



TOWN OF  
VICTORIA PARK



## Policy Committee Agenda – 22 August 2022

---



**WE'RE OPEN  
VIC PARK**

Please be advised that an **Policy Committee** will be held at **5:30pm** on **Monday 22 August 2022** as an **electronic meeting**.

**Mr Anthony Vuleta – Chief Executive Officer**  
18 August 2022

## Table of contents

Item	Page no
1 Declaration of opening .....	3
2 Attendance.....	4
2.1 Apologies.....	4
2.2 Approved leave of absence.....	4
3 Declarations of interest.....	5
4 Confirmation of minutes.....	6
5 Presentations.....	6
6 Method of dealing with agenda business .....	6
7 Reports .....	7
7.1 Evaluation of Policy 023 - Provision of Information and Services - Elected members.	7
7.2 Policy 252 - Nuclear Free Zone .....	17
7.3 Review of Policy 113 Homelessness - the Town's Role .....	26
7.4 Policy 401- Smoking restriction – Town property.....	36
7.5 Review of Policy 301 - Purchasing .....	42
8 Motion of which previous notice has been given.....	45
9 Meeting closed to the public .....	45
10 Closure .....	45

# 1 Declaration of opening

## Acknowledgement of Country (by Presiding Member)

I am honoured to be standing on Whadjuk - Nyungar country on the banks of the Swan River.

*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**

**Mayor**

Ms Karen Vernon

**Banksia Ward**

Deputy Mayor Claire Anderson  
Cr Peter Devereux  
Cr Wilfred Hendriks  
Cr Luana Lisandro

**Jarrah Ward**

Cr Jesse Hamer  
Cr Bronwyn Ife  
Cr Jesvin Karimi  
Cr Vicki Potter

**Chief Executive Officer**

Mr Anthony Vuleta

**Chief Operations Officer**

Ms Natalie Adams

**Chief Financial Officer**

Mr Duncan Olde

**A/Chief Community Planner**

Mr David Doy

**Manager Development Services**

Mr Robert Cruickshank

**Manager Community**

Mr Paul Gravett

**Manager Technical Services**

Mr John Wong

**Manager Finance**

Ms Grace Ursich

**A/Principal Environmental Health Officer**

Mr Molefi Nong

**Community Development Officer (Families, Youth and Homelessness)**

Ms Evie Devitt-Rix

**Secretary**

Ms Natasha Horner

### **2.1 Apologies**

### **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.

#### **Declarations 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.

#### **Declarations 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 23 May 2022.

## **5 Presentations**

## **6 Method of dealing with agenda business**

## 7 Reports

### 7.1 Evaluation of Policy 023 - Provision of Information and Services - Elected members

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Manager Governance and Strategy
<b>Responsible officer</b>	Chief Executive Officer
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	<ol style="list-style-type: none"><li>1. Policy 023 - Provision of Information and Services - Elected Members [7.1.1 - 5 pages]</li><li>2. Policy 023 Provision of information and services - elected members (track changes) [7.1.2 - 6 pages]</li><li>3. Policy 023 Provision of information and services - elected members (proposed new policy) [7.1.3 - 5 pages]</li></ol>

#### Recommendation:

That the Policy Committee recommends that Council:

1. Repeals Policy 023 – Provision of Information and Services – Elected Members, as at attachment 1.
2. Adopts the amended Policy 023 – Provision of Information and Services – Elected Members, as at attachment 3.

#### Purpose

To present the evaluation of Policy 023 – Provision of Information and Services – Elected Members and have amendments resulting from the evaluation adopted.

#### In brief

- Policy 023 – Provision of Information and Services – Elected members was adopted by Council in September 2019 to ensure consistency and equity for the provision of information and services to elected members.
- The policy was identified for evaluation by Council in April 2022.
- The evaluation of Policy 023 was in line with the policy evaluation framework and focused on policy content, implementation, efficiency, equity and strategic alignment.
- Following the evaluation, it is considered that the reasons for the policy existing are still relevant. Amendments are proposed to ensure the objective is clear and the policy statement clearly outlines the process to achieve the objective.

#### Background

1. At its meeting on 12 April 2022, Council adopted a policy evaluation work plan. Policy 023 – Provision of Information and Services – Elected Members was one of the policies identified for evaluation.
2. A policy evaluation is defined by Policy 001 – Policy management and development as “the examination of the content, implementation or impact of a policy, with the intent of determining its success against reaching its objectives and intended impact.”

3. Policy 023 was adopted by Council in September 2019. It has been reviewed and amended multiple times since then, with the last amendments occurring in April 2022.
4. The policy was originally created to address the following:
  - a) lack of consistency for how elected members request or are provided information
  - b) lack of agreed direction and clarity around how information or services should be requested by elected members
  - c) lack of agreed direction and clarity around how information or services should be provided to elected members
  - d) information not being provided to elected members in a timely manner
  - e) inconsistencies with elected members being equally informed regarding issues and concerns raised, particularly on matters requiring a Council decision
  - f) verbal requests meaning expectations not clear or trackable
  - g) requests not being clearly understood before attempting to address them
  - h) elected members being unsure of who information should be requested from.
5. At the May 2022 Ordinary Council Meeting, Council resolved:
 

*"That Council directs the Chief Executive Officer:*

  1. *Whenever requested by any Elected Member to provide complete copies of all public submissions received in relation to any matter for Council's decision, to ensure that copies are provided to all elected members;*
  2. *To refer to Council any dispute about whether an elected member is entitled to complete copies of all public submissions received in relation to any matter for Council's decision;*
  3. *To bring a report to the Policy Committee by August 2022 for the amendment of Policy 023 Provision of information and Services - Elected Members to include points 1 and 2 above."*

## Strategic alignment

Civic Leadership	
Community priority	Intended public value outcome or impact
CL3 - Accountability and good governance.	The evaluation of policies and any resulting amendments ensure that policy content aligns to policy objectives.

## Engagement

Internal engagement	
Stakeholder	Comments
Town staff	A policy evaluation survey was given to C-Suite and Managers to assist with evaluating the policy. Seven responses were received. Relevant information has been included in the analysis section of this report.
Elected members	A policy evaluation survey was given to elected members to assist with evaluating the policy. Three responses were received. Relevant information has been included in the analysis section of this report.

## Legal compliance

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



6. Although a policy is not currently legally required, upcoming changes to the *Local Government Act 1995* will require the Town to have a policy. The Department of Local Government, Sport and Cultural Industries' website states that "*Local governments will be required to introduce a communications agreement outlining communications process between councillors and the CEO. It will outline, amongst other things, how information will be requested and received by councillors.*"

## Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	Not applicable.				Low	
Environmental	Not applicable.				Medium	
Health and safety	Not applicable.				Low	
Infrastructure/ ICT systems/ utilities	Not applicable.				Medium	
Legislative compliance	Not applicable.				Low	
Reputation	Not applicable.				Low	
Service delivery	Policy content doesn't meet needs of elected members or the Town.	Minor	Almost certain	Medium	Medium	TREAT by adopting proposed policy amendments.

## Financial implications

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

## Analysis

7. The evaluation of Policy 023 focused on policy content, implementation, efficiency, equity and strategic alignment in accordance with the Policy Evaluation Framework.

## Policy content

8. There is a shared understanding between elected members and Town staff about why the policy exists and what it is trying to achieve. This can be summarised as setting the framework and process for how information is exchanged between elected members and the Town to ensure consistency and fairness, in line with role responsibilities. The current policy objective and scope communicates this to some well.
9. All elected members that provided feedback believed there is enough information in the policy for it to be implemented. This view wasn't shared by the Town with four out of seven staff believing information was missing. Comments related to this suggested that the policy should better outline what is considered an operational matter and the need to differentiate the role of the Mayor and Deputy Mayor. It is not proposed that further information be included around operational matters as this is already covered by management practices and guidelines but new clauses are proposed to address the exchange of information between the Chief Executive Officer and Mayor.
10. Elected members involved in the evaluation believe it is clear how the policy should be used to achieve the intended objectives. This view is shared by the majority of Town staff involved.

## Implementation

11. Two out of three of the elected members believe the introduction of the policy improved the provision of information and services to elected members. Half of Town staff involved in the review believe there was an improvement. Although not all involved were at the Town before there being a policy in place, concerns raised relate to response timelines being unrealistic. This concern can be mitigated through an amendment that has been proposed to extend the timeframe for acknowledging a request and advising of an extension of time. This is to acknowledge that Town staff may not be available in an eight-hour period, may be attending to important issues or may need information from an external party to provide a revised timeframe.
  12. All those involved in the evaluation believe the policy has benefits with the main one being directly aligned to its objective – its clarity in outlining the process for elected members to seek information and for Town staff to provide information to elected members.
  13. Implementation issues were highlighted. These relate to
    - (a) failures in following the policy
    - (b) a lack of understanding from the community about the role of an elected member and there being no customer service-related function for elected members
    - (c) varied levels of quality in responses.
  14. The main issues in following the policy are identified as:
    - (a) information not being provided within the set timeframes
    - (b) requests not being acknowledged within the set timeframe
    - (c) responses only being sent to the elected member that made the request
    - (d) requests for information that is already publicly available
    - (e) requests for information that has already been provided in response to an elected member request
    - (f) requests not being copied to the governance email inbox
    - (g) requests not being relevant to the performance of elected members' functions
    - (h) all elected members being included in the initial request for information
    - (i) Managers and Chiefs being included in a request for information
    - (j) information being requested verbally.
  15. In terms of resourcing the policy, in the 2021/22 financial year, there were 231 elected member requests for information. This amounts to four requests in total across the entire organisation per
-

week. On average, elected members each submitted 20 requests. The most sent by one elected member was 98 and the least amount by one elected member was two. Considering this amount of elected member requests, it would seem the Town is resourced sufficiently to carry out the implementation of the policy.

16. Not considering the notification of extensions to the timeframe (as these haven't been consistently recorded), 66% were responded to within three business days. There are concerns amongst Town staff that three working days isn't sufficient time to respond to a request due to increasing workloads, one request potentially containing many parts, resourcing issues and annual/sick leave. To mitigate this, it is proposed that the time for notifying of an extended timeframe be extended to two days to provide more flexibility. This may assist Town staff with following the policy.
17. The breakdown of the number of requests by service area is provided below:
  - (a) Parking and Rangers – 30
  - (b) Street Improvement – 29
  - (c) Urban Planning – 23
  - (d) Project Management Office – 23
  - (e) Community Development – 22
  - (f) Financial Services – 21
  - (g) Parks and Reserves – 20
  - (h) Property Development and Leasing – 10
  - (i) Governance and Strategy – 10
  - (j) Place Planning – 7
  - (k) Environment – 7
  - (l) Waste Services – 5
  - (m) Events, Arts and Funding – 5
  - (n) Asset Planning – 5
  - (o) Leisure Facilities – 4
  - (p) Communications and Engagement – 3
  - (q) Street Operations – 2
  - (r) People and Culture – 2
  - (s) Environmental Health – 2
  - (t) Library Services – 1
18. The above figures may indicate the need for areas to provide information more proactively on the portal, or they could be linked to the most common nature of items for Council decision. Either way, it helps demonstrate the impacts on service areas and areas of interest.
19. All elected members that responded to the survey believe that the methods used by the Town for providing information to elected members match their needs. The majority of staff that responded agree that the methods match the needs of the Town.
20. As an unintended consequence of the policy, it was identified that the policy means that elected members are unable to request information in the comments section of the Councillor Portal, despite attempting to do so multiple times. It is the Town's view that opening this avenue to request information will result in another communication channel to be monitored. This will complicate what is considered to be a clear process, increase the opportunity for human error by missing requests and will mean that elected members will have to revisit information posts to stay fully informed.

## Policy efficiency

21. The vast majority of both elected members and Town staff believe that the policy content enables the simple achievement of the purpose and objectives. They also believe that the right people are involved in efficiently implementing it.

## Policy equity

22. One of the main principles of the policy is to enable equitable access to information. All elected members have an equal opportunity to request information and be informed. It is up to elected members to take advantage of the opportunity. Assessing the data available regarding the number of requests received from each elected member, it is evident that there is not a consistent level of workload that can be expected per elected member. There are many variables that influence this.

## Strategic alignment

23. The policy aligns to the community priorities of:  
(a) CL1 – Effectively managing resources and performance.  
(b) CL3 – Accountability and good governance.
24. It helps to achieve the Town objectives of:  
(a) Streamlined, modern governance.  
(b) Integrated, fit-for-purpose systems.
25. Possible improvements were suggested during the evaluation to allow for more effective management of resources and performance. Raised elsewhere in this report, the main themes were around elected members not requesting information already publicly available and more time being needed for the Town to respond. There was also a suggestion to better refine the limitations for requests. Although not included in the policy, guidelines for both elected members and staff that expand on suitable requests already exist.
26. All those involved in the evaluation believe that the policy aligns with the Town's values.

## Proposed amendments to policy

27. Following the evaluation, it is considered that the reasons for the policy existing are still relevant however, amendments to the policy are proposed to ensure the objective is clear and the policy statement clearly outlines the process to achieve the objective.

Current clause	Proposed clause	Reason
<b>Strategic outcomes supported</b> CL1 – Everyone receives appropriate information in the most efficient and effective way for them. CL7 – People have positive exchanges with the Town that inspires confidence in the information and the timely service provided.	<b>Strategic outcomes supported</b> CL1 – Effectively managing resources and performance. CL3 – Accountability and good governance. Streamlined, modern governance. Integrated, fit-for-purpose systems.	To update strategic alignment in line with the Town's new strategic direction.

<p>CL8 – Visionary civic leadership with sound and accountable governance that reflects objective decision making.</p>		
<p><b>Policy objective</b> This policy is to identify the process and expectations for the provision of information and services to elected members when performing their roles, outlined in Sections 2.8, 2.9 and 2.10 in the <i>Local Government Act 1995</i>.</p>	<p><b>Policy objective</b> This policy is to identify the process and expectations for the provision of information and services to elected members when performing their roles, outlined in Sections 2.7, 2.8, 2.9 and 2.10 in the <i>Local Government Act 1995</i>.</p>	<p>Clause 2.7 of the LG Act added to ensure the role of council is covered by the policy.</p>
<p><b>Clause 5</b> 5. To ensure consistency and integrity in the way requests from elected members are dealt with, requests for information are limited to information that is relevant to the performance of elected members’ functions under Sections 2.8, 2.9 and 2.10 of the Local Government Act 1995.</p>	<p><b>Clause 5</b> 5. To ensure consistency and integrity in the way requests from elected members are dealt with, requests for information are limited to information that is relevant to the performance of elected members’ functions under Sections 2.7, 2.8, 2.9 and 2.10 of the Local Government Act 1995.</p>	<p>To include Section 2.7 – the role of Council.</p>
<p><b>Clause 10</b> 10. All requests for information are to be responded to within three working days, unless further time is required, in which case within one working day the request will be acknowledged, and an estimated time of final response provided.</p>	<p><b>Clause 10</b> 10. The Town is to endeavour to respond to requests within three working days, unless further time is required, in which case within two working days, requests will be acknowledged, and an estimated time of final response provided.</p>	<p>To acknowledge that it is not always possible to respond to requests within three working days and give Town staff an extra day to acknowledge requests and advise of an extension of time.</p>
<p>New clauses.</p>	<p><b>Communication between Mayor and Chief Executive Officer</b> 12. As stated in Section 2.8 (f) of the <i>Local Government Act 1995</i>, the Mayor has a role to liaise with the CEO on the local government’s affairs and the performance of its functions. 13. Requests made by the Mayor to the Chief Executive Officer</p>	<p>To clarify the process for communication between the Mayor and Chief Executive Officer and highlight that it falls outside of the elected member information request process.</p>

	<p>without copying the governance email address will be responded to directly by the Chief Executive Officer.</p> <p>14. Responses will not be sent to all elected members.</p> <p>15. Requests from the Mayor to the Chief Executive Officer will be responded to within three working days, unless further time is required, in which case within two working days the request will be acknowledged, and an estimated time of final response provided.</p> <p>16. In the case of the Mayor being on an approved leave of absence, provisions of this policy related to communication between the Mayor and Chief Executive Officer will extend to the Deputy Mayor.</p>	
New clauses.	<p><b>Public submissions</b></p> <p>17. Complete copies of all public submissions received in relation to any matter for Council decision are to be provided to all elected members if requested by an elected member.</p> <p>18. Any dispute about whether an elected member is entitled to complete copies of all public submissions received in relation to any matter for Council's decision is to be referred to Council.</p>	To include new clauses resolved by Council at the May 2022 Ordinary Council Meeting.
<p><b>Clause 21 (d)</b>  (d) will require significant resources to respond and are considered to impose an unfair and excessive burden on the administration.</p>	(d) is considered by the Chief Executive Officer to require significant resources to respond and that it will impose an unfair and excessive burden on the administration.	To clarify that it is the responsibility of the Chief Executive Officer to determine if a request will impose unfair and excessive burden on the administration.
<p><b>Clause 16</b>  16. A register of elected member</p>	<p><b>Clause 23</b>  24. A register of elected member</p>	To better communicate items making up the register and

<p>requests for information shall be maintained by the Chief Executive Officer, recording the details of all requests for information made by an elected member, including the date of the request, the name of the requesting elected member, a description of the information requested, the date of the response to the request and the name of the officer who responded to the request.</p>	<p>requests for information shall be maintained by the Chief Executive Officer, recording the details of all requests for information made by an elected member, including:</p> <ul style="list-style-type: none"> <li>(a) the date of the request</li> <li>(b) the name of the requesting elected member</li> <li>(c) a description of the information requested</li> <li>(d) the number of questions that make up the request</li> <li>(e) the date of the response to the request</li> <li>(f) any communicated extension to the timeframe for response</li> <li>(g) the name of the officer responsible for responding to the request</li> <li>(h) whether the response was within the timeframe outlined in clause 10.</li> </ul>	<p>include additional fields to enable better tracking and evaluation of the policy.</p>
<p><b>Clause 18</b> 18. Identifying personal information related to any electors, ratepayers or residents of the district included by an elected member in a request will be redacted if a response is to be sent to all elected members.</p>	<p>Clause removed.</p>	<p>To remove the need for the administration to redact information from a request as elected members are usually already privy to the information and it creates more potential for human error. There are also no major consequences that would result from elected members having full details of a request.</p>
<p><b>Clause 22</b> 22. Pursuant to Regulation 10 of the Local Government (Rules of Conduct) Regulations 2007, elected members are only to direct the Chief Executive Officer. It is the Chief Executive Officer's responsibility to direct the administration in ensuring that the needs of elected members are being met. That being said, it is acknowledged that elected</p>	<p><b>Clause 29</b> 29. Pursuant to Clause 20 of the Code of Conduct for Council Members, Committee Members and Candidates., elected members must not direct or attempt to direct a local government employee to do or not to do anything in their capacity as a local government employee. It is the Chief Executive Officer's responsibility to direct the administration in ensuring that the needs of</p>	<p>To reference the Code of Conduct rather than the repealed legislation.</p>

<p>members require some provision of administrative services to support the performance of their roles.</p>	<p>elected members are being met. That being said, it is acknowledged that elected members require some provision of administrative services to support the performance of their roles.</p>	
<p><b>Clause 23(g)</b> (g) IT support</p>	<p>Clause removed.</p>	<p>To remove the requirement for elected members to email IT requests to Governance as these can be submitted directly to the relevant service area to make the process more fit-for-purpose and limit resource requirements.</p>
<p>New clause.</p>	<p><b>Clause 32</b> 32. Where an electronic form exists for administrative purposes, elected members should endeavor to use it to limit administrative burden, for example, IT support should be requested by completing the IT Helpdesk form on the Councillor Portal.</p>	
<p><b>Relevant documents</b> <i>Local Government Act 1995 (WA)</i> <i>Local Government (Rules of Conduct) Regulations 2007</i> Code of Conduct for Council Members, Committee Members and Candidates</p>	<p><b>Relevant documents</b> <i>Local Government Act 1995</i> Customer Service Charter Code of Conduct for Council members, Committee Members and Candidates</p> <p>To remove repealed legislation and reference the Town's Customer Service Charter.</p>	

## Relevant documents

[Code of Conduct for Council Members, Committee Members and Candidates](#)  
[Policy Evaluation Framework](#)



## 7.2 Policy 252 - Nuclear Free Zone

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Project Officer
<b>Responsible officer</b>	Chief Operations Officer
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	<ol style="list-style-type: none"><li>1. Policy-252- Nuclear-free-zone- current version [7.2.1 - 2 pages]</li><li>2. draft Revised Policy 252 Nuclear free zone Tracked [7.2.2 - 2 pages]</li><li>3. Commonwealth Treaties and statues [7.2.3 - 3 pages]</li></ol>

### Recommendation

That the Policy Committee recommends that Council:

1. Repeals Policy 252 – Nuclear Free Zone as attached.
2. Adopts the amended Policy 252 Nuclear Free Zone as attached as a statement of intent.

### Purpose

To request that the Policy Committee recommend that Council adopts the amended Policy 252 Nuclear Free Zone.

### In brief

- At its meeting of 28 February 2022, the Policy Committee recommended that Council refer item 7.2 - Review of Policy 252 - Nuclear free zone to a future Policy Committee meeting, after a number of items concerning the Policy were raised.
- In response, Policy 252 – Nuclear Free Zone has been revised.
- The Town is seeking that the Policy Committee repeals the previous iteration of the Policy 252 – Nuclear Free Zone and adopts the amended version.

### Background

1. Council last amended Policy 252 on 20 August 2019, Council resolution 148/2019 refers. The amendment included the addition of policy objective and scope to align with the new policy template.
2. Council resolution 384/2020 of 21 April 2020 adopted a work plan to review the number of policies, and Policy 252 was identified to be completed by February 2022. Officers have completed its review and no amendments are proposed.
3. The policy's objective is to establish the Town's stance to be a nuclear free zone.
4. At its meeting on 20 April 2021, Council adopted a work plan to complete the review of a number of policies. Policy 252 - Nuclear Free Zone was one of the policies identified for review.
5. At its meeting of 28 February 2022, the Policy Committee recommended that Council refer item 7.2 - Review of Policy 252 - Nuclear free zone to a future Policy Committee meeting. This was resolved at the 15 March 2022 Ordinary Council Meeting.
6. The Policy Committee discussed a number of items in relation to the Policy 252 – Nuclear Free Zone. These items, together with the response of the Town, are outlined below:

Item	Response
Clarification on what purpose this policy serves considering that the WA Government is the responsible body	This policy serves to declare the Town's intention to be a nuclear free zone (in response to Council request). It is noted that the Town has no enforcement authority on this matter.
Whether the Town has ever been consulted by the WA Government about the storage or transportation of nuclear material within the Town	No, not that the Town is aware of.
Whether the Town is required to be notified if nuclear material is being stored or transported in the Town	It is the Town's understanding that this would be required, though below certain radioactivity thresholds it is not.
Whether there is evidence that the Town is a potential site for a nuclear power plant or for storage of nuclear material	There is no evidence for this. The policy is a statement of intent, requested by Council at the time.
Whether radioactive material used in medical diagnostics and research qualifies as nuclear material	No. It is assumed that when Council originally requested Policy 252 that this would not include medical practices.
Clarification of the definition of radioactive material in the policy	<p>Agreed, the Town will add this to the policy.</p> <p>Nuclear: Any source material or special fissionable material under the International Atomic Energy Agency Statute (in practice, this means uranium, thorium and plutonium).</p> <p>Radioactive: Having or producing powerful and dangerous energy that comes from the breaking up of atoms</p>
Whether Curtin University stores any radioactive material and how it relates to the policy	The Town assumes that such materials would be for medical practice and research, and therefore would not come under policy 252.
Whether this policy is necessary	As the policy is simply a statement of intent of Council, the Town recognises that it has limited

	powers and can be overridden by State and Federal legislation.
Whether additional information should be added to the policy.	See attachment.

## Strategic alignment

Environment	
Community priority	Intended public value outcome or impact
EN1 - Protecting and enhancing the natural environment.	Given that the transport, storage, treatment and use of radioactive substances could involve potential threats to the health and well-being of the residents and environment, the policy is a formal position of Council for the Town of Victoria Park to be a nuclear free zone.

## Engagement

Internal engagement	
Operations Service Area Leaders	Supportive of the Town's current stance to protect the health and wellbeing of its community and ratepayers; especially when the hazards are man-made and of a nature not visible to human eyes, but are well proven by reputable and experienced scientists and health specialists as having the potential to negatively impact on human health.
Environmental Health	Clear risks to human health should there be any leakage of radioactive radiation on the human population.
Place Planning	No issues.
Planning	No issues.
Community Development	No problems with renewing the policy as it stands.
Safety	Nil.

## Legal compliance

Not applicable.

## Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	Not applicable.				Low	
Environmental	Not applicable.				Medium	
Health and safety	Not applicable.				Low	

Infrastructure/ ICT systems/ utilities	Not applicable.	Medium
Legislative compliance	Not applicable.	Low
Reputation	Not applicable if current Policy remains.	Low
Service delivery	Not applicable.	Medium

## Financial implications

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

## Analysis

- With consideration of the Policy Committee’s discussion items, the Town agrees that Policy 252 - Nuclear Free Zone be revised to provide clarity on definitions, intent and what is encompassed.
- Please see table below for an outline of these proposed revisions:

Clause	Proposed	Reason
<b>Definitions:</b> Nil.	<b>Definitions:</b> Nuclear: Any source material or special fissionable material under the International Atomic Energy Agency Statute (in practice, this means uranium, thorium and plutonium).  Radioactive: Having or producing powerful and dangerous energy that comes from the breaking up of atoms.	Addition of definition in the policy, for clarity.
<b>Policy Statement:</b>  <i>1. The Town of Victoria Park accepts that the transport, storage, treatment and use of radioactive substances could involve potential threats to</i>	<b>Policy Statement:</b>  0. The Town of Victoria Park accepts that the transport, storage, treatment and use of radioactive substances could involve potential	

<p><i>the health and well-being of the residents and environment of the Town and declares:</i></p> <p><i>a. That approval will not be given for the building of any nuclear power stations, enrichment plants, weapons plants, radio-active storage facilities within the Town;</i></p> <p><i>b. That approval will not be given for the storage of uranium and/or nuclear waste within the Town's boundaries;</i></p> <p><i>c. That approval will not be given to transport uranium or nuclear waste through the Town's boundaries;</i></p>	<p>threats to the health and well-being of the residents and environment of the Town.</p> <p>2. While Council recognises that Federal and State legislation may negate any power of Council to make decisions in respect to the processing, storage or transport of radioactive materials, this policy provides a statement of intent that Council does not support;</p> <p><i>a. the building of any nuclear power stations, enrichment plants, weapons plants, radio-active storage facilities within the Town;</i></p> <p><i>b. the storage of uranium and/or nuclear waste within the Town's boundaries;</i></p> <p><i>c. the transport of uranium or nuclear waste through the Town's boundaries;</i></p>	<p>Acknowledgement that the Federal and State Government has overarching authority, and clarity that the policy is a statement of intent.</p> <p>Wording changed so that points a, b and c flow on from – and relate to – clause 2.</p>
<p><i>d. That the responsible use of low levels of radioactive material is acceptable in health facilities, equipment used in geological, geophysical, forensic investigations, structural engineering and materials analysis, and within smoke detectors as the benefits to residents far outweigh the risks to the community at large;</i></p>	<p>3. Council is not opposed to the responsible use of low levels of radioactive material in medical practices, educational and research facilities, equipment used in geological, geophysical, forensic investigations, structural engineering and materials analysis, and within smoke detectors as the benefits to residents far outweigh the risks to the community at large.</p>	<p>Wording change so that this clause concerning what Council is not opposed to is separate from those Council does not support. Also, clause now specifies medical practices and educational research facilities.</p>

## Relevant documents

[Policy 252 - Nuclear Free Zone](#)

## Further considerations

9. Below are the questions asked by Elected Members and associated responses:
10. *Isn't the WA Government and Radiological Council of WA responsible for approving and licensing:*
- the construction of any nuclear power facilities within the Town;*
  - the storage of any nuclear material within the Town; and*
  - the transportation of nuclear material through the Town?*
11. The Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* prohibits certain nuclear actions specified in s.22A unless federal approval is obtained. It specifically prohibits nuclear power generation in s.140A. The Act states that the Minister must not approve an action consisting of or involving the construction or operation of a nuclear fuel fabrication plant, or a nuclear power station, or an enrichment plant, or a reprocessing facility.
12. Before any radioactive material can be transported, it must meet the Australian Radiation Protection and Nuclear Safety Agency's (ARPANSA) Code for the Safe Transport of Radioactive Material. ARPANSA regulates Commonwealth entities that use or produce radiation with the objective of protecting people and the environment from the harmful effects of radiation.
13. Note:  
Commonwealth laws prohibit the use of nuclear energy for electricity generation across Australia, regulate the use of nuclear energy for medical and research purposes, permit uranium mining subject to Ministerial approval, and provide for the local implementation of Australia's international treaty obligations. The overarching provisions of Australia's national nuclear framework are provided under Australia's international treaty obligations relating to nuclear activities, working in concert with key Commonwealth Acts. A selective list of key treaties and statutes that apply in Australia are listed in the table below.

Title	Purpose
<b>Treaties</b>	
Convention on Nuclear Safety	An incentive-based instrument that commits States operating nuclear power plants to establish and maintain a regulatory framework governing the safety of nuclear installations.
Convention on the Physical Protection of Nuclear Material (CPPNM) & and 2005 Amendment	The only legally binding international agreement focusing on the physical protection of peaceful use nuclear materials. The 2005 Amendment legally binds States to protect nuclear facilities and material in peaceful domestic use, storage, and transport. Also provides for expanded cooperation among States regarding rapid measures to locate and recover stolen or smuggled nuclear material, mitigate any radiological consequences of sabotage, and prevent and combat related offences.

Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management	Focuses on minimising the effects of hazardous radiological materials and promoting an effective nuclear safety culture.
Comprehensive Nuclear-Test-Ban Treaty (CTBT)	Prohibits nuclear weapon test explosions.
International Convention on the Suppression of Acts of Nuclear Terrorism	Covers a broad range of acts and possible targets, including nuclear power plants and nuclear reactors. It criminalises the planning, threatening, or carrying out acts of nuclear terrorism.
Treaty on the Non-Proliferation of Nuclear Weapons (NPT)	Aims to limit the spread of nuclear weapons through the three pillars of non-proliferation, disarmament, and peaceful use of nuclear energy.
South Pacific Nuclear-Free Zone (SPNFZ) Treaty of Rarotonga	Prohibits nuclear explosive devices in the South Pacific. It is the second treaty to establish a nuclear weapons-free zone; also bans the testing and use of nuclear explosive technologies.
<b>Statutes</b>	
Environment Protection and Biodiversity Conservation Act 1999 (discussed in detail in Section 2.2.1 below)	Provides a legal framework for the protection and management of matters of national environmental significance, which includes protection of the environment from nuclear actions. A nuclear action requires approval under the Prohibitions Act if it has, will have, or is likely to have a significant impact on the environment. Specifically prohibits approval of actions involving the construction or operation of a nuclear fuel fabrication plant, a nuclear power plant, an enrichment plant, or a reprocessing facility.
South Pacific Nuclear Free Zone Treaty Act 1986 Comprehensive Nuclear Test-Ban Treaty Act 1998	Implements Australia's treaty obligations
Nuclear Non-proliferation (Safeguards) Act 1987	<p>Provides the legislative basis for Australia's safeguards system. The principal object is to give effect to Australia's obligations under the NPT, Australia's Comprehensive Safeguards Agreement and Additional Protocol with the International Atomic Energy Agency (IAEA), the Convention on the Physical Protection of Nuclear Material (and its 2005 amendment); and agreements with various countries on the transfer of nuclear material, equipment and technology.</p> <p>Provides for commitments under international treaties to be managed through a system of permits issued by the Australian Safeguards and Non-proliferation Office (ASNO) for the possession of nuclear material, equipment and technology.</p> <p>Regulates the possession, transport and communication of nuclear material, and associated material, facilities, equipment and technology, as well as arrangements for the physical protection of nuclear material and facilities.</p>

Australian Nuclear Science and Technology Organisation Act 1987	Establishes the Australian Nuclear Science and Technology Organisation (ANSTO) <sup>a</sup> and provides for the development and utilisation of nuclear and associated technologies, in particular, radiation and radioisotope applications in medicine, industry, science and agriculture.
Australian Radiation Protection and Nuclear Safety Act 1998 (and Australian Radiation Protection and Nuclear Safety Regulations 2018) (discussed in detail in Section 2.2.2 below)	<p>Provides for the protection of human health and the environment from the harmful effects of radiation through a regime to regulate the operation and safety of nuclear installations and the management of radiation sources, where these activities are undertaken by Commonwealth Government entities.</p> <p>Establishes the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA).</p> <p>Specifically prohibits approval of actions involving the construction or operation of a nuclear fuel fabrication plant, a nuclear power plant, an enrichment plant, or a reprocessing facility. General provisions regulate the transportation of uranium and its by-products relating to radiation hazards.</p> <p>Regulations set out the licensing, inspection and enforcement framework, and specify licence conditions and dose limits. Also require ARPANSA to take into account international best practice in radiation protection and nuclear safety when assessing licence applications.</p>
National Radioactive Waste Management Act 2012	Provides for the selection of a site for a radioactive waste management facility on voluntarily nominated land and the establishment and operation of such a facility on the site to ensure that radioactive waste generated, possessed or controlled by the Commonwealth is safely and securely managed.
Customs (Prohibited Exports) Regulations 1958 (made under the Customs Act 1901)	Regulation 9 requires an export licence for the export of radioactive material including refined uranium, plutonium and thorium.

Source: Legislative Council Environment and Planning Committee (Vic)

14. *If yes, what purpose would a Town policy serve in the process of approval/licensing?*

It would not serve a purpose from a regulatory or approval standpoint. The policy is simply a statement of intent.

15. *Has the Town ever been consulted by the WA Government about the storage or transportation of nuclear material within the Town?*

No, not that the Town is aware of.

16. *Is the Town required to be notified if nuclear material is being stored or transported in the Town?*

It is the Town's understanding that this would be required, though below certain radioactivity thresholds it is not.



17. *What evidence do we have that the Town is a potential site for a nuclear power plant or for storage of nuclear material?*

There is no evidence for this. The policy is a statement of intent, requested by Council at the time.

18. *What about radioactive material used in medical diagnostics/research? Does that qualify as nuclear material?*

No. It is assumed that when Council originally requested Policy 252 that this would not include medical practices.

19. *Does Curtin University store radioactive material? If so, how does this fit within the policy?*

The Town assumes that such materials would be for medical practice and research, and therefore would not come under policy 252.

## 7.3 Review of Policy 113 Homelessness - the Town's Role

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Community Development Officer – Families, Youth and Homelessness
<b>Responsible officer</b>	Manager Community
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	<ol style="list-style-type: none"><li>1. FINAL Report - To VP Homelessness Policy LL [7.3.1 - 61 pages]</li><li>2. Policy 113 Homelessness The Town's role tracked changes FINAL [7.3.2 - 5 pages]</li><li>3. Policy 113 Homelessness The Town's role revised policy changes accepted FINAL [7.3.3 - 5 pages]</li></ol>

### Recommendation

That the Policy Committee recommends that Council adopts the amended Policy 113 - Homelessness as per attachment 3.

### Purpose

For Council to consider the draft revised Council Policy 113 Homelessness – The Town's Role (Policy 113) following targeted consultation.

### In brief

- A review of Policy 113 – Homelessness – The Town's Role was requested by Council at the June 2021 Ordinary Council Meeting.
- Shelter WA was engaged to complete the Policy review.
- An amended Policy 113 has changes tracked in response to consultation with local homelessness and related service providers, Elected Members and Town staff.
- Amendments proposed to the Policy 113 include specific mention of Elected Members in the Scope, policy commitments for partnership and collaboration with local services, data collection to include housing growth and diversity and local housing needs and trends, training for frontline staff and reference to the business community to reflect the impact of homelessness and businesses' needs in the space.

### Background

1. At the 16 June 2020 Ordinary Council Meeting (CR 436/2020), Council resolved to adopt Policy 113 Homelessness –The Town's Role, replacing the existing policy adopted at the Ordinary Council Meeting on 13 December 2016.
2. Policy 113 was reviewed internally in 2021. At the Ordinary Council Meeting on 15 June 2021, Council resolved to request the Chief Executive Officer to review Policy 113 by June 2022 and report the outcome of the review to Council (CR 125/2021).
3. Due to staffing constraints experienced by the consultant engaged to complete the review, Shelter WA, the review was delayed. This delay was communicated to Council through an Elected Member portal post in mid-May 2022 and through item 12.3 at the Ordinary Council Meeting held on 21 June 2022. At this time Council acknowledged the delay to the policy review (CR 123/2022).

4. Shelter WA carried out the review between May to July 2022, including workshops with Elected Members, local service providers and Town staff.
5. The policy's objective is to guide the Town's commitment to addressing homelessness.
6. Given that a scope of the policy review was provided to Shelter WA early in 2022, and that the policy review commenced in May 2022, the Town's newly introduced Evaluation of a Policy requirements do not apply to this review.

## Strategic alignment

Community priority	Intended public value outcome or impact
S1 - Helping people feel safe.	Providing support to those experiencing homelessness through a compassionate approach from Town staff, ensuring public spaces and amenities are safe and inclusive and liaising with appropriate outreach, will promote their personal safety and reduces broader community concerns about safety.
S2 - Collaborating to ensure everyone has a place to call home.	The overall aim of Policy 113 is to end homelessness, and the policy objectives include methods for the Town to support this aim, including collaborating with service providers and internal Town stakeholders to achieve this goal.

## Engagement

Internal engagement	
Communications	The team suggest that information for local businesses would be useful, such as an appropriate toolkit.
Leisure facilities	No changes required for the policy
Place Planning	The Local Planning Strategy includes an action to investigate the Town's role in provision of affordable housing, local demand and planning and non-planning mechanisms to increase affordable housing and what is feasible given limited resources and the cost of providing housing.
Community Development – Safer Neighbourhoods	No changes required for the policy
Community Development – Families, Youth and Homelessness	Feedback incorporated into this report, and within Policy 113 tracked changes.
Libraries	No changes required for the policy
Events	No changes required for the policy
Property	An audit was undertaken into Council owned land and buildings that could be

Development and Leasing	<p>suitable for social housing, with the outcome of that audit reported to OCM on 15 February 2022. Elected members may wish to refer to the analysis in the OCM report, which goes into some detail as to the Town’s position and how it could facilitate social housing.</p> <p>The audit established that there are no Council owned buildings that are suitable for social housing and a small number of land parcels that may be suitable. Any provision of social housing on Council owned land is likely to be modest in terms of the number of homes provided and will not resolve large scale homelessness within the Town’s area. There may however be niche areas such as social housing for special needs or disability where the release of a small number of Town owned properties will have a relatively large impact.</p> <p>Council resolved as follows by resolution 9/2022:-</p> <p><i>That Council:</i></p> <ol style="list-style-type: none"> <li>1. Notes the report and defers any decision on selection of property for the development of social housing, pending the outcome of the review of the Town’s Land Asset Optimisation Strategy.</li> <li>2. Request the Chief Executive Officer to liaise with the Department of Communities (Housing and Assets) to further investigate the proposed terms of a ground lease transaction structure for the provision of social housing.</li> </ol> <p>The selection of (Council owned) property for social housing has therefore been deferred accordingly.</p>
Parking and Rangers	<p>The team requested that any support information provided to people experiencing homelessness is available in various formats to ensure a clear understanding through consideration of accessibility, inclusion and varying literacy levels.</p>
Elected Members	<p>Involved via the workshops and opportunity to provide direct input, as outlined below.</p>

<b>External engagement</b>	
Stakeholders	Feedback was received from local homelessness service providers and Town Elected Members
Period of engagement	External engagement was carried out through two workshops, one held online on 13 June 2022 and one held in person on 6 July 2022.
Level of engagement	2. Consult
Methods of engagement	Two workshops, one online and one in-person. Direct contact was made with agencies who expressed interest in providing

	feedback, but were unable to attend the workshops.
Advertising	Local service providers, Elected Members and local businesses were invited by direct email. Businesses were also invited through the Town's business e-newsletter.
Submission summary	<p>Attendees at workshops:</p> <ul style="list-style-type: none"> <li>• Online Workshop – Mayor Karen Vernon, Cr Jesse Hamer, Star Street Church, Uniting WA, and Headspace Cannington.</li> <li>• In-person Workshop – Cr Wilfred Hendricks, Cr Peter Devereaux, Sussex Street Community Law Centre, Victoria Park Youth Accommodation, Connect Victoria Park, and Mission Australia.</li> <li>• Direct contact with agencies unable to attend the workshops – Ruah Community Services, WA Alliance to End Homelessness.</li> </ul>
Key findings	<p>The matters raised through the workshops included:</p> <p><i>Policy objective</i></p> <ul style="list-style-type: none"> <li>• The term "Recognising" may not give enough direction or strength to the role the Town can take. Consider strengthening this.</li> <li>• The policy objective does not mention prevention, but the Town can play a role here.</li> </ul> <p><i>Policy scope</i></p> <ul style="list-style-type: none"> <li>• Inclusion of Elected Members in the policy scope.</li> <li>• Inclusion of all functional areas of Council, not just areas where it affects or relates specifically to homeless programs.</li> <li>• Widening its applicability to be an embedded approach that includes prevention, as it is currently quite open to interpretation.</li> <li>• The scope doesn't incorporate housing in any real way.</li> <li>• Including services that receive funding from Council.</li> <li>• Carry through the goal of ending homelessness from the objective.</li> </ul> <p><i>Policy principles</i></p> <ul style="list-style-type: none"> <li>• The need for respect to be included as a policy principle.</li> <li>• The need for a whole of community approach to be recognised across the policy.</li> <li>• Ensuring that the policy is applied comprehensively across the Town's activities.</li> </ul> <p><i>Policy commitments</i></p> <ul style="list-style-type: none"> <li>• Strong inclusion of housing and the urban planning function (consistent with the principle of right to housing) as a policy commitment.</li> <li>• Coordinated and collaborative advocacy beyond the Town.</li> <li>• Incorporate the business community into the education, awareness and implementation.</li> <li>• Direct support that is proactive and in-keeping with need.</li> <li>• Inclusion of housing data in collection and a clear statement around what the data will be used for.</li> </ul>

## Legal compliance

Not applicable.

## Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	N/A				Low	
Environmental	N/A				Medium	
Health and safety	N/A				Low	
Infrastructure/ ICT systems/ utilities	N/A				Medium	
Legislative compliance	N/A				Low	
Reputation	That the Town appears not to be involved in addressing Homelessness.	Moderate	Unlikely	Medium	Low	TREAT through continuing to review and implement the Homelessness Policy and associated Implementation Plan
Service delivery	N/A				Medium	

## Financial implications

<b>Current budget impact</b>	Sufficient funds exist within the annual budget to address this recommendation.
<b>Future budget impact</b>	Funds to continue to undertake actions within the Homelessness Policy Implementation Plan July 2020 – June 2023 have been allocated in the Town's 2022-2023 budget.

## Analysis

7. The review process involved:
  - (a) Engaging a suitably qualified and experienced third party to undertake the review (Shelter WA).

- (b) Understanding the drivers of homelessness and the evidence-based response.
  - (c) Understanding the role outlined for local government in the National Housing and Homelessness Agreement and All Paths Lead to a Home: Western Australia’s 10-year Strategy on Homelessness (2020-2030) and local governments general competency powers.
  - (d) Alignment with the Town of Victoria Park’s vision and mission, and Strategic Community Plan 2022-2032, effective from 1 July 2022.
  - (e) Desktop review of four Western Australian local government policies and action plans related to homelessness.
  - (f) Input from prior engagement undertaken by the Town of Victoria Park during the development of the current policy.
  - (g) Targeted input from local service providers and Council staff on the strengths and gaps in the current policy.
  - (h) Review by Town staff of Shelter WA recommendations, and integration of this feedback into the proposed revised Policy 113.
8. Further information on the review process is included in the Shelter WA report - *Attachment 1 – Review of the Town of Victoria Park Homelessness Policy Report*.
  9. Recommended changes arising from the review of Policy 113 have been integrated in *Attachment 2 – Policy 113 with tracked changes* (Shelter WA changes marked in RED); and *Attachment 3 – Policy 113 with changes accepted*.
  10. A summary of recommended changes to Policy 113, and the reason for consideration have been provided in the table below.
  11. A key recommendation from the policy review is that the term “people experiencing homelessness” is used instead of “homeless people”. People-first language is defined as language that puts a person before a diagnosis. By describing someone as “experiencing homelessness” rather than simply “homeless,” we are describing something a person is going through rather than defining them by it. The change from ‘homeless people’ to ‘people experiencing homelessness’ has been updated throughout the policy and is not identified separately in the table.

Clause	Proposed	Reason
Policy objective	The Town of Victoria Park acknowledges and recognises that it has a social responsibility to play an active role in preventing, minimising the impact of and ending homelessness in the community.	<p>Addition of a reference to Town ‘acknowledging’ social responsibility in addition to ‘recognising’. Workshop attendees requested this change to strengthen the wording.</p> <p>Addition of the Town’s responsibility to play a role in preventing homelessness, in response to workshop feedback.</p>
Policy scope	This policy applies to Elected Members, Town staff, contractors, consultants, working groups, services that receive funding or grants from Council and committees of Council who are	Addition of Elected Members and services that receive funding or grants from Council as having the policy apply to them. Although it may be understood that Elected Members are included in a policy, they are added to mitigate all doubt.

	<p>delivering services or working on any project across all areas of the Town of Victoria Park.</p>	<p>Removes reference to the policy applying to a program only affecting or relating to homelessness, and adds in that the policy covers committees of Council who are delivering services or working on any project across all areas of the Town. This is due to the broad reach of homelessness, to ensure that it is considered in all projects, even if the impacts of the project on homelessness are not initially recognised.</p>
Policy definition	<p>Cultural definition of homelessness added. Definitions of the 'By Name List', 'Social and Affordable Housing' and 'Crisis Accommodation' added. Updated definition of 'At risk of homelessness'.</p>	<p>Addition of Mackenzie and Chamberlain (1992) cultural definition of homelessness, which is widely used across the community sector. Additional definitions provided to assist clarity and consistency of understanding. Addition of other risk factors for becoming homeless: people living with disability, young people and older people on income support who rent privately.</p>
Policy principles	<p>2. Respect: The Town will have due regard for the feelings, needs and rights of people who experience homelessness.</p>	<p>Added Respect as a policy principle, given feedback that this needed to be highlighted and not only included in the 'Compassion' principle.</p>
Policy principles	<p>3. Inclusiveness: The Town encourages and promotes inclusive access to public spaces and amenities, acknowledging the rights of people experiencing homelessness, whilst also acknowledging the responsibility of all community members to respect the rights of others to live in a safe and peaceful environment.</p>	<p>Changed previous principle 'Access to public spaces' to 'Inclusiveness', which is better understood as a policy principle.</p> <p>Addition and acknowledgement of rights of people experiencing homelessness.</p>



Policy principles	<p>5. Partnerships and Collaboration: The Town acknowledges that ending homelessness requires a committed, whole-of-community response. The Town will work in partnership and collaboratively with all levels of government, homeless support services, business, community organisations and neighbouring local governments towards a coordinated, effective and evidence-based approach to ending homelessness in the local community and the greater inner City region.</p>	<p>Changed previous principle 'Whole of community response' to 'Partnerships and Collaboration' to enhance the importance of collaborating with government, services, business and community organisations. Business is added as one of the organisations the Town will work with given their interaction with people experiencing homelessness in the Town.</p> <p>Added that the approach will be evidence-based as a policy principle, not just a policy commitment, to ensure that strategies and plans that will sit under the policy are informed by the evidence related.</p>
Policy commitments	<p>8. The Town will work with community organisations to build their capability and capacity to contribute to preventing and to ending homelessness through the funding and support mechanisms such as a community funding or grant program, access to or use of Council land or buildings, subsidised rent, and/or rate relief, and by facilitating partnerships and coordinating local action.</p>	<p>Added a range of activities that could be considered by Council to partner with and build the capacity of local services. This has been expanded to illustrate a number of ways that this could be progressed.</p>
Policy commitments	<p>10. The Town will collect and share accurate data, including utilising the By Name List, to understand, monitor and respond to trends regarding homelessness in the community.</p>	<p>Addition of a reference to the By Name List To align with the strengthened commitment of the Strategic Community Plan. The By Name List is maintained by external community services providers, accessible through a partnership arrangement.</p>
Policy commitments	<p>11. The Town will collect and share accurate data on social and affordable housing trends and utilise mechanisms, including town planning policies, and will investigate affordable housing options as outlined in the Local Planning Strategy.</p>	<p>This commitment has been added given the role of housing in homelessness. Implementation should be linked to the Town's Local Planning Strategy. This will enable the policy to align with local government's role in the WA Strategy, to utilise land and assets to deliver on the policy objective of ending homelessness. Wording provided by Shelter WA has been updated in anticipation of the</p>

		Town will preparing an affordable housing study in the coming years.
Policy commitments	12. The Town will facilitate training for staff on how to respond with compassion, care and respect to people experiencing homelessness.	This commitment has been added to strengthen the policy and be consistent with delivering on the policy goal.
Policy commitments	13. The Town will seek to remove the capacity for any negative impacts on people experiencing homelessness through the scheduled review of local laws.	This commitment has been added to reflect the policy principles of compassion, respect and inclusivity. Wording provided by Shelter WA has been updated to ensure that this commitment is executed through the scheduled review of local laws, rather than committing to additional reviews.
Policy commitments	14. The Town will actively partner and collaborate with neighboring local governments, community services, local business, and the broader community to prevent and to end homelessness.	This commitment has been added given that partnerships are a key measure in the new Strategic Community Plan.
Policy commitments	15. The Town will engage in evidenced based advocacy with local, state and federal governments for a collaborative, coordinated approach to prevent and to end homelessness.	Addition that advocacy should be collaborative and coordinated with the aim of preventing and ending homelessness.
Policy commitments	16. The Town will raise awareness of the nature, impacts and challenges of homelessness and how the community, including local businesses, can play a part in minimising the impact of and preventing homelessness in the community.	Addition of reference to the business community given that homelessness can impact on local business and by mentioning them in the policy, they can see their needs reflected.

3. If these policy amendments are adopted, the Homelessness Policy Implementation Plan and associated Management Practice will be updated to reflect the associated changes.
4. It is recommended that going forward Policy 113 – Homelessness – The Town’s Role, and the Homelessness Policy Implementation Plan be reviewed once every two years.

## Relevant documents

[Policy 113 Homelessness – The Town’s role](#)  
[Homelessness Policy Implementation Plan](#)

## 7.4 Policy 401- Smoking restriction – Town property

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Acting Principal Environmental Health Officer
<b>Responsible officer</b>	Manager Development Services
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	1. Policy-401- Smoking-restriction- Town-property [7.4.1 - 2 pages] 2. Attachment 1 comparison between the contents on Policy 401 and the other Managem [7.4.2 - 6 pages]

### Recommendation

That the Policy Committee recommend that Council revoke Policy 401 'Smoking Restrictions - Town Property'

### Purpose

To review "Policy 401- Smoking Restrictions - Town Property".

### In brief

- The Town of Victoria Park as a Local Government Authority has the responsibility for enforcing provisions of the *Tobacco Control Regulations 2006* and *Tobacco Products Control Act 2006*. The *Tobacco Products Control Regulations 2006* were made under the *Tobacco Products Control Act 2006* and prohibit smoking in all enclosed public places including those on licensed premises. These regulations apply to all public premises, including shopping centres, theatres and cinemas, airports, cafes, restaurants, pubs, bars, nightclubs, sporting clubs and public buildings and offices including Council properties.
- The Town's Policy 401 was first formulated in 1994 to assist the Town's staff to enforce the requirements of the Tobacco Act specifically in relation to smoking at Town owned properties. The Town has several properties that are regularly accessed by members of the public. These properties include the Town's Administration Centre, Leisurelife and Aqualife facilities and the Library. Additionally, the Town has several club rooms as well as public open spaces (parks) where they regularly get leased out for short- and long-term use.
- The Town therefore wanted to be on the front foot in ensuring that all the patrons that attend these facilities were kept safe from the harmful effects of secondary smoke. However, the policy has not been used at all as the *Tobacco Control Act 2006* and its subsidiary legislation, other Town policies and the Town's own management practices all adequately cover the matter. After an extended internal and external consultation on the usefulness of this policy, it has been found that the policy can be revoked. Additionally, if this policy is not revoked, it will continuously need to be reviewed every four years when it is unnecessary to have it. Revoking this policy therefore will not have any impact on the management of smoke issues at the Town.

### Background

1. In 2003, the Western Australian Department of Health undertook a review of the operations and effectiveness of the *Health Act 1911* and the *Health (Smoking in Enclosed Public Places) Regulations*

1999. These Regulations were introduced to promote public health by restricting smoking in enclosed public places and creating policies that limit the public places people can smoke to protect the community from the harmful effects of environmental tobacco smoke.

2. On 31 July 2006, the *Tobacco Products Control Act 2006* (TPCA 2006) came into force, which prohibited smoking in all enclosed public places. Enclosed public places such as pubs, clubs and restaurants are required to be smoke free, in addition to the venues that were previously required to be smoke free.
3. In July 1994, the newly found Town of Victoria Park formulated its own smoking policy which was reviewed in August 2006. These were followed by further reviews in 2013, 2015, 2019 and 2022. A copy of the Town’s current Policy 401 is contained at Attachment 1.

## Strategic alignment

Environment	
Strategic outcome	Intended public value outcome or impact
EN1 – Protecting and enhancing the natural environment	The restrictions on smoking have a positive impact on public health and the environment. The proposed revocation of the Policy does not impact upon this, as other legislation will apply.

## Engagement

4. Internal engagement has been undertaken as part of this policy review. The various service areas were asked whether they had any objection with this policy being revoked as it is hardly used and most of the restrictions in the policy are already covered under the Tobacco Products Legislation or other Management Practices in the Town. Various Service Areas were asked whether they had any objection with revocation of the policy and below were their responses.

Internal engagement	
Stakeholder	Comments
Healthy Community	Healthy Community Service Area Leader (SAL) agreed that the policy should be revoked as most of the challenges with the Town’s facilities were covered by the Tobacco Products Legislation.
Safety Coordinator	The Safety Coordinator had no objection to revocation of this policy.
Rangers	The Service Area Leader (SAL) agreed that most of the important items were covered under legislation and saw no reason for the Town to keep the policy.
Place Planning	Place Planning had no objection to revocation
Infrastructure	Infrastructure Service Area Leader (SAL) agreed that this policy can be revoked.
Library Services	Library Services Area Leader (SAL) felt that the only statement not covered by other legislation was the one regarding smoking in the Town vehicles. It was however noted that this had been implemented with the Occupational Safety and Health (OSH) and the Town’s vehicle policy. On this basis support was

	provided for the policy to be revoked
Leisure Facilities	Leisure Facilities Service Area Leader (SAL) agreed that the policy was not required
Fleet Management	Had no objection to revocation
Strategic Assets	Strategic Assets Service Area Leader (SAL) had no issue with revocation.

Other engagement	
Stakeholder	Comments
Metropolitan Environmental Health Managers Group (MEHMG)	All Metropolitan Environmental Managers Group were consulted. Majority of them do not have a Smoking at Council Property Policy, but there was a consensus that this policy was not required as the smoking related nuisances were effectively dealt with within the existing smoking legislation.
Department of Health (Tobacco Branch)	Tobacco Control branch was contacted, and they advised that the Town do not really need to have this policy. They advised that it is a "good to have policy" but not necessary as most LGs now have their Public Health Plans (PHP) in place that discourage smoking, they have OSH policies as well as the Tobacco Act and Tobacco Regulations which can be used for enforcement purposes.

## Legal compliance

[Town of Victoria Park Local Government Property Local Law 2000](#)

[Tobacco Products Control Act 2006](#)

[Tobacco Products Control Regulations 2006](#)

## Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	Expose the Town to unnecessary financial risk due to litigation resulting from impacts of Environmental Tobacco Smoke or secondary Smoking.	Moderate	Likely	Low	Low	TREAT risk by ensuring that the Authorised Officers enforce Tobacco legislation on Council Property Policy
Environmental	Increased litter and	Moderate	Likely	Low	Low	TREAT risk by

	fire risk on the Town's properties					Using existing legislations, Management Practices and existing policies.
Health and safety	Increased illnesses as a result of Environmental Tobacco Smoke or secondary smoking	Moderate	Likely	Low	Low	TREAT risk by Using existing legislations and existing Town's Policies
Infrastructure/ ICT systems/ utilities	Damage to Town's property because of smoking	Moderate	Likely	Low	Low	TREAT risk by Using existing legislations and existing Town's Policies
Legislative compliance	Difficulty in enforcing the smoking legislation	Moderate	Likely	Low	Low	Ensure that there are Authorised Tobacco Inspectors at all times
Reputation	Damage to Town's image	Moderate	Likely	Low	Low	TREAT risk by Using existing legislations and existing Town's Policies
Service delivery	Impact of Secondary Smoke on service deliver	Moderate	Likely	Low	Low	Educate staff and customers relating to the Town's properties and events on the dangers of Environmental Tobacco Smoke

## Financial implications

<b>Current budget impact</b>	Not applicable.
<b>Future budget impact</b>	Not applicable.

## Analysis

- The aim of smoking restrictions is to reduce community exposure to second-hand smoke (SHS). The health effects of exposure to SHS are well documented and indisputable. Numerous scientific studies have demonstrated that exposure to SHS causes or promotes several illnesses and diseases, including lung cancer and heart disease.

6. A public place means a place or vehicle that:
  - a. the public, or a section of the public, is entitled to use; or
  - b. is open to, or is being used by, the public, or a section of the public, whether on payment of money, by virtue of membership of a club or other body, by invitation, or otherwise. A public place is an 'enclosed public place' if it has a ceiling or roof and is greater than 50 per cent enclosed by walls, or other vertical structures or coverings.
7. The surface area of walls, or other vertical structures or coverings located under a ceiling or roof as well as those located at or within 1 meter from the perimeter of a ceiling or roof are to be used to determine if a public place is greater than 50 per cent enclosed. The surface areas of windows, doors and other closable openings must also be included when calculating the percentage of vertical surfaces surrounding a place, regardless of whether they are open or closed.
8. An occupier in relation to an enclosed public place, means a person or business that has the management or control, or otherwise overseeing that place. The occupier may be the owner, proprietor, manager or supervisor of an enclosed public place
9. Smoking in a workplace is covered under the *Work Health and Safety Act 2020* which is administered by WorkSafe WA, a division of the Department of Commerce. The provisions in the *Work Health and Safety (General) Regulations 2022* that relate to secondhand tobacco smoke are like the smoking in enclosed public places provisions in the *Tobacco Products Control Regulations 2006*.
10. In relation to an enclosed public place, an "occupier" means a person or business that has the management or control, or otherwise overseeing that place. The occupier of an enclosed public place may be the owner, proprietor, manager, supervisor and in this case the Town is responsible for its properties.
11. The Town's Service Area Leaders support the current policy being revoked. All the Service Area Leaders felt that there is sufficient legislation, policies, and practices to mitigate any problem that may occur because of patrons or the Town's staff smoking on the Town's properties.
12. Attachment 2 shows various duplication of the clauses within the Council's Policy 401 and the existing Regulations/Acts and Management Practices. Revoking this policy will have little or no impact in the way the Town will continue managing tobacco related issues.
13. The *Work Health and Safety Act 2020* requires an employer, as far as practicable, to provide and maintain a working environment in which employees are not exposed to hazards. Due to the acknowledged health hazards of exposure to ETS, and to comply with legal obligations, it is considered that existing legislation is sufficient to undertake any enforcement by Authorities Officers if needed.
14. After analysing of all relevant tobacco legislation, and the Smoking Practices in the Town, it is recommended that Policy 401 be revoked as it is unnecessary as there is sufficient legislation and other Town Policies that deal with smoking issues.
15. The legislation stipulates that if someone is committing or has committed an offence by smoking in an enclosed public place, the occupier of the place is also deemed to have committed an offence. Occupiers are required to actively enforce the smoking ban, and the legislation provides guidance on the steps an occupier or employee should follow if someone is known to be smoking in an enclosed public place. These include:
  - Informing the person concerned that they are committing an offence;



- Request the person to stop smoking in an enclosed public place and to extinguish;
- Properly dispose of tobacco products.

16. It is on this basis that it is recommended that Council revoke this policy and use existing legislation to manage smoke related nuisances at the Town's properties.

### **Relevant documents**

[Town of Victoria Park Local Government Property Local Law 2000](#)

[Tobacco Products Control Act 2006](#)

[Tobacco Products Control Regulations 2006](#)

[OSH 002- Smoke-Free Workplace Management Practice](#)

[Work Health and Safety Act 2020](#)

## 7.5 Review of Policy 301 - Purchasing

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Manager Finance
<b>Responsible officer</b>	Chief Financial Officer
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	1. Purchasing Policy 301 [7.5.1 - 7 pages]

### Recommendation

That the Policy Committee recommends that Council adopts amended Policy 301 Purchasing as attached.

### Purpose

To provide Council with an updated purchasing policy to include the three pillars of corporate sustainability and support for local business, disability enterprises or aboriginal businesses.

### In brief

- An amended Policy 301 Purchasing has changes shown in red font updating the policy to include the consideration of the three pillars of corporate sustainability (social, economic, environmental) and support of local business, disability enterprises or aboriginal businesses as part of the Town's procurement process.

### Background

1. A concept forum was held in December 2021 to discuss how to address triple bottom line sustainability through procurement and one of the outcomes sought was consideration to the current procurement policy.
2. Currently, procurement processes do not mandate rules on the use of sustainable procurement, local suppliers, disability enterprises and aboriginal businesses.

### Strategic alignment

<b>Civic Leadership</b>	
Community priority	Intended public value outcome or impact
CL1 – Effectively managing resources and performance.	Ensure Councils purchasing systems are compliant with legislation and best practice.
CL3 - Accountability and good governance.	Ensures Council policy is compliant with legislative requirements.

<b>Economic</b>	
Community priority	Intended public value outcome or impact
EC1 - Facilitating a strong local economy.	Promoting local suppliers and suppliers who support the Town's community needs through local employment, use of local subcontractors or other local suppliers, creation or funding of training opportunities

	and other initiatives for social inclusion within the local community.
--	--

Environment	
Community priority	Intended public value outcome or impact
EN1 - Protecting and enhancing the natural environment.	Minimising damage to the environment by supporting organisations who have adopted environmentally friendly solutions in their operations and businesses.

## Legal compliance

[Local Government \(Functions and General\) Regulations 1996](#)

[Policy 312 Transaction Card](#)

## Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	N/A				Low	
Environmental	Procurement of non-sustainable suppliers could be selected as there is not a requirement for preference for sustainable procurement.	Moderate	Possible	Medium	Medium	Treat risk by Council adopting an updated purchasing policy which includes preference for sustainable procurement.
Health and safety	N/A				Low	
Infrastructure/ ICT systems/ utilities	N/A				Medium	
Legislative compliance	N/A				Low	
Reputation	Suppliers providing local economic benefit or sustainable procurement may be a lower preference than other suppliers.	Moderate	Possible	Medium	Low	Treat risk by Council adopting an updated purchasing policy which includes preference for local benefit and sustainable procurement.

Service delivery	N/A	Medium
------------------	-----	--------

## Financial implications

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

## Analysis

- Following on from the policy committee held in December last year a review of Policy 301 Purchasing has been undertaken to include the consideration of the three pillars of corporate sustainability (social, economic, environmental) and support of local business, disability enterprises or aboriginal businesses. The changes to the policy will ensure that the qualitative criteria evaluations include consideration to local economic benefit and provides a preference to sustainable procurement through the qualitative assessment.
- For lower value purchases it is being proposed that a reduction in quotations required for from three quotations to two for purchases between \$5,000 and \$250,000, when one of the businesses where a quotation is obtained from is from a local supplier, Aboriginal business or Australian disability enterprise.

## Relevant documents

Not applicable.

**8 Motion of which previous notice has been given**

**9 Meeting closed to the public**

**10 Closure**