



TOWN OF
VICTORIA PARK



Policy Committee Agenda – 22 November 2021



WE'RE OPEN
VIC PARK

Please be advised that an **Policy Committee** will be held at **5:30 PM** on **Monday 22 November 2021** in **Council Chambers**, Administration Centre at 99 Shepperton Road, Victoria Park.

Mr Anthony Vuleta – Chief Executive Officer
22 November 2021

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1 Declaration of opening

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 kaaditjin, 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

Mayor

Ms Karen Vernon

Banksia Ward

Deputy Mayor Claire Anderson

Cr Peter Devereux

Cr Wilfred Hendriks

Cr Luana Lisandro

Jarrah Ward

Cr Jesse Hamer

Cr Bronwyn Ife

Cr Jesvin Karimi

Cr Vicki Potter

Chief Executive Officer

Mr Anthony Vuleta

A/Chief Operations Officer

Mr Andrew Dawe

Chief Financial Officer

Mr Michael Cole

Manager Governance and Strategy

Ms Bana Brajanovic

Manager People and Culture

Mr Graham Olson

Coordinator Governance and Strategy

Ms Jasmine Bray

Governance Officer

Ms Mikayla Phillips

Secretary

Ms Natasha Horner

2.1 Apologies

Chief Community Planner

Ms Natalie Martin Goode

Chief Operations Officer

Ms Natalie Adams

2.2 Approved leave of absence

Nil.

3 Declarations of interest

Declarations of interest are to be made in writing prior to the commencement of the meeting.

Declaration of financial interests

A declaration under this section requires that the nature of the interest must be disclosed. Consequently, a member who has made a declaration must not preside, participate in, or be present during any discussion or decision-making procedure relating to the matter the subject of the declaration. An employee is required to disclose their financial interest and if required to do so by the Council must disclose the extent of the interest. Employees are required to disclose their financial interests where they are required to present verbal or written reports to the Council. Employees can continue to provide advice to the Council in the decision-making process if they have disclosed their interest.

Declaration of proximity interest

Elected members (in accordance with Regulation 11 of the Local Government [Rules of Conduct] Regulations 2007) and employees (in accordance with the Code of Conduct) are to declare an interest in a matter if the matter concerns: a) a proposed change to a planning scheme affecting land that adjoins the person's land; b) a proposed change to the zoning or use of land that adjoins the person's land; or c) a proposed development (as defined in section 5.63(5)) of land that adjoins the persons' land.

Land, the proposed land adjoins a person's land if: a) the proposal land, not being a thoroughfare, has a common boundary with the person's land; b) the proposal land, or any part of it, is directly across a thoroughfare from, the person's land; or c) the proposal land is that part of a thoroughfare that has a common boundary with the person's land. A person's land is a reference to any land owned by the person or in which the person has any estate or interest.

Declaration of interest affecting impartiality

Elected members (in accordance with Regulation 11 of the Local Government [Rules of Conduct] Regulations 2007) and employees (in accordance with the Code of Conduct) are required to declare any interest that may affect their impartiality in considering a matter. This declaration does not restrict any right to participate in or be present during the decision-making process. The Elected Member/employee is also encouraged to disclose the nature of the interest.

4 Election of the Presiding Member

In accordance with section 5.12(1) and clause 2, Schedule 2.3 of the *Local Government Act 1995*, the office of Presiding Member is to be filled as the first matter dealt with at the first meeting of the committee after an ordinary election.

Chief Executive Officer to preside

In accordance with clause 3, Schedule 2.3 of the *Local Government Act 1995*, the Chief Executive Officer (CEO) is to preside at the meeting until the office is filled.

How the Presiding Member is elected

The election of the Presiding Member is to be conducted in accordance with clause 4, Schedule 2.3 of the *Local Government Act 1995* as follows:

1. The committee is to elect a committee member to fill the office.
2. The election is to be conducted by the CEO in accordance with the procedure prescribed.
3. Nominations for the office are to be given to the CEO in writing before the meeting or during the meeting before the close of nominations.
4. Nominations close at the meeting at a time announced by the CEO, which is to be a sufficient time after the announcement by the CEO that nominations are about to close to allow for any nominations made to be dealt with.
5. If a committee member is nominated by another committee member the CEO is not to accept the nomination unless the nominee has advised the CEO, orally or in writing, that he or she is willing to be nominated for the office.
6. The committee members are to vote on the matter by secret ballot as if they were electors voting at an election.
7. Subject to clause 5(1), the votes cast under subclause (5) are to be counted, and the successful candidate determined, in accordance with Schedule 4.1 (which deals with determining the result of an election) as if those votes were votes cast at an election.
8. As soon as is practicable after the result of the election is known, the CEO is to declare and give notice of the result in accordance with regulations, if any.

5 Election of the Deputy Presiding Member

In accordance with section 5.12(2) and clause 7, Schedule 2.3 of the *Local Government Act 1995*, the office of Deputy Presiding Member is to be filled as the next matter dealt with after the Presiding Member is elected at the first meeting of the committee after an ordinary election.

How the Deputy Presiding Member is elected

The election of the Deputy Presiding Member is to be conducted in accordance with clause 8, Schedule 2.3 of the *Local Government Act 1995* as follows:

1. The committee is to elect a committee member (other than the presiding member) to fill the office.
2. The election is to be conducted in accordance with the procedure prescribed by the presiding member, or if he or she is not present, by the CEO.
3. Nominations for the office are to be given to the person conducting the election in writing before the meeting or during the meeting before the close of nominations.
4. Nominations close at the meeting at a time announced by the person conducting the election, which is to be a sufficient time after the announcement by that person that nominations are about to close to allow for any nominations made to be dealt with.
5. If a committee member is nominated by another committee member the person conducting the election is not to accept the nomination unless the nominee has advised the person conducting the election, orally or in writing, that he or she is willing to be nominated for the office.
6. The committee members are to vote on the matter by secret ballot as if they were electors voting at an election.
7. Subject to clause 9(1) the votes cast under subclause (5) are to be counted, and the successful candidate determined, in accordance with Schedule 4.1 as if those votes were votes cast at an election.
8. As soon as is practicable after the result of the election is known, the person conducting the election is to declare and give notice of the result in accordance with regulations, if any.

6 Confirmation of minutes

Recommendation

That the Policy Committee confirms the minutes of the Policy Committee held on 23 August 2021.

7 Presentations

Nil.

8 Method of dealing with agenda business

9 Reports

9.1 Draft Policy 008 - Disaster relief donations

Location	Town-wide
Reporting officer	Coordinator Governance and Strategy
Responsible officer	Manager Governance and Strategy
Voting requirement	Simple majority
Attachments	1. DRAFT Policy 008 - Disaster relief donations [9.1.1 - 2 pages]

Recommendation

That the Policy Committee recommends that Council adopts Policy 008 – Disaster relief donations as attached.

Purpose

To submit the draft Policy 008 – Disaster relief donations (Policy 008) for Council approval.

In brief

- Policy 008 has been developed as a result of a Council resolution.
- Policy 008 provides guidance to elected members and Town officers in respect to providing financial or non-financial support to organisations following a disaster.
- Policy 008 has been drafted based on policies of a similar nature from local governments both within Western Australia and interstate.

Background

1. Under Policy 001 – Policy management and development a policy response was identified as required as a result of a Council resolution.
2. At the May 2021 Ordinary Council Meeting Council resolved, in part, as follows:
 3. *Requests the Chief Executive Officer to refer the development of a disaster relief donation policy to the Policy Committee by December 2021.*

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.	Policy 008 provides elected members and Town officers guidance on what basis requests for disaster relief payments will be considered.

Engagement

Internal engagement	
Stakeholder	Comments
Elected members	Elected members were consulted on the draft policy via the Councillor Portal. Feedback received has been incorporated in the draft policy.

Legal compliance

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

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	Insufficient funds available for donation should more than one disaster occur within one financial year.	Insignificant	Possible	Low	Low	ACCEPT risk.
Environmental	Not applicable.				Medium	
Health and safety	Not applicable.				Low	
Infrastructure/ ICT systems/ utilities	Not applicable.				Medium	
Legislative compliance	Not applicable.				Low	
Reputation	Not applicable.				Low	
Service delivery	Services impacted due to provision of non-monetary support being provided to a local government affected by disaster.	Minor	Possible	Medium	Medium	ACCEPT risk.

Financial implications

Current budget impact	Sufficient funds exist within the annual budget to address this recommendation.
Future budget impact	An amount of \$5,000 will be proposed in future budgets to fund a disaster relief donation, if requested.

Analysis

3. Policy 008 has been drafted with similar conditions used by other local governments both within Western Australia and interstate.
4. Policy 008 sets out the following key conditions:
 - (a) Council donations for disaster relief may be made for disasters affecting Australia.
 - (b) Donations may be made to reputable Australian registered charities, the Lord Mayor's Relief Fund and local governments affected by the disaster.
 - (c) Council must approve requests for disaster relief donations.
 - (d) A maximum disaster relief donation of \$5,000 is proposed.
 - (e) Non-financial support may be considered by the Chief Executive Officer.
5. As the policy is in line with previous decisions by Council, it is recommended that it be adopted.

Relevant documents

Not applicable.

9.2 Review of Policy 022 - Elected member professional development

Location	Town-wide
Reporting officer	Coordinator Governance and Strategy
Responsible officer	Manager Governance and Strategy
Voting requirement	Absolute majority
Attachments	1. Policy 022 Elected member professional development - proposed amendments marked up [9.2.1 - 5 pages]

Recommendation

That the Policy Committee recommends that Council adopts the amended Policy 022 – Elected member professional development as attached.

Purpose

To review Policy 022 – Elected member professional development (Policy 022).

In brief

- Policy 022 was adopted by Council on 21 April 2020.
- In accordance with section 5.128(5)(a) of the *Local Government Act 1995*, Policy 022 must be reviewed after each ordinary election.
- Minor amendments are proposed to Policy 022.

Background

1. As a result of the implementation of the *Local Government Legislation Amendment Act 2019*, local governments were required to develop a policy relating to the continuing professional development for elected members.
2. At its meeting on 21 April 2020, Council adopted Policy 022.
3. Policy 022 was last reviewed by Council on 20 April 2021 as part of the minor review of policies. Minor administrative amendments were made at this time however, a full review of the policy was not undertaken.

Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL10 - Legislative responsibilities are resourced and managed appropriately, diligently and equitably.	<p>Mandatory training and the continuing professional development of elected members is required under the <i>Local Government Act 1995</i>.</p> <p>Policy 022 provides guidance on the maximum budget for elected member professional development.</p>

Engagement

Internal engagement	
Stakeholder	Comments
Elected members	Elected members were consulted on the review of Policy 022 via the Councillor Portal. No comments were received.

Legal compliance

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

[Section 5.128 of the Local Government Act 1995](#)

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	Not applicable.				Medium	
Health and safety	Not applicable.				Low	
Infrastructure/ ICT systems/ utilities	Not applicable.				Medium	
Legislative compliance	Failure to meet the statutory requirement to review Policy 022 after each ordinary election.	Minor	Unlikely	Low	Low	TREAT risk by Council reviewing Policy 022.
Reputation	Not applicable.				Low	
Service delivery	Not applicable.				Medium	

Financial implications

Current budget impact	Sufficient funds exist within the annual budget to address this recommendation.
Future budget impact	As per the 2021/22 annual budget, an amount of \$46,000 will be proposed for 2022/23 to fund elected member professional development.

Analysis

- In accordance with section 5.128(5)(a) of the *Local Government Act 1995*, Policy 022 must be reviewed after each ordinary election.
- The following amendments are proposed to Policy 022.

Clause	Proposed	Reason
Clause 6	New clause included.	Clause 6 has been included to provide guidance on the provision of mandatory training options and the responsibility of the elected member to complete this training within the legislative timeframe.
Clauses 31 and 32	Clauses deleted.	Clauses 31 and 32 have been deleted as the amount of cash allowance is set in the Salaries and Allowances Tribunal determination as stated in clause 20.
Related documents	<i>Public Service Award 1992</i> added.	Reference to the <i>Public Service Award 1992</i> has been included to guide Town officers on the cash allowance rates to be applied for travel, as set in the current Salaries and Allowances Tribunal determination.

- Other minor amendments are proposed and are marked up in attachment 1.
- The proposed amendments provide clarity to the public, elected members and Town officers, on the professional development available to elected members.
- It is recommended that the amended policy be adopted.
- As required by the *Local Government Act 1995*, the next review of Policy 022 will be scheduled following the 2023 ordinary election.

Relevant documents

Not applicable.

9.3 Review of Policy 026 - Complaints for Council Members, Committee Members and Candidates

Location	Town-wide
Reporting officer	Manager Governance and Strategy
Responsible officer	Chief Executive Officer
Voting requirement	Simple majority
Attachments	<ol style="list-style-type: none">1. Complaints Policy for Council Members, Committee Members and Candidates - current [9.3.1 - 7 pages]2. Complaints Policy for Council Members, Committee Members and Candidates - proposed amendments marked up [9.3.2 - 8 pages]

Recommendation

That the Policy Committee recommends that Council adopts the amended Policy 026 - Complaints Policy for Council Members, Committee Members and Candidates as attached.

Purpose

To amend Policy 026 - Complaints Policy for Council Members, Committee Members and Candidates (Policy 026).

In brief

- Policy 026 was adopted by Council in April 2021 and referred to the Chief Executive Officer (CEO) for review in November 2021.
- Policy 026 prescribes 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.
- Minor amendments are proposed to provide clarity on the definitions, additional time to allow the respondent to respond to the allegations and to allow the Investigator to seek additional time from the CEO to make a determination (if required).

Background

1. At its meeting on 20 April 2021 Council resolved as follows:

That Council:

1. Adopts the Code of Conduct for Council Members, Committee Members and Candidates, as shown in Attachment 1.

2. Adopts the Complaints Policy for Council Members, Committee Members and Candidates, as shown in Attachment 2, subject to:

a) clause 1 Policy Objective be amended as follows:

1.1 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

1.2 ensure that the complaints management process is timely and follows the principles of natural justice and procedural fairness.

b) point 2.1 of the Policy Scope be amended to be read as follows:

2.1 This Policy applies to complaints about breaches of the Code of Conduct by Council members, committee members and candidates occurring on or after 3 February 2021.

c) a new definition be added to clause 3 - Policy definitions as follows:

Code of Conduct means the model code of conduct for council members, committee members and candidates.

d) point 4.1 and 4.2 be amended as follows:

The CEO is to appoint either:

- a. A person with relevant knowledge who is not an employee, current or former, elected member 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; or
- b. A Complaints Panel of three persons who are not employee, current or former, elected members of the Town, to perform the function of the Investigator under this Policy, at least one of whom must be a person with relevant legal knowledge.

e) clause 4.2 be amended as follows:

Add the words 'a Complaints Panel' instead of 'any such panel'

f) the definition of Complaints Panel be amended as follows:

means a panel of persons appointed under clause 4.1 to consider and determine Complaints.

3. Request the CEO to refer the complaints policy for Council Members, Committee Members and Candidates to the Policy Committee for review in November 2021.

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.	Policy 026 prescribes 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.

Legal compliance

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

[Section 2.7\(2\)\(b\) of the Local Government Act 1995](#)

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.					
Environmental	Not applicable.					
Health and safety	Not applicable.					
Infrastructure/ ICT systems/ utilities	Not applicable.					
Legislative compliance	Council not adopting the Complaints Policy will result in the Council having to investigate and consider all complaints relating to Division 3 of the Code.	Moderate	Likely	High	Low	TREAT risks by supporting the recommendation.
Reputation	Not applicable.					
Service delivery	Not applicable.					

Financial implications

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

Analysis

2. The following amendments are proposed to Policy 026 -

Clause	Proposed	Reason
2 Policy scope	Add point 2.2.	To clarify that Policy 026 applies to Council members, committee members, candidates and any person who submits a complaint in accordance with this policy.

3 Policy definitions	Amend definition "committee member".	To clarify what a committee member means and that a person is a committee member from the date on which they are appointed, until their appointment expires or is terminated by Council resolution.
3 Policy definitions	Add definition for "respondent".	Council or committee member to whom the complaint relates has been replaced with respondent. Respondent means a Council or committee member against or about whom a complaint is made under clause 5 of this policy.
Clauses 5.4; 7.1; 7.3; 7.7; 8.1; 8.2; 8.3; 10.1 & 11	Council or committee member to whom the complaint relates has been replaced with "respondent".	To provide clarity and simplicity.
Clause 6.1	Mediation can only proceed if agreed to by both parties.	Confirm that both parties have to agree to mediation for mediation to proceed.
Clause 7.1	Add "The Investigator may extend the 14-day period for good reason provided by the respondent".	To allow more time for the respondent to respond to the allegations in the complaint if more time is required.
Cluse 7.3	Add "Provided that in any case the Investigator may seek from the CEO such additional time to make a determination as is appropriate in the circumstances of the case".	To allow the Investigator to seek additional time from the CEO to make a determination (if required).
Clause 14.3	Add "When a Complaint is withdrawn, the fact of the Complaint having been made, and any details of the Complaint and its withdrawal, should be treated as confidential and not disclosed".	Confirming complaints confidentiality.

3. The *Local Government (Rules of Conduct) Regulations 2007* was repealed and replaced by the *Local Government (Model Code of Conduct) Regulations 2021* (MCCR).
4. The effect is that the former Code of Conduct for Council Members, Committee Members and Employees was replaced with two separate codes of conduct, one for Council members, committee members and candidates and one for employees.
5. The Code of Conduct for Council Members, Committee Members and Candidates (the Code) was adopted by Council at the Ordinary Council Meeting held 20 April 2021.
6. The Code includes general principles (Schedule 1, Division 2) and behaviours (Schedule 1, Division 3).
7. The Code requires that complaints about alleged breaches of behavioural requirements under Division 3 must be dealt with at a local level by the local government.
8. As a result, Council adopted Policy 026 at the Ordinary Council Meeting held 20 April 2021.
9. Since the development and adoption of Policy 026, the Western Australian Local Government Association (WALGA) has developed a Code of Conduct Behaviour Complaints Management Policy framework.
10. WALGA's framework is based on similar principles to Policy 026. One significant difference is that WALGA's framework suggests that Council should establish a Behaviour Complaints Committee for the purpose of dealing with complaints.
11. Policy 026 does not include the establishment of a Behaviour Complaints Committee for the purpose of dealing with complaints. Policy 026 recommends that complaints should be reviewed and considered by an Investigator or Independent Complaints Panel to achieve impartial and procedurally fair outcomes. Person(s) who will be considering complaints will be the most important factor in ensuring that the complaints process is appropriate and effective. Therefore, it is important that whoever plays that key role is impartial, trained, has the appropriate aptitude, knowledge, and skills to consider complaints.
12. Minor policy amendments are proposed and marked up in Attachment 1.
13. It is recommended that amended Policy 026 be adopted.

Relevant documents

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

[WALGA Code of Conduct Behaviour Complaints Management Policy Framework](#)

[Complaints about alleged breaches form](#)

9.4 Review of Policy 006 – Gratuity payments to employees

Location	Town wide
Reporting officer	Manager People and Culture
Responsible officer	Chief Executive Officer
Voting requirement	Simple majority
Attachments	1. Policy 006 Gratuity payments to employees [9.4.1 - 2 pages]

Recommendation

That the Policy Committee recommends that Council receives the review of Policy 006 – Gratuity Payments to Employees.

Purpose

To review the content of Policy 006 – Gratuity payments to employees (Policy 006).

In brief

- At its meeting of 21 April 2020, Council adopted a work plan to review several policies. Policy 006 was identified as one of the policies to be reviewed.
- People and Culture have reviewed Policy 006 and do not see any merit in changes. It is therefore presented to the committee for recommendation in its last revised form.
- Policy 006 relates to gratuity payments to employees and the requirements for any payment of monies in excess of any contractual or award entitlement and/or the disposition of Town property.

Background

1. Council last amended Policy 006 on 20 August 2019, Council resolution 148/2019.
2. Council resolution 384/2020 of 21 April 2020 adopted a work plan to review the number of policies, and Policy 006 was identified to be completed by November 2021. People and Culture have now completed its review, no amendments are proposed.
3. The policy's objective is to detail the amount and process for gratuity payments for employees.
4. Policy 006 provides that if the CEO provides a gratuity benefit for an employee who retires or resigns from full-time employment with the Town, the details of the intended gratuity shall be published in accordance with the provisions of section 5.50(2) of the *Local Government Act 1995*.

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.	Provides recognition for staff and the contribution they make to the delivery of town services.

Legal compliance

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

[Section 5.50 of the Local Government Act 1995](#)

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.					
Environmental	Not applicable.					
Health and safety	Not applicable.					
Infrastructure/ ICT systems/ utilities	Not applicable.					
Legislative compliance	Gratuity is provided outside the provision of the policy.	Minor	Unlikely	Low	Low	TREAT risk by declaring it according to section 5.50(2) of the <i>Local Government Act 1995</i> .
Reputation	Not applicable.					
Service delivery	Not applicable.					

Financial implications

Current budget impact	Sufficient funds exist within the annual budget to address this recommendation.
Future budget impact	There are no future budget impacts.

Analysis

- The scope of Policy 006 and the conditions prescribed are deemed adequate. Therefore, no further changes are required to the content contained in the policy.
- No historical issues have been brought to the attention of People and Culture that would change the policy's intent. Policy 006 aims to provide an outline for all payments to employees over and above an employee's entitlements upon retirement or resignation from the Town.

Relevant documents

Not applicable.

9.5 Review of Policy 306 - Business dealings with elected members and employees

Location	Town-wide
Reporting officer	Finance Manager
Responsible officer	Chief Financial Officer
Voting requirement	Simple majority
Attachments	<ol style="list-style-type: none"> 1. Policy 306 - Business dealings with elected members and employees - current [9.5.1 - 2 pages] 2. Policy 306 - Business dealings with elected members and employees - proposed amendments marked up [9.5.2 - 2 pages]

Recommendation

That the Policy Committee recommends that Council endorse the draft revised Policy 306 - Business dealings with elected members and employees.

Purpose

To review Council Policy 306 – Business Dealings with Elected Members and Employees (Policy 306).

In brief

- Policy 306 had been identified for review as part of Council’s adopted policy work plan.
- The purpose of Policy 306 is to have greater transparency by Council determining annually or before the association commences, whether or not the Town will purchase, or continue to purchase, from the business concerned.
- A review of Policy 306 has been carried out and two minor amendments are proposed to update the current policy.

Background

1. At its meeting on 20 April 2021, Council adopted a work plan to complete the review of a number of policies. Policy 306 was one of the policies identified for review by November 2021.

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.	The report provides elected members and community with a reviewed and updated Policy 306 ensuring relevance to the latest Australian Accounting Standards Board (AASB) standard 124 reporting requirements.
CL10 - Legislative responsibilities are resourced and managed appropriately, diligently and equitably.	Statutory compliance with the <i>Local Government Act 1995</i> and AASB 124 around related party transactions at the Town of Victoria Park.

Engagement

Internal engagement	
Stakeholder	Comments
Finance Services	Finance has provided input into the revised draft policy.
Governance and Strategy	Governance and Strategy were consulted on the review of Policy 306.

Legal compliance

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

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	Not applicable.				Medium	
Health and safety	Not applicable.				Low	
Infrastructure/ ICT systems/ utilities	Not applicable.				Medium	
Legislative compliance	Key Management Personnel (KMP) not disclosing related party transaction in accordance with AASB 124.				Low	TREAT risk by the Town ensuring KMP complete regular related party transaction forms and these are recorded in a relevant register.
Reputation	KMP not disclosing related party transaction.	Moderate	Likely	High	Low	TREAT risk by recording related party disclosures in the relevant Council register and report details in Annual Report.
Service delivery	Not applicable.				Medium	

Financial implications

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

Analysis

2. Policy 306 provides greater transparency by Council determining annually or before the association commences, whether or not the Town will purchase, or continue to purchase, from the business concerned.
3. The following amendments have been included in revised Policy 306:
 - (a) Under related documents - Minor amendment addition of AASB 124 clearly identifies authority for reporting requirement with related party transactions.
 - (b) Under Policy Statement point 2, addition of wording 'Key Management Personnel – Related Party Transactions' makes consistent with AASB 124 terminology wording.
4. It is recommended that the revised Policy 306 be adopted.

Relevant documents

Not applicable.

9.6 Proposed Amendment (Prescribed Offences) Local Law 2021

Location	Town-wide
Reporting officer	Coordinator Governance and Strategy
Responsible officer	Manager Technical Services
Voting requirement	Simple majority
Attachments	1. Proposed Amendment (Prescribed Offences) Local Law 2021 [9.6.1 - 4 pages]

Recommendation

That the Policy Committee recommends that Council gives notice that it intends to make the Amendment (Prescribed Offences) Local Law 2021, as shown at attachment 1, which will amend the *Town of Victoria Park Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2000*, in accordance with section 3.12 of the *Local Government Act 1995*.

Purpose and effect

The purpose of this local law is to amend the Schedule 1 of the *Town of Victoria Park Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2000* to reflect the correct clause numbers for items 32-44 and move to the penalty units system, in accordance with the *Town of Victoria Park Penalty Units Local Law 2021*.

The effect of this local law is to amend Clause 9.4 and Schedule 1 of the *Town of Victoria Park Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2000*.

Purpose

To seek the approval of Council to advertise the proposed Town of Victoria Park Amendment (Prescribed Offences) Local Law 2021 for public comment.

In brief

- At the Ordinary Council Meeting held 16 November 2021, Council resolved to correct drafting errors made by the *Town of Victoria Park Amendment (Signs on Thoroughfares) Local Law 2021*.
- To rectify the drafting errors an amendment local law must be made.
- It is proposed as part of this amendment local law, to amend the prescribed offences to the penalty units system in accordance with the *Town of Victoria Park Penalty Units Local Law 2021*, which came into effect on 1 July 2021.
- The proposed local law will be advertised for a period of six weeks. Comments received will be presented to Council.

Background

1. At the Ordinary Council Meeting held 16 November 2021, Council resolved as follows:
That Council resolves to undertake to the Joint Standing Committee on Delegated Legislation that:
 - a. *Within the next six months, correct the reference errors in Schedule 1 to clause 3.6 (items 32 to 44).*
 - b. *Ensure all consequential amendments arising from undertaking 1 will be made.*

- c. All copies of the *Town of Victoria Park Amendment (Signs on Thoroughfares) Local Law 2021* and consolidated *Town of Victoria Park Activities on Thoroughfares and Trading on Thoroughfares and Public Places Local Law 2000*, publicly available whether in hard copy or electronic form, will be accompanied by a copy of the undertaking above.

Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL01 – Everyone receives appropriate information in the most efficient and effective way for them	The proposed local law will correct drafting errors and reflect the new penalty units system for local law offences, ensuring the public has up to date information relating to the <i>Town of Victoria Park Activities on Thoroughfares and Trading on Thoroughfares and Public Places Local Law 2000</i> .

Engagement

Internal engagement	
Stakeholder	Comments
Technical Services	Technical Services were consulted on the proposed amendment local law.

Legal compliance

[Section 3.12 of the *Local Government Act 1995*](#)

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	Not applicable.				Medium	
Health and safety	Not applicable.				Low	
Infrastructure/ ICT systems/ utilities	Not applicable.				Medium	
Legislative compliance	The <i>Town of Victoria Park Amendment (Signs on Thoroughfares) Local Law 2021</i> is	Minor	Unlikely	Low	Low	TREAT risk by amending the <i>Town of Victoria Park Activities on Thoroughfares and</i>

	disallowed by Parliament.	<i>Trading in Thoroughfares and Public Places Local Law 2000</i> within six months as resolved by Council on 16 November 2021.
Reputation	Not applicable.	Low
Service delivery	Not applicable.	Medium

Financial implications

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

Analysis

2. The proposed Town of Victoria Park Amendment (Prescribed Offences) Local Law 2021 will rectify the drafting errors in Schedule 1 – Prescribed Offences that were enacted by the *Town of Victoria Park Amendment (Signs on Thoroughfares) Local Law 2021* by amending Items 32-44 to reflect the introduction of sub-clauses (1) and (2) to Clause 3.6 of the local law.
3. At the time the *Town of Victoria Park Amendment (Signs on Thoroughfares) Local Law 2021* was drafted, the *Town of Victoria Park Penalty Units Local Law 2021* had not been introduced. As this is now in effect, it is proposed to update the entire Schedule 1 – Prescribed Offences to reflect the new penalty units system. No changes are proposed to the amount for any offence under the local law.
4. In addition to the change to Schedule 1 – Prescribed Offences, an amendment to Clause 9.4 of the local law is required to enact the penalty units system for the *Town of Victoria Park Activities on Thoroughfares and Trading on Thoroughfares and Public Places Local Law 2000*.
 - (a) Sub-clauses (3), (4) and (5) of Clause 9.4 are deleted as they are provided for in the *Local Government Act 1995*.
 - (b) A new sub-clause (3) has been inserted to reference the *Town of Victoria Park Penalty Units Local Law 2021*.
5. The making of a local law must follow the process prescribed in Section 3.12 of the *Local Government Act 1995*.
6. In accordance with Section 3.12(3) of the *Local Government Act 1995*, the Town is required to give local public notice of the proposed local law inviting submissions for a period of no less than six weeks after the notice is given.
7. It is recommended that Council endorses the proposed Town of Victoria Park Amendment (Prescribed Offences) Local Law 2021 for advertising and public comment.
8. The results of the advertising will be presented to Council for further consideration before final adoption.

Relevant documents

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

9.7 Review of Policy 403 - Management of noise emissions from events at Belmont Racecourse - Other than horse racing

Location	Town-wide
Reporting officer	Principal Environmental Health Officer
Responsible officer	Manager Development Services
Voting requirement	Simple majority
Attachments	<ol style="list-style-type: none"> 1. Policy 403 OCM minutes 20 August 2002 [9.7.1 - 8 pages] 2. Policy-403- Management-of-noise-emissions-from-events-at- Belmont-Racecourse- Other-than-horse-raci [9.7.2 - 5 pages]

Recommendation

That this item be referred to the November Policy Committee to consider the response from other local governments.

Purpose

To review 'Policy 403 - Management of Noise Emissions from Events at Belmont Racecourse – Other than Horse Racing' (Policy 403).

In brief

- Policy 403 was adopted as Council Policy HLTH4 on 20 August 2002, with the intent of providing a simplified process for music events held at Belmont Park Racecourse.
- The policy is redundant and no longer serves its originally intended purpose, and therefore it is recommended to be revoked.
- Noise control from events at Belmont Racecourse can be addressed under the provisions of the *Environmental Protection (Noise) Regulations 1997*.
- Policy 403 has been identified for review as part of Council's adopted policy work plan.

Background

1. Policy 403 was adopted as Council Policy HLTH4 on 20 August 2002. The policy was adopted to manage noise from "non horse racing" events more efficiently by adopting a policy that limited the number and type of events, and the inclusion of standard conditions that had been pre-approved by other surrounding local governments. This was considered to be more efficient than requiring the comments of the four adjoining local governments to be obtained for each event. The policy provided guidance to, rather than negating the authority of the *Environmental Protection (Noise) Regulations 1997*. Attachment 1 contains an extract of the Minutes of the Ordinary Council Meeting of 20 August 2002, and further explanation of the rationale for the adoption of the policy.

2. Policy 403 was last reviewed by Council on 20 August 2019 as part of the minor review of policies. Only minor administrative amendments were made at this time. A full review of the policy was not undertaken.
3. The policy was adopted as a result of Belmont Racecourse site's popularity with concerts and events in the early 2000s. With the completion of Northbridge Tunnel, increasing interest was expressed by promoters to use the Belmont Park Racecourse facilities. This was due to its accessibility with good road and rail connection and the site being located away from residential areas. In the period since Policy HLTH4, now Policy 403, was adopted, significant developments have occurred in and around Burswood Peninsula.
4. Belmont Racecourse is set to undergo redevelopment in the near future that will most likely lead to change in its operation.
5. The last major event held at Belmont Racecourse was on 26 January 2019. The Town deals with all noise complaints using the provisions of the *Environmental Protection (Noise) Regulations 1997*.
6. At its meeting on 20 April 2021, Council adopted a work plan to complete the review of a number of policies. Policy 403 was one of the policies identified for review.

Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL01 – Everyone receives appropriate information in the most efficient and effective way for them	The review of this policy ensures that policies set by Council support clear, consistent, and effective direction for both the Town and does not duplicate State legislation.

Economic	
Strategic outcome	Intended public value outcome or impact
EC01 - A desirable place for commerce and tourism that supports equity, diverse local employment, and entrepreneurship.	Revoking this policy will not have any impact on this strategic outcome. It will allow the Town additional flexibility to consider events on a case-by-case basis.

Engagement

Internal engagement	
Stakeholder	Comments
Environmental Health	Environmental Health Officers are supportive of the revocation of this policy.
Community Development / Events, Arts and Funding	Community Development and Events, Arts and Funding teams were contacted and have no objection to revocation of the policy.
Place Planning	Place Planning supports the revocation of the policy.

External engagement	
Stakeholders	Perth Racing
Period of engagement	Nil
Level of engagement	Consult
Methods of engagement	Perth Racing was contacted by email to find out whether they thought there was value in keeping this policy.
Key findings	In 2020, Perth Racing indicated that they believed that there was value in keeping this policy as they we are looking at increasing their non race day events at both racecourses. Perth Racing have now indicated in writing on 7 August 2021 that they are happy to support revocation of the policy provided they still have the ability to host concerts in the future with the Town's approval through an event application.

Legal compliance

[Environmental Protection \(Noise\) Regulations 1997](#)

Section 18 of the *Environmental Protection (Noise) Regulations 1997*

(3) Where the CEO is satisfied that a proposed sporting, cultural or entertainment event that is to be open to the public —

(a) is likely to result in the emission of noise in contravention of the standard prescribed under regulation 7; and

(b) would lose its character or usefulness if it were required to comply with that standard,

the CEO may approve the event, subject to such conditions as the CEO thinks fit, for the purpose of this regulation.

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	Nil	Nil	Nil	Nil	Nil	Nil
Environmental	Increased noise emanating from public events	Moderate	Moderate	Moderate	Low	TREAT - All events on this site should be

	and concerts at Belmont Racecourse						assessed and approved in the same way as any other event within the Town.
Health and Safety	Nil	Nil	Nil	Nil	Nil	Nil	Nil
Infrastructure/ ICT system/ Utilities	Nil	Nil	Nil	Nil	Nil	Nil	Nil
Legislative compliance	Duplication of legislation with Council Policy.	Moderate	Moderate	Moderate	Low		Use <i>Environmental Protection (Noise) Regulations 1997</i>
Reputation	Nil	Nil	Nil	Nil	Nil	Nil	Nil
Service delivery	Nil	Nil	Nil	Nil	Nil	Nil	Nil

Financial implications

Current budget impact	No impact.
Future budget impact	No impact.

Analysis

7. The *Environmental Protection (Noise) Regulations 1997* (the Regulations) operates as a prescribed standard under the *Environmental Protection Act 1986*. Regulation 7 of the Regulations sets assigned noise levels that should not be exceeded.
8. Regulation 18 contains provisions relating to noise emissions from sporting, cultural and entertainment events. This includes the power for the Chief Executive Officer of the local government to approve a proposed sporting, cultural or entertainment event where the likely noise levels are to exceed the assigned levels under Regulation 7. In doing so, the processes detailed in Regulation 18 are to be followed including the need for the relevant local government to consult with each adjoining local government who may experience noise emissions as part of each application.
9. As outlined above, it is understood that the purpose of Policy 403 was to negate the need to consult with each adjoining local government for each Regulation 18 application for an event at Belmont Park that would exceed the assigned noise levels, by instead having a policy in place, agreed to by the other adjoining local governments, outlining the conditions for approval of any events and without the need

for consultation for each and every Regulation 18 application. This was at a time when it is understood that Belmont Park Racecourse was regularly hosting music events.

10. While Policy 403 was beneficial in achieving its intent at a previous time, there have not been regular music events at Belmont Park Racecourse for some time (the last event being Australia Day 2019).
11. Upon reviewing Policy 403 and noting that there are few music events now held at the Racecourse, it is considered that there is no need to retain Policy 403, and that any future applications can be processed in a normal fashion under Regulation 18, consistent with such events in other local government areas across the State.
12. While revocation of the policy may marginally increase the approval period for a Regulation 18 application at Belmont Park Racecourse, revocation will be in alignment with all Regulation 18 approvals for other sites in the Town and is supported by Perth Racing.
13. With the exception of Optus Stadium (subject to Regulation 19B approval), noise emissions from sporting, cultural or entertainment events elsewhere within the Town are dealt with under Regulation 18, rather than an area specific policy.

Further consideration

14. At its meeting held on 23 August 2021, the Policy Committee moved a procedural motion to refer this item to the November 2021 Policy Committee to allow time for the Town to consult with adjoining local governments that were consulted during the formulation of the policy.
15. As a result, the Cities of Perth, Belmont, Bayswater and Vincent were consulted, and all indicated that they had no objection to the proposed revocation of Policy 403, as follows:
 - City of Perth responded that they had no objections from the City's perspective on the policy being revoked.
 - City of Belmont responded that they had no objections to the proposed revocation.
 - City of Bayswater advised the Town that they did not object to the proposed revocation of Policy 403, provided that future events will still be managed in accordance with Regulation 18 of the *Environmental Protection (Noise) Regulations 1997* and adjoining local governments will be consulted for any event where noise emissions are expected to exceed the assigned noise levels.
 - City of Vincent responded that they had no objection to the revocation of the Policy. They, however, recommend that the Town should encourage the Venue to make an application for *Environmental Protection (Noise) Regulation 1997* Section 19B 'Venue Approval', should the Venue seek to regularly host more than 2 'sporting cultural or entertainment events' within a 12 month period, rather than using Regulation 18(11).
16. As the consultation has occurred and no objections have been received, it is requested that the Policy Committee recommend to Council that Policy 403 - Management of Noise Emissions from Events at Belmont Racecourse – Other than Horse Racing be revoked.

10 Motion of which previous notice has been given

Nil.

11 Meeting closed to the public

11.1 Matters for which the meeting may be closed

Nil.

11.2 Public reading of resolutions which may be made public

12 Closure