



## Policy Review and Development Committee

### Minutes

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.*

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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

#### **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

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## 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 11:02am and in doing so acknowledged the traditional owners of the land, the Noongar Wardandi people and their continuing connection to the land, waters and community. The presiding member paid their respects to all members of the Aboriginal community and their culture; and to Elders past, present and emerging.

The presiding member advised that Councillor Steele was attending the meeting via electronic means as approved by the Deputy Mayor (whilst acting as Mayor).

## 2. Disclaimer

Not applicable to this committee.

## 3. Announcements from the Presiding Member

Nil

## 4. Attendances

### *Committee Members:*

Member Name	Representing
Cr Gabi Ghasseb	City of Bunbury
Cr Karen Steele (Via electronic means)	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
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
Ms Corrie Nottle	Manager Waster Operations and Infrastructure Business Services
Ms Leonie Barwick	Team Leader Corporate Revenue
Ms Gemma Stewart	Senior Lands 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 Smith

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

**CARRIED UNANIMOUSLY**

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

All items were considered in the order which they appeared on the agenda.

## 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.

### **Outcome of Meeting 18 June 2024**

Following extensive discussion on this matter, Cr Steel moved, and Cr Steck seconded the motion as written. During debate, Cr Kozisek moved, and Cr Smith seconded an amendment to the motion being:

*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 with modification to clause 4 of the policy procedure for consideration as to whether the City or debt collector would issue the general procedure claim.*

Cr Ghasseb moved, and Cr Quain seconded a motion to suspend standing orders. The presiding member put the motion to the vote and it was carried 3 votes for / 2 votes against. Cr Kozisek and Cr Steele voted against.

Following debate, Cr Quain moved, and Cr Kozisek seconded a motion to reinstate the standing orders. The presiding member put the motion to the vote and it was carried unanimously.

The presiding member put the amendment to the vote and it was carried 4 votes for / 1 vote against. Cr Ghasseb voted against.

The presiding member then put the substantive motion to the vote and it was carried 4 votes for / 1 vote against. Cr Ghasseb voted against.

*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 with modification to clause 4 of the policy procedure for consideration as to whether the City or debt collector would issue the general procedure claim.*

## 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.

<b>Local Government</b>	<b>ICT Allowance Paid*</b>	<b>Devices Provided</b>	<b>Notes</b>
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.

**Outcome of Meeting 18 June 2024**

Following extensive discussion on this matter, The Manager Governance suggested an update to the executive recommendation to include an additional point as follows:

2. *Advocate to the Salaries and Allowances Tribunal for an increase to the annual ICT allowance during its next review of allowances for Local Governments in 2025.*

The revised recommendation would therefore read:

*That the Committee recommend that Council:*

1. *Adopt the revised Council Policy: Elected Member Entitlements as presented at Appendix 8.2-A.*
2. *Advocate to the Salaries and Allowances Tribunal for an increase to the annual ICT allowance during its next review of allowances for Local Governments in 2025.*

Cr Smith moved, and Cr Ghaseb seconded the motion, including the additional point 2. The presiding member put the motion to the vote and it was carried 3 votes for / 2 votes against. Cr Kozisek and Cr Steele voted against.

***That the Committee recommend that Council***

1. ***Adopt the revised Council Policy: Elected Member Entitlements as presented at Appendix 8.2-A.***
2. ***Advocate to the Salaries and Allowances Tribunal for an increase to the annual ICT allowance during its next review of allowances for Local Governments in 2025.***

### 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.



**Outcome of Meeting 18 June 2024**

Following general discussion, Cr Kozisek moved and Cr Ghasseb seconded the executive recommendation as written. 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 existing Council Policy Attendance at Events, with no changes recommended.***

#### 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.

**Outcome of Meeting 18 June 2024**

Cr Ghasseb asked the following question in relation to this item, which was taken on notice:

*In relation to this policy, are there any legislative requirements under the retail tenancy act?*

Following general discussion, Cr Kozisek moved and Cr Smith seconded the executive recommendation as written. 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 existing Council Policy Registration of Freehold Commercial Leases, with no changes recommended.***

## 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.

### **Outcome of Meeting 18 June 2024**

Following general discussion, Cr Kozisek moved and Cr Smith seconded the executive recommendation as written. 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 Council Policy Vandalism Graffiti Management as presented at Appendix 8.5-A.***

**9. Questions from Members**

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

Nil

**9.2 Questions from Members**

Nil

**10. Urgent Business**

Nil

**11. Date of Next Meeting**

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

**12. Close of Meeting**

The Presiding Member closed the meeting at 12:14pm.