



Policy Review and Development Committee

Minutes

22 February 2023

Committee Terms of Reference

- 1** *To review all existing Bunbury City Council policies within a two year period, in line with the local government election cycle and facilitate the development of new policies for consideration by Council on an ongoing basis.*
- 2** *To make recommendations to Council on matters of policy, policy and local law review and policy and local law development.*
- 3** *To explore opportunities that promote policy development in all areas that are within Council's jurisdiction.*
- 4** *To allow any draft policy developed and fully considered by another Advisory Committee of Council to be referred directly to Council for consideration.*
- 5** *To provide Bunbury City Councillors with assistance and support to develop new Council policies.*

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Policy Review and Development Committee

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Members of the public to note that recommendations made by this committee are not final and will be subject to adoption (or otherwise) at a future meeting of the Bunbury City Council.

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1. Declaration of Opening

The Presiding Member declared the meeting open at 10.00am.

2. Disclaimer

Not applicable to this committee.

3. Announcements from the Presiding Member

Nil

4. Attendances

Committee Members:

Member Name	Representing
Cr Wendy Giles	City of Bunbury
Cr Karen Steele	City of Bunbury
Cr Marina Quain	City of Bunbury
Cr Cheryl Kozisek (Presiding Member)	City of Bunbury
Cr Tresslyn Smith	City of Bunbury

Ex-officio Members (non-voting):

Member Name	Title
Mr Mal Osborne	Chief Executive Officer

Council Observers (non-voting):

Member Name	Representing
Cr Ben Andrew	City of Bunbury

Support Staff:

Name	Title
Mr Greg Golinski	Manager Governance
Mrs Leanne French	Senior Governance and Risk Officer
Mr Dan Hall	Coordinator Engineering
Mr Mark Allies	Team Leader Community Law Safety and Emergency Management

4.1 Apologies

Nil

4.2 Approved Leave of Absence

Nil

5. Declaration of Interest

IMPORTANT: Committee members to complete a “Disclosure of Interest” form for each item on the agenda in which they wish to disclose a financial/proximity/impartiality interest. They should give the form to the Presiding Member before the meeting commences. After the meeting, the form is to be forwarded to the Administration Services Section for inclusion in the Corporate Financial Disclosures Register.

Nil

6. Confirmation of Minutes

Committee Decision:

Moved: Cr Quain

Seconded: Cr Giles

The minutes of the Policy Review and Development Committee Meeting held on 30 November 2022 are confirmed as a true and accurate record.

CARRIED

7. Method of Dealing with Agenda Business

All items were dealt with in the order they appeared in the agenda.

8. Reports

8.1 Review of Council Policy: Records Management

File Ref:	COB/5458
Applicant/Proponent:	Internal
Responsible Officer:	Sheree McGee Senior Corporate Information Officer
Responsible Manager:	Greg Golinski, Manager Governance
Executive:	Karin Strachan, Director Strategy and Organisational Performance
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Executive/Strategic <input type="checkbox"/> Information Purposes <input type="checkbox"/> Legislative
Attachments:	Appendix 8.1-A: Revised Council Policy Records Management

Summary

The purpose of this report is for the Policy Review and Development Committee to review existing Council Policy Records Management.

Executive Recommendation

That the Policy Review and Development Committee recommend that Council adopt the revised Record Management Policy as presented at Appendix 8.1-A.

Voting Requirement: Simple Majority

Strategic Relevance

Pillar	Performance
Aspiration	Leading with purpose and robust governance
Outcome 13	A leading local government
Objective 13.1	Provide strong, accountable leadership and governance

Regional Impact Statement

This policy applies to the City of Bunbury.

Background

The Council's Record Keeping policy (the policy) complements the City's Record Keeping Plan (RKP).

The intent of the Policy is to:

- Outline the principles, approach and rules associated with records management
 - Ensure that Elected Members, employees, and contractors understand their recordkeeping roles and responsibilities; and
 - Outline the City's commitment to effective, efficient, and compliant record keeping practices.
-

The policy was last reviewed by Council in April 2021, and is due for its biennial review.

Council Policy Compliance

This report facilitates a review of an existing Council Policy.

Legislative Compliance

State Records Act 2000

Local Government Act 1995

Freedom of Information Act 1992

Evidence Act 1906

Electronic Transactions Act 2011

Criminal Code (s85)

City of Bunbury Record Keeping Plan 2018 - 2023

Officer Comments

Effective records and information management is vital to all Council and operational activities of the City of Bunbury. All Council and organisational decisions and transactions relating to governance, administration and operational transactions will be documented as records. All records, regardless of physical format will be managed within the City's official record keeping systems. The management of records is to meet operational informational and legislative requirements. Systems for records management will enhance retrieval and ensure integrity, physical safety and security of records and support our compliance with record keeping legislation.

Record keeping is important, and all elected members and employees share in the responsibility of ensuring significant records are kept and are retrievable.

The policy complements the City's existing RKP and provides a record keeping framework to ensure that full and accurate records of all activities and decisions of Council are created, assessed, managed, and retained or disposed of appropriately and in accordance with relevant legislation.

Whilst not a statutory requirement, a policy in this regard will have tangible benefit in that it clearly illustrates the City's commitment to all aspects of Record Keeping in line with the State Records Act and City's RKP, which apply to both Elected Members and staff.

Officer's have reviewed the existing policy and propose some minor wording changes as represented at Appendix 8.1-A.

Analysis of Financial and Budget Implications

Nil

Community Consultation

Nil

Elected Member/Officer Consultation

A review of this policy is presented to the Policy Review and Development Committee for consideration.

Applicant Consultation

Not Applicable

Timeline: Council Decision Implementation

Any changes to the policy will become effective immediately following adoption by Council.

Outcome of Meeting 22 February 2023

Committee members asked a number of questions regarding the City's records storage practices that were responded to by the Manager Governance.

The recommendation as printed was moved by Cr Quain and seconded by Cr Giles and was CARRIED unanimously as follows:

That the Policy Review and Development Committee recommend that Council adopt the revised Record Management Policy as presented at Appendix 8.1-A.

8.2 Review of Council Policy: Temporary Appointment of CEO

File Ref:	COB/5458
Applicant/Proponent:	Internal
Responsible Officer:	Leanne French, Senior Governance & Risk Officer
Responsible Manager:	Greg Golinski, Manager Governance
Executive:	Karin Strachan, Director Strategy and Organisational Performance
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Executive/Strategic <input type="checkbox"/> Information Purposes <input checked="" type="checkbox"/> Legislative
Attachments:	Appendix 8.2-A: Temporary Appointment of CEO Policy

Summary

This report is present to the Policy Review and Development Committee to facilitate a review of Council's existing policy regarding the temporary appointment of a Chief Executive Officer for the City of Bunbury (Acting CEO).

A copy of the current policy is **attached** at Appendix 8.2-A.

Executive Recommendation

That the Policy Review and Development Committee recommend that Council note the review of Council Policy Temporary Appointment of CEO, with no changes recommended.

Voting Requirement: Absolute Majority

Strategic Relevance

Pillar	Performance
Aspiration	Leading with purpose and robust governance
Outcome 13	A leading local government
Objective 13.1	Provide strong, accountable leadership and governance

Regional Impact Statement

This Policy applies only to the City of Bunbury

Background

Section 5.36 of the *Local Government Act 1995* (the Act) requires a local government to employ a CEO and such other persons as the Council believes are necessary to enable the functions of the local government and the functions of the Council to be performed.

Section 5.39 (1a) of the Act states that an employee may act in the position of a CEO or a senior employee for a term not exceeding one year without a written contract for the position in which he or she is acting.

The introduced section of 5.39C of the Act requires that a local government must prepare and adopt by an absolute majority a policy that sets out the process to be followed by the local government in relation to the employment of a person in the position of CEO for a term not exceeding 1 year.

This policy was last reviewed by Council in April 2021 and is presented to the Policy Review and Development Committee for its biennial review.

Council Policy Compliance

This report facilitates a review of existing Council Policy: Temporary Appointment of CEO.

Legislative Compliance

Sections 5.36, 5.39 and 5.39C of the *Local Government Act 1995* apply.

Officer Comments

Officers have reviewed the existing policy in the context of the relevant legislation, and suggest that the policy remains appropriate in its current form.

Analysis of Financial and Budget Implications

Nil

Community Consultation

Nil

Elected Member/Officer Consultation

This report is presented to the Policy Review and Development Committee for consideration and recommendation to Council.

Applicant Consultation

Not applicable.

Timeline: Council Decision Implementation

Once adopted by Council, any amendments to the Policy become effective immediately.

Outcome of Meeting 22 February 2023

The recommendation as printed was moved by Cr Steele and seconded by Cr Smith and was CARRIED unanimously as follows:

That the Policy Review and Development Committee recommend that Council note the review of Council Policy Temporary Appointment of CEO, with no changes recommended.

8.3 Review of Council Policy: Asset Management

File Ref:	COB/306
Applicant/Proponent:	Internal
Responsible Officer:	Dan Hall, Coordinator Engineering – Infrastructure Asset Planning
Responsible Manager:	Aaron Lindsay, Manager Projects and Asset Manager
Executive:	Gavin Harris Director Infrastructure
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Executive/Strategic <input type="checkbox"/> Information Purposes <input type="checkbox"/> Legislative
Attachments:	Appendix 8.3-A CURRENT Asset Management Policy Appendix 8.3-B PROPOSED Asset Management Policy

Summary

The purpose of this report is for the Policy Review and Development Committee to review Asset Management Council Policy.

Due to the substantial nature of the changes in the proposed policy, a tracked changed version of the document is not available. A copy of the current policy is provided at Appendix 8.3-A and the proposed policy is provided at Appendix 8.3-B.

Executive Recommendation

That the Policy Review and Development Committee recommend that Council adopt the Asset Management Council Policy as presented at Appendix 8.3-B.

Voting Requirement: Simple Majority

Strategic Relevance

Pillar	Performance
Aspiration	Leading with purpose and robust governance
Outcome 13	A leading local government
Objective 13.3	Effectively manage the City's resources

Regional Impact Statement

This policy applies to the management of all infrastructure assets owned and directly managed by the City, whether constructed, purchased or donated. This includes bridges, buildings, heritage, marine, open space, other (lighting, bins, signage), paths, public art, roads, stormwater and structures. This includes assets serving the greater Bunbury region such as sporting, cultural and open space.

Background

The Asset Management Council Policy was last reviewed by Council in December 2018.

The revised Policy (see Appendix 8.3-B) outlines the current principles which guide the City of Bunbury in the management of its infrastructure assets. The objective being to ensure they meet

the needs of current and future generations, considering the balance between cost, service levels and effective management of the asset lifecycle.

The Asset Management Council Policy was first adopted in 2007, with subsequent reviews in 2013, 2015 and 2018. The Policy has evolved over time in-line with improved understanding of asset management and continuous improvement of asset management systems and practices at the City.

It is likely that this policy will continue to evolve and change with each review to reflect the changing and improving nature of asset management.

Council Policy Compliance

This report facilitates the review of an existing Council policy.

Legislative Compliance

- Local Government Act 1995
- Australian Accounting Standards Board AASB13 Fair Value Measurement

Officer Comments

The revised Policy (see Appendix 8.3-B) focusses on the following core elements of asset management.

- Asset Management Strategy – document/s outlining the objectives for implementing the policy principles.
- Continuous Improvement of Asset Management Plans - ensuring inclusion of whole of life cycle costs of the assets and quantifying community expectations through implementation of service levels and standards.
- Robust Links between Asset Management Plans and corporate documents - including Strategic Community Plan, Corporate Business Plan, Long Term Financial Plan, Annual Budget and Annual Report.
- Asset Management Capability - implementation of systems and practices enabling effective storage, sharing and evaluation of asset data, knowledge and information.

Analysis of Financial and Budget Implications

Adoption of the revised Asset Management Council Policy does not commit the Council to a particular level of expenditure for Asset Management. The policy will guide informed investment decisions and organisational sustainability through linking of detailed Asset Management information within the Corporate Business Plan, Long Term Financial Plan and Annual Budget. Council will ultimately set the expenditure levels through the adoption of these corporate documents.

Required levels of expenditure will be subject to detailed asset management planning

Community Consultation

Not applicable in regard to this Policy

Councillor/Officer Consultation

This report is presented to the Policy Committee for consideration.

Applicant Consultation

N/A

Timeline: Council Decision Implementation

Any revisions to the policy will take effect immediately following Council's determination.

Outcome of Meeting 22 February 2023

The recommendation as printed was moved by Cr Quain and seconded by Cr Giles and was CARRIED unanimously as follows:

That the Policy Review and Development Committee recommend that Council adopt the Asset Management Council Policy as presented at Appendix 8.3-B.

8.4 Proposed City of Bunbury Bush Fire Brigade Local Law 2023

File Ref:	COB/5421
Applicant/Proponent:	Internal
Responsible Officer:	Mark Allies, Team Leader Rangers & Emergency Management
Responsible Manager:	Sarah Upton, Manager Community Wellbeing Greg Golinski, Manager Governance
Executive:	Gary Barbour, Director Sustainable Communities
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input type="checkbox"/> Executive/Strategic <input type="checkbox"/> Information Purposes <input checked="" type="checkbox"/> Legislative
Attachments:	Appendix 8.4-A: Proposed City of Bunbury Bush Fire Brigade Local Law 2023 Appendix 8.4-B: Brigade Rules 2022

Summary

The purpose of this item is for the Policy Review and Development Committee (PRDC) to consider creation of the Bush Fire Brigade Local Law to ensure compliance with section 41 of the Bush Fires Act 1954 (BF Act), which requires all Local Governments with an established Bush Fire Brigade (BFB) to create a Local Law. A draft version of the proposed Local Law is attached as Appendix 8.4-A and will replace the obsolete Establishment, Maintenance and Equipment of Bush Fire Brigades Local Law 1992.

Should the Council support the Committee recommendation, a statutory public consultation period of 42 days applies (minimum) will need to be adhered to, following which the draft local law, along with any submissions received, will need to come back to the PRDC and then Council for final approval.

Executive Recommendation

That Council agrees to give public notice of its intention to create the City of Bunbury Bush Fire Brigade Local Law 2023 as attached at Appendix 8.4-A, in accordance with section 3.12 of the *Local Government Act 1995*.

Voting Requirement: Simple Majority

Strategic Relevance

Pillar	Planet
Aspiration	A healthy and sustainable ecosystem
Outcome No. 6	An aware and resilient community equipped to respond to natural disasters and emergencies.
Objective No. 6.1	Minimise risks and impacts from fires, floods, heat waves, and other natural disasters.

Regional Impact Statement

Fire and other emergencies are prevalent right across Western Australia, particularly the Southwest due to its high density of rural spaces and natural bushland. BFB's are necessary to

minimise the impact of fire and other natural disasters within our community and the Greater Bunbury/Geographe regions.

Creation of a relative local law ensure the BFBs have the necessary guidance, and personal liability protection, to ensure continuity of service in addition to the health & wellbeing of all volunteers.

Background

The City of Bunbury Establishment, Maintenance and Equipment of Bush Fire Brigades Local Law was first adopted by Council on 20 July 1992. Since that time the Local Law has not seen any amendments made to it.

In reviewing the existing Local Law, Officer's consider that the additions required to modernise this local law are substantial enough to require the previous version be repealed and a new Local Law created.

Council Policy Compliance

The previous City of Bunbury Establishment, Maintenance and Equipment of Bush Fire Brigades Local Law 1992 is to be repealed as per the requirements of the *Local Government Act 1995*.

The Bush Fire Brigade Local Law 2023 is subject to review by the Policy Review and Development Committee (PRDC) prior to referral to Council and Community Consultation.

Legislative Compliance

Section 3.12 of the *Local Government Act 1995* outlines the process for the creation of a new local law and is applicable.

Section 3.16 of the *Local Government Act 1995* requires that local laws be reviewed every 8 years.

Section 41 of the Bush Fires Act 1954 requires that local governments who choose to establish and maintain a Bush Fire Brigade, do so in accordance with Local Laws.

Officer Comments

The **purpose** of the proposed local law is to repeal the existing Establishment, Maintenance and Equipment of Bush Fire Brigades Local Law and to establish the requirements and conditions with which any volunteers acting on behalf of the Bush Fire Brigade must comply.

The **effect** of the proposed local law is to provide for the regulation, control and management of Bush Fire Brigades within the City of Bunbury.

Officers are proposing the repeal of the existing Establishment, Maintenance and Equipment of Bush Fire Brigades Local Law and replacing it with a new instrument, due to numerous additions required to ensure the currency of the local law which has not been changed since 1992. The alternative would be to adopt a lengthy amendment local law, which would make the application of the local law difficult and confusing as the two instruments would need to be read in conjunction with each other.

The Bunbury Volunteer Bush Fire Brigade has also drafted the most current version of the Brigade Rules which shall be utilised in conjunction with the Bush Fire Brigade Local Law 2023 to ensure the BFB is managed appropriately and in accordance with DFES Standard Operating Procedures, The Bush Fires Act 1954 and the City of Bunbury Code of Conduct.

Analysis of Financial and Budget Implications

Advertising and gazettal costs can be accommodated within the 2022/23 budget.

Community Consultation

To fulfil the statutory requirements of the Local Government Act and enable the community to contribute to the Council's decision making, through open and accountable processes, the City of Bunbury is required to offer the proposed Local Law to 42 days (minimum) of community consultation.

The Bush Fire Brigade Local Law 2023 has been drafted in consultation with the Chief Bush Fire Control Officer and the Bunbury Volunteer Bush Fire Brigade.

Councillor/Officer Consultation

This matter is presented to the PRDC for consideration. The proposed local law review was generated following an audit commenced by the Department of Fire and Emergency Services (DFES) who noted numerous local governments did not have compliant local laws.

Applicant Consultation

This process has been completed in consultation with members of ELT along with Manager Governance and several staff who are responsible for Governance and the management of Bush Fire Brigades.

Timeline: Council Decision Implementation

22 February 2023: Review by PRDC

14 March 2023: Review by OCM

1 April 2023: Commence Community Consultation

1 May 2023: Prepare comments and item for June OCM to consider adoption.

Outcome of Meeting 22 February 2023

The recommendation was moved by Cr Steele and seconded by Cr Kozisek and was CARRIED unanimously as follows:

That the Policy Review and Development Committee recommend that Council agrees to give public notice of its intention to create the City of Bunbury Bush Fire Brigade Local Law 2023 as attached at Appendix 8.4-A, in accordance with section 3.12 of the Local Government Act 1995.

9. Questions from Members

9.1 Response to Previous Questions from Members taken on Notice

Nil

9.2 Questions from Members

Cr Quain queried whether the Presiding Member had received correspondence from the office of the Member for Bunbury regarding the possibility of the City developing a policy regarding women's interests. Cr Kozisek responded that she will review her records in this regard and circulate to members of the committee.

The CEO added that the next review of the City's Disability Access and Inclusion Plan will incorporate a significant component around inclusivity, as opposed to solely disability access and inclusion.

10. Urgent Business

Nil

11. Date of Next Meeting

10:00am, Wednesday 26 April 2022

12. Close of Meeting

The Presiding Member closed the meeting at 10.34am.

Confirmed on 26 April 2023 as a true and accurate record of proceedings of the Policy Review and Development Committee meeting held on 22 February 2023.

**Cr Cheryl Kozisek
Presiding Member**
