the Town's debt:
  - a. Management is to establish and maintain appropriate controls in order to ensure the risk of financial loss is properly managed.
  - b. Debts are to be pursued within the relevant statutory limitation periods to maximise recoverability.

- c. Debt collection process to ensure the Town is reasonable, fair and utilises best practices in its approach to debt recovery.
  - d. Debt collection activities against individual debtors should be in accord with the Australian Competition and Consumer Commission and Australian Securities and Investments Commission (ACCC-ASIC) Debt Collection Guideline for Collectors and Creditors.
  - e. Debt is monitored regularly and necessary regular provisions made to recognise unrecoverable debt.
  - f. Action for the writing off of bad debts (other than rates and services charges) should only take place where all avenues for recovery have been exhausted or it becomes unviable to keep pursuing the debt.
3. The Town will implement all reasonable measures to ensure the objectives of this Policy are delivered with procedural fairness to those subject to debt collection processes.
4. Where a debtor is experiencing financial hardship, Policy 308 Financial Hardship applies.

**Policy Principal Application**

5. The Town will apply the following fundamental guidelines in facilitating the appropriate establishment and management of its debt collection practices, including the conduct of officers and contracted agents in giving effect to this Policy.

*Provision of information and payment terms*

- a. The Town will promptly provide targeted and consistent information, payment terms and advice for the type of service being charged.

*Payment options*

- b. Where practicable, the Town will provide consistent payment options across its full range of services.

*Information readily available*

- c. All information relating to the debt to be accurate and readily available.

*Financial hardship*

- d. The Town will recognise and assist those experiencing financial hardship, and provide appropriate assistance in a fair and equitable manner in accordance with Policy 308 Financial hardship.

*Debt dispute resolution*

- e. A clear and transparent dispute resolution process will be made available to those disputing any debt or charge owed the Town.

*Formal debt collection and legal action*

- f. The Town will be firm but fair in applying best practice methods for the recovery of debt, including exhausting all reasonable avenues to prevent matters from proceeding to Court or other formal action.

**Recovery of Outstanding Rates and Service Charges**

- 6. Subject to Policy 308 Financial hardship, should a debtor fail to pay within the initial 35 day period (or failure to choose to pay by instalments or enter into a negotiated payment arrangement) the following debt collection process is followed (for non-pensioner rates and service charges);
  - a. Final notice - is forwarded via post and email (if appropriate) outlining payment within 7 days or debt collection/legal action may occur as well as additional costs.
  - b. Attempts to contact the debtor are made through any other communication channels available (phone and email).
  - c. Intention to Summons - Failure to contact the debtor then results in a letter of demand being issued (Intention to Summons) outlining that failure to make payment within 7 days will result in recovery action with additional costs and interest.
  - d. General Procedure Claim (GPC) - failure to make any appropriate arrangements for payment will result in the processing of a GPC. This is a court document to initiate legal action for collection of the unpaid debt. If the property is rented, the option to collect landlord rent for rates as per the Local Government Act 1995, section 6.60 and 6.61 may be actioned.
  - e. Procession, Seizure and Sales Order (PSSO) or Means Enquiry Summons (MES) - If the GPC has been served and no arrangement to pay or payment in full has been received, the rates department will explore options for collection through;
    - i. PSSO - This court document allows the Town to seize goods and/or property/land for the collection of the outstanding debt
    - ii. MES – This court document allows the Town to nominate a debtor to attend court and provide all financial records in order for the court to make a decision on their ability to pay. Arrangements are then made for collection based on the outcome.
  - f. Property and Land sale - after three years, if all available collection options have been exhausted and rates/service charges remain in arrears the Town may in accordance with section 6.64 of the *Local Government Act 1995* take possession of the land and hold the land as against a person having an estate or interest in the land and
    - i. from time to time lease the land; or
    - ii. sell the land; or
    - iii. cause the land to be transferred to the Crown; or
    - iv. cause the land to be transferred to itself.

**Recovery of Outstanding Debt – All other Sundry Debtors**

7. Should a debtor fail to pay within the initial 14 day period the following debt collection process is followed;
- Debt outstanding - 30 days: A statement is forwarded to the debtor with a reminder and alerting them to their unpaid invoice.
  - Debt outstanding - 60 days: A friendly reminder by way of email and phone calls.
  - Debt outstanding - 90 days: An urgent action letter is sent (and emailed if appropriate) requesting immediate payment as well as a phone call. Assistance is also requested from the relevant service area to communicate with the debtor.
  - Debt outstanding - 90 + Days: A final notice is forwarded outlining payment within 7 days or debt collection action will occur.
  - Non-payment within 7 days – case is forwarded to the Town’s debt collection agency.
    - Ongoing communication occurs between the Town and the debt collection agency relating to the collection.
    - Continued failure to pay or respond to debt collection results in legal action (dependant on circumstances and cost benefit to the Town).

### Recovery of Outstanding Debt – Fines, Prosecutions and Infringements

8. Should a debtor fail to pay within the initial 28 day period the following debt collection process is followed;
- The debtor’s information is collected through Department of Transport and a reminder notice is issued allowing a further 28 days to pay.
  - A final demand is issue along with an additional late fee. The Town allows a further 28 days to pay.
  - Failure to pay results in the infringement being forward to Fines Enforcement Registry (FER) for collection along with an additional collection fee.

### RELATED DOCUMENTS:

[Local Government Act 1995](#)

[Policy 308 Financial hardship](#)

Practice 303.1 Debt collection

<b>Policy manager</b>	Chief Financial Officer
<b>Responsible officers</b>	<del>Manager – Corporate Services</del> <del>Finance Manager</del> Financial Controller Senior Accounting Officer Senior Rates Officer
<b>Approval authority</b>	Council
<b>Next Evaluation Date</b>	

### REVISION HISTORY

Policy 303 Debt collection

Page 4

Version	Approved, Amended, Rescinded or Reviewed	Date	Authority	Resolution Number	Key Changes/Notes
1	Adopted	28/09/1999	Council	-	Item 4.1
2	Amended	15/08/2006	Council	-	Item 4.1
2	Reviewed	09/07/2013	Council	-	Item 10.1
2	Reviewed	11/08/2015	Council	-	Item 10.1
3	Amended	21/05/2019	Council	100/2019	Item 14.3
4	Reviewed and Amended	20/08/2019	Council	148/2019	Item 10.1
5	Amended	19/05/2020	Council	414/2020	Item 15.2



<b>Policy number</b>	Policy 305
<b>Policy title</b>	Loan borrowing limitations
<b>Strategic outcomes supported</b>	CL6 – Finances are managed appropriately, sustainably and transparently for the benefit of the community. CL8 – Visionary civic leadership with sound and accountable governance that reflects objective decision-making.

### POLICY OBJECTIVE:

To provide guidance as to the limitation on loan borrowings.

### POLICY SCOPE:

This policy applies to loans obtained by the Town.

### DEFINITIONS:

Nil.

### POLICY STATEMENT:

In any financial year the combined cost of servicing loans, excluding the servicing cost of self-supporting loans, is not to exceed 10% of the total revenue from rates.

### RELATED DOCUMENTS:

[Local Government Act 1995](#)

<b>Policy manager</b>	Chief Financial Officer
<b>Responsible officers</b>	<del>Manager – Corporate Services</del> <u>Finance Manager</u> Financial Controller
<b>Approval authority</b>	Council
<b>Next Evaluation Date</b>	

### REVISION HISTORY

Version	Approved, Amended, Rescinded or Reviewed	Date	Authority	Resolution Number	Key Changes/Notes
1	Adopted	11/04/2006	Council	-	Item 4.3
2	Amended	15/08/2006	Council	-	Item 4.1
2	Reviewed	09/07/2013	Council	-	Item 10.1
2	Reviewed	11/08/2015	Council	-	Item 10.1
3	Reviewed and Amended	20/08/2019	Council	148/2019	Item 10.1
3	Reviewed	18/02/2020	Council	326/2020	Item 15.7



<b>Policy number</b>	Policy 306
<b>Policy title</b>	Business dealings with elected members and employees
<b>Strategic outcomes supported</b>	CL6 – Finances are managed appropriately, sustainably and transparently for the benefit of the community. CL8 – Visionary civic leadership with sound and accountable governance that reflects objective decision-making.

### POLICY OBJECTIVE:

To manage business dealings involving closely associated persons.

### POLICY SCOPE:

This policy applies to all business dealings within the Town.

### DEFINITIONS:

**closely associated** has the meaning given in section 5.62 of the *Local Government Act 1995*.

### POLICY STATEMENT:

1. Where an employee or an elected member owns or is closely associated to a business from which the Town purchases, or intends to purchase, goods and services, the Council will determine annually or before the association commences, whether or not the Town will purchase, or continue to purchase, from the business concerned.
2. Where the Town conducts business with such an entity, it will disclose the extent of the funds paid to it by way of a separate note to the accounts of the annual financial report.

### RELATED DOCUMENTS:

[Local Government Act 1995](#)

<b>Policy manager</b>	Chief Financial Officer
<b>Responsible officers</b>	<del>Manager – Corporate Services</del> <del>Finance Manager</del> Financial Controller Senior Procurement Officer
<b>Approval authority</b>	Council
<b>Next Evaluation Date</b>	

### REVISION HISTORY

Version	Approved, Amended, Rescinded or Reviewed	Date	Authority	Resolution Number	Key Changes/Notes
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1	Adopted	14/11/2000	Council	-	Item 4.2
2	Amended	15/08/2006	Council	-	Item 4.1
2	Reviewed	09/07/2013	Council	-	Item 10.1
2	Reviewed	11/08/2015	Council	-	Item 10.1
3	Reviewed and Amended	20/08/2019	Council	148/2019	Item 10.1

<b>Policy number</b>	Policy 312
<b>Policy title</b>	Transaction card
<b>Strategic outcomes supported</b>	CL6 – Finances are managed appropriately, sustainably and transparently for the benefit of the community. CL8 – Visionary civic leadership with sound and accountable governance that reflects objective decision-making.

### POLICY OBJECTIVE:

This policy provides a framework to guide the establishment and implementation of appropriate systems and procedures for incurring expenditure and making payments specific to transaction cards.

### POLICY SCOPE:

This policy applies to all employees, contractors and entities that procure goods or services for, or on behalf of the Town of Victoria Park using a corporate credit card.

### DEFINITIONS:

**Cardholder** means an employee who has been authorized by the Chief Executive Officer to incur expenditure by means of a transaction card

**Transaction cards** means corporate credit cards and store cards issued by the Town.

### POLICY STATEMENT:

1. The Town is committed to ensuring the procurement of goods and services are managed appropriately, sustainably and transparently for the benefit of the community.
2. The use of alternative procurement methods, such as corporate credit cards, store cards are supported where benefits through improved administrative practices and more efficient cash management can be demonstrated. This policy is expected to result in:
  - a. Efficient and effective procurement and payment operations
  - b. Minimise the risk of misuse, fraudulent or corrupt use
  - c. Management and oversight obligations; and
  - d. Cardholder duty of care and responsible use obligations are to be implemented and adhered to.

### Allocation of a transaction card

3. Allocation of a corporate credit card or store card can only be approved by the Chief Executive Officer, or in the case the card is for the Chief Executive Officer, approval is provided by Council.

## Management oversight and reporting

4. The Chief Executive Officer is to ensure proper accounts and records of transactions and affairs of the Local Government are kept in accordance with the *Local Government (Financial Management) Regulations 1996 (WA)* (Regulations).
5. The Chief Executive Officer shall determine and implement systems and procedures adequate to ensure:
  - a. Assessment and selection of transaction card facilities suitable to the efficient and effective operations of the Town;
  - b. Authorisation and appointment of suitably eligible cardholders;
  - c. Cardholder duties and responsibilities are documented and cardholders provided with training; and
  - d. Monitoring and auditing of transactional card activities is planned and reported.
6. The Chief Executive Officer will ensure that at a minimum transaction card statements are reconciled and acquitted monthly. Payments relating to all corporate credit cards be reported on a monthly basis to Council.

## Misuse, Misconduct and Fraudulent Use

7. Any alleged misuse of Transaction Cards will be investigated, and may be subject to disciplinary procedures.
8. Where there is reasonable suspicion of misconduct or fraudulent activity arising from Transaction Card facilities the matter will be reported to the appropriate regulatory agency, subject to the requirements of the *Public Sector Management Act 1994* and the *Corruption, Crime and Misconduct Act 2003*.

## RELATED DOCUMENTS:

[Local Government Act 1995](#)

Practice 312.1 Store Card

Practice 312.2 Credit Card

Policy 301 Procurement

<b>Policy manager</b>	Chief Financial Officer
<b>Responsible officers</b>	<del>Manager—Corporate Services</del> <u>Finance Manager</u> Financial Controller
<b>Approval authority</b>	Council
<b>Next Evaluation Date</b>	

## REVISION HISTORY

Version	Approved, Amended, Rescinded or Reviewed	Date	Authority	Resolution Number	Key Changes/Notes
1	Adopted	19/03/2019	Council	53/2019	Item 14.1.4

2	Reviewed	20/08/2019	Council	148/2019	Item 10.1
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<b>Policy number</b>	Policy 331
<b>Policy title</b>	Information Systems Security
<b>Strategic outcomes supported</b>	CL04 - Appropriate information management that is easily accessible, accurate and reliable.

## 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 Western Australian Whole of Government Digital Security Policy, published in June 2017.

## 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.

## 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 then plans to implement ISO 27001 (Information technology -- Security techniques -- Information security management systems -- Requirements) in the future.
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 the Information Privacy Principles of the *Privacy Act 1988* (Cth) 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 Councils 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 has been 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 refined 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](#)

Policy manager	<del>Manager – Corporate Services</del>
Approval authority	<del>Manager Technology and Digital Strategy</del>
Next Evaluation Date	Council

### REVISION HISTORY

Version	Approved, Amended, Rescinded	Date	Authority	Resolution Number	Key Changes/Notes
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1	Approved		Council		
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<b>Policy number</b>	Policy 001
<b>Policy title</b>	Policy management and development
<b>Strategic outcomes supported</b>	CL8 – Visionary civic leadership with sound and accountable governance that reflects objective decision making.

### POLICY OBJECTIVE:

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

### POLICY SCOPE:

This policy applies across the Town.

### DEFINITIONS:

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

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

### POLICY STATEMENT:

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

and must be consistent with the policy under which they are made. Management practices shall outline how a policy is to be implemented, particularly any administrative processes necessary to give effect to a policy. Management practices are approved by the CEO in the manner as set out in the practice.

- c. **Guideline** – Further information explaining the practical application of the policy. This document is intended for the general public and will be made available on the Town’s website.

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

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

### **Guiding principles**

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

### **Policy management and development principles**

- 6. A policy response will be considered where there is either complexity or lack of clarity in one or a combination of any of the following circumstances:
  - a. legislative requirement

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

## RELATED DOCUMENTS:

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

Practice 001.1 Policy development practice

~~Policy 103 Public participation~~ [Policy 103 Communications and engagement](#)

<b>Policy manager</b>	Manager – Governance and Strategy
<b>Responsible officers</b>	<del>Governance Advisor – Compliance</del> <a href="#">Coordinator Governance and Strategy</a>
<b>Approval authority</b>	Council
<b>Next Evaluation Date</b>	

## REVISION HISTORY

Version	Approved, Amended, Rescinded or Reviewed	Date	Authority	Resolution Number	Key Changes/Notes
1	Approved	21/05/2019	Council	84/2019	Item 10.1
2	Reviewed and Amended	21/04/2020	Council	384/2020	Item 15.7

<b>Policy number</b>	Policy 002
<b>Policy title</b>	Review of decisions
<b>Strategic outcomes supported</b>	CL8 – Visionary civic leadership with sound and accountable governance that reflects objective decision making.

## POLICY OBJECTIVE:

To provide for review of decisions made under the policies of Council.

## POLICY SCOPE:

This policy applies in respect of the review of decisions made by the CEO and other officers of the Town under the policies of Council.

This policy does not apply if:

- (a) a statutory process for review or appeal exists the State Administrative Tribunal or a court in respect of a decision;
- (b) the decision is made by a panel, committee, working group or similar body established by a policy.

## DEFINITIONS:

**a person** includes:

- a. an owner or occupier of property within the Town
- b. an employee or agent of an owner or occupier of property within the Town
- c. a body corporate.

It does not include an employee of the Town seeking a review of a decision relating to their employment.

**policy** means a policy adopted by Council under section 2.7 of the *Local Government Act 1995*. This does not include management practices or local planning policies made under the *Planning and Development (Local Planning Scheme) Regulations 2015*.

## POLICY STATEMENT:

1. A person objecting to or aggrieved by a decision made by the CEO or an officer under a policy of Council may have that decision reviewed.
2. In providing notice of a decision made under a policy, that notice of decision must contain information explaining that a person can seek to have that decision reviewed under this policy.
3. Requests for a review of a decision are to be submitted in writing, in the form determined by the CEO, clearly

stating the grounds for the review.

4. A request for review of a decision must be made within 20 working days of the original decision being communicated to the person.
5. Every request of review will be referred to, and determined by, the decision maker's immediate supervisor and where the CEO is the decision maker, the Council.
6. Where a request for review is received, the Town will use its best endeavours to resolve the review within 20 working days.
7. The CEO shall establish a management practice, which shall be made publically available, to set out the relevant administrative matters relating to this policy.

#### RELATED DOCUMENTS:

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

<b>Policy manager</b>	Manager – Governance and Strategy
<b>Responsible officers</b>	Governance Officer – Compliance <del>Coordinator Governance and Strategy</del>
<b>Approval authority</b>	Council
<b>Next Evaluation Date</b>	

#### REVISION HISTORY

Version	Approved, Amended, Rescinded or Reviewed	Date	Authority	Resolution Number	Key Changes/Notes
1	Approved	28/09/1999	Council	-	Item 4.1
1	Reviewed	15/08/2006	Council	-	Item 4.1
1	Reviewed	09/07/2013	Council	-	Item 10.1
1	Reviewed	11/08/2015	Council	-	Item 10.1
2	Reviewed and Amended	20/08/2019	Council	148/2019	Item 10.1
3	Reviewed and Amended	18/08/2020	Council	489/2020	Item 15.1

<b>Policy number</b>	Policy 003
<b>Policy title</b>	Legal advice – Engage solicitor for opinions
<b>Strategic outcomes supported</b>	CL8 – Visionary civic leadership with sound and accountable governance that reflects objective decision making.

## POLICY OBJECTIVE:

To establish the considerations prior to seeking legal advice.

## POLICY SCOPE:

This policy applies to the intended procurement of any legal advice or legal representation by the Town

## DEFINITIONS:

**legal advice** means:

- a. the procurement of specialist advice for areas of work where there are gaps in specialist and/or legal knowledge within the Town
- b. the engagement of legal representation in a court or tribunal.

## POLICY STATEMENT:

1. To prescribe procedures for the Town's administration in obtaining legal advice or engaging legal representation to ensure the most efficient and effective use of these resources.

### Introduction

2. The Town will seek expert legal advice where, in the opinion of the Chief Executive Officer, that advice is required to:
  - a. minimise the potential risk of litigation;
  - b. obtain assistance on interpretation and implications of relevant new and/or existing legislation or legal precedent;
  - c. clarify statutory powers and responsibilities;
  - d. clarify the Town's responsibility to take action to protect the health, safety and well-being of the Town's ratepayers/residents, general public and protection of property;
  - e. ensure the best commercial outcome for the Town;
  - f. represent the Town in matters proceeding to a court or tribunal.

### Authorisation

3. The Chief Executive Officer only will be able to access legal advice.

4. Where necessary, the Chief Executive Officer may approve of other employees obtaining legal advice.

### **Legal advice**

5. The legal advice will be sought from the panel of legal practitioners established by the Western Australian Local Government Association as updated from time to time, or from another legal firm having specialised expertise in the matter being considered in accordance with Policy 301 Purchasing.
6. All legal advice will be recorded in a legal register or appropriate file.

### **Procedure**

#### **Introduction**

7. Many legislative duties and functions are discharged on a daily basis through employees being aware of legislation which they are authorised to administer as well as through the development and implementation of policies and procedures.
8. There may be occasions, where new, unfamiliar, urgent or potentially high risk circumstances emerge which are not covered by the Town's standard procedures or documentation. In these circumstances, it may be necessary to seek further advice.

#### **Risk assessment**

9. In circumstances where legal advice is being obtained, it will usually be necessary to undertake a risk assessment.
10. Factors that need to be considered in determining whether professional legal advice may be required include:
  - a. actual or potential risk of litigation;
  - b. assistance on interpretation and implications of relevant new and/or existing legal precedent or legislation;
  - c. lack of clarity around statutory position, powers or responsibilities;
  - d. the responsibility of the Town to take responsible action to protect the health, safety and wellbeing of the Town's ratepayers/residents, general public and protection of property;
  - e. the need to be represented by legal counsel in a court or tribunal.
11. By the nature of the Town's business and its position as a public authority, legislative compliance is a statutory duty.

#### **Requesting legal advice**

12. For certain matters, it may be possible to obtain legal advice quickly over the telephone.
13. To assist the Town's legal advisers to provide comprehensive advice, where possible, it will be necessary to

include details of all relevant factors provided or reference all relevant documentation and outline specific issues on which advice is being sought.

14. Any guidance or advice given should ideally be given in writing. Careful consideration needs to be given to the method of communication to ensure that confidentiality and the rules around transmission of confidential material are adhered to.
15. In the unlikely event that legal advice is required out of hours, this should be referred to the Chief Executive Officer for authorisation.

#### **Recording and monitoring**

16. The advice should be recorded on the Legal Advice Register or appropriate file, which will become a reference point for authorised persons and is to be reviewed prior to making legal enquires. This will help to develop a knowledge base on the legal matters within the Town.

#### **Legal advice providers**

17. The Town will obtain legal advice from:
  - a. the Western Australian Local Government Association's Legal Services Panel of Preferred Suppliers; or
  - b. another legal firm having expertise in the matter being sought.

#### **Internal procedure**

18. The following procedure is to be followed:
  - a. Prior to contacting any solicitors/lawyers for any advice, a 'Legal Advice Authorisation Form' as prescribed by the Chief Executive Officer to be completed and the matter is to be referred (either by memorandum or orally) to the Chief Executive Officer.
  - b. The Town will seek preliminary advice from the Western Australian Local Government Association's Legal Services Panel of Preferred Suppliers (or at least two of them) as to the prospect of success of any action/appeal and an estimate of fees/costs.
  - c. After considering the legal firm's response, the Chief Executive Officer may prescribe a maximum amount which is not to be exceeded unless a variation is subsequently approved.

#### **Authorised persons**

19. Where an employee has been authorised to make a direct approach to external legal advisers, they are individually responsible for ensuring that the firm approached is on the Western Australian Local Government Association's Legal Services Panel of Preferred Suppliers. If consideration is being given to the use of another firm, approval should be obtained from the Chief Executive Officer.



### All employees to comply with the policy and procedure

20. All employees must comply with this procedure. In particular, employees are reminded that there shall be no direct approach to external legal advisers without proper authorisation, and that any contact or correspondence relating to matters of civil or criminal liability should be passed immediately to their relevant Chief or the Chief Executive Officer.

### Implementation

21. All Chiefs and Managers are responsible for ensuring that all employees within their ~~Programs and Sections~~ functional areas and lines of business have read and understood this document and are competent to carry out their duties in accordance with this policy and procedure.

### RELATED DOCUMENTS:

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

<b>Policy manager</b>	Manager – Governance and Strategy
<b>Responsible officers</b>	<del>Governance Officer – Compliance</del> Coordinator Governance and Strategy
<b>Approval authority</b>	Council
<b>Next Evaluation Date</b>	

### REVISION HISTORY

Version	Approved, Amended, Rescinded or Reviewed	Date	Authority	Resolution Number	Key Changes/Notes
1	Approved	22/02/2011	Council	-	Item 11.2
1	Reviewed	09/07/2013	Council	-	Item 10.1
1	Reviewed	11/08/2015	Council	-	Item 10.1
2	Reviewed and Amended	20/08/2019	Council	148/2019	Item 10.1
2	Reviewed	17/03/2020	Council	354/2020	Item 15.3

<b>Policy number</b>	Policy 004
<b>Policy title</b>	Risk management
<b>Strategic outcomes supported</b>	CL8 – Visionary civic leadership with sound and accountable governance that reflects objective decision making.

## POLICY OBJECTIVE:

The Town is committed to organisation-wide risk management principles, systems and processes that ensure consistent, efficient and effective assessment of risk in all planning, decision-making and operational processes.

## POLICY SCOPE:

This policy applies to all elected members, staff and volunteers/ contractors of the Town.

## DEFINITIONS:

**Risk** is defined as 'the effect of uncertainty on objectives' by the AS/NZS ISO 31000:2018. A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative, or a deviation from the expected. An objective may be financial, related to health and safety, or defined in other terms.

**Risk management** is defined as the application of coordinated activities to direct and control an organisation with regard to risk.

## POLICY STATEMENT:

1. Council is committed to implementing a Risk Management Framework in accordance with the risk management standard AS/NZS ISO 31000:2018, which will include systems to identify, treat, monitor, review and report risks across all of its operations. Council seeks to identify all significant risks that could negatively impact its statutory and community obligations, and associated operations, and has processes in place to avoid, treat, transfer/share or accept risks within its sphere of control or influence.
2. By this commitment to risk management, the Council aims to achieve the following:
  - (a) Minimise the occurrence of serious injury or loss of life
  - (b) Minimise potential damage to reputation
  - (c) Protect assets and natural and cultural resources
  - (d) Meet legislative and compliance requirements
  - (e) Minimise legal liability
  - (f) Minimise disruption to operations and services
  - (g) Minimise financial loss
  - (h) Improve the Council's governance and management capability and accountability

3. The Council and the Chief Executive Officer view risk management as an integral business process in effectively governing and managing the organisation.
4. The following are critical success factors for the successful application of this policy:
  - (a) Under the direction of the Chief Executive Officer, the executive and senior management teams must lead and actively participate in the identification, analysis and management of risks within their areas of responsibility.
  - (b) The strategic and operational registers, and their associated controls and risk treatment actions, are to be maintained, reviewed, monitored and reported regularly.
  - (c) Any residual risks that are outside the risk tolerance levels set by Council, or the control/authority/delegation of a risk owner to accept or retain, must be escalated for further action.
  - (d) The risk management process will be undertaken in a systematic approach in accordance with best practice guidelines and the AS/NZS ISO 31000:2018 Risk Management Principles and Guidelines.

### **Roles and responsibilities**

5. Risk management is the responsibility of all, however, Council recognises that the Chief Executive Officer has the ultimate responsibility for administering and implementing the Risk Management Framework and Policy.

### **Council**

6. The Council has a governance overview role to ensure accountability to and application of the Risk Management Policy and Risk Management Framework. This includes the approval of the Town's Risk Management Policy and Framework, and the establishment of an Audit Committee in accordance with the *Local Government Act 1995*.

### **Audit Committee**

7. The Audit Committee, under the direction of Council, is responsible for reviewing the Risk Management Policy and Framework, and making a recommendation to Council on the results of its review. It is further responsible for maintaining oversight over the strategic risk register, ensuring that any actions arising from such risks are monitored and actioned accordingly.

### **Chief Executive Officer**

8. The Chief Executive Officer provides corporate leadership and oversight for the application of the Risk Management Policy and Framework within the organisation, and is responsible for supporting a culture of risk management and ensuring strategic, comprehensive and systematic risk management processes operate within the organisation. The Chief Executive Officer is further responsible for:
  - (a) monitoring and reviewing the appropriateness and effectiveness of the Town's systems and procedures in relation to risk management
  - (b) ensuring that regular updates on strategic risks are provided to the Audit Committee
  - (c) monitoring and reviewing the operational risk register to ensure that such risks are monitored and actions accordingly
  - (d) setting a management practice on risk to ensure that all employees, volunteers and contractors are aware of their roles and responsibilities relating to effective risk management.
  - (e) ensuring that any risks that fall outside of the Council's set risk tolerance, and any emerging significant risks, are escalated to accordingly, as per clause 4(c) of this policy.

- (f) ensuring that the Risk Management Policy is reviewed in line with Policy 001 Policy Management and Development.

## References

Local Government (Audit) Regulations 1996

[Department of Local Government – Model Risk Management Policy](#)

## RELATED DOCUMENTS:

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

[Local Government \(Audit\) Regulations 1996](#)

<b>Policy manager</b>	Manager – Governance and Strategy
<b>Responsible officers</b>	<a href="#">Coordinator Governance and Strategy</a>
<b>Approval authority</b>	Council
<b>Next Evaluation Date</b>	

## REVISION HISTORY

Version	Approved, Amended, Rescinded or Reviewed	Date	Authority	Resolution Number	Key Changes/Notes
1	Approved	08/11/2016	Council	-	Item 10.1
2	Reviewed and Amended	20/08/2019	Council	148/2019	Item 10.1
3	Amended	18/02/2020	Council	324/2020	Item 15.5

<b>Policy number</b>	Policy 014
<b>Policy title</b>	Appointment to outside bodies
<b>Strategic outcomes supported</b>	CL8 – Visionary civic leadership with sound and accountable governance that reflects objective decision making.

### POLICY OBJECTIVE:

To provide the term of appointment of elected members to outside bodies.

### POLICY SCOPE:

This policy applies to resolutions of Council and recommendations by officers.

### DEFINITIONS:

Nil.

### POLICY STATEMENT:

The period of appointment of an elected member as a Council representative to any statutory board or outside body is limited to the balance of the term of office as an elected member of Council.

### RELATED DOCUMENTS:

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

<b>Policy manager</b>	Manager – Governance and Strategy
<b>Responsible officers</b>	<del>Not applicable.</del> Coordinator Governance and Strategy
<b>Approval authority</b>	Council
<b>Next Evaluation Date</b>	

### REVISION HISTORY

Version	Approved, Amended, Rescinded or Reviewed	Date	Authority	Resolution Number	Key Changes/Notes
1	Approved	05/05/1997	Council	-	Item 4.2
1	Reviewed	15/08/2006	Council	-	Item 4.1
1	Reviewed	09/07/2013	Council	-	Item 10.1
1	Reviewed	11/08/2015	Council	-	Item 10.1
2	Reviewed and Amended	20/08/2019	Council	148/2019	Item 10.1

<b>Policy number</b>	Policy 021
<b>Policy title</b>	Elected member fees, expenses and allowances
<b>Strategic outcomes supported</b>	CL6 – Finances are managed appropriately, sustainably and transparently for the benefit of the community. CL8 – Visionary civic leadership with sound and accountable governance that reflects objective decision making.

## POLICY OBJECTIVE:

To outline the fees, allowances and entitlements available to elected members in accordance with the *Local Government Act 1995 (WA)* (Act) and the *Local Government (Administration) Regulations 1996 (WA)* (Regulations), and to support them in performing their duties.

## POLICY SCOPE:

This policy applies to elected members.

## DEFINITIONS:

**ICT expenses** means rental charges in relation to one telephone and one facsimile machine and any other expenses that relate to information and communications technology (for example, telephone call charges and internet service provider fees) and that are a kind of expense prescribed by regulation 32(1) of the Regulations.

**Tribunal** means the Salaries and Allowances Tribunal established under the *Salaries and Allowances Act 1975 (WA)*.

## POLICY STATEMENT: ELECTED MEMBERS

### Fees and allowances (s.5.98, s5.99, s5.99A Act)

#### Annual meeting attendance fee in lieu of meeting fees

1. All elected members are entitled to the maximum annual meeting attendance fees as determined by the Tribunal, and as adopted by Council in the annual budget.

#### Information Communication Technology (ICT) expenses allowance

2. All elected members are entitled to the maximum annual ICT expenses allowance in lieu of reimbursement of ICT expenses as determined by the Tribunal, and as adopted by Council in the annual budget.

### Annual local government allowances for Mayor and Deputy Mayor (s.5.98, s5.98A Act)

3. The Mayor is entitled to the maximum annual local government allowance as determined by the Tribunal, and as adopted by Council in the annual budget.

4. The Deputy Mayor is entitled to the maximum percentage of the mayoral annual local government allowance as determined by the Tribunal, and as adopted by Council in the annual budget.

#### **Reimbursement of expenses for elected members (s.5.98 Act)**

5. Elected members are entitled to be reimbursed for expenses of the kind prescribed in Regulations 31 and 32 of the Regulations, including but not limited to child care and travel costs.
6. The extent to which elected members can be reimbursed for expenses of the kind prescribed in Regulations 31 and 32 of the Regulations shall be as determined by the Tribunal.
7. Child care costs will not be paid for where the care is provided by a member of the immediate family or relative living in the same premises as the elected member.
8. Under no circumstances is any reimbursement to be made in connection with costs incurred for re-election to the office of elected member or election to the office of Mayor or Deputy Mayor.
9. Elected members are entitled to reimbursements for travelling expenses incurred, in the performance of their duties, to/from their normal place of residence or work, with respect to the following:
  - a. Council meetings, civic functions, citizenship ceremonies or briefings called by either Council, the Mayor or the Chief Executive Officer;
  - b. Committees to which an elected member is appointed a delegate or deputy by Council;
  - c. Meetings, training and functions scheduled by the Chief Executive Officer;
  - d. Conferences, community organisations, industry groups and local government associations to which an elected member has been appointed by Council as its delegate or a deputy to the delegate;
  - e. Gatherings or events (i.e. funerals, local business or community events), attended by the Mayor or the Mayor's nominated deputy as a representative of the Town;
  - f. Site inspections in connection with matters listed on any Council agenda paper. When making this claim, elected members are to state the item number listed on any Council agenda paper along with the date and time of the visit on the claim form;
  - g. In response to a request to meet with a ratepayer/elector, but excluding the day of Council elections. When making this claim, elected members are to state the time and purpose of the visit and the name and address of the ratepayer/elector on the claim form.

#### **Conference expenses**

10. The guidelines for elected members' attendance at conferences including conference expenses is otherwise as set out in Policy 022 Conference expenses – Elected members.
11. Council will allocate an amount in the annual budget for the costs of elected members' attendance at

approved conferences.

### Professional development expenses

12. The guidelines for expenses related to professional development are set out in Policy 022 Elected Member Professional Development.

## PAYMENTS

### Payments of fees and allowances monthly in arrears

13. All elected members will be paid annual meeting attendance fees and all other allowances in arrears on a monthly basis, in the Town's first payment run of the month, commencing from the date on which the next payment is due.

### Reimbursement of expenses

14. All claims for reimbursements by elected members are to be submitted to the Chief Executive Officer within 60 days of the expense being incurred, accompanied by:

- a. Date of the claim
- b. Type of travel
- c. Distance travelled
- d. Origin and destination of travel

15. Reimbursements, once approved, will be paid during the next scheduled payment run following approval.

## RELATED DOCUMENTS:

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

[Determinations of the Salaries and Allowances Tribunal](#)

<b>Policy manager</b>	Manager – Governance and Strategy
<b>Responsible officers</b>	<del>Not applicable.</del> <u>Coordinator Governance and Strategy</u>
<b>Approval authority</b>	Council
<b>Next Evaluation Date</b>	

## REVISION HISTORY

Version	Approved, Amended, Rescinded or Reviewed	Date	Authority	Resolution Number	Key Changes/Notes
1	Approved	25/05/1999	Council	-	Item 3.12
1	Reviewed	15/08/2006	Council	-	Item 4.1
1	Reviewed	09/07/2013	Council	-	Item 10.1

Policy 021 Elected member fees, expenses and allowances

Page 3



1	Reviewed	11/08/2015	Council	-	Item 10.1
2	Amended	19/02/2019	Council	25/2019	Item 14.7
3	Reviewed and Amended	20/08/2019	Council	148/2019	Item 10.1
4	Amended	15/09/2020	Council	518/2020	Item 15.1

<b>Policy number</b>	Policy 022
<b>Policy title</b>	Elected Member Professional Development
<b>Strategic outcomes supported</b>	<p>CL6 – Finances are managed appropriately, sustainably and transparently for the benefit of the community.</p> <p>CL8 – Visionary civic leadership with sound and accountable governance that reflects objective decision making.</p> <p>CL10 - Legislative responsibilities are resourced and managed appropriately, diligently and equitably.</p>

### Policy objective:

To outline the guidelines for participation and entitlements available to elected members for professional development, in accordance with the *Local Government Act 1995* and Local Government (Administration) Regulations 1996.

To enable equity and accessibility to professional development opportunities to enable elected members to fulfil their role.

### Policy scope:

This policy applies to elected members.

### Policy definitions:

**Professional development** means attending training, conferences, conventions, summits, forums, workshops, courses and seminars, as a participant.

**Individual professional development** means any of the defined professional development delivery methods provided to an individual elected member.

**Group professional development** means any of the defined professional development delivery methods to be offered to Council as a whole.

**Mandatory training** means training set out in regulation 35 of the Local Government (Administration) Regulations 1996.

**Cash allowance** means an amount of money paid in advance to an elected member to pay for incidentals.

### Policy statement:

1. Council is committed to the professional development of elected members to assist with fulfillment of their role as an elected member.
2. Professional development is to relate to the following key focus areas:
  - a) community leadership
  - b) communication between the community and Council
  - c) determining and reviewing policy

- d) planning for the future
  - e) managing assets
  - f) governing finances
  - g) cultural optimisation
  - h) effective decision-making
  - i) meeting procedures
  - j) risk oversight and assessment
  - k) managing the performance of the Chief Executive Officer
  - l) town planning practices
  - m) advocacy
  - n) local government governance
3. There are three delivery methods for professional development – mandatory, individual and group.

#### Mandatory training

4. Pursuant to regulation 35 of the Local Government (Administration) Regulations 1996, an elected member must pass the training course titled *Council Member Essentials*, within 12 months, beginning on the day on which the member is elected, unless exempt under regulation 36 of the Local Government (Administration) Regulations 1996.
5. Council will allocate funds in the annual budget for costs associated with mandatory professional development.

#### Individual professional development

6. Council will allocate up to \$25,000 in the annual budget for the costs associated with individual professional development.
7. An elected member who wishes to attend individual professional development held intrastate must apply in writing to the Chief Executive Officer, setting out how it relates to the key focus areas and how it will assist the elected member in the discharge of their duties.
8. The Chief Executive Officer may determine any requests for individual professional development held intrastate, subject to their relevance to key focus areas and available budget.
9. Elected members may nominate to attend interstate and overseas individual professional development through a notice of motion to Council. Authorisation is to be through a resolution of Council, subject to relevance to key focus areas and available budget.
10. Booking arrangements and payments for all individual professional development, including conference costs, official conference networking functions and meals and tours/inspections that are relevant to the interests of the Town, are to be made by the Chief Executive Officer.
11. The Chief Executive Officer is authorised to determine a substitute elected member to attend any professional development in lieu of the elected member approved, in the event that the approved elected member is unable to attend.
12. Where an elected member has an electoral term of less than three months to complete, such elected member shall be ineligible to attend professional development, unless it is determined by the Council that attendance by an elected member who is within three months of completion of their term of office would be of specific benefit to the Town, and approval is granted by resolution of Council.

### Group professional development

13. Group professional development opportunities are to be organised for Council as a whole.
14. Council will allocate up to \$20,000 in the annual budget for the costs associated with group training professional development.
15. Elected member requests for group professional development will be sent by the Mayor, in writing to the Chief Executive Officer, setting out how it relates to the key focus areas and how it will assist elected members in the discharge of their duties.
16. The Chief Executive Officer may determine any requests for group professional development, subject to their relevance to key focus areas and available budget.
17. Booking arrangements and payments for all group professional development are to be made by the Chief Executive Officer.
18. All efforts are to be made to schedule group professional development at a time when all elected members are available to participate.

### Travel, accommodation and expenses

19. The extent to which an elected member can be reimbursed for intrastate and interstate travel and accommodation costs incurred in any of the circumstances referred to in regulation 32(1) of the *Local Government (Administration) Regulations 1996* is as set by the Salaries and Allowances Tribunal through a determination published in the *Government Gazette* from time to time.
20. Travel, accommodation and any cash allowances will be in addition to the annual professional development allowance of \$2,500.

### Travel

21. Where travel is involved, the travel is to be undertaken with all due expedition, by the shortest most practical route, to and from the professional development location and venue. All reasonable travel costs to and from professional development will be administered by the Chief Executive Officer, in line with the adopted budget.
22. Airline travel shall be by economy class airfare, by the most direct route to and from the airport situated nearest to the professional development venue, unless otherwise approved by the Council. An elected member may have allocated to their personal accounts any frequent flyer points that are provided by the airline.
23. Airline tickets purchased are to be insured to enable the ticket purchase price to be refunded, on occasions whereby a delegate is unable to travel, unless otherwise varied by the Chief Executive Officer.
24. Approval for air travel must, where possible, be sought two months prior to departure. Where practicable, advantage should be taken of available discount fares, including the advance purchase of fares.

25. Where essential, a hire car may be arranged for the conduct of Council business. Costs of bus, train, tram and taxi fares, vehicle hire and parking which are reasonable, required and incurred in attending professional development, will be reimbursed by the Town, on production of receipts.
26. Where in particular circumstances, elected members desire to travel intrastate or interstate by private motor vehicle, they will be reimbursed for actual accommodation costs which are receipted and vehicle costs in accordance with the local government kilometre allowance, up to an equivalent amount that would have been expended, had arrangements been made at the time of request to travel by the cheapest form of air travel.
27. A sufficient number of Cab Charge vouchers (eg. 2 per day) may be provided for ease of travel. Unused vouchers shall be returned to the Chief Executive Officer by elected members at the same time as the acquittal of any cash allowance.
28. Car rental use/facilities shall not be permitted, except with the prior approval of the Chief Executive Officer.

#### Accommodation

29. The Town will pay reasonable accommodation costs for elected members including the night before and/or after professional development where this is necessary because of travel, airline flights and/or the timetables which make it unreasonable to arrive at or return home in normal working hours.
30. Where practicable and available, accommodation shall normally be booked at the professional development venue or if unavailable, at premises in close proximity to the venue.

#### Cash allowance - payment and reimbursement

31. A daily cash allowance will be determined annually by the Chief Executive Officer and made available for meals and incidental expenses for intrastate professional development.
32. Cash allowances for interstate and international professional development will be determined by Council resolution, at the time of considering the request to attend.
33. All cash allowances must be acquitted within two weeks of return. Cash not acquitted shall be refunded to the Town at the same time.
34. Attendees shall acquit the cash allowance on the "Conference Advance and Acquittal Statement Form". Where possible this should be supported by receipts or a Statutory Declaration if a receipt cannot be produced.
35. The administrative arrangements for managing the cash allowance will be the most appropriate to the circumstances, as determined by the Chief Executive Officer.
36. The daily cash allowance shall be paid to cover all reasonable incidental expenses associated with the professional development attendance, such as:
  - a. reasonable telephone and/or facsimile use and/or wifi access
  - b. breakfasts, lunches, dinners and other meals not included in the registration fee
  - c. laundry and dry-cleaning costs
  - d. an optional activity specified in a program

- e. train, bus, tram, taxi or ride-share fares
  - f. bicycle hire costs
  - g. parking and toll fees
  - h. incidental expenses (eg. newspapers, venue/exhibition entrance fees).
37. The daily expense allowance shall not cover:
- a. any expenses or time occupied on matters other than Council business
  - b. entertainment costs outside those provided by the professional development provider
  - c. meal claims where meals are provided by the professional development provider
  - d. alcoholic beverages
38. Documentary evidence in the form of receipts are required for the acquittal of all money paid in advance. If a receipt cannot be produced, a statutory declaration must be produced itemising the expenditure incurred. Should fringe benefits tax be incurred by the Town, it shall be paid by the Town.
39. Elected members failing to acquit their cash allowance, in accordance with this policy, shall have the full value of the cash allowance deducted from the next payment of their meeting attendance fees. Should this be necessary, the Chief Executive Officer shall notify the elected member accordingly, prior to authorising such deduction.

#### Accompanying person

40. Where an elected member is accompanied at professional development, all costs for or incurred by the accompanying person including but not limited to travel, meals, drinks, entertainment, registration and/or participation in any programs, are to be borne by the accompanying person and not by the Town.
41. The exception to the above being the cost of attending any official dinner, where partners would normally attend.
42. An accompanying person's registration and program fees are to be paid direct by the attendee/delegate to the organiser.

#### Accompanying carer

43. Where an elected member is attending intrastate, interstate or overseas professional development, and has a disability as defined in the *Disability Services Act 1993*, the Town will meet the cost of a carer to accompany that elected member where that carer is a person who provides ongoing care or assistance.
44. The costs provided by the Town for an accompanying carer will include travel, meals, registration, accommodation and participation in any programs that the elected member they are accompanying is attending.

#### Reporting

45. Professional development undertaken by elected members will be reported on the Town's website as it occurs.

## Related documents

[Local Government Act 1995](#)

[Local Government \(Administration\) Regulations 1996](#)

[Determinations of the Salaries and Allowances Tribunal](#)

[Policy 023 – Provision of information and services – Elected members](#)

<b>Policy manager</b>	Manager Governance and Strategy
<b>Responsible officers</b>	<del>Governance Officer – Council Support</del> <u>Coordinator Governance and Strategy</u>
<b>Approval authority</b>	Council
<b>Next evaluation date</b>	November 2021

Version	Approved, Amended, Rescinded or Reviewed	Date	Authority	Resolution Number	Key Changes/Notes
1	Approved	21/04/2020	Council	379/2020	Item 15.2

<b>Policy number</b>	Policy 023
<b>Policy title</b>	Provision of Information and Services – Elected Members
<b>Strategic outcomes supported</b>	CL1 – Everyone receives appropriate information in the most efficient and effective way for them. CL7 – People have positive exchanges with the Town that inspires confidence in the information and the timely service provided. CL8 – Visionary civic leadership with sound and accountable governance that reflects objective decision making.

### Policy objective:

This policy is to identify the process and expectations for the provision of information and services to elected members when performing their roles, outlined in Sections 2.8, 2.9 and 2.10 in the *Local Government Act 1995*.

### Policy scope:

This policy applies to all elected members and officers of the Town. This does not apply to Council meetings or informal forums.

### Policy definitions:

**requests** require a response or actioning and include asking for further information, asking a question or seeking clarity on an issue.

### Policy statement:

1. To preserve the integrity of the decision-making process, the Town is committed to consistency and equity in the provision of information and services to its elected members.
2. To ensure that all elected members are equally informed regarding queries, issues or any concerns raised, particularly on matters requiring a Council decision, this policy sets the direction regarding appropriate etiquette and methods of information provision to all elected members.
3. While elected members are only to direct the Chief Executive Officer, certain services, mostly administrative in nature, are provided to elected members to support the performance of their roles. This policy sets out such administrative services, and the manner in which they are provided.

### Requests for information from elected members

4. Section 5.92 of the *Local Government Act 1995* states that an elected member can access information held by the Town that is relevant to the performance of their functions under the Act, or any other relevant legislation.



5. To ensure consistency and integrity in the way requests from elected members are dealt with, requests for information are limited to information that is relevant to the performance of elected members' functions under Sections 2.8, 2.9 and 2.10 of the *Local Government Act 1995*.
6. Elected members will make every endeavor to obtain information that is already publicly available before making a request.
7. Elected members are to make their requests for information by email to the Chief Executive Officer, copied to the Governance email address.
8. The Chief Executive Officer shall determine who is to respond to the request.
9. Except for requests made in confidence to the Chief Executive Officer, all final responses provided to requests will be sent to all elected members.
10. All requests for information are to be responded to within three working days, unless further time is required, in which case within one working day the request will be acknowledged, and an estimated time of final response provided.
11. To assist with maintaining a shared understanding, elected members shall report any breaches of this policy to the Chief Executive Officer to be addressed.

#### **Limitations on requests for information**

12. Elected members shall not request information relating to operational matters in accordance with this policy.
13. In line with Section 2.10 of the *Local Government Act 1995*, the role of elected members is to represent and facilitate communication with the community as a whole.

#### **Right to refuse requests for information**

14. The Chief Executive Officer may reject a request for information if the request:
  - a. is not considered relevant to the performance of elected members' functions under the Act
  - b. is considered to be of a nature outlined in clauses 12 and 13 of this policy
  - c. is considered to be frivolous or vexatious
  - d. will require significant resources to respond and are considered to impose an unfair and excessive burden on the administration.
15. If an elected members' request for information is rejected in accordance with clause 14, the Chief Executive Officer shall provide written reasons for the rejection within two working days. These reasons are to be communicated to all elected members to provide transparency and maintain a shared understanding.

### Register of elected member requests for information

16. A register of elected member requests for information shall be maintained by the Chief Executive Officer, recording the details of all requests for information made by an elected member, including the date of the request, the name of the requesting elected member, a description of the information requested, the date of the response to the request and the name of the officer who responded to the request.

### Maintaining confidentiality in requests for information

17. Elected members must send confidential requests to the Chief Executive Officer and indicate that a request is being made in confidence. Responses to confidential requests will not be sent to all elected members.
18. Identifying personal information related to any electors, ratepayers or residents of the district included by an elected member in a request will be redacted if a response is to be sent to all elected members.

### Permitted verbal requests and provision of information

19. Verbal requests and provision of information, in person or by phone, is not to occur without approval from the Chief Executive Officer, except in the following circumstances:
- preparing for a concept forum presentation
  - gaining support or information to assist in representing the Town on an external body or committee
  - an event briefing when representing the Town in an official capacity
  - a media briefing when representing the Town in an official capacity
  - requesting a service outlined in the Town's Customer Service Charter through customer service channels
  - seeking clarification on a request made in writing.
20. Any requests for information or services as a result of verbal communication, that fall outside of the exemptions in clause 19, must be put in writing, as outlined in clause 7 of this policy.

### Methods of providing information to elected members

21. The accepted methods for the provision of information from the administration to elected members, as well as exemptions, are as follows:

Method	Criteria
Email	Emergency or urgent situations within the Town. Matters that are considered to be high risk and imminent, are deemed to be out of the ordinary or are irregular in nature. Enquiries about availability to attend meetings or events, responses to media enquiries and proactively published media releases, and, responses to requests from elected members, and administrative matters dealt with by the Governance area.

Councillor portal	<p>Items of a routine nature that are purely for noting by elected members where no feedback is expected, such as updates on usual business, progress of key projects and progress towards advocacy priorities.</p> <p>Matters in which feedback is sought from elected members. This could include draft documents that will require a Council decision such as policies, strategies and plans. Elected members are to be given at least one week to provide their feedback. Elected members may request that an item be presented at a concept forum if deemed to be complex or require further discussion.</p>
Concept forum	<p>Complex matters in which feedback or input is sought from elected members to help guide an officer report that will be presented for an eventual Council decision.</p> <p>Information only' or 'update' items to be provided when requested by an elected member or approved by the Chief Executive Officer. These should only be on topics that are contentious, high risk or have significant community impact.</p>

#### Requests for services from elected members

22. Pursuant to Regulation 10 of the Local Government (Rules of Conduct) Regulations 2007, elected members are only to direct the Chief Executive Officer. It is the Chief Executive Officer's responsibility to direct the administration in ensuring that the needs of elected members are being met. That being said, it is acknowledged that elected members require some provision of administrative services to support the performance of their roles.
23. Such provision of services, and/or administrative requests, from elected members are to be sent and resolved through the Governance email [or if available, by submitting an electronic form on the Councillor Portal](#). These requests include, but are not limited to:
  - a. general governance advice including declarations of interest
  - b. declaration of gifts received
  - c. reimbursement claims
  - d. management of event invitations (to elected members)
  - e. training and conference requests
  - f. support in relation to Council meetings
  - g. IT support
  - h. support in the attendance of external meetings relevant to their role
24. Email in response to provision of services will not be sent to all elected members.
25. Other types of administrative support may be provided as determined by the Chief Executive Officer. Administrative requests are to be acknowledged within one working day with a proposed time of resolution.

### Scheduling of meetings, training and events

26. The Chief Executive Officer shall endeavor to consult all elected members by email or telephone prior to any decision being made to cancel or reschedule the date or time of any committee meeting, concept forum, workshop, training or other event scheduled for the purpose of elected member involvement, that elected members have been invited to attend.

### Related documents

[Local Government Act 1995](#)

[Local Government \(Rules of Conduct\) Regulations 2007](#)

<b>Responsible officers</b>	<del>Manager Governance and Strategy</del> <u>Chief Executive Officer</u>
<b>Policy manager</b>	Office of the Chief Executive Officer <u>Manager Governance and Strategy</u>
<b>Approval authority</b>	Council
<b>Next evaluation date</b>	

### Revision history

Version	Approved, Amended, Rescinded or Reviewed	Date	Authority	Resolution Number	Key Changes/Notes
1	Approved	21/05/2019	Council	84/2019	Item 10.1
2	Amended	17/09/2019	Council	171/2019	Item 10.3
3	Reviewed and Amended	21/04/2020	Council	384/2020	Item 15.7
4	Reviewed and Amended	18/08/2020	Council	490/2020	Item 15.2

<b>Policy number</b>	Policy 024
<b>Policy title</b>	Event attendance
<b>Strategic outcomes supported</b>	CL8 – Visionary civic leadership with sound and accountable governance that reflects objective decision making.

### POLICY OBJECTIVE:

The event attendance policy is to enable elected members and the Chief Executive Officer (CEO) to attend events as a representative of the Town without restricting their ability to participate in council meetings in accordance with section 5.90A of the *Local Government Act 1995*.

This policy is not to be used as a mechanism to avoid conflict of interest provisions.

### POLICY SCOPE:

This policy applies to all elected members and the Chief Executive Officer.

### DEFINITIONS:

**closely associated person** has the meaning given to it in the Act.

**event** has the meaning given to it in the Act and Regulations, however it does not include an event run by the Town.

**gift** has the meaning given to it in the Act and Regulations.

### POLICY STATEMENT:

1. This policy addresses attendance at any events, including concerts, conferences, functions or sporting events, whether free of charge, part of a sponsorship agreement, or paid by the local government. The purpose of the policy is to provide transparency about the attendance at events of elected members and the Chief Executive Officer (CEO).

#### Event attendance register

2. The CEO shall maintain an event attendance register listing events attended by elected members in their civic capacity, where they have been invited or received tickets, regardless of value. Elected members are required to declare their event attendance within ten (10) days.
3. Each elected member is required to declare the following information on the register:
  - a. who invited the member or provided the tickets to the event
  - b. the description of the event
  - c. the location of the event

- d. the date of the event
  - e. the role that the elected member fulfilled at the event (i.e. presenter, observer or participant)
  - f. the benefit of the elected member attending the event for the Town of Victoria Park
  - g. the value of the event (if any)
4. Where the value of the event attended exceeds \$300, or the invitations received from a donor has exceeded \$300 over a twelve-month period, the elected member or CEO must declare the event as a gift in accordance with sections 5.87A and 5.87B of the Act.
5. The event attendance register shall be published on the Town website and updated at least once a month, provided attendance at an event is declared.

#### **Events pre-approved by Council**

6. Where the value of an event attended exceeds \$300, and the donor has a matter before Council, the attendee must disclose an interest relating to the event attendance as a 'closely associated person'. Such disclosure prevents an elected member from participating in debate or voting on that matter, or in the case of the CEO, providing advice on the matter, unless otherwise pre-approved by Council under clause 7 of this policy.
7. In accordance with the Act, Council may resolve to pre-approve attendance to a specific event. In this circumstance, the attendee will not need to disclose an interest relating to that event attended as a 'closely associated person'. Attending a pre-approved event means that an elected member can participate in debate and vote on the matter, or in the case of the CEO, can provide advice. All pre-approved events shall be recorded in Schedule A of this policy.
8. Where the value of the pre-approved event attended exceeds \$300, or the invitations received from a donor has exceeded \$300 over a twelve-month period, the elected member or CEO must declare the event as a gift in accordance with sections 5.87A and 5.87B of the Act.

#### **Event invitations or tickets addressed to the Town of Victoria Park**

9. Where event invitations or tickets are addressed to the Town of Victoria Park, and not an individual, the Mayor shall determine how they are to be allocated.
10. Methods of allocation are:
- a. Providing the event invitations or tickets to elected members
  - b. Providing the event invitations or tickets to a club, volunteer group or other non-for-profit organisation within the Town
  - c. Holding a public competition for the event invitations or tickets to be given to the community
  - d. Authorising the CEO to allocate the tickets
  - e. Refusing the event invitation or tickets

11. In allocating the event invitations or tickets, the Mayor will consider:
- who is providing the invitation or ticket to the event
  - the location of the event in relation to the local government (within the district or out of the district)
  - the role of the person when attending the event (participant, observer, presenter)
  - whether the event is sponsored by the local government
  - the benefit of local government representation at the event
  - the number of event invitations or tickets received
  - the cost to attend the event, including any associated expenses
12. Should the recipient of an event invitation or ticket, received under clause 9, be an elected member or the CEO, and the value of the event attended exceeds \$300, or the invitations received from a donor has exceeded \$300 over a twelve-month period, the elected member or the CEO must declare the event attendance a gift in accordance with sections 5.87A and 5.87B of the Act.

#### **Purchase of event tickets by the Town of Victoria Park**

13. Where it is considered significant and necessary for a representative of the Town of Victoria Park to attend and event, in line with considerations made under clause 11 of this policy, the CEO may approve the purchase of event tickets. Any approval to purchase event tickets must be in line with the adopted annual budget.
14. Clause 13 does not apply to the purchase of conference tickets and any associated costs thereof. Purchases relating to conference tickets, and any associated costs thereof, must be in line Policy 022 Elected Member Professional Development.

#### **RELATED DOCUMENTS:**

[Local Government Act 1995](#)

[Local Government \(Administration\) Regulation 1996](#)

<b>Policy manager</b>	Manager – Governance and Strategy
<b>Responsible officers</b>	<del>Governance Advisor – Compliance</del> <u>Governance and Strategy</u>
<b>Approval authority</b>	Council
<b>Next Evaluation Date</b>	

Version	Approved, Amended, Rescinded	Date	Authority	Resolution Number	Key Changes/Notes
1	Approved	21/04/2020	Council	380/2020	Item 15.3

**SCHEDULE A – PRE-APPROVED EVENTS**

The Council has pre-approved the following events which are exempt from the disclosure of interest provisions of the *Local Government Act 1995*:

Event and Venue	Date of Event	Attendee/s	Cost	Date of Council resolution



<b>Policy number</b>	Policy 025
<b>Policy title</b>	Independent committee members
<b>Strategic outcomes supported</b>	CL8 – Visionary civic leadership with sound and accountable governance that reflects objective decision making.

### Policy objective:

To set out the process for the appointment of independent committee members, the terms of holding office as an independent committee member, and the payment of reasonable expenses to independent committee members.

### Policy scope:

This policy applies to independent committee members.

### Policy definitions:

**independent committee member** means a person appointed to a committee of the Council who is not an elected member or employee.

### Policy statement:

1. The Council embraces independent committee members as a core part of good governance in the Town by contributing expert perspectives to Council's deliberations.
2. When establishing or conducting a review of a committee's membership, the Council should consider if independent committee members should be appointed to that committee.
3. The terms of reference of each committee shall set out the number of independent committee members to be appointed to the committee and the skills, knowledge and experience sought from independent committee members.

#### Appointment of Independent Committee Members

4. Independent Committee Members must be selected on the basis of their ability to contribute to the effective working of the committee by:
  - a. having needed skills, knowledge and experience as per the terms of reference of the committee;
  - b. an appreciation of the values of the Town and its core activities
  - c. the capacity to appreciate what the community needs from the Town.
5. At least three months prior to the expiry of the terms of the existing independent committee members, or on any vacancy, the Chief Executive Officer in consultation with the committee presiding member shall determine:
  - a. the selection criteria for applicants based upon the skills knowledge and experience set out in the committees terms of reference;
  - b. the advertisements to be issued and the medium of distribution
  - c. the dates for the selection process.

6. Following determination of the matters prescribed in clause 5, the Chief Executive Officer shall arrange for ~~the advertisement's to be distributed~~ advertising to occur. Applications should be open for at least 14 days.
7. Sitting independent committee members who wish to be reappointed are required to re-apply through the application process.
8. Applicants will be required to submit a current CV and a statement against the selection criteria.
9. Following receipt of the applications, the Chief Executive Officer is authorised to undertake ~~a~~ shortlisting against the selection criteria, ~~and~~ identify applicants suitable for appointment and provide the assessment of all applicants to the committee with a recommendation of persons to be appointed.
10. To finalise the recommendation to Council as to who should be appointed. ~~The~~ committee upon receipt of the shortlist shall make a recommendation to Council as to who should be appointed, ~~and in doing so, the committee~~ is authorised to request the Chief Executive Officer to do any or all of the following:
  - a. arrange for the committee to interview applicants;
  - b. conduct a reference check of applicants; ~~and~~
  - c. verify the qualifications of applicants

~~in order to finalise the recommendation to Council as to who should be appointed.~~

#### Term of office

11. An independent committee members should be appointed for a term expiring on the next ordinary election day.
12. An independent committee member should not serve for more than four consecutive two-year terms.
13. An independent committee member may resign their office, in writing to the CEO or committee presiding member, in accordance with Regulation 4 of the *Local Government (Administration) Regulations 1996*.
14. An independent committee member who is absent from three consecutive ordinary meetings of the committee is disqualified from continuing their membership of the committee, unless all of the meetings are within a two-month period.
15. The Council has the power under section 5.10 of the *Local Government Act 1995* and section 52(1) of the *Interpretation Act 1984* to resolve, by absolute majority, to suspend or ~~a~~ remove an independent committee member for any reason.

#### Expenses of independent committee members

##### No meeting fees payable

16. In accordance with section 5.100 of the Act, independent committee members are not entitled to be paid fees for attending committee meetings or other meetings associated with their roles on committees.

##### Reimbursement of expenses

17. Independent committee members are entitled to be reimbursed for child care and travel costs incurred as a result of the member's attendance at a committee meeting of which they are a member, as prescribed in regulation 31 of the *Local Government (Administration) Regulations 1996*.
18. The extent to which independent committee members can be reimbursed for child care and travel expenses shall be as determined by the Salaries and Allowances Tribunal.

#### Security passes, IT access and record keeping

19. Independent committee members will be supplied with building access passes in order to access the building after hours for their meetings. Upon vacating their office, independent committee members are required to return these security passes.
20. Independent committee members will be supplied with access to relevant information systems in order to carry out their roles.
21. Independent committee members must comply with the relevant record keeping practices determined by the Chief Executive Officer.

#### Training and professional development expenses

22. Independent committee members are entitled to attend training and professional development courses in local government and the subject matter of the committee, directly relevant to the performance of their role as committee members, provided by WALGA or an equivalent course as approved by the Chief Executive Officer.
23. Independent committee members must apply in writing to the Chief Executive Officer prior to attending the course setting out how the course or seminar will assist the independent committee member in the discharge of their duties prior to attending the course.
24. The Chief Executive Officer is authorised to arrange the registration of an independent committee member at any training or professional development course at the Council's cost.
25. Council will allocate an amount of \$1,000 per independent committee members in the annual budget for the costs of independent committee members' attendance at approved courses, training and professional development.

### Related documents

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

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

### Revision history

Version	Action	Date	Authority	Resolution number	Report number
1	Adopted	15/09/2020	Council	518/2020	Item 15.1

<b>Policy number</b>	Policy 051
<b>Policy title</b>	Agenda Briefing Forum, Concept Forum and Workshops
<b>Strategic outcomes supported</b>	S2 – An informed and knowledgeable community CL8 – Visionary civic leadership with sound and accountable governance that reflects objective decision making.

#### POLICY OBJECTIVE:

To set out the purpose, structure and relevant proceedings of the Town's informal (non-statutory) meetings that fall under Part 17 'Briefings and Other Informal Forums' of its *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 an Agenda Briefing Forum, Concept Forum or a Council workshop.

#### 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.

**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. Understanding that Council needs to meet and discuss matters relating to the good governance of the Town outside of its formal (statutory) meeting structure, this policy seeks to ensure that such informal (non-statutory) 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.

~~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.~~  
~~2.3. No decisions or debate are to be made at the forum.~~ While the formal meeting structure of Council and Committee meetings do not apply to this forum, the general conduct of the meeting must be in line the Town of Victoria Park ~~Standing Orders Local Law 2011~~ Meeting Procedures Local Law 2019 for the purpose of preserving order.

~~3.4.~~ This forum is held on the first Tuesday of each month, unless otherwise determined by Council. This forum is open to members of the public, except in matters to be deemed confidential in nature, in accordance with the *Local Government Act 1995*.

~~5.~~ Where applicable, 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.

~~6.~~ 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.  
~~4.~~

#### Officer presentation

~~5.7.~~ 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

~~6.8.~~ Members of the public ~~are to be given~~ have two opportunities to participate at the meeting.:

*'Deputation/ Presentation' on a report item*

~~9.~~ A request to make a deputation or presentation at the forum must be submitted in writing and approved by the Chief Executive Officer.

~~10.~~ All requests must be sent no later than 12pm on the Monday preceding the forum.

~~11.~~ Any documents that will be presented at the forum must be provided at the time of making the request.  
Policy 051 Agenda Briefing Forum, Concept Forum and Workshops

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~~12.~~ 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 presentation or deputation at this forum.

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~~7.13.~~ The time allotted for public deputations and presentations is not to exceed 10 minutes on any agenda item, unless otherwise approved by the Presiding Member.

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#### *General public participation through questions and statements*

~~14.~~ Similar to the Ordinary Council Meeting, members of the public will have an opportunity to address the meeting at the beginning and at the end of the forum during public participation time.

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~~15.~~ The time allotted for each public participation time will be set at 30 minutes. Any extension of time will be in five minute increments, and must be approved by agreement at the meeting.

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~~8.16.~~ All public questions must be asked through the Presiding Member. The Presiding Member may choose to call upon an officer of the Town, or another elected member, to assist with responses.

#### **Record of briefing**

~~9.17.~~ While formal minutes of the meeting 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 meeting has been held.

~~18. Audio-recordings~~ Recordings of the meeting are to be kept and made available on the Town's website at the same time as the meeting notes.

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~~10.19.~~ Notes and audio-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 publically available.

~~11.20.~~ To promote transparency and ensure that any additional information regarding a report item is appropriately included into the decision-making process, the Agenda Briefing Forum notes are to be received by Council at the relevant Ordinary Council Meeting.

#### **Concept Forum**

~~21.~~ The purpose of the Concept Forum is to provide elected members and officers with an opportunity to discuss ideas, strategies and concepts for, or currently in, development. This forum is strictly for the purpose of ensuring that officers have a clear understanding of Council's directive, and for discussion of any options, opportunities and risks related to an issue of strategic significance.

22. Topics to be considered are typically those that will require an eventual Council decision, and/or are matters 'for information' that are deemed contentious, high risk or have significant community impact. No decisions are made at this forum.

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23. Topics to be discussed at the Concept Forum must be aligned to the Town's Strategic Community Plan. This forum is strictly for the purpose of ensuring that officers have a clear understanding of Council's directive, and for discussion of any options, opportunities and risks related to an issue of strategic significance. Topics to be considered are typically those that will require an eventual Council decision, and/or are matters 'for information' that are deemed contentious, high risk or have significant community impact. No decisions are made at this forum.

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12.24. No decisions are to be made at a Concept Forum.

25. Both elected members and officers may add an item to the forum agenda by making a submission in writing using the approved form.

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13.26. This forum is not open to the public, unless upon invite by either the Presiding Member or the Chief Executive Officer.

#### **Officer presentation**

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

#### **Public participation**

15.28. 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 either the Presiding Member or the Chief Executive Officer. Any such engagement must be in line with the Town's Public Participation Policy: Policy 103 – Communications and engagement and Policy 101 – Governance of Council Advisory and Working Groups.

#### **Record of briefing**

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

#### **Workshop**

30. It is recognised that the Council may need, from time to time, need to convene an informal meeting other than the Agenda Briefing and Concept Forum; this may conducted in the form of a Council workshop.

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17.31. 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](#)~~Public Participation Policy~~.

~~32.~~ Attendance at the workshop is to be determined on a case-by-case basis, and may be open to the public. Both the Presiding Member and the Chief Executive Officer may convene a workshop by providing at least five working days' notice to all elected members, and all anticipated attendees.

~~48-33.~~ No decisions are to be made at a workshop.

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#### RELATED DOCUMENTS:

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

[Policy 103 – Communications and engagement](#) ~~Policy 103 Public Participation Policy~~

Policy 021 Elected Members – Information and Service Provision Policy

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

Policy manager	Manager – Governance and Strategy
Responsible officers	<del>Governance Officer – Council Support</del> <a href="#">Coordinator Governance and Strategy</a>
Approval authority	Council
Next Evaluation Date	

#### REVISION HISTORY

Version	Approved, Amended, Rescinded or Reviewed	Date	Authority	Resolution Number	Key Changes/Notes
1	Approved	19/03/2019	Council	40/2019	Item 10.1



<b>Policy number</b>	Policy 052
<b>Policy title</b>	Recording and live streaming
<b>Strategic outcomes supported</b>	S2 – An informed and knowledgeable community CL8 – Visionary civic leadership with sound and accountable governance that reflects objective decision making.

### **POLICY OBJECTIVE:**

The purpose of this policy is to guide the implementation of the audio and video recording, and live-streaming, of meetings of Council and electors, and to establish how audio and video recordings will be used and made available.

### **POLICY SCOPE:**

This policy applies to all special and ordinary meetings of Council, Agenda Briefing Forums, meetings of committees with delegated authority, and meetings of electors.

### **DEFINITIONS:**

Nil.

### **POLICY STATEMENT:**

1. In line with objectives of section 1.3(2) of the *Local Government Act 1995* (the Act), this policy seeks to promote greater accountability to the community through the provision of information that is accessible, transparent and accurate.
2. This policy does not apply where Council has resolved to close the meeting to members of the public, or where matters discussed are deemed confidential, in accordance with section 5.23 of the Act.

#### **Audio and video recordings**

3. The primary purpose of recording is to ensure that a true and accurate account of debate, discussions, questions and answers at all relevant meetings are available. The audio and video recordings will assist in the preparation of the minutes of Council, committees with delegated authority, electors' meetings, and Agenda Briefing Forum notes, to ensure that records held are true and accurate.
4. All audio and video recordings, with the exemption of matters that are deemed confidential in accordance with the Act, are to be made available to the public on the Town's website. It is to be noted that should any unforeseen technical difficulties arise, the audio or video recording may not be available or may be delayed.

### Live-streaming

5. The primary purpose of live-streaming Council meetings is to give the public greater access to Council decisions, debate and discussions, by eliminating geographic and/or personal barriers that may prevent physical attendance at a Council meeting.
6. The intent is to promote accessibility of the Council's decision-making process to the community. All meetings of Council and electors, committees and with delegated authority and Agenda Briefing Forums will be live-streamed, with the exemption of matters that are deemed confidential in accordance with the Act.
7. The live-streaming will be accessible on the Town's website upon commencement of the relevant meeting. It is to be noted that should any unforeseen technical difficulties arise, the live stream may not be available or may be delayed.

### Public notice of live-streaming and audio/video recording

8. To ensure that the public, elected members and staff are aware of the recordings, clear signage must be placed prominently in the council chamber advising that the meeting is being recorded. At the commencement of each recorded meeting, the Presiding Member is also to publicly announce that the meeting will be audio and video recorded, and live-streamed.

### Privacy

9. Only the video broadcasting of elected members and relevant officers of the Town will appear on the live-streaming and video recording of relevant meetings. While the image of members of the public who attend the meeting will not appear in either the live-streaming or video recording, the audio broadcasting and recording of comments made by the public will be captured.

### Storage of audio and video recordings

10. Recordings must be stored in accordance with the *State Records Act 2000*.

### RELATED DOCUMENTS:

Policy manager	Manager —Governance and Strategy
Responsible officers	<del>Governance Officer — Council Support</del> Coordinator Governance and Strategy
Approval authority	Council
Next Evaluation Date	

### REVISION HISTORY

Version	Approved, Amended, Rescinded or Reviewed	Date	Authority	Resolution Number	Key Changes/Notes
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1	Approved	09/06/2015	Council	-	Item 10.1
1	Reviewed	08/11/2016	Council	-	Item 15.1
2	Amended	16/04/2016	Council	68/2019	Item 10.1
3	Reviewed and Amended	20/08/2019	Council	148/2019	Item 10.1
4	Reviewed and Amended	21/04/2020	Council	384/2020	Item 15.7

# Code of Conduct for Council Members, Committee Members and Candidates



## Contents

<b>Division 1 — Preliminary provisions</b>	<b>3</b>
1. Citation	3
2. Terms used	3
<b>Division 2 — General principles</b>	<b>3</b>
3. Overview of Division	3
4. Personal integrity	3
5. Relationship with others	4
6. Accountability	4
<b>Division 3 — Behaviour</b>	<b>4</b>
7. Overview of Division	4
8. Personal integrity	4
9. Relationship with others	4
10. Council or committee meetings	5
11. Complaint about alleged breach	5
12. Dealing with complaint	5
13. Dismissal of complaint	6
14. Withdrawal of complaint	6
15. Other provisions about complaints	6
<b>Division 4 — Rules of conduct</b>	<b>6</b>
16. Overview of Division	6
17. Misuse of local government resources	7
18. Securing personal advantage or disadvantaging others	7
19. Prohibition against involvement in administration	7
20. Relationship with local government employees	7
21. Disclosure of information	8
22. Disclosure of interests	8
23. Compliance with plan requirement	9
<b>Defined terms</b>	<b>9</b>

## Division 1 — Preliminary provisions

### 1. Citation

This is the Town of Victoria Park Code of Conduct for council members, committee members and candidates.

### 2. Terms used

1. In this code —  
**Act** means the *Local Government Act 1995*  
**candidate** means a candidate for election as a council member  
**complaint** means a complaint made under clause 11(1)  
**publish** includes to publish on a social media platform.
2. Other terms used in this code that are also used in the Act have the same meaning as they have in the Act, unless the contrary intention appears.

## Division 2 — General principles

### 3. Overview of Division

This division sets out general principles to guide the behaviour of council members, committee members and candidates.

### 4. Personal integrity

1. A council member, committee member or candidate should —
  - a) act with reasonable care and diligence
  - b) act with honesty and integrity
  - c) act lawfully
  - d) identify and appropriately manage any conflict of interest
  - e) avoid damage to the reputation of the local government.
2. A council member or committee member should —
  - a) act in accordance with the trust placed in council members and committee members
  - b) participate in decision-making in an honest, fair, impartial and timely manner
  - c) actively seek out and engage in training and development opportunities to improve the performance of their role
  - d) attend and participate in briefings, workshops and training sessions provided or arranged by the local government in relation to the performance of their role.

## **5. Relationship with others**

1. A council member, committee member or candidate should —
  - a) treat others with respect, courtesy and fairness; and
  - b) respect and value diversity in the community.
2. A council member or committee member should maintain and contribute to a harmonious, safe and productive work environment.

## **6. Accountability**

A council member or committee member should —

- a) base decisions on relevant and factually correct information
- b) make decisions on merit, in the public interest and in accordance with statutory obligations and principles of good governance and procedural fairness
- c) read all agenda papers given to them in relation to council or committee meetings
- d) be open and accountable to, and represent, the community in the district.

## **Division 3 — Behaviour**

### **7. Overview of Division**

This division sets out —

- a) requirements relating to the behaviour of council members, committee members and candidates
- b) the mechanism for dealing with alleged breaches of those requirements.

### **8. Personal integrity**

1. A council member, committee member or candidate —
  - a) must ensure that their use of social media and other forms of communication complies with this code
  - b) must only publish material that is factually correct.
2. A council member or committee member —
  - a) must not be impaired by alcohol or drugs in the performance of their official duties
  - b) must comply with all policies, procedures and resolutions of the local government.

### **9. Relationship with others**

A council member, committee member or candidate —

- a) must not bully or harass another person in any way
- b) must deal with the media in a positive and appropriate manner and in accordance with any relevant policy of the local government
- c) must not use offensive or derogatory language when referring to another person
- d) must not disparage the character of another council member, committee member or candidate or a local government employee in connection with the performance of their official duties
- e) must not impute dishonest or unethical motives to another council member, committee member or candidate or a local government employee in connection with the performance of their official duties.

## **10. Council or committee meetings**

When attending a council or committee meeting, a council member, committee member or candidate —

- a) must not act in an abusive or threatening manner towards another person
- b) must not make a statement that the member or candidate knows, or could reasonably be expected to know, is false or misleading
- c) must not repeatedly disrupt the meeting
- d) must comply with any requirements of a local law of the local government relating to the procedures and conduct of council or committee meetings
- e) must comply with any direction given by the person presiding at the meeting
- f) must immediately cease to engage in any conduct that has been ruled out of order by the person presiding at the meeting.

## **11. Complaint about alleged breach**

1. A person may make a complaint, in accordance with subclause (2), alleging a breach of a requirement set out in this division.
2. A complaint must be made —
  - a) in writing in the form approved by the local government
  - b) to a person authorised under subclause (3)
  - c) within 1 month after the occurrence of the alleged breach.
3. The local government must, in writing, authorise 1 or more persons to receive complaints and withdrawals of complaints.

## **12. Dealing with complaint**

1. After considering a complaint, the local government must, unless it dismisses the complaint under clause 13 or the complaint is withdrawn under clause 14(1), make a finding as to whether the alleged breach the subject of the complaint has occurred.
2. Before making a finding in relation to the complaint, the local government must give the person to whom the complaint relates a reasonable opportunity to be heard.
3. A finding that the alleged breach has occurred must be based on evidence from which it may be concluded that it is more likely that the breach occurred than that it did not occur.
4. If the local government makes a finding that the alleged breach has occurred, the local government may —
  - a) take no further action; or
  - b) prepare and implement a plan to address the behaviour of the person to whom the complaint relates.
5. When preparing a plan under subclause (4)(b), the local government must consult with the person to whom the complaint relates.
6. A plan under subclause (4)(b) may include a requirement for the person to whom the complaint relates to do 1 or more of the following —
  - a) engage in mediation
  - b) undertake counselling
  - c) undertake training
  - d) take other action the local government considers appropriate.



7. If the local government makes a finding in relation to the complaint, the local government must give the complainant, and the person to whom the complaint relates, written notice of —
  - a) its finding and the reasons for its finding
  - b) if its finding is that the alleged breach has occurred — its decision under subclause (4).

### **13. Dismissal of complaint**

1. The local government must dismiss a complaint if it is satisfied that —
  - a) the behaviour to which the complaint relates occurred at a council or committee meeting
  - b) either —
    - (i) the behaviour was dealt with by the person presiding at the meeting; or
    - (ii) the person responsible for the behaviour has taken remedial action in accordance with a local law of the local government that deals with meeting procedures.
2. If the local government dismisses a complaint, the local government must give the complainant, and the person to whom the complaint relates, written notice of its decision and the reasons for its decision.

### **14. Withdrawal of complaint**

1. A complainant may withdraw their complaint at any time before the local government makes a finding in relation to the complaint.
2. The withdrawal of a complaint must be —
  - a) in writing; and
  - b) given to a person authorised under clause 11(3).

### **15. Other provisions about complaints**

1. A complaint about an alleged breach by a candidate cannot be dealt with by the local government unless the candidate has been elected as a council member.
2. The procedure for dealing with complaints may be determined by the local government to the extent that it is not provided for in this division.

## **Division 4 — Rules of conduct**

Notes for this division:

1. Under section 5.105(1) of the Act a council member commits a minor breach if the council member contravenes a rule of conduct. This extends to the contravention of a rule of conduct that occurred when the council member was a candidate.
2. A minor breach is dealt with by a standards panel under section 5.110 of the Act.

### **16. Overview of Division**

1. This division sets out rules of conduct for council members and candidates.
2. A reference in this division to a council member includes a council member when acting as a committee member.

## 17. Misuse of local government resources

1. In this clause —  
**electoral purpose** means the purpose of persuading electors to vote in a particular way at an election, referendum or other poll held under the Act, the Electoral Act 1907 or the Commonwealth Electoral Act 1918  
**resources** of a local government includes —
  - a) local government property
  - b) services provided, or paid for, by a local government.
2. A council member must not, directly or indirectly, use the resources of a local government for an electoral purpose or other purpose unless authorised under the Act, or by the local government or the CEO, to use the resources for that purpose.

## 18. Securing personal advantage or disadvantaging others

1. A council member must not make improper use of their office —
  - a) to gain, directly or indirectly, an advantage for the council member or any other person
  - b) to cause detriment to the local government or any other person.
2. Subclause (1) does not apply to conduct that contravenes section 5.93 of the Act or The Criminal Code section 83.

## 19. Prohibition against involvement in administration

1. A council member must not undertake a task that contributes to the administration of the local government unless authorised by the local government or the CEO to undertake that task.
2. Subclause (1) does not apply to anything that a council member does as part of the deliberations at a council or committee meeting.

## 20. Relationship with local government employees

1. In this clause —  
**local government employee** means a person —
  - a) employed by a local government under section 5.36(1) of the Act; or
  - b) engaged by a local government under a contract for services.
2. A council member or candidate must not —
  - a) direct or attempt to direct a local government employee to do or not to do anything in their capacity as a local government employee; or
  - b) attempt to influence, by means of a threat or the promise of a reward, the conduct of a local government employee in their capacity as a local government employee; or
  - c) act in an abusive or threatening manner towards a local government employee.
3. Subclause (2)(a) does not apply to anything that a council member does as part of the deliberations at a council or committee meeting.
4. If a council member or candidate, in their capacity as a council member or candidate, is attending a council or committee meeting or other organised event (for example, a briefing or workshop), the council member or candidate must not orally, in writing or by any other means —

- a) make a statement that a local government employee is incompetent or dishonest; or
  - b) use an offensive or objectionable expression when referring to a local government employee.
5. Subclause (4)(a) does not apply to conduct that is unlawful under The Criminal Code Chapter XXXV.

## 21. Disclosure of information

1. In this clause —
- closed meeting** means a council or committee meeting, or a part of a council or committee meeting, that is closed to members of the public under section 5.23(2) of the Act
- confidential document** means a document marked by the CEO, or by a person authorised by the CEO, to clearly show that the information in the document is not to be disclosed
- document** includes a part of a document
- non-confidential** document means a document that is not a confidential document.
2. A council member must not disclose information that the council member —
- a) derived from a confidential document; or
  - b) acquired at a closed meeting other than information derived from a non-confidential document.
3. Subclause (2) does not prevent a council member from disclosing information —
- a) at a closed meeting
  - b) to the extent specified by the council and subject to such other conditions as the council determines
  - c) that is already in the public domain
  - d) to an officer of the Department
  - e) to the Minister
  - f) to a legal practitioner for the purpose of obtaining legal advice
  - g) if the disclosure is required or permitted by law.

## 22. Disclosure of interests

1. In this clause —
- interest** —
- a) means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest
  - b) includes an interest arising from kinship, friendship or membership of an association.
2. A council member who has an interest in any matter to be discussed at a council or committee meeting attended by the council member must disclose the nature of the interest —
- a) in a written notice given to the CEO before the meeting; or
  - b) at the meeting immediately before the matter is discussed.
3. Subclause (2) does not apply to an interest referred to in section 5.60 of the Act.
4. Subclause (2) does not apply if a council member fails to disclose an interest because the council member did not know —
- a) that they had an interest in the matter; or

- b) that the matter in which they had an interest would be discussed at the meeting and the council member disclosed the interest as soon as possible after the discussion began.
- 5. If, under subclause (2)(a), a council member discloses an interest in a written notice given to the CEO before a meeting, then —
  - a) before the meeting the CEO must cause the notice to be given to the person who is to preside at the meeting; and
  - b) at the meeting the person presiding must bring the notice and its contents to the attention of the persons present immediately before any matter to which the disclosure relates is discussed.
- 6. Subclause (7) applies in relation to an interest if —
  - a) under subclause (2)(b) or (4)(b) the interest is disclosed at a meeting; or
  - b) under subclause (5)(b) notice of the interest is brought to the attention of the persons present at a meeting.
- 7. The nature of the interest must be recorded in the minutes of the meeting.

## 23. Compliance with plan requirement

If a plan under clause 12(4)(b) in relation to a council member includes a requirement referred to in clause 12(6), the council member must comply with the requirement.

## Defined terms

This is a list of terms defined and the provisions where they are defined.  
The list is not part of the law.

Defined term	Provision(s)
Act	Sch. 1 cl. 2(1)
candidate	Sch. 1 cl. 2(1)
closed meeting	Sch. 1 cl. 21(1)
complaint	Sch. 1 cl. 2(1)
confidential document	Sch. 1 cl. 21(1)
document	Sch. 1 cl. 21(1)
electoral purpose	Sch. 1 cl. 17(1)
interest	Sch. 1 cl. 22(1)
local government employee	Sch. 1 cl. 20(1)
non-confidential document	Sch. 1 cl. 21(1)
publish	Sch. 1 cl. 2(1)
resources of a local government	Sch. 1 cl. 17(1)

<b>Policy number</b>	Policy xxx
<b>Policy title</b>	Complaints Policy for Council Members, Committee Members and Candidates
<b>Strategic outcomes supported</b>	CL8 – Visionary civic leadership with sound and accountable governance that reflects objective decision making.

## 1. Policy objective:

The objective of this Policy is to prescribe the processes for the management of complaints involving council members, committee members and candidates in matters relating to breaches of the behaviour requirements in Division 3 of the Code of Conduct.

## 2. Policy scope:

- 2.1 This Policy is limited to complaints about behaviour breaches by council members, committee members and candidates.
- 2.2 A person may make a complaint, in accordance with the Code of Conduct, alleging a behaviour breach.

## 3. Policy definitions:

In this Policy –

**behaviour breach** means a breach of a behaviour requirement in Division 3 of the Code of Conduct.

**Behaviour Complaints Officer** means a person authorised in writing by the council, or by the CEO exercising authority delegated by the council, to receive complaints and withdrawals of complaints under clause 10 of the Code of Conduct, and the person so authorised in writing may be the same person as the Town's complaints officer under section 5.120 of the *Local Government Act 1995* (WA) (**LG Act**).

**candidate** - an individual is considered a candidate when their nomination for election is accepted by a Returning Officer under section 4.49 of the LG Act. The Code of Conduct applies to the candidate from that point. Any alleged behaviour breach may only be dealt with if and when the candidate is elected as a council member.

**committee member** - includes any council member, local government employee or unelected member of the community, in any of those cases, who has been appointed by the council to be a member of a council committee.

**complainant** means a person complaining of a behaviour breach by a council or committee member of the Town or a candidate.

**Complaint** means a complaint made under clause 11(1) of the Code of Conduct.

**Complaints Panel** means a panel of persons appointed under clause 4.2 to consider and determine Complaints, as an alternative to appointment of an Investigator.

**council member** means an individual who has been elected as a council member under the LG Act. This Policy also applies to a council member who is a committee member on a council committee.

**evidence** means the available facts or information which go to indicate whether or not an allegation of a breach is true or valid. Local governments must use evidence provided by the complainant and by the person to whom the complaint relates, as well as any other available evidence, to decide whether a breach has occurred.

**Investigator** means a person appointed as Investigator under clause 4.1 of this Policy.

**Report** means the report for the council of the outcome of the investigation of a Complaint dealing with the following:

- (1) whether or not the Investigator considers that the behaviour breach the subject of the Complaint has occurred;
- (2) the evidence relied on by the Investigator under clause 12(3) of the code for that conclusion; and
- (3) a recommendation as to whether no further action should be taken on the Complaint, or as to the terms of a plan under clause 12(4)(b) of the code.

Other terms used in this Policy that are also used in the LG Act have the same meanings as they have in the Act unless the contrary intention appears.

## POLICY STATEMENT

### 4. Appointment of Investigator or Complaints Panel

- 4.1 The CEO is to appoint a person with relevant legal knowledge who is not an employee of the Town, to review and consider one or more Complaints of behaviour breach and to report on the outcome of any investigation to the CEO for provision to the council.
- 4.2 As an alternative to appointment of an Investigator, in any case where the CEO considers it appropriate, the CEO may appoint a panel of three persons to perform the function of the Investigator under this Policy. At least one of the number of such a panel must be a person with relevant legal knowledge. Any such panel is to make its decisions by a majority vote and is to appoint one of its number as chair and to perform its consideration and determination on a Complaint in accordance with due process and consistently with the provisions of this Policy.
- 4.3 The CEO is to deal with the remuneration of an Investigator or the members of a Complaints Panel, and a complaints mediator, in accordance with clause 17.

### 5. Process for making a complaint:

- 5.1 Initiation of Complaint
  - (a) Any person may make a Complaint alleging a behaviour breach.
  - (b) A Complaint must be in writing on the Town's approved form – 'Complaint About Alleged Behaviour Breach form'.
  - (c) The complainant must lodge the Complaint with the Town's Behaviour Complaints Officer.
  - (d) The complainant must provide with the Complaint, details of the alleged behaviour breach together with any supporting evidence.
  - (e) The Complaint must be lodged within one month of the occurrence of the alleged behaviour breach.
  - (f) A Complaint must be submitted by the complainant.
- 5.2 A Complaint cannot be submitted anonymously.

- 5.3 The Behaviour Complaints Officer is to provide all Complaints to the Investigator in accordance with the following clause.
- 5.4 The Behaviour Complaints Officer within 14 days of receiving a Complaint:
- (a) must contact the complainant acknowledging that the Complaint has been received;
  - (b) as part of the acknowledgment process, must provide the complainant with a copy of the Town's Complaints Policy;
  - (c) must provide the council or committee member to whom the Complaint relates with a copy of the Complaints Policy and a copy of the Complaint (including the name of the complainant); and
  - (d) must send to the Investigator the Complaint together with details of the alleged breach and any supporting evidence provided by the complainant.
- 5.5 Complaints are to be dealt with and considered in an order based on the order in which they are received by the Behaviour Complaints Officer.
- 5.6 A Complaint relating to a candidate is only to be referred to an Investigator if and when the candidate is elected as a council member, but in any event the Complaint must be lodged within one month of the occurrence of the alleged behaviour breach.

## **6. Mediation**

- 6.1 The Investigator must offer mediation to both parties as the first option for dealing with a Complaint and before progressing with the consideration or determination of the Complaint.
- 6.2 If issues raised in the Complaint are resolved to the satisfaction of both parties in mediation or otherwise before the determination of the Complaint, the complainant must lodge a Withdrawal of Complaint in writing with the Behaviour Complaints Officer.

## **7. Investigator making a determination**

- 7.1 Before making a determination in relation to a Complaint, the Investigator must provide the council member or committee member to whom the Complaint relates with an opportunity to respond to the allegations in the Complaint and to provide their own comments and evidence for consideration within 14 days of the notification of the Complaint to them by the Behaviour Complaints Officer.
- 7.2 After considering a Complaint, the Investigator must make a determination as to whether or not the alleged behaviour breach has occurred.
- 7.3 The determination must be made within 21 days:
- (a) from receiving a Complaint from the Behaviour Complaints Officer; or
  - (b) from receiving a copy of the response to the allegations by the person to whom the Complaint relates, whichever is the later.
- 7.4 A determination by the Investigator that the alleged behaviour breach has occurred must be based on evidence from which it may be concluded that it is more likely that the breach occurred than that it did not occur.
- 7.5 Having made a determination on the alleged behaviour breach, the Investigator must inform the Behaviour Complaints Officer by providing a determination and reasons for it in a Determination and Reasons Report (**Report**).

- 7.6 The Report must be provided to the Behaviour Complaints Officer within 14 days of making the determination.
- 7.7 If the Investigator makes a determination that the alleged breach has occurred, the Report must make a recommendation if further action is required and make a recommendation on the plan to address the behaviour of the person to whom the Complaint relates (**action plan**).
- 7.8 The Investigator may recommend to the council to dismiss a Complaint in accordance with clause 13 of the code, and if the Investigator concludes that the behaviour the subject of the Complaint is an offence under a local law that deals with meeting procedures, the Complaint should not be dealt with further as a behaviour breach, but should be referred back to the Behaviour Complaints Officer.
- 7.9 The Investigator's deliberations and determination are to be confidential and reported only to the Behaviour Complaints Officer, but subject to any consultation with the person to whom the Complaint relates under the following clause.

## **8. Action plans**

- 8.1 When preparing an action plan under clause 7.7 of this Policy, the Investigator must consult with the person to whom the Complaint relates. The member must be provided with the opportunity to be involved in matters such as the timing of meetings or training.
- 8.2 An action plan may include a requirement for the person to whom the Complaint relates to do one or more of the following –
- (a) Engage in mediation;
  - (b) Undertake counselling;
  - (c) Undertake training; or
  - (d) Take other action the local government considers appropriate.
- 8.3 An action plan should be designed to provide the member with the opportunity and support to demonstrate the professional and ethical behaviour expected of elected representatives. The plan should outline:
- (a) the behaviour(s) of concern;
  - (b) the actions to be taken to address the behaviour(s);
  - (c) who is responsible for the actions; and
  - (d) an agreed timeframe for the actions to be completed.

## **9. Report provided to council**

- 9.1 The Behaviour Complaints Officer must provide a confidential report to council including:
- (a) a copy of the Complaint;
  - (b) the Report of the Investigator together with the evidence received by the Investigator and any submissions or other communications from the parties;
  - (c) a recommendation on the question whether or not a behaviour breach has occurred;
  - (d) a recommendation as to whether any and if so what further action is required; and



- (e) if further action is required, a recommendation must be provided to the council on an action plan to address the behaviour of the person to whom the Complaint relates.

## **10. Council finding**

- 10.1 The council must not make a finding that a behaviour breach has occurred without first having given the person to whom the Complaint relates a reasonable opportunity to be heard.
- 10.2 A finding that the alleged behaviour breach has occurred must be based on evidence from which it may be concluded that it is more likely that the breach occurred than that it did not occur.
- 10.3 If the council makes a finding that the alleged breach has occurred, it may resolve to –
  - (a) take no further action; or
  - (b) prepare and implement an action plan recommended by the Investigator with or without modifications as it thinks fit.
- 10.4 Based on the Investigator's Report, the evidence and any further comments or submissions by the parties, the council may:
  - (a) dismiss the Complaint in accordance with clause 13 of this Policy; or
  - (b) find that the alleged breach has occurred; or
  - (c) find that the alleged breach has not occurred; or
  - (d) if the finding is that the breach has occurred, decide that no further action is required; or
  - (e) if the finding is that a breach has occurred, decide that further action is required and consider the adoption of an action plan; or
  - (f) adopt an action plan to address the behaviour of the person to whom the Complaint relates.
- 10.5 If the council makes a finding that the alleged breach has occurred, it must give reasons for that finding.

## **11. Behaviour Complaints Officer acting on council finding**

When the council makes a finding in relation to a Complaint, the Behaviour Complaints Officer must give the complainant and the person to whom the Complaint relates written notice of –

- (a) the finding and the reasons for the finding; and
- (b) if the finding is that the alleged breach has occurred, council's decision on the course of action to be taken including the options in clause 8.2 above.

## **12. Confidentiality of Complaints**

The fact of a Complaint having been made and the details of a Complaint and the processes undertaken in connection with a Complaint including the referral to an Investigator are confidential matters and should not be disclosed unless and until the council has made a formal finding of breach in respect of the Complaint.

## **13. Dismissal of Complaint**

- 13.1 The council must dismiss a Complaint where:

- (a) the behaviour occurred at a council or committee meeting and the behaviour was dealt with at that meeting; and
  - (b) either:
    - (i) the behaviour was dealt with by the person presiding at the meeting; or
    - (ii) the person responsible for the behaviour has taken remedial action in accordance with the local law of the local government that deals with meeting procedures.
- 13.2 In any event behaviour that is an offence under a local law that deals with meeting procedures cannot be dealt with as a behaviour breach.

## **14. Withdrawal of Complaint**

- 14.1 A complainant may withdraw their Complaint any time before it is considered by the council.
- 14.2 The withdrawal of a Complaint must be –
- (a) in writing; and
  - (b) given to the Behaviour Complaints Officer.

## **15. Compliance with plan requirement**

- 15.1 The Behaviour Complaints Officer is to monitor the actions in timeframes set out in an action plan.
- 15.2 If an action plan includes any of the requirements in clause 8.2 above (i.e. in clause 12.6 of the code), failure to comply with that requirement is a breach of clause 23 of the code and as a breach of the Rules of Conduct is a minor breach under section 5.105(1) of the LG Act.

## **16. Complaints that are inappropriate under this Policy**

The purpose of the Town's Code of Conduct is to guide the decisions, actions and behaviours of council members, committee members, and of candidates running for election as a council member. A breach of the Rules of Conduct is a minor breach under section 5.105(1) of the LG Act, and is not the intended subject of this Policy. The objective of this Policy is to deal with matters relating to breaches of the behaviour requirements in Division 3 of the Code of Conduct, and all Complaints under this Policy should be made with that objective in mind. Consequently, Complaints such as the following are inappropriate to be dealt with under this Policy:

- (a) Complaints made with the intent of addressing personal grievances or disagreements;
- (b) Complaints made to express dissatisfaction with a council or committee member's lawfully made decisions or performance of their role;
- (c) Minor breaches under section 5.105(1) of the LG Act;
- (d) Serious breaches under section 5.114 of the LG Act; and
- (e) Allegations of corruption.

## **17. Cost in the complaints process**

- 17.1 No fee is charged to lodge a Complaint under this Policy.

- 17.2 The Investigator or the members of a Complaints Panel, or a mediator, appointed pursuant to the Policy may charge the Town a fee to cover the costs of dealing with the Complaint whether or not a breach is ultimately found.
- 17.3 Any fee charged by an Investigator or the members of a Complaints Panel, or a mediator, is to be based on the time spent in connection with the Complaint and may be established in advance on a quotation or otherwise in accordance with the Town's purchasing policy.

## Related documents

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

[Local Government \(Model Code of Conduct\) Regulations 2021](#)

Complaint About Alleged Breach Form (Appendix 1)

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

## Revision history

Version	Action	Date	Authority	Resolution number	Report number
1	Adopted		Council		

<b>Policy number</b>	Policy 207
<b>Policy title</b>	Paths – locations within road reserves
<b>Strategic outcomes supported</b>	EN2 – A safe, interconnected and well-maintained transport network that makes it easy for everyone to get around. EN5 – Appropriate and sustainable facilities for everyone that are well built, well maintained and well managed.

### POLICY OBJECTIVE:

To provide for the location of footpaths within road reserves.

### POLICY SCOPE:

This policy applies to footpaths in road reserves.

### DEFINITIONS:

**invasion of privacy** means where the living quarters of a residential building is located less than 4 metres from the property boundary and that boundary either has no fence or lacks an enclosed fence that is at least 1800mm in height above the surface level of the proposed path.

**adjacent to the property boundary** means the edge of the path nearest to the property boundary being either right up to the boundary or not more than 500mm away from it.

### POLICY STATEMENT:

Unless precluded by adverse verge levels, significant trees or above-ground public utility services, or for reason of “invasion of privacy”, all new strip footpaths or dual-use paths that are constructed or reconstructed within road reserves, shall be located adjacent to the property boundary.

### RELATED DOCUMENTS:

Nil.

<b>Policy manager</b>	Manager – Technical Services
<b>Responsible officers</b>	-
<b>Approval authority</b>	Council
<b>Next Evaluation Date</b>	

### REVISION HISTORY

Version	Approved, Amended, Rescinded or Reviewed	Date	Authority	Resolution Number	Key Changes/Notes
1	Approved	28/09/1999	Council	-	Item 4.1

1	Reviewed	15/08/2006	Council	-	Item 4.1
1	Reviewed	09/07/2013	Council	-	Item 10.1
1	Reviewed	11/08/2015	Council	-	Item 10.1
2	Reviewed and Amended	20/08/2019	Council	148/2019	Item 10.1

<b>Policy number</b>	Policy 208
<b>Policy title</b>	Street verges – Reinstatement of lawns following works
<b>Strategic outcomes supported</b>	EN5 – Appropriate and sustainable facilities for everyone that are well built, well maintained and well managed. EN7 – Increased vegetation and tree canopy.

### **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.

### **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. The Town will take no responsibility to reinstate synthetic turf affected by routine maintenance of services, assets or construction works. It will be the residents' responsibility to reinstate or repair the affected areas at the residents' cost.
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:**

Nil.

<b>Policy manager</b>	Manager – Infrastructure Operations
<b>Responsible officers</b>	-
<b>Approval authority</b>	Council
<b>Next Evaluation Date</b>	

## REVISION HISTORY

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1	Approved	28/09/1999	Council	-	Item 4.1
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1	Reviewed	09/07/2013	Council	-	Item 10.1
1	Reviewed	11/08/2015	Council	-	Item 10.1
2	Reviewed and Amended	20/08/2019	Council	148/2019	Item 10.1



TOWN OF  
VICTORIA PARK



# Waste Disposal Local Law 2021

Town of Victoria Park



**WE'RE OPEN**  
VIC PARK



## **TOWN OF VICTORIA PARK WASTE DISPOSAL LOCAL LAW 2021**

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### **CONTENTS**

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Part 1 – Preliminary	4
1    Citation	4
2    Commencement	4
3    Purpose and effect	4
4    Repeal	4
5    Application	4
6    Interpretation	4
7    Rates, Fees and charges	6
8    Power to provide waste services	6
Part 2 — Local Government Waste	6
9    Supply of receptacles	6
10   Deposit of waste in receptacles	7
11   General waste receptacles	7
12   Recycling waste receptacles	7
13   Organic waste receptacles	7
14   Direction to place or remove a receptacle	8
15   Duties of owner or occupier	8
16   Exemption	8
17   Damaging or removing receptacles	9
18   Verge collections	9
Part 3 – General duties	10
19   Duties of an owner or occupier	10
20   Removal of waste from premises	10
21   Receptacles and containers for public use	10
Part 4 – Miscellaneous	11
22   Disposing of disused refrigerators or similar containers	11
Part 5 – Enforcement	11
23   Objection and appeal rights	11
24   Offences and general penalty	11
25   Other costs and expenses	11
26   Modified penalties	12
27   Form of notices	12

*Waste Disposal Local Law 2021 – Page 2*

Schedule A - Meaning of 'non-collectable waste'

13

Schedule B - Prescribed Offences

14

**LOCAL GOVERNMENT ACT 1995**  
**WASTE AVOIDANCE AND RESOURCE RECOVERY ACT 2007**  
**TOWN OF VICTORIA PARK**  
**WASTE DISPOSAL LOCAL LAW 2021**

Under the powers conferred by the *Local Government Act 1995*, *Waste Avoidance and Resource Recovery Act 2007* and by all other powers the Council of the Town of Victoria Park resolved to make the following local law on the day of month 2021.

**Part 1 – Preliminary**

**1 Citation**

This local law may be cited as the *Town of Victoria Park Waste Disposal Local Law 2021*.

**2 Commencement**

This local law commences on:

- (a) 1 January 2022; or
  - (b) fourteen days following its publication in the *Government Gazette*;
- whichever occurs last.

**3 Purpose and effect**

- (1) The purpose of this local law is to provide for the protection of the natural and urban environment and the mitigation of environmental hazards through ensuring the appropriate disposal of local government waste.
- (2) The effect of this local law is to:
  - (a) Provide for regulation, control and management of waste services; and
  - (b) Establish the requirements with which any owner or occupier of premises using Town of Victoria Park waste services, must comply.

**4 Repeal**

Clauses 38 to 48 (inclusive) of the *Town of Victoria Park Health Local Law 2003*, as amended, published in the *Government Gazette* on 19 April 2004 is repealed.

**5 Application**

This local law applies throughout the district.

**6 Interpretation**

- (1) In this local law unless the context otherwise requires—  
**authorised person** means a person appointed by the local government under section 9.10 of the LG Act to perform any of the functions of an authorised person under this local law;

*Waste Disposal Local Law 2021 – Page 4*

**collectable waste** means local government waste that is not—

- (a) liquid refuse;
- (b) liquid waste; or
- (c) non-collectable waste;

**collectable waste receptacle** means a receptacle for the deposit and collection of collectable waste that is—

- (a) a recycling waste receptacle; or
- (b) a general waste receptacle; or
- (c) an organic waste receptacle

**collection** when used in relation to a receptacle, means the collection and removal of collectable waste from the receptacle by the local government or its contractor;

**collection day** means the day determined by the local government for the collection of collectable waste in the district or a part of the district;

**collection time** means the time on the collection day determined by the local government for the collection of collectable waste in the district or a part of the district;

**costs of the local government** include administrative costs;

**Council** means the council of the local government;

**district** means the district of the local government;

**general waste receptacle** means a receptacle for the deposit and collection of collectable waste that is not recycling waste (where a recycling waste receptacle is provided) or organic material (where an organic waste receptacle is provided);

**LG Act** means the Local Government Act 1995;

**LG Regulations** means the Local Government (Functions and General) Regulations 1996;

**local government** means the Town of Victoria Park;

**local government waste** has the same meaning as in the WARR Act;

**non-collectable waste** has the meaning set out in Schedule A;

**occupier** in relation to premises, means any or all of the following—

- (a) a person by whom or on whose behalf the premises are actually occupied; or
- (b) a person having the management or control of the premises;

**organic waste** means waste that decomposes readily, such as garden waste or food waste;

**organic waste receptacle** means a receptacle for the deposit and collection of organic waste;

**owner** has the same meaning as in the LG Act;

**public place** includes a place to which the public ordinarily have access, whether or not by payment of a fee;

**receptacle**, means a receptacle—

- (a) that has been supplied for the use of the premises by the local government or its contractor, or which has otherwise been approved by the local government; and

- (b) the waste from which is collected and removed from the premises by the local government or its contractor;

**recycling waste receptacle** means a receptacle for the deposit and collection of recycling waste;

**recycling waste** means—

- (a) paper and cardboard;
- (b) plastic containers comprised of polyethylene terephthalate or high density polyethylene;
- (c) glass containers;
- (d) steel containers;
- (e) aluminium containers;
- (f) liquid paper board; and
- (g) any other waste determined by the local government to be recycling waste;

**specified** means specified by the local government or an authorised person, as the case may be;

**street alignment** means the boundary between the land comprising a street and the land that abuts the street;

**WARR Act** means the Waste Avoidance and Resource Recovery Act 2007;

**WARR Regulations** means the Waste Avoidance and Resource Recovery Regulations 2008;

**waste** has the same meaning as in the WARR Act;

and

**waste service** has the same meaning as in the WARR Act

- (2) Where, in this local law, a duty or liability is imposed on an owner or occupier, or on an owner and occupier, the duty or liability is taken to be imposed jointly and severally on each of the owners or occupiers.

## **7 Rates, Fees and charges**

The local government's powers to impose rates, fees and charges in relation to waste services are set out in sections 66 to 68 of the WARR Act and sections 6.16 and 6.17 of the LG Act.

## **8 Power to provide waste services**

The local government's power to provide, or enter into a contract for the provision of, waste services is dealt with in section 50 of the WARR Act.

# **Part 2 — Local Government Waste**

## **9 Supply of receptacles**

- (1) The local government is to supply, for the use of each premises that are, or are capable of being, occupied or used for residential purposes, one or more receptacles for the collection and removal, from those premises, of collectable waste.
- (2) The owner of premises to which subclause (1) applies must—

- (a) ensure that the fee or charge (if any) imposed by the local government in relation to each receptacle is paid to the local government; and
- (b) ensure that each receptacle is used, in respect of those premises, in accordance with this local law.

#### **10 Deposit of waste in receptacles**

- (1) An owner or occupier of premises must not deposit or permit to be deposited in a receptacle any non-collectable waste.
- (2) A person must not deposit waste in a receptacle that has been provided for the use of other premises without the consent of the owner or occupier of those premises.

#### **11 General waste receptacles**

- (1) An owner or occupier of premises must not deposit or permit to be deposited in a general waste receptacle—
  - (a) where the receptacle has a capacity of 240 litres—more than 70 kilograms of collectable waste; or
  - (b) where the receptacle has any other capacity—more than the weight determined by the local government.
- (2) Where the local government supplies recycling waste receptacles, an owner or occupier of premises must not deposit or permit to be deposited in a general waste receptacle any recycling waste.
- (3) Where the local government supplies organic waste receptacles, an owner or occupier of premises must not deposit or permit to be deposited in a general waste receptacle any organic waste.

#### **12 Recycling waste receptacles**

An owner or occupier of premises must not deposit or permit to be deposited in a recycling waste receptacle—

- (a) anything other than the particular type of recycling waste for which that receptacle was provided by the local government for those premises;
- (b) where the receptacle has a capacity of 240 litres— more than 70 kilograms of recycling waste; or
- (c) where the receptacle has any other capacity—more than the weight determined by the local government.

#### **13 Organic waste receptacles**

An owner or occupier of premises must not deposit or permit to be deposited in an organic waste receptacle—

- (a) anything other than the particular type of organic waste for which that receptacle was provided by the local government for those premises;
- (b) where the receptacle has a capacity of 240 litres— more than 70 kilograms of organic waste; or

- (c) where the receptacle has any other capacity—more than the weight determined by the local government

#### **14 Direction to place or remove a receptacle**

- (1) The local government or an authorised person may give a written direction to an owner or occupier of specified premises —
  - (a) to place a receptacle in respect of those premises for collection; or
  - (b) to remove a receptacle in respect of those premises after collection.
- (2) The direction under subclause (1) may specify when the placement or removal is to occur, or where the receptacle is to be placed, or both.
- (3) An owner or occupier of premises must comply with a direction given under this clause.

#### **15 Duties of owner or occupier**

An owner or occupier of premises must—

- (a) except for a reasonable period before and after collection time, keep each receptacle in a storage space or area that is behind the street alignment;
- (b) take reasonable steps, if placing a receptacle for collection on the verge adjoining the premises, or other area as determined by the local government, ensure that, within a reasonable period before collection time, each receptacle is —
  - (i) within 1 metre of the carriageway;
  - (ii) placed so that it does not unduly obstruct any footpath, cycle way, right-of-way or carriageway; and
  - (iii) facing squarely to the edge of and opening towards the carriageway,or in such other position as is approved in writing by the local government or an authorised person;
- (c) take reasonable steps to ensure that the premises are provided with an adequate number of receptacles; and
- (d) if the receptacle is lost, stolen, damaged or defective, notify the local government, as soon as practicable, after the event.

#### **16 Exemption**

- (1) An owner or occupier of premises may apply in writing to the local government for an exemption from compliance with the requirements of clause 15(a) or (b).
- (2) The local government or an authorised person may grant, with or without conditions, or refuse an application for exemption from compliance under this clause.

*Waste Disposal Local Law 2021 – Page 8*

- (3) An exemption granted under this clause must state—
- (a) the premises to which the exemption applies;
  - (b) the period during which the exemption applies; and
  - (c) any conditions imposed by the local government or the authorised person.
- (4) An exemption granted under this clause ceases to apply –
- (a) if the local government decides, on reasonable grounds, that there has been a failure to comply with a condition of the exemption; and
  - (b) from the date that the local government informs the owner or occupier of its decision under clause 16(4)(a).

#### **17 Damaging or removing receptacles**

A person, other than the local government or its contractor, must not—

- (a) damage, destroy or interfere with a receptacle; or
- (b) except as permitted by this local law or as authorised by the local government or an authorised person, remove a receptacle from any premises to which it was delivered by the local government or its contractor.

#### **18 Verge collections**

- (1) Where the local government has advertised a verge waste collection (such as a green waste, or a bulk waste, verge collection) a person, unless with and in accordance with the approval of the local government or an authorised person—
- (a) must deposit waste only during the period of time, and in accordance with other terms and conditions, as advertised by the local government in relation to that verge waste collection; and
  - (b) must otherwise comply with those terms and conditions.
- (2) Where waste has been deposited on a verge for a verge waste collection, a person must not remove any of that waste for a commercial purpose but may remove it for any other purpose.
- (3) Except where waste is lawfully removed from a verge under this clause, a person must not disassemble or tamper with any waste deposited on a verge for a verge waste collection so as to increase the risk of harm to any person.
- (4) Clause 18(2) does not apply to the local government or a person engaged or contracted by the local government in relation to the verge waste collection.



### **Part 3 – General duties**

#### **19 Duties of an owner or occupier**

An owner or occupier of premises must—

- (a) take reasonable steps to ensure that a sufficient number of receptacles are provided to contain all waste which accumulates or may accumulate in or from the premises;
- (b) ensure that each receptacle is kept in good condition and repair;
- (c) take all reasonable steps to—
  - (i) prevent fly breeding and keep each receptacle free of flies, maggots, cockroaches, rodents and other vectors of disease;
  - (ii) prevent the emission of offensive or noxious odours from each receptacle; and
  - (iii) ensure that each receptacle does not cause a nuisance to an occupier of adjoining premises; and
- (d) whenever directed to do so by the local government or an authorised person, thoroughly clean, disinfect, deodorise and apply a residual insecticide to each receptacle.

#### **20 Removal of waste from premises**

- (1) A person must not remove any waste from premises unless that person is—
  - (a) the owner or occupier of the premises;
  - (b) authorised to do so by the owner or occupier of the premises; or
  - (c) authorised in writing to do so by the local government or an authorised person.
- (2) A person must not remove any waste from a receptacle without the approval of –
  - (a) the local government or an authorised person; or
  - (b) the owner or occupier of the premises at which the receptacle is ordinarily kept.

#### **21 Receptacles and containers for public use**

A person must not, without the approval of the local government or an authorised person—

- (a) deposit household, commercial or other waste from any premises on or into; or
- (b) remove any waste from,  
a receptacle provided for the use of the general public in a public place.

## Part 4 – Miscellaneous

### 22 Disposing of disused refrigerators or similar containers

A person shall not place, leave or dispose of a disused refrigerator, ice-chest, ice-box, trunk, chest or other similar article having a compartment which has a capacity of 0.04 cubic metres or more on any land without first –

- (a) removing every door and lid and every lock, catch and hinge attached to a door or lid; or
- (b) rendering every door and lid incapable of being fastened.

**Commented [LO1]:** Legal advice to confirm we can include this.

## Part 5 – Enforcement

### 23 Objection and appeal rights

Division 1 of Part 9 of the LG Act applies to a decision under this local law to grant, renew, vary or cancel –

- (a) an approval under clause 15(b);
- (b) an exemption under clause 16(2);
- (c) an approval under clause 17(b);
- (d) an approval under clause 18(1);
- (e) an authorisation under clause 20(1)(c);
- (f) an approval under clause 20(2); and
- (g) an approval under clause 21.

### 24 Offences and general penalty

- (1) A person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law a person is prohibited from doing, commits an offence.
- (2) A person who commits an offence under this local law is liable, on conviction, to a penalty not exceeding \$5,000, and if the offence is of a continuing nature, to a further penalty not exceeding \$500 in respect of each day or part of a day during which the offence has continued.

### 25 Other costs and expenses

- (1) A person who is convicted of an offence under this local law is to be liable, in addition to any penalty imposed under clause 24, to pay to the local government the costs and expenses incurred by the local government in taking remedial action such as—
  - (a) removing and lawfully disposing of toxic, hazardous or poisonous waste;
- (2) The costs and expenses incurred by the local government are to be recoverable, as a debt due to the local government, in a court of competent civil jurisdiction.

**26 Modified penalties**

- (1) An offence against any provision of these Local Laws is a prescribed offence for the purposes of section 9.16 (1) of the *Local Government Act 1995*.
- (2) The amount appearing in the third column of Schedule B directly opposite the offence is the modified penalty payable in respect of that offence.

**27 Form of notices**

For the purposes of these Local Laws—

- (a) Where a vehicle is involved in the commission of an offence, the form of the notice referred to in section 9.13 of the *Local Government Act 1995* is that of Form 1 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*.
- (b) the form of the infringement notice referred to in section 9.17 of the *Local Government Act 1995* is to be in or substantially in the form of Form 2 of Schedule 1 of the *Local Government (Functions and General) Regulations 1996*;
- (c) the form of the notice referred to in section 9.20 of the *Local Government Act 1995* is to be in or substantially in the form of Form 3 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*.

#### **Schedule A - Meaning of 'non-collectable waste'**

**non-collectable waste** means –

- (a) hot or burning material;
- (b) household hazardous waste, including paint, acids, alkalis, fire extinguishers, solvents, pesticides, oils, gas cylinders, batteries, chemicals and heavy metals;
- (c) any other hazardous material, such as radioactive waste;
- (d) any explosive material, such as flares or ammunition;
- (e) electrical and electronic equipment;
- (f) hospital, medical, veterinary, laboratory or pathological substances;
- (g) construction or demolition waste;
- (h) sewage;
- (i) 'controlled waste' for the purposes of the *Environmental Protection (Controlled Waste) Regulations 2004*;
- (j) any object that is greater in length, width, or breadth than the corresponding dimension of the receptacle or that will not allow the lid of the receptacle to be tightly closed;
- (k) waste that is or is likely to become offensive or a nuisance, or give off an offensive or noxious odour, or to attract flies or cause fly breeding unless it is first wrapped in non-absorbent or impervious material or placed in a sealed impervious and leak-proof container; and
- (l) any other waste determined by the local government to be non-collectable waste.

### Schedule B - Prescribed Offences

Item No.	Clause No.	Nature of Offence	Modified Penalty
1	9(2)(a) <b>Error ! Reference source not found.</b>	Failing to pay fee or charge	\$350
2	9(2)(b) <b>Error ! Reference source not found.</b>	Failing to ensure lawful use of receptacle	\$350
3	10(1)	Depositing non-collectable waste in a receptacle	\$350
4	10(2)	Depositing waste in another receptacle without consent	\$350
5	11(1)	Exceeding weight capacity of a general waste receptacle	\$350
6	11(2) and (3)	Depositing unauthorised waste in a general waste receptacle	\$350
7	12(a)	Depositing unauthorised waste in a recycling waste receptacle	\$350
8	12(b) and (c)	Exceeding weight capacity of a recycling waste receptacle	\$250
9	13(a)	Depositing unauthorised waste in an organic waste receptacle	\$350
10	13(b) and (c)	Exceeding weight capacity of an organic waste receptacle	\$350
11	14(3)	Failing to comply with a direction concerning placement or removal of a receptacle	\$250
12	15(a)	Failing to keep a receptacle in the required location	\$250
13	15(b)	Failing to place a receptacle for collection in a lawful position	\$250
14	15(c)	Failing to provide a sufficient number of receptacles	\$250
15	15(d)	Failing to notify of a lost, stolen, damaged or defective receptacle	\$50
16	16(a)	Damaging, destroying or interfering with a receptacle	\$400
17	16(b)	Removing a receptacle from premises	\$400
18	18(1)	Failing to comply with a term or condition of verge waste collection	\$400
19	18(2)	Removing waste for commercial purposes	\$350
20	18(3)	Disassembling or leaving in disarray waste deposited for collection	\$250
21	19(a)	Failing to provide a sufficient number of receptacles	\$250
22	19(b)	Failing to keep a receptacle clean and in a good condition and repair	\$250
23	19(c)(i)	Failing to prevent fly breeding and vectors of disease in a receptacle	\$350
24	19(c)(ii)	Failing to prevent the emission of offensive odours from a receptacle	\$350
25	19(c)(iii)	Allowing a receptacle to cause a nuisance	\$350
26	19(d)	Failing to comply with a direction to clean, disinfect or deodorise receptacle	\$300
27	20(1)	Unauthorised removal of waste from premises	\$250
28	20(2)	Removing waste from a receptacle without approval	\$250

29	21(a)	Depositing unauthorised waste in a receptacle provided for public use	\$250
30	21(b)	Unauthorised removal of waste from a receptacle provided for public use	\$250
31	22	Disposing of disused refrigerator or similar container with door or lid that can be fastened	\$300

Under the powers conferred by the *Local Government Act 1995, Waste Avoidance and Resource Recovery Act 2007* and by all other powers, the Council of the Town of Victoria Park resolved to make the following local law on the day of month 2021.

The Common Seal of the )  
Town of Victoria Park was )  
affixed by the authority of a )  
resolution of the Council in )  
the presence of )

\_\_\_\_\_ Karen Vernon, Mayor

\_\_\_\_\_ Anthony Vuleta, Chief Executive Officer

On the       day of       20

Consented to:

\_\_\_\_\_  
Chief Executive Officer  
Department of Water and Environmental Regulation

On the       day of       20

Revision History:

Version	Made, Amended, Revoked	Date	Council Resolution Number	Effective	Key Changes/Notes
1	Made	Xx/xx/2020		01/01/2022	