



TOWN OF
VICTORIA PARK



Policy Committee Agenda – 19 February 2020



WE'RE OPEN
VIC PARK

Please be advised that an **Policy Committee** will be held at **6:30 pm** on **Wednesday 19 February 2020** in **Council Chambers**, Administration Centre at 99 Shepperton Road, Victoria Park.

Mr Anthony Vuleta – Chief Executive Officer
19 February 2020

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1 Declaration of opening

Acknowledgement of Country (by Presiding Member)

I am not a Nyungar man, I am a non-Indigenous man. I am honoured to be standing on Whadjuk - Nyungar country on the banks of the Swan River.

Ngany yoowart Noongar maam, ngany wadjella maam. Ngany djerapiny Wadjak – Noongar boodja-k yaakiny, nidja bilya bardook.

I acknowledge the traditional custodians of this land and respect past, present and emerging leaders, their continuing cultural heritage, beliefs and relationship with the land, which continues to be important today.

Ngany kaaditj Noongar moort keny kaadak nidja Wadjak Noongar boodja. Ngany kaaditj nidja Noongar birdiya – koora, ye-ye, boorda, baalapiny moorditj Noongar kaaditjin, moort, wer boodja ye-ye.

I thank them for the contribution made to life in the Town of Victoria Park and to this region.

Ngany youngka baalapiny Noongar birdiya wer moort nidja boodja.

2 Attendance

Banksia Ward

Cr Wilfred Hendriks
Cr Claire Anderson

Jarrah Ward

Cr Jesvin Karimi
Cr Brian Oliver (Presiding Member)
Cr Vicki Potter (Deputy Presiding Member)
Deputy Mayor Bronwyn Ife

Chief Executive Officer

Mr Anthony Vuleta

Manager Governance and Strategy

Ms Danielle Uniza

Manager People and Culture

Mr Graham Olson

Manager Technical Services

Mr John Wong

Environment Officer

Mr Brendan Knock

Secretary

Mr Liam O’Neill

2.1 Apologies

Mayor

Mayor Karen Vernon

Banksia Ward

Cr Ronhhda Potter

2.2 Approved leave of absence

3 Declarations of interest

Declarations of interest are to be made in writing prior to the commencement of the meeting.

Declaration of financial interests

A declaration under this section requires that the nature of the interest must be disclosed. Consequently, a member who has made a declaration must not preside, participate in, or be present during any discussion or decision-making procedure relating to the matter the subject of the declaration. An employee is required to disclose their financial interest and if required to do so by the Council must disclose the extent of the interest. Employees are required to disclose their financial interests where they are required to present verbal or written reports to the Council. Employees can continue to provide advice to the Council in the decision-making process if they have disclosed their interest.

Declaration of proximity interest

Elected members (in accordance with Regulation 11 of the Local Government [Rules of Conduct] Regulations 2007) and employees (in accordance with the Code of Conduct) are to declare an interest in a matter if the matter concerns: a) a proposed change to a planning scheme affecting land that adjoins the person's land; b) a proposed change to the zoning or use of land that adjoins the person's land; or c) a proposed development (as defined in section 5.63(5)) of land that adjoins the persons' land.

Land, the proposed land adjoins a person's land if: a) the proposal land, not being a thoroughfare, has a common boundary with the person's land; b) the proposal land, or any part of it, is directly across a thoroughfare from, the person's land; or c) the proposal land is that part of a thoroughfare that has a common boundary with the person's land. A person's land is a reference to any land owned by the person or in which the person has any estate or interest.

Declaration of interest affecting impartiality

Elected members (in accordance with Regulation 11 of the Local Government [Rules of Conduct] Regulations 2007) and employees (in accordance with the Code of Conduct) are required to declare any interest that may affect their impartiality in considering a matter. This declaration does not restrict any right to participate in or be present during the decision-making process. The Elected Member/employee is also encouraged to disclose the nature of the interest.

4 Confirmation of minutes

Recommendation

That the Policy Committee confirms the minutes of the Policy Committee held on 29 January 2020.

5 Presentations

6 Method of dealing with agenda business

Recommendation

That Policy Committee in accordance with clause 58 of the *Meeting Procedures Local Law 2019* suspends clause 50 - Speaking twice of the *Meeting Procedures Local Law 2019* for the duration of the meeting.

7 Reports

7.1 Water Conservation Policy Review

Location	Town-wide
Reporting officer	Brendan Nock
Responsible officer	Ben Killigrew
Voting requirement	Simple majority
Attachments	1. Policy-253- Water-conservation [7.1.1 - 2 pages] 2. Policy - Water Conservation - January 2020 [7.1.2 - 3 pages]

Recommendation

That the Policy Committee recommends that Council adopts the amendments to Policy 253 Water Conservation, as attached.

Purpose

Based upon the resolution of Council made at its meeting on 17 September 2019 to review all the Town of Victoria Park's policies, the purpose of this report is for Council to adopt the amended Water Conservation Policy.

In brief

1. Policy 253 – Water Conservation was one of the policies identified for review as part of Council's adoption of a plan to review several policies at the 17th September 2019 Council meeting.
2. Policy 253 – Water Conservation has been internally reviewed.
3. The following principles are proposed to be included within the Water Conservation Policy:
 - *In accordance with the Department of Water and Environmental Regulation Policy: Water Conservation/Efficiency Plan, consideration will be given to the water conservation hierarchy:*
 1. *avoid: use options not requiring water where possible*
 2. *reduce: use suitable equipment, technology and systems to reduce the amount of water used*
 3. *recycle: recycle water to minimise the need to use more water*
 4. *fit-for-purpose: use lower quality water that is 'fit-for-purpose' where Possible.*
 - *Consideration of water use efficiency and Water Sensitive Urban Design (WSUD) at all project stages: planning, design, construction, operation and maintenance.*

Background

Review of policy for amendment or repeal

4. Council at its meeting on 17 September 2019 adopted a work plan to complete the review of several policies. Policy 253 – Water Conservation was one of the policies identified for review.

5. With the present potable water scarcity being experienced in Perth, it is necessary for the Town of Victoria Park and its community to reconsider the ways in which water sources are used and managed. In response, the Administration developed the Water Conservation Policy. This Policy is relatively recent, having been adopted by Council on 12th September 2017. A review by the Town's Governance and Environment teams occurred on 20th August 2019.
6. In response to the 17 September 2019 Council resolution, Policy 253 – Water Conservation has been internally reviewed. As part of the policy review, the Town investigated those implemented by State Agencies and other Local Governments.

Strategic alignment

Environment	
Strategic outcome	Intended public value outcome or impact
EN04 - A clean place where everyone knows the value of waste, water and energy.	<p>Environmental benefits to the sustainable use and management of our water resources include:</p> <ul style="list-style-type: none"> • Protection and enhancement surface and groundwater resources to achieve a high quality of natural water resources; • Reducing the pressure on existing freshwater sources; • Reducing the impacts associated with development of new water sources such as desalination plants, and associated running impacts; • Increasing groundwater recharge; • Ensuring that stormwater is managed effectively; and • Conducting community awareness programs to ensure sustainable water usage.
En5 Appropriate and sustainable facilities for everyone that are well-built, well maintained and well managed	With respect to facilities, this Policy commits the town to the incorporation of high-performance water efficiency measures in future buildings and other infrastructure design and introduction of water efficient retrofits when renewing or upgrading these facilities.
En6 Appropriate, inviting and sustainable green spaces for everyone that are well maintained and well managed	Under this Policy and associated Management practice, the Town will to commit to minimising ground water extraction and maximising water use efficiency in our green spaces.

Engagement

Internal engagement	
Stakeholder	Comments

7. The development of the Water Conservation Policy in 2017 underwent extensive consultation with the Town's Water Team, as well as relevant staff, namely:
- Acting Business Unit Manager Parks;
 - Acting Business Unit Manager Assets;
 - Senior Environmental Health Officer;
 - Aqualife Manager;
 - Leisurelife Manager; and
 - Executive Manager Built Life.
8. At its meeting of Wednesday 17 May 2017, the Future Planning Committee was presented the draft Water Conservation Policy, and resolved:
- That the Future Planning Committee supports the draft Water Conservation Policy and endorses its release for community consultation.*
9. The Water Conservation Policy was released for community comment from 14 – 30th June 2017. No comments were received from the community.
10. Given that the community had been already been consulted when the Water Conservation Policy was first developed, together with the only minor amendments proposed to the policy, the Administration believed that full community consultation was not necessary.

[Section 2.7 of the Local Government Act 1995](#)

Risk management consideration

Risk and consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and actions
Financial As part of the ongoing business of the Town in accordance with the Water Conservation Policy as part of the Water Quality and Conservation program and the Waterwise Council program, the Town will continue to incur a cost for elements such as the development of community	Minor	Almont Certain	High	Annual workplan review to ensure delivery of planned projects under Water Projects budget can be achieved.

education and engagement
Materials, facility retrofits etc.

Financial implications

Current budget impact

Sufficient funds exist within the annual budget to address this recommendation.

Future budget impact

As part of the ongoing business of the Town in accordance with the Water Conservation Policy as part of the Water Quality and Conservation program and the Waterwise Council program, the Town will continue to incur a cost for elements such as the development of community education and engagement materials, facility retrofits etc.

This required budget will be assessed as part of the annual Water Projects budget.

Analysis

11. The Department of Water and Environmental Regulation is the State agency that assumes responsibility for all environment and water regulation, any water-related policy of Local Government must adhere to the policies of DWER. DWER has a policy on Water Conservation/Efficiency Plan. The Policy Principles contained within this policy were reviewed relative to the Town's Water Conservation Policy. The following principles are proposed to be included within the Water Conservation Policy:

- *In accordance with the Department of Water and Environmental Regulation Policy: Water Conservation/Efficiency Plan, consideration will be given to the water conservation hierarchy:*
 1. *avoid use options not requiring water where possible*
 2. *reduce: use suitable equipment, technology and systems to reduce the amount of water used*
 3. *recycle: recycle water to minimise the need to use more water*
 4. *fit-for-purpose: use lower quality water that is 'fit-for-purpose' where Possible.*
- *Consideration of water use efficiency and Water Sensitive Urban Design (WSUD) at all project stages: planning, design, construction, operation and maintenance.*

12. This Policy was developed following the adoption of the Town's Water Action Plan (under the Water Quality and Conservation Program). The Water Action Plan remains current, to be reviewed in 2021. The development of the Water Conservation Policy has contributed to the Town achieving Waterwise Council status under the Waterwise Council Program (administered by Water Corporation and DWER). As such, the Town believes that the holistic intent of the Water Conservation Policy remains relevant.

13. The Town recommends that the Policy and associated Management Practice be reviewed with the development of a new Water Action Plan in 2021. This will align with the setting of new Community and Corporate water conservation goals for the Town.

Relevant documents

Practice 253.1 Water Conservation.

7.2 Review of Policy 003 Legal Advice

Location	Town-wide
Reporting officer	Liam O'Neill
Responsible officer	Danielle Uniza
Voting requirement	Simple majority
Attachments	1. Policy 003 Legal advice [7.2.1 - 4 pages]

Recommendation

That the Policy Committee recommends that Council rescinds Policy 003 Legal Advice as attached.

Purpose

To present findings from the review of Policy 003 Legal Advice.

In brief

- At its meeting held on 17 September 2019, Council requested a review of Policy 003 Legal Advice.
- It is recommended that the policy be rescinded as it is operational in nature, and is already addressed by the existing Procurement Policy.

Background

1. At its meeting held on 17 September 2019, Council adopted a work plan to complete the review of several policies. Policy 003 Legal Advice was one of the policies identified for review.
2. Policy 003 was originally adopted in 2011 following a review of how legal services were utilised by the Town. This review comprehensively examined the potential options for managing legal advice. These included tendering the services out to a single provider, the employment of an in-house legal counsel or centralising legal advice requests.
3. This review came as a result of a significant increase in legal expenditure in the 2009-2010 financial year. As detailed by the report, the majority of this expenditure was due to an increase in appearances before the State Administrative Tribunal at the time. The intent of the policy was to control growth in legal costs by adding an additional layer of approval in seeking legal advice.
4. No substantive changes have been made the Policy since its adoption in 2011.

Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL08 - Visionary civic leadership with sound and accountable governance that reflects objective decision-making.	Ensuring appropriate policies are set is a demonstration of visionary leadership.
CL10 - Legislative responsibilities are resourced and managed appropriately, diligently and equitably.	Legal advice is significant to the Town meeting its legislative responsibilities.

Engagement

Internal engagement

Stakeholder	Comments
Senior Management Team	A presentation considering options for the review of the policy was provided to the Senior Management Team. Feedback received from the group was to rescind the policy.
Financial Services	Financial services was consulted in relation to the review and its procurement implications.

Legal compliance

[Section 2.7 of the Local Government Act 1995](#)

Risk management consideration

Risk and consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and actions
Financial Legal advice is sought multiple times on the same subject resulting in duplicated costs.	Minor	Possible	Moderate	Ensuring the maintenance of a register of legal advice or another form of appropriate records management for legal advice. As this is operational in nature, this can be captured in a management practice.
Financial Service areas independently seek legal advice on similar matters resulting in duplicated costs.	Minor	Possible	Moderate	Service areas communicate with each other about issues they face.

Financial implications

Current budget impact	Sufficient funds exist within the annual budget to address this recommendation.
Future budget impact	Not applicable.

Analysis

5. In conducting the review, the Town has considered three key issues:

- (a) Is the process effective;
- (b) Is the policy setting strategic direction; and
- (c) Is the policy the best way of achieving its original goal of controlling spending on legal advice.

6. In addition, the Town has also conducted a comparative review against other nearby local governments in the inner city. It was found that none of the other inner-city local governments (Perth, South Perth, Vincent and Subiaco) had a Council policy on legal advice.
7. In determining whether the process is effective, one of the main issues identified as part of the review was that the policy creates a separate process for procuring professional advice services, in addition to the Procurement Policy. This is inconsistent with the procurement of other, similar professional advice services, such as that which is used for the engagement of an external planner, architect, advisor or consultant. During discussion with the Senior Management Team, members of that group have highlighted that there is little benefit in the process outlined in the current policy, as each manager already has responsibility for procuring their own legal advice within their approved budgets, as with the procurement of any other professional service.
8. In determining whether the policy is aligned to setting a strategic direction, the second issue identified was the policy's operational nature. Council's role in policy making is defined in section 2.7 of the *Local Government Act 1995*. Council has expanded upon this in Policy 001 Policy Management and Development, Policy 001 defines a policy as "Strategic direction adopted by Council. This document is public and is intended for all those that live in, work for, or have dealings with the Town." As part of the minor review conducted in 2018, it was highlighted that many of the existing policies are operational and/or are too prescriptive in nature. As such type of policies do not align with Council's role in setting the strategic direction, and prevents the Town from being agile in its approach to policy implementation, it is recommended that this policy be rescinded. To ensure that relevant information and/or processes are captured, it is recommended instead that the relevant principles of this policy are captured within a Management Practice.
9. In determining whether the Legal Advice Policy is the best instrument in controlling expenditure on legal advice, it has been found that there has not been any expenditure in legal costs outside that which has been approved by Council as part of the Annual Budget.
10. The current costs associated with legal advice in recent years is as follows:

	2017-2018	2018-2019	2019-2020
Actual	\$133,356	\$132,787	\$126,064 (YTD Jan)
Budget	\$138,500	\$226,609	\$200,930

11. Council controls the expenditure of funds by the Town through its control of the annual budget. As can be seen in the above table the Town has not exceeded its allocated budget in prior years. It would be required that if the Town was to exceed the budget that the Town would seek an amendment to the budget by a Council resolution passed by an absolute majority.
12. Should the policy be repealed, the procurement of legal advice would be governed under the recently reviewed Policy 301 Procurement and the associated management practice. Internally the Town will prepare a management practice relating to legal advice and representation. This will include the

maintenance of a register of previous advice and documentation relating to prosecutions and litigation.

Relevant documents

[Policy 003 Legal advice](#)

[Policy 301 Procurement](#)

7.3 Review of ADM2 Long Service Leave

Location	Town-wide
Reporting officer	Graham Olson
Responsible officer	Anthony Vuleta
Voting requirement	Simple majority
Attachments	1. 7.4.1. AD M 2- Long- Service- Leave [7.3.1 - 1 page] 2. 7.4.2. M P 045 LONG SERVICE LEAV Edocx [7.3.2 - 5 pages]

Recommendation

That the Policy Committee recommends that Council repeals Policy ADM2 Long Service Leave as attached.

Purpose

To review Policy ADM2 Long Service Leave.

In brief

- In September 1999 Council created policy "ADM2 Long Service Leave" detailing conditions for the taking of long service leave entitlements by Town employees (See attachment 1).
- The obligation to provide Long Service Leave entitlements to Town employees is outlined in the *Local Government Act 1995*. The conditions of entitlement for receiving the benefits of long service leave are detailed in the *Local Government (Long Service Leave) Regulations*.
- As a condition of employment, the Town maintains Management Practice MP045 Long Service Leave to provide guidance to employees on the terms, conditions and processes necessary to receive this employment benefit (See Attachment 2).
- As the CEO is responsible for the administration of employment conditions within the Town, and long service leave is a legislated employment condition, it is considered unnecessary for the Council to maintain a policy for the management of this staff entitlement.

Background

1. Council at its meeting on 20 August 2019 adopted a work plan to complete the review of several policies. Policy ADM2 Long Service Leave was one of the policies identified for review.
2. Long service leave is a paid leave entitlement for Town employees who have worked continuously within Local Government for a specified period. Full time, part time and casual employees are entitled to long service leave.
3. The Town's long service leave obligations are outlined in the *Local Government Act 1995 (Clause 5.48)*.

4. Long service leave benefits for Town employees are provided in accordance with the *Local Government (Long Service Leave) Regulations (As at 15 June 2001)*. The Town's employee's entitlement to these benefits are recognised in the *Town of Victoria Park Enterprise Agreement 2016 (Clause 24)*.
5. To administer these staff entitlements the Town maintains *Management Practice MP045 Long Service Leave* detailing the procedures and guidelines for the provision of these staff benefits.

Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL05 - Innovative, empowered and responsible organisational culture with the right people in the right jobs.	The Town is seen to maintain management practices and procedures that ensure employees are treated fairly regarding their entitlements.
CL08 - Visionary civic leadership with sound and accountable governance that reflects objective decision-making.	The Town is seen as compliant to the legislative conditions governing the entitlement for long service leave.

Engagement

No Engagement

Legal compliance

[Section 2.7 of the Local Government Act 1995](#)

[Section 5.48 of the Local Government Act 1995](#)

[Local Government \(Long Service Leave\) Regulations](#)

Risk management consideration

Risk and consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and actions
Compliance Inconsistency in application of entitlements with various sources of guidance.	Minor	Possible	Minor	A management practice governing oversight of the process allows for easier application of legislative changes.
Industrial Action Inconsistency in application of entitlements with various sources of	Minor	Possible	Minor	One source of guidance aligned to the legislative requirements of the relevant regulations.

Financial implications

Current budget impact	Sufficient funds exist within the annual budget to address this recommendation.
Future budget impact	Not applicable.

Analysis

6. The CEO is responsible for the management of the day to day operations of the Town. As a staff entitlement the responsibility for the administration of the long service leave conditions and processes is considered an operational issue.
7. The Town contacted 32 other councils to determine whether they maintained a council policy or a management practice to administer long service leave provisions. The 7 responses received all confirmed they had a management practice. No council informed us that they had a council policy for long service leave provisions.
8. The Town's procedures that are outlined in *Management Practice MP045 Long Service Leave* have been developed in accordance with the *Local Government (Long Service Leave) Regulations*.
9. *Council Policy ADM2 Long Service Leave* deals specifically with the taking of accrued long service leave within a specified time, and the possible deferral of accrued long service leave to a later date. These provisions are currently in *Management Practice MP045 Long Service Leave*.
10. As a condition of employment, the administration of the benefits associated with long service leave provision is a responsibility of the Town's Chief Executive Officer.
11. On this basis, it is recommended that council policy ADM2 Long Service Leave be repealed.

Relevant documents

7.4.1. *ADM2 – Taking of Long Service Leave (Attachment 1)*

7.4.2. *Management Practice MP045 Long Service Leave (Attachment 2)*

7.4 Review of Policy 223 Private use of Town vehicles

Location	Town-wide
Reporting officer	Brad Mclean, John Wong
Responsible officer	Ben Killigrew
Voting requirement	Absolute majority
Attachments	1. Policy 223 Private use of Town vehicles (current) [7.4.1 - 3 pages] 2. AD M 1 Policy LO review (005) [7.4.2 - 3 pages]

Recommendation

That Council:

1. Rescinds Policy 223 Private use of council vehicles
2. Adopts Policy 223 Fleet Management

Purpose

The purpose of this report is to allow Policy 223 Private usage of a Council Vehicle to be reviewed.

In brief

- Policy 223 Private Usage of Council Vehicle (formerly ADM1) has been amended to be the guiding Fleet Management operational policy for the Town's light fleet.
- Previous Policy was specifically relating to Private vehicle usage only.
- No changes to contribution rates or Private usage rules have been made as part of the migration from Policy to Management Practice.

Background

1. The previous ADM1 Private usage of a Council Vehicle Policy has been revised to become the operational guidance document for Fleet Management. The new version outlines the requirements of owning and maintaining the Town's fleet including the purchasing and disposal methods required. All other operational matters pertaining to Fleet Management are documented in the Fleet Management Practice.
2. The original ADM1 private usage of a council vehicle Policy was introduced and adopted on the 28/07/1998. It was implemented to change and document vehicle usage parameters for employees from limited private usage to full private usage and community usage to commute usage. The changes to full private usage enabled the Town to reduce its Fringe Benefit Tax liability at that time.

3. Private usage of Town vehicles is used as a tool for attraction and retention of staff members. Private usage is considered a benefit and part of the individual staff members employment contract.
4. The Town is now actively looking at reducing its light fleet and generally does not offer full private use of vehicles to new staff unless for operational purposes or attraction and retention of staff where deemed appropriate.

Strategic alignment

Environment	
Strategic outcome	Intended public value outcome or impact
CL5 – Innovative, empowered and responsible organisational culture with the right people in the right jobs.	Assist in offering tools to help the organisation employ the best staff for the job.
CL6 – Finances are managed appropriately, sustainably and transparently for the benefit of the community.	Ensure that the vehicles the Town uses are fit for purpose and offer the best value for money.

Engagement

Internal engagement	
People & Culture (HR)	Reviewed the contractual obligations of vehicle private usage within staff employment contracts
Finance	Sought advice on contribution rates requirements
C Suite	Reviewed Fleet Management Practice including private usage and contribution rates

Other engagement	
Other LGs	Sought advice on how other LG's document their contribution rates as well as to compare private usage rates
WALGA	Contacted through HR for advice on amending contribution rates

Legal compliance

[Section 2.7 of the Local Government Act 1995](#)

Risk management consideration

Risk and consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and actions
Inequity between existing and new staff benefits relating to fleet	Moderate	Likely	High	Any proposed policy amendments should be cognisant of potential impacts to the Town's employment contracts, equitable and staff and be implemented over time as new staff are contracted to the Town or unusual or unique individual conditions phased out where possible
The Town may be subject to breach of contract and open to litigation if the Town's current employment contracts and Enterprise Agreement (EA) conditions are affected	Moderate	Likely	High	Any proposed amendments to the policy to be cognisant of potential impacts to the Town's employment contract and EA conditions

Financial implications

Current budget impact	Nil.
Future budget impact	Budget savings in the future possible with a reduction in private usage of vehicles and reduction in light fleet

Analysis

- The revised Policy objective is to identify the need for a fleet of motor vehicles essential for operational requirements to service the community. When used in conjunction with the Fleet Management Practice, it identifies the types of light vehicles that will be used and how they are chosen, as well as how they will be purchased and disposed of.
- Private usage staff contributions are considered operational and are addressed in the Fleet Management Practice Document. The Management Practice also acknowledges that the salary package of certain roles will be complemented with a private usage component mainly for staff attraction and retention purposes. Any proposed changes to the policy need to be carefully

considered as the changes may impact on employment contracts and could result in the Town being in breach of conditions within existing employment contracts, and hence liable to litigation.

Relevant documents

Town of Victoria Park Enterprise Agreement 2019

8 Motion of which previous notice has been given

9 Meeting closed to the public

9.1 Matters for which the meeting may be closed

9.2 Public reading of resolutions which may be made public

10 Closure