



TOWN OF
VICTORIA PARK

Policy Committee Minutes – 27 February 2023



WE'RE OPEN
VIC PARK

Please be advised that a **Policy Committee** was held at **5:30 PM** on **Monday 27 February 2023** in the **Council Chambers**, Administration Centre at 99 Shepperton Road, Victoria Park.

Cr Jesvin Karimi - Presiding Member
2 March 2023

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1 Declaration of opening

Cr Jesvin Karimi opened the meeting at 5:30pm.

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

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 Jesvin Karimi (Presiding Member)

Cr Vicki Potter

Chief Operations Officer

Ms Natalie Adams

Chief Financial Officer

Mr Duncan Olde

Manager People and Culture

Mr Graham Olson

A/Manager Governance and Strategy

Mr Brad Sillence

Environment Officer

Mr Brendan Nock

Secretary

Ms Felicity Higham

2.1 Apologies

Chief Executive Officer

Mr Anthony Vuleta

Chief Community Planner

Ms Natalie Martin-Goode

2.2 Approved leave of absence

Jarrah Ward

Cr Bronwyn Ife

3 Declarations of interest

3.1 Declarations of financial interest

Nil.

3.2 Declarations of proximity interest

Nil.

3.3 Declarations of interest affecting impartiality

Nil.

4 Confirmation of minutes

COMMITTEE RESOLUTION

Moved: Cr Jesvin Karimi

Seconded: Cr Vicki Potter

That the Policy Committee confirms the minutes of the Policy Committee held on 28 November 2022.

Carried (8 - 0)

For: Deputy Mayor Claire Anderson, Cr Luana Lisandro, Cr Peter Devereux, Cr Jesvin Karimi, Mayor Karen Vernon, Cr Jesse Hamer, Cr Vicki Potter and Cr Wilfred Hendriks

Against: Nil

5 Presentations

Nil.

6 Method of dealing with agenda business

Nil.

7 Reports

7.1 Review of Policy 007 Long Service Leave

Location	Town-wide
Reporting officer	Manager People and Culture
Responsible officer	Chief Executive Officer
Voting requirement	Simple majority
Attachments	1. 7 1 1 Policy 007 Long Service Leave 2020 [7.1.1 - 2 pages] 2. 7 1 2 Policy 007 Long Service Leave Reviewed and amended 2023 [7.1.2 - 2 pages]

Recommendation

That the Policy Committee recommends that Council adopts the amended Policy 007 Long Service Leave, as detailed in Attachment 7.1.2.

Purpose

For Council to evaluate Policy 007 Long Service Leave.

In brief

- 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, casual, and seasonal employees are entitled to long service leave.
- The obligation to provide long-service leave entitlements to Town employees is outlined in the *Local Government Act 1995*. The conditions of entitlements for receiving the benefit of long service leave are detailed in the *Local Government (Long Service Leave) Regulations 1996* (the Regulations).
- In November 2022 the Regulations were amended. The policy evaluation process has identified discrepancies between the regulations and Policy 007 Long Service Leave.
- It is proposed that Policy 007 Long Service Leave be amended in response to the changes initiated by the changes to the legislation.

Background

1. In September 1999 the Council created policy "ADM2 Long Service Leave" detailing conditions for the taking of long service leave entitlements by Town employees.
2. Council at its meeting held 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.
3. The policy was reviewed in April 2020 and a recommendation to the Policy Committee was for the policy to be revoked, on the basis that the Regulations determine the entitlements and administration of these employment conditions, and any policy provision cannot be inconsistent with legislation.
4. The Policy Committee and subsequently Council, at its 17 May 2020 meeting, decided not to change the policy but note its review.

5. Subsequently and in view of the revised policy framework, it was renumbered to Policy 007 Long Service Leave.
6. At the Council Meeting held on 12 April 2022, the policy was scheduled for future evaluation by February 2023.

Strategic alignment

Civic Leadership	
Community priority	Intended public value outcome or impact
CL1 – Effectively managing resources and performance.	The management practices dealing with employee entitlements are correct
CL3 - Accountability and good governance.	The management of employee entitlements are compliant with legislative direction.

Engagement

Not applicable.

Legal compliance

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

Section 2.7 of the LGA relates to the general power of a Council to determine policies.

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

Section 5.48 relates to Long Service benefits for employees and employees of local government associations.

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

Long Service benefits for employees are to be provided in accordance with Regulations.

The legislation overrides any policy and any policy needs to be consistent with the legislation.

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	Incorrect payment of entitlements	Moderate	Unlikely	Low	Low	Development and implementation of compliant management practices
Environmental	Not applicable.				Medium	
Health and safety	Not applicable.				Low	

Infrastructure/ ICT systems/ utilities	Not applicable.						Medium
Legislative compliance	Breaches under the relevant regulations	Moderate	Low	Low	Low	Low	Maintain compliant management practices
Reputation	Not applicable.						Low
Service delivery	Not applicable.						Medium

Financial implications

Current budget impact	Long service leave entitlements are included in the Annual Budget.
Future budget impact	Long service leave is included in the Annual Budget and Long-Term Financial Plan process.

Analysis

7. In November 2022 the Local Government (Long Service Leave) Regulations were amended. Key changes included:
 - a. modernisation of the types of paid and unpaid absences that count towards long service leave accrual
 - b. provision for greater flexibility in how long service leave is taken
 - c. new record-keeping requirements and stronger enforcement provisions, including penalties for contraventions.
8. The Town's Management Practice MP045 Long Service Leave procedures have been updated to accommodate the procedural changes in the Regulations.
9. Of the changes in the Regulations only one of the three policy statements has been impacted. This is in policy statement 2 that deals with how leave entitlements may be taken.
10. In view the Act and the Regulations adequately provide for long service leave provisions for Town employees, officers still contend that the policy is not required.
11. Notwithstanding and in view of Council's previous decision in May 2020 to retain the policy, it is suggested the existing policy be amended to include the following changes to policy statement 2:

Clause	Proposed	Reason
2.b. take the leave in two parts	2.b. take the leave in two or more separate periods	Sub-clause 6 (5) (d) of the regulations was amended to read (.. in 2 or more separate parts)

New 2.d.	2.d. take the leave in double the time (26 weeks) at half pay.	Clause 6B Leave at double pay has been added to the regulations.
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1. The Town’s management practice for the administration of long service leave entitlements for employees are determined by the Local Government (Long Service Leave) Regulations. Amendments to the internal management practice occur as the regulations are changed and endorsed by the town’s senior executive.
2. If Council determines to retain this policy, changes will need to occur in response to legislative amendments each time as relevant changes come from the Act and the Regulations.

Relevant documents

Not applicable

COMMITTEE DISCUSSION:

The committee discussed:

- the Long Service Leave regulations 7(1)(b) states 'the employer shall not require the worker to commence leave within 6 months of the date on which the worker became entitled to it'.
- the above is contradictory to what is in the proposed Policy 007 Long Service Leave.
- the Manager People and Culture will review and update the policy accordingly.

AMENDMENT:

Moved: Mayor Karen Vernon

Seconded: Cr Vicki Potter

The motion be amended to add the following at the end of the motion:

1. subject to clause 1 of the policy being amended by the insertion of the words “not be required to” after the word “shall”.

Carried (7 - 1)

For: Deputy Mayor Claire Anderson, Cr Luana Lisandro, Cr Peter Devereux, Cr Jesvin Karimi, Mayor Karen Vernon, Cr Jesse Hamer, Cr Vicki Potter and Cr Wilfred Hendriks

Against: Nil

Reason:

To ensure the policy is consistent with the regulations.

COMMITTEE RESOLUTION:

Moved: Cr Jesvin Karimi

Seconded: Cr Vicki Potter

That the Policy Committee recommends that Council adopts the amended Policy 007 Long Service Leave as detailed in Attachment 7.1.2 subject to clause 1 of the Policy being amended by the insertion of the words "not be required to" after the words "shall".

Carried (8 - 0)

For: Deputy Mayor Claire Anderson, Cr Luana Lisandro, Cr Peter Devereux, Cr Jesvin Karimi, Mayor Karen Vernon, Cr Jesse Hamer, Cr Vicki Potter and Cr Wilfred Hendriks

Against: Nil

7.2 Sustainable Timber - Use in Town Construction

Location	Town-wide
Reporting officer	Environmental Management Officer
Responsible officer	Manager Strategic Waste, Environment and Asset Management
Voting requirement	Simple majority
Attachments	1. Policy 251 Sustainable Timber Use in Town Construction [7.2.1 - 2 pages] 2. Policy 251 Sustainable Timber Use in Town Construction Tracked Changes (1) [7.2.2 - 2 pages]

Recommendation

That the Policy Committee recommends that Council adopts the revised Policy 251 - Sustainable Timber – Use in Town Construction as detailed in Attachment 7.2.2.

Purpose

For Council to review Policy 251 – Sustainable Timber – Use in Town Construction.

In brief

- In November 2022, Town officers reviewed Policy 251 – Rainforest Timbers.
- At its meeting held on 13 December 2022, Council made the following resolution (280/2022):
 1. *Adopts the draft amended Policy 251 (Rainforest timbers – use in Town construction) as per attachment 1.*
 2. *Requests the Chief Executive Officer to amend the Town's current document for Practice 301.1 – Procurement to ensure that specific note is made in the document on the exclusion of rainforest timbers in construction or building projects undertaken wholly or jointly by the Town.*
 3. *Requests the Chief Executive Officer to amend the Town's current document for Practice 301.1 – Procurement to ensure that all timber used throughout the Town aligns with Australian standards of The Responsible Wood Certification Scheme.*
 4. *The name of the policy be changed to Sustainable Timber - use in Town construction.*
 5. *This matter return to the next Policy Committee for consideration of the wording to ensure that the wording of the policy matches the title of the policy.*
- The Town has amended the name of Policy 251 Rainforest Timbers to Sustainable Timber - Use in Town Construction.
- The Town has amended the wording of the policy in accordance with the title change.

Background

1. The last amendment to Policy 251 was made in the Council item of 20 August 2019 (Council resolution 148/2019), which amended the policy to bring it in line with the current policy template.
2. Council resolution 384/2020 of 21 April 2020 adopted a work plan to review several policies, and Policy 251 was identified to be completed in 2021/22.

3. Policy 251 was identified as one of the policies to be reviewed. This policy relates to the exclusion of the use of rainforest timbers in any construction or building projects undertaken wholly or jointly by the Town.
4. Town officers reviewed Policy 251, including clarification to the definition of rainforests and the distinction to plantation forests to clarify the intent of the policy.
5. At its meeting held on 13 December 2022, Council made the following resolution (280/2022):
 1. *Adopts the draft amended Policy 251 (Rainforest timbers – use in Town construction) as per attachment 1.*
 2. *Requests the Chief Executive Officer to amend the Town’s current document for Practice 301.1 – Procurement to ensure that specific note is made in the document on the exclusion of rainforest timbers in construction or building projects undertaken wholly or jointly by the Town.*
 3. *Requests the Chief Executive Officer to amend the Town’s current document for Practice 301.1 – Procurement to ensure that all timber used throughout the Town aligns with Australian standards of The Responsible Wood Certification Scheme.*
 4. *The name of the policy be changed to Sustainable Timber - use in Town construction.*
 5. *This matter return to the next Policy Committee for consideration of the wording to ensure that the wording of the policy matches the title of the policy.*
6. The Town has amended the name of Policy 251 Rainforest Timbers to Sustainable Timber - Use in Town Construction.
7. The Town has amended the wording of the Policy in accordance with the title change as request in part 5 of the above resolution.

Strategic alignment

Environment	
Strategic outcome	Intended public value outcome or impact
EN01 - Protecting and enhancing the natural environment.	To continue to refrain from using rainforest timber or unsustainably sourced timber in the Town’s construction activities.
EN05 – Appropriate and sustainable facilities for everyone that are well built and well maintained.	To continue to deliver well built projects in a sustainable manner using timber from sustainable sources.

Engagement

Internal engagement	
Stakeholder	Comments
Technical Services	Advice on guidelines on construction and building timber materials. Analysed potential impacts to current operations. Researched product availability and affordability in the WA market.

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	The use of rainforest and other unsustainably sourced timbers contributes to the destruction of remnant forests and the habitat they provide.	Moderate	Unlikely	Low	Moderate	Treat with adoption of Policy 251 and avoid purchasing of such timbers
Health and safety	Not applicable				Low	
Infrastructure/ ICT systems/ utilities	Not applicable.				Medium	
Legislative compliance	Not applicable.				Low	
Reputation	Use of rainforest and other unsustainably sourced timbers in construction – against Policy 251.	Moderate	Unlikely	Low	Low	Treat risk by excluding use of rainforest and unsustainably sourced timbers in the Town procurement process and retaining Policy 251.
Service delivery	Not applicable.				Medium	

Financial implications

Current budget impact

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

Analysis

8. Policy 251 excludes the use of unsustainably sourced timbers in construction or building projects undertaken wholly or jointly by the Town. Timbers that do not provide a chain of custody certification shall not be used in any construction or building project undertaken wholly or jointly by the Town. Further, all timber used throughout the Town must align with the Australian standards of the Programme for the Endorsement of Forest Certification (PEFC) under the Responsible Wood Certification Scheme, or the Forest Stewardship Council.
9. It is noted that the Town rarely uses timber in its construction projects. However, when timber is used, it has mainly been plantation pine. Timber used for playgrounds is mostly treated pine and some jarrah or existing dead native trees for logs or steppers. The use of plantation grown, or recycled timbers is a requirement in the Town's request for quotation and tender/contract documents.
10. The Town's Practice 301.1 – Procurement – supports the Purchasing Policy 301 which refers to the need to address sustainable procurement and certain corporate responsibilities within its purchasing decisions. This includes minimising environmental and negative social impacts and addressing aspects for having materials which are environmentally sound in manufacture, use and disposal, as well as being ethically sourced.
11. The wording of the Town's current document for Practice 301.1 – Procurement has been amended to ensure that:
 - a. specific note is made in the document on the exclusion of rainforest timbers in construction or building projects undertaken wholly or jointly by the Town
 - b. that all timber used throughout the Town aligns with Australian standards of The Responsible Wood Certification Scheme.

Relevant documents

Policy 251 – Sustainable Timber – Use in Town Construction

Policy 251 – Sustainable Timber – Use in Town Construction (Tracked Changes)

COMMITTEE DISCUSSION:

The committee discussed:

- the term sustainable timber has not been used through the policy apart from the title and definitions.

COMMITTEE RESOLUTION:

Moved: Cr Wilfred Hendriks

Seconded: Cr Vicki Potter

That the Policy Committee recommends that Council adopts the revised Policy 251 - Sustainable Timber – Use in Town Construction as detailed in Attachment 7.2.2.

Carried (8 - 0)

For: Deputy Mayor Claire Anderson, Cr Luana Lisandro, Cr Peter Devereux, Cr Jesvin Karimi, Mayor Karen Vernon, Cr Jesse Hamer, Cr Vicki Potter and Cr Wilfred Hendriks

Against: Nil

7.3 Policy evaluation - Policy 305 – Loan borrowing limitations

Location	Town-wide
Reporting officer	Financial Services Controller
Responsible officer	Chief Financial Officer
Voting requirement	Simple majority
Attachments	1. Policy-305- Loan-borrowing-limitations [7.3.1 - 1 page]

Recommendation

That Policy Committee recommends that the Council notes the review of the Loan Borrowing Limitations policy with no changes proposed.

Purpose

To present the results of the review of the Town’s Loan Borrowing Limitations policy.

In brief

- The Town’s Loan Borrowing Limitation policy was last reviewed and amended in April 2021. That review added a policy objective and scope in line with the current policy template.
- The current policy is considered appropriate, and no changes are proposed.

Background

1. The Town’s powers to borrow are prescribed in Section 6.20 of the Local Government Act 1995.
2. The Local Government (Financial Management) Regulations 1996 no longer require the Town to report on financial ratios.

Policy Statement

In any financial year the combined cost of servicing loans, excluding the servicing cost of self-supporting loans, is not to exceed 10% of the total revenue from rates.

Strategic alignment

Civic Leadership	
Community priority	Intended public value outcome or impact
CL2 - Communication and engagement with the community.	Finances are managed appropriately, sustainably and transparently for the benefit of the community.
CL3 - Accountability and good governance.	Visionary civic leadership with sound and accountable governance that reflects objective decision-making.

Engagement

Internal engagement	
Stakeholder	Comments
Financial Services	Staff have provided comments on the current policy.

Legal compliance

The powers to borrow are prescribed in Section 6.20 of the *Local Government Act 1995*.

Risk management consideration

Risk and consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and actions
E.g. Financial Borrowing beyond the financially sustainable capacity of the Town	Moderate	Likely	High	Maintain overall debt levels within the targets set in the policy.

Financial implications

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

Analysis

The Town has reviewed the policy and no changes are proposed.

Relevant documents

Not applicable.

COMMITTEE DISCUSSION:

The committee discussed:

- Nil

COMMITTEE RESOLUTION:

Moved: Cr Jesvin Karimi

Seconded: Cr Jesse Hamer

That Policy Committee recommends that the Council notes the review of the Loan Borrowing Limitations policy with no changes proposed.

Carried (8 - 0)

For: Deputy Mayor Claire Anderson, Cr Luana Lisandro, Cr Peter Devereux, Cr Jesvin Karimi, Mayor Karen Vernon, Cr Jesse Hamer, Cr Vicki Potter and Cr Wilfred Hendriks

Against: Nil

7.4 Policy Evaluation - Policy 011 - Elections

Location	Town-wide
Reporting officer	A/Governance Coordinator
Responsible officer	Chief Executive Officer
Voting requirement	Simple majority
Attachments	1. Policy-011- Elections [7.4.1 - 6 pages]

Recommendation

That the Policy Committee recommends that Council defer review of *Policy 011 – Elections* until changes to the *Local Government Act 1995* and associated regulations are implemented regarding election caretaker periods.

Purpose

- That Council defer evaluation of *Policy 011 – Elections* (Policy 011) until changes to the *Local Government Act 1995* (the Act) are implemented.

In brief

- Policy 011 applies to local government elections and relevant caretaker conventions leading up to the Town's bi-ennial elections and other elections.
- An evaluation of the policy was due to be presented to the Policy Committee in February 2023, however as part of the local government reform process, the Minister has announced recommended changes to the Act and associated regulations which are likely to affect the operation of the policy.
- Changes to the Act will become law and may remove the need for some or all of the policy provisions.

Background

1. Council at its meeting held on 10 July 2021 adopted Policy 011 - Elections.
2. The policy was last reviewed by Council at its meeting held on 12 April 2022, as part of the minor review of policies. Only a minor change was made to the policy to include the *Code of Conduct for Council Members, Committee Members and Candidates*. It has remained in place as a workable arrangement since that time.
3. As part of the State Government's local government reform process, it was recommended that a statewide based caretaker period for local governments be introduced.
4. At its meeting held on 15 February 2022, Council endorsed the *Local Government Reform Summary of Proposed Reforms – Town of Victoria Submission* which was subsequently submitted to the Department of Local Government, Sport and Cultural Industries, as part of the reform consultation process.

5. Theme 5 of the Local Government Reform consultation process included the following and the Tow's subsequent response:

5.6 Standardised Election Caretaker Period

Current Requirements	Proposed Reforms	Town's adopted Response
<ul style="list-style-type: none"> • There is currently no requirement for a formal caretaker period, with individual councils operating under their own policies and procedures. • This is commonly a point of public confusion. 	<ul style="list-style-type: none"> • A statewide caretaker period for local governments is proposed. • All local governments across the State would have the same clearly defined election period, during which: <ul style="list-style-type: none"> ○ Councils do not make major decisions with criteria to be developed defining 'major'. ○ Incumbent Councillors who nominate for re-election are not to represent the local government, act on behalf of the council, or use local government resources to support campaigning activities. ○ There are consistent election conduct rules for all candidates. 	<p>Position: Support</p> <p>Comment: There should be consistent election caretaker period and conduct rules for all local governments and candidates.</p>

6. It is anticipated a series of reforms to the Act and other reform announcements will be made by the Minister shortly, however the timing is not yet known.

7. The current policy is still adequate until legislative changes to caretaker periods are implemented.

Strategic alignment

Civic Leadership	
Community priority	Intended public value outcome or impact
CL3 - Accountability and good governance.	Improve governance and integrity frameworks.

Engagement

Not applicable.

Legal compliance

[Division 2 of Part 2 of the Local Government Act 1995](#)

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	The policy could be inconsistent with the legislation.	Low	Possible	Low	Low	Amend or remove policy when legislation implemented if inconsistent or where the Local Government Act 1995 or any other legislation supersedes the policy.
Reputation	The policy could be inconsistent with the legislation in the lead up to the election.	Low	Unlikely	Low	Low	Amend or remove policy when legislation implemented if inconsistent or where the Local Government Act 1995 or any other legislation supersedes the policy.
Service delivery	Not applicable.				Medium	

Financial implications

Current budget impact	Not applicable.
Future budget impact	Not applicable.

Analysis

8. The scope of the policy is still relevant and considered workable until state-wide provisions are implemented.
9. Once changes to the Act occur, a further determination around the need or relevance of the policy will be made.

Relevant documents

Policy 011 – Elections

[Media Statements - Local government reforms to deliver better outcomes for WA ratepayers](#)

[Package of local government reforms finalised \(dlgsc.wa.gov.au\)](#)

[Media statements - Tougher penalties on the way for bad behaving Councillors with major local government reforms finalised](#)

COMMITTEE DISCUSSION:

The committee discussed:

- Nil

COMMITTEE RESOLUTION:

Moved: Mayor Karen Vernon

Seconded: Cr Jesse Hamer

That the Policy Committee recommends that Council defer review of *Policy 011 – Elections* until changes to the *Local Government Act 1995* and associated regulations are implemented regarding election caretaker periods.

Carried (8 - 0)

For: Deputy Mayor Claire Anderson, Cr Luana Lisandro, Cr Peter Devereux, Cr Jesvin Karimi, Mayor Karen Vernon, Cr Jesse Hamer, Cr Vicki Potter and Cr Wilfred Hendriks

Against: Nil

7.5 Record Keeping Policy

Location	Town-wide
Reporting officer	Information Management Coordinator
Responsible officer	Manager Technology and Digital Strategy
Voting requirement	Simple majority
Attachments	1. Policy TBA Record Keeping [7.5.1 - 5 pages]

Recommendation

That the Policy Committee recommends that Council adopts Policy xxx Record Keeping Policy.

Purpose

To consider the adoption of the Record Keeping Policy.

In brief

- The State Records Commission requires the record keeping policies and procedures of an entity to clearly set out roles and responsibilities for staff, and to cover all aspects of an organisation's business operations.
- To ensure that the Town meets the statutory requirements of the State Records Act 2000 and associated legislation by having an endorsed Record Keeping Policy.

Background

1. Records can take many forms including letters, memos, emails, photos, videos, recordings, and social media posts. They are important because they are the corporate knowledge of an organisation. They may also form important evidence in legal proceedings or have priceless value as an historic record. Most importantly, records and good recordkeeping practice promote accountable and transparent decision making.
2. The State Records Commission was established in July 2001 in accordance with part 8 of the State Records Act 2000 to raise the standard of record keeping in government agencies, including local government.
3. The State Records Act 2000 (the Act) sets the framework for records management of state and local government entities.
4. The Act requires all government entities, including Local Governments, to develop a recordkeeping plan (RKP) outlining how they will comply with the standards and principles.
5. The State Records Principle and Standards 2002, Standard 2 states a record keeping policy, in the form of one or more identifiable policy statements, should be authorised at an appropriate senior level, promulgated throughout the organisation, and be available to all employees.
6. Record keeping policy statement should provide the framework for underlying procedures and emphasise the corporate ownership of government records; that all records are corporate assets and as such, do not belong to individual employees.
7. The policy should define the roles and responsibilities of all employees who manage or perform record keeping processes and establish the Towns position on the making and keeping of proper and adequate records of the organisation's business activities.

8. Currently the Record Keeping Policy only exists as an internal procedure however the policy should be published externally.

Strategic alignment

Civic Leadership	
Community priority	Intended public value outcome or impact
CL3 - Accountability and good governance.	Ensures Council policy is compliant with legislative requirements.

Engagement

Internal engagement	
Elected Members	Elected members provided feedback on the Record Keeping Policy through the Councillor Portal.
SMT	SMT members provided feedback in relation to the proposed Record Keeping Policy.

Legal compliance

[State Records Act 2000](#)

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	The penalties for mismanagement of records are high and range from external investigation to potential temporary or permanent closure of the Town.	High	Likely	High	Low	Treat risks by supporting the recommendation.
Environmental	Not applicable.					
Health and safety	Not applicable.					
Infrastructure/ ICT systems/ utilities	Not applicable.					
Legislative	Council not	Moderate	Likely	Moderate	Low	Treat risks by

compliance	adopting the Record Keeping Policy will result in noncompliance with the Town's statutory obligations.					supporting the recommendation.
Reputation	Negative public perception towards the Town if it does not meet the legislative compliance. Loss of trust from the community and employees if the mismanagement of information results in financial and other penalties from the State or Commonwealth regulatory bodies.	Moderate	Likely	Moderate	Low	Treat risks by supporting the recommendation.
Service delivery	Not applicable.					

Financial implications

Not applicable.

Analysis

9. Local government entities are required to effectively manage their records to promote accountable and transparent decision making.
10. The policy details the responsibilities of Town staff, elected members and contractors in relation to the creation and maintenance of records, whether in paper or electronic format.
11. The Record Keeping policy aids employees and Elected Members to meet their statutory record keeping requirements.
12. Following the policy adoption, provision will be made for the new policy to be disseminated to the Towns employees and Elected Members.
13. Reference to the policy adopted will be made during Record Awareness Training for new employees and during ongoing record system training and refresher training sessions to ensure employees are aware of their record-keeping responsibilities.
14. Elected Members will be given a copy of the Policy and the Elected Member Record Keeping Guidelines and included in future induction packages for new Elected Members.

Relevant documents

Not applicable.

COMMITTEE DISCUSSION:

The committee discussed:

- record keeping for streaming media files as corporate records and covered extensively in upcoming reforms.
- where ephemeral records are defined and the Town's requirements to have a record keeping plan.
- the operational nature of the record keeping plan as administered by the CEO and whether it should be publicly available.
- disaster management of records is covered by the record keeping plan and the disposal of records General Disposal Authority (GDA) for Local Government.
- retention of electronic records and backups is covered by the IT teams operational plans.
- ephemeral records held by the library like flyers and how they are addressed in terms of record keeping requirements.
- records of historical significance that form part of the Local History Collection and retention requirements.
- the GDA provisions on the retention of ephemeral and non vital records referred to in the policy.
- whether non vital records should be treated with the same exception as ephemeral to ensure robust record keeping.
- possible amendment of the policy around 'non vital' records and the keeping of them in accordance with the Town's record keeping plan.

Actions:

- The Chief Financial Officer to confirm where the Town's Record Keeping Plan is held.

AMENDMENT:

Moved: Mayor Karen Vernon

Seconded: Cr Vicki Potter

The motion be amended to add the following at the end of the motion:

1. subject to the insertion of the words "and non-vital" before the word "records" in both the body and title of clause 5 of the policy.

Carried (7 - 1)

For: Deputy Mayor Claire Anderson, Cr Peter Devereux, Cr Jesvin Karimi, Mayor Karen Vernon, Cr Jesse Hamer, Cr Vicki Potter and Cr Wilfred Hendriks

Against: Cr Luana Lisandro

Reason:

Non vital records are defined in the policy as documents that do not form part of the Town's business processes. There should be no reason why non vital records wouldn't be treated in the policy in the same way that ephemeral records are treated in the policy.

COMMITTEE RESOLUTION:

Moved: Cr Jesvin Karimi

Seconded: Deputy Mayor Claire Anderson

That the Policy Committee recommends that Council adopts Policy xxx Record Keeping Policy subject to the insertion of the words "and non-vital" before the word "records" in both the body and title of clause 5 of the policy.

Carried (8 - 0)

For: Deputy Mayor Claire Anderson, Cr Luana Lisandro, Cr Peter Devereux, Cr Jesvin Karimi, Mayor Karen Vernon, Cr Jesse Hamer, Cr Vicki Potter and Cr Wilfred Hendriks

Against: Nil

8 Motion of which previous notice has been given

Nil.

9 Meeting closed to the public

Nil.

10 Closure

There being no further business, Cr Jesvin Karimi closed the meeting at 6.37pm.

I confirm these minutes to be true and accurate record of the proceedings of the Committee.

Signed:

Dated this: Day of: 2023