



Policy Review and Development Committee

Minutes

24 April 2024

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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Table of Contents

<u>Item No</u>	<u>Subject</u>	<u>Page No</u>
1.	Declaration of Opening	6
2.	Disclaimer	6
3.	Announcements from the Presiding Member	6
4.	Attendances	6
4.1	Apologies.....	6
4.2	Approved Leave of Absence.....	6
5.	Declaration of Interest	6
6.	Confirmation of Minutes	6
7.	Method of Dealing with Agenda Business	6
8.	Reports	7
8.1	Review of Council Policy: BRAG Trust	7
8.2	Proposed Council Policy: Climate Change.....	13
8.3	Review of Council Policy: Corporate Revenue Debt Collection	19
8.4	Review of Council Policy: Disaster Relief Reserve Fund	25
8.5	Review of Council Policy: Recreation Facilities	29
8.6	Review of Council Policy: Legal Representation for Elected Members and Employees.....	33
8.7	Review of Council Policy: Elected Member Entitlements	39
8.8	Review of Council Policy: Private use of Mayoral Vehicle	52
8.9	Review of Council Policy: Privacy	57
8.10	Revocation of Council Policy: Shark Hazard Management	63
8.11	Statutory Annual Review of Delegations – 2023/24.....	75
9.	Questions from Members	234
9.1	Response to Previous Questions from Members taken on Notice.....	234
9.2	Questions from Members	234
10.	Urgent Business	234
11.	Date of Next Meeting	234
12.	Close of Meeting	234

Acknowledgement of Country

We acknowledge the traditional owners of the land, the Noongar Wardandi people and their continuing connection to the land, waters and community. We pay our respects to all members of the Aboriginal community and their cultures; and to Elders past, present and emerging.

Vision

Bunbury: welcoming and full of opportunities.

Organisational Values

#WEARECOB

WE ARE COMMUNITY

We are one team
We keep each other safe
We display empathy and respect
We have fun and celebrate our successes
We work together to achieve great outcomes

WE ARE OPEN

We are open to opportunities
We actively listen and think things through
We are inclusive and treat everyone equally
We are honest and open in our communications
We are open to feedback to improve our performance

WE ARE BRAVE

We lead the change, we own it
We trust and empower each other
We have the difficult conversations early
We hold ourselves to the highest standard
We have the courage to improve and simplify

Nature of Council's Role in Decision Making

- Advocacy:** When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- Executive/Strategic:** The substantial direction setting and oversight role of the Council, e.g. adopting plans and reports, accepting tenders, setting and amending budgets.
- Legislative:** Includes adopting local laws, town planning schemes and policies.
- Quasi-Judicial:** When Council determines an application/matter that directly affects a person's rights and interests. The Judicial character arises from the obligations to abide by the principles of natural justice.
- Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
- Information Purposes:** Includes items provided to Council for information purposes only which do not require direction from Council (that is for 'noting').

1. Declaration of Opening

The presiding member declared the meeting open at 10:01am.

2. Disclaimer

Not applicable to this committee.

3. Announcements from the Presiding Member

Nil

4. Attendances

Committee Members:

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

Ex-officio Members (non-voting):

Member Name	Representing
Mr Alan Ferris	Chief Executive Officer
Mr Greg Golinski	A/Director Corporate and Community

Support Staff:

Name	Title
Mr Liam Murphy	Governance Officer

4.1 Apologies

Nil

4.2 Approved Leave of Absence

Nil

5. Declaration of Interest

Nil

6. Confirmation of Minutes

Committee Decision: Moved Cr Kozisek Seconded Cr Ghasseb

The minutes of the Policy Review and Development Committee Meeting held on 28 February 2024 are confirmed as a true and accurate record.

CARRIED

7. Method of Dealing with Agenda Business

Items were dealt with in the order they appear in these minutes.

Legal advice obtained by the City in 2016 identified that the Bunbury Regional Art Gallery Trust can be also be used to receive gifts, bequests and donations specifically for the purposes of the City of Bunbury Art Collection and the programs and facilities of Bunbury Regional Art Gallery.

Ultimately, the beneficiaries of the trust will be any and all benefactors providing a gift, bequest or donation to the BRAG under the terms of the trust deed. The trustee will be the City of Bunbury, with the CEO and Mayor being signatories to the trust deed.

The policy will also serve as a:

“gift fund used and maintained only for the principle purpose of the fund, authority or institution”

This is a requirement for obtaining Deductible Gift Recipient (DGR) status for the Bunbury Regional Art Gallery from the Australian Tax Office.

The legal advice alluded to above confirms that the Trust Deed set up after the dissolution of the BRAMB is sufficient to meet the future needs for Gift Deductibility status for gifts, bequests and donations specifically for the purposes of the City of Bunbury Art Collection and the programs and facilities of Bunbury Regional Art Gallery.

This Policy was adopted in 2017 and was last reviewed in June 2020.

Council Policy Compliance

This report facilitates the review of an existing Council Policy.

Legislative Compliance

- Income Tax Assessment Act 1997 Division 376 – Gifts or Contributions
- Cultural Bequests Program Guidelines (no 1) 1997
- Cultural Bequests Program (Maximum Approval Amounts) Determination (No 1) 1997
- Australian Government’s Cultural Gifts Program
- *Copyright Act 1968*
- *Copyright Amendment (Moral Rights) Act 2000*

Officer Comments

Officers have undertaken a review of the existing policy and do not recommend any changes at this time.

Analysis of Financial and Budget Implications

The promotion of the Bunbury Regional Art Gallery Trust is likely to encourage gifts, bequests and donations for the purposes of Bunbury Regional Art Galleries Trust which will augment funding provided by Council.

Community Consultation

N/A

Councillor/Officer Consultation

The policy is presented to the Committee for consideration.

Applicant Consultation

N/A

Timeline: Council Decision Implementation

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

Outcome of Meeting 24 April 2024

Following general discussion, the executive recommendation was moved by Councillor Kozisek and seconded by Cr Smith. The presiding member put the motion to the vote and it was CARRIED unanimously.

That the Policy Review and Development Committee recommend that Council note the review of Council Policy BRAG Trust, with no changes recommended.

8.2 Proposed Council Policy: Climate Change

File Ref:	COB/306
Applicant/Proponent:	Internal
Responsible Officer:	Saphron Wheeler, Environmental Sustainability Officer
Responsible Manager:	Aaron Lindsay, Manager Projects & Asset Management
Executive:	Gavin Harris, Director of 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 8.2-A: Revised Council Policy Climate Change

Summary

This report is presented to the Policy Review and Development Committee to facilitate a review of existing Council Policy Climate Change. A copy of the revised policy is attached at Appendix 8.2-A.

Executive Recommendation

That the Policy Review and Development Committee recommend that Council endorse the revised Policy Climate Change as presented at Appendix 8.2-A.

Voting Requirement: Simple Majority

Strategic Relevance

Theme 3	Our Places and Spaces
Goal	A natural and built environment that reflects Bunbury’s core values.
Objective 3.4	Minimised risk of flooding through effective management that has regard to the impacts of climate change.
Objective 3.6	The public health and amenity of the community is protected.
Objective 3.7	Management of significant natural areas which provides for human enjoyment while protecting habitat and environmental values for generations to come.

Background

At the Ordinary Council Meeting held on 1 February 2022, an agenda Item was raised regarding the development of the Council Policy, ‘Climate Change’, refer Council Decision (019/22):

“That Council request the Chief Executive Officer draft a City of Bunbury Council Policy, ‘Climate Change’, which is consistent with the WALGA Policy Statement on Climate Change and present to the Policy Review and Development Committee for endorsement.”

In addition, on 14 December 2021, an agenda item was raised regarding the Sustainability and Climate Change Action Frameworks, refer Council Decision (278/21):

“That Council request the Chief Executive Officer prepare a City of Bunbury Sustainability Strategy for Council consideration, including climate change actions and recommendations based on informed corporate net zero emission target scenarios.”

The Climate Change Council Policy was adopted by Council at its meeting on 17 May 2022 (Council Decision 096/22).

The City of Bunbury Sustainability Strategy was endorsed by Council at its meeting on 5 September 2023 (Council Decision 174/23).

Council Policy Compliance

This report facilitates the review of an existing Council Policy.

Legislative Compliance

The responsibility for Local Governments to mitigate the impacts of climate change is reflected in the *Local Government Act 1995* (WA):

“In carrying out its functions a Local Government is to use its best endeavours to meet the needs of current and future generations through an integration of environmental protection, social advancement and economic prosperity. (Section 1.3(3))”.

Officer Comments

Officers have reviewed the existing council policy and recommend minor amendments to the Policy. The amendments recommended ensure that the policy aligns with the recently adopted City of Bunbury Sustainability Strategy.

A copy of the revised policy with tracked changes is presented at appendix 8.2-A.

Analysis of Financial and Budget Implications

No Financial or budget implications

Community Consultation

N/A

Councillor/Officer Consultation

This matter is now presented to the Policy Review and Development Committee for consideration.

Applicant Consultation

N/A

Timeline: Council Decision Implementation

N/A

Outcome of Meeting 24 April 2024

During discussion it was requested that should the report be endorsed by the committee, that the *Analysis of Financial and Budget Implications* section of the report include additional information prior to being presented to Council, to which the CEO agreed.

The executive recommendation was moved by Councillor Smith and seconded by Cr Kozisek. The presiding member put the motion to the vote and it was CARRIED unanimously.

That the Policy Review and Development Committee recommend that Council endorse the revised Policy Climate Change as presented at Appendix 8.2-A.

8.3 Review of Council Policy: Corporate Revenue Debt Collection

File Ref:	COB/4469
Applicant/Proponent:	Internal
Responsible Officer:	David Ransom, Manager Finance
Responsible Manager:	David Ransom, Manager Finance
Executive:	Karin Strachan, Director Corporate and Community
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: Revised Corporate Revenue Debt Collection Council Policy

Summary

This report is presented to the Policy Review and Development Committee (PRDC) to facilitate a review of current Corporate Revenue Debt Collection Council Policy. The policy was last reviewed in May 2022 and is now due for review.

Executive Recommendation

That the Policy Review and Development Committee recommend that Council endorse the revised Council Policy Corporate Revenue Debt Collection as presented at appendix 8.3-A.

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 only applies within the City of Bunbury.

Background

This Policy was last reviewed by Council in May 2022 and is now presented to Council by the PRDC for its biennial review.

Council Policy Compliance

This report facilitates the review of an existing Council Policy.

Legislative Compliance

The *Local Government (Financial Management) Regulations 1996* apply.

Officer Comments

Officers have reviewed the current policy and suggest minor changes to enhance clarity within the policy. A copy of the revised policy with tracked changes is attached at appendix 8.3-A.

Analysis of Financial and Budget Implications

Nil

Community Consultation

Nil

Councillor/Officer Consultation

This matter is presented to the Policy Review and Development Committee for consideration.

Applicant Consultation

Not applicable.

Timeline: Council Decision Implementation

Following Council endorsement, any revisions to the policy will become effective immediately.

Outcome of Meeting 24 April 2024

Following general discussion, a procedural motion to defer this item to the next meeting of the Policy Review and Development Committee was moved by Cr Ghasseb and seconded by Cr Kozisek. The presiding member put the motion to the vote and it was CARRIED. Councillor Steele voted against the motion.

That item 8.3 *Review of Council Policy: Corporate Revenue Debt Collection* be deferred until the Policy Review and Development Committee meeting to be held 19 June 2024.

Council Policy Compliance

This report facilitates the review of an existing Council Policy.

Legislative Compliance

Section 2.7(2) of the *Local Government Act 1995* applies.

2.7 Role of Council.

...

- (2) *Without limiting subsection (1), the council is to –*
- (a) oversee the allocation of the local government’s finances and resources;*
 - and*
 - b) determine the local government policies.*

Officer Comments

Officers have undertaken a review of Council’s current Privacy Policy and suggest that the content still meets best practice in this regard. Accordingly, no changes are recommended.

Analysis of Financial and Budget Implications

Any payments approved under the terms of this policy are made from the specific reserve account for that purpose.

Community Consultation

Nil

Councillor/Officer Consultation

This matter is brought to the Policy Review and Development Committee for consideration.

Applicant Consultation

Not applicable.

Timeline: Council Decision Implementation

Following Council endorsement, any revisions to the policy will become effective immediately.

Outcome of Meeting 24 April 2024

Following general discussion, the executive recommendation was moved by Councillor Kozisek and seconded by Cr Ghasseb. The presiding member put the motion to the vote and it was CARRIED unanimously.

That the Policy Review and Development Committee recommend that Council note the review of Council Policy Disaster Relief Reserve Fund, with no changes recommended.

8.5 Review of Council Policy: Recreation Facilities

File Ref:	COB/306
Applicant/Proponent:	Internal
Responsible Officer:	Gary Thompson, A/Manager Sport and Recreation
Responsible Manager:	Gary Thompson, A/Manager Sport and Recreation
Executive:	Sarah Upton, A/Director Sustainable Development
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 8.5-A: Revised Council Policy Recreation Facilities

Summary

The Recreation Facilities Council Policy is due for review by Council in line with specified time frames with only minor changes recommended.

Executive Recommendation

That the Policy Review and Development Committee recommend that that Council adopt the revised Recreation Facilities Council Policy as attached at Appendix 8.5-A

Voting Requirement: Simple Majority

Strategic Relevance

Pillar	People
Aspiration	A safe, healthy and connected community
Outcome	A healthy and active community
Objective	Encourage participation in sport, recreation and leisure activities

Regional Impact Statement

The City needs to ensure renewing, upgrading or providing new recreational facilities and grounds is done with an awareness of neighbouring local government localities to ensure that duplication or dilution of facilities does not occur. Consultation with the Department of Local Government, Sporting and Cultural Industries is paramount to get the regional perspective on areas of priority.

Background

The Recreation Facilities Council Policy is reviewed every two years to reflect any updates and amendments to ensure it is relevant in providing appropriate management, maintenance and renewal/upgrade of the City of Bunbury sporting facilities and grounds.

The policy was last reviewed in May 2022.

Council Policy Compliance

Recreation Facilities Council Policy

Legislative Compliance

There is no advertising period required for this item as once a Council has initially endorsed a Recreation Facilities Council Policy (where advertising is required), further amendments can be made at any time without an advertising or notification period.

Officer Comments

Officers have reviewed the policy and suggest minor changes to ensure the policy refers to current City of Bunbury organisational documents.

A copy of the revised changes with tracked changes is attached at appendix 8.5-A.

Analysis of Financial and Budget Implications

Nil

Community Consultation

Nil – not required.

Elected Member/Officer Consultation

Officers have reviewed this policy which is now presented to Council by the Policy Review and Development Committee for consideration.

Applicant Consultation

Not applicable – statutory update

Timeline: Council Decision Implementation

Immediate once Council have endorsed the recommendation.

Outcome of Meeting 24 April 2024

Following general discussion, the executive recommendation was moved by Councillor Ghasseb and seconded by Cr Kozisek. The presiding member put the motion to the vote and it was CARRIED unanimously.

That the Policy Review and Development Committee recommend that that Council adopt the revised Recreation Facilities Council Policy as attached at Appendix 8.5-A

8.6 Review of Council Policy: Legal Representation for Elected Members and Employees

The CEO, in consultation with the presiding member, advised that item *8.6 Review of Council Policy: Legal Representation for Elected Members and Employees* was withdrawn from the agenda and would not be considered at the meeting.

8.7 Review of Council Policy: Elected Member Entitlements

File Ref:	COB/6306
Applicant/Proponent:	Internal
Responsible Officer:	Greg Golinski, Manager Governance
Responsible Manager:	Greg Golinski, Manager Governance
Executive:	Karin Strachan, Director Corporate and Community
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 8.7-A: Revised Council Policy Elected Member Entitlements

Summary

The purpose of this report is to facilitate a review of existing Council's existing policy relating to Council Member entitlements. The policy was last reviewed in December 2022 however it was informally requested at the last meeting of the Policy Review and Development Committee (PRDC) that it be put to the next meeting of the PRDC for review.

Executive Recommendation

That the Committee that Council adopt the revised Council Policy: Elected Member Entitlements as presented at Appendix 8.7-A.

Voting Requirement: Simple Majority Vote

Strategic Relevance

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

Regional Impact Statement

This policy only applies within the City of Bunbury.

Background

The policy was last reviewed in December 2022 however it was informally requested at the last meeting of the PRDC that it be put to the next meeting of the committee for review.

Council Policy Compliance

This report facilitates the review of an existing Council Policy.

Legislative Compliance

Local Government Act 1995

Officer Comments

Officers have taken this opportunity to suggest some minor referencing amendments within Annexure 4 of the policy, having updated the references which previously read “*Local Government Officers’ (WA) Interim Award 2011*” to “*Local Government Officers’ (Western Australia) Award 2021*”. The figures within the annexure are unchanged.

Further, it is understood that the premise of having the Policy return to the PRDC for consideration “out of session” was to discuss particulars around the ICT expenses allowances, and more specifically the provision of devices to Elected Members by the City.

It must be noted that the current policy provisions align perfectly with legislative requirements in terms of how the ICT allowance is intended to be applied in lieu of reimbursements for the same.

The *Local Government Act 1995* provides parameters for Elected Member sitting fees and allowances. Further, the SAT determines the levels of sitting fees and allowances payable, with paragraph 22 (Conclusions) of the most recent determination into Local Government CEOs and Elected Members is relevant in this context (emphasis added in bold):

22. *If an annual ICT allowance is preferred over reimbursement of costs, councils must calculate, with consideration to their internal policies and procedures, including asset management, an amount within the ICT allowance range (currently \$500 - \$3,500) that considers the total cost of ICT and ensures payment will not result in a windfall gain for council members. **It is not intended for the maximum ICT allowance to be paid in addition to providing equipment and hardware.***

As such, no changes to this process are recommended. Should the committee wish to explore other options whereby devices (ie laptops) are provided by the City in lieu of the full ICT expenses allowance, then it is suggested that such a conversation be held at a strategic workshop where Officers could provide details of the cost implications of the various options.

Analysis of Financial and Budget Implications

Nil

Community Consultation

Nil

Councillor/Officer Consultation

This matter is to the Policy Review and Development Committee for consideration.

Applicant Consultation

Not applicable.

Timeline: Council Decision Implementation

Immediately following Council decision.

Outcome of Meeting 24 April 2024

Following general discussion, a procedural motion to defer this item to the next meeting of the Policy Review and Development Committee was moved by Cr Steele and seconded by Cr Kozisek. The presiding member put the motion to the vote and it was CARRIED. Councillor Ghasseb voted against the motion.

That item *8.7 Review of Council Policy: Elected Member Entitlements* be deferred until the Policy Review and Development Committee meeting to be held 19 June 2024.

8.8 Review of Council Policy: Private use of Mayoral Vehicle

File Ref:	COB/6306
Applicant/Proponent:	Internal
Responsible Officer:	Greg Golinski, Manager Governance
Responsible Manager:	Greg Golinski, Manager Governance
Executive:	Karin Strachan, Director Corporate and Community
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 8.8: Council Policy Private Use of Mayoral Vehicle

Summary

This report is presented to the Policy Review and Development Committee (PRDC) to facilitate a review of current Council Policy Private Use of Mayoral Vehicle. The policy was last reviewed in May 2022 and is now due for its biennial review.

Executive Recommendation

That the Committee notes the review of Council Policy Private Use of Mayoral Vehicle, with no changes recommended.

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 and accountable leadership and governance.

Regional Impact Statement

This policy only applies within the City of Bunbury.

Background

Although the *Local Government Act 1995* (the Act) does not expressly provide for the provision of motor vehicles to Elected Members, the Department of Local Government, Sport and Cultural Industries (the Department) considers that there is scope in section 5.98 of the Act to allow the Mayor to be provided with the use of a motor vehicle for the purpose of carrying out his or her official functions and duties.

The Act is however silent in relation to the use of the vehicle for private purposes. The Department advises that private use is clearly considered as a personal benefit over and above the normal entitlements of fees, expenses and allowances that are provided to elected members under the Act. Accordingly, private use does not fall within the scope of an elected member performing their functions and duties under the Act.

To assist in clarifying the provision of a vehicle for official purposes and the payment of expenses, the Department has previously introduced section 5.101A as a new section of the Act to allow for regulations to be made about the method of payment of an expense for which a person may be reimbursed. A motor vehicle is now prescribed in the *Local Government (Administration) Regulations 1996* (the Regulations) as one of those methods of payment of an expense for which a person may be reimbursed.

The Regulations also require that the Council Member to which a vehicle is provided must sign an agreement setting out the responsibilities of the Council Member in relation to the use of that vehicle.

Cognisant of the earlier change to the legislation, the Department suggested that local governments adopt a policy in relation to Mayoral vehicle use. Council has previously adopted a policy in this regard (Appendix 8.8), which is consistent with guidelines provided by the Department for this purpose.

Furthermore, an agreement is currently in place between the Mayor and the City which formalises acceptance of the terms and conditions of the policy, noting that the Mayor currently chooses not to utilise a vehicle under the terms of this policy.

Council Policy Compliance

This report facilitates the review of an existing Council Policy.

Legislative Compliance

Section 5.101A of the *Local Government Act 1995* and regulation 34AD of the *Local Government (Administration) Regulations 1996* apply.

5.101A. Regulations about payment of expenses

Regulations may be made about the method of payment of an expense for which a person can be reimbursed.

34AD. Method of payment of expenses for which person can be reimbursed (Act s. 5.101A)

- (1) *The provision of a vehicle owned by a local government —*
- (a) *to a council member who is a mayor or president of the local government; or*
 - (b) *to a council member who is not a mayor or president of the local government if —*
 - (i) *no reasonable alternative method of travel is available to the council member; and*
 - (ii) *the CEO, mayor or president of the local government has given prior written approval for the provision of the vehicle,*
- is prescribed under section 5.101A as a method of payment of expenses for which a council member can be reimbursed.*

- (2) *Before a vehicle owned by a local government is provided to a council member the local government and the council member must sign an agreement setting out the responsibilities of the council member in relation to the use of the vehicle.*

Officer Comments

Officers have reviewed the current policy and recommend no changes, as the policy still reflects best practice in this regard.

Analysis of Financial and Budget Implications

Nil as the policy is currently in place.

Community Consultation

Nil

Councillor/Officer Consultation

This matter is brought to the Policy Review and Development Committee for consideration.

Applicant Consultation

Not applicable.

Timeline: Council Decision Implementation

Following Council endorsement, any revisions to the policy will become effective immediately.

Outcome of Meeting 24 April 2024

Following general discussion, the executive recommendation was moved by Councillor Kozisek and seconded by Cr Ghasseb. The presiding member put the motion to the vote and it was CARRIED unanimously.

That the Policy Review and Development Committee recommend that Council notes the review of Council Policy Private Use of Mayoral Vehicle, with no changes recommended.

New legislation is set to be introduced through the WA Parliament by 30 June 2024 outlining responsibilities for government agencies in relation to privacy and responsible information sharing. This legislation is set to take effect from 1 July 2025 at this stage.

Once legislated, the WA Government will be producing guidelines as to the practicalities of implementing the new legislation, at which point it is suggested that a thorough review of the City's responsibilities in this regard will need to take place.

Council Policy Compliance

This report facilitates the review of an existing Council Policy.

Legislative Compliance

As detailed above, new legislation will soon be enacted which will govern privacy and responsible information sharing.

Officer Comments

Notwithstanding the pending legislative changes, Officers have undertaken a desktop review of the current Privacy Policy and for the interim have suggested some very minor changes as detailed at Appendix 8.9-A.

Analysis of Financial and Budget Implications

Nil

Community Consultation

Nil

Councillor/Officer Consultation

This matter is to the Policy Review and Development Committee for consideration.

Applicant Consultation

Not applicable.

Timeline: Council Decision Implementation

Immediately following Council decision.

Outcome of Meeting 24 April 2024

Following general discussion, the executive recommendation was moved by Councillor Steele and seconded by Cr Kozisek. The presiding member put the motion to the vote and it was CARRIED unanimously.

That the Committee recommend that Council:

- 1. Adopt the revised Privacy policy as presented at Appendix 8.9-A; and***
- 2. Note that an extensive review of the Policy will be undertaken following the implementation of new privacy legislation scheduled for 30 June 2024, that will be effective from 1 July 2025.***

8.10 Revocation of Council Policy: Shark Hazard Management

File Ref:	COB/
Applicant/Proponent:	Internal
Responsible Officer:	Mark Allies, Team Leader Rangers & Emergency Management
Responsible Manager:	Sarah Upton, Manager Community Wellbeing
Executive:	David Russell, A/ Director Sustainable Development
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 8.10-A Shark Hazard Management Council Policy Appendix 8.10-B Draft Shark Hazard Management Policy

Summary

The Shark Hazard Management Council Policy (attached at appendix 8.10-A) is due for review.

The process for managing beach closures is based on best practice which is provided by Surf Life Saving WA (SLSWA), Water Police and Shark Smart (a dedicated division of Department of Primary Industries & Regional Development (DPIRD)). DPIRD are also the owners of the WA Shark Mitigation Strategy and manage the alerts and notifications for shark sightings. DPIRD are also the owners of the Beach Emergency Numbers (BEN) program that manages the signs designed for emergency response and beach closures.

The City of Bunbury cannot reasonably maintain a two (2) year Policy where the content is owned by State Government and WA Police. A Management Policy would allow for more frequent reviews as required and provide guidance for internal policy users only. A Council Policy would make that Policy applicable to community members also and we would risk contradictions with State Government recommendations.

Executive Recommendation

That Council:

1. Revoke the existing Shark Hazard Management Council Policy
2. Request the CEO implement a new Management Policy as attached at appendix 8.10-B.

Voting Requirement: Absolute Majority

Strategic Relevance

Pillar	Planet
Aspiration	A healthy and sustainable ecosystem.
Outcome No. 1	An aware and resilient community equipped to respond to natural disasters and emergencies.
Objective No. 1.1	Improve community readiness and resilience when preparing for and responding to natural disasters.

Regional Impact Statement

The implementation of Management Policy will allow greater procedural flexibility to ensure the City of Bunbury is adapting to current Shark Hazard Management processes that is consistent with State Government and WA Police messaging and response.

Background

The City originally adopted a Shark Hazard Management Policy (Res 227/15) on 7 July 2015 in response to the number of Shark Sightings at the time. State Government has developed numerous strategies and systems to manage this threat since that time and now offer guidance, resources and response to all Western Australian community members rendering the City Policy obsolete.

Council Policy Compliance

The City's Governance Framework makes provision for the establishment of Working/Advisory Groups as a mechanism for facilitating and improving broader participation in the City's decision-making process.

Legislative Compliance

The Local Government Act 1995 s1.9 refers to all decisions by Absolute Majority.
The footnote Absolute majority required, applying to a power conferred in this Act, means that —
(a) if the power is conferred on a local government, it can only be exercised by or in accordance with, a decision of an absolute majority of the Council;

Officer Comments

A flexible Management Policy will allow City of Bunbury Authorised Officers to consistently respond to Shark Sightings in a manner consistent with experts and state guidance. A proposed management policy is attached at appendix 8.10-B.

Analysis of Financial and Budget Implications

Nil Implications to Budget.

Community Consultation

Not applicable as messaging and management of this issue is managed by DPIRD.

Councillor/Officer Consultation

This process was discussed with Manager Community Wellbeing and Manager Governance, and it was determined a Management Policy was the appropriate way to manage improvement to the Policy.

Applicant Consultation

This process was discussed with Manager Community Wellbeing and Manager Governance and updated information available on DPIRD and Shark Smart websites.

Outcome of Meeting 24 April 2024

Following general discussion, the executive recommendation was moved by Councillor Steele and seconded by Cr Kozisek. The presiding member put the motion to the vote and it was CARRIED unanimously.

That the Committee recommend that Council:

- 1. Revoke the existing Shark Hazard Management Council Policy***
- 2. Request the CEO implement a new Management Policy as attached at appendix 8.10-B.***

8.11 Statutory Annual Review of Delegations – 2023/24

File Ref:	COB/6494
Applicant/Proponent:	Internal
Responsible Officer:	Maureen Keegan, Senior Governance Officer
Responsible Manager:	Greg Golinski, Manager Governance
Executive:	Karin Strachan, Director Corporate and Community
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 8.11-A: Current City of Bunbury Delegation Register where Council is the delegator

Summary

The purpose of this report is for the Committee to receive the annual review of delegations made under the *Local Government Act 1995*, *Building Act 2011*, *Bush Fires Act 1954*, *Cat Act 2011*, *Dog Act 1976*, *Food Act 2008*, *Graffiti Vandalism Act 2016*, *Health (Miscellaneous Provisions) Act 1911*, *Planning and Development Act 2005*, *Public Health Act 2016*, *Health (Asbestos) Regulations 1992* and the *Planning and Development (Local Planning Schemes) Regulations 2015*.

It is important to note that although Council is required to review its register of delegations to the CEO annually, individual delegations can be considered/amended on a standalone basis at any time.

Executive Recommendation

That the Policy Review and Development Committee recommend that Council:

1. Receives this report as the review of the delegations for the 2023/24 financial year pursuant to section 5.46(2) of the *Local Government Act 1995*, section 47(2) of the *Cat Act 2011*, and section 10AB (2) of the *Dog Act 1976*.

Voting Requirements: Absolute Majority Required

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

Not applicable to this report.

Background

The *Local Government Act 1995*, *Cat Act 2012* and *Dog Act 1976* require delegations to be reviewed by the Delegator at least once each financial year. This standard is applied to all delegations regardless of the Head of Power. Council last reviewed its delegations in its entirety

on 27 June 2023. Therefore, this review is being conducted to ensure Council is compliant with the requirements of the applicable legislation. A copy of the Register, including any amendments made by Council since the last annual review is attached at Appendix 8.10-A. This Register includes all delegated authority where the delegator is Council.

Council Policy Compliance

The City's Management Policy Legislative Compliance applies.

Legislative Compliance

The following sections of legislation apply when delegating powers or duties to the Chief Executive Officer:

- section 5.42(1) of the *Local Government Act 1995*;
- section 45 of the *Cat Act 2011*;
- section 10AA of the *Dog Act 1976*;
- section 16 of the *Graffiti Vandalism Act 2016*;
- section 127 (1) and (3) of the *Building Act 2011*;
- section 48 and 59(3) of the *Bush Fires Act 1954*;
- section 118 of the *Food Act 2008*;
- section 26 of the *Health (Miscellaneous Provisions) Act 1911*;
- schedule 2, Clause 82 of the *Planning and Development (Local Planning Schemes) Regulations 2015*;
- section 21 of the *Public Health Act 2016*; and
- regulation 15D(7) of the *Health (Asbestos Regulations 1992)*

Officer Comments

As part of the review the City's operational requirements, the volume of decisions under each statutory power or duty and the conditions and limitations integrated to mitigate risks and sensitivities of the decisions have been considered.

There have been no amendments to the delegations during the 2023/24 financial year.

Analysis of Financial and Budget Implications

Nil

Community Consultation

Nil

Elected Member/Officer Consultation

The CEO and Executives have been consulted in the review of the City's delegations and the matter is now presented to the Policy Review and Development Committee for consideration.

Applicant Consultation

Not applicable.

Timeline: Council Decision Implementation

Any amendments to delegations and the Purchasing Council Policy apply immediately following Council resolving as such.

Outcome of Meeting 24 April 2024

Following general discussion, the executive recommendation was moved by Councillor Steele and seconded by Cr Smith. The presiding member put the motion to the vote and it was CARRIED unanimously.

That the Policy Review and Development Committee recommend that Council:

- 1. Receives this report as the review of the delegations for the 2023/24 financial year pursuant to section 5.46(2) of the Local Government Act 1995, section 47(2) of the Cat Act 2011, and section 10AB (2) of the Dog Act 1976.***

9. Questions from Members

9.1 Response to Previous Questions from Members taken on Notice

Nil

9.2 Questions from Members

Cr Steele asked if officers could investigate a new Council Member Social Media Policy. The A/Director Corporate and Community advised that officers will investigate to see if there are any other Councils which have specific policies in this regard.

10. Urgent Business

Nil

11. Date of Next Meeting

The next PRDC meeting is scheduled for Wednesday, 19 June 2024.

12. Close of Meeting

The Presiding Member closed the meeting at 11:01am.