



## Policy Review and Development Committee

### Notice of Meeting and Agenda 18 June 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.*

**City of Bunbury**  
4 Stephen Street  
Bunbury WA 6230  
Western Australia  
*Correspondence to:*  
Post Office Box 21  
Bunbury WA 6231

## Policy Review and Development Committee Notice of Meeting

Dear Committee Members

An ordinary meeting of the Policy Review and Development Committee will be held in the Ocean Room, 2-4 Stephen Street, Bunbury on 18 June 2024 at 11.00am.

Signed:

**Alan Ferris**  
Chief Executive Officer

### Agenda 18 June 2024

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.

#### *Committee Members:*

Member Name	Representing
Cr Gabi Ghasseb	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
Mrs Karin Strachan	Director Corporate and Community

#### *Support Staff:*

Name	Title
Mr Greg Golinski	Manager Governance and Integrated Planning
Mr Liam Murphy	Governance Officer
Mrs Maureen Keegan	Senior Governance Officer

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## 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

<b>WE ARE COMMUNITY</b>	<ul style="list-style-type: none"><li>We are one team</li><li>We keep each other safe</li><li>We display empathy and respect</li><li>We have fun and celebrate our successes</li><li>We work together to achieve great outcomes</li></ul>
<b>WE ARE OPEN</b>	<ul style="list-style-type: none"><li>We are open to opportunities</li><li>We actively listen and think things through</li><li>We are inclusive and treat everyone equally</li><li>We are honest and open in our communications</li><li>We are open to feedback to improve our performance</li></ul>
<b>WE ARE BRAVE</b>	<ul style="list-style-type: none"><li>We lead the change, we own it</li><li>We trust and empower each other</li><li>We have the difficult conversations early</li><li>We hold ourselves to the highest standard</li><li>We have the courage to improve and simplify</li></ul>

## 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**

**2. Disclaimer**

Not applicable to this committee.

**3. Announcements from the Presiding Member**

**4. Attendances**

**4.1 Apologies**

**4.2 Approved Leave of Absence**

**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 <u>before</u> 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.
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**6. Confirmation of Minutes**

Committee Decision:                      Moved \_\_\_\_\_                      Seconded \_\_\_\_\_

The minutes of the Policy Review and Development Committee Meeting held on 24 April 2024 are confirmed as a true and accurate record.

CARRIED/LOST

**7. Method of Dealing with Agenda Business**

## 8. Reports

### 8.1 Review of Council Policy: Corporate Revenue Debt Collection

<b>File Ref:</b>	COB/4469
<b>Applicant/Proponent:</b>	Internal
<b>Responsible Officer:</b>	David Ransom, Manager Finance
<b>Responsible Manager:</b>	David Ransom, Manager Finance
<b>Executive:</b>	Karin Strachan, Director Corporate and Community
<b>Authority/Discretion</b>	<input type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Executive/Strategic <input type="checkbox"/> Information Purposes <input type="checkbox"/> Legislative
<b>Attachments:</b>	Appendix 8.1-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.

The policy was presented to the committee for review at the 24 April 2024 committee meeting where the committee resolved to defer the matter to this meeting.

#### 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 8.1-A.

*Voting Requirement: Simple Majority*

#### Strategic Relevance

Pillar	Performance
Aspiration	Leading with purpose and robust governance
Outcome 13	A leading local government
Objective 13.3	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.

The policy was presented to the committee for review at the 24 April 2024 committee meeting where the committee resolved to defer the matter to this meeting.

### **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 changes to enhance clarity and consistency within the policy, and to reflect best practices. A copy of the revised policy with tracked changes is attached at appendix 8.1-A.

A notable change under point 4 of the policy procedure is the change from the Council's debt collection agency being requested to issue a general procedure claim instead of a minor case claim. The standard practice of the City's legal representation is to issue a General Procedure Claim and has provided the following comparison to support this practice:

#### Minor Case Claims:

- These are informal & less complex proceedings for Claims up to \$10,000.
- Unless agreed by the parties, legal representation is not permitted and for this reason we nominate to lodge General Procedure Claims.

#### General Procedure Claims:

- Legal representation is allowed for general procedure claims as it is a more formal process.
- GPCs can be commenced for Claims up to \$75,000.
- Claimants *may* have to pay for their own costs for GPCs with claims under \$10,000, however, Local Governments can claim all their reasonable costs under s6.56 of the *Local Government Act* which allows us to include/recover reasonable costs regardless of the Claim amount.

### **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.

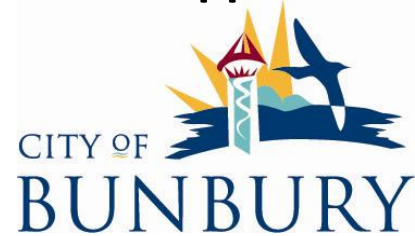
### **Applicant Consultation**

Not applicable.



**Timeline: Council Decision Implementation**

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



## CORPORATE REVENUE DEBT COLLECTION COUNCIL POLICY

### POLICY STATEMENT

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The City of Bunbury will actively pursue all outstanding rates and sundry debtors. All outstanding rates and sundry debtors will be collected in accordance with the *Local Government Act 1995* and associated regulations.

### POLICY SCOPE

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This policy applies to Ratepayers and debtors of the City of Bunbury.

### POLICY DETAILS

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This policy will be applied to all:

- Ratepayers with balances outstanding 14 days after the due date of rates (excluding pensioners and ratepayers that have elected the Instalment option).
- Sundry debtors with balances outstanding greater than 7 days.

### POLICY PROCEDURE

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The following steps will be taken to recover outstanding rate debt:

1. A Final Notice will be issued to all ratepayers with an outstanding balance fourteen (14) days after the due date (excluding ratepayers that have elected the Instalment option). Final Notice recipients will have fourteen (14) days in which to respond.
2. A Notice of Intention to Summons will be issued by the City to any Final Notice recipient that has not responded within the fourteen (14) day period. Recipients of the Notice of Intention to Summons will have fourteen (14) days in which to respond.
3. At the conclusion of the Notice of Intention to Summon due date, and if the debtor has not entered into an arrangement to pay or made satisfactory efforts to clear the debt the account will be forwarded to a Debt Collection Agency for action.

*Before proceeding to this step, the following checks will be undertaken:*

- Ownership of the property confirmed through a Title Search;
- Postal address cross referenced with Aqwest or Water Corporation;
- Search of White Pages for a contact number
- Other means deemed appropriate by Management

4. Council's Debt Collection Agency will be requested to issue ~~Minor Case Claim~~General Procedure Claim. During this period, the Bailiff will attempt to deliver the Claim to the ratepayer. The Ratepayer has a further fourteen (14) days to respond to the Claim.
5. The lodgement of a Claim will immediately affect the Ratepayers credit rating by recording the default payment. Legal costs will also be incurred at this time in which the costs will be charged to the property owner's assessment.
6. If the ratepayers fail to acknowledge the service of the Claim, the Debt Collection Agency will be requested to apply for default Judgement.
7. Once Judgment has been entered, the Ratepayer will be issued with a Means Enquiry Summons or Property Sale and Seizure Order, which will be determined on a case by case basis, ~~which will force the Ratepayer to attend a Court and the Court will determine the Ratepayer's means to pay off the debt.~~

Once the debt is settled by either full payment or by entering into a payment arrangement all action will be ceased immediately.

## POLICY PROCESS

### (a) *Credit File Letter*

If a Ratepayer is referred to Council's Debt Collection Agency and full payment of the outstanding debt is received, the City of Bunbury will issue a Credit File letter to the Ratepayer and Equifax advising that the claim has been satisfied by full payment of the outstanding amount. This will be recorded against the Ratepayer's credit rating.

### (b) *Notice of Discontinuance*

The City of Bunbury will not issue a Notice of Discontinuance unless a Claim was issued incorrectly against the Ratepayer.

### (c) *Direct Debit*

1. An application for an alternative arrangement other than Option 1 (full payment) or Option 2 (4 instalments) must be entered into via a Direct Debit Request.
2. Payments are to be made on a regular weekly, fortnightly or monthly basis and are to be completed by the due date of the fourth Instalment, as set by Council.
3. An administration fee, as per City of Bunbury adopted Fees and Charges schedule will be debited to the assessment upon acceptance of the Direct Debit Request (eligible Pensioners excluded from this Fee).

### (d) *Default Direct Debit*

The following process will apply for default direct debit payments.

1. Telephone or SMS contact will be made with the Ratepayer advising of the default payment and requesting that they make payment of the default amount via alternative means.
2. If the direct debit defaults twice, a Default Direct Debit letter is issued, requesting full payment of the defaulted amount, and advising the Ratepayer that if the dishonored amount is not paid with fourteen (14) days of issue of the letter the direct debit will be cancelled.

3. If payment is not received within ~~seven~~fourteen (14) days of issue of the Default Direct Debit a Cancellation of Direct Debit letter is issued and Debt Recovery Procedure will commence.

(e) *Centrepay*

Eligible ratepayers may elect to have regular deductions taken from their Centrelink payments to pay off outstanding rates and charges.

(f) *Instalments*

1. Ratepayers may elect to pay rates in four equal instalments as detailed on the Original Rate Notice.
2. Where payment of rates on the four instalment option become two instalments in arrears fourteen (14) days after the due date of the third instalment a Final Notice will be issued requesting full payment within fourteen (14) days.
3. If an instalment remains unpaid after the issue of a Final Notice, the City of Bunbury will revoke the Ratepayers right to pay by instalments and issue a letter to the Ratepayer advising of the action.
4. If no contact is made from the Ratepayer after the issue of the letter Debt Recovery will commence.

(g) *Other Courses of Action that may be taken*

Prior approval from Manager or Council is required before proceeding with any of the following actions:

1. If the property is a rental, Section 6.60 Local Government Act – provides that the Council may divert rental payments due to the lessor to the City for payment of outstanding rates.
2. Lodge a caveat on the property so that the property cannot be settled until the debt is paid in full.
- ~~3. Issue a General Procedure Claim that may result in taking possession of the land under Section 6.64 of the Local Government Act 1995 after three years of non-payment.~~
- 4.3. Issue a Property (Seizure and Sale) Order that will authorise a bailiff to seize and sell as much of the ratepayers real or personal property as necessary to satisfy the judgement debt.
- 5.4. If Applicable issue correspondence to the financial institution if there is a mortgage against the property advising of rates outstanding and that the matter be discussed with their client.

(h) *Pensioners and Seniors*

1. Debt Collection will not proceed against eligible persons registered to receive pensioner or senior rebate under the Rates and Charges (Rebates and Deferments) Act 1992 as such persons have until the 30 June in the rating year to make payment.
2. Eligible persons will not incur any interest penalty.
3. Eligible persons will be ~~contacted sent a First Reminder letter in~~ April every year advising that they are required to make full payment by 30 June in order to receive the State Government Rebate.
- ~~4. A follow up letter will be sent to all eligible persons during May every year.~~

- 5.4. Pensioners with arrears (i.e. refuse charges) and who are ineligible to defer payment of rates will be contacted by the City of Bunbury to discuss an alternative payment arrangement.

#### SUNDRY DEBTORS:

1. All City of Bunbury Sundry Debtor accounts are seven (7) day accounts.
2. Accounts unpaid after the due date will be issued with a Reminder Letter requesting payment within seven (7) days from date of letter.
3. A courtesy phone call and/or email will be made to ensure debtor has received all outstanding invoices/correspondence and requesting a timeframe for outstanding payment.
4. A Final Demand letter will be issued for all outstanding debtors 30+ days overdue requesting immediate payment. An additional phone call will be made at this stage to attempt to contact and arrange payment with debtor.
5. Unless a payment arrangement has been agreed to all accounts overdue at 45 days will be referred to Council's Debt Collection Agency for immediate action.

## COMPLIANCE REQUIREMENTS

### LEGISLATION

- *Local Government Act 1995*
- *Local Government (Financial Management) Regulations 1996*
- *Rates and Charges (Rebates and Deferments) Act 1992*

### INDUSTRY

### ORGANISATIONAL

Document Control					
<b>Document Responsibilities:</b>					
<b>Owner:</b>	Chief Executive Officer	<b>Owner Business Unit:</b>	Manager Finance		
<b>Reviewer:</b>	Manager Finance	<b>Decision Maker:</b>	Council		
<b>Document Management:</b>					
<b>Adoption Details</b>	Res 107/13 16 April 2013	<b>Review Frequency:</b>	biennial	<b>Next Due:</b>	2024
<b>Review Version</b>	<b>Decision Reference:</b>	<b>Synopsis:</b>			
DOC/455624[V3.2]	Council Decision 092/22 17 May 2022	Reviewed with no changes			
DOC/455624[v3.1]	Council Decision 049/20 17 March 2020	Consolidate policies and corporate guidelines in accordance with revised Policy Framework			
DOC/455624[v2]	Council Decision 006/20 21 January 2020	Reviewed with no changes			
<a href="#">CP-018816</a>	Res 7/18 23 January 2018	Reviewed and Amended			
	Res 323/15 15/09/2015	Reviewed and Amended			
<b>Date Printed</b>	<a href="#">12/04/2024</a>				

## 8.2 Review of Council Policy: Elected Member Entitlements

<b>File Ref:</b>	COB/6306
<b>Applicant/Proponent:</b>	Internal
<b>Responsible Officer:</b>	Liam Murphy, Governance Officer
<b>Responsible Manager:</b>	Greg Golinski, Manager Governance and Integrated Planning
<b>Executive:</b>	Karin Strachan, Director Corporate and Community
<b>Authority/Discretion</b>	<input type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Executive/Strategic <input type="checkbox"/> Information Purposes <input type="checkbox"/> Legislative
<b>Attachments:</b>	Appendix 8.2-A: Revised Council Policy Elected Member Entitlements

### Summary

The purpose of this report is to facilitate a review of the Council Member Entitlements Policy. The policy was last reviewed in December 2022 however it was requested at the 28 February 2024 meeting of the PRDC that it be put to the next meeting of the committee for review. The policy was presented to the committee for review at the 24 April 2024 committee meeting where the committee resolved to defer the matter to this meeting pending further information in relation to the provision of ICT hardware to elected members in the context of the ICT allowance.

### Executive Recommendation

That the Committee recommend that Council adopt the revised Council Policy: Elected Member Entitlements as presented at Appendix 8.2-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 requested at the 28 February 2024 meeting of the PRDC that it be put to the next meeting of the committee for review. The policy was presented to the committee for review at the 24 April 2024 committee meeting where the committee resolved to defer the matter to this meeting pending further information in relation to the provision of ICT hardware to elected members in the context of the ICT allowance.

### Council Policy Compliance

This report facilitates the review of an existing Council Policy.

## Legislative Compliance

*Local Government Act 1995*

*Western Australia Salaries and Allowances Act 1975*

- Local Government Chief Executive Officers and Elected Members Determination No 1 of 2023

## Officer Comments

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:

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.*

For additional clarity, under section 9.2 of the SAT determination, ICT expenses are defined as follows:

1. *rental charges in relation to one telephone and one facsimile machine, as prescribed by regulation 31(1)(a) of the LG Regulations; or*
2. *any other expenses that relate to information and communications technology (for example, telephone call charges and internet service provider fees) and that are a kind of expense prescribed by regulation 32(1) of the LG Regulations; or*
3. *any expenses, including the purchase costs, of ICT hardware provided to elected member*

A comparison with other band 1 local governments was conducted and the results are in the table below.

Whilst the table shows that other Local Governments have policies in place that permit both payment of the maximum allowance and separate provision of a device, the SAT determination is clear that the ICT allowance must comprise all ICT equipment and that a Local Government cannot pay the full ICT allowance and separately provide ICT equipment.

Officers have also sought advice from WALGA who advised that their view is in alignment with City staff, that such policies would be inoperable to the extent of any inconsistency with the SAT determination.

Local Government	ICT Allowance Paid*	Devices Provided	Notes
City of Bunbury	\$3,500	Not within policy	
City of Busselton	\$3,500	Standard Issue telephone + portable device	Can choose to keep device at end of term
City of Mandurah	\$3,500	Standard issue device (no sim card)	Devices returned at end of term
City of Melville	\$3,500	1 laptop, desktop or tablet	Devices may be purchased at end of term
City of Geraldton	\$3,500	1 laptop or tablet	Devices returned at end of term
City of Cockburn	\$3,500	1 mobile computer	
City of Canning	\$3,500	Not within policy	
City of Fremantle	\$3,500	Mayor provided with mobile and computer	Councillors have access to computer in admin centre
City of Swan	\$2,400	Laptop or desktop / Tablet / Smart Phone	Can purchase at end of term for depreciated value
Town of Port Hedland	\$3,500	Standard issue device	
City of Rockingham	\$3,500	1 device (no sim card)	Devices returned at end of term. Also have Policy detailing limits of usage

Whilst no changes to this process are recommended should the committee wish to explore other options whereby devices (i.e 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.

Whilst preparing this report for the Committee, Officers have taken the opportunity to make 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.

#### **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**

Immediately following Council decision.



## ELECTED MEMBER ENTITLEMENTS COUNCIL POLICY

### POLICY STATEMENT

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To outline the support that will be provided to Elected Members through the payment of allowances, reimbursement of expenses incurred, insurance cover and supplies provided in accordance with the *Local Government Act 1995* while performing the official duties of office.

### POLICY SCOPE

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This policy applies to Elected Members.

### POLICY DETAILS

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#### 1. Allowances

##### 1.1 Mayoral Allowance

[Local Government Act 1995 s.5.98(5)]

As a policy position, the Mayor shall be entitled to an annual local government allowance that is the maximum (100%) of the minimum/maximum range as determined annually by the Salaries and Allowances Tribunal. The exact quantum of the Mayoral Allowance is determined annually by Council when adopting the annual budget within the prescribed range.

##### 1.2 Deputy Mayor Allowance

[Local Government Act 1995 s.5.98A]

The Deputy Mayor shall be entitled to an annual local government allowance equivalent to 25% of the Mayoral Allowance.

##### 1.3 Meeting Attendance Allowance

[Local Government Act 1995 s.5.98(1)(b)]

The Mayor and Elected Members shall be entitled to an annual Meeting Attendance Allowance within the applicable band range as determined by the Salaries and Allowances Tribunal.

As a policy position, Councillors shall be entitled to an annual Meeting Attendance Allowance that is the maximum (100%) of the minimum/maximum range as determined annually by the Salaries and Allowances Tribunal.

As a policy position, the Mayor shall be entitled to an annual Meeting Attendance Allowance that is the maximum (100%) of the minimum/maximum range as determined annually by the Salaries and Allowances Tribunal.

The exact quantum of the Meeting Attendance Allowance is determined annually by Council when adopting the annual budget within the prescribed range.

## 1.4 ICT Expenses Allowance

[Local Government Act 1995 s.5.99A and Local Government (Administration) Regulations 1996 Reg.31 and 32]

Elected Members shall be entitled to an annual Information Communication and Technology (ICT) allowance equal to the maximum amount permitted to be paid as determined by the Salaries and Allowances Tribunal to cover all information and communications technology costs that are a kind of expense for which Elected Members may be reimbursed as prescribed by Regulations 31(1)(a) and 32(1) of the *Local Government (Administration) Regulations 1996*.

Consistent with the definition of ICT Expenses by the Salaries and Allowances Tribunal, the ICT allowance is intended to cover costs associated with the provision of:

- Rental charges for one facsimile and one telephone as prescribed by Regulation 31(1)(a) of the *Local Government Administration Regulations 1996*;
- Other expenses that relate to ICT (Regulation 32(1)) including, telephone call charges, cost of rental/purchase of a laptop/tablet/mobile device and associated security licencing, internet service provider charges, any related plans or contracts, plus any consumables.

## 2. Information and Communication Technologies (ICT)

### 2.1 Electronic Device

The City of Bunbury recognises the benefits of digital communications and information sharing. The City's preferred technology for disseminating and managing Council documentation is via an online format. At the request of individual Elected Members, hard copy material can also be made available.

Each Elected Member is responsible for sourcing a suitable device/s as soon as possible following election to Council (see 1.4 ICT Expenses Allowance). In non-election years, the ICT Allowance will be paid in June of that financial year. In an ordinary election year, retiring and newly Elected Members will receive the annual ICT Allowance on a pro-rata basis, which will be paid as soon as practicable following the election to assist newly Elected Members in purchasing hardware. Continuing Elected Members will be paid their allowance in June as in non-election years.

At the Elected Members request, the City can provide advice regarding the various devices available on the market and their compatibility with City systems, including threat and vulnerability scanning.

The City will install requisite any relevant software (including City of Bunbury email) on individual devices at the earliest opportunity post election, which will facilitate Elected Members being able to access relevant information and discharge the duties of an Elected Member of Council. The software and applications installed on the electronic device by the City are required to remain on the device in usable condition and be readily accessible at all times. From time to time the City may contact Elected Members regarding upgrades or additional software applications, and as such Elected Members are requested to provide their device to the City for periodic updates and synchronising.

It is suggested that electronic devices be replaced every 2 years, to enable City systems to advance at the same or a similar rate as technology.

## 2.2 Business Cards

The City will provide each Elected Member with a quantity of 500 printed business cards for relevant City business use within each term of office. The business card format will be in accordance with the City's Style Guide.

## 2.3 Letterhead

An electronic letterhead template will be provided to each Elected Member for relevant City business use within each term of office.

## 3. Reimbursable Expenses

### 3.1 Travel Expenses

[Local Government Act 1995 s.5.98(2)(b) and (3) and Local Government (Administration) Regulations 1996 Reg.31(1)(b) and (c)]

Elected Members shall be entitled to reimbursement of travelling expenses incurred while using their own private motor vehicle in the performance of the official duties of their office, subject to claims being related to travel to a destination from their normal place of residence or work and return in respect to the following:

- a. Council Meetings, Civic functions, Citizenship Ceremonies or briefings called by Council, the Mayor or the Chief Executive Officer.
- b. Committees to which the Councillor is appointed a delegate or deputy by Council.
- c. Meetings, training and functions scheduled by the Chief Executive Officer or Directors.
- d. Conferences, community organisations, industry groups and local government associations to which the Elected Member has been appointed by Council as its delegate or a deputy to the delegate.
- e. Functions and presentations attended in the role as an Elected Member or whilst deputising for the Mayor, that are supported by a copy of the relevant invitation or request for attendance.
- f. Gatherings or events (i.e. funerals, local business or community events), approved by the Chief Executive Officer for attendance by the Mayor or the Mayor's nominated deputy as a representative of the City.
- g. Any other occasion in the performance of an act under the express authority of Council.
- h. Site inspections in connection with matters listed on any Council Agenda paper (Members to state the Item Number listed on any Council Agenda paper along with the date and time of the visit on the claim form).
- i. In response to a request to meet with a ratepayer/elector but excluding the day of Council Elections. (Members to state the time and purpose of the visit and the name and address of the ratepayer/elector on the claim form).
- j. Completing the compulsory training for Council Members pursuant to section 5.126(1) of the *Local Government Act 1995*.

Reimbursement will be in accordance with the requirements outlined in annexure D.

### 3.2 Intrastate or Interstate Travel and Accommodation

[Local Government Act 1995 s.5.98(2)(a) and (3) and Local Government (Administration) Regulations 1996 Reg.32(1)]

- a. The cost of accommodation for Elected Members and staff when staying on Council business either:
  - i. overnight in a hotel or motel; or
  - ii. at a place other than a hotel or motel;
 shall be reimbursed to the maximum amount stated in the Public Service Allowance Schedule I – Travelling, Transfer and Relieving Allowance (shown at Annexure C).
- b. All costs are to be fully substantiated by receipts and invoices; or if staying in accommodation other than a hotel or motel, a signed statutory declaration with certification from the owners of the premises shall be provided.
- c. All costs for breakfast, lunch, dinner and other incidental costs shall be paid in accordance with the rates stated in Annexure C.
- d. In addition to the rates contained in Annexure C, Elected Members and staff members shall be reimbursed reasonable incidental expenses such as train, bus and taxi fares, official telephone calls and IT expenses and laundry and dry cleaning expenses, on production of receipts.
- e. Where an Elected Member or staff member is accompanied at an event, all costs for or incurred by the accompanying person, including, but not limited to, travel, breakfast, lunch and dinner, registration and/or participation in any event programs, are to be borne by the Elected Member or staff member or accompanying person and not by the City. The cost for an accompanying person attending any official event dinner where partners would normally be expected to attend shall be met by the City.
- f. An accompanying person's registration, or accompanying person's program fee, is to be paid to the conference organiser, at the time of registration. The City will administer the registration and payment process for the accompanying person if the relevant forms and payment are made to the City in advance for the accompanying person.
- g. Expenses will generally be reimbursed from the time an Elected Member or staff member leaves home to attend an event to the time the Elected Member or staff member returns home. Should a person extend a visit by leaving prior to the time necessary to arrive for the event or return after the time at which the person could have returned following the event, reimbursements will be paid:
  - i. for the days of the event only (including travel periods); and
  - ii. for the cost of travel to and from the airport to the accommodation to be used for the event.

### 3.3 Child Care Costs

[Local Government Act 1995 s.5.98(2)(a) and (3) and Local Government (Administration) Regulations 1996 Reg.31(1)]

Elected Members shall be entitled to reimbursement of the lesser amount of actual child care costs or the amount prescribed by the Salaries and Allowances Tribunal for care of children, of which they are parent or legal guardian, whilst attending a Council meeting or a meeting of a committee of which he or she is a member, or completing the compulsory training for council members pursuant to section 5.126(1) of the Act.

Any reimbursement of costs under the terms of this Policy shall be made within 30 days of being invoiced for such expenditure.

#### **4. OTHER SUPPORT / SUPPLIES**

##### **4.1 Insurance**

The City will insure or provide insurance cover for Elected Members for:

- a. Personal accident whilst engaged in the performance of the official duties of their office, with the cover being limited to non-Medicare medical expenses as defined within the Insurance Policy.
- b. Spouses/partners of Elected Members are entitled to the same level of cover when attending meetings, conferences or functions with the express approval of the Chief Executive Officer.
- c. Professional indemnity for matters arising out of the performance of the official duties of their office provided the performance or exercise of the official duty is in the opinion of Council, not illegal, dishonest, against the interests of the City or otherwise in bad faith.
- d. Public liability for matters arising out of the performance of the official duties of their office but subject to any limitations set out in the policy of insurance.

##### **4.2 City Vehicle provided to the Mayor**

Private use of the Mayoral Vehicle will be in accordance with the *Council Policy: Private use of Mayor Vehicle*.

##### **4.3 Name badges**

The City will provide each Elected Member with a name badge to be worn at official functions and meetings

##### **4.4 Car Parking**

The City will provide each Elected Member with an annual car parking permit which enables free car parking whilst on Council-related business within the specified areas of the permit.

##### **4.5 Clothing**

The City will provide each Elected Member with an embroidered City of Bunbury blazer upon request. A maximum of two blazers per member per elected term will be made available.

The City will provide each Elected Member with two polo shirts upon request. Options available will be in accordance with the City's nominated colours/style. The City's logo with the word MAYOR or COUNCILLOR underneath the logo will be embroidered on the shirts. A maximum of two polo shirts per member per elected term will be made available.

##### **4.6 General**

The Mayor shall, in carrying out the duties and responsibilities of that Office, be entitled to receive the benefit of the following facilities without the reduction of the fees and allowances approved by Council under Section 5.98, 5.98A, 5.99 and 5.99A of the *Local Government Act 1995*:

1. Access to the Marion Hudson room lounge and refreshments;
2. Suitable contemporary office accommodation within the Administration Building; and
3. Administrative assistance associated with any Council functions, meetings, publications and the like, that relate to the discharge of the duties of the Officer of Mayor.

The Deputy Mayor and Elected Members shall, in carrying out the duties and responsibilities of their Office, be entitled to receive the benefit of the following facilities without the reduction of the fees and allowances under Section 5.98, 5.98A, 5.99 and 5.99A of the *Local Government Act 1995*:

1. Access to the Marion Hudson room lounge and refreshments;
2. Access to suitably equipped shared office accommodation, reading room, meeting and conference rooms within the Administration Building with photocopying, printing, facsimile, internet and telephone facilities via the Executive Assistant to the Mayor; and
3. Some administrative support as resources allow, including limited word processing, photocopying, and postage, that relate to the discharge of the duties of the Officer of Deputy Mayor or Councillor.

All equipment, facilities and support listed above are provided to the Mayor, Deputy Mayor and Councillors on the absolute understanding that they will not be used for any election purposes.

## COMPLIANCE REQUIREMENTS

### LEGISLATION

- [Local Government Act 1995](#)
- [Local Government \(Administration\) Regulations 1996](#)
- [Salaries and Allowances Act 1975](#)
- [Salaries and Allowances Tribunal Determination on Local Government Elected Council Members](#)

### INDUSTRY

### ORGANISATIONAL

- *Council Policy: Private Use of Mayoral Vehicle*




Private Use of  
Mayoral Vehicle Cou

- [Annexure A: Accommodation and Incidental Allowances Claim Form](#)
- [Annexure B: Private Vehicle Allowance Claim Form](#)
- [Annexure C: City of Bunbury Travelling Allowance Schedule](#)
- [Annexure D: City of Bunbury Motor Vehicle Allowance Schedule for Elected Members](#)

Document Control					
<b>Document Responsibilities:</b>					
<b>Owner:</b>	Chief Executive Officer	<b>Owner Business Unit:</b>	Manager Governance		
<b>Reviewer:</b>	Manager Governance	<b>Decision Maker:</b>	Council		
<b>Document Management:</b>					
<b>Adoption Details</b>	Res 363/17 3 October 2017	<b>Review Frequency:</b>	biennial	<b>Next Due:</b>	2026
<b>Review Version</b>	<b>Decision Reference:</b>	<b>Synopsis:</b>			
DOC/442460[v7]	Council Decision 281/22 20 December 2022	Reviewed and amended – minor changes to ensure consistency with amended legislation.			
DOC/442460[v6]	Council Decision 087/22 17 May 2022	Reviewed and amended – updated policy to clarify definition of ICT allowance and process of Elected Members setting up an ICT device.			
DOC/442460[v5]	Council Decision 045/22 22 February 2022	Reviewed and amended – updated policy position relating to Elected Member payments as a percentage. Increase from 50% to 100%.			
DOC/442460[v4]	Council Decision 261/20 8 December 2020	Reviewed and amended – clarification of personal accident insurance coverage in point 4.1(a)			
DOC/442460[v3]	Council Decision 220/20 29 September 2020	Reviewed and amended – inclusion of a policy position relating to Elected Member payments as a percentage			
DOC/442460[v2]	Council Decision 005/20 21 January 2020	Reviewed and amended – updating technical requirements for electronic devices and clarifying the process for payment of annual ICT Allowance.			
DOC/442460[v1]		Converted from Mydocs to CM9			
<a href="#">CP-039952</a>	Res 305-18 16 October 2018	Review and amended			
<b>Date Printed</b>	12/04/2024				



Annexure A

 <p>CITY OF <b>BUNBURY</b></p>	<p><b>Accommodation and Incidental Allowances Claim Form</b></p>
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DEPARTMENT ..... EMPLOYEE NAME .....

GL NUMBER ..... ADDRESS.....

CLAIM PARTICULARS – Please ensure receipts or invoices are attached

I hereby make claim for expenses incurred whilst attending the following event:

**Conference/Seminar Name:** .....

Name of Town/City and State in which event was held: .....

**Type of Accommodation Claimed:** [ ] Hotel [ ] Private Accommodation

**Hotel Name:** .....

**Period Claimed:** (from) ..... to .....

Total Number of Days Claimed .....

Number of Days ..... @ (daily rate) \$..... **Sub-total** \$.....

Other Incidental Expenses:

Type ..... Amount \$.....

Type ..... Amount \$.....

**TOTAL THIS CLAIM** \$.....

If claiming for travelling expenses, complete the section below:

Date	Departure Place	Time	Arrival Place	Time

I HEREBY CERTIFY THAT THE EXPENSES CLAIMED WERE INCURRED ON OFFICIAL COUNCIL BUSINESS AND COMPLY WITH COUNCIL POLICY AND ALL COSTS ARE SUBSTANTIATED WITH RECEIPTS AND/OR INVOICES.

**SIGNATURE OF APPLICANT:** ..... **DATE:** .....

OFFICE USE ONLY:

SIGNATURE OF AUTHORISING OFFICER: .....



Private Vehicle Allowance Claim Form

I \_\_\_\_\_ hereby claim payment for use of my private vehicle on Council business and declare this claim to be true and correct.

Make of Vehicle \_\_\_\_\_

Registration Number \_\_\_\_\_

Engine Capacity (CC) \_\_\_\_\_

DATE	TRIP, JOB OR INSPECTION	KILOMETRES

TOTAL KMS \_\_\_\_\_  
 RATE PER KM \_\_\_\_\_  
 AMOUNT CLAIMED \$ \_\_\_\_\_

SIGNATURE \_\_\_\_\_

AUTHORISED – MANAGER \_\_\_\_\_

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## Annexure C

**City of Bunbury Travelling Allowance Schedule***(An extract from the Public Service Award 1992 Schedule 1 – Travelling, Transfer and Relieving Allowance)***ALLOWANCE TO MEET INCIDENTAL EXPENSES (Must be substantiated with receipts)**

- |     |                                  |                           |
|-----|----------------------------------|---------------------------|
| (1) | WA – South of 26° South Latitude | \$14.55 per day (Maximum) |
| (2) | WA – North of 26° South Latitude | \$21.70 per day (Maximum) |
| (3) | Interstate                       | \$21.70 per day (Maximum) |

**ACCOMMODATION INVOLVING AN OVERNIGHT STAY IN A HOTEL OR MOTEL INCLUDING THE COST OF ALL MEALS (Must be substantiated with receipts or invoice)**

- |     |                                      |                              |
|-----|--------------------------------------|------------------------------|
| (4) | WA Metropolitan Hotel or Motel       | \$305.45 per day (Maximum)   |
| (5) | Locality South of 26° South Latitude | \$208.55 per day (Maximum)   |
| (6) | Locality North of 26° South Latitude | \$ Variable Rate (Refer CEO) |
| (7) | Interstate – Capital City:           |                              |
|     | Sydney                               | \$304.90 per day (Maximum)   |
|     | Melbourne                            | \$288.55 per day (Maximum)   |
|     | Other Capitals                       | \$270.10 per day (Maximum)   |
| (8) | Interstate Other than Capital City   | \$208.55 per day (Maximum)   |

**ACCOMMODATION INVOLVING OVERNIGHT STAY AT OTHER THAN HOTEL OR MOTEL INCLUDING THE COST OF ALL MEALS**

- |      |                                |                            |
|------|--------------------------------|----------------------------|
| (9)  | WA South of 26° South Latitude | \$93.65 per day (Maximum)  |
| (10) | WA North of 26° South Latitude | \$128.25 per day (Maximum) |
| (11) | Interstate                     | \$128.25 per day (Maximum) |

**TRAVEL NOT INVOLVING AN OVERNIGHT STAY (All expenses must be substantiated with receipts)**

Location	Breakfast	Lunch	Dinner
WA – South of 26° South Latitude	\$16.30 (Maximum)	\$16.30 (Maximum)	\$46.50 (Maximum)
WA – North of 26° South Latitude	\$21.20 (Maximum)	\$33.20 (Maximum)	\$52.20 (Maximum)
Interstate	\$21.20 (Maximum)	\$33.20 (Maximum)	\$52.20 (Maximum)

*\*Current as at 28 August 2017*

## ANNEXURE D

**Extent of expenses to be reimbursed**

The extent to which a council member of a local government can be reimbursed for reasonable travel costs referred to in regulation 31(1)(b) of the LG Regulations is:

- a. if the person lives or works in the local government district or an adjoining local government district, the actual cost for the person to travel from the person's place of residence or work to the meeting and back; or
- b. if the person does not live or work in the local government district or an adjoining local government district, the actual cost, in relation to a journey from the person's place of residence or work and back:
  - i. for the person to travel from the person's place of residence or work to the meeting and back; or
  - ii. if the distance travelled referred to in subparagraph (i) is more than 100 kilometres, for the person to travel from the outer boundary of an adjoining local government district to the meeting and back to that boundary.

The extent to which a council member of a regional local government can be reimbursed for reasonable travel costs referred to in regulation 31(1)(b) of the LG Regulations is the actual cost for the person to travel from the person's place of residence or work to the meeting and back.

Travel costs incurred while driving a privately owned or leased vehicle (rather than a commercially hired vehicle) are to be calculated at the same rate contained in Section 30.6 of the Local Government Officers' (Western Australia) Award 2021 as at the date of this determination. For members with Electric Vehicles, the 1600cc Motor Vehicle Allowance rate should be applied.

**Section 30.6 of the Local Government Officers' (Western Australia) Award 2021**

Rates of hire for use of an Officer's own motor vehicle on official business shall be as follows:

Area and Details	Engine displacement (in cubic centimetres)		
	Over 2600cc	Over 1600cc to 2600cc	1600cc and under
	Cents per Kilometre		
Metropolitan area	93.97	67.72	55.85
South West Land Division	95.54	68.66	56.69
North of 23.5 Latitude	103.52	74.12	61.21
Rest of state	99.01	70.87	58.37
Motor cycle	Rate c/km		
Distance travelled	42.55		

30.6.1 Motor vehicles with rotary engines are to be included in the 1600 - 2600 category.

30.6.2 Metropolitan area means that area within a radius of 50 kilometres from the Perth Railway Station.

30.6.3 South West Land Division means the South West Land Division as defined by Section 28 of the Land Act.

30.6.4 Other areas means that area of the State south of 23.5 degrees South Latitude, north of 23.5 degrees South Latitude, excluding the Metropolitan area and the South West Land Division.

### 8.3 Review of Council Policy: Attendance at Events

<b>File Ref:</b>	COB/6306; COB/306
<b>Applicant/Proponent:</b>	Internal
<b>Responsible Officer:</b>	Maureen Keegan, Senior Governance Officer
<b>Responsible Manager:</b>	Greg Golinski, Manager Governance & Integrated Planning
<b>Executive:</b>	Karin Strachan, Director Strategy and Organisational Performance
<b>Authority/Discretion</b>	<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
<b>Attachments:</b>	Appendix 8.3-A Council Policy Attendance at Events

#### Summary

This report is presented to the Policy Review and Development Committee (PRDC) to facilitate a review of current Council Policy – Attendance at Events.

A copy of the current policy is contained at Appendix 8.3-A.

#### Executive Recommendation

That the Policy Review and Development Committee recommend that Council note the review of existing Council Policy Attendance at Events, 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

This Policy was adopted in its current form by Council on 23 June 2020 as a statutory requirement pursuant to section 5.90A of the *Local Government Act 1995* (LGA). It was last reviewed by the PRDC/Council in June 2022 where it remained unchanged.

The policy was adopted in line with model text provided by the Department of Local Government, Sport and Cultural Industries for that purpose.

#### Council Policy Compliance

This report facilitates the review of existing Council Policy Attendance at Events.

### **Legislative Compliance**

Section 5.90A of the LGA requires a local government have in place a policy that deals with matters relating to the attendance of council members and the CEO at events, including:

- a) the provision of tickets to events; and
- b) payments in respect of attendance; and
- c) approval of attendance by the local government and criteria for approval; and
- d) any prescribed matter.

### **Officer Comments**

The purpose of the Attendance at Events Policy is for:

- Council to actively consider the purpose of and benefits to the community from council members attending events.
- To provide a framework for the acceptance of invitations to such events.
- To clarify who pays for tickets to events.
- To provide transparency to the community on the acceptance of tickets to events.

The policy also complements the gift provisions within the LGA, and specifically where gifts may be received that would prevent Elected Members from participating in future decision-making involving the donor/event organiser.

Officers have reviewed the current policy and have determined that no amendments to legislation or the model text has been implemented since the last review, and therefore do not propose any changes.

### **Analysis of Financial and Budget Implications**

Nil as there are no changes proposed to the policy.

### **Community Consultation**

Nil

### **Councillor/Officer Consultation**

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

### **Applicant Consultation**

No applicable.

### **Timeline: Council Decision Implementation**

Immediately following Council decision.



## ATTENDANCE AT EVENTS COUNCIL POLICY

### POLICY STATEMENT

---

The City of Bunbury is required under the *Local Government Act 1995* (the Act) to adopt a policy to govern the attendance at events for Elected Members and the Chief Executive Officer. The purpose of this policy is to outline the process associated with attendance at an event in accordance with section 5.90A of the Act.

Attendance at an event in accordance with this policy will exclude the gift holder from the requirement to disclose an interest if the ticket is above \$300 and the donor has a matter before council. Any gift received that is less than \$300 (either one gift or cumulative over 12 months from the same donor) also does not need to be disclosed as an interest. Where the value of the ticket exceeds \$300, receipt of the gift will still be required under the gift register provisions.

### POLICY SCOPE

---

This policy applies to Elected Members and the Chief Executive Officer of the City of Bunbury (the City).

### POLICY DETAILS

---

In accordance with Section 5.90A of the *Local Government Act 1995* an event is defined as a:

- Concert;
- Conference;
- Function;
- Sporting event;
- Occasions prescribed by the *Local Government (Administration) Regulations 1996*.

Elected Members and the Chief Executive Officer attend events to fulfil their leadership role in the community. Elected Members and/or the Chief Executive Officer may receive tickets or invitations to attend events to represent the City. The event may be a paid event or a ticket/invitation may be gifted in kind.

#### 1. Pre-Approved Events

In order to meet the policy requirements, tickets and invitations to events must be received by the City.

The City approves attendance at the following events by Elected Members and the Chief Executive Officer:

- a. Meetings of clubs or organisations within the City of Bunbury
- b. Any free event held within the City of Bunbury
- c. Australian or Western Australian Local Government events
- d. Events hosted by Clubs or Not for Profit Organisations within the City of Bunbury to which the Mayor, Elected Member or Chief Executive Officer have been officially invited
- e. City hosted ceremonies and functions
- f. City run tournaments or events
- g. City sponsored functions or events
- h. Community cultural events/festivals within the City
- i. Events run by a Local, State or Federal Government
- j. Major professional bodies associated with local government at a local, state and federal level
- k. Opening or launch of an event or facility within the City of Bunbury
- l. Events where Mayoral or Chief Executive Officer representation has been formally requested

All Elected Members and the Chief Executive Officer are entitled to attend pre-approved events. If there is a fee associated with a pre-approved event, the fee will be paid for by the City out of the City's budget (either beforehand or by way of reimbursement), unless the event is a conference which is dealt with under clause 4 of this policy.

If there are more Elected Members than tickets provided then the Mayor shall allocate the tickets.

## **2. Approval Process**

Where an invitation is received to an event that is not pre-approved, it may be submitted for approval no later than three business days prior to the event for approval as follows:

- Events for the Mayor will be approved by the Deputy Mayor;
- Events for Councillors will be approved by the Mayor; and
- Events for the Chief Executive Officer will be approved by the Mayor.

Considerations for approval of the event include:

- Any justification provided by the applicant when the event is submitted for approval;
- The benefit to the City of the person attending;
- Alignment to the City's Strategic Objectives; and
- The number of City representatives already approved to attend.

Where an Elected Member or Chief Executive Officer have an event approved through this process and there is a fee associated with the event, then the cost of the event will be paid out of the City's budget (either beforehand or by way of reimbursement), unless the event is a conference which is dealt with under clause 4 of this policy.

## **3. Non-Approved Events**

Any event that is not pre-approved, is not submitted through an approval process, or is received personally is considered a non-approved event.



If the event is a free event to the public then no action is required.

If the event is ticketed and the Elected Member or Chief Executive Officer pays the full ticketed price and does not seek reimbursement then no action is required.

If the event is ticketed and the Elected Member or Chief Executive Officer pays a discounted rate or is provided with a free ticket then the recipient must disclose receipt of the tickets (and any other associated hospitality) within 10 days.

#### 4. Conferences

The City supports Elected Members and the Chief Executive Officer in attending conferences. Conferences encourage development and networking opportunities. Council policies Continuing Professional Development of Elected Members; and Elected Member Entitlements govern conference entitlements.

#### 5. Dispute Resolution

Any disputes under this policy are to be resolved by the Mayor.

## COMPLIANCE REQUIREMENTS

### LEGISLATION

- *Local Government Act 1995, section 5.90A*
- *Local Government (Administration) Regulations 1996*

### ORGANISATIONAL

- *City of Bunbury Code of Conduct*
- *Council Policy: Elected Member Entitlements*
- *Council Policy: Continuing Professional Development of Council Members*

Document Control					
<b>Document Responsibilities:</b>					
<b>Owner:</b>	Director Strategy & Organisational Performance	<b>Owner Business Unit:</b>	Governance		
<b>Reviewer:</b>	Manager Governance	<b>Decision Maker:</b>	Council		
<b>Document Management:</b>					
<b>Adoption Details</b>	Council Decision 133/20 23 June 2020	<b>Review Frequency:</b>	biennial	<b>Next Due:</b>	2024
<b>Review Version</b>	<b>Decision Reference:</b>	<b>Synopsis:</b>			
DOC/576764[v1]	Council Decision 137/22 28 June 2022	Reviewed with no changes.			
DOC/576764[v1]		Section 5.90A(2) <i>Local Government Legislation Amendment Act 2019</i> requires a local government to have in place a policy that deals with matters relating to the attendance of Council Members and the CEO at events.			
<b>Date Printed</b>	11 June 2024				

#### 8.4 Review of Council Policy: Registration of Freehold Commercial Leases

<b>File Ref:</b>	COB/306
<b>Applicant/Proponent:</b>	Internal
<b>Responsible Officer:</b>	Gemma Stewart, Senior Lands Officer
<b>Responsible Manager:</b>	Jessica Kelly, A/Manager Economic Development
<b>Executive:</b>	Alan Ferris, Chief Executive Officer
<b>Authority/Discretion</b>	<input type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Executive/Strategic <input type="checkbox"/> Information Purposes <input type="checkbox"/> Legislative
<b>Attachments:</b>	Appendix 8.4-A: Registration of Freehold Commercial Leases Council Policy

#### Summary

This report is presented to the Policy Review and Development Committee (PRDC) to facilitate a review of current Council Policy Registration of Freehold Commercial Leases. The policy was last reviewed in February 2022 and is now due for its biennial review.

#### Executive Recommendation

That the Policy Review and Development Committee recommend that Council note the review of existing Council Policy Registration of Freehold Commercial Leases, 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 13.3	Effectively manage the City's resources

#### Regional Impact Statement

Nil.

#### Background

This policy was last reviewed in February 2022 and is presented to Council as part of a biennial policy review process. The policy applies to commercial leases on freehold land between the City and third parties.

#### Council Policy Compliance

This report facilitates the review of an existing Council Policy.

#### Legislative Compliance

N/A

**Officer Comments**

Officers have undertaken a review of the policy and consider that no changes are necessary at this time.

**Analysis of Financial and Budget Implications**

Nil

**Community Consultation**

Nil

**Elected Member/Officer Consultation**

This policy is presented to the PRDC for consideration.

**Applicant Consultation**

N/A

**Timeline: Council Decision Implementation**

Immediate once Council have endorsed the recommendation.



## REGISTRATION OF FREEHOLD COMMERCIAL LEASES POLICY

### POLICY STATEMENT

---

To ensure that applicable commercial leases on freehold land owned by the City are registered on the Certificate of Title.

### POLICY SCOPE

---

This policy will be applied to all:

1. Commercial leases on freehold land owned by the City;
2. Surrender or termination of existing commercial leases on freehold land.

### POLICY DETAILS

---

It is Council policy that freehold commercial leases over land owned by the City where the market rental exceeds \$40,000 per annum are registered on the Certificate of Title on an approved Landgate form.

The following principles will apply:

- Freehold leases are registered as an encumbrance on a Certificate of Title.
- Leases exceeding three years for freehold are to be registered.
- Unless a lease of freehold land is of a whole lot or lots the consent of the Western Australian Planning Commission is required where:
  - The term of the lease, including any option to renew, exceeds twenty years; and
  - The terms of a lease, in the aggregate, exceed twenty years including any option to renew.
- A variation document of a freehold lease cannot be accepted for registration, however, variations to a freehold lease can be included in an extension of lease, sub-lease or transfer of lease document.
- An expired Lease of freehold land can be removed by Surrender of Lease.

### COMPLIANCE REQUIREMENTS

---

#### LEGISLATION

- *Transfer of Land Act 1893*
- *Western Australian Planning Commission*

**INDUSTRY****ORGANISATIONAL**

Document Control					
<b>Document Responsibilities:</b>					
<b>Owner:</b>	Chief Executive Officer	<b>Owner Business Unit:</b>	Manager Finance		
<b>Reviewer:</b>	Team Leader Property and Procurement	<b>Decision Maker:</b>	Council		
<b>Document Management:</b>					
<b>Adoption Details</b>	<b>Res 233/15 7 July 2015</b>	<b>Review Frequency:</b>	biennial	<b>Next Due:</b>	2024
<b>Review Version</b>	<b>Decision Reference:</b>	<b>Synopsis:</b>			
DOC/440992[v2]	Council Decision 037/22 22 February 2022	Review with minor changes.			
DOC/440992[v1]	Council Decision 250/19 17 September 2019	Reviewed with no changes			
<a href="#">CP-029198</a>	Res 230/1723 June 2017	Reviewed with no changes			
<b>Date Printed</b>	11/06/2024				

## 8.5 Review of Council Policy: Vandalism Graffiti Management

<b>File Ref:</b>	COB/306
<b>Applicant/Proponent:</b>	Internal
<b>Responsible Officer:</b>	Corrie Nottle, Manager Waste Operations and Infrastructure Business Services
<b>Responsible Manager:</b>	Corrie Nottle, Manager Waste Operations and Infrastructure Business Services
<b>Executive:</b>	Gavin Harris, Director Infrastructure
<b>Authority/Discretion</b>	<input type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Executive/Strategic <input type="checkbox"/> Information Purposes <input type="checkbox"/> Legislative
<b>Attachments:</b>	Appendix 8.5-A: Revised Council Policy Vandalism Graffiti Management

### Summary

This report is presented to the Policy Review and Development Committee (PRDC) to facilitate a review of current Council Policy Vandalism Graffiti Management. The policy was last reviewed by Council in February 2022 and is due for its biennial review.

A copy of the policy is at Appendix 8.5-A.

### Executive Recommendation

That the Policy Review and Development Committee recommend that Council endorse the revised Council Policy Vandalism Graffiti Management as presented at appendix 8.5-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 only.

### Background

The policy was last reviewed in February 2022 and is now due for its biennial review.

### Council Policy Compliance

This report facilitates the review of an existing Council Policy.

**Legislative Compliance**

Nil

**Officer Comments**

Officers have undertaken a review of the Policy and suggest amendments to enhance clarity within the Policy and reflect the current best practices and legislation.

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

**Analysis of Financial and Budget Implications**

Nil

**Community Consultation**

Nil

**Elected Member/Officer Consultation**

This policy is presented to the PRDC for consideration.

**Applicant Consultation**

N/A

**Timeline: Council Decision Implementation**

Immediate once Council have endorsed the recommendation.

## APPENDIX 8.5-A VANDALISM GRAFFITI MANAGEMENT COUNCIL POLICY - EDIT VERSION VANDALISM AND GRAFFITI MANAGEMENT COUNCIL POLICY

### POLICY STATEMENT

The City of Bunbury recognises vandalism, (including graffiti, tagging and public asset destruction) is a costly community problem, not only in monetary terms but also in environmental and social terms. In recognition of this the City of Bunbury adopts a Vandalism and Graffiti Management Policy comprising of four elements: damage repair and graffiti removal, reward for information, community education, and providing activities for young people.

### POLICY SCOPE

1. To provide a service to repair, clean, remove or cover incidences of vandalism that is subject to public notice within the City of Bunbury.
2. To provide community members with information to- will empower them to deal with vandalism in a proactive manner.
3. To provide youth with a range of activities that contribute to the alleviation of boredom and feeling of alienation that may lead to petty crimes such as graffiti vandalism.
4. The aim of the Policy is:
  - a) To reduce vandalism in the City of Bunbury.
  - b) To demonstrate to the Community that Council is playing an active part in reducing vandalism.
  - c) To encourage people to provide information which leads to the conviction of vandals who commit vandalism within the City of Bunbury.

### POLICY DETAILS

1. Damage Repair and Graffiti Removal

#### **Damage Repair**

- Council to repair vandalism damage to Council property
- Need Council to consult with relevant people-parties to encourage repair of vandalism damage to private property

#### **Graffiti Removal**



Council will remove graffiti from the following:

- Council Property
- Private property abutting council property [may be considered, subject to the following factors:](#)
  - [Access to graffiti site / location](#)
  - [Visibility of graffiti from the public thoroughfare](#)
  - [Impact to the amenity of the area, including murals or art installations](#)
  - [Full or part cost recovery may apply to reoccurring sites and is to be agreed in advance of removal with the property owner](#)

Private property: Council where possible, will encourage property owners to remove graffiti from private property.

### ***Timeframes***

Council staff will endeavour to remove graffiti in accordance with the following rapid removal timeframes:

- Priority 1: Removal within ~~12 hours~~[one working day](#) of Council being notified, any racist, obscene, or otherwise offensive graffiti.
- Priority 2: Removal within ~~48 hours~~[two working days](#) of Council being notified, applies to all other graffiti sites.

## 2. Vandalism Rewards

### ***Procedure***

- a) A reward to a maximum of \$1000 may be paid for information, which leads to the conviction of persons committing acts of vandalism against Council property.
- b) Where two or more persons are eligible for a reward under paragraph ~~a)1~~[a\)1](#) above, the reward will be split equally between them. Any advertisement regarding the offer of rewards shall state that the sum named is a maximum figure, which would be divided between persons forwarding information relating to any one act of vandalism.
- c) Council will not divulge the name/s of any person giving information [without permission](#).

However, any person eligible for or wishing to receive a reward must be prepared to act as a witness if legal proceedings are commenced and if independent evidence is not readily available.

Payment of the reward, providing the above conditions are met, is delegated to the Chief Executive Officer.

[Rewards will not be paid to City employees, Elected Members or members of the WA Police Service.](#)

## 3. Community Education

### ***Procedure***

[Council will:](#)

- a) Promote vandalism repair and Graffiti removal services to encourage ratepayers to make use of this service.
- b) Promote the State Graffiti Task Force education packages to schools, to educate on issues surrounding graffiti and other types of vandalism.
- c) Inform businesses of initiatives to allow them to decrease the potential for graffiti vandalism and urge businesses to take up such initiatives.
- d) Supply information to retail outlets on request of vandalism management.
- e) Promote Neighbourhood watch displays and information initiatives through the State Graffiti Task Force
- f) Encourage the use of the Graffiti Reporting Form provided by the State Graffiti Taskforce

4. Providing Activities for Young People

**Procedure**

- a) The City of Bunbury Youth Strategy, events program and the development of the Koolabidi Woola precinct and activities -currently being developed is to includesupports opportunities for low cost recreational and leisure activities and opportunities for youth art/culture expression.
- b) Collaborate with existing agencies, programs to address graffiti hot spots through activities such as:ete.
  - Adopt a bus shelter school project
  - Mural arts projects

## COMPLIANCE REQUIREMENTS

### LEGISLATION

- Section 65 Police Amendment Act 1998 POLICE ACT 1892 - [09-00-02].pdf (legislation.wa.gov.au)
- Graffiti Vandalism Act 2016

### INDUSTRY

- State Graffiti Taskforce: Graffiti Vandalism Strategy | Goodbye Graffiti

### ORGANISATIONAL

- DOC/724080 Youth Advisory Strategy Map

<b>Document Control</b>			
<b>Document Responsibilities:</b>			
<b>Owner:</b>	Director Infrastructure	<b>Owner Business Unit:</b>	Director Infrastructure

<b>Reviewer:</b>	Manager Waste Operations and Infrastructure Business Services	<b>Decision Maker:</b>	Council		
<b>Document Management:</b>					
<b>Adoption Details</b>	<b>Res 81/07 1 May 2007 –</b>	<b>Review Frequency:</b>	biennial	<b>Next Due:</b>	2024
<b>Review Version</b>	<b>Decision Reference:</b>	<b>Synopsis:</b>			
<a href="#">DOC/424591</a>		<b>Reviewed with additional detail.</b>			
DOC/424591	Council Decision 041/22 22 February 2022	Reviewed with no changes.			
DOC/424591	Council Decision 209/19 23 July 2019	Reviewed			
<a href="#">CP-026035</a>	Res 95/17 21 March 2017 –	Reviewed			
	Res 15/1521 January 2015 –	Reviewed			
	Res 121/1029 June 2010 –	Reviewed			
<b>Date Printed</b>	<a href="#">11/06/2024</a> <del>29/04/2024</del> <del>26/04/2024</del>				

**9. Questions from Members**

**9.1 Response to Previous Questions from Members taken on Notice**

Nil

**9.2 Questions from Members**

**10. Urgent Business**

**11. Date of Next Meeting**

The next PRDC meeting is schedule for Wednesday, 28 August 2024.

**12. Close of Meeting**

The Presiding Member closed the meeting at \_\_\_\_\_.