



Policy Review and Development Committee

Notice of Meeting and Agenda 30 October 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
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Western Australia
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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 30 October 2024 at 10.00am.

Signed:

Alan Ferris
Chief Executive Officer

Agenda 30 October 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 culture; and to Elders past, present and emerging.

Vision

Bunbury: welcoming and full of opportunities.

Organisational Values

#WEARECOB

WE ARE COMMUNITY

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

WE ARE OPEN

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

WE ARE BRAVE

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

Nature of Council’s Role in Decision Making

Advocacy: When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.

Executive/Strategic: The substantial direction setting and oversight role of the Council, e.g. adopting plans and reports, accepting tenders, setting and amending budgets.

Legislative: Includes adopting local laws, town planning schemes and policies.

Quasi-Judicial: When Council determines an application/matter that directly affects a person’s rights and interests. The Judicial character arises from the obligations to abide by the principles of natural justice.

Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.

Information Purposes: Includes items provided to Council for information purposes only which do not require direction from Council (that is for ‘noting’).

1. Declaration of Opening

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.

6. Confirmation of Minutes

Committee Decision: Moved _____ Seconded _____

The minutes of the Policy Review and Development Committee Meeting held on 28 August 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: Naming Conventions

Fine No.	COB/306
Applicant:	Internal
Responsible Officer:	Aaron Lindsay, Manager Projects and Asset Management
Responsible Manager:	Aaron Lindsay, Manager Projects and Asset Management
Executive:	Brendan Smith, Director Infrastructure
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Executive/Strategic <input type="checkbox"/> Information Purposes <input type="checkbox"/> Legislative
Attachments:	Appendix 8.1-A: REVISED Council Policy Naming Conventions

Summary

This report was deferred at the 28 August 2024 Policy Review and Development Committee Meeting and is now presented the Committee for consideration.

This report is presented to the Policy Review and Development Committee (PRDC) to facilitate a review of current Council Policy Naming Conventions.

Executive Recommendation

That the Policy Review and Development Committee recommend that Council adopt revised Council Policy Naming Conventions as presented at Appendix 8.1-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

N/A

Background

The Policy was first endorsed by Council in 2014, and was previously known as the Naming of Roads, Reserves, Bridges and Other Places Council Policy.

At the Ordinary Council Meeting held on 29 June 2021, Council requested (via a motion on notice from Cr Steele) *that the Policy Review and Development Committee review existing Council Policy Naming of Roads, Reserves, Bridges and Other Places in the context of recognising Aboriginal history and language, as well as initiating a process for the naming or dual naming of landmarks, sites and streets.*

The Policy was last reviewed at the 12 October 2021 Council Meeting, where the policy was significantly amended to include information regarding Aboriginal and dual naming, as well as to retitle the policy to its current name.

The policy is now due for its bi-annual review.

Council Policy Compliance

This report facilitates the review of an existing Council Policy. The City's Reconciliation Action Plan is also applicable in this regard.

Legislative Compliance

N/A

Officer Comments

Officers have reviewed the Policy and suggest only minimal changes to ensure references to industry guidelines are up to date.

At the 28 August 2024 PRDC meeting, this item was deferred to include additional wording in the policy to promote gender equality when considering naming proposals. This has now been included in the policy.

A copy of the revised policy with tracked changes is attached at appendix 8.1-A.

Analysis of Financial and Budget Implications

Nil

Community Consultation

Not applicable.

Councillor/Officer Consultation

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

Applicant Consultation

Not applicable.

Timeline: Council Decision Implementation

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



NAMING CONVENTIONS COUNCIL POLICY

POLICY STATEMENT

The names of Bunbury's geographic features are an important part of our community's identity and what it values as part of its heritage and cultural past, present and future. They provide not only an important tool for way finding but are also essential to our 'sense of place'. This Policy defines the standards and procedures for the naming of roads, reserves, bridges and other places within the City of Bunbury.

POLICY SCOPE

This policy applies to elected members and staff regarding the consideration of naming proposals for geographic features and, for new road, bridge and reserve naming proposals.

POLICY DETAILS

The City of Bunbury recognises Noongar people as the traditional owners of the South West. This Policy acknowledges that natural features and places in Bunbury were named by the traditional owners, the Wardandi people, long before European settlement. This Policy seeks to encourage the enduring use of Aboriginal language for geographic features, roads, reserves, bridges and other places that either do not already have an official name or that are considered for renaming.

It is acknowledged that Aboriginal names which may appear at first to be complex in spelling or pronunciation will, over time, become familiar and easy to use by Bunbury's community, as proudly a landmark of the South West.

Applications for naming proposals must be prepared in accordance with Landgate's Aboriginal and Dual Naming Guidelines ([Version 02:2023](#)), and Policies and Standards for Geographical Naming in Western Australia ([Version 03:2017](#)), ~~as amended~~, and require a resolution of endorsement by Council prior to a submission being lodged with Landgate for its approval.

Applications for the naming of roads must additionally be prepared in conformity with the provisions of AS/NZS 4819:2011 Rural and Urban Addressing (~~as amended~~).

POLICY PROCEDURES

Any person, community group or organisation may present a proposal in writing to the City of Bunbury for comment and/or support on a new name or an amendment to an existing name within the local government's municipal boundaries.

Applications are checked against the Policies and Standards for Geographical Naming in Western Australia. Initial advice from Landgate may be requested as part of this investigation.

In the case where the request for a name submitted is a person's name the submission must include details of the significance / contribution to Bunbury and not be a living person. If the applicant is not an immediate relative, written permission of the family is to be included in submission. All naming proposals are to be considered equally, irrespective of a person's gender.

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Submissions for naming proposals involving traditional Aboriginal names, or contemporary names derived from Aboriginal language, must have demonstrated consultation with the relevant Aboriginal groups prior to submitting the naming proposal for Council's consideration to endorse.

Names originating from Aboriginal language should be indigenous to the locality of the geographic feature and should be written in a standard recognised format for administrative boundaries, localities, roads and reserves.

The naming of new roads and reserves in contemporary Aboriginal language local to the area is encouraged, subject to being written in a standard recognised format and with generic descriptor (e.g. 'street').

Dual naming of cultural and natural topographic features and crown land reserves is supported as a means of giving concurrent and shared recognition of two cultures. Dual naming enables the assignment of an additional name to a feature that already has an official name that is widely accepted and in long use and when a name change is not possible or acceptable. Dual naming submissions will be given consideration when a feature already has either an official or established name of non-Aboriginal origin and that a recognised Aboriginal name should also apply.

Following assessment against the Policies and Standards for Geographical Naming in Western Australia, a report to Council will be prepared for consideration.

If the request is supported by Council, the name will be submitted to Landgate for approval.

COMPLIANCE REQUIREMENTS

LEGISLATION

- *Local Government Act 1995*
- *Land Administration Act 1997*

INDUSTRY

- Landgate, Policies and Standards for Geographical Naming in Western Australia ([Version 03:2017](#))
- Aboriginal Naming: A guideline to Aboriginal naming and dual naming of geographic features and places in Western Australia ([Version 02:2023](#)) (~~2020~~)
- Australian Standard AS/NZS 4819:2011 Rural and Urban Addressing

ORGANISATIONAL

Document Control					
Document Responsibilities:					
Owner:	Director Sustainable Communities	Owner Business Unit:	Community Partnerships		
Reviewer:	Manager Community Services	Decision Maker:	Council		
Document Management:					
Adoption Details	Res 234/14 8 July 2014	Review Frequency:	biennial	Next Due:	2023
Review Version	Decision Reference:	Synopsis:			
DOC/455731[v3]	Council Decision 204/21 12 October 2021	Policy reviewed and amended in the context of recognising Aboriginal history and language, as well as initiating a process for the naming or dual naming of landmarks, sites and streets.			
DOC/455731[v2]	Council Decision 049/20 17 March 2020	Consolidate policies and corporate guidelines in accordance with revised Policy Framework.			
DOC/455731[v1]		Converted from Mydocs to CM9			
CP-023761					
Date Printed	18 October 2024 22 July 2024				

8.2 Review of Council Policy: Local Supplier Preference and Purchasing

File Ref:	COB/306
Applicant/Proponent:	Internal
Responsible Officer:	Jane Parsons, Team Leader Procurement
Responsible Manager:	David Ransom, Manager Finance
Executive:	Karin Strachan, Director Corporate and Community
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Executive/Strategic <input type="checkbox"/> Information Purposes <input type="checkbox"/> Legislative
Attachments:	Appendix 8.2-A REVISED Purchasing Council Policy Appendix 8.2-B CURRENT Purchasing Council Policy Appendix 8.3-C Local Supplier Preference Council Policy

Summary

This report is presented to the Policy Review and Development Committee (PRDC) to facilitate the bi-annual review of the Local Supplier Preference Council Policy and the Purchasing Council Policy.

The report is also seeking the Policy Review and Development Committees guidance on whether Art Acquisition, Indigenous or Aboriginal Business and Australian Disability Enterprise exemptions should be listed separately in Table 3 Exemptions List as they can also be exercised under the Discretionary Exemption.

Executive Recommendation

That the Policy Review and Development Committee recommend that Council:

1. Note the review of existing Council Policy: Local Supplier Preference Council Policy, with no changes; and
2. Endorse the revised the Purchasing Council Policy as presented at Appendix 8.2-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.
Objective 13.3	Effectively manage the City's resources.

Regional Impact Statement

The Local Supplier Preference Policy will provide regional and local suppliers price preferences.

Background

These policies were last reviewed by Council in July 2022 (with a minor review to the Purchasing Council Policy in 2023) and is presented to the Policy Review and Development Committee for discussion and review as part of Council’s policy review schedule.

Council Policy Compliance

This report facilitates the review of existing Council Policies.

Legislative Compliance

Local Government Act 1995

Local Government (Functions and General) Regulations 1996

Officer Comments

Local Supplier Preference Council Policy

Officers have reviewed the policy and believe it effectively supports local suppliers and the economy and recommend that no amendments are necessary. The preference percentages are already at the maximum allowable in the Local Government (Functions and General) Regulations 1996

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

Purchasing Council Policy

The intent of the proposed changes is to ensure that the Policy serves an overriding public policy document.

Officers compared and reviewed the current Purchasing Council Policy to the Western Australian Local Government (WALGA) Policy template, along with similar policies from a diverse range of local governments including:

- [City of Wanneroo](#)
- [City of Albany](#)
- [City of Melville](#)
- [City of Vincent](#)
- [Town of Victoria Park](#)
- [City of Swan](#)
- [City of Stirling](#)
- [City of Kalgoorlie Boulder](#)
- [City of Mandurah](#)
- [City of Rockingham](#)
- [City of Busselton](#)

The review focused on improvements including:

- Reducing duplication and improving readability
- Replaced the exemptions for vehicles and software with improvements to discretionary purchasing which will increase operational efficiencies.

- Remove restrictions on contract approval periods that exceed regulatory requirements allowing officers more flexibility to negotiate more favourable terms over longer periods.

The changes seek to deliver flexibility and efficiency, balanced with accountability and good governance for City expenditure.

As this review represents a significant overhaul of the existing policy, a marked up copy of the policy has not been provided. Instead, analysis of the amendments has been included in the table below, along with copies of the current policy in Appendix 8.2-B and the revised policy in Appendix 8.2-A.

Original Section	Amendment Analysis
POLICY STATEMENT	No change
POLICY SCOPE	New – added in line with other Council Policies
POLICY OBJECTIVES	Now contains 1. Definitions 2. Principles of Procurement and 3. Compliance Requirements There was significant overlap between the Principles of Procurement and Policy Objectives so this has been consolidated into the Principles of Procurement and simplified.
POLICY DETAILS	Has been removed and incorporated into POLICY OBJECTIVES to have section headings consistent with other COB Council policies.
1. Definitions	Has been expended to cover more terms, and is found in POLICY OBJECTIVES
2. Ethics & Integrity	This section has been removed due to overlap, and the content has been condensed and included in 2. Principles of Procurement. All relevant legislation and policies have been identified in 3. Compliance Requirements
3. Principles of Procurement	Renumbered to 2. Principles of Procurement, and now incorporates the original Policy Objectives, Ethics & Integrity and the application of Value for Money. Formatting has changed to table format
4. Value for money	The information has been moved to 2. Principles of Procurement
5. Purchasing Requirements	<i>This has been promoted to a separate section heading PURCHASING REQUIREMENTS rather than a heading.</i> New sub heading added for 5. Purchasing Value Thresholds. The thresholds table has been simplified to make it easier to navigate based on Purchasing Threshold

Original Section	Amendment Analysis
5.1 Purchasing Conditions	Now 7. Purchasing Conditions The content is now: <ul style="list-style-type: none"> a. (original). is now found in Table 3. b. (now a.) has been simplified. c. (now b.) has been updates to reflect the correct documentation. d. has now been appended to Table 1. and simplified. e. has been expanded and now can be found in 3. Compliance Requirements.
5.2 Records Management	Promoted to heading 14. Records Management and simplified.
5.3 Requests for Tender where value is less than the Tender Threshold	Removed as this is already covered in Functions and General Regulation 13.
5.5 Minor Variations	New Section heading added CONTRACT MANAGEMENT REQUIREMENTS Now 9 Minor Variation before entry into contract. Name changed to better explain the purpose while still linking to the regulatory requirements for minor variations in accordance with Regulation 20. Minor wording changes to improve readability.
5.6 Variation after Contract Commencement	Now 10. Variation after Contract Commencement. Minor wording changes to improve readability.
5.7 Elected Members and Designated Senior Employees	Now 16 Elected Members and Designated Senior Employees
5.8 Contract Extension	Now 11 Contract Extension Minor wording changes to simplify
5.9 Contract Novation	Now 12 Contract Novation Minor wording changes to simplify and improve readability.
5.10 Contract Expiry	Removed. The requirement to review the purchasing requirements and commencing a new competitive purchasing process in accordance with the policy is already covered within the Purchasing Requirements.
5.11 Conflicts of Interest	New section heading added OTHER REQUIREMENTS Now 13 Conflict of Interest. No change to content
5.12 Education & training	Now 8. Education & Training Minor changes to wording in a. to note that refresher training will be offered on a bi-annual basis

Original Section	Amendment Analysis
<p>6. Exceptions to Procurement Requirements</p>	<p>Now a section heading <i>EXEMPTIONS TO PURCHASING REQUIREMENTS</i>.</p> <p>Significant formatting changes to better present the information and improve readability.</p> <p>The current section had a number of very specific carve outs, notably for software and vehicles. In reviewing other Local government Policies, Officers have revised the exceptions to procurement requirements by:</p> <ol style="list-style-type: none"> a. Revising the Discretionary exemption to remove the once-off requirement. This will allow the software and vehicle exemptions to be incorporated into this process. b. Provide guidance to officers on example operational reasons for a discretionary exemption, and what doesn't justify a discretionary purchase. <p>These changes are in line with policies from City of Perth, City of Busselton, City of Melville, City of Wanneroo, Town of Victoria Park, City of Swan, City of Mandurah, City of Rockingham.</p> <p>Sole supplier exemption has removed the 2 year cap on the approval to allow the Delegated Authority to determine the period of approval.</p> <p>There are three options marked for optional removal as they can be addressed by the discretionary purchase exemption. The Policy Committees guidance on this is requested.</p>
<p>7. Panels of Pre-Qualified Suppliers Established by the City</p>	<p>Now a section heading <i>PANELS OF PRE-QUALIFIED SUPPLIERS ESTABLISHED BY THE CITY</i></p> <p>Content has been simplified significantly, based on the City of Perth clause.</p> <p>The 3-year maximum term for a panel has also been removed as this is not a regulatory requirement, with the term to now be decided by Delegated Authority.</p> <p>The addition of the panel purchasing rules taking precedence over the quotation process requirements in Table 1.</p>
<p>8. Authorisation to approve and issue purchase orders</p>	<p>Now covered in Purchasing Authority and Purchasing Conditions</p>
<p>9. Purchasing Policy non-compliance</p>	<p>Now 17. Purchasing Policy non-compliance.</p> <p>Now includes an additional treatment for a breach of policy to include the suspension or termination of procurement activities.</p>

Analysis of Financial and Budget Implications

Nil

Community Consultation

Nil

Councillor/Officer Consultation

The Policy changes have been reviewed by the Executive Leadership Team on 5 September 2024.

The policy is now 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.



PURCHASING COUNCIL POLICY

POLICY STATEMENT

The City of Bunbury is committed to delivering best practice in the purchasing of goods, services and works that align with the principles of transparency, probity and good governance.

This policy is developed in accordance with the *Local Government Act 1995 (WA)* and Part 4 of the *Local Government (Functions and General) Regulations 1996*.

POLICY SCOPE

This policy applies to all purchasing activity undertaken by the City.

POLICY OBJECTIVES

1. DEFINITIONS

Term	Meaning
Act	<i>Local Government Act 1995 (WA)</i> .
CUA	Department of Finance Common Use Arrangement.
GST	The goods and services tax under the <i>A New Tax System (Goods and Services Tax) Act 1999 (Cth)</i> .
Panel	A Panel of Pre-Qualified Suppliers established by the City under the Regulations.
Policy	This City of Bunbury Council Policy titled "Purchasing Council Policy".
Purchase Value	1. the actual or estimated value of the purchase/contract; or 2. the actual or estimated value over the full term and/or quantity of supply, including all options to extend either quantity or term
Purchasing Structure Permissions (Authority)	The purchasing authority limits as set up in Authority
Regulations	<i>Local Government (Functions and General) Regulations 1996</i>
RFQ	A Request for Quotation that contains pre-determined evaluation criteria to assess all value for money considerations, evaluated by a panel consisting of at least 2 City officers.
VendorPanel	Online quotation tool used by City officers to seek quotations and tenders from potential suppliers.
WALGA	Western Australian Local Government Association.

2. PRINCIPLES OF PROCUREMENT

The following principles, standards and behaviours must be observed and enforced through all stages of the purchasing process to ensure the fair and equitable treatment of all parties:

Principle	Standards and Behaviours
Compliance	All purchasing practices shall comply with relevant legislation, regulations, and requirements consistent with the City's Policies and Code of Conduct.
Integrity	Purchasing is to be undertaken on a competitive basis where all potential suppliers are treated impartially, honestly and consistently. Any actual or perceived conflicts of interest are to be identified, disclosed and appropriately managed.
Accountability	Full accountability shall be taken for all purchasing decisions and the efficient, effective and proper expenditure of public monies.
Financial	All purchases of goods and services must have the required Council budget appropriation prior to purchase.
Value for Money	Value for money is achieved through the critical assessment of factors including: <ul style="list-style-type: none"> • total cost of ownership; • risk ; • timeliness; • positive local, economic, environmental, and social impacts; • qualitative factors; and • safety requirements to determine the most advantageous outcome that contributes to the City achieving its strategic and operational objectives.
Risk Mitigation	Risks are identified and managed within the City's Risk Management Framework.
Confidentiality	Any information provided to the City by a supplier shall be treated as commercial-in-confidence and should not be released unless authorised by the supplier or relevant legislation.

3. COMPLIANCE REQUIREMENTS

- a. The City must comply with the requirement prescribed in the Regulations, this Policy, the Local Supplier Preference Council Policy, the Procurement Toolkit and associated purchasing procedures in effect at the City.
- b. Delegated authority functions and conditions for calling tenders, accepting and rejecting tenders, varying contracts, exercising contract extension options, tender exempt procurement and panels of pre-qualified suppliers may be obtained from the Delegation Register.

PURCHASING REQUIREMENTS

4. PURCHASING VALUE DEFINITION

- a. Determining purchasing value is to be based on the following considerations:
 - i. The actual or estimated value of the purchase/contract; or
 - ii. the actual or estimated value over the full term and/or quantity of supply, including all options to extend either quantity or term.

5. PURCHASING VALUE THRESHOLDS

- a. Table 1 prescribes the purchasing processes that the City must follow, based on the Purchase Value Threshold.

Table 1. Purchasing Thresholds

Purchase Value Threshold	Process Required	Sourcing Options
Up to \$5,000	Purchase directly from a supplier after obtaining at least one (1) oral or written quotation from that supplier.	a. Local and open market suppliers registered with VendorPanel; or
\$5,000 to \$75,000	Seek a minimum of three (3) written quotations from suppliers after providing a brief outlining the specified requirement.	b. WALGA Preferred Supplier Program (PSP); or
\$75,000 to \$250,000	Seek a minimum of three (3) written quotations from suppliers by formal RFQ. Note: City officers must engage the Procurement Team to coordinate the procurement.	c. State Common User Agreement (CUA); or
		d. Australian Disability Enterprise; or
		e. Registered on the Aboriginal Business Directory WA; or
		f. A person registered with the Australian Indigenous Minority Supplier Office Limited (trading as Supply Nation).
\$250,000 and above	Conduct a public tender process in accordance with the Act and the Regulations. Note: City officers must engage the Procurement Team to coordinate the procurement.	Public tender via VendorPanel.
	Seek three (3) or more written quotations through tender exempt supply arrangements in accordance with Regulation 11(2). Note: City officers must engage the Procurement Team to coordinate the procurement.	Process is <u>only</u> required for the listed tender exempt sources: <ul style="list-style-type: none"> • WALGA PSP; or • State CUA; or • Australian Disability Enterprise.

Where the minimum number of quotations sought cannot be achieved, the decision to continue with the evaluation and selection must be documented and clearly demonstrate the achievement of value for money.

6. PURCHASING AUTHORITY

- a. Purchasing Authority has been granted to City officers to support the review and approval of purchases. Purchasing Authority applies (but is not limited) to:
- i. Approving purchases;
 - ii. Approving and/or signing agreements or contracts (unless otherwise authorised by the Execution of Documents Council Policy);
 - iii. Approving variations/extensions; and
 - iv. Various other financial transactions.

- b. The Purchasing Authority Limits for Council and Chief Executive Officer (CEO) is reflective of the Purchasing Authority authorised by Council in accordance with the Act.
- c. Purchasing Authority limits for the remaining roles are set by the CEO and may be varied from those listed in Table 2.
- d. City officers cannot exceed their Purchasing Authority limit unless specifically authorised in writing by the CEO i.e. under periods of higher duties.
- e. The Purchasing Authority Limit is the value of the contract, inclusive of any extensions, and options (exclusive of GST)

Table 2. Purchasing Authority Limits

Role	Purchasing Authority Limit	Discretionary Limit
Council	Greater than \$400,000 for a once off Greater than \$1,200,000 for a multi-year	Greater than \$400,000 for a once off Greater than \$1,200,000 for a multi-year
CEO	\$400,000 for a once off purchase \$1,200,000 for a multi-year contract	\$400,000 for a once off purchase \$1,200,000 for a multi-year contract
Director	\$250,000 for both once off and multi-year	\$250,000 for both once off and multi-year
Manager	\$75,000 for both once off and multi-year	\$75,000 for both once off and multi-year
Other City officers	Please refer to Purchasing Structure Permissions (Authority)	\$0

7. PURCHASING CONDITIONS

- a. The supply of goods and services must not commence until a purchase order has been issued.
 - i. A purchase order is unnecessary in the case of insurances, payroll, utilities, statutory fees, loan repayments, freight & postal charges, fuel charges, petty cash, and other statutory damages, infringements and penalties.
- b. All procurement activity must be carried out in accordance with the Procurement Toolkit.

8. ANTI-AVOIDANCE

Multiple purchasing activities must not be entered into with the intent (inadvertent or otherwise) of "splitting" the purchase value to avoid a public tender being called or to avoid quoting threshold requirements. This includes the creation of two or more contracts or creating multiple purchase order transactions of a similar nature.

CONTRACT MANAGEMENT REQUIREMENTS

9. MINOR VARIATION BEFORE ENTRY INTO CONTRACT

- a. The City may make Minor Variations to the goods/services required, prior to entering into a contract with the successful supplier.
 - i. A Minor Variation has been determined by the City to mean a variation that doesn't significantly alter the nature of the goods or services included in the initial procurement.
- b. Minor Variations are approved in accordance with the Delegation Register and the City's Purchasing Authority limits.
- c. Minor Variations before entry into contract as a result of a public tender must comply with Regulation 20.

10. VARIATION AFTER CONTRACT COMMENCEMENT

- a. A variation can be made to a contract where the variation is:
 - i. Necessary in order for the goods and/or services to be supplied; and does not materially change the scope of the contract; and
 - ii. The variation is within the budget allocated for the project.
- b. Consideration must also be given to the original procurement process conducted and whether a different procurement process would have been required due to the increased expenditure.
- c. Variations are approved in accordance with the Delegation Register and the City's Purchasing Authority limits.
- d. Variations to contracts entered as a result of a public tender must comply with Regulation 21A.

11. CONTRACT EXTENSION (RENEWAL)

- a. Contracts may only be extended if the original contract includes an extension option.
- b. Contract extensions are approved in accordance with the Delegation Register and the City's Purchasing Authority limits.
- c. Extensions to contracts entered as a result of a public tender must comply with Regulation 11(2).and 21A

12. CONTRACT NOVATION

- a. The City has the ability to novate contracts in accordance with the Delegation Register and the City's Purchasing Authority limits.
- b. The City is not obligated to agree to a novation or assignment and must consider the details, risks and contractual obligations of such requests.

EXEMPTIONS TO PURCHASING REQUIREMENTS

From time to time there will be circumstances where it is not appropriate or not reasonably practicable to adhere to the purchasing requirements set out in this Policy. Table 3 outlines exemptions and their source of exemption.

Table 3: Exemptions List

Exemption	Source of Exemption	Details
Existing Contract	Regulation 11(2)	<ol style="list-style-type: none"> a. Where the City has an existing contract in place, and the works are within scope, the procurement is exempt from requiring quotes (unless required by the contract). b. Refer to the Contract Register and the City's Policies and procedures.
Tender Exempt Procurement	Regulation 11(2) Delegation 1.1.12	<ol style="list-style-type: none"> a. Procurements above the tender threshold and sourced through tender exempt supply arrangements, must be in accordance with the Regulation 11(2) and the City's policies and procedures. b. City officers must engage the Procurement Team to coordinate the procurement

Exemption	Source of Exemption	Details
Sole Supplier	Regulation 11(2) This Policy Delegation 1.1.12	<p>a. Regulation 11(2)(f) states that If the local government has good reason to believe that, because of the unique nature of the goods or services required or for any other reason, it is unlikely that there is more than one potential supplier; and</p> <p>b. Once determined, regardless of the value of the procurement the information and justifications must be detailed in a City Sole Supplier Memo prior to a contract being entered into.</p>
Emergency Purchases	Regulation 11(2)	<p>a. A local emergency and the expenditure is required:</p> <ol style="list-style-type: none"> i. Within existing budget allocations to respond to an imminent risk to public safety, or to protect or make safe property or infrastructure assets; or ii. With no relevant available budget allocation to respond to an imminent risk to public safety, or to protect or make safe property or infrastructure assets in accordance with s.6.8 of the Act and Regulation 11(2)(a); <p>b. A State of Emergency declared under the <i>Emergency Management Act 2005</i> and therefore, Regulations 11(2)(aa), (ja) and (3) apply to vary the application of this policy.</p> <p>c. Where possible, existing City Contracts should be utilised for emergency purchases.</p>
Discretionary	This Policy	<p>a. CEO, Directors and Managers may, at their discretion, and subject to their Purchasing Authority, waive the requirements to obtain the required number of quotations.</p> <p>b. Operational reasons for a discretionary exemption may include:</p> <ol style="list-style-type: none"> i. Delays resulting in increased costs to the City; ii. Acquisition of an existing artwork; iii. Supplier has intrinsic, established knowledge of City information, and engaging another supplier would substantially increase cost through additional effort. <p>Time constraints, poor planning, administrative omissions and errors do not justify a discretionary purchase.</p> <p>c. Once determined, regardless of the value of the procurement the information and justifications must be detailed in a City Discretionary Memo approved by the relevant Purchasing Authority, prior to a contract being entered into.</p>
Art Acquisition (could be removed as covered by discretionary)	Public Art Council Policy This Policy	<p>a. Procurement for public art projects and programs will be in alignment with the Public Art Council Policy.</p> <p>b. CEO, Directors and Managers may, at their discretion, and subject to their Purchasing Authority, waive the requirements to obtain the required number of quotations.</p>

Exemption	Source of Exemption	Details
Indigenous or Aboriginal Business (could be removed as covered by discretionary)	Regulation 11(2) This Policy	<p>a. The goods or services are to be supplied by a person registered on the Aboriginal Business Directory WA or by Australian Indigenous Minority Supplier Office Limited (trading as Supply Nation). Subject to a maximum of \$250,000 and where the procurement represents value for money..</p> <p>b. *OPTIONAL A qualitative weighting may be afforded in the evaluation of quotes and tenders to provide advantages to Indigenous or Aboriginal Business.</p> <p>c. CEO, Directors and Managers may, at their discretion, and subject to their Purchasing Authority, waive the requirements to obtain the required number of quotations up to a maximum of \$250,000.</p>
Australian Disability Enterprise (could be removed as covered by discretionary)	Regulation 11(2) This Policy	<p>a. Where the goods or services are to be supplied by an Australian Disability Enterprise and where the procurement represents value for money.</p> <p>b. *OPTIONAL A qualitative weighting may be afforded in the evaluation of quotes and tenders to provide advantages to Australian Disability Enterprises.</p> <p>c. CEO, Directors and Managers may, at their discretion, and subject to their Purchasing Authority, waive the requirements to obtain the required number of quotations.</p>

All exempt procurement activity must be carried out in accordance with the Procurement Toolkit.

PANELS OF PRE-QUALIFIED SUPPLIERS ESTABLISHED BY THE CITY

The City may establish a Panel of pre-qualified suppliers in accordance with Part 4, Division 3 of the Regulations.

In establishing and using a Panel, the City must:

- Clearly articulate the goods or services to be provided by the Panel;
- Provide instructions to Panel members regarding how the Panel will work, including advice on how quotes will be requested, work awarded, and supplier changes managed;
- Regularly performance manage and proactively engage Panel members;
- Register all Panel agreements in the City's contract register; and
- Not enter into Contract with a Panel member (i.e. Purchase Order) for a scope of work which covers a period of more than 12 months or which contains options to extend past 12 months (Division 3, reg 24AJ(2) of the Regulations). For clarity, the Panel itself can exist for a term longer than 12 months.
- Individual Panel purchasing rules take precedence over the general quotation process requirements noted in Table 1. Purchasing Thresholds.

OTHER REQUIREMENTS

13. CONFLICT OF INTEREST

- a. Actual or perceived interests are to be declared using the City's prescribed form (Conflicts of Interest Management Policy).
- b. Where there is a perceived or actual conflict of interest in accordance with the Act, the officer may be removed from any further procurement activity.

14. RECORDS MANAGEMENT

All purchasing activity (including variations), communications and transactions must be evidenced and retained as local government records in accordance with the *State Records Act 2000* and the City's Record Keeping Plan.

15. EDUCATION AND TRAINING

- a. The CEO is required to implement a procurement education and training program. This will include both induction training, and refresher training to be offered on a bi-annual basis.
- b. Employees who undertake procurement activities will be required to attend training.

16. ELECTED MEMBERS AND DESIGNATED SENIOR EMPLOYEES

Where the result of any procurement process undertaken in accordance with this policy is that the preferred supplier is a business that has been disclosed (by an Elected Member or Designated Senior Employee) in either a Primary or Annual Return in accordance with sections 5.75 and 5.76 of the Act, or a Related Party Disclosure in accordance with AASB 124, the CEO will notify Elected Members as soon as practicable following the engagement of that business.

17. PURCHASING POLICY NON-COMPLIANCE

Purchasing activities are subject to financial and performance audits, which review compliance with legislative requirements and compliance with the City's policies and procedures.

Failure to comply with the requirements of this policy will be subject to investigation, with findings to be considered in context of the responsible person's training, experience, seniority and reasonable expectations for performance of their role.

Where a breach is substantiated, it may be treated as one or more of the following:

- An opportunity for additional training to be provided.
- A requirement to suspend or terminate procurement activities.
- A disciplinary matter, which may or may not be subject to reporting requirements under the *Public Sector Management Act 1994*.
- Misconduct in accordance with the *Corruption, Crime and Misconduct Act 2003*.

COMPLIANCE REQUIREMENTS

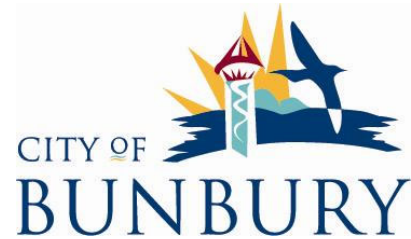
LEGISLATION

- *Local Government Act 1995*
- *Local Government (Financial Management) Regulations 1996*
- *Local Government (Functions and General) Regulations 1996*
- *Corruption Crime and Misconduct Act 2003*
- *State Records Act 2000*

ORGANISATIONAL

- City of Bunbury Employee Code of Conduct (DOC/896853)
- City of Bunbury Delegation Register
- Local Supplier Preference Council Policy (DOC/938230)
- Statement of Business Ethics
- Conflicts of Interest Management Policy (DOC/456378)
- Procurement Toolkit
- Corporate Credit Card Facility Management Policy (DOC/456380)
- Motor Vehicle Management Policy (DOC/456643)

Document Control					
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Adoption Details	Res 440/16 13 December 2016	Review Frequency:	biennial	Next Due:	2026
Review Version	Decision Reference:	Synopsis:			
DOC/455742[V5]	TBA	Extensive review of Purchasing Council Policy, including amendments to Purchasing Authority limits.			
DOC/455742[v4]	Council Decision 111/23 27 June 2023	Associated with the Annual Review of Delegations 2023, amend Policy to add section 5.9 Contract Novation, 6.3 Software Licensing, maintenance and support, and 6.4 Supply of passenger and light commercial vehicles, plus grammatical updates.			
DOC/455742[v3.1]	Senior Governance & Risk Officer	Amended section 6.3 Sole Supplier to refer to delegate or relevant subdelegate pursuant to Delegation 1.1.12 (as adopted by Council 28/06/22)			
DOC/455742[v3]	Council Decision 139/22 28 June 2022	Extensive review of Purchasing Council Policy adopted, including the creation of a new Local Supplier Preference Council Policy.			
DOC/455742[v2]	Council Decision 122/20 23 June 2020	Amendments to Tender Threshold, Emergency Purchases and Purchasing from Aboriginal Businesses sections			
DOC/455742[v1]		Converted from Mydocs to CM9			
CP-037588	063/19 19 March 2019	Reviewed and amended			
Date Printed	18-Oct-24				



PURCHASING COUNCIL POLICY

POLICY STATEMENT

The City of Bunbury is committed to delivering best practice in the purchasing of goods, services and works that align with the principles of transparency, probity and good governance.

This Policy is developed in accordance with the *Local Government Act 1995* and Part 4 of the *Local Government (Functions and General) Regulations 1996*

POLICY OBJECTIVES

This policy is directed to meet the following objectives:

- Achieving value for money with respect to all procurement activities;
- Consistent, efficient and accountable processes and decision-making;
- Fair and equitable competitive processes that engage potential suppliers impartially, honestly and consistently;
- Mitigating probity risk by establishing consistent and demonstrated processes that promote transparency, probity and integrity, including the avoidance of bias and of perceived and actual conflicts of interest;
- Compliance with the Act and the Regulations and the City’s policies and procedures;
- Compliance with the *State Records Act 2000* and City of Bunbury Record Keeping Plan and procedures;
- Ensure that the sustainable benefits, such as social and local economic factors are considered in the overall value for money assessment;
- Encourage effective competition with the supply of goods and services from local businesses;
- Risks identified and managed within the City’s Risk Management Framework; and
- Confidentiality protocols that protect commercial-in-confidence information and only release information where appropriately approved.

POLICY DETAILS

1. DEFINITIONS

Term	Meaning
Act	<i>Local Government Act 1995 (WA).</i>
GST	The goods and services tax under the <i>A New Tax System (Goods and Services Tax) Act 1999 (Cth).</i>
Panel	A Panel of Pre-Qualified Suppliers established by the City under the

Term	Meaning
	Regulations.
Policy	This City of Bunbury Council Policy titled "Purchasing Council Policy".
RFQ	A Request for Quotation that contains pre-determined evaluation criteria to assess all value for money considerations, evaluated by a panel consisting of at least 2 City officers.
WALGA	Western Australian Local Government Association.

2. ETHICS AND INTEGRITY

a. Misconduct

All officers and employees of the City undertaking purchasing activities must:

- Apply accountable and ethical decision making principles within the work environment;
- Behave in accordance with legislation, City of Bunbury Council Policies, procurement processes and Employee Code of Conduct;
- Understand and observe the definitions of Misconduct and Serious Misconduct as defined in the Corruption Crime and Misconduct Act 2003; and
- Report any information about actual or potentially fraudulent, corrupt or illegal activities, including breaches of the City's Employee Code of Conduct, to your Manager, Director or CEO.

3. PRINCIPLES OF PROCUREMENT

The following principles, standards and behaviours must be observed and enforced through all stages of the purchasing process to ensure the fair and equitable treatment of all parties:

- All purchases of goods and services must have the required Council budget appropriation prior to purchase.
- Full accountability shall be taken for all purchasing decisions and the efficient, effective and proper expenditure of public monies based on achieving value for money;
- All purchasing practices shall comply with relevant legislation, regulations, and requirements consistent with the City's Policies and Code of Conduct;
- Purchasing is to be undertaken on a competitive basis where all potential suppliers are treated impartially, honestly and consistently;
- All processes, evaluations and decisions shall be transparent, free from bias and fully documented in accordance with applicable policies, audit requirements and relevant legislation;
- Any actual or perceived conflicts of interest are to be identified, disclosed and appropriately managed; and
- Any information provided to the City by a supplier shall be treated as commercial-in-confidence and should not be released unless authorised by the supplier or relevant legislation.

4. VALUE FOR MONEY

Value for money is achieved through the critical assessment of price, risk, timeliness, social, economic and qualitative factors to determine the most advantageous supply outcome that contributes to the City achieving its strategic and operational objectives.

The City will apply value for money principles when assessing purchasing decisions and acknowledges that the lowest price may not always be the most advantageous.

a. Application

An assessment of the best value for money outcome for any purchasing process should consider:

- All relevant Total Costs of Ownership (TCO) and benefits including transaction costs associated with acquisition, delivery, distribution, as well as other costs such as but not limited to holding costs, consumables, deployment, maintenance, residual value, supplier changeover costs and disposal;
- The technical merits of the goods or services being offered in terms of compliance with specifications, contractual terms and conditions and any relevant methods of assuring quality, including but not limited to an assessment of levels and currency of compliances, value adds offered, warranties, guarantees, repair and replacement policies, ease of inspection, ease of after sales service, ease of communications etc.
- Financial viability and capacity to supply without risk of default (competency of the prospective suppliers in terms of managerial and technical capabilities and compliance history);
- A strong element of competition in the allocation of orders or the awarding of contracts. This is achieved by obtaining a sufficient number of competitive quotations wherever practicable;
- The safety requirements associated with both the product design and specification offered by suppliers and the evaluation of risk when considering purchasing goods and services from suppliers;
- The environmental, economic and social benefits arising from the goods, services or works required, including consideration of these benefits in regard to the supplier's operations, in accordance with this Policy and any other relevant City Policy; and
- Providing opportunities for businesses within the Bunbury/Wellington Group of Councils to be given the opportunity to quote for providing goods and services wherever possible through the Vendor Panel system.

5. PURCHASING REQUIREMENTS

- a. The requirements that must be complied with by the City, including purchasing thresholds and processes, are prescribed within the Regulations, this Policy, the Local Supplier Preference Council Policy, and associated purchasing procedures in effect at the City.
- b. Determining purchasing value is to be based on the following considerations:
 - i. Exclusive of GST;
 - ii. Where a contract is in place, the actual or expected value of expenditure over the full contract period, including all options to extend specific to a particular category of goods, services or works.

- iii. Where there is no existing contract arrangement, the Purchasing Value will be the estimated total expenditure for a category of goods, services or works over a minimum three year period.
- iv. The calculated estimated Purchasing Value will be used to determine the applicable threshold and purchasing practice to be undertaken.
- c. Officers must use Vendor Panel when seeking quotations above \$5,000.
- d. Delegated authority functions and conditions for calling tenders, accepting and rejecting tenders, varying contracts, exercising contract extension options, exempt tender procurement and panels of pre-qualified suppliers may be obtained from the Delegation Register.
- e. The table below prescribes the purchasing processes that the City must follow, based on the purchase value;

Monetary threshold of the contract value, including extension and options (exclusive of GST)	Process Required	Source
Up to \$4,999	Purchase directly from a supplier after obtaining at least one (1) oral or written quotation from that supplier.	Local supplier where practical. If no local suppliers seek one(1) quote through: <ul style="list-style-type: none"> • WALGA Preferred Supplier Program (PSP); or • State Common User Agreement (CUA); or • Australian Disability Enterprise; or • Aboriginal owned business; or • Open market
\$5,000 to \$74,999	Obtain a minimum of three (3) written quotations from suppliers after providing a brief outlining the specified requirement.*	Where practical a minimum of two (2) local suppliers to be invited along with open market suppliers. If no local suppliers, seek three (3) or more quotes through either: <ul style="list-style-type: none"> • WALGA PSP; or • State CUA; or • Australian Disability Enterprise; or • Aboriginal owned business; or • Open market
\$75,000 to \$250,000	Obtain a minimum of three (3) written quotations from suppliers by formal RFQ*. <u>Note: Officers must engage the Procurement Team to coordinate the procurement</u>	Where practical a minimum of two (2) local suppliers to be invited along with open market suppliers. If no local suppliers, seek three (3) or more quotes through either: <ul style="list-style-type: none"> • WALGA PSP; or • State CUA; or • Australian Disability Enterprise; or • Aboriginal owned business; or

Monetary threshold of the contract value, including extension and options (exclusive of GST)	Process Required	Source
		Open market
\$250,000 and above Tender Exempt via <ul style="list-style-type: none"> • WALGA PSP; or • State CUA; or Australian Disability Enterprise	Seek three (3) or more written quotations * Note: Formal Request for Quote to be issued by the Procurement Team.	Process is <u>only</u> required for the listed tender exempt sources <ul style="list-style-type: none"> • WALGA PSP; or • State CUA; or • Australian Disability Enterprise;
\$250,000 and above All other tender exempt sources	Sourced through tender exempt supply arrangements in accordance with the Regulation 11(2) and the City's Policies and procedures.	

*If unable to secure the minimum number of quotations required, refer to section 5.1(d).

5.1 Purchasing Conditions

- a. Where the City has an existing contract in place, the City must ensure that goods and services required are purchased under these contracts to the extent that the scope of the contract allows. When planning the purchase, the Officer must consult the Contract Register in Authority
- b. Supply of goods and services must not commence until a purchase order has been issued unless exempt from this requirement. A purchase order is unnecessary in the case of the following:
 - i. Insurances;
 - ii. Payments made through payroll;
 - iii. Utilities (service and/or consumption charges/fees only);
 - iv. Fees and payments that are statutory, this includes bank fees;
 - v. Other statutory damages, infringements and penalties;
 - vi. Loan repayments;
 - vii. Freight, postal charges and fuel cards;
 - viii. Goods purchased through petty cash;
 - ix. Credit card payment requests;
- c. All procurement activity must be carried out in accordance with the relevant purchasing procedures in effect at the City.
- d. Where the stated number of minimum quotations to be obtained cannot be achieved due to;
 - i. Limited responses (all thresholds); and/or
 - ii. Lack of supplier availability (tender exempt panel supply arrangements only i.e. WALGA or State CUA); and/or
 - iii. Software licensing, maintenance and support (section 6.3)
 - iv. Supply of passenger and light commercial vehicles (section 6.4)

the decision to continue with the evaluation and selection must be documented and clearly demonstrate the achievement of value for money.

- e. Officer must refer to the Delegation Register for the CEO approval limits in relation to Tenders, including WALGA and multi-year contracts.

5.2 Records Management

All purchasing activity, communications and transactions must be evidenced and retained as local government records in accordance with the State Records Act 2000 and the City's Record Keeping Plan. This includes those with organisations involved in a tender or quotation process, including suppliers

5.3 Requests for Tender where value is less than the Tender Threshold

The City may elect to invite tenders in lieu of undertaking quotations for procurements under the tender threshold where it is considered appropriate and beneficial. This decision should be made after considering the commercial and probity benefits of this approach in comparison to cost and efficiency. Where a tender is called, the Regulations relating to tender requirements must be followed.

5.4 Anti-Avoidance

Multiple purchasing activities must not be entered into with the intent (inadvertent or otherwise) of "splitting" the purchase value to avoid a public tender being called or to avoid threshold quoting requirements under \$250,000. This includes the creation of two or more contracts or creating multiple purchase order transactions of a similar nature.

5.5 Minor Variations

- a. In accordance with regulation 20 of the Regulations, a minor variation may be made to a contract following a tender process, by the City, prior to the City and the preferred tendered formalising the contract.
- b. A minor variation has been determined by the City to mean a variation which does not materially alter the specification or structure provided for by the initial tender.
- b. Where the initial procurement required Council approval, and the variation does not meet the above condition, then the variation must be presented to Council for consideration.
- c. The above conditions also apply to procurements under \$250,000 and are required to be undertaken in accordance with the internal procurement practice document –Procurement Toolkit.
- d. All decisions regarding minor variations must be documented and recorded.

5.6 Variation after Contract Commencement

- a. If the City has entered into a contract for the supply of goods and/or services with a successful tenderer, in accordance with Regulation 21A of the Regulations, the contract must not be varied unless;
 - i. The variation is necessary in order for the goods and/or services to be supplied; and does not change the scope of the contract; or
 - ii. The variation is a renewal or extension of the term of the contract as described in regulation 11(2)(j); and
 - iii. The variation is within the budget allocated for the project;
- b. Consideration must also be given to the original procurement process conducted and whether the combined value of the original price, any subsequent variations and proposed variation

(which includes term extension) would have resulted in a different procurement process being undertaken due to the increased expenditure.

- c. All contract variations are to be recorded and supported by adequate documentation describing the nature and reasons for the variations, including the associated costs, time and scope implications.
- d. Contract variations are to be approved in accordance with the CEO approved authorised limits.
- e. These conditions also apply to contracts valued under \$250,000 and are required to be undertaken in accordance with the internal procurement practice document – Procurement Toolkit.

5.7 Elected Members and Designated Senior Employees

Where the result of any procurement process undertaken in accordance with this policy is that the preferred supplier is a business that has been disclosed (by an Elected Member or Designated Senior Employee) in either a Primary or Annual Return in accordance with sections 5.75 and 5.76 of the *Local Government Act 1995*, or a Related Party Disclosure in accordance with AASB 124, the Chief Executive Officer will notify Elected Members as soon as practicable following the engagement of that business.

5.8 Contract Extensions

- a. Contracts may only be extended if the original contract includes an extension option (unless State of Emergency provisions apply).
- b. Contract extension must be approved before the expiration date of the original contract or previously extended term. Contract extensions are approved in accordance with the City's authorisation limits.

5.9 Contract Novation

The City is required to assess all requests for contract novation by:

- a. Review of the request to determine if there are any changes to the original contract scope/terms in the Deed of Novation. Seek legal advice if required;
- b. Undertake a compliance check and risk of failure score on the Novatee.
- c. Confirmation that there is no change to the total consideration under the novated contract.

Contract Novation's are approved in accordance with the City's authorisation limits.

5.10 Contract Expiry

Prior to the expiry of the original contract, and after any options for renewal of extension included in the original contract have been exercised, the City is required to review the purchasing requirements and commence a new competitive purchasing process in accordance with this Policy.

5.11 Conflict of Interest

Actual or perceived interests are to be declared using the City's prescribed Form (Conflicts of Interest Management Policy). Where there is a perceived or actual conflict of interest in accordance with the Act, the officer may be removed from any further procurement activity.

5.12 Education and Training

- a. The CEO is required to implement a procurement education and training program. This will include both induction and refresher training to be delivered on an annual basis.
- b. Employees who undertake procurement activities will be required to attend training.

6. EXCEPTIONS TO PROCUREMENT REQUIREMENTS

6.1 Tendering Exemptions

Procurements above the tender threshold and sourced through tender exempt supply arrangements, must be in accordance with the Regulations and the City's Policies and procedures. The exemptions are set out in the Regulations and include:

- Pre-qualified suppliers under the WALGA Preferred Supply Program [r.11(2)(b)];
- Suppliers under the State Government or the Commonwealth or by a regional local government or another local government [r.11(2)(e)];
- The goods or services are to be supplied by a person registered on the Aboriginal Business Directory WA or by Australian Indigenous Minority Supplier Office Limited (trading as Supply Nation) (subject to a maximum of \$250,000 and the City being satisfied as to 'value for money') [r.11(2)(h)];
- Where the goods or services are to be supplied by an Australian Disability Enterprise and where the procurement represents value for money [r.11(2)(i)];
- Where the contract is for petrol, oil or other liquid or gas used for internal combustion engines [r.11(2)(g)];
- Where the supply of goods or services is to be obtained from expenditure authorised in a local emergency under section 6.8(1)(c) of the Act [r.11(2)(a)];
- The supply of goods or services associated with a State of Emergency in accordance with section 11(2)(aa), (ja) and (3) of the Regulations; or
- Where the contract is formed by the novation of a contract entered into through a public tender process [r.11(2)(ia)]; or
- Suppliers under a Panel established by the City [r.11(2)(k)]; and
- Procurements covered by any other exclusions under Regulation 11 of the Regulations.

6.2 Emergency Purchases

- a. A local emergency and the expenditure is required (within existing budget allocations) to respond to an imminent risk to public safety, or to protect or make safe property or infrastructure assets; OR
- b. A local emergency and the expenditure is required (with no relevant available budget allocation) to respond to an imminent risk to public safety, or to protect or make safe property or infrastructure assets in accordance with s.6.8 of the Local Government Act 1995 and Functions and General Regulation 11(2)(a); OR

- c. A State of Emergency declared under the Emergency Management Act 2005 and therefore, Functions and General Regulations 11(2)(aa), (ja) and (3) apply to vary the application of this policy.

6.3 Software Licensing, Maintenance and Support

Where software licensing, maintenance and support is purchased annually, this is considered a *series* of one-year contracts. The total contract spend (Section 5.b.) may exceed the regulatory tender threshold or purchasing process thresholds in this policy.

It is reasonable to anticipate a longer contract term for the licensing and support of integral business systems, however the original procurement process may not have taken this into account.

Where an existing business software license, maintenance or support agreement is due for renewal, within the approved budget adopted by Council, the following information must be obtained and recorded:

- a. An assessment is to be undertaken to review the performance of the current software and to confirm the ongoing requirements; and
- b. Once determined, the above information and justifications must be detailed in a City Memorandum and approved in accordance with the City's authorisation limits.

If the total consideration under the resulting contract is over the tender threshold, and the software license, maintenance or support agreement cannot be sourced through tender exempt supply arrangement [r.11(2)], the City must undertake a public tender process.

6.4 Supply of Passenger & Light Commercial vehicles

Where passenger & light commercial vehicles are sourced through tender exempt supply arrangement [r.11(2)], the following information must be obtained and recorded:

- a. Develop a shortlist of potential vehicle make/models based on the vehicle requirements including: vehicle category (e.g. small passenger vehicles), and/or various specification requirements (body type, fuel type, 4x4 etc); and
- b. Undertake Whole of Life (WOL) cost modelling on shortlisted vehicles to determine which vehicle(s) demonstrate the achievement of value for money; and
- c. Purchase directly from a supplier after obtaining at least one (1) written quotation from that supplier.

Purchasing of passenger & light commercial vehicles is approved in accordance with the City's authorisation limits.

6.5 Sole Source of Supply

A sole source of supply is goods or services of a unique nature that can only be supplied from one supplier.

In order to determine that a source of supply is a sole source of supply the following information must be obtained and recorded:

- Purchasing requirement has been documented in a detailed specification; and
- Specification has been extensively market tested and only one potential supplier has been identified as being capable of meeting the specified purchase requirement; and

- Market testing process and outcomes of supplier assessments have been documented, inclusive of a rationale for why the supply is determined as unique and cannot be sourced through more than one supplier.

Once determined, regardless of the value of the procurement the above information and justifications must be detailed in a City sole supplier Memorandum approved by Delegate or relevant Subdelegate (pursuant to Delegation 1.1.12), prior to a contract being entered into.

A sole source of supply arrangement will only be approved for a period not exceeding two (2) years. For any continuing purchasing requirement, the approval must be re-assessed before expiry to evidence that a Sole Source of Supply still genuinely exists.

6.6 Discretionary Purchases (CEO, Directors and Managers)

- a. Where it is not practical to obtain multiple written and/or verbal quotations for a once off purchase, the following discretionary purchasing is permitted (prices excluding GST).
 - Chef Executive Officer up to \$150,000
 - Directors up to \$100,000
 - Managers up to \$50,000
- b. The request must be in writing from the relevant Officer and outline the justification for purchase without multiple quotations. The written request shall be saved in the records management system and notated in the requisition system at the time of undertaking the purchase order. Information shall be readily available upon request for internal / external auditing requirements.

7. PANELS OF PRE-QUALIFIED SUPPLIERS ESTABLISHED BY THE CITY

7.1 Policy Objectives

Where there is a continuing need for a particular type of goods and/or services to be supplied, the City may determine it is beneficial to do so by means of a Panel. The creation and operation of a Panel must be undertaken in accordance with the Regulations.

7.2 Establishing a Panel

- a. Panels will be established for one supply requirement, or a number of similar supply requirements under defined categories. This will be undertaken through an invitation procurement process advertised via a state-wide notice.
- b. Panels may be established for a maximum of three (3) years. The length of time of a Panel is decided with the approval of the CEO/ Executive Director.
- c. Evaluation criteria will be determined and communicated in the application process by which applications will be assessed and accepted.
- d. In each invitation to apply to become a pre-qualified supplier, the City will state the expected number of suppliers it intends to put on the panel.
- e. A Panel is required to be managed by the City Project officer to ensure that the performance of the Panel Contract and the Panel members under the contract are monitored and managed. This will ensure that risks are managed and expected benefits are achieved. A Contract Management Plan should be established that outlines the requirements for the Panel Contract and how it will be managed; and

- f. The City's Regional Price Preference may be applied when assessing applications to join a Panel.

7.3 Distributing Work Amongst Panel Members

Procuring from a Panel will be outlined in detail in the invitation to establish the Panel but in general will be undertaken as follows:

- a. Each Panel member will be requested to quote for each item of work under the Panel unless the Panel is operating using a ranking system (see (b) below). The City will obtain written quotations through electronic means, principally through the use of its online procurement portal. Quotes received will be assessed using pre-determined evaluation criteria to evaluate each quote;
- b. Where Panel members are ranked, prices may be fixed by means of a pricing schedule or through a quotation on each occasion. The City will invite the highest ranked panel member, who will accept or decline the request. If declined, the next ranked Panel member will be invited and so forth until a Panel member accepts a Contract;
- c. Award of work shall be evidenced by an official Purchase Order, which will represent the "contract", governed by the Panel terms; and
- d. Contracts issued must not be formed for the supply of goods and/or services for a term exceeding 12 months nor contain an option to renew or extend its term.

7.4 Purchasing from the Panel

The invitation to apply to join a panel of pre-qualified suppliers must state whether quotations are either to be invited to every member (within each category, if applicable) of the Panel for each purchasing requirement, whether a ranking system is to be established, or otherwise.

7.5 Recordkeeping - Panels

Records of all communications with Panel members, with respect to the procurement processes and all subsequent purchases made through the Panel, must be kept.

For the creation of a Panel, this includes the downloaded Vendor Panel request information that shall be stored in the City's Electronic Records Management System.

Purchase orders raised must reference the Panel reference number for the purposes of monitoring expenditure.

8. Authorisation to approve and issue purchase orders

Employees are authorised to approve and issue purchase orders in accordance with the Purchasing Structure Permissions (Authority).

- a. An employee cannot exceed their financial authorisation as set out in the Purchasing Structure Permissions (Authority) unless specifically authorised in writing by the CEO i.e. under periods of higher duties;
- b. The conditions of approving purchase requisitions and orders is in accordance with the internal Procurement Toolkit and purchases must be within the approved budget adopted by Council. The authorisation limit is the value of the contract, inclusive of extensions, variations and options (exclusive of GST); and
- c. The Purchasing Structure Permissions (Authority) is subject to review and approval by the CEO, such review to occur annually or as otherwise required.

9. Purchasing Policy Non-Compliance

Purchasing activities are subject to financial and performance audits, which review compliance with legislative requirements and compliance with the City’s policies and procedures.

Failure to comply with the requirements of this policy will be subject to investigation, with findings to be considered in context of the responsible person’s training, experience, seniority and reasonable expectations for performance of their role.

Where a breach is substantiated it may be treated as:

- An opportunity for additional training to be provided;
- A disciplinary matter, which may or may not be subject to reporting requirements under the *Public Sector Management Act 1994*;
- Misconduct in accordance with the *Corruption, Crime and Misconduct Act 2003*.

COMPLIANCE REQUIREMENTS

LEGISLATION

- *Local Government Act 1995*
- *Local Government Act (Financial Management) Amended Regulations 2015*
- *Local Government (Functions and General) Regulations 1996*
- *Corruption Crime and Misconduct Act 2003*
- *State Records Act 2000*

ORGANISATIONAL

- City of Bunbury Employee Code of Conduct (DOC/896853)
- City of Bunbury Delegation Register
- Local Supplier Council Policy (DOC/938230)
- Conflicts of Interest Management Policy (DOC/456378[v3])
- Purchasing Structure Permissions (Authority) (DOC/896707)
- Procurement Toolkit
- Corporate Credit Card Facility Management Policy (DOC/456380[v2])
- Motor Vehicle Management Policy (DOC/456643[v2])

Document Control					
Document Responsibilities:					
Owner:	Director Strategy and Organisational Performance		Owner Business Unit:	Finance	
Reviewer:	Manager Finance		Decision Maker:	Council	
Document Management:					
Adoption Details	Res 440/16 13 December 2016		Review Frequency:	biennial	Next Due: 2025
Review Version	Decision Reference:		Synopsis:		
DOC/455742[v4]	Council Decision 111/23 27 June 2023		Associated with the Annual Review of Delegations 2023, amend Policy to add section 5.9 Contract Novation, 6.3 Software Licensing, maintenance and support, and 6.4 Supply of passenger and light commercial vehicles, plus grammatical updates.		
DOC/455742[v3.1]	Senior Governance & Risk Officer		Amended section 6.3 Sole Supplier to refer to delegate or relevant subdelegate pursuant to Delegation 1.1.12 (as adopted by Council 28/06/22)		
DOC/455742[v3]	Council Decision 139/22 28 June 2022		Extensive review of Purchasing Council Policy adopted, including the creation of a new Local Supplier Preference Council Policy.		

DOC/455742[v2]	Council Decision 122/20 23 June 2020	Amendments to Tender Threshold, Emergency Purchases and Purchasing from Aboriginal Businesses sections
DOC/455742[v1]		Converted from Mydocs to CM9
CP-037588	063/19 19 March 2019	Reviewed and amended
Date Printed	18-Oct-24	

CURRENT



LOCAL SUPPLIER PREFERENCE POLICY

POLICY STATEMENT AND OBJECTIVES

The City of Bunbury recognises the contribution local businesses make in building a better Bunbury. This Policy outlines the process for City officers to apply preferences to Local Suppliers in a fair and equitable manner. The objectives of the Policy are:

- To promote economic development by maximising participation of local businesses in the delivery of goods and services;
- Encourage effective competition with the supply of goods and services from local businesses;
- Promote the inclusion of local businesses and the employment of local residents.

This Policy outlines the process for the application of a regional price preference for Local Suppliers and the application of a preference for goods and services which are identified as being sourced from Local Suppliers.

This Policy is developed in accordance with Part 4A of the *Local Government (Functions and General) Regulations 1996 (Regulations)*.

POLICY SCOPE

This Policy will apply to procurements greater than \$75,000 (ex GST) invited by the City of Bunbury.

In relation to this Policy, a supplier is considered a “Local Supplier” if:

- (a) The supplier is located within the Bunbury/Wellington Group of Councils; and
- (b) The supplier has a permanent office and staff located in the Bunbury/Wellington Group of Councils for a period of at least six (6) months prior to the closing date of the procurement.

POLICY DETAILS

1. Applicability

A regional price preference is applicable when evaluating submissions for procurements (according to the Purchasing Policy) \$75,000 (excluding GST) and over.

A local content price preference will apply to local content components of goods and services sourced from Local Supplier businesses for all procurements \$75,000 (ex GST) and over.

The City’s Regional Price Preference may be applied when assessing applications to join a Panel.

2. Regional Price Preference for Procurements \$75,000 and over

In accordance with regulation 24D of the Regulations, the following price preferences will be applied for each procurement (where applicable):

- (a) 10% where the contract is for goods or services up to a maximum price reduction of \$50,000;
- (b) 5% where the contract is for construction services, up to a maximum price reduction of \$50,000; and
- (c) 10% where the contract is for goods and services or construction services tendered for the first time (in circumstances where the goods or services or construction services were previously supplied by Council) up to a maximum price reduction of \$500,000.

3. Local Content Price Preference for Procurements \$75,000 and over

A price preference will apply to local content components of goods and services sourced from Local Suppliers for non-regional (metropolitan) businesses in respect of all procurements \$75,000 and over as follows:

- (a) 10% where the contract is for goods or services up to a maximum price reduction of \$50,000; and
- (b) 5% where the contract is for construction services, up to a maximum price reduction of \$50,000.

Local content components of goods and services can include goods, materials, labour, sub-contractors, professional services and employment of residents, but cannot include travel costs.

Written evidence of the local content components, including how it relates to the price submitted must be provided. Where possible, Contract managers will monitor local content components to ensure compliance by consulting with Contractors during delivery and requesting evidence of compliance.

4. Local Supplier procurement practices

As much as practicable, the City will endeavour to:

- where appropriate, consider buying practices, procedures and specifications that do not unfairly disadvantage Local Suppliers;
- avoid bias in the design and specifications for Request for Quotation and Tenders – all requests must be structured to encourage local businesses to bid;
- consider indirect benefits that have flow on benefits for Local Suppliers (i.e. servicing and support);
- ensure that procurement plans consider Local Suppliers, explore the capability of Local Supplier to meet requirements and ensure that procurements are designed to accommodate the capabilities of Local Suppliers;
- provide adequate and consistent information to Local Suppliers; and
- utilise VendorPanel when conducting a procurement in accordance with the Council Purchasing Policy and the City's internal procurement practice document – procurement management policy.

5. Transparency and probity

Where regional price preferences and/or local content price preferences are to be applied during procurement processes, they must be notified within the relevant procurement documents. All suppliers must be treated fairly and consistently when evaluating procurement outcomes.

COMPLIANCE REQUIREMENTS

LEGISLATION

- *Local Government Act 1995*
- *Local Government Act (Financial Management) Amended Regulations 2015*
- *Local Government (Functions and General) Regulations 1996*
- *Corruption Crime and Misconduct Act 2003*
- *State Records Act 2000*

INDUSTRY

ORGANISATIONAL

- City of Bunbury Employee Code of Conduct
- Council Policy: Purchasing

Document Control			
Document Responsibilities:			
Owner:	Chief Executive Officer	Owner Business Unit:	Finance Department
Reviewer:	Team Leader Property and Procurement	Decision Maker:	Council
Document Management:			
Adoption Details	Council Decision 139/22 28 June 2022	Review Frequency:	biennial
Next Due:	2024		
Review Version	Decision Reference:	Synopsis:	
DOC/938230	A/Manager Governance 15/08/2022	No submissions received at the close of advertising period, being 08.08.22. Policy is now considered adopted by Council and will be advertised as such on 17.08.22 (the West) and 18.08.22 (South Western Times).	
DOC/938230	Council Decision 139/22 28 June 2022	Council adopted the proposed new Council Policy for the purpose of giving notice to the public in accordance with section 24E of the Local Government (Functions and General Regulations). Should no submissions be received after the expiration of the public notice period, the Policy is adopted. Should any submission be received, the proposed policy and any submissions received will be presented to Council for further consideration.	
Date Printed	18-Oct-24		

8.3 Review of Council Policy: Sporting and Community Leases and Licences

File Ref:	COB/306
Applicant/Proponent:	Internal
Responsible Officer:	Gemma Stewart, Senior Lands Officer
Responsible Manager:	Felicity Anderson, Manager Economic Development
Executive:	Andrew McRobert, Director Sustainable Development
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Executive/Strategic <input type="checkbox"/> Information <input type="checkbox"/> Legislative Purposes
Attachments:	Appendix 8.3-A: Council Policy: Sporting and Community Leases and Licences

Summary

The purpose of this report is for the Policy Review and Development Committee to review existing Council Policy: Sporting and Community Leases and Licences.

Executive Recommendation

That the Policy Review and Development Committee recommend that Council note the review of existing Council Policy Sporting and Community Leases and Licences, 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, the policy only applies within the City of Bunbury.

Background

The existing policy was last reviewed in December 2022 and is now presented to Council by the Policy Review and Development Committee for its biennial review.

Officers have reviewed the existing policy and do not propose any changes.

Council Policy Compliance

This report facilitates the review of an existing Council Policy.

Legislative Compliance

N/A

Officer Comments

Officers have reviewed the Policy and suggest that the content is appropriate and does not require amendment.

Analysis of Financial and Budget Implications

Nil as there are no changes proposed to the existing policy.

Community Consultation

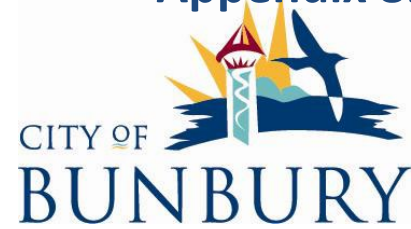
Nil

Elected Member/Officer Consultation

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

Timeline: Council Decision Implementation

Any changes to the policy will become effective immediately once adopted by Council.



SPORTING AND COMMUNITY LEASES AND LICENCES COUNCIL POLICY

POLICY STATEMENT

Council acknowledges the societal and economic value sporting and community groups provide to the city. Council is committed to supporting sporting and community groups that enter into lease or license arrangements with the City, to ensure they are affordable.

POLICY SCOPE

This policy applies to sporting and community groups in the City of Bunbury

POLICY DETAILS

Sporting groups may be defined as a group of people formed for the purpose of playing sports. Community groups may be defined as a group of people formed, at a community level, for the purpose of working towards the creation or enhancement of their community. Sporting and community groups do not earn profits for their administrators or members.

The City of Bunbury may provide leases and licenses to organisations which cover land and buildings owned or managed by the City including Crown land.

It is acknowledged that the cost of providing affordable leases and licenses to sporting and community groups is subsidised by the ratepayers of Bunbury. This Policy is not intended to generate a revenue stream.

To protect the City's interests all leases and licenses are to include two non-negotiable clauses those being:

1. unless otherwise agreed, a redevelopment clause, providing a twelve month notice period; and
2. a remediation clause to ensure buildings and assets not owned or approved by the City are appropriately dealt with when any lease or license arrangement ends.

Sporting or community groups that enter into a lease or license arrangement with the City will not be charged a rental fee.

Sporting and community groups will be charged a fee for the preparation of documents, including variations, extensions, assignments and surrenders to existing leases/licenses.

Sporting and community groups with existing "peppercorn" leases/licenses will remain as such and not be charged a fee for the preparation of documents.

All sporting and community groups that enter into lease or license arrangements with the City will be charged minimum rates.

Sporting and community groups that do not pay rates due to existing lease or license terms or legislative exemptions will remain as such and not be charged rates.

Sporting and community groups that enter into lease or license arrangements over storage facilities less than 300sqm and have a permitted use consistent with storage of equipment and goods only, as outlined in their lease or license, will not be charged rates.

No concessions will be given to the Emergency Services Levy and waste services charges.

The City provides substantial infrastructure to its lessees and licensees. The upkeep and maintenance of the leased/licensed premises will continue to be undertaken by sporting and community groups in accordance with the terms contained within their lease or license, which will make clear the responsibilities of all parties to the lease or license. This Policy does not incorporate;

- Leasing of airport sites or casual hire of City of Bunbury facilities;
- Government funded entities; or
- Commercial leasing and licensing arrangements.

COMPLIANCE REQUIREMENTS

LEGISLATION

INDUSTRY

ORGANISATIONAL

Document Control					
Document Responsibilities:					
Owner:	Director Strategy and Organisational Performance	Owner Business Unit:	Finance		
Reviewer:	Manager Finance	Decision Maker:	Council		
Document Management:					
Adoption Details	Res 419/1411 November 2014	Review Frequency:	biennial	Next Due:	2022
Review Version	Decision Reference:	Synopsis:			
DOC/455747	Council Decision 277/22 20 December 2022	Reviewed with no changes			
DOC/455747	Council Decision 211/20 29 September 2020	Reviewed with no changes			
CP-035756	Res 186/18 28 June 2018	Major Review and Changes including name change from Leases and Licences Council Policy to Sporting and Community Leases and Licences Council Policy.			
CP-035756	Res 238/16 12 July 2016	Reviewed with changes			
Date Printed	18 October 2024				

8.4 Review of Council Policy: Commercial Leases and Licenses

File Ref:	COB/306
Applicant/Proponent:	Internal
Responsible Officer:	Gemma Stewart, Senior Lands Officer
Responsible Manager:	Felicity Anderson, Manager Economic Development
Executive:	Andrew McRobert, Director Sustainable Development
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Executive/Strategic <input type="checkbox"/> Information <input type="checkbox"/> Legislative Purposes
Attachments:	Appendix 8.4-A: Council Policy: Sporting and Community Leases and Licences

Summary

The purpose of this report is for the Policy Review and Development Committee to review existing Council Policy: Commercial Leases and Licenses

Executive Recommendation

That the Policy Review and Development Committee recommend that Council note the review of existing Council Policy Commercial Leases and Licenses, 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, the policy only applies within the City of Bunbury.

Background

The Commercial Leases and Licenses Council Policy was last reviewed by Council in December 2022.

The Policy outlines the procedures for providing leases/licences to commercial entities to undertake commercial activities during negotiations for the granting of a new lease/licence or when Expressions of Interest (EOI) are sought for commercial tenants on vacant premises.

Council Policy Compliance

This report facilitates the review of an existing Council Policy.

Legislative Compliance

N/A

Officer Comments

Officers have reviewed the Policy and suggest that the content is appropriate and does not require amendment.

Analysis of Financial and Budget Implications

Nil as there are no changes proposed to the existing policy.

Community Consultation

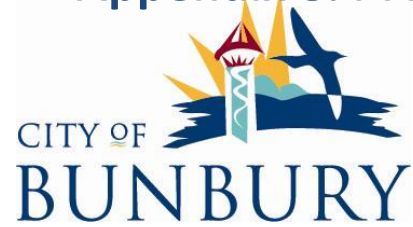
Nil

Elected Member/Officer Consultation

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

Timeline: Council Decision Implementation

Any changes to the policy will become effective immediately once adopted by Council.



COMMERCIAL LEASES AND LICENCES COUNCIL POLICY

POLICY STATEMENT

The City of Bunbury owns various freehold Properties and manages Crown land by way of Management Order and may elect to enter into Leases or Licences to third parties. The City of Bunbury seeks to ensure that all Lessees and Licensees have an understanding of the City's Policy in relation to such Leases and Licences.

This Policy is developed in accordance with the *Local Government Act 1995* and all applicable laws and regulations.

POLICY SCOPE

To provide principles to ensure that all requests to Lease or Licence City of Bunbury owned, managed or controlled Property, including Crown Land are dealt with in a fair, equitable, and where possible, consistent manner.

To ensure compliance with s3.58 of the *Local Government Act 1995* and any other relevant laws, and consistency with the City of Bunbury policies.

POLICY DETAILS

DEFINITIONS

Term	Meaning
City	The City of Bunbury.
Crown Land	Land owned by the Crown and vested in the City of Bunbury through the granting of a Management Order by the relevant State department.
CT (Retail Shops) Act	Commercial Tenancy (Retail Shops) Agreements Act 1985.
Lease	A legally binding agreement by which one party (Lessor) in consideration of rent, grants exclusive use and possession of real Property to a third party for a specified purpose and term.
Licence	Permits a person to occupy Property on particular conditions but does not permit exclusive possession.
Management Order	An authorisation provided by the Crown giving the City of Bunbury both the power and authority to manage a parcel of land on behalf of the Crown.
Policy	This City of Bunbury Council Policy titled "Commercial Leases and Licences Policy".
Property	The Property that is subject to or intended to be subject to a Lease or Licence.
Retail Shop Lease	A legally binding agreement granted in accordance with the CT (Retail Shops) Act.

TERM

The maximum tenure of a Lease or Licence granted by the City on Crown Land will be in accordance with the terms of the relevant Management Order.

The maximum tenure of a Lease or Licence granted by the City on freehold land will be at the discretion of the City.

COMMERICAL LEASES

Rent for Commercial Leases or Licences will be determined by Market Valuation.

The cost of obtaining a market valuation (provided by a licensed Property Valuer) for the initial Lease or Licence rental assessment and during the term of the Lease or Licence will be paid by the Lessee at the discretion of the City.

Rent reviews will be conducted on the anniversary date of the Lease or License by a Market Valuation at intervals as specified in the Lease or Licence and by the Consumer Price Indexation, All Groups (Perth) for the previous quarter for intervening years.

The Lessee or Directors may be required to provide a personal guarantee if the Lease is through a company or trust.

The Lessee may be required to provide a bank guarantee or security bond at the discretion of the City (unless otherwise prohibited by the CT (Retail Shops) Act).

CT (RETAIL SHOPS) ACT LEASES

If the CT (Retail Shops) Act applies, Leases will be prepared in accordance with the CT Act.

Subject to the CT (Retail Shops) Act, a minimum term of 5 years will be granted. The term can be a combination of initial term and options totalling 5 years.

EXPIRY OF TERM AND EXPRESSIONS OF INTEREST

Unless prohibited by the CT (Retail Shops) Act, at least 6 months prior to the expiry of a Lease term (in circumstances where there are no further options available under the Lease or Licence), the City will at the City's discretion, determine whether the City will enter into a further new Lease or Licence.

In circumstances where the Lease or Licence term has expired and the City has indicated that no further Lease or Licence will be entered into, the City will conduct an Expression of Interest (EOI) process to determine a suitable Lessee or Licensee for the City Property.

The decision to conduct an EOI process in respect of City Property will be at the discretion of the City.

PLANNING, CONSENT AND APPROVALS

Where the City manages Crown Land, the grant of the Lease or Licence and each renewal, if any, will be conditional on Minister for Lands approval.

COSTS

Lessee or Licensee must pay the City for all reasonable costs associated with the development and implementation of the Lease or Licence (unless prohibited by the C T (Retail Shops) Act). These costs may include legal fees, document preparation fees and advertising (in accordance with the City's Fees and Charges), valuation/surveyor fees and Landgate registration fees.

REGISTRATION

Crown Land

The City requires registration of Leases over Crown Land –

- a) where a Lease is required to be registered pursuant to the terms of a Management Order in respect of the Crown Land; or
- b) in circumstances where the term of the Lease over Crown Land is greater than 12 months.

Freehold

The City requires that all Leases with a term of greater than 5 years must be registered with Landgate.

COMPLIANCE REQUIREMENTS

LEGISLATION

- *Local Government Act 1995*
- *Land Administration Act 1997*
- *Commercial Tenancy (Retail Shops) Agreements Act 1985*

Document Control					
Document Responsibilities:					
Owner:	Director Strategy & Organisational Performance	Owner Business Unit:	Property and Procurement		
Reviewer:	Manager Finance	Decision Maker:	Council		
Document Management:					
Adoption Details	Res 12/15 20 January 2015	Review Frequency:	biennial	Next Due:	2024
Review Version	Decision Reference:	Synopsis:			
DOC/455614[v3]	Council Decision 290/22 20 December 2022	Policy reviewed with significant changes including name change to <i>Commercial Leases and Licences Council Policy</i> from <i>Commercial Leases Council Policy</i> .			
DOC/455614[v2]	Council Decision 114/21 29 June 2021	Policy Reviewed with no changes			
DOC/455614[v2]	Council Decision 049/20 17 March 2020	Consolidate policies and corporate guidelines in accordance with revised Policy Framework. Convert CG to Management Policies			
DOC/455614[v1]		Converted from Mydocs to CM9			
CP-027048 v 2.0	Res 052/19 19 March 2019	Minor changes			
CP-027048 v 1.0	Res 104/17 21 March 2017				
Date Printed	18 October 2024				

8.5 Review of Council Policy: Town Planning Appeal Applications for Review

File Ref:	COB/306
Applicant/Proponent:	Internal
Responsible Officer:	Barbara Macaulay, Manager Planning and Building
Responsible Manager:	Barbara Macaulay, Manager Planning and Building
Executive:	Andrew McRobert, Director Sustainable Development
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input type="checkbox"/> Executive/Strategic <input type="checkbox"/> Information Purposes <input checked="" type="checkbox"/> Legislative
Attachments:	Appendix 8.5-A REVISED Town Planning Appeal Applications for Review Council Policy

Summary

This report is presented to the Policy Review and Development Committee (PRDC) to facilitate updates to the existing Council Policy. The changes proposed are:

1. Update terminology from ‘Town Planning Appeal Applications for Review’ to ‘State Administrative Tribunal Development Applications for Review’.
2. Introduce requirements for the City to advise parties who have made a submission on an Application for Development Approval that an application for review has been made to the State Administrative Tribunal (SAT).
3. Introduce the requirement for the City to notify all parties who made a submission the outcome of the SAT review.

Executive Recommendation

That the Policy Review and Development Committee recommends that Council adopt the revised Town Planning Appeal Applications for Review Council Policy as attached at appendix 8.5-A, noting the change of name to State Administrative Tribunal Development Applications for Review Council Policy.

Voting Requirement: Simple Majority

Strategic Relevance

Pillar	Place
Aspiration	An integrated, vibrant and well planned City.
Outcome	A community with high quality urban design and housing diversity.
Objective 7.1	Promote responsible planning and development.
Pillar	Prosperity
Aspiration	A strong and diversified economy.
Outcome 11	A strong, resilient and diverse economic hub for the South West.
Objective 11.2	Attract diversified investment, industry and businesses.

Regional Impact Statement

Not applicable.

Background

The Policy was last reviewed in December 2022.

Council Policy Compliance

Nil.

Legislative Compliance

State Administrative Tribunal Act 2004
Local Government Act 1995

Officer Comments

There is no legislative requirement to notify submitters to an application for development approval that the applicant has sought review of the decision through the State Administrative Tribunal. In the interest of transparency and best practice, it is recommended that parties are notified when a decision of Council is under review by the SAT.

Analysis of Financial and Budget Implications

Nil.

Community Consultation

Nil.

Councillor/Officer Consultation

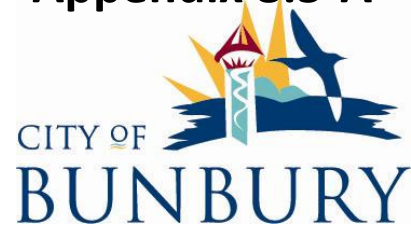
This matter is presented to the Policy Review and Development Committee for consideration.

Applicant Consultation

Not applicable.

Timeline: Council Decision Implementation

Immediately following Council decision.



STATE ADMINISTRATIVE TRIBUNAL TOWN PLANNING **APPEAL DEVELOPMENT APPLICATIONS FOR REVIEW** **COUNCIL POLICY**

POLICY STATEMENT

Elected Members will represent Council's decision at the State Administrative Tribunal when that decision is contrary to the recommendation of the City's administration.

POLICY SCOPE

The State Administrative Tribunal (SAT) was established in 2005 as an independent body that makes and reviews a range of administrative decisions. Decisions on an Application for Development Approval made by the City Administration and/ or the Council are subject to the State Administrative Tribunal Act 2004 and the State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Act 2004 (Conferral Act). Decisions made by the City Administration and/or the Council can be appealed. They are:

- Decisions made by the Council aligned with the Administration recommendation.
- Decisions made by Council contrary to the Administration recommendation.

This policy will be applied to:

- a. Decisions made by the Council aligned to the Administration recommendation
Where a Council decision is essentially the same as the Administration recommendation, an officer as nominated by the CEO shall act on behalf of the Council and attend a mediation or tribunal hearing to represent the Council's position.
- b. Decisions made by the Council contrary to the Administration recommendation.
Where a decision of the Council is contrary to the recommendation of Administration the Council may be represented by up to two (2) Elected Members that moved and seconded, or by a Consultant. Administration will not be requested to represent the City.

POLICY DETAILS

1. Where a decision of the Council is the subject of a right of review by the SAT and that decision is contrary to the recommendation of Administration the CEO shall arrange for Council to be represented in the following ways:
 - a. The Mover and Seconder of the relevant motion may be responsible for attending as a witness or in any other capacity necessary to a mediation or tribunal hearings and represent the Council's position.
 - b. Where the Mover and/or Seconder are not available an alternative Elected Member supporting the Council's position may act in this capacity.

- c. Where no members of Council are prepared to represent the Council's position at mediation and/or tribunal hearings then the CEO shall appoint an independent consultant acting on the Council's behalf and to attend any mediation and/or tribunal hearings as an expert witness.
 - d. Council officers shall provide all necessary information to the nominated Member of the Council, consultant or advocate assisting in the compilation of a response or a witness statement.
 - e. Council officers, if required, or subpoenaed can give evidence at a tribunal hearing in support of the officers recommendation despite the fact that the evidence given may be contrary to the Council's decision, and the subject of an appeal.
 - f. Class 1 Applications – In accordance with the SAT Act 2004, the Council can receive legal representation only if the applicant chooses to elect that parties be represented by a lawyer.
 - g. Class 2 Applications – In accordance with the SAT Act 2004, the Council may choose to be represented by a legal representative in place of, or in addition to, an independent consultant or advocate.
 - h. Upon receipt of an invitation from the SAT to consider the matter under s31 of the SAT Act 2004, the officer and/or the Council representative shall write a report for Council's reconsideration.
2. For all decisions, legal representation and/ or relevant consultant(s) may be appointed to deal with SAT matters to support the officer or the Council representatives, in accordance with the State Administration Act 2004 and Regulations.
 3. Where legal representation is so engaged, no elected member participating in a SAT hearing shall act contrary to legal advice provided by the Council's appointed lawyer.
 4. Where Elected Members are representing the Council's position at the SAT they are not permitted to discuss the application with any person not directly involved in the SAT process.
 5. Elected Members and employees involved in SAT matters are reminded that they are to adhere to the City of Bunbury Code of Conduct.
 6. The City will advise parties who have made a submission on a development application that an application for review has been made to the SAT.
 - 5.7. The City will notify all parties who made a submission on an application the outcome of the SAT application.

COMPLIANCE REQUIREMENTS

LEGISLATION

- *The State Administrative Tribunal established in 2005, as an independent body that makes and reviews a range of administrative decisions. Decisions on development applications made by the City of Bunbury are subject to the State Administrative Tribunal Act 2004, and the State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Act 2004 (Conferral Act).*
- *Planning and Development Act 2005*

INDUSTRY

ORGANISATIONAL

- City of Bunbury Town Planning Scheme (as amended)

Document Control					
Document Responsibilities:					
Owner:	Director Sustainable Communities	Owner Business Unit:	Manager City Growth		
Reviewer:	Team Leader Development Assessment & Compliance	Decision Maker:	Council		
Document Management:					
Adoption Details	Res 336/142 September 2014 –	Review Frequency:	biennial	Next Due:	2022
Review Version	Decision Reference:	Synopsis:			
DOC/455751	Council Decision 288/22 20 December 2022	Reviewed with no changes			
DOC/455751	Council Decision 258/20 8 December 2020	Reviewed with no changes			
CP-025637	Res 306-18 16 October 2018	Reviewed with grammar corrections			
CP-025637	Res 159/1617 May 2016 –	Reviewed			
Date Printed	18/10/2024 11/10/2024 26/09/2024				

8.6 Review of Council Policy: Worker Wellbeing

File Ref:	COB/306
Applicant/Proponent:	Internal
Responsible Officer:	Odetta Robertson, Manager People and Safety
Responsible Manager:	Odetta Robertson, Manager People and Safety
Executive:	Karin Strachan, Director Corporate and Community
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Executive/Strategic <input type="checkbox"/> Information <input type="checkbox"/> Legislative Purposes
Attachments:	Appendix 8.6-A: REVISED Council Policy: Worker Wellbeing

Summary

The purpose of this report is for the Policy Review and Development committee to review the Worker Wellbeing Council Policy.

Executive Recommendation

That the Policy Review and Development Committee recommend that Council adopt the revised Worker Wellbeing Council Policy as presented at Appendix 8.6-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

Not applicable to this report.

Background

The existing Policy was adopted by Council on 23 January 2018 and was last reviewed on 20 December 2022. This Policy is now presented to the Committee for its biennial review.

The recommended changes are to bring the Policy into alignment with the recently introduced Work Health and Safety (WHS) legislation. This includes the change from term of ‘employee’ to ‘worker’ and all other WHS legislation references. Other changes include an increase in options for Southwest Sorts Centre Membership, and the addition of mental health activities as Health and Wellbeing initiatives.

Council Policy Compliance

The report facilitates a review of an existing Council Policy.

Legislative Compliance

Not applicable to this report.

Officer Comments

The purpose of this policy is to ensure that staff have the opportunity to access health and wellbeing initiatives and choices in the workplace as identified in the City's Enterprise Agreement, as well as demonstrating Council's commitment to staff health and well-being.

The Policy delivers on the purpose of the Working on Wellness Committee to discuss, develop and assist in the delivery of a Wellness Program that will help the City of Bunbury's employees to be more aware, motivated, and skilled around life decisions to increase their own and other's emotional, mental and physical wellbeing.

Officers have reviewed the policy and suggest changes minor changes as presented at appendix 8.6-A.

Analysis of Financial and Budget Implications

Not applicable to this report.

Community Consultation

Not applicable

Elected Member/Officer Consultation

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

Timeline: Council Decision Implementation

Following Council endorsement, the revised policy will become effective immediately.



WORKER WELLBEING COUNCIL POLICY

POLICY STATEMENT

At the City of Bunbury (the 'City'), wellbeing encompasses the health and, safety of our workers. The City recognises the importance of supporting improved health and wellbeing for staff and the mutual benefit this offers.

The purpose of this policy is to ensure that staff have the opportunity to access health and wellbeing initiatives and choices in the workplace as identified in the City's Enterprise Agreement, which demonstrate Council's commitment to staff health and wellbeing.

POLICY SCOPE

This policy applies to: City of Bunbury Staff.

POLICY DETAILS

This policy serves as a commitment by the City to support a workplace culture that educates and encourages healthy lifestyle choices. To enhance this process the City will promote and encourage staff to participate in opportunities to improve their health, safety and wellbeing in the workplace via the Work on Wellness [CommitteeGroup](#), People and Safety Department or in consultation with the Work Health and Safety (WHS) Committee.

Staff benefits include but are not limited to:

- South West Sports Centre membership
- Worker benefits with Private Health Insurance Providers and other beneficial services
- Employee Assistance Program
- Activities as per the Work on Wellness [Committees-Group](#) program
- Initiatives by the (WHS) Committee or People and Safety
- Blood donations
- For further information regarding the staff wellbeing program refer to Worker Wellbeing Procedure WHS-WWB-001.

The City of Bunbury will endorse and support the implementation of the worker wellbeing program and show commitment to improving the health and wellbeing of its staff by implementing and supporting the following items;

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1. South West Sports Centre (SWSC) Membership

This membership excludes personal training, and the following processes apply:

- 1.1 Workers will be eligible to access this membership once they have successfully completed their probationary period.
- 1.2 Workers must undergo an appraisal before accessing this membership. The cost of this appraisal is as per the adopted Annual Schedule of Fees and Charges and is payable by the employee.
- 1.3 These will need to be renewed every 6 months, with the fee applying to each renewal.
- 1.4 The "COB Workers Membership" excludes personal training which will need to be purchased separately.

~~1.5 Attendance must be outside of paid working hours.~~

~~1.5~~

~~The procedure to initiate your COB Workers memberships is:~~

- ~~a) Book an appointment with the Membership Consultants at SWSC.~~
- ~~b) Once signed up, the Membership Consultants will advise the date of your appraisal (you will need to pay for this).~~
- ~~c) Once the appraisal has been completed, you will be issued with a card which will allow you to access the SWSC.~~
- ~~d) You will need to renew after 6 months, as per the SWSC guidelines for renewal. Attendance will be reviewed at this point also.~~

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2. Health and Wellbeing Initiatives

The City will support the initiatives and programs of the Work on Wellness Committee.

These initiatives may include (but are not limited to) programs, such as;

- 2.1 Skin cancer checks
- 2.2 Health checks
- ~~2.3 Weight management~~
- 2.4 Fitness classes
- 2.5 Quit smoking strategies
- 2.6 Nutrition and healthy eating
- 2.7 Information sessions/ Seminars regarding health and wellbeing (including things such as building resilience, sleeping better)
- 2.8 Activities highlighting and supporting mental health both inside the workplace and education about outside of work support options.

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3. Blood Donations

The City actively promotes workers to make blood donations through the Australian Red Cross Blood Service and encourages participation in Blood Donation Challenges held throughout the year.

Part-time and Full-time City of Bunbury workers are entitled to 2.5 hours of paid work time to donate blood, platelets or plasma per 3 month period. These hours cannot be over and above their contracted hours, and they must seek approval from their Manager at least 48 hours prior.

4. Worker Benefits

The City of Bunbury offers a number of benefits available to all staff members, things such as discounted private health memberships, and discounted travel insurance. All worker benefits are listed on the “Worker Benefits” tab on the intranet, [and are included in the Employee Benefits Management Policy](#) and are updated as new offers become available.

COMPLIANCE REQUIREMENTS

LEGISLATION

- *Work Health and Safety Act 2020*
- *Work Health and Safety Regulations 2022*

INDUSTRY

ORGANISATIONAL

- *City of Bunbury Employees 2022 Enterprise Agreement*

Document Control					
Document Responsibilities:					
Owner:	Director Strategy & Organisational Performance	Owner Business Unit:	People & Safety		
Reviewer:	Manager People & Safety	Decision Maker:	Council		
Document Management:					
Adoption Details	Res 319/15 15 September 2015	Review Frequency:	biennial	Next Due:	2024
Review Version	Decision Reference:	Synopsis:			
DOC/455717[v4]	Council Decision 278/22 20 December 2022	Reviewed with modifications including reference to Work Health and Safety legislation. Separation of Policy and procedure to streamline wellness management			
DOC/455717[v3]	Council Decision 260/20 8 December 2020	Reviewed with minor changes to include the Work on Wellness Committee			
DOC/455717[v2]	Council Decision 049/20 17 March 2020	Consolidate policies and corporate guidelines in accordance with revised Policy Framework. Convert CG to Management Policies			
DOC/455717[v1]		Converted from Mydocs to CM9			
CP-043257	Res 8/18 23 January 2018				
Date Printed	18/10/2024 25/09/2024 16/09/2024 13/09/2024				

8.7 Review of Council Policy: Bushfire Inspection and Mitigation

File No.	COB/
Applicant:	Internal
Responsible Officer:	Mark Allies, Team Leader Rangers and Emergency Management
Responsible Manager:	Sarah Upton, Manager Community Wellbeing
Executive:	Andrew McRobert, Director Sustainable Development
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Executive/Strategic <input type="checkbox"/> Information Purposes <input type="checkbox"/> Legislative
Attachments:	Appendix 8.7-A: REVISED Council Policy Bushfire Inspection and Mitigation

Summary

This report is presented to the Policy Review and Development Committee (PRDC) to facilitate a review of current Council Policy Bushfire Inspection and Mitigation.

Executive Recommendation

That the Policy Review and Development Committee recommend that Council adopt revised Council Policy Bushfire Inspection and Mitigation as presented at appendix 8.7-A.

Voting Requirement: Simple Majority Vote

Strategic Relevance

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

Regional Impact Statement

Not applicable.

Background

The Council Policy Bushfire Inspection and Mitigation was adopted on 2 September 2014, refer Council Decision 334/14. It was last reviewed on 26 September 2023, Council Decision 188/23 but has been reviewed following consultation with Department of Fire & Emergency Services and City of Bunbury Community Partnerships team to incorporate and expand on systematic changes impacting this policy.

The Policy provides how the City of Bunbury will assess the risk of bush fire to properties, apply treatments, and collaborate with the Department of Fire and Emergency Services to engage and educated the community.

Council Policy Compliance

This report facilitates the review of existing Council Policy Bushfire Inspection and Mitigation.

Legislative Compliance

Pursuant to section 33 of the *Bush Fires Act 1954* local governments can develop local laws, being customised strategies to reduce the risk and impact from bush fire.

Officer Comments

Officers have undertaken a comprehensive review of the Council Policy Bushfire Inspection and Mitigation and proposed significant changes as presented in appendix 8.7-A.

The Policy has been revised in response to an increase in risk associated with fire and new requirements for cultural ceremonies impacted by this policy. The review also provided additional clarification regarding fire related activities already incorporated in the Policy, such as Campfires, Firepits, Pizza Ovens, Barbecues, Smokers, Cooking, Cultural Ceremonies and Permits.

The Review also reduced the content in the s 1.4 which relates to Annual Residential Inspections. The changes considered Councillor recommendations from the previous review to modify the content and make it less procedural. An operational procedure exists for Ranger Fire Control officers that provides necessary detail to internal officers.

The review was conducted in consultation with the City's First Nations Officer and Community Partnerships team to ensure alignment with our own Welcome to Country policy, inclusive of planned updates, and current cultural ceremony practices. The Elder Community representatives from the Richmond Wellbeing centre were also consulted on the City's behalf by First Nation officer Karen Jetta.

Department of Fire & Emergency Services to ensure the legislation was accurate and aligns with best practice.

This was to ensure the City's practices and procedures in engaging with the community, assessing risks and applying treatments are consistent and lawful with the intent to reduce risk from individual properties, leading to a reduction of risk of bush fire to the whole community and surrounding local governments.

Analysis of Financial and Budget Implications

Nil

Community Consultation

Not applicable.

Councillor/Officer Consultation

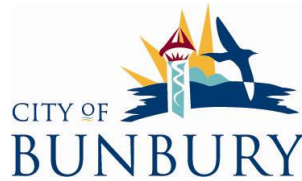
This matter is presented to the Policy Review and Development Committee for consideration.

Applicant Consultation

Not applicable.

Timeline: Council Decision Implementation

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



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BUSHFIRE INSPECTION & MITIGATION COUNCIL POLICY

POLICY STATEMENT

The City is committed to managing exposure to bush fire risk, through:

- Applying treatments to council assets that align with requirements of the Bush Fires Act 1954 with consideration to ecological communities under consultation with the Department of Conservation, Biodiversity and Attractions (DBCAs) and City Environmental officers.
- Engage and educate the community and enforce only when necessary, to achieve compliance with the requirements of the Bush Fires Act 1954.
- Collaborate with Department of Fire and Emergency Services (DFES) to educate community members and stakeholders on current fire risk mitigation responsibilities.

POLICY SCOPE

This policy applies to:

- All properties within the City of Bunbury.
- Extend consultation with owners of bush land properties that present risk to others within the community. The intent would be to reduce risk from these individual properties, leading to a reduction of risk of bush fire to the whole community and surrounding local governments.

POLICY DETAILS

The *Bush Fires Act:1954* (the Act), specifically *section 33 (1)*, enables local governments to develop local laws, being customised strategies to reduce the risk and impact from bush fire.

- Properties are identified for assessment utilising the City's own database software. This allows us to prepare a list of all vacant lots and recent demolitions in the City. Residents who have been previously identified as non-compliant with the requirements of the Act are also added to the list along with properties reported by community members, agencies and Authorised Officers.
- A community engagement program -is part of this strategy. All residents are provided with a Fire Control Public Notice, listing compliance requirements in August of each year plus advertisements in the newspaper and online are posted. In partnership with the Department of Fire and Emergency Services (DFES), the City continuously provides additional information through an ongoing educational campaign to assist the community to understand their own

potential risk exposure while fostering a greater community awareness and support for fire risk mitigation.

POLICY REQUIREMENTS - FIRE PREVENTION:

1. Annual Schedule and City of Bunbury practices

1.1 Work Procedures Review - The Team Leader Rangers & Emergency Management (TLREM) / Deputy Chief Bush Fire Control Officer (DCBFCO) shall review this procedure and current practices in September of each year.

1.2 Joint Meeting - The TLREM shall convene and attend a meeting with other Fire Control Officers and other relevant staff, prior to the fire season each year. The meeting will assess the situation for the coming season and a list of Council properties shall be identified including treatments required to minimise fire hazards (e.g., chemical spraying, slashing, firebreaks).

If required, advice on implementing fire hazard reduction strategies shall be sought from relevant organisations, such as DFES and/or the Department of Biodiversity Conservation and Attractions (DBCA).

Where the estimated cost of proposed works cannot be accommodated within the annual budget, the annual risk treatment schedule recommended by the TLREM shall be referred to the Executive Leadership Team (ELT) with recommendations, regarding any rescheduled risk priorities in the fire hazard reduction programme.

1.3 Implementation of the hazard reduction program will be prepared following consultation with DFES, DBCA and the Chief (CBFCO) & Deputy Chief Bush Fire Control (BCBFCO) officers in collaboration with relevant internal stakeholders. This program will consist of managed land under the care of the Emergency Management team and compliance action for privately owned land administered by the Ranger team.

The TLREM-City will arrange required hazard reduction work. The Mitigation Activities Fund (MAF) grant program administered by DFES, will be utilised where possible, to fund treatments associated with State Government owned land that is managed by the City.

1.4 Annual Residential Inspections

In September of every year, the City will place the annual Fire Control Notice in the local newspaper to advise the community of all compliance requirements. A list of City Fire Control Officers will also be provided, so community members are made aware of which members are authorised representatives of the City.

Compliance inspections shall commence immediately following the commencement of Fire Season which has been gazetted to start 18 November and will continue until the season concludes on 5 May. The City also reserves the right to extend the season if conditions are such that an extended risk exists. Any extension shall be communicated in the newspaper and on the City of Bunbury website.

Any lands that do not comply with the requirements as defined in section 3 (Standard Requirements) of this Policy, the owner of that land may be subject to an infringement notice as per s. 33 (3) of the Bush Fires Act 1954.

Continued non-compliance may result in the City engaging the services of a contractor to complete the required works on the property and the invoice will be forwarded to the owner of the land. A Ranger Fire Control Officer will be present while the works are conducted as per s.33, 4 (b) of the Bush Fires Act 1954.

The City may also consider prosecution where the owner of the land refuses to comply and/or the risk to other community members is increased due to excessive fuel loads and no genuine effort on the part of the landowner made to reduce the risk.

~~1.4.1 In June every year, the TLREM will prepare the statutory advertisements for publishing in the local newspaper and online at the City's website. This is to be checked by the Manager Community Wellbeing and approved by the Chief Executive Officer.~~

~~The physical advertisement should be provided to the Administration Officer and the digital version supplied to Public Relations. Where possible, a brochure shall be placed in the annual rates notices to all property owners before August.~~

~~1.4.2 In early October every year, the Ranger Administration Officer will prepare a List of vacant lots and recent demolitions within the City.~~

~~1.4.3 All properties on the List are to be checked by Rangers to determine whether they require a notice to clear land.~~

~~1.4.4 Any other properties observed or reported that fall into the category of a fire hazard should be added to the List for inclusion in the fire break Notice mail merge by the Ranger Administration Officer. All properties are to be initially inspected commencing the first day as stated in annual Fire Control Notice.~~

~~1.4.5 A Register of vacant properties is to be prepared and attached to the Fire Control Notice for that year by the Ranger Administration Officer. All documentation is to be presented to the TLREM for signing under delegated authority. Once all documentation has been approved, the original Notice with the Team Leader's signature and the Register of vacant properties is to be scanned and registered in Content Manager (CM).~~

~~1.4.6 A Notice along with a "Firebreak Tips" leaflet is to be mailed to all affected landowner(s) requesting them within 14 days to clear and then maintain the required fire break up to and including the final day of compliance period as stated on Fire Control Notice.~~

~~1.4.7 On or after the expiry of the 14 day period, all vacant/over grown land that was subject to a Notice should be re inspected by a Ranger to assess whether compliance has been achieved.~~

~~1.4.8 Where non compliance is observed, the Ranger is to photograph the property as evidence. All photographs are to be registered in CM (to the property, Owner and subject).~~

~~1.4.9 If the land has been cleared or is no longer a fire hazard, no further action is required.~~

~~1.4.10 If the land has not been cleared, then:~~

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~~(a) a follow up Notice and standard letter must be sent to the landowner notifying them of possible further action including infringement Notices and/or work orders to clear their property of all flammable material by the City's nominated contractor.~~

~~(b) the Owner is to be given a further 14 days to comply.~~

~~1.4.11 After the 14 days has expired from the date of issue of the follow up Notice the land should be re-inspected. If the land has been cleared or is no longer a fire hazard and complies, no further action is required.~~

~~1.4.12 If the land has not been cleared and no action has been taken:~~

~~(a) if no valid reason or explanation is provided, an Infringement Notice may be issued to the landowner, under section 33 (3) of the Bush Fires Act 1954.~~

~~(b) with the approval of the Team Leader Rangers & Emergency Management, the Senior Ranger should seek three quotes by appropriately trained professional(s) to clear the block to the City's specifications. The acceptance of quotes will be in accordance with the City's procurement processes.~~

~~(c) a Ranger must be present at the time of clearing as per the Bush Fires Act 1954, Section 33, 4(b).~~

~~(d) when the Contractor's invoice has been received, an inspection must be undertaken by a Ranger to confirm that the property has been satisfactorily cleared. The invoice is to be authorised by the Team Leader and can then be passed to the finance section for processing.~~

~~1.4.13 A Report detailing all infringements and escalations for non compliant properties must be submitted by the Senior Ranger to the TLREM at the end of the Fire Season or once all properties have been confirmed to be compliant (whichever comes first).~~

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The City's procurement processes will be followed with regards to engaging and paying contractors to undertake work.

2. Permits to Burn

The CBFCO/DCBFCO and Chief Executive Officer (CEO), are delegated the authority to extend the Restricted Burning Period for up to fourteen days, in accordance with provisions of the Act.

Permits are required to burn within the Restricted Burning Period, and these will be issued (subject to the Act) to the public, by the Rangers/Fire Control Officers.

Permits issued will carry specific risk minimisation conditions and shall comply with the Act.

Notification of intention to commence a permitted burn must be given to all abutting landowners and occupiers, between a minimum of 4 days and a maximum of 28 days, prior to commencement of any burning.

Notification of the intention to burn must be provided by the permit holder to City's Ranger department, DFES and where stipulated on the permit, to Department of Primary Industries & Regional Development (DPIRD) on the morning of the day of commencement. This requirement shall be noted on the permit.

Ranger Fire Control Officers shall be responsible for ensuring that the permit holder is made aware of all conditions and requirements.

On days where DFES has issued a 'Total Fire Ban' for that day it is the responsibility of the landowner to check the status from the DFES website.

In order to conduct any of the Total Fire Ban Prescribed Activities during a Total Fire Ban (TFB), there are specific conditions which need to be complied with:

- Blasting
- Gas flaring
- Hot work
- Road work (grading and bituminising)
- Off-road activity
- Catering activity

Before conducting any of the above activities during a Total Fire Ban, DFES must be notified via the Online Notification Form at least 30 minutes prior to the activity commencing.

If the activity is occurring within 3 kilometres from land managed by the DBCA, the respective local District or Regional Duty Officer from DBCA must be notified at least 30 minutes prior to the activity commencing.

3. Standard Requirements

3.1 Private property (includes residential, commercial and industrial) To protect from the risk of ember attack, from bushfire:

Fire Prevention is everyone's responsibility, and all property owners/occupiers have a duty to help us reduce the risk of fire.

Pursuant to Section 33 of the Bush Fires Act 1954, all City of Bunbury residents have a legal requirement to undertake fire prevention works on their property by 13 November and this standard must be maintained until 5 May.

- (a) Where the area of land is 2024m² or less, occupants must slash/mow all grass to a height no greater than ten (10) centimetres and remove all slashed materials and other flammable matter from the land.
- (b) Where the area of land is greater than 2024m² firebreaks free of all flammable material and at least three (3) metres wide and four (4) metres high, are to be installed immediately inside all external boundaries of the land and ~~also~~ immediately surrounding all buildings on the land.

Firebreak Specifications

- _must be not less than three (3) metres wide immediately inside and along all boundaries (Including boundaries adjacent to roads and open spaces)
- _must be not more than four (4) metres wide
- _must have a vertical clearance height of four (4) metres, with all overhanging vegetation trimmed back clear of the firebreak.
- _must be a mineral earth firebreak or maintained living lawn with a continuous trafficable surface for a 4WD vehicle, clear of any obstructions and must not terminate in a dead end

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3.2 Fuel and Gas Depots

In respect of land owned and/or occupied, on which is situated any container normally used to contain liquid or gas fuel, including the land on which any ramp or supports are constructed, you shall have the land clear of all flammable material.

3.3 Burning Permits, Burning of Bush, Grass and Garden Refuse

Each year burning is not permitted from 11 December to 24 March inclusive.

A Burning Permit must be obtained for the burning of any materials (including garden refuse) from 1 November to 10 December inclusive and from 25 March to 5 May inclusive.

Permits are automatically cancelled on days of very high and extreme fire danger as no burning of any type is permitted, not even in incinerators.

Permits to burn must be obtained from the City of Bunbury and all conditions imposed by the City's Fire Control Officers and Authorised Persons must be followed. Conditions may include:

- Three adults always present at the fire.
- Neighbouring property owners and occupiers notified at least four days before burning or on the day if agreed.
- Running water, or a fire unit with water pump and at least 500 litres of water, at the fire always.
- Time and wind conditions restrictions are also specified in the permit.

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Permits to burn will not be issued, or permitted at any time, in Residential Areas or on land less than 2024²m, due to the increased hazard the activity presents.

Persons burning without a permit or approval, may receive an on the spot fine or be liable for fines up to \$2,000 plus costs and/or imprisonment. In the case of a running or escaping fire, the responsible person may be liable to prosecution or civil action and may be required to pay damages and the cost of firefighting, even if a permit or approval has been obtained.

Total Fire Bans

Total Fire Bans are declared on days when fires will be very difficult to control and are most likely to threaten lives and property because there is extreme fire weather or widespread bushfires that are seriously stretching firefighting resources.

Total Fire Bans prohibit lighting open air fires which includes deliberately lit fires, burn offs, cooking with open-fire appliances or campfires; or carrying out business activities that could start a fire including incinerators, welding, grinding, soldering or gas cutting.

As of 2018 the State Government has increased penalties for anyone breaching a Total Fire Ban. An offence can incur an on-the-spot infringement of \$1000. Repeat offenders or offences of a serious nature could result in prosecution with a fine of up to \$25,000 and / or imprisonment for 12 months.

3.4 Campfires, Cooking and Cultural Ceremonies/Fire Pits/Pizza Ovens

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Use of Campfires & Firepits (Open Air)

Due to the increased risk from open flame, radiant heat and ember exposure, the use of campfires and firepits in the open air are **restricted** within the whole of the District of the City of Bunbury as per the following:

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- on any land greater than 20242m from 1 November until 5 May (inclusive), annually;

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The use of campfires and firepits in the open air, are **prohibited** within the whole of the District of the City of Bunbury as per the following:

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- on any land less than 20242m at all times;
- on any public lands including City Reserves, beaches, caravan parks, holiday properties, vacant land or roadside parking bays unless a permit has been issued.

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The defining feature of a fire pit is that they are designed to contain fire, prevent it from spreading and preferably raised off the ground.

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Note that any fire that exists under a patio, or other external shelter, is still considered open-air.

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Use of Pizza Ovens, Barbecues and Smokers (Solid Fuel)

For the purpose of cooking, BBQ's, pizza ovens and smokers etc that require a solid fuel such as wood, pellets or charcoal, are **not permitted at all** during the Prohibited Burning period between 11 December and 24 March.

During other permitted periods of use, all flames must be extinguished as soon as the cooking process has been completed.

Note that Between 1 November and 5 May or during Total Fire Bans in any year, pizza ovens used for a commercial "catering activity", where fire is required, will require an approved Department of Fire & Emergency Services (DFES) exemption to conduct the activity.

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Cultural Ceremonies

Cultural ceremonies that involve fire are permitted under certain conditions. Elders or appointed event organisers are required to contact the City of Bunbury for approval at least 24 hours prior to the event between 6 May and 31 October of any year. To minimise the risk, all materials must be within a metal container of at least 10 litres of capacity with a minimum of 20 litres of water and a portable fire extinguisher present. Between 1 November and 5 May or during Total Fire Bans in any year, all cultural ceremonies, where fire is required, will require an approved Department of Fire & Emergency Services (DFES) exemption.

Note, exemption applications can take up to eight (8) weeks to process and must be approved prior to the planned commencement of the activity. Further information is available on the DFES website.

Permits

Permits are required for permitted activities during the Restricted Burning period, and it would constitute an offence to light a fire without a valid permit. Permits are cancelled and no burning is allowed if the Fire Danger Rating is High or Above.

Additionally, permits can also be cancelled should changes in weather conditions occur or other risks present themselves.

A Total Fire Ban would also cancel any permit and community members must check the DFES webpage to see if one is in effect in your area prior to lighting any fire.

These activities are never permitted on any public land without permission from the City of Bunbury and doing so would constitute an offence.

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Campfires are totally banned within the whole of the District of the City of Bunbury from 15 November until 10 May (inclusive), annually.

Fire pits, pizza ovens and wood-fuelled barbecues are not permitted at all during the Prohibited Burning period.

Permits are required during the Restricted Burning period, and it would constitute an offence to light one without a valid permit. Permits can also be cancelled should changes in weather conditions or other risks present themselves.

A Total Fire Ban would also cancel any permit and community members must check the DFES webpage to see if one is in effect in your area prior to lighting any fire.

These activities are never permitted on any public land without permission from the City of Bunbury and would constitute an offence.

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3.5 Prohibited and Restricted Burning Periods

Prohibited Burning Period, as it applies within the Bunbury District, is from 11 December to 24 March (inclusive) annually.

Restricted Burning Periods, as they apply within the Bunbury District, are 1 November to 10 December (inclusive) and 25 March to 5 May (inclusive), annually. These dates may be subject to variation according to seasonal conditions, but any changes shall be advertised in a newspaper, circulating the Bunbury District.

If it is considered for any reason to be impractical to clear firebreaks or if natural features render fire-breaks unnecessary, a property owner/occupier may apply to the Council or its duly authorised officer, not later than 1 November annually, for permission to provide firebreaks in alternative positions, or to take alternative action to abate fire hazards on the land. If permission is not granted by the City of Bunbury or its duly authorised officer, the requirements as stipulated in the City's Fire Control Notice shall be complied with. If the requirements of the Fire Control Notice are carried out by burning, such burning must be in accordance with the relevant provisions of the Act.

4. City of Bunbury Notification Practice:

General Notification - Because of the complexity of this Policy and the impact of changing weather conditions, the City will follow these steps to notify the general public:

- Make the residents aware of the City's burn-off period and conditions, through the City's website and through the DFES www.emergencywa.gov.au website.
- Specific Notification - Team Leader Rangers and Emergency Management/DCBFCO shall ensure that property owners/occupiers in the area of a proposed hazard reduction burn will receive specific notification of the intended burn, in accordance with the Act.

5. Appointment, Qualifications and Training for City Bushfire Control Officers

Training:

Where required, all bushfire brigade members and relevant City staff, shall be trained by suitably qualified instructors from DFES and other suitable/recognised training organisations.

Unless stipulated otherwise, all training shall be valid for a period not exceeding 5 years after which time the brigade member or City staff, shall be required to again undertake the relevant training course, or demonstrate relevant competency maintenance activity, through logbooks or endorsement from the Brigade Captain.

Drivers of emergency vehicles shall be required to undertake relevant DFES driving courses, to enable the driving of emergency vehicles in emergency and off-road situations.

The ~~TLEM~~ City shall ensure that all Council fire personnel are trained and qualified to perform their duties, in accordance with the Act and this work procedure.

Annual Appointment of Fire Control Officers:

Council shall appoint Fire Control Officers in accordance with the Act and the relevant appointments shall be advertised in newspapers circulating the Bunbury District annually.

6. Annual Firebreak Notifications:

Pursuant to Section 33 of the *Bush Fires Act 1954*, the City shall post annual Fire Control Notices on the City Website, local Newspaper publications and on noticeboards in the City of Bunbury Administration building. This public notice will provide residents with the legislated requirements of each property.

Procedure:

Council will fulfil its obligations under the Act in accordance with the following guidelines:

First Adopted: (28) (a) – Council – 16 September, 1991

Review by EMT: 24 July, 2024

Source of Procedure: Senior Administration Officer,

Review Date: Annually, in July

Review Responsibility: Team Leader Rangers & Emergency Management

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POLICY PROCEDURE

Using the City of Bunbury Fire Control procedure and Bushfire Risk Assessment process the risk of fire can be reasonably mitigated and will ensure activities comply with the Bush Fires Act 1954. Acting in accordance with the Act will ensure any treatments or remedial activities are both reasonable and effective. Any actions that require federal exemptions, especially in any area primarily populated by people, should only be considered when the treatments offered in the Bush Fires Act are proven ineffective.

The second stage is to concentrate on the community engagement and education component of the process which aligns with educational material provided by DFES, public notices provided within the Bush Fire Act 1954 and consistent with the activities of other Local Governments. The City Ranger team is committed to education and consultation with the Community to achieve compliance. Enforcement options are utilised only in the event the landowner/occupier chooses not to comply following the education process outlined in the procedure.

Risk Assessment

All identified properties are assessed as per the requirements of the *Bush Fires Act 1954*. They will be risk assessed as per the requirements listed in section 3 of this document.

Conclusion

Community members throughout Western Australia have become increasingly aware of Fire and the impacts on communities and the Country. Most recently the devastation in NSW caused by fires in 2019 and domestic fires in areas like Yarloop and Roleystone that ravished entire towns.

These catastrophic events have increased the awareness of residents and the knowledge required to mitigate the risk. It has also increased the community's expectations on local governments to proactively employ quality systems and process to reduce the risk and assist in protecting their lives and assets.

COMPLIANCE REQUIREMENTS

LEGISLATION

- *Bush Fires Act:1954, section 33 (1)*
- *Australian Standard 3959:2009 – Construction of Buildings in Bush Fire Prone Areas*
- *International Standard 31 000 – Risk Management -Principles and Guidelines*
- *Local Government Act:1995*
- *The City of Bunbury Bush Fire Brigade Local Law 2023~~4~~*

INDUSTRY

- *National Risk Assessment Guidelines (NERAG) 2015*

ORGANISATIONAL

Document Control					
Document Responsibilities:					
Owner:	Director Sustainable Communities	Owner Business Unit:	Manager Community Wellbeing		
Reviewer:	Team Leader, Rangers and Emergency Management	Decision Maker:	Council		
Document Management:					
Adoption Details	Res 334/14 2 September 2014	Review Frequency:	biennial	Next Due:	2025
Review Version	Decision Reference:		Synopsis:		
DOC/455536[v4]	Council Decision 188/23 26 September 2023		Policy reviewed with significant changes made.		
DOC/455536[v3]	Council Decision 179/21 31 August 2021		Policy reviewed with significant changes made.		
DOC/455536[v2]	Council Decision 049/20 17 March 2020		Consolidate policies and corporate guidelines in accordance with revised		

		Policy Framework.
DOC/455536[v1]		Converted from Mydocs to CM9
CP-037583	Res 053/19 19 March 2019	Minor amendments
CP-037583	Res 439/19 13 December 2016	[brief description of the adoption / changes approved]
Date Printed	18 October 2024 September 2024	

- *City of Bunbury Fire Control Notice*
- *City of Bunbury Fire Breaks and Inspections procedure*

8.8 Review of Council Policy: Privacy

File Ref:	COB/306
Applicant/Proponent:	Internal
Responsible Officer:	Maureen Keegan, Senior Governance Officer
Responsible Manager:	Elijah Glass, Manager Information Services Greg Golinski, Manager Governance and Integrated Planning
Executive:	Karin Strachan, Director Corporate and Community
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Executive/Strategic <input type="checkbox"/> Information Purposes <input type="checkbox"/> Legislative
Attachments:	Appendix 8.8-A Revised Council Information Privacy Policy

Summary

The purpose of this report is to facilitate a review of the Council policy on Privacy in accordance with the new Privacy and Responsible Information Sharing legislation being introduced.

Executive Recommendation

That the Policy Review and Development Committee recommends that Council:

1. Adopt the revised and renamed Information Privacy Policy as presented at Appendix 8.8-A
2. Authorise the CEO to remove the advisory notice from the Information Privacy Policy once the Privacy and Responsible Information Sharing legislation comes into effect.

Voting Requirement: Simple Majority

Strategic Relevance

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

Regional Impact Statement

This policy only applies within the City of Bunbury.

Background

The WA State Government is implementing new Privacy and Responsible Information Sharing (PRIS) legislation that reforms personal privacy protection for all Western Australians and increases accountability of information sharing within government.

The Office of the Information Commission (OIC) has outlined 18 actions that need to be completed to ensure compliance. One of these actions is to create a Privacy Policy that is accessible to the public.

The City has updated its Privacy Policy to align with the new legislation requirements.

Council Policy Compliance

This report facilitates the review of an existing Council Policy.

Legislative Compliance

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

Officer Comments

At the 24 April 2024 Policy Review and Development Committee meeting, it was noted that an extensive review of the Privacy policy would be conducted after the implementation of new privacy legislation, which was originally scheduled for 30 June 2024. However, the new legislation has been delayed. In the meantime, the OIC has released Guidance Note No 10 – Privacy Policy will allow agencies to develop or modify their Privacy policies to align with the upcoming legislation.

An advice note is provided on the policy informing the following:

‘The requirements of the Privacy and Responsible Information Sharing (PRIS) legislation have not yet commenced, but the City of Bunbury has drafted this Information Privacy Policy in anticipation of the law coming into effect.’

The policy has been updated to include the 11 Information Privacy Principles (IPPS). Some these principles were already covered in the existing policy and have been incorporated into the new policy, while outdated information has been removed.

The title of the policy has been updated to align with the new legislation.

Analysis of Financial and Budget Implications

Nil

Community Consultation

Nil

Councillor/Officer Consultation

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

Applicant Consultation

N/A

Timeline: Council Decision Implementation

Immediately following Council decision.



The requirements of the Privacy and Responsible Information Sharing (PRIS) legislation have not yet commenced, but the City of Bunbury has drafted this Privacy Policy in anticipation of the law coming into effect.

INFORMATION PRIVACY POLICY

POLICY STATEMENT

The City of Bunbury (the City) values the privacy of our residents, customers, and stakeholders. It views protecting your privacy as integral to our commitment to complete accountability and integrity in all our activities and programs. This information privacy policy outlines how the City collects, stores, and manages personal information in the course of performing its activities, function and services in accordance with privacy and responsible information sharing legislation.

POLICY SCOPE

This policy applies to: Elected Members, Committee Members, and staff.

POLICY DETAILS

Definition

The Privacy Act defines Personal information as “information or an opinion (including information or an opinion forming part of a database), whether true or not, and whether recorded in a material form or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion.”

The City complies with the 11 Privacy and Responsible Information Sharing Principles (IPPS) when collecting and handling personal information.

COLLECTION

The City collects information about our customers and stakeholders in the performance of our services and functions, as required by law.

The types of information collected are:

- Names and addresses
- Telephone numbers
- Email address
- Next of Kin
- Gender
- Signature
- Date of Birth
- Personal Image

- Voice recognition
- Medicare details
- Driver's license
- Concession Cards
- Credit Cards
- Bank Account
- Health Information
- Police Clearance
- Tax File Numbers

This information is collected in various formats when you conduct business with us:

- hardcopy
- electronic fillable forms
- online web based forms
- recorded meetings
- CCTV

Information collected is used for the sole purpose it is collected and is not transferred for other purposes, unless a form involves another agency such as the State Government. You will be informed if information you are providing is collected on behalf of another agency.

Automatically generated information

When you engage with the City through Social Media such as Facebook, LinkedIn, Instagram, your information is used to gather statistics to enable the City to focus communications. The social networking service will also handle your personal information for its purposes. These sites have their own privacy policies.

The City's website may use cookies to collect anonymous traffic data from users who access this website. Additionally, our web servers may collect information such as browser type, IP address, and domain name of clients accessing the site. Where you provide details to us due to an interest in services provided by the City of Bunbury, you consent to us sending commercial electronic messages to any address you provide.

Browsing any website, including the Bunbury City Council site, generates a trail of the pages visited, known as 'Click Streams', these are a user's path when navigating a website and the Internet.

When you visit our site, our servers may record the following information for statistical purposes:

- The user's server (IP) address and machine name
- The date and time of the visit to the site
- The pages accessed and documents downloaded
- The number of bytes transmitted and received for each request
- The address of the referring page visited
- Search terms used
- The type of browser used

The City may examine this information to determine the traffic through the server, specific pages, and applications to deliver better information.

No attempt is made to identify users or their browsing activities except in the unlikely event of an investigation or the need to determine details related to a security breach or other inappropriate activity.

A 'Cookie' is a piece of data stored on the user's computer tied to information about the user. Bunbury City Council uses only session ID cookies, and once users close the browser, the cookie terminates. Cookies can be easily blocked on your computer by changing your cookies preference in your web browser settings.

The City of Bunbury website may contain links to domains other than www.bunbury.wa.gov.au. Such sites may be controlled or provided by third parties. Links to these sites in no way comprise an endorsement, approval, recommendation, or preference for these sites. Use of any third-party sites may be subject to terms and conditions different from this site. Use of any linked sites is entirely at your own risk.

USE AND DISCLOSURE

The City will only use Personal information collected for the purpose it has been collected or for a purpose you would reasonably expect in carrying out the City's activities and functions, including:

- To maintain the assessment record (rates) and other records of local government nature;
- To provide you with information about the City's services and facilities;
- To determine and provide appropriate services and facilities;
- To administer and manage processes such as permit applications, animal ownership, billing and collection of levies and charges, parking controls, and development proposals.

UNIQUE IDENTIFIERS

Unique identifiers created by the City of Bunbury are for internal use only and are not disclosed or used outside of the systems they are created.

STORAGE AND PROTECTION

Storage and protection of information is handled as per the WA State Records Act 2000 and associated Standards, Principles and Schedules.

Personal information is stored electronically and paper copies of information is scanned and the paper copy is destroyed.

When providing credit card details to the City to make a payment, the card details will be redacted once the transaction has been processed.

The City maintains a database of properties within the City of Bunbury, which includes personal information relating to property owners such as names, addresses, and also records of any complaints and enquiries related to a property.

Storage locations include:

- City Records Management System: Content Manager
- One Drive
- Community Portal
- Authority
- City issued computers

SHARING

In complying with its obligations under subclause 9.12 of the Privacy Act the City of Bunbury will not disclose personal information that relates to an individual to a person (other than the individual) outside Australia.

The City will take reasonable steps to ensure that your personal information is not disclosed to third parties except in the following circumstances:

- To undertake market research for the City, in which case the supplier is prohibited from using your personal information except to provide these services to the City of Bunbury.
- If, on an application by a person for information under the *Freedom of Information Act 1992*, the City (or the Western Australian Information Commissioner on appeal) adjudges that disclosure of that personal information would, on balance, be in the public interest.
- As required by a court order
- As otherwise required or authorised by law
- To complete the purpose or function for which the information is provided, which includes when submissions supplied as part of a report (or an attachment to a report) presented to the Council for decision
- For collecting monies owed to the City
- In the recovery of outstanding library materials or monies through a contracted debt collection agency
- Otherwise, only with the customer or stakeholder's consent, express or implied.

Information received by the City of Bunbury is protected from unauthorised use and disclosure by virtue of specific provisions in the *Crime Act 1914*, *Public Service Act 1999*, and the *Public Service Regulations 1999*.

PUBLIC REGISTERS

The City will not disclose Personal Information kept in a Public Register unless the information is to be used for a purpose relating to the purpose of the Register, or an Act under which the Register is kept.

The City requires that any person who applies for information from a Public Register completes a statutory declaration describing the intended use of any information obtained from the public register.

ANONYMITY

An individual can remain anonymous when dealing with the City, unless required by law to deal with identified individuals or it is impractical to deal with unidentified individuals.

ACCESS AND COMPLAINTS

An individual may seek to access their personal information or seek a review of how their information is handled and shared.

When requesting a copy of your information, or to update your information this must be in writing and emailed to info@bunbury.wa.gov.au. Formal identification will be required prior to any information being given or amended.

To make a complaint please email info@bunbury.wa.gov.au

Forms are available on the City website or from the Customer Service at the Administration building.

COMPLIANCE REQUIREMENTS

LEGISLATION

- Privacy and Responsible Information Sharing
- Western Australia State Records Act
- *Crime Act 1914*,
- *Freedom of Information Act 1992*
- *Public Service Act 1999*
- *Public Service Regulations 1999*
- *State Records Act 2000*

INDUSTRY

N/A

ORGANISATIONAL

City of Bunbury Record Keeping Plan 2023 – 2028

Document Control					
Document Responsibilities:					
Owner:	Chief Executive Officer	Owner Business Unit:	Manager Governance		
Reviewer:	Manager Governance	Decision Maker:	Council		
Document Management:					
Adoption Details	17/03/2020 Council Decision 048/20	Review Frequency:	biennial	Next Due:	2026
Review Version	Decision Reference:	Synopsis:			
DOC/479215[v1.3]	Council Decision 076/24 14 May 2024	Reviewed with minor change to contact details.			
DOC/479215[v1.2]	Council Decision 089/22 17 May 2022	Reviewed with no changes			
DOC/479215[v1.1]	Council Decision 048/20 17 March 2020				
Date Printed	18/10/2024				

8.9 Review of Council Policy: Professional Development of Council Members

File Ref:	COB/306
Applicant/Proponent:	Internal
Responsible Officer:	Maureen Keegan, Senior Governance Officer
Responsible Manager:	Greg Golinski, Manager Governance and Integrated Planning
Executive:	Karin Strachn, Director Corporate and Community
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input type="checkbox"/> Executive/Strategic <input type="checkbox"/> Information Purposes <input checked="" type="checkbox"/> Legislative
Attachments:	Appendix 8.9-A: Professional Development of Council Members Council Policy

Summary

This report is presented to the Policy Review and Development Committee to facilitate a review of current Council Policy – Professional Development of Council Members. There are no changes or amendment to the Policy.

A copy of the policy is contained at appendix 8.9-A.

Executive Recommendation

That the Policy Review and Development Committee recommend that Council note the review of Council Policy Professional Development of Council Members 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 by Council on 23 June 2020 as a statutory requirement pursuant to section 5.128 of the Local Government Act 1995 (LGA).

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

The policy was reviewed by the Policy Review and Development Committee on 30 November 2022 and adopted with revisions by Council at the with amendments on the 22 December 2022.

Council Policy Compliance

This report facilitates the review of existing Council Policy Professional Development of Council Members.

Legislative Compliance

Section 5.128(1) of the Local Government Act 1995 provides that a local government must have in place a policy in relation to the continuing professional development of council members. Section 5.128 (2) of the Local Government Act 1995 provides that a local government may amend the policy, with an absolute majority vote required.

Officer Comments

The Professional Development Policy aims to help the Council fulfill its legislative requirement for training Elected Members and to proactively assess development opportunities for each Elected Member. It also includes a statement about the extent of payment by the City.

Officers have reviewed the Policy and suggest that the content is appropriate and does not require amendment.

Analysis of Financial and Budget Implications

The annual allowance for Elected Members professional development will be paid by the City from the Elected Member Training budget GL 500517.0820.4304.

Community Consultation

Nil

Councillor/Officer Consultation

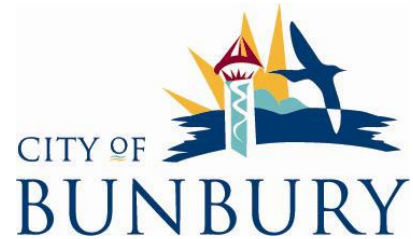
This matter is presented to the Policy Review and Development Committee for consideration.

Applicant Consultation

Not applicable

Timeline: Council Decision Implementation

Immediately following Council decision.



PROFESSIONAL DEVELOPMENT OF COUNCIL MEMBERS COUNCIL POLICY

POLICY STATEMENT

This policy describes the City of Bunbury's approach to enable Elected Members to meet their statutory obligations in relation to Elected Member training and gives effect to the requirement to adopt a continuing professional development policy.

Part 5, Division 10 of the *Local Government Act 1995* (the Act) describes provisions related to the universal training of Elected Members:

- under section 5.126 of the Act, each Elected Member must complete training in accordance with the Regulations;
- under section 5.127 of the Act, the CEO must publish a report on the local government's website within 1 month of the end of the financial year detailing the training completed by Elected Members;
- under section 5.128 of the Act, a local government must prepare and adopt a policy in relation to the continuing professional development of Elected Members.

POLICY SCOPE

This policy applies to Elected Members of the City of Bunbury (the City).

POLICY DETAILS

Introduction

Elected Members have a unique and challenging role performing their functions under the Act. The City recognises the value of training and continuing professional development to build and supplement Elected Member skills and experience.

Training can take several forms including formal qualifications, short-courses, seminars and conferences. Training paid for in accordance with this policy must have benefit to Council, the City and the community. Training must relate to the professional development of Elected Members in their role as an elected representative of the City.

Examples of organisations that provide training relating to the professional development of Elected Members, includes, but is not restricted to:

- Western Australian Local Government Association (WALGA)
- Australian Local Government Association (ALGA)
- Special 'one-off' conferences called for or sponsored by the WALGA and/or ALGA on important issues

- Annual conferences of the major professions in local government and other institutions of relevance to local government activities.
- Accredited organisations offering training relevant to the role and responsibilities of Elected Members
- Other local government-specific training courses, workshops and forums, relating to such things as understanding the roles/responsibilities of Elected Members, meeting procedures, etc.
- Subscriptions for professional memberships that assist an Elected Member in fulfilling their role on Council.
- Conferences or study tours that address the initiatives and projects that have been outlined in the City of Bunbury's Strategic Community Plan or Council Decisions

Mandatory Training Requirements

The *Local Government (Administration) Regulations 1996* (the Regulations) requires Elected Members to complete a *Council Member Essentials* course consisting of five modules. Certain exemptions, specified in the Regulations, apply.

Training must be completed by all Elected Members following their election within 12 months of taking office and is valid for five years. The Regulations require that the course is completed through either North Metropolitan TAFE, South Metropolitan TAFE, or WALGA.

An Elected Member is exempt from the requirements outlined in section 5.126(1) of the *Local Government Act 1995* if the Elected Member passed either of the following courses within the period of five years ending immediately before the day on which the Elected Member commences their term of office:

- *Council Member Essentials*;
- *52756WA Diploma of Local Government (Elected Member)*;
- *LGA50220 Diploma of Local Government – Elected Member*;
- *LGASS00007 Elected Member*
- The Elected Member passed the course titled LGASS00002 Council Member Skill Set

before 1 July 2019 and within a period of five years ending immediately before the day on which the Elected Member commences their term of office.

Elected Members have a responsibility to complete training in accordance with legislation. Following each ordinary election, Elected Members will be provided with relevant information on training options from the approved training providers. Elected Members will be able to select a training option to meet their learning style and availability.

Training that an Elected Member is required to complete under section 5.126 of the Act will be paid for by the City from the general Elected Member training account as budgeted by Council each financial year. This includes any actual costs (including registration, accommodation, meals and travel) which has been incurred.

Elected Member Professional Development Annual Allowance

1. City of Bunbury Elected Members are entitled to an Annual Professional Development Allowance.

2. The amount will be set annually, as part of the Budget Adoption process. For planning purposes an amount of \$4,000 will be allocated to each Elected Member per annum. This allocation will cover any actual costs (including registration, accommodation, meals and travel) which have been incurred.
3. Unspent funds for individual elected members from each year will carry over for a maximum of two years, after which time any unspent funds may be returned to the elected member training account. Within the two year period, Elected Members may request forward access to the next years training funds, if required.
4. Reimbursement of expenses incurred by elected members for professional development will only be made where the training is considered relevant to their role as an elected member.
5. The training undertaken must be relevant to the role of an elected member, and enhance or develop their knowledge, understanding and performance of their role, in order to make informed decisions and effectively represent their constituents.
6. Subject to budgeted funds being available, the Chief Executive Officer is provided with the authority to approve and arrange the registration and associated travel, accommodation and reimbursement of approved expenses necessary for an elected member to attend training.
7. All requests to participate in training or professional development activities are to be forwarded to the CEO in reasonable time to meet the registration deadline. Where practicable the City will utilise the 'early bird' registration option.
8. An elected member, with the approval of the CEO, may make their own arrangements for travel and accommodation, and reimbursement will be made on presentation of appropriate receipts.
9. All claims for reimbursement must be submitted within one month from the Elected Member or CEO returning from the training and professional development. Final claims relating to the financial year must be submitted within 14 days after the end of the financial year.
10. The costs of Elected Member Professional Development arranged by the CEO as part of the induction of newly elected members and any subsequent training arranged by the CEO for current serving elected members will be met from the general elected member training account and not deducted from the individual member's allocation. Further, costs associated with attendance by Elected Members at the Annual WALGA State Conference will also be met from the general elected member training account.
11. Travel, accommodation and meals costs will be applied as per the Elected Member Entitlements Council Policy.
12. Elected Members may elect to utilise a portion of their allocation for Professional Membership. Professional Membership must relate to their role as an Elected Member in local government and be approved by the CEO.
13. Elected Members who request professional membership to be paid in a year that their term of office is not a full financial year will only have the proportion paid for the days of the membership period they hold office.
14. Internal workshops, strategic planning days, whole of Council training and development and internal training programs are not included in an Elected Member's training and professional development allocation.

Conditions of Approval for Elected Member Professional Development

Approval must be obtained from Council where:

- Training is requested after 30 June in the year an elected member's term of office ends;
- Where the elected member does not have sufficient funds available in their Professional Development allocation to meet all training and associated costs.
- The request to attend does not comply with this Policy; or
- The event is to be held outside of Australia or New Zealand.

Elected Members cannot enrol in courses that provide a formal qualification (or accreditation) within six months of their term of office concluding.

There is no limit on the number of Elected Members attending a particular training or development activity outside Western Australia at the same time, however, approval of attendance should not impede a quorum at any scheduled Council or Committee meetings.

Reporting on Training

Reports detailing the proceedings, knowledge gained and outcomes (for the City of Bunbury) are to be prepared by attendees and tabled at the subsequent meeting of Council.

In accordance with section 5.127 of the Act, the City will publish a report on the local government's website within one month of the end of the financial year detailing the training completed by Elected Members.

In order to complete the register, Elected Members shall, following completion of the training, provide evidence of completion of the training to the Executive Assistant to the Mayor. Elected Members must forward records of completion of professional development to the City for inclusion in the Elected Members Training Register on the City's website within 10 days of completion.

The register will state:

- Elected Members name;
- Each training course or module completed;
- The training provider or conference name; and
- The date attended or completed.

COMPLIANCE REQUIREMENTS

LEGISLATION

- *Local Government Act 1995, Part 5 Division 10*
- *Local Government (Administration) Regulations 1996, Part 10*

ORGANISATIONAL

- *City of Bunbury Code of Conduct*
- *Council Policy: Elected Member Entitlements*

- *Council Policy: Elected Member and CEO Attendance at Events*

Document Control					
Document Responsibilities:					
Owner:	Director Strategy & Organisational Performance	Owner Business Unit:	Governance		
Reviewer:	Manager Governance	Decision Maker:	Council		
Document Management:					
Adoption Details	Council Decision 133/20 23 June 2020	Review Frequency:	biennial	Next Due:	2024
Review Version	Decision Reference:	Synopsis:			
DOC/576750[v2]	Council Decision 291/22 20 December 2022	Reviewed with significant changes including implementing a training allowance for each Council Member.			
DOC/576750[v1]		Section 5.128 <i>Local Government Legislation Amendment Act 2019</i> requires a local government to have in place a policy in relation to continuing professional development of Council Members.			
Date Printed	18 October 2024				

8.10 Review of Council Policy: Public Interest Disclosure

File Ref:	COB/306
Applicant/Proponent:	Internal
Responsible Officer:	Maureen Keegan, Senior Governance Officer
Responsible Manager:	Greg Golinski, Manager Governance and Integrated Planning
Executive:	Karin Strachn, Director Corporate and Community
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input type="checkbox"/> Executive/Strategic <input type="checkbox"/> Information Purposes <input checked="" type="checkbox"/> Legislative
Attachments:	Appendix 8.10-A REVISED Public Interest Disclosure Policy

Summary

The purpose of this report is for the Policy Review and Development Committee (PRDC) to review the existing Council policy relating to Public Interest Disclosure.

Executive Recommendation

That the Policy Review and Development committee recommend that Council endorse the revised Council Policy Public Interest Disclosure presented at Appendix 8.10-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

Not applicable to this report.

Background

The Western Australian *Public Interest Disclosure Act 2003* (the PID Act) came into effect on 1 July 2003. Under the PID Act, people can make disclosures about certain types of wrongdoing covered by the PID Act within the State public sector, local government, some boards and committees, and public universities.

The PID Act only applies to disclosures of public interest information. Public interest information must:

- * relate to a public authority, public officer or public sector contract (“a public body”);
- * relate to the performance of a public function of the public body;
- * tend to show that the public body is, has been or proposes to be, involved in improper conduct.

The PID Act protects those who make appropriate disclosures of public interest information. The PID Act makes provision for proper authorities to receive disclosures about certain types of wrongdoing.

In accordance with the PID Act public authorities must prepare and publish internal procedures relating to their obligations under the PID Act. This Policy was last reviewed by Council on 20 December 2022.

Council Policy Compliance

The report facilitates a review of an existing Council Policy.

Legislative Compliance

Pursuant to sections 23(1)(e) and 23(2) of the *Public Interest Disclosure Act 2003* public authorities are to prepare and publish internal procedures relating to their obligations under the PID Act. Internal procedures must be consistent with the PID Act and Public Sector Commission Guidelines.

Officer Comments

The Policy outlines the City's commitment to public interest disclosures as well as documenting internal procedures relating to our obligations under the PID Act. The Policy also provides information on the rights and obligations of persons under the PID Act.

Any person may make a disclosure of public interest information. While public officers may make disclosures of public interest information, the PID Act also allows for members of the public to make these disclosures.

Two minor amendments were made to the policy, updating the role and name of the current PID Officer.

Analysis of Financial and Budget Implications

Not applicable to this report.

Community Consultation

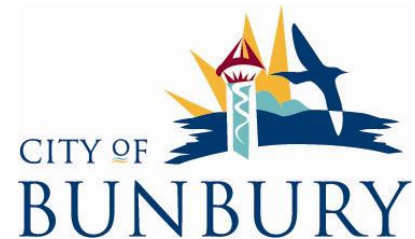
Not applicable.

Councillor/Officer Consultation

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

Applicant Consultation

Not applicable to this report.



PUBLIC INTEREST DISCLOSURE COUNCIL POLICY

POLICY STATEMENT

The City of Bunbury will receive disclosures of public interest information in accordance with the provisions of the *Public Interest Disclosure Act 2003*.

POLICY SCOPE

This policy applies to employees of the City of Bunbury.

POLICY DETAILS

The City of Bunbury does not tolerate corrupt or other improper conduct, including mismanagement of public resources, in the exercise of the public functions of the City of Bunbury and its officers, employees and contractors.

The City of Bunbury is committed to the aims and objectives of the *Public Interest Disclosure Act 2003* (PID Act). It recognises the value and importance of contributions of employees to enhance administrative and management practices and strongly supports disclosures being made by employees as to corrupt or other improper conduct.

As a property authority, the City of Bunbury is responsible for:

- receiving disclosures;
- investigating disclosures;
- taking appropriate action; and
- reporting.

The City of Bunbury will take all reasonable steps to provide protection to employees who make such disclosures from any detrimental action in reprisal for the making of a public interest disclosure.

The City of Bunbury does not tolerate any of its officers, employees or contractors engaging in acts of victimisation or reprisal against those who make public interest disclosures.

POLICY PROCEDURE

The following are the procedures which the City of the Bunbury will comply with under the *Public Interest Disclosure Act 2003*. They provide for the manner in which:

- disclosures of public interest information shall be made to the Public Interest Disclosure Officer (PID Officer);
- the PID Officer shall investigate the information disclosed, or cause that information to be investigated;
- the PID Officer may take action following the completion of the investigation;

- the PID Officer shall report to the discloser as to the progress and outcome of that investigation and the action taken as a consequence;
- the confidentiality of the discloser, and any person who may be the subject of a public interest disclosure, shall be maintained;
- records as to public interest disclosures shall be maintained and reporting obligations complied with.

A. Organisational commitment for reporting public interest information

The City of Bunbury does not tolerate corrupt or other improper conduct.

The City of Bunbury is committed to the aims and objectives of the *Public Interest Disclosure Act 2003* (PID Act). The PID Act recognises the value and importance of reporting as a means to identify and address wrongdoing.

We strongly support disclosures being made by employees about corrupt or other improper conduct. We also strongly support contractors and members of the community making disclosures about corrupt or improper conduct.

The City of Bunbury does not tolerate any of its employees, contractors or subcontractors taking reprisal action against anyone who makes or proposes to make a public interest disclosure.

The City of Bunbury will take all reasonable steps to protect employees from any detrimental action in reprisal for the making of a public interest disclosure.

The commitment to effectively manage public interest disclosures extends to a proper authority of the City of Bunbury. The persons responsible for receiving disclosures of public interest information designated under s. 23(1)(a) of the PID Act will abide by the [PID Code of conduct and integrity](#) in performing their duties.

The City of Bunbury is also committed to responding to the disclosure thoroughly and impartially. We will treat all people in the disclosure process fairly, including those who may be the subject of a disclosure.

The City of Bunbury will provide as much information as possible to people considering making a public interest disclosure. These internal procedures are accessible to all employees and contractors. Copies are available from the designated person appointed as the proper authority (Public Interest Disclosure (PID) Officer) and will be kept on the intranet and the City's electronic document managing systems.

General information about public interest disclosures and how the City of Bunbury will manage a disclosure is available for external clients and members of the community on our website www.bunbury.wa.gov.au.

While these procedures focus on public interest disclosures, we are committed to dealing with all reports of suspected wrongdoing. We encourage people to report, if they witness any such behaviour. The City of Bunbury will consider each matter under the appropriate reporting pathway and make every attempt to protect staff members making reports from any reprisals.

B. Purpose of the internal procedures

Our Chief Executive Officer must prepare and publish these internal procedures under s. 23(1)(e) of the PID Act.

These procedures outline how we will meet our obligations under the PID Act. They cover the roles and responsibilities of the Chief Executive Officer, the person designated as the proper authority in accordance with s. 23(1)(a) and s. 5(3) (h) referred to in this document as the PID Officer, the discloser and the subject of the disclosure.

The procedures are to be read in conjunction with the PID Act, *Public Interest Disclosure Regulations 2003* and [Don't be afraid to speak up](#).

C. Scope and application of internal procedures

These procedures apply to all people involved in the public interest disclosure process, including our Chief Executive Officer, PID Officer(s), employees of the City of Bunbury and/or any person making a public interest disclosure and any subject(s) of a disclosure.

These procedures should be read in conjunction with:

Public Interest Disclosure Act 2003

Public Interest Disclosure Regulations 2003

City of Bunbury Code of Conduct for Elected Members, Committee Members and Candidates

City of Bunbury Employee Code of Conduct

Council Policy: Public Interest Disclosure

The behaviour of all employees involved in the public interest disclosure process must accord with our Code of conduct at all times. A breach of the Code of conduct may result in disciplinary action.

D. Overview of roles and responsibilities of parties involved in the disclosure process at the City of Bunbury

Person / role	Responsibilities
Principal executive officer (s. 23) (in City of Bunbury, the Chief Executive Officer)	<ul style="list-style-type: none"> • Designates the occupant of a specified position (a PID Officer) to receive public interest disclosures related to the City of Bunbury (s. 23(1)(a)). • Provides protection from detrimental action or the threat of detrimental action for any employee of the City of Bunbury who makes a public interest disclosure (s. 23(1)(b)). • Ensures the City of Bunbury complies with the PID Act and the code of conduct and integrity established by the Public Sector Commissioner (ss. 23(1)(c) and (d)). • Prepares and publishes internal procedures, consistent with those prepared by the Public Sector Commission, detailing how the City of Bunbury will meet its obligations under the PID Act (s. 23(1)(e)). • Provides information (s. 23(1)(f)) to the Public Sector Commissioner on the: <ul style="list-style-type: none"> ○ number of disclosures received by the City of Bunbury. ○ results of any investigations conducted as a result of the disclosures ○ action, if any taken, as a result of each disclosure ○ any matters as prescribed. • May have a role in enabling an investigation to be undertaken or taking disciplinary action against individuals under functions and powers separately from the PID Act.
The Proper Authority (s.5(3), s.7 and s.18) or PID Officer (s.23(1)(a))	<ul style="list-style-type: none"> • As is designated by ss. 5(3)(a-g) or by the Chief Executive Officer of the City of Bunbury, under s. 23(1)(a) the PID Officer is to receive disclosures related to the City of Bunbury. • Provides information to potential disclosers about their

Person / role	Responsibilities
	<p>rights and responsibilities consistent with the Code of conduct and integrity established under s. 20(1).</p> <ul style="list-style-type: none"> • Receives and manages public interest disclosures in accordance with the PID Act (s. 5(3)). • Notifies the discloser within three months of the disclosure being made about what action is planned in dealing with the disclosure (s. 10(1)). • Where appropriate, investigates, or causes an investigation of, the matters in the disclosures (s. 8(1)). • Where appropriate, provides information to subjects of a disclosure about their rights, responsibilities, duties and potential offences (s. 9(2), s. 14, s. 15, s. 16 and s. 24). • Where appropriate, takes such action as is necessary and reasonable, within their functions and powers in accordance with s. 9. • Maintains confidentiality of the identity of the discloser and subject(s) of disclosures, in accordance with the requirements of the PID Act (s. 11 and s. 16). • Provides progress reports where requested and a final report to the discloser in accordance with s. 10. • Creates and maintains proper and secure records in relation to the disclosures in accordance with the Code of conduct and integrity established under s. 20(1) and the <i>State Records Act 2000</i>. • Completes a PID Register for each disclosure lodged (s. 23(1)(f)). • Acts in accordance with the rules of natural justice (s. 9(2) and s. 16(1)(b)). • Acts in accordance with the code of conduct and integrity established by the Public Sector Commissioner (s. 20(1)) and any authority-specific code of conduct established separately from the PID Act.
The discloser	<ul style="list-style-type: none"> • Makes a public interest disclosure to a proper authority or our PID Officer if the matter relates to the City of Bunbury (s. 5(1)). • Believes on reasonable grounds the information in their disclosure is, or may be, true (s. 5(2)). • Does not disclose information subject to legal professional privilege (s. 5(6)). • Does not knowingly and recklessly make a false or misleading disclosure (s. 24(1)). • Maintains confidentiality of the information disclosed and the identity of the person(s) to whom the information relates, in accordance with the requirements of the PID Act (s. 16 and s. 17(1)(b)). • Assists any person investigating the matter to which the disclosure relates by supplying the person with any information requested (s. 17(1)(a)).
The subject of the disclosure (person about whom disclosure is made):	<ul style="list-style-type: none"> • Is afforded the opportunity to make a submission, either orally or in writing, in relation to the matter before preventative or disciplinary action is taken (s. 9(2)).

Changes to this document can only be made by the document owner. The electronic version on the Intranet is the controlled version. Printed copies are considered uncontrolled and should be verified as current version.

Person / role	Responsibilities
	<ul style="list-style-type: none"> • Maintains confidentiality of the identity of the discloser, in accordance with the requirements of the PID Act (s. 16(1)). • Is to be treated in accordance with the rules of natural justice (s. 16(1)(b)). • Does not take or threaten to take detrimental action (defined in s. 3) against a person because they have made or intend to make a disclosure (s. 14(1)). • Does not incite another person to take detrimental action against another because they have made or intend to make a disclosure (s. 14(2)). • Does not commit an act of victimisation by taking or threatening to take detrimental action against the person making or intending to make a disclosure (s. 15(1)).
An investigating officer:	<ul style="list-style-type: none"> • May investigate matters of public interest information on behalf of a proper authority of the City of Bunbury, in accordance with the terms of reference given to them. • Maintains confidentiality of the identity of the disclosure and any persons subject to the disclosure, in accordance with s. 16. • Makes, and keeps secure, comprehensive records of any investigation undertaken.

E. Managing public interest disclosures

The following procedures describe how the City of Bunbury will manage the public interest disclosure process.

1. Overarching requirements of the Public Interest Disclosure Act 2003

The PID Act has some overarching requirements for handling disclosures. These requirements separate the public interest disclosure process from other reporting or complaint handling processes. The PID Act does not, however, displace the notification or reporting requirements of the *Corruption, Crime and Misconduct Act 2003*, which are paramount. The following section outlines how we will meet these requirements, as well as expectations of you, as a discloser, and any subject(s) of your disclosure.

2. What is 'public interest information'?

The PID Act only applies to disclosures of public interest information (defined in s. 3). Public interest information means information that:

- relates to the performance of a public function by a public authority, public officer or public sector contractor (either before or after the commencement of the PID Act) and
- shows or tends to show that a public authority, a public officer, or a public sector contractor is, has been or proposes to be involved in improper conduct or
 - an act or omission that constitutes an offence under a written (State) law or
 - substantial unauthorised or irregular use of, or substantial mismanagement of, public resources or
 - an act done or omission that involves a substantial and specific risk of
 - injury to public health or
 - prejudice to public safety or
 - harm to the environment or

- a matter of administration that can be investigated under section 14 of the *Parliamentary Commissioner Act 1971* by the Parliamentary Commissioner (Ombudsman Western Australia).

3. Confidentiality

Maintaining confidentiality is an important part of managing a disclosure. The confidentiality requirements of the PID Act (s. 16) not only protects the discloser, but also any other people affected by the disclosure.

The confidentiality requirements do not apply to all information in a disclosure, although, we are committed to maintaining confidentiality around:

- any information that may identify the discloser or any person who may be the subject of a disclosure, including the fact a disclosure has been made
- information relating to a disclosure that, if known, may cause detriment.

Throughout the disclosure process and after its completion, the PID Act provides for the disclosers identity and the identity of any persons, that is, any subject of the disclosure to be kept confidential, except in certain circumstances. Disclosing information which might identify, or tend to identify the disclosers s. 16(1)) or any person, that is, the subject(s) (s. 16(3)) of your disclosure, except in accordance with the PID Act, is an offence punishable with a penalty of a \$24 000 fine or imprisonment for two years.

4. Confidentiality regarding the discloser

Maintaining confidentiality is an important part of protecting the discloser, from any detrimental action in reprisal for making or intending to make a disclosure.

If the discloser consents to having their identity revealed to assist us in dealing with the disclosure, our PID Officer will record this using the [Consent to disclosure of identifying information form](#).

Sometimes we may need to identify the discloser, without the discloser's consent s. 16(1) (b)-(f) but only where:

- it is necessary to do so having regard to the rules of natural justice or
- it is necessary to do so to enable the matter to be investigated effectively or
- we are ordered by a court or any other person or body having authority to hear, receive or examine evidence or
- we are required by ss.152 or 153 of the *Corruption, Crime and Misconduct Act 2003*.

Before we identify the discloser for any of the reasons above, our PID Officer will take all reasonable steps to inform the discloser that this will happen and the reasons why. Our PID Officer will use the [Notification of disclosure of identifying information form](#) to do this.

If we need to provide information about the identity of the discloser to another person for the reasons above, our PID Officer will inform the other person that further disclosure to a third person may put them at risk of committing an offence.

Our PID Officer will also consider whether it is necessary to inform any external investigator about the identity of the discloser. Where it is necessary to provide this identifying information, our PID Officer will notify as described above.

5. Confidentiality regarding the person, that is, the subject of the disclosure

The subject of a disclosure may consent to having their identity revealed to assist with the disclosure process s. 16(3)(a). Our PID Officer will use the [Consent to disclosure of identifying information form](#) to record this.

Additionally, we may need to reveal identifying information about the subject(s) of a disclosure without their consent, ss. 16(3)(b)-(g) where:

- it is necessary to do so to enable the matter to be investigated effectively
- it is necessary to do so in the course of taking action under s. 9
- there are reasonable grounds to believe that it is necessary to prevent or minimise the risk of injury to any person or damage to any property
- we are ordered by a court or any other person or body having authority to hear, receive or examine evidence or
- we are required by ss. 152 or 153 of the *Corruption, Crime and Misconduct Act 2003*.

There is no obligation to advise the subject of a disclosure that identifying information will be released.

6. Protections

The PID Act provides a range of protections for disclosers (Part 3). It also requires that our Chief Executive Officer provides protection for any employees who make disclosures (s. 23(1(b))).

Don't be afraid to speak up contains general information about the protections provided by the PID Act. Our PID Officer will be able to expand on this information specific to the City of Bunbury.

We are committed to ensuring that no detrimental action, including workplace reprisals by managers or other employees, occurs as a result of a person making a disclosure. If any of the above does occur, the discloser can request that we take action to protect them. Tell the PID Officer who is handling the disclosure immediately.

The PID Act also provides that the discloser may lose the protections provided in s. 13 in some circumstances, including where they on-disclose information or fail, without reasonable excuse, to assist any person investigating the matters of the disclosure.

7. Notification requirements

The PID Officer will ensure that we complete all reporting in accordance with the legislative and administrative requirements of the PID Act.

Provided it is not an anonymous disclosure, our PID Officer will provide the following reports:

- within three months of making a disclosure, the action taken, or propose to take, in relation to the disclosure (s. 10(1))
- when the disclosure process has concluded, the outcome of the investigation and the reasons for taking any action following the investigation (s. 10(4)).

Our PID Officer may also provide a progress report during any investigation, either on their initiative or upon your request (ss. 10(2) and (3)).

Our PID Officer has some limits on what they can include in their reports. Section 11 prevents provision of information that would be likely to adversely affect:

- any person's safety s(1)(a) or
- the investigation of an offence or possible offences s(1)(b) or
- confidentiality as to the existence or identity of any other person who made a public interest disclosure s(1)(c).

Our PID Officer is also prevented from giving any information they must not disclose under ss. 151, 152 or 153 of the *Corruption, Crime and Misconduct Act 2003*.

8. Record keeping

During the investigation our PID Officer may make comprehensive and contemporaneous records of any discussions and interviews. These records along with any other documentation or files relating to the disclosure, whether paper or electronic, will be stored securely and only accessed by authorised persons.

9. PID Register

To assist with annual reporting to the Public Sector Commissioner we will maintain a public interest disclosure register. We will assign a unique register number to each disclosure and record key information about your disclosure, any investigation and the outcome in the public interest disclosure register. This register (paper and/or electronic) is kept strictly confidential and maintained in a secure location.

F. How to make a public interest disclosure

1. Before you make a disclosure

We strongly encourage anyone thinking about making a public interest disclosure to seek advice from our PID Officer ('proper authority') before they do. A disclosure must be made to a proper authority for it to be covered by the PID Act.

A number of other requirements apply to the discloser, so it is important to understand the rights and responsibilities in the process. This information is outlined generally in [Don't be afraid to speak up](#), available from the Public Sector Commission website at <https://www.wa.gov.au/organisation/public-sector-commission> and www.bunbury.wa.gov.au.

At the City of Bunbury the occupant(s) of the following designated position(s) are specified with the authority as the person(s) responsible for receiving disclosures of public interest information in accordance with s. 23(1)(a).

For the purposes of this procedure a PID Officer(s) is the proper authority designated under s. 5(3)(h) for dealing with information that falls within the sphere of responsibility for the City of Bunbury.

Their names and contact details are:

Position	Name of PID Officer	Contact details
Senior Governance and Risk Officer	Leanne French Maureen Keegan	Tel. 08 9792 7233 Email: lfrench mkeegan@bunbury.wa.gov.au

Initial discussions between the discloser and the PID Officer should be general in nature and should not discuss the specific details of the disclosure until the discloser understands their rights and responsibilities under the PID Act. Our PID Officer will also let the discloser know that they need to make the disclosure voluntarily and consciously – we will never force a person to make a disclosure. This is because they cannot withdraw the disclosure once it is made. Once we receive your disclosure, our PID Officer is obliged to take action and we may continue to look into the matters within your disclosure irrespective of your continued approval.

These initial discussions with our PID Officer may help in deciding whether to make a public interest disclosure and also enable the PID Officer to ascertain if the information would be covered by the PID Act. If the information appears not to be the type covered by the PID Act, our PID Officer will discuss other mechanisms through which issues may be made, for example, our general complaints or grievance resolution process.

Our PID Officer will be able to provide more detailed information about the City of Bunbury's disclosure process and what people can expect from it.

You can also contact the Public Sector Commission Advisory Service on (08) 6552 8888 for general information about the disclosure process.

What is 'sphere of responsibility'?

Under s. 5(3)(h) the PID Officer for an authority can receive information relating to a matter which falls within the 'sphere of responsibility' for their public authority. 'Sphere of responsibility' is not defined in the PID Act but may include:

- matters that relate to the City of Bunbury or
- a public officer or public sector contractor of the City of Bunbury or
- a matter or person that the City of Bunbury has a function or power to investigate.

The proper authority to which you need to make the disclosure depends on the type of disclosure information. Where the information is outside of our PID Officer's sphere of responsibility, it may need to be made to another proper authority for it to be considered as a public interest disclosure and for the discloser to receive the protections of the PID Act. A list of proper authorities and the information they can receive is covered in *Don't be afraid to speak up*.

2. Making the disclosure

A discloser needs to clearly identify that they are making a public interest disclosure. For the purposes of accountability and certainty, persons wishing to make a disclosure of public interest information under the PID Act are encouraged to do so in writing. As we expect that most disclosures will be made in writing the City of Bunbury has developed a form which can be used for the purpose of making such a disclosure. There is no requirement to use the form. The form will help to define the details of the disclosure. A discloser may fill out the form themselves or our PID Officer may complete the form if they are speaking with the discloser and then have them sign the form to acknowledge they are making a disclosure voluntarily and consciously.

We must accept anonymous disclosures, but if a discloser decides to make an anonymous disclosure they should understand that it may be more difficult for our PID Officer to investigate or take action about the disclosure. This is because they cannot come back to seek any further information. We are also not required to provide any reports about the progress or final outcome of the disclosure, if the discloser chooses to remain anonymous.

An anonymous disclosure may not prevent the discloser from being identified during an investigation. Additionally, if our PID Officer does not know who made the disclosure, it will be difficult for them to ensure the discloser is protected and to prevent any reprisal or detrimental action.

3. Determining whether your matter is an appropriate disclosure

Once our PID Officer has received the disclosure they will assess whether it meets the requirements under the PID Act. It may be that our PID Officer undertakes initial inquiries and decides not to take the matter any further, as it does not constitute an appropriate public interest disclosure.

If the disclosure is not one to which the PID Act applies, our PID Officer will let the discloser know the reasons for their decision (unless you made an anonymous disclosure) and make proper and adequate records about it. Some matters raised within the disclosure may not be matters to which the PID Act applies and the PID Officer may discuss with the discloser other pathways to report these matters.

If the disclosure is one to which the PID Act applies, our PID Officer will ensure proper and adequate records are made and will communicate with the discloser further, unless it is an anonymous disclosure.

Our PID Officer will notify the discloser within three months about what we plan to do in dealing with the disclosure, unless it is an anonymous disclosure.

4. Determining whether your public interest disclosure will be investigated

After assessing the disclosure as one to which the PID Act applies, our PID Officer will consider whether it will be investigated, guided by the requirements in s. 8. The reasons a PID Officer may not investigate the disclosure include:

- the matter is trivial
- the disclosure is vexatious or frivolous
- there is no reasonable prospect of obtaining sufficient evidence due to the time that has elapsed since the matter(s) occurred
- the matter is being or has been adequately or properly investigated by another proper authority, s. 5(3).

Our PID Officer will make proper and adequate records of their decision and reasons about whether to investigate or not.

5. Referring public interest matters

Where our PID Officer assesses the disclosure as one to which the PID Act applies, but they do not have the functions or power to investigate one or more matters within the disclosure, they will refer the information to the appropriate authority for investigation as provided for under the PID Act. Alternatively, a discloser may also be able to make a disclosure directly to this new authority, if they wish to receive reports from them about the disclosure. For example, our PID Officer may need to refer an allegation of an offence supported by evidence to the Western Australia Police for investigation.

6. Investigating the disclosure

Our PID Officer will investigate, or cause to be investigated, any matters in the disclosure within the sphere of responsibility. Our PID Officer may cause the disclosure to be investigated by engaging a suitably skilled staff member within the City of Bunbury or an externally contracted investigator.

If causing the disclosure to be investigated, our PID Officer will ensure that the person undertaking the investigation understands the requirements of the PID Act, in particular the confidentiality requirements and protections for disclosers. Our PID Officer will only provide the name of the discloser and that of the subject of the disclosure to the investigator in accordance with s. 16 of the PID Act.

When investigating the disclosure, our PID Officer or investigator is limited by the functions and powers derived from our operating legislation. The PID Act does not provide for any additional investigative powers.

If you are an employee, you are expected to cooperate with any investigation into the disclosure to maintain the protections under the PID Act. A discloser is also expected to act in accordance with our Code of conduct at all times.

Employees who are the subject of the disclosure can clarify the process and what to expect with our PID Officer.

Our PID Officer may also decide to discontinue an investigation, in accordance with s. 8(2). If this happens, they will give the discloser reasons for their decision in accordance with s. 8(3), unless they made an anonymous disclosure. The PID Officer may also notify any subject(s) of the disclosure, if they discontinue the investigation.

To ensure the disclosure is adequately and properly investigated our PID Officer, or other investigator, will be guided by the procedures below.

Internal investigative procedures

Where the PID Officer determines that the disclosure is a public interest disclosure that should be investigated, the officer must investigate the disclosed matter himself or herself or engage another person to carry out the investigation.

In conducting an investigation, relevant to the City of Bunbury, the following investigative procedures will apply:-

- Drawing up terms of reference, which should clarify the key issues identified by the disclosure;
- Specifying a date by which the investigation should be completed and a report provided to the discloser about the final outcome;
- Ensuring the objectives of the investigation include collecting and collating information relating to the disclosure, considering the information collected and drawing conclusions objectively and impartially;
- Maintaining procedure fairness for the person who is the subject of the disclosure;
- Giving information to the person who is the subject of a disclosure about their rights and obligations under the Act, the City of Bunbury Code of Conduct and PID Code of Conduct and Integrity and the law;
- The investigator making contemporaneous notes of discussions and interviews and, where practicable and appropriate, recording discussions and interviews on audio or videotape;
- Ensuring strict security with all investigations, so as to maintain the confidentiality requirements of the Act.

If a disclosure is withdrawn, a City of Bunbury may still continue to investigate the issues raised.

What are your responsibilities if you are the subject of a disclosure?

A subject of a disclosure is a person of interest about whom an allegation of a public interest disclosure has been made.

We will treat the person fairly and impartially throughout the process, and inform them of their rights and obligations. We will generally keep the parties involved informed during any investigation, although we cannot release any information to the person that may prejudice our investigation. As an employee it is expected that they will act in accordance with our Code of conduct at all times.

The PID Act provides the person with some rights and obligations as a person subject to a disclosure. Firstly, the subject has a right to have their identity kept confidential under s. 16(3), unless one of the following conditions apply:

- you consent to your identity being disclosed
- it is necessary to enable the matter to be investigated effectively
- it is necessary to do so in taking action within s. 9
- there are reasonable grounds to believe that it is necessary to prevent or minimise the risk of injury to any person or damage to any property
- is made in accordance with a court order or other body having authority to hear evidence

- it is made in accordance with ss. 152 or 153 of the *Corruption, Crime and Misconduct Act 2003*.

We will also provide appropriate natural justice. This means that, before we take any disciplinary or other action against the person under s. 9, we will give you the opportunity to:

- be informed of the substance of the allegations and
- make a submission either verbally or in writing in relation to the matter.

If you are the subject of a disclosure, you must not identify or tend to identify the identity of the discloser or a person who they think might be the discloser, as they also have rights to confidentiality under the PID Act. It is an offence under s. 16 to identify or tend to identify any person who has made a disclosure under the PID Act.

Also, you must not engage in reprisal action, threaten anyone with reprisal action or have someone else conduct this action on your behalf because someone has made, or intends to make, a disclosure. It is still an offence to conduct this action against any person you believe has made the disclosure even if they were not the individual who actually made the disclosure. This is an offence under s. 14(1) of the PID Act.

7. Taking action

Our PID Officer will take action where they form the opinion that a person may be, may have been or may in the future be involved in conduct which may be the subject of a public interest disclosure. Usually, our PID Officer will form this opinion at the conclusion of an investigation, although there may be instances where they need to take immediate action and the PID Act enables them to do this.

Action our PID Officer may take under s. 9 includes, but is not limited to:

- preventing the matter disclosed from continuing or occurring
- referring the matter to the Western Australia Police or other appropriate body or
- taking disciplinary action against a person responsible for the matter.

The options above are not mutually exclusive. Our PID Officer may take more than one action depending on the circumstances. For example, our PID Officer may seek to terminate the employment of an employee caught stealing and refer the matter to the Western Australia Police.

In taking action our PID Officer and/or the City of Bunbury is limited by the powers and functions derived from our operating legislation. The PID Act does not provide for any additional powers to take action. We are also guided by what is necessary and reasonable in the circumstances.

Before taking any action we will give the person against whom the action is to be taken (the subject of the disclosure) an opportunity to respond, either verbally or in writing, to ensure procedural fairness.

Confidentiality and record keeping when taking action

We will maintain confidentiality in accordance with the PID Act when taking action.

Our PID Officer will keep appropriate records about any action taken, as well as recording a summary of this action in the public interest disclosure register.

8. After the public interest disclosure process has been finalised

The PID Act places no further obligations on the City of Bunbury or our PID Officers after the disclosure process is complete. The confidentiality requirements of the PID Act, however, continue to apply to you and all other people involved with the disclosure.

The PID Act does not provide for you to appeal the outcome of the disclosure process. You may be able to make another disclosure to another proper authority, if the information relates to their functions or

sphere of responsibility (s. 5). See [Don't be afraid to speak up](#) for the correct proper authority for your disclosure.

However, this 'new' proper authority may be able to decline to investigate the disclosure under s. 8, if they consider the matter(s) has already been properly or adequately investigated (as a public interest disclosure).

9. Making a disclosure to a journalist

The PID Act provides for certain circumstances where a discloser may be able to make a protected disclosure to a journalist s. 7A(d). These circumstances apply where the discloser has first made a disclosure to the PID Officer or another proper authority named in the PID Act (outlined in s. 5 or Don't be afraid to speak up).

Importantly, the PID Act states that to attract the privileges and protections of the PID Act when disclosing to a journalist, the discloser must disclose information that is substantially the same as what was disclosed in the original disclosure and the PID Officer that received the original disclosure:

- did not notify the discloser within three months of making the disclosure about actions they propose to take or have already taken or
- refused to investigate, or discontinued the investigation of, a matter raised in the disclosure or
- did not complete an investigation within six months of the discloser making the disclosure or
- completed an investigation but did not recommend that action be taken or
- did not provide the discloser with a report stating the outcome of any investigation or any action proposed or taken and the reasons for those actions.

We are committed to ensuring that we provide the notifications required under the PID Act and that the discloser understands the reasons for our decisions and actions. If a discloser is considering making a disclosure to a journalist because they believe their circumstances meet one or more of the requirements outlined above, we would encourage the discloser to discuss this with the PID Officer prior to disclosure to a journalist.

It is also recommended that the discloser seek their own legal advice before taking any action in relation to matters that have been disclosed under the PID Act.

If a discloser makes an anonymous disclosure they may not be able to demonstrate they meet the above requirements and we are not obliged to provide the discloser with any notifications about what happens to the disclosure.

10. Contact details and further information

For further information you may:

- contact the City's PID Officer, Senior Governance and Risk Officer on 08 9792 7233 or
- visit the City's website at www.bunbury.wa.gov.au
- visit the Public Sector Commission's website at <https://www.wa.gov.au/organisation/public-sector-commission> or alternatively contact their Advisory Line on (08) 6552 8888.

** All references to sections (that is, 's' and 'ss.') in these procedures relate to the PID Act, unless stated otherwise.*

COMPLIANCE REQUIREMENTS

LEGISLATION

- *Public Interest Disclosure Act 2003*
- *Public Interest Disclosure Regulations 2003*
- *State Records Act 2000*
- *Corruption Crime and Misconduct Act 2003*

INDUSTRY

- Public Sector Commission <https://www.wa.gov.au/organisation/public-sector-commission>
- [Don't be afraid to speak up – PSC Publication](#)
-

ORGANISATIONAL

- City of Bunbury Code of Conduct



City of Bunbury
Code of Conduct 20

- [Appendix 1 - PID Code of Conduct and Integrity](#)
- [Appendix 2 – Consent to disclosure of identifying information form](#)
- [Appendix 3 – Notification of disclosure of identifying information form](#)
- [Appendix 4 – Public interest disclosure lodgement form](#)

Document Control					
Document Responsibilities:					
Owner:	Chief Executive Officer	Owner Business Unit:	Manager Governance		
Reviewer:	Manager Governance	Decision Maker:	Council		
Document Management:					
Adoption Details	Res 335/14 2 September 2014	Review Frequency:	biennial	Next Due:	2022
Review Version	Decision Reference:	Synopsis:			
DOC/455740[v4]	Council Decision 28579/22	Reviewed with minor grammatical changes and updates to references.			
DOC/455740[v3]	Council Decision 257/20 8 December 2020	Reviewed and amended with minor grammatical changes			
DOC/455740[v2]	Council Decision 049/20 17 March 2020	Consolidate policies and corporate guidelines in accordance with revised Policy Framework. Convert CG to Management Policies			
DOC/455740[v1]		Converted from Mydocs to CM9			
CP-025635 v 1	Res 299/18 16 October 2018	Reviewed with no changes			
CP-025635	Res 233/16 12 July 2016	Reviewed with no changes			
Date Printed	18 October 2024 It can only be made by the document owner uncontrolled and should be verified as current version.	The electronic version on the Intranet is the controlled version. Printed copies are considered uncontrolled and should be verified as current version.			

[Appendix 1](#)

Code of conduct and integrity

Established by the Public Sector Commissioner under Section 20 of the *Public Interest Disclosure Act 2003* (PID Act).

The Code operates from 1 July 2003.

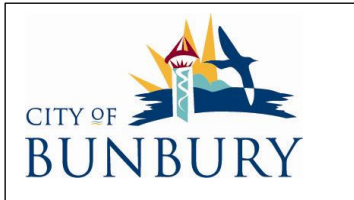
The Code is to be complied with by any person to whom a disclosure is made under the PID Act.

The Code

The Code uses as its ethical base the principles of personal integrity, relationships with others and accountability as referred to in the Western Australian Public Sector Code of Ethics.

Consistent with those principles, to meet the minimum standards of conduct and integrity, persons receiving disclosures, must:

- be professional and courteous to those involved in a disclosure, and give prompt attention to all their lawful requirements
- not use any circumstance or information connected to a disclosure for personal profit or gain
- take all reasonable steps to seek to ensure informants who make a public interest disclosure are protected in accordance with the provisions specified in the PID Act
- take all reasonable steps to seek to ensure that persons who are the subject of a disclosure are also provided with appropriate safeguards and protections as specified in the PID Act
- maintain records that ensure all action taken about the receipt and processing of a disclosure is reviewable
- declare to an appropriate person, in writing, any interests that may conflict with their obligations to impartially receive and process disclosures
- immediately report corrupt behaviour that has been, or may be occurring, to an appropriate authority
- provide information to the informant about their rights and responsibilities and the possible implications of lodging a public interest disclosure.



Appendix 2

OFFICE USE ONLY

Register No: #

Date: / /

Consent to disclosure of identifying information form

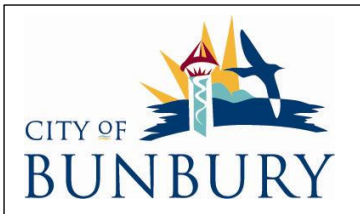
Public Interest Disclosure Act 2003

Personal details	
Family name	
Given name	
Disclosure No.	(to be completed by proper authority/Public Interest Disclosure (PID) Officer)

Consent	
<p>Consent to disclosure of identifying information by discloser</p> <p>I consent to the disclosure of information that might identify or tend to identify me as a person who has made an appropriate disclosure of public interest information under section 16(1)(a) of the <i>Public Interest Disclosure Act 2003</i>.</p>	<input type="checkbox"/>
<p>Consent to disclosure of identifying information by subject</p> <p>I consent to the disclosure of information that might identify or tend to identify me as a person in respect of whom a disclosure of public interest information has been made (subject) under section 16(3)(a) of the <i>Public Interest Disclosure Act 2003</i>.</p>	<input type="checkbox"/>

Limitations on consent	
This consent only applies to disclosures made to the following persons	
This consent only applies to the following information	

Authorisation	
Signature of discloser/subject: (delete as appropriate)	
Date	
Signature of proper authority/PID Officer	
Date	



Appendix 3

OFFICE USE ONLY
 Register No: #
 Date: / /

Notification of disclosure of identifying information form

Public Interest Disclosure Act 2003

To					
Title	<input type="checkbox"/> Mr	<input type="checkbox"/> Ms	<input type="checkbox"/> Mrs	<input type="checkbox"/> Dr	<input type="checkbox"/> Other:
Given name					
Family name					
Provided by	<input type="checkbox"/> email	<input type="checkbox"/> mail	<input type="checkbox"/> in person		

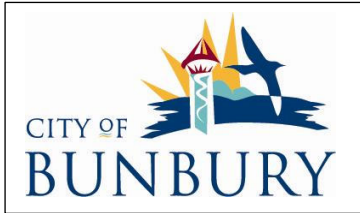
I intend to make a disclosure of information that might identify or tend to identify you as a person who has made an appropriate disclosure of public interest information under section 16 of the *Public Interest Disclosure Act 2003*.

The disclosure of this information

Is necessary, having regard to the rules of natural justice (section 16(1)(b))	<input type="checkbox"/>
Is necessary to enable the matter to be investigated effectively (section 16(1)(c))	<input type="checkbox"/>
The reason(s) why the disclosure of this information is necessary is (specify reason(s))	
Important: A person making an identifying disclosure for these reasons must take all reasonable steps to provide this information to the discloser within a reasonable time before making the disclosure in accordance with section 16(2).	

Authorisation

Signature of person proposing to make disclosure	
Name	
Position	
Contact details	
Date	



Appendix 4

OFFICE USE ONLY

Register No: #

Date: / /

Public interest disclosure lodgement form

Public Interest Disclosure Act 2003

City of Bunbury strongly encourages anyone thinking about making a public interest disclosure to seek out a nominated proper authority to discuss their issues first. Our proper authority(ies) (Public Interest Disclosure (PID) Officer(s)) are:

Position	
Name of PID Officer	
Contact details	

Ensure you understand your rights and responsibilities under the *Public Interest Disclosure Act 2003* (PID Act) before you sign this lodgement form. You may wish to seek external legal advice about those rights and responsibilities. Lodge your public interest disclosure form with [City of Bunbury]'s proper authority (PID Officer), not the Public Sector Commission.

Personal details

Family name					
Given name					
Title	<input type="checkbox"/> Mr	<input type="checkbox"/> Ms	<input type="checkbox"/> Mrs	<input type="checkbox"/> Dr	<input type="checkbox"/> Other
Address					
Work phone					
Mobile					
Email					

I wish to make an anonymous public interest disclosure. I understand that:

- I will not receive any information about what happens to this disclosure
- it may be more difficult for the proper authority to look into the matter(s) as they cannot come back to me for further information
- it may be more difficult for the proper authority/public authority to protect me
- this anonymous disclosure may not prevent me from being identified during any investigation or when action is being taken.

Categories of public interest information	Tick relevant box(es)
Improper conduct	<input type="checkbox"/>
An offence under written State law	<input type="checkbox"/>
Substantial unauthorised or irregular use of, or substantial mismanagement of, public resources	<input type="checkbox"/>
Conduct involving a substantial and specific risk of injury to public health, or prejudice to public safety or harm to the environment	<input type="checkbox"/>
Administration matter(s) affecting you personally	<input type="checkbox"/>

Disclosure details	
Name of the public authority(ies) the disclosure relates to	
Do you work for a public authority?	<input type="checkbox"/> Yes <input type="checkbox"/> No If yes, which public authority and what is your position title?
Does the disclosure relate to one or more individuals?	<input type="checkbox"/> Yes <input type="checkbox"/> No If yes, provide name(s) and position(s) held by person(s) in the public authority
When did the alleged events occur?	
Summary of the matters to disclose	

Additional information	
Description of any documents provided or names of witnesses	
Have you reported this information to any other person or agency?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If yes, did you report this information as a Public Interest Disclosure matter?	<input type="checkbox"/> Yes <input type="checkbox"/> No If yes, please provide details

You should read the following information and sign this form prior to lodgement.

Acknowledgement

I believe on reasonable grounds that the information contained in this disclosure is or may be true. I have been informed and I am aware that:

- I will commit an offence under section 24 of the PID Act, if I know that the information contained in this disclosure is false or misleading in a material particular, or I am reckless as to whether it is false or misleading in a material particular.
Penalty: \$12 000 or imprisonment for one (1) year.
- I will forfeit the protection provided by section 13 of the PID Act, if I fail, without reasonable excuse, to assist a person investigating the matter by supplying requested information (s17).
- I will forfeit the protection provided by section 13 of the PID Act, if I subsequently disclose this information to any person other than a proper authority under the PID Act (s17).
- I will commit an offence, if I subsequently make a disclosure of information that might identify or tend to identify anyone as a person in respect of whom this disclosure has been made under the PID Act, except in accordance with section 16(3) of the PID Act.
Penalty: \$24 000 or imprisonment for two (2) years.
- I cannot withdraw my disclosure after I have made it.

Authorisation	
Discloser's signature	
Date	

Timeline: Council Decision Implementation

Following Council endorsement, the revised policy will become effective immediately.

8.11 Review of Council Policy: Elected Member Entitlements

File Ref:	COB/6306
Applicant/Proponent:	Internal
Responsible Officer:	Greg Golinski, Manager Governance and Integrated Planning
Responsible Manager:	Greg Golinski, Manager Governance and Integrated Planning
Executive:	Karin Strachan, Director Corporate and Community
Authority/Discretion	<input checked="" type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Executive/Strategic <input type="checkbox"/> Information Purposes <input type="checkbox"/> Legislative
Attachments:	Appendix 8.11-A: REVISED Council Policy Elected Member Entitlements

Summary

The purpose of this report is to facilitate a review of the Council Member Entitlements Policy. Following general discussion in relation to this matter at previous meetings of this committee, as well as at Council and also strategic workshops, Officers have made proposed updates to the policy reflecting the sentiment of these discussions.

Executive Recommendation

That the Policy Review and Development Committee recommend that Council:

1. Adopt the revised Council Policy: Elected Member Entitlements as presented at Appendix 8.11-A.
2. Agree that the provision of ICT hardware as per clause 2.1 of the policy will take effect from 1 July 2025.

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. At the OCM held on 3 September 2024, the policy was referred back to the Policy Review and Development Committee for further deliberation.

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 2024

Officer Comments

Following general discussion in relation to this matter at previous meetings of the Policy Review and Development Committee, as well as at Council, and strategic workshops, Officers have made proposed updates to the policy reflecting the sentiment of these discussions (see tracked changes at Appendix 8.11-A).

Analysis of Financial and Budget Implications

Nil

Community Consultation

Nil

Councillor/Officer Consultation

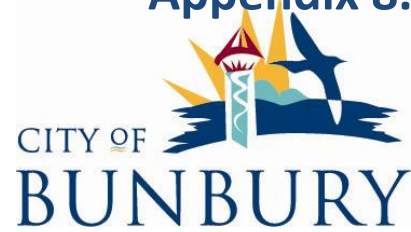
This matter is presented to the Policy Review and Development Committee for consideration.

Applicant Consultation

Not applicable.

Timeline: Council Decision Implementation

The policy will apply immediately following Council decision, noting that recommendation point 2 stipulates that the provision of ICT hardware as per clause 2.1 of the policy will take effect from 1 July 2025.



ELECTED MEMBER ENTITLEMENTS COUNCIL POLICY

POLICY STATEMENT

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

This policy applies to Elected Members.

POLICY DETAILS

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, ~~for which the City will provide each Elected Member appropriate IT hardware (laptop, tablet or similar) for the duration of their elected term. The hardware will at all times remain property of the City and be subject to the City's existing ICT policies. 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 ~~hardware provided to Elected Members will include~~ 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 where Elected Members are requested will be required~~ 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					
Document Responsibilities:					
Owner:	Chief Executive Officer	Owner Business Unit:	Manager Governance		
Reviewer:	Manager Governance	Decision Maker:	Council		
Document Management:					
Adoption Details	Res 363/17 3 October 2017	Review Frequency:	biennial	Next Due:	2026
Review Version	Decision Reference:	Synopsis:			
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			
CP-039952	Res 305-18 16 October 2018	Review and amended			
Date Printed	18/10/2024 12/09/2024				

Annexure A

 <p>CITY OF BUNBURY</p>	<p>Accommodation and Incidental Allowances Claim Form</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.

9. Questions from Members

9.1 Response to Previous Questions from Members taken on Notice

At the Policy Review and Development Committee Meeting held on 28 August 2024, Cr Quain asked a question which was taken on notice and is now presented below with a response.

Question

Can the CEO investigate a new Inclusion & Equity Policy which covers the following areas:

- Disability
- Women
- Gender
- First Nations
- Multi-Cultural Community
- Youth
- Seniors

Response

In addition to adhering to the requirements of the *Equal Opportunity Act 1984*, the City currently has various policies and documents which address these areas including the Equal Opportunity Council Policy, Disability Access and Inclusion Policy, and the Reconciliation Action Plan.

It is proposed that at a future date a discussion paper could be developed and presented to the Committee for consideration, however the City is not resourced to undertake this at this time. The City is currently recruiting the Manager responsible for this work area, and they could potentially undertake this work in the new year.

9.2 Questions from Members

10. Urgent Business

11. Date of Next Meeting

The next PRDC meeting is scheduled for Wednesday, 29 January 2024.

12. Close of Meeting

The Presiding Member closed the meeting at _____.