



TOWN OF
VICTORIA PARK

Policy Committee Minutes – 28 November 2022



WE'RE OPEN
VIC PARK

Please be advised that a **Policy Committee** was held at **5:30pm** on **Monday 28 November 2022** in the **Council Chambers**, Administration Centre at 99 Shepperton Road, Victoria Park.

Cr Jesvin Karimi – Presiding Member
29 November 2022

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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

Presiding Member

Cr Jesvin Karimi

Banksia Ward

Deputy Mayor Claire Anderson
Cr Peter Devereux
Cr Wilfred Hendriks

Jarrah Ward

Cr Jesse Hamer

Chief Financial Officer

Mr Duncan Olde

Chief Community Planner

Ms Natalie Martin Goode

Manager Governance and Strategy

Ms Bana Brajanovic

Manager Strategic Waste, Environmental and Asset Management

Mr John Wong

Manager Stakeholder Relations

Ms Roz Ellis

Manager People and Culture

Mr Graham Olson

Coordinator Governance and Strategy

Mr David Bentley

Arts Development Officer

Ms Yvette Coyne

Secretary

Ms Natasha Horner

2.1 Apologies

Mayor

Ms Karen Vernon

Jarrah Ward

Ms Vicki Potter

2.2 Approved leave of absence

Banksia Ward

Cr Luana Lisandro

3 Declarations of interest

Nil.

3.2 Declarations of proximity interest

Nil.

3.3 Declarations of interest affecting impartiality

Name/Position	Cr Wilfred Hendriks
Item No/Subject	7.2 - Policy Amendment - Sponsorship Policy 116
Nature of interest	Impartiality
Extent of interest	I am a member of the Rotary Club of Victoria Park which receives in kind sponsorship from the Town.

4 Confirmation of minutes

COMMITTEE RESOLUTION:

Moved: Deputy Mayor Claire Anderson

Seconded: Cr Jesvin Karimi

That the Policy Committee confirms the minutes of the Policy Committee held on 22 August 2022.

Carried (6 - 0)

For: Deputy Mayor Claire Anderson, Cr Peter Devereux, Cr Jesvin Karimi, Cr Jesse Hamer, Cr Wilfred Hendriks and Cr Bronwyn Ife

Against: Nil

5 Presentations

Nil.

6 Method of dealing with agenda business

Nil.

7 Reports

7.1 Policy review - Policy 115 – Public Art

Location	Town-wide
Reporting officer	Coordinator Events, Arts and Funding
Responsible officer	Chief Community Planner
Voting requirement	Simple majority
Attachments	<ol style="list-style-type: none">1. Policy 115 - Public Art [7.1.1 - 2 pages]2. Policy 115 Public Art - REVIEW RECOMMENDATIONS (marked up) [7.1.2 - 3 pages]3. Policy 115 Public Art - REVIEW RECOMMENDATIONS clean [7.1.3 - 3 pages]4. Public Art Management Plan Booklet [7.1.4 - 13 pages]5. Public Art Management Plan updated Nov 2022 [7.1.5 - 8 pages]

Recommendation

That the Policy Committee recommends that Council:

1. Adopts the amended Policy 115 – Public Art as attached.
2. Defers the evaluation of Policy 112 - Visual Arts to the February 2023 Policy Committee meeting.

Purpose

To review the content of Policy 115 – Public art (Policy 115).

In brief

- At its meeting of 21 April 2021, Council adopted a work plan to review several policies. Policy 115 was identified as one of the policies to be reviewed.
- Policy 115 relates to public art in the Town of Victoria Park.
- A review of the policy has been completed concluding that the scope of Policy 115 is still relevant and only minor amendments are proposed.

Background

1. Council adopted Policy 115 (previously RECN7) in 2019.
2. The policy's objective is to guide the Town's aspirations to be a leader of contemporary public arts and to further develop the cultural identity of Town of Victoria Park.
3. Council last reviewed Policy 115 on 21 April 2020, Council resolution 384/2020.
4. Council resolution 384/2020 of 21 April 2020 adopted a work plan to review the number of policies, and Policy 115 was identified to be completed in 2021/2022.
5. Policy 115 was first submitted to Policy Committee 23 May 2022 with request for minor amendments to be made.
6. Policy 115 progressed to 21 June 2022 Ordinary Council Meeting (OCM) where a procedural motion was moved to be referred back to Policy Committee by December 2022 '*to consider whether the Public Art Policy should include a formal process for public art Advisory committee/panel, the connection to the Public Art Strategy and how the Town curates, displays and promotes its public art collection*'.

Strategic Alignment

Social	
Strategic outcome	Intended public value outcome or impact
S3 – Facilitating an inclusive community that celebrates diversity.	Public art adds to the pride of place by adding vibrancy and aesthetic enhancement to public spaces while encouraging community conversations on topical issues.
S4 – Improving access to arts, history, culture and education.	Visible public art in accessible spaces makes the community aware of arts and culture in their own neighborhood and appreciates its value to the overall community.

Engagement

Internal engagement	
Stakeholder	Comments
Urban Planning	Consulted with Urban Planning to discuss Percent for Art process pertaining to internal and external public art projects.
External engagement	
Stakeholder	Comments
Public Arts Advisory Group (PAAG)	Consultation was undertaken with PAAG members on recommended improvements and clarifications to Policy 115 and received expertise on correct definitions. Consulted with PAAG revised Public Art Management Plan.
Local Government Authorities – City of Perth, City of South Perth, City of Joondalup, City of Stirling, Town of Vincent, City of Subiaco, City of Fremantle.	Consulted with LGAs to benchmark Policy 115 and best practice pertaining to policy direction.

Legal compliance

[Section 2.7 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	A lack of clarity amongst Town of Victoria Park external stakeholders including property developers, local residents/businesses and independent artists applying for public art projects may result in financial risks for the Town.	Minor	Likely	Medium	Low	Treat risk by adding policy definitions to Policy 115.
Environmental	Not applicable.					
Health and safety	Not applicable.					
Infrastructure/ ICT systems/ utilities	Not applicable.					
Legislative compliance	Not applicable.					
Reputation	A lack of clarity amongst Town of Victoria Park external stakeholders including property developers, local residents/businesses and independent artists applying for public art projects may result in reputation risks for the Town.	Moderate	Possible	Medium	Low	Treat risk by adding policy definitions to Policy 115. Treat risk by updating the Arts Management Plan.
Service delivery	Not applicable.					

Financial implications

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

Analysis

7. The scope of Policy 115 is still relevant.
8. Policy 115 progressed from May 2022 Policy Committee to 21 June 2022 Ordinary Council Meeting (OCM) with Council requesting the following changes:
 - i. *To clause 5 of the policy statement: after the word artwork place a comma followed by the words "created by a professional artist" followed by another comma. Note that this is clause 2 in the draft policy accompanying this report.*
 - ii. *Remove the first dot point under point three ("A person who has a tertiary qualification in visual arts") of the policy definition.*
9. Officers have included Councils requested changes in *Item 9* in the recommendations for Policy 115 attached.
10. Officers have further investigated and considered Councils motion to include the Public Art Advisory Group (PAAG), the connection to the Public Art Strategy and how the Town curates, displays and promotes its public art collection' in the analysis as follows:
 - In 2018, the Town developed an operational document known as the *Public Art Management Plan* shortly after the Public Art Strategy was adopted, which outlines processes and provides further clarity to the types of public art, commissioning models, approval delegations.
 - The Public Art Management Plan document has been recently updated as part of the review of Policy 115. The revised Public Art Management Plan document provides further detail and guidance regarding the management of public art, acquisition of new public artworks, maintenance, deaccessioning and copyright, approval delegations and the alignment of Policy 115 to relevant Town Policies, Plans and Strategies.
 - It is the Officer's recommendation that the revised Public Art Management Plan is the guiding operational document to provide further guidance to the management of Public Art in the Town. The document will be graphically designed and made available on the Town's website.
 - As part of that review, other minor amendments are proposed to Policy 115:
 - a) The inclusion of definitions was recommended by the PAAG to clarify the parameters of the policy to both internal and external stakeholders.
 - b) Update of 'Related documents'
 - c) Update of 'Responsible officers' titles.
11. Note re the evaluation of *Policy 112 – Visual Arts*.
 - Policy 112 applies to the Town's visual arts collection.
 - Policy 112 was scheduled to be brought to Policy Committee on 29 November 2022.
 - A notice of motion has been received requesting an investigation to be undertaken pertaining to the Town's art collection. With the current investigations and scheduled Elected Member workshop (December 2022) taking place it is recommended to defer review to the February 2023 Policy Committee to enable sufficient time to consider all factors arising from this workshop.

Relevant documents

[Public Arts Strategy](#)
[Arts and Culture Plan](#)

COMMITTEE DISCUSSION:

The committee discussed:

- clause 12, the public art management plan, and who is the responsible body for the ongoing maintenance
- the Town is responsible most of the time for maintenance however it depends on where the art is located.

COMMITTEE RESOLUTION:

Moved: Cr Jesvin Karimi

Seconded: Cr Wilfred Hendriks

That the Policy Committee recommends that Council:

1. Adopts the amended Policy 115 – Public Art as attached.
2. Defers the evaluation of Policy 112 - Visual Arts to the February 2023 Policy Committee meeting.

Carried (6 - 0)

For: Deputy Mayor Claire Anderson, Cr Peter Devereux, Cr Jesvin Karimi, Cr Jesse Hamer, Cr Wilfred Hendriks and Cr Bronwyn Ife

Against: Nil

7.2 Policy Amendment - Sponsorship Policy 116

Location	Town-wide
Reporting officer	Manager Stakeholder Relations
Responsible officer	Chief Executive Officer
Voting requirement	Simple majority
Attachments	1. Policy-116- Sponsorship markup [7.2.1 - 6 pages] 2. Policy 116 Sponsorship_Update [7.2.2 - 6 pages]

Recommendation

That the Policy Committee recommends that Council adopts the amended Policy 116 Sponsorship as attached.

Purpose

Sponsorship Policy 116 is no longer fit for purpose and doesn't allow for regular changes to the assessment criteria to ensure alignment with strategy, council direction and economic drivers.

In brief

- Sponsorship Policy 116 item 12 has a required list of assessment criteria that must be addressed for each sponsorship round.
- This criteria limits the ability of the sponsorship program to be agile in its delivery and set the criteria based Council priorities and strategy.

Background

Review of policy for amendment

1. At its meeting on 20 April 2021, Council adopted a work plan to complete the review of a number of policies. Policy 116 Sponsorship was one of the policies identified for review.
2. To ensure that adequate budget is allocated and that the administration is promoting the sponsorship program to the right types of organisations and programs, we shifted the annual call for sponsorship requests to February of each year.
3. The change in dates allows inclusion of sponsorship priorities to be set during budget workshops with Councillors and allows for the budget allocation to be agreed as part of the budget process.
4. Currently, Policy 116 Sponsorship includes the following criteria that all sponsors requests are assessed on:
 - (a) Does the application maximise opportunities for collaboration between the Town and the organisation?
 - (b) Does the sponsorship arrangement assist in meeting the Town's strategic objectives as set out in the Strategic Community Plan?
 - (c) Does the sponsorship arrangement increase economic vibrancy by raising the profile of the Town?
 - (d) Does the sponsorship arrangement complement the Town's marketing and communications objectives?
 - (e) Does the Town and Community receive reciprocal benefit from the sponsorship arrangement beyond modest acknowledgment?

5. The weighting of the assessment is equal across the 5 criteria.

Strategic alignment

Civic Leadership	
Community priority	Intended public value outcome or impact
CL1 – Effectively managing resources and performance.	The Town will get the most value from the sponsorship funds if we direct them into activities that we wish to attract to the area. Longer term sponsorship agreements can be managed over a multi-year period to reduce red tape for both the applicants and administration.
CL2 - Communication and engagement with the community.	Dynamic sponsorship program that aligns to locations and types of events that are valued by the community.

Economic	
Community priority	Intended public value outcome or impact
EC2 - Connecting businesses and people to our local activity centres through place planning and activation.	Locations and types of events that we wish to attract can be managed as part of an agile criteria annually.

Social	
Community priority	Intended public value outcome or impact
S3 - Facilitating an inclusive community that celebrates diversity.	Make the sponsorship program more accessible by reducing red tape and encouraging diversity through an agile criteria.

Engagement

Internal engagement	
Stakeholder	Comments
Place Management	Economic development requires the agility to support the creation of sponsorship criteria every financial year that aligns to event delivery to drive economic activity.
Events, Arts and Funding	Agility within the development of an annual criteria will support the team to be able to target specific events or locations that have a gap in event provisions.
Community Development	Developing an agile criteria that can be updated to align to community development strategies will allow for special interest groups to be targeted during the annual sponsorship round.

Legal compliance

[Section 2.7 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	Sponsorship portfolio is over or under funded.	Insignificant	Possible	Low	Low	TREAT risk by Developing a sponsorship program which focusses funds on focus areas
Environmental	N/A	N/A	N/A	N/A	N/A	N/A
Health and safety	N/A	N/A	N/A	N/A	N/A	N/A
Infrastructure/ ICT systems/ utilities	N/A	N/A	N/A	N/A	N/A	N/A
Legislative compliance	N/A	N/A	N/A	N/A	N/A	N/A
Reputation	Community perceives that sponsorship funds are administered unfairly or inefficiently	Minor	Rare	Low	Low	AVOID risk by preparing a management practice, communication tools and engagement strategy to demonstrate the program is being well managed; ensuring appropriate resourcing to enable efficient management of the program.
Service delivery	Sponsorship of projects that are unsuccessful or triggers events that could reflect badly on the Town.	Minor	Unlikely	Low	Low	TREAT the risk through preparing a management practice and establishing strong guideline's

for the Town's role in projects.

Service delivery	Administration of sponsorship program exceeds staff capacity.	Minor	Likely	Moderate	Medium	TREAT the risk through considering resourcing at all stages of program planning and budget planning. ACCEPT the risk if administration needs exceed staff capacity.
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Financial implications

Current budget impact	Not applicable
Future budget impact	Adoption of these changes would have no future impact on budget and the same sponsorship budget process developed in the 22/23 budget will be followed.

Analysis

Clause	Proposed	Reason
12. The sponsorship panel is to assess a proposed sponsorship arrangement against the following criteria	A Council Workshop is to be convened as part of the budget cycle each year where attendees are to consider a new Sponsorship Criteria.	Criteria needs to be set based on the outcomes the Council and administration which to achieve via the sponsorship program.
Does the application maximise opportunities for collaboration between the Town and the organisation?	Remove	As above
Does the sponsorship arrangement complement the Town's marketing and communications objectives?	Remove	As above

Does the Town and Community receive reciprocal benefit from the sponsorship arrangement beyond modest acknowledgment?	Remove	As above
Does the sponsorship arrangement assist in meeting the Town's strategic objectives as set out in the Strategic Community Plan?	Remove	As above
Does the sponsorship arrangement increase economic vibrancy by raising the profile of the Town?,	Remove	As above

Relevant documents

[Policy 116 Sponsorship - Victoria Park](#)

https://www.victoriapark.wa.gov.au/files/assets/public/document-resources/community/community-development/event-and-activities/tovp_eventsponsorshipprogram_2022-23.pdf

COMMITTEE DISCUSSION:

The committee discussed:

- the criteria that referenced in section 12
- whether the policy states the criteria will be set with Council and staff annually.

COMMITTEE RESOLUTION:

Moved: Cr Jesvin Karimi

Seconded: Cr Bronwyn Ife

That the Policy Committee recommends that Council adopts the amended Policy 116 Sponsorship as attached.

Carried (6 - 0)

For: Deputy Mayor Claire Anderson, Cr Peter Devereux, Cr Jesvin Karimi, Cr Jesse Hamer, Cr Wilfred Hendriks and Cr Bronwyn Ife

Against: Nil

7.3 Policy evaluation - Policy 303 – Debt collection

Location	Town-wide
Reporting officer	Financial Controller Services Senior Rates Officer
Responsible officer	Chief Financial Officer
Voting requirement	Simple majority
Attachments	1. Policy 303 Debt collection Final [7.3.1 - 4 pages]

Recommendation	
<p>That the Policy Committee recommends that Council:</p> <ol style="list-style-type: none"> 1. Acknowledges that the Policy 303 Debt Collection was evaluated. 2. Confirms that Policy 303 Debt Collection be retained and amended as provided at Attachment 1. 3. Notes the Budget Policy will be presented to a future Policy Committee meeting. 	

Purpose

To present the debt collection policy followed to recover the overdue monies of the Town.

In brief

This policy applies to all employees of the Town and agents authorised to perform debt recovery services on behalf of the Town.

Background

1. Rates and Service Charges debtors

Rates and service charges debtors are amounts raised against ratepayers and are secure in the sense that they attach to land which cannot effectively be sold unless the debt is cleared.

2. All other Sundry Debtors

Sundry debtors include (but not limited to) monies owed to the Town through Technical Services, Town Facilities, Community Engagement and Financial Services. There is no security over these debts, and it is important that they are rigorously monitored and collected.

3. Fines, Prosecutions and Infringements

Any sums of money owed to the Town as the result of breaches of statutory requirements imposed by the Town or a court of law and includes any costs awarded by the courts.

Strategic alignment

Civic Leadership	
Community priority	Intended public value outcome or impact
CL2 – Communication and engagement with the community.	To make available timely and relevant information on the financial position and performance of the Town so that Council and public can make informed decisions for the future.

CL3 - Accountability and good governance.	Ensure the Town meets its legislative responsibility in accordance with Regulation 34 of the <i>Local Government (Financial Management) Regulations 1996</i> .
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Policy statement:

4. The Town is committed to the collection of overdue debt in a fair, equitable and timely manner. The Town will show due diligence in the application of administrative processes relating to payment arrangements and the selection of various actions for the effective recovery of overdue debts.
5. The following principles provide high-level direction for the ethical and effective management of the Town's debt:
 - a. Management is to establish and maintain appropriate controls in order to ensure the risk of financial loss is properly managed.
 - b. Debts are to be pursued within the relevant statutory limitation periods to maximize recoverability.
 - c. Debt collection process to ensure the Town is reasonable, fair and utilises best practices in its approach to debt recovery.
 - d. Debt collection activities against individual debtors should be in accord with the Australian Competition and Consumer Commission and Australian Securities and Investments Commission (ACCC-ASIC) Debt Collection Guideline for Collectors and Creditors.
 - e. Debt is monitored regularly, and necessary regular provisions made to recognise unrecoverable debt.
 - f. Action for the writing off bad debts (other than rates and services charges) should only take place where all avenues for recovery have been exhausted or it becomes unviable to keep pursuing the debt.
6. The Town will implement all reasonable measures to ensure the objectives of this Policy are delivered with procedural fairness to those subject to debt collection processes.
7. Where a debtor is experiencing financial hardship, Policy 308 Financial Hardship applies.

Policy Principal Application

8. The Town will apply the following fundamental guidelines in facilitating the appropriate establishment and management of its debt collection practices, including the conduct of officers and contracted agents in giving effect to this Policy.

Provision of information and payment terms

- a. The Town will promptly provide targeted and consistent information, payment terms and advice on the type of service being charged.

Payment options

- b. Where practicable, the Town will provide consistent payment options across its full range of services.

Information readily available

- c. All information relating to the debt to be accurate and readily available.

Financial hardship

- d. The Town will recognise and assist those experiencing financial hardship and provide appropriate assistance in a fair and equitable manner in accordance with Policy 308 Financial hardship.

Debt dispute resolution

- e. A clear and transparent dispute resolution process will be made available to those disputing any debt or charge owed to the Town.

Formal debt collection and legal action

- f. The Town will be firm but fair in applying best practice methods for the recovery of debt, including exhausting all reasonable avenues to prevent matters from proceeding to Court or other formal action.

Recovery of Outstanding Rates and Service Charges

9. Subject to Policy 308 Financial hardship, should a debtor fail to pay within the initial 35-day period (or failure to choose to pay by instalments or enter a negotiated payment arrangement) the following debt collection process is followed (for non-pensioner rates and service charges);
 - a. Final notice - is forwarded via post and email (if appropriate) outlining payment within 7 days or debt collection/legal action may occur as well as additional costs.
 - b. Attempts to contact the debtor are made through any other communication channels available (phone and email).
 - c. Intention to Summons - Failure to contact the debtor then results in a letter of demand being issued (Intention to Summons) outlining that failure to make payment within 7 days will result in recovery action with additional costs and interest.
 - d. General Procedure Claim (GPC) - failure to make any appropriate arrangements for payment will result in the processing of a GPC. This is a court document to initiate legal action for collection of the unpaid debt. If the property is rented, the option to collect landlord rent for rates as per the Local Government Act 1995, section 6.60 and 6.61 may be actioned.
 - e. Procession, Seizure and Sales Order (PSSO) or Means Enquiry Summons (MES) - If the GPC has been served and no arrangement to pay or payment in full has been received, the rates department will explore options for collection through;
 - i. PSSO - This court document allows the Town to seize goods and/or property/land for the collection of the outstanding debt
 - ii. MES – This court document allows the Town to nominate a debtor to attend court and provide all financial records in order for the court to make a decision on their ability to pay. Arrangements are then made for collection based on the outcome.
 - f. Property and Land sale - after three years, if all available collection options have been exhausted and rates/service charges remain in arrears the Town may in accordance with section 6.64 of the *Local Government Act 1995* take possession of the land and hold the land as against a person having an estate or interest in the land and
 - i. from time to time lease the land; or
 - ii. sell the land; or
 - iii. cause the land to be transferred to the Crown; or
 - iv. cause the land to be transferred to itself.

Recovery of Outstanding Debt – All other Sundry Debtors

10. Should a debtor fail to pay within the initial 14-day period the following debt collection process is followed;
- a. Debt outstanding - 30 days: A statement is forwarded to the debtor with a reminder and alerting them to their unpaid invoice.
 - b. Debt outstanding - 60 days: A friendly reminder by way of email and phone calls.
 - c. Debt outstanding - 90 days: An urgent action letter is sent (and emailed if appropriate) requesting immediate payment as well as a phone call. Assistance is also requested from the relevant service area to communicate with the debtor.
 - d. Debt outstanding - 90 + Days: A final notice is forwarded outlining payment within 7 days or debt collection action will occur.
 - e. Non-payment within 7 days – the case is forwarded to the Town’s debt collection agency.
 - i. Ongoing communication occurs between the Town and the debt collection agency relating to the collection.
 - ii. Continued failure to pay or respond to debt collection results in legal action (dependent on circumstances and cost benefit to the Town).

Recovery of Outstanding Debt – Fines, Prosecutions and Infringements

11. Should a debtor fail to pay within the initial 28-day period the following debt collection process is followed;
- a. The debtor’s information is collected through the Department of Transport and a reminder notice is issued allowing a further 28 days to pay.
 - b. A final demand is issue along with an additional late fee. The Town allows a further 28 days to pay.
 - c. Failure to pay results in the infringement being forwarded to Fines Enforcement Registry (FER) for collection along with an additional collection fee.

Policy Amendment

12. The policy is proposed to be amended to align the strategic outcomes listed in the plan with the Strategic Community Plan 2022-2032.

Budget Policy

13. At the October Concept Forum, the Budget Policy was presented to Elected Members. It was agreed that the Budget Policy would be presented to a future Policy Committee meeting. Town Officers will re-present the Policy to another Concept Forum prior to presentation to the Policy Committee.

Relevant documents

[Local Government Act 1995](#)

[Policy 308 Financial hardship](#)

COMMITTEE RESOLUTION:

Moved: Cr Jesvin Karimi

Seconded: Deputy Mayor Claire Anderson

That the Policy Committee recommends that Council:

1. Acknowledges that the Policy 303 Debt Collection was evaluated.
2. Confirms that Policy 303 Debt Collection be retained and amended as provided at Attachment 1.
3. Notes the Budget Policy will be presented to a future Policy Committee meeting.

Carried (6 - 0)

For: Deputy Mayor Claire Anderson, Cr Peter Devereux, Cr Jesvin Karimi, Cr Jesse Hamer, Cr Wilfred Hendriks and Cr Bronwyn Ife

Against: Nil

7.4 Execution of Documents Policy

Location	Town-wide
Reporting officer	Coordinator Governance and Strategy
Responsible officer	Manager Governance and Strategy
Voting requirement	Simple majority
Attachments	1. Execution of Documents Policy [7.4.1 - 5 pages]

Recommendation

That the Policy Committee recommends that Council:

1. Adopts Policy 009 Execution of Documents as attached at attachment 1; and
2. Amends Council's condition on delegation numbers 1.3.1 and 1.3.2 to read: "*Council's authorisation for the execution of documents is given on the basis that the Execution of Documents Policy is to be followed in relation to any exercise of the authorisation.*".

Purpose

To consider adopting the Execution of Documents Policy.

In brief

- Following the notice of motion carried at the Ordinary Council Meeting on 16 August 2022, Town Officers have drafted an Execution of Documents Policy.
- The draft policy was workshopped with Elected Members at a Concept Forum.
- The draft policy is now presented for the consideration of Policy Committee and Council.

Background

1. Under Policy 001 - Policy management and development, a policy response was identified as required as a result of a Council resolution.
2. Following a notice of motion, at the Ordinary Council Meeting on 16 August 2022, Council resolved:
That Council
 1. *Directs the Chief Executive Officer to present a draft Execution of Documents Policy to the Policy Committee by no later than November 2022.*
 2. *Requests the Chief Executive Officer to hold a workshop with or present at a Concept Forum to Elected Members about the development of the draft policy before presentation to the Policy Committee.*
3. Following the Council resolution, the Governance and Strategy team drafted an Execution of Documents policy and circulated the draft to relevant service areas. Feedback received as part of that process guided the further development of the draft policy.
4. The draft policy was placed on the Councillor portal for feedback by Elected Members. A Concept Forum was also held on 25 October 2022 where feedback was provided by Elected Members.

Strategic alignment

Civic Leadership	
Community priority	Intended public value outcome or impact
CL1 – Effectively managing resources and performance.	Guidance is available to assist in the execution of documents, and the allocation of sufficient resources to ensure documents are executed when required.
CL3 - Accountability and good governance.	The Town and Council will ensure that it meets its statutory obligations with regards to the execution of documents.

Engagement

Internal engagement	
C-Suite	Relevant service areas across the Town provided input and commentary on the draft policy prior to the Concept Forum on 25 October 2022.
All Service Area Managers	
Elected Members	Elected Members were given the opportunity to provide feedback on the draft policy and were also briefed during a Concept Forum on 25 October 2022 and provided input and feedback on the draft policy.

Legal compliance

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

[Section 9.49A 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	Documents are not executed in	Insignificant	Possible	Low	Low	TREAT the risk by adopting the

	accordance with section 9.49A of the Act.					Execution of Documents Policy and establishing an internal guideline to support the operation of the policy.
Reputation	Not applicable.				Low	
Service delivery	Confusion around which execution method is to be used for a document that is not listed in the policy, potentially causing delays to the delivery of service.	Minor	Possible	Medium	Medium	ACCEPT the risk. A report may need to be presented to Council if a document not included in the Policy is required to be executed, which may cause delays to the delivery of service.

Financial implications

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

Analysis

5. Section 9.49A of the *Local Government Act 1995* provides two different methods for local governments to execute documents. Those methods are:
 - () applying the common seal in the presence of the Mayor and Chief Executive Officer; or
 - (a) the Chief Executive Officer, or another officer as authorised by Council, signing the document (without the Common Seal).
6. There isn't any difference between the two execution methods in terms of legality – documents are legally executed if either of those methods are used. There are some documents that are required to be executed by common seal however, which include documents like local laws and local planning schemes.
7. The Execution of Documents Policy is designed to provide clarity around which documents are to be executed using either of the methods listed above.
8. Ultimately, it is up to the Council to determine how documents are to be executed.
9. Historically, to execute documents, the Town has either utilised two authorisations contained in the Delegations and Sub-delegations Register (reference number 1.3.1 and 1.3.2) which is renewed every year when Council resolves to adopt the register, or through a Council resolution for a specific document. The authorisations in the Delegations and Sub-delegations register allow the execution of a

document by common seal, subject to a set of conditions and allow the CEO and other officers to execute some documents by signing them, which also has a set of conditions. These authorisations are treated as Councils' authority under section 9.49A(2) (common seal) and 9.49A(4) (signature) of the *Local Government Act 1995* to execute documents.

10. For the Execution of Documents policy to function without hinderance, the authorisations contained in the Delegations and Sub-delegations register will need to be amended. The conditions on execution are proposed to be amended to "*Council's authorisation for the execution of documents is given on the basis that the Execution of Documents Policy is to be followed in relation to any exercise of the authorisation.*". This will ensure the correct authorisation is in place and ties the use of that authorisation to the Execution of Documents Policy.
11. An absolute majority decision is not required to enable this change as Council is not amending a "delegation" as provided for in the *Local Government Act 1995*; it is amending an "authorisation". Section 9.49A does not provide an absolute majority requirement for this authorisation.
12. The Execution of Documents Policy provides the Council the ability to have a document executed in a way that isn't consistent with the policy if it so desires by, as an example, requesting a document be executed via common seal that is captured in the policy as a CEO authorisation.
13. The process to be followed internally by Town Officers in getting a document executed will be provided for in a Management Practice, which will be approved via the appropriate channels internally and be consistent with the legislative provisions and the Execution of Documents Policy.

Relevant documents

Not applicable.

COMMITTEE RESOLUTION:

Moved: Cr Jesvin Karimi

Seconded: Cr Wilfred Hendriks

That the Policy Committee recommends that Council:

1. Adopts Policy 009 Execution of Documents as attached at attachment 1; and
2. Amends Council's condition on delegation numbers 1.3.1 and 1.3.2 to read: "*Council's authorisation for the execution of documents is given on the basis that the Execution of Documents Policy is to be followed in relation to any exercise of the authorisation.*".

Carried (6 - 0)

For: Deputy Mayor Claire Anderson, Cr Peter Devereux, Cr Jesvin Karimi, Cr Jesse Hamer, Cr Wilfred Hendriks and Cr Bronwyn Ife

Against: Nil

7.5 Information Disclosure Policy

Location	Town-wide
Reporting officer	Coordinator Governance and Strategy
Responsible officer	Chief Financial Officer
Voting requirement	Simple majority
Attachments	1. Information Disclosure Policy [7.5.1 - 2 pages]

Recommendation

That the Policy Committee recommends that Council adopts Policy 010 - Information Disclosure.

Purpose

To consider the adoption of the Information Disclosure Policy.

In brief

- Following the Annual Meeting of Electors in 2022 and the Ordinary Council Meeting of 15 May 2022, Town officers have developed a draft Information Disclosure Policy.
- Town Officers have drafted an Information Disclosure Policy which attempts to strike a balance between current information request processes and the full recommendations, noting the significant operational impacts that implementing all recommendations would impose on the Town.

Background

0. Under Policy 001 - Policy management and development, a policy response was identified as required as a result of a Council resolution.
1. At the Annual Meeting of Electors on 29 March 2022, a motion put forward from the community was presented to Council. The motion, which was carried, read:
That Council adopt as a policy the "Joint Statement of Principles to support proactive disclosure of government-held information" – developed by All Australian Information Commissioners and Ombudsmen that was released on 24 September 2021.
2. At its meeting on 15 May 2022, Council resolved:
That Council:
 1. *Adopts the "Joint Statement of Principles to support proactive disclosure of government-held information" developed by All Australian Information Commissioners and Ombudsmen and released on 24 September 2021 (Joint Statement of Principles);*
 2. *Publishes the Council's adoption of the Joint Statement of Principles on the Town's website;*
 3. *Requests the Chief Executive Officer to develop a policy to incorporate and give effect to the Joint Statement of Principles, to be presented to the Policy Committee for consideration by the end of 2022.*
3. Following Council's resolution, Town Officers have drafted an Information Disclosure Policy.

Strategic alignment

Civic Leadership	
Community priority	Intended public value outcome or impact
CL1 – Effectively managing resources and performance.	Policy aims to ensure appropriate levels of resources are dedicated to request for information, while not overcommitting resources and negatively impacting service levels.
CL3 – Accountability and good governance.	Increased transparency outcomes in being more forthright in information requests.

Engagement

Internal engagement	
Elected Members	Elected Members were given the opportunity to provide commentary and feedback on the draft policy through a Councillor portal item.
Technology and Digital Strategy	The Technology and Digital Strategy service area provided feedback on the draft Policy before its widespread distribution for feedback from other service areas and Elected Members.
C-Suite	C-Suite and all Service Area Managers were given the opportunity to provide feedback on the draft policy.
All internal service areas	

Legal compliance

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

[Section 5.94 of the Local Government Act 1995](#)

[Freedom of Information Act 1992](#)

[Work Health and Safety Act 2020](#)

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	Increased workload pressures from high numbers of	Moderate	Likely	High	Low	TREAT risk by having appropriate

	requests and potential for vexatious customer requests create increased stress among affected employees causing psychosocial injury.						procedures in place to manage incoming requests, including refusing requests that divert excessive resources from regular operations or vexatious requests or diverting to FOI process.
Infrastructure/ ICT systems/ utilities	Not applicable.					Medium	
Legislative compliance	Accidental release of information that is confidential, commercial in confidence or not appropriate for release under relevant legislation.	Moderate	Possible	Medium	Low		TREAT risk by adopting policy with clause to refer information requests with "exempt material" under FOI Act to the established Freedom of Information Process and having appropriate procedures in place to ensure confidential information or information not available to the public under the <i>Local Government Act 1995</i> is not released as part of a request under this policy.
Reputation	Not adopting a policy on information disclosure following AME and Council resolution.	Minor	Unlikely	Low	Low		AVOID risk by adopting a policy.
Service delivery	High number of requests for information causes	Moderate	Likely	High	Medium		TREAT risk by putting appropriate

high workload and reduced service delivery in relevant areas of the business.

procedures in place to manage the process of dealing with requests, and refusing requests that divert excessive resources from regular operations.

Financial implications

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

Analysis

4. The *Joint Statement of Principles to support proactive disclosure of government-held information* (the Joint Statement) was released by all the Offices of Information Commissioner in Australia and all Ombudsmen of Australia on 24 September 2021. The Joint Statement provides a large series of recommendations to public sector agencies in Australia in relation to how they treat publicly held information.
5. The Town recognises the importance of ensuring the community is informed on issues that affect it.
6. The “proactive disclosure” of large amounts of information onto the Town’s website, as suggested by the Joint Statement, would divert a very large amount of resources away from the operations of the Town to develop and maintain and may potentially cause negative performance outcomes of the Town’s website.
7. There are multiple different ways in which Town information can be accessed. There are sections within the *Local Government Act 1995* that provide which information is to be publicly available, on the Town’s website and information that is not to be publicly released.
8. The *Freedom of Information Act 1992* also provides a formal way in which information can be accessed, with exceptions to what can be considered for release.
9. The Policy attempts to strike a balance between the existing mechanisms in place to access information and the full force of the recommendations as made in the Joint Statement by allowing for the administrative release of information outside of the process under the *Freedom of Information Act 1992*.
10. This administrative release process is envisaged to handle requests for information from members of the public that is outside the freedom of information processes. Requests for information that are covered as exempt material under the *Freedom of Information Act 1992* covers information that, for example (not an exhaustive list), is personal information, privileged on the ground of legal professional privilege, confidential (as defined in the *Freedom of Information Act 1992*) and others. A freedom of information request would need to be undertaken to consider the release of that information.

11. The Information Disclosure policy also needs to balance the workload pressures that can arise from a high number of requests, or requests that encapsulate a large number of documents or information.
12. To assist in managing the risks identified in this report, the Town will develop an internal management practice to ensure that requests for information are managed in a considered way and to reduce the opportunity for the process to be misused.
13. The misuse of the process and vexatious use of the process, as well as a high volume of requests risks excessive levels of stress on impacted staff. The Town, as a person conducting business or undertaking (PCBU), has a duty of care to its employees under the *Work Health and Safety Act 2020* to eliminate psychosocial risks, or if not reasonably practicable, minimise them so far as is reasonably practicable.

Relevant documents

Not applicable.

COMMITTEE RESOLUTION:

Moved: Cr Jesvin Karimi

Seconded: Deputy Mayor Claire Anderson

That the Policy Committee recommends that Council adopts Policy 010 - Information Disclosure.

Carried (6 - 0)

For: Deputy Mayor Claire Anderson, Cr Peter Devereux, Cr Jesvin Karimi, Cr Jesse Hamer, Cr Wilfred Hendriks and Cr Bronwyn Ife

Against: Nil

COMMITTEE DISCUSSION:

The committee discussed:

- that the Joint Statement of Principles can be found on the Town's website under Council documents
- risk management's assessment of the potential psychosocial injury
- the extra workload risk
- concerns about the health and safety issue around staff and what steps are in place to identify vexatious customers. A single Town officer is reviewing that process and vexatious customers will be informed via email or Australia Post
- that a management practice will be developed to manage large information requests and that requests not under the Local Government Act can be lodged as a Freedom of Information request
- the policy tries to strike a balance of managing the resources that we currently have.

7.6 Policy evaluation - Policy 004 – Risk management

Location	Town-wide
Reporting officer	Coordinator Governance and Strategy
Responsible officer	Manager Governance and Strategy
Voting requirement	Simple majority
Attachments	1. Policy 004 Risk Management - Final Version [7.6.1 - 3 pages] 2. Policy 004 Risk Management - Track Change [7.6.2 - 3 pages]

Recommendation

That the Policy Committee recommends that Council:

1. Acknowledges that Policy 004 Risk Management was evaluated.
2. Confirms that Policy 004 Risk Management be retained and amended as provided at Attachment 1.

Purpose

To present the evaluation of Policy 004 Risk Management to the Policy Committee and to Council.

In brief

- Policy 004 Risk Management was adopted at the Council Meeting on 8 November 2016 and reviewed on 20 August 2019, 18 February 2020 and 20 April 2021.
- This policy was identified for evaluation in April 2022 for presentation to the Policy Committee in November 2022.
- The evaluation of Policy 004 Risk Management was performed in accordance with the Policy Evaluation Framework and focused on content, implementation and strategic alignment. The conclusion of the evaluation is that the policy operates well as written and no changes are recommended at this time.
- Difficulties were encountered in evaluating this policy within the full intent of the Policy Evaluation Framework. Further consideration needs to be given to which policies should be evaluated in future.

Background

1. At its meeting on 12 April 2022, Council adopted a policy evaluation work plan. Policy 004 Risk Management 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. The policy was originally created to embed a risk management approach in the Town that was in accordance with the Australian Standard AS/NZS 31000.
4. Town Officers have evaluated the Risk Management Policy in accordance with the Policy Evaluation Framework.

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	
Town staff	Town officers assisted in the development of the policy evaluation.

Legal compliance

[Section 2.7 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	Not applicable.				Low	
Reputation	Not adopting policy evaluation causes negative reputational outcomes in not ensuring best practice.	Insignificant	Possible	Low	Low	TREAT risk by adopting officer recommendation for the policy evaluation.
Service delivery	Not applicable.				Medium	

Financial implications

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

Analysis

Policy content

5. Having a structured risk management approach is critical to ensuring the operations of the Town are conducted safely and with an understanding of all the threats to those operations.
6. The Risk Management Policy enables this risk management approach in the Town by assigning responsibilities to various parties and provides for the Risk Management Framework, which underpins that approach within the Town.
7. The landscape within risk management has not changed in any meaningful way since the last set of reviews with the exception of the introduction of the *Work Health and Safety Act 2020*. The introduction of this legislation adds to health and safety risks and does not affect the operation of the policy or the Framework, rather it enhances it.
8. The content of the policy is deemed to be fit for purpose and not in need of any change.

Implementation

9. The policy has been implemented and is currently in an ongoing operation phase. There were no issues that were identified in the policy implementation that warrant amending the policy as part of this evaluation.

Efficiency

10. The Risk Management Policy was not developed to provide for efficiency in decision making. It was designed to ensure the Town assesses its risks in a structured and considered way. The Risk Management Policy was not evaluated for the efficiency aspect of the evaluation framework.

Equity

11. The Risk Management Policy was not developed to provide equitable outcomes as it is not a policy that enables decision making; it informs decision making. Therefore, it would not be appropriate to evaluate the Policy on its equity outcomes. The Risk Management Policy was not evaluated for the efficiency aspect of the evaluation framework.

Strategic Alignment

12. The Risk Management Policy aligns to the community priorities of CL1 (Effectively managing resources and performance) and CL3 (Accountability and good governance) by aligning the Town's decision making to less risky outcomes through the identification of risks and strategies for avoiding, treating, accepting, and transferring or sharing those risks.
13. The Risk Management Policy works towards the Town's objective of streamlined, modern governance by creating a framework by which decisions made by the Town consider the potential impacts to the organisation, residents and ratepayers and the community generally.

Challenges to the evaluation process

14. There were aspects to this policy evaluation that were difficult due to the nature of the policy evaluation process itself.
15. Policies are created for various reasons and achieve various outcomes. However, evaluating some of these policies against the policy evaluation framework could result in policies “failing” the evaluation in one or more of the evaluation points. The Risk Management Policy likely wouldn’t stack up well to the Efficiency and Equity portions of the evaluation framework, but without the Risk Management Policy the Town would suffer in terms of risk management outcomes for the Town and risks the ongoing operation of the Town’s risk management approach. There would also be issues that would be raised during a regulation 17 review under the *Local Government (Audit) Regulations 1996* that the CEO undertakes every three (3) years into the Town’s systems and processes in relation to risk management, internal controls and legislative compliance.
16. Town Officers will present a report to a future Policy Committee to allow consideration as to whether policy evaluations should be done to every single policy and give options in terms of which policies could be exempt from evaluation and have a simple review undertaken instead to avoid the kinds of issues that were experienced when evaluating the Risk Management Policy.

Outcome of the evaluation and other matters

17. The Audit and Risk Committee has a role in being involved in reviews of the Risk Management Policy. However, as the policy was identified for presentation to this Policy Committee meeting, there was not enough time to ensure a proper consultation process through the Audit and Risk Committee to then present to the Policy Committee.
18. As a result of the evaluation, it is recommended that the Risk Management Policy be retained with an amendment to reflect the current Strategic Community Plan outcomes.

Relevant documents

Not applicable.

COMMITTEE RESOLUTION:

Moved: Cr Jesvin Karimi

Seconded: Deputy Mayor Claire Anderson

That the Policy Committee recommends that Council:

1. Acknowledges that Policy 004 Risk Management was evaluated.
2. Confirms that Policy 004 Risk Management be retained and amended as provided at Attachment 1.

Carried (6 - 0)

For: Deputy Mayor Claire Anderson, Cr Peter Devereux, Cr Jesvin Karimi, Cr Jesse Hamer, Cr Wilfred Hendriks and Cr Bronwyn Ife

Against: Nil

7.7 CEO Performance Review Policy

Location	Town-wide
Reporting officer	Manager People and Culture
Responsible officer	Chief Financial Officer
Voting requirement	Simple majority
Attachments	1. Policy 031 Annual Performance Review for the Chief Executive Officer (1) [7.7.1 - 6 pages]

Recommendation

That the Policy Committee recommends that Council adopts Policy 031 – Annual Performance Review for the Chief Executive Officer.

Purpose

To adopt a policy outlining the process for the annual Chief Executive Office performance review.

In brief

- It is a requirement of Section 5.38 of the *Local Government Act 1995* to review the Chief Executive Officer's performance annually.
- Following completion of the 2021/22 CEO annual performance review, Council requested the CEO develop a policy to guide how the annual review of the CEO's performance and remuneration process should be conducted.
- A policy has been drafted based on the local government legislative requirements, departmental guidelines and elected member feedback.

Background

1. The process for the CEO annual performance review is based on the prescribed model standards for performance review are outlined at *Division 3* of the of the *Local Government (Administration) Regulations 1996* and the conditions regarding annual performance reviews in the CEO's contract.
2. The Chief Executive Officer Recruitment and Performance Review Committee is responsible for the coordination of the CEO annual performance review in accordance with the appropriate provisions contained within the CEO's employment contract and the review standards.
3. The committee is assisted by an external facilitator in the development of annual Key Performance Indicators, and the coordination and review of the assessment process. The external facilitator also provides a report on the assessment process and outcomes for the committee.
4. In addition to the implementation of the model standards regarding the review process, the Department of Local Government, Sport and Cultural Industries also recommends that local governments develop a policy to guide the review process.
5. In response to this recommendation, it was determined that the Town establish a policy to guide how the annual review process should be conducted, and that it is conducted in a fair, consistent, and legislative manner.

Strategic alignment

Civic Leadership	
Community priority	Intended public value outcome or impact
CL1 – Effectively managing resources and performance.	The employment and performance review of the CEO is a legislative requirement
CL3 - Accountability and good governance.	Compliance by the Town in its management of performance procedures

Engagement

Internal engagement	
Stakeholder	Comments
Elected Members	Comments provided through the Notice of Motion from August 2022 OCM
	Feedback from concept forum (25 October 2022) on the draft policy

Other engagement	
Stakeholder	Comments
Other Council	Reviewed other council policies for consistency and application of model standards in processes.

Legal compliance

Section 5.38 of the Local Government Act 1995

Local Government (Administration) Regulations 1996 (Division 3)

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
Legislative compliance	Legislative requirement not adhered to in process	Moderate	Unlikely	Low	Low	It is recommended to Council that the policy is endorsed

Financial implications

Current budget impact	Not applicable.
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Future budget impact

Not applicable.

Analysis

0. The policy was developed according to legislative standards outlined in the Local Government Regulations.
1. The processes as outlined in the policy comply with the approved model standards as endorsed by the council.
2. The proposed policy provides guidance regarding the roles and responsibilities of the committee (Clauses 3-4, 9, 14, 17, 23, 29, 32.), the CEO (Clauses 15, 16, 18, and 23) and the external facilitator (Clauses 7, 23, 25, 26-28).
3. The administration is also developing a Management Practice that details the roles and responsibilities of staff involved in providing administrative support to the annual CEO review process. This management practice will be aligned to the policy and the annual review and assessment processes.
4. The policy identifies the committee as the conductor of the review process on behalf of the council (Clauses 3-4) with facilitative support by an external consultant (Clause 6-7).
5. The policy identifies that regular training will be provided to elected members, inclusive of access to training courses provided by WALGA. (Clause 5).
6. The policy identifies the role of the external consultant during the performance review and assessment process. (Clauses 6-7, 12-14.)
7. The policy identifies the steps for the development of the CEO KPI's (Clause 20-24), the publication of the KPI's (Clause 19), and the KPI review process (Clauses 25-30)

Relevant documents

Not applicable.

COMMITTEE RESOLUTION:

Moved: Cr Jesvin Karimi

Seconded: Cr Bronwyn Ife

That the Policy Committee recommends that Council adopts Policy 031 – Annual Performance Review for the Chief Executive Officer.

Carried (6 - 0)

For: Deputy Mayor Claire Anderson, Cr Peter Devereux, Cr Jesvin Karimi, Cr Jesse Hamer, Cr Wilfred Hendriks and Cr Bronwyn Ife

Against: Nil

7.8 Policy evaluation - Policy 251 – Rainforest timbers – use in Town construction

Location	Town-wide
Reporting officer	Manager Technical Services
Responsible officer	Chief Operations Officer
Voting requirement	Simple majority
Attachments	<ol style="list-style-type: none">1. Draft amended tracked changes Policy 251 Rainforest timbers use in Town constructi [7.8.1 - 2 pages]2. Policy 251 Rainforest timbers use in Town construction revision 20 08 19 [7.8.2 - 2 pages]3. A S- NZ S-4708-2021- Sustainable- Forest- Management [7.8.3 - 86 pages]4. A S 4707-2021- Chain-of- Custody-for- Forest-and-tree- Based- Products- Sep-2021-1 [7.8.4 - 43 pages]

Recommendation

That the Policy Committee recommends that Council:

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.

Purpose

To review the content of Policy 251 – Rainforest timbers – use in Town construction.

In brief

- At its meeting of 21 April 2020 Council adopted a work plan to review a number of policies. 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.
- Technical Services has reviewed Policy 251 and recommends minor clarification to the definition of rainforests and the distinction to plantation forests to clarify the intent of the policy.
- It is also recommended to make specific reference to the Policy requirement in the Town’s procurement practice document.

Background

1. The last review/amendment to Policy 251 was made in the Council item of 20 August 2019 (Council resolution 148/2019), which essentially 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. A review was completed in February 2022 and recommended no changes to the existing policy, but the review was referred to a future Policy Committee meeting for consideration. Technical Services has now completed its further review.

Strategic alignment

Environment	
Strategic outcome	Intended public value outcome or impact
EN01 - Protecting and enhancing the natural environment.	To reduce the Town's carbon footprint by excluding the use of rainforest timber in the Town's construction activities.
EN05 – Appropriate and sustainable facilities for everyone that are well built and well maintained.	To provide appropriate guidelines for the use of sustainable timber in the Town's construction activities.

Engagement

Internal engagement	
Stakeholder	Comments
Technical Services	Advice on guidelines on construction and building timber materials.

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 timbers contributes to the destruction of these forests and the habitat they provide.	Moderate	Unlikely	Low	Moderate	Treat with adoption of Policy 251 and specific mention within procurement practices.
Health and safety	Not applicable				Low	
Infrastructure/ ICT systems/ utilities	Not applicable.				Medium	

Legislative compliance	Not applicable.					Low
Reputation	Use of rainforest timbers in construction – against Policy 251.	Moderate	Unlikely	Low	Low	Treat risk by excluding use of rainforest timbers in tender/ contract documents 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.
Future budget impact	Not applicable.

Analysis

4. Policy 251 excludes the use of rainforest timbers on construction or building projects undertaken wholly or jointly by the Town. It is noted that the definition of rainforest areas and plantation forest areas have been further distinguished in the definition section of the policy to provide clarification on what timber may be acceptable for construction.
5. It is noted that the Town rarely uses timber in construction, however when used it is plantation pine. Timber used for playgrounds is treated pine, jarrah or existing dead native trees for logs or steppers. In addition, the use of plantation grown, or recycled timbers is a requirement in the Town's request for quotation and tender/contract documents.
6. The Town's practice document for procurement – Practice 301.1 – Procurement – which supports the Purchasing Policy 301 refers to the need to address sustainable procurement and corporate responsibility aspects within its purchasing decisions in section 2 of the document. 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. However, it does not specifically mention the exclusion of rainforest timber in construction or building works.
7. To add to the resolve to avoid the use of rainforest timber it is therefore also recommended to specifically note the exclusion of such timber in the Town's construction or building projects.
8. An additional note is also made to ensure that all timber used throughout the Town aligns to Australian standards of The Responsible Wood Certification Scheme that is underpinned by two Australian Standards – Sustainable Forest Management (AS 4708) and Chain of Custody for Forest Products (AS 4707).

Relevant documents

Not applicable.

COMMITTEE DISCUSSION:

The committee discussed:

- the prevalence of illegal timbers in the market
- the 2012 Federal bill (Illegal Logging Prohibition) and that the addition of this policy will reinforce the Town's position
- whether there are any issues in procurement regarding suppliers providing information on their sustainable efforts
- the name and definition of the term 'rainforest timbers' and potential wording amendments.

AMENDMENT:

Moved: Cr Bronwyn Ife

Seconded: Cr Jesvin Karimi

1. The name of the policy be changed to Sustainable Timber - use in Town construction.
2. 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.

Carried (5 - 1)

For: Deputy Mayor Claire Anderson, Cr Peter Devereux, Cr Jesvin Karimi, Cr Wilfred Hendriks and Cr Bronwyn Ife

Against: Cr Jesse Hamer

COMMITTEE RESOLUTION:

Moved: Cr Peter Devereux

Seconded: Cr Jesse Hamer

That the Policy Committee recommends that Council:

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.

Carried (5 - 1)

For: Deputy Mayor Claire Anderson, Cr Peter Devereux, Cr Jesvin Karimi, Cr Wilfred Hendriks and Cr Bronwyn Ife

Against: Cr Jesse Hamer

Reason:

A change to the title will more accurately capture the desire of Council to ensure all types of sustainable timber is considered.

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 6:19pm.

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

Signed:

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Dated this:

Day of:

2022