



Policy Review and Development Committee

Minutes

27 September 2018

Committee Terms of Reference

- 1** *To review all existing Bunbury City Council policies within a two year period, in line with the local government election cycle and facilitate the development of new policies for consideration by Council on an ongoing basis.*
- 2** *To make recommendations to Council on matters of policy, policy and local law review and policy and local law development.*
- 3** *To explore opportunities that promote policy development in all areas that are within Council's jurisdiction.*
- 4** *To allow any draft policy developed and fully considered by another Advisory Committee of Council to be referred directly to Council for consideration.*
- 5** *To provide Bunbury City Councillors with assistance and support to develop new Council policies.*

City of Bunbury
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Minutes

27 September 2018

Members of the public to note that recommendations made by this committee are not final and will be subject to adoption (or otherwise) at a future meeting of the Bunbury City Council.

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1. Declaration of Opening

The Presiding Member declared the meeting open at 10.31am.

2. Disclaimer

Not applicable to this committee.

3. Announcements from the Presiding Member

Nil

4. Attendances

Committee Members:

Member Name	Representing
Mayor Gary Brennan	City of Bunbury
Cr Jaysen Miguel (Presiding Member)	City of Bunbury
Mr Mark Seaward	BGCCI

Support Staff:

Name	Title
Mr Greg Golinski	Manager Governance
Ms Kelly Payne	Team Leader Bunbury Wildlife Park

4.1 Apologies

Cr Hayward
CEO Mal Osborne

4.2 Approved Leave of Absence

Cr Todd Brown is on leave from 25 September to 9 October 2018.

5. Declaration of Interest

Nil

6. Public Question Time

Not applicable

7. Confirmation of Minutes

Committee Decision: Moved: Mayor Brennan Seconded: Mr Seaward

The minutes of the Policy Review and Development Committee Meeting held on 26 July 2018 are confirmed as a true and accurate record.

CARRIED

8. Petitions, Presentations and Deputations

8.1 Petitions

Nil

8.2 Presentations

Nil

8.3 Deputations

Nil

9. Method of Dealing with Agenda Business

Items were dealt with in the order they appeared in the agenda.

10. Reports

10.1 Proposed Penalty Units Local Law

Applicant/Proponent:	Internal
Responsible Officer:	Greg Golinski, Manager Governance
Responsible Manager:	Greg Golinski, Manager Governance
Executive:	Mal Osborne, Chief Executive Officer
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Review <input type="checkbox"/> Executive/Strategic <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Legislative <input type="checkbox"/> Information Purposes
Attachments:	Appendix 1: Proposed Penalty Units Local Law (revised)

Summary

The purpose of this Report is for the Policy Review and Development to consider submissions received in relation to the previously advertised draft Penalty Units Local Law (the local law). A copy of the proposed local law is attached at Appendix 1.

Executive Recommendation

That the Policy Review and Development Committee recommend that Council:

1. Notes that one submission was received during the statutory advertising period regarding the draft City of Bunbury Penalty Units Local Law.
2. Agrees to make minor amendments to the draft City of Bunbury Penalty Units Local Law as detailed and reflected in Appendix 1.
3. Agrees that the amended City of Bunbury Penalty Units Local Law is not significantly different from what was previously proposed (reference Council Decision 183/18).
4. Adopts the City of Bunbury Penalty Units Local Law as presented at Appendix 1.
5. Requests the Chief Executive Officer undertake all relevant statutory advertising in this regard.

Voting Requirements: Absolute Majority required by Council

Strategic Relevance

Theme 4: Our City
Goal: Civic leadership, partnerships and sound governance in delivering with and for the community
Objective 4.3: Trusted leadership and robust decision-making

Background

At its meeting held on 26 June 2018, Council agreed to give public notice of its intention to make a new Penalty Units Local Law (refer Council Decision 183/18).

The proposed local law was advertised in state-wide and local news publications between 3 July and 17 August 2018. The minimum statutory advertising period is 42 days.

Council Policy Compliance

N/A

Legislative Compliance

Section 3.12 of the *Local Government Act 1995* outlines the process for the creation of a new local law and is applicable.

Officer Comments

During the advertising period one submission was received in relation to the advertised local law being from the Department of Local Government, Sport and Cultural Industries (DLGSCI). The following table summarises comments made by DLGSCI, as well as the City's response.

#	DLGSCI Comment	CoB Officer Response
1	Ensure that a definition for "penalty unit" is included within each subsequent local law.	Noted. This is being taken into consideration in the review of the balance of the City's local laws.
2	Minor edits – DLGSCI suggests some minor typographical edits (full stops, commas, spaces etc.)	Accept. Document amended accordingly

With no major problems identified nor there being any dissent as to the purpose of the local law, it is recommended that Council adopts the proposed City of Bunbury Penalty Units Local Law as presented at Appendix 1 (noting this incorporates any changes noted in the table above).

Analysis of Financial and Budget Implications

There is provision within the 2018/19 budget for all advertising and gazettal costs associated with the adoption of this local law.

Councillor/Officer Consultation

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

Outcome of Meeting 27 September 2018

The executive recommendation as printed was moved by Mayor Brennan and seconded by Mr Seaward and was carried unanimously as follows:

That the Policy Review and Development Committee recommend that Council:

- 1. Notes that one submission was received during the statutory advertising period regarding the draft City of Bunbury Penalty Units Local Law.***
- 2. Agrees to make minor amendments to the draft City of Bunbury Penalty Units Local Law as detailed and reflected in Appendix 1.***
- 3. Agrees that the amended City of Bunbury Penalty Units Local Law is not significantly different from what was previously proposed (reference Council Decision 183/18).***
- 4. Adopts the City of Bunbury Penalty Units Local Law as presented at Appendix 1.***
- 5. Requests the Chief Executive Officer undertake all relevant statutory advertising in this regard.***

10.2 Proposed Standing Orders Amendment Local Law

Applicant/Proponent:	Internal
Responsible Officer:	Greg Golinski, Manager Governance
Responsible Manager:	Greg Golinski, Manager Governance
Executive:	Mal Osborne, Chief Executive Officer
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Review <input type="checkbox"/> Executive/Strategic <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Legislative <input type="checkbox"/> Information Purposes
Attachments:	Appendix 2: Proposed Standing Orders Amendment Local Law (revised)

Summary

The purpose of this Report is for the Policy Review and Development to consider submissions received in relation to the previously advertised draft Standing Orders Amendment Local Law (the local law), as well as any other changes proposed. A copy of the proposed local law is attached at Appendix 2.

Executive Recommendation

That the Policy Review and Development Committee recommend that Council:

1. Notes that one submission was received during the statutory advertising period regarding the draft City of Bunbury Standing Orders Amendment Local Law.
2. Agrees to make amendments to the draft City of Bunbury Standing Orders Amendment Local Law as detailed and reflected in Appendix 2.
3. Agrees that the amended City of Bunbury Penalty Units Local Law is not significantly different from what was previously proposed (reference Council Decision 182/18).
4. Adopts the City of Bunbury Standing Orders Amendment Local Law as presented at Appendix 2.
5. Requests the Chief Executive Officer undertake all relevant statutory advertising in this regard.

Voting Requirements: Absolute Majority required by Council

Strategic Relevance

Theme 4: Our City
Goal: Civic leadership, partnerships and sound governance in delivering with and for the community
Objective 4.3: Trusted leadership and robust decision-making

Background

At its meeting held on 26 June 2018, Council agreed to give public notice of its intention to make a local law to amend its Standing Orders (refer Council Decision 182/18).

The proposed local law was advertised in state-wide and local news publications between 3 July and 17 August 2018. The minimum statutory advertising period is 42 days.

Council Policy Compliance

N/A

Legislative Compliance

Section 3.12 of the *Local Government Act 1995* outlines the process for the creation of a new local law and is applicable.

Officer Comments

During the advertising period one submission was received in relation to the advertised local law being from the Department of Local Government, Sport and Cultural Industries (DLGSCI). The following table summarises comments made by DLGSCI, as well as the City's response.

#	DLGSCI Comment	CoB Officer Response
1	Minor edits – DLGSCI suggests some minor typographical edits (full stops, commas, spaces etc.)	Accept. Document amended accordingly

During the consultation period, some other minor amendments have been identified internally and are proposed as follows:

1. Amend clause 5.5 to clarify that an item cannot be passed enbloc if either a financial or proximity interest is declared. If the interest is one of impartiality then the enbloc provisions can be applied (noted as clause 5 in Appendix 2).
2. Amend clause 5.3 to require a motion on notice to be received by the CEO 14 working days prior to the meeting at which the motion is moved. This will ensure sufficient time to include a motion on notice in the briefing agenda rather than being presented directly to Council, which will provide greater opportunity for questions, discussion and executive comment (noted as clause 4 in Appendix 2).
3. Amend clause 6.9 to define the term "deputation", and more specifically clarify where deputations may be accepted within the agenda ie. for an officer report or a motion on notice (noted as clause 6 in Appendix 2).

The minor edits identified by DLGSCI together with the changes detailed above have been incorporated in the revised amendment local law (Appendix 2).

These changes are not considered significant and it is therefore recommended that Council adopts the proposed City of Bunbury Standing Orders Amendment Local Law as presented at Appendix 2.

Analysis of Financial and Budget Implications

There is provision within the 2018/19 budget for all advertising and gazettal costs associated with the adoption of this local law.

Councillor/Officer Consultation

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

Outcome of Meeting 27 September 2018

The executive recommendation as printed was moved by Mayor Brennan and seconded by Mr Seaward and was carried unanimously as follows:

That the Policy Review and Development Committee recommend that Council:

- 1. Notes that one submission was received during the statutory advertising period regarding the draft City of Bunbury Standing Orders Amendment Local Law.***
- 2. Agrees to make amendments to the draft City of Bunbury Standing Orders Amendment Local Law as detailed and reflected in Appendix 2.***
- 3. Agrees that the amended City of Bunbury Penalty Units Local Law is not significantly different from what was previously proposed (reference Council Decision 182/18).***
- 4. Adopts the City of Bunbury Standing Orders Amendment Local Law as presented at Appendix 2.***
- 5. Requests the Chief Executive Officer undertake all relevant statutory advertising in this regard.***

10.3 Review of Council Policy: Elected Member Allowances, Expenses and Supplies

Applicant/Proponent:	Internal
Responsible Officer:	Greg Golinski, Manager Governance
Responsible Manager:	Greg Golinski, Manager Governance
Executive:	Mal Osborne, Chief Executive Officer
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Review <input type="checkbox"/> Executive/Strategic <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Legislative <input type="checkbox"/> Information Purposes
Attachments:	Appendix 3: Revised Council Policy: Elected Member Entitlements

Summary

The purpose of this report is for the Committee to review current the Council’s current policy relating to Elected Member allowances, expenses and supplies.

Executive Recommendation

That the Committee recommend that Council adopt revised Council Policy *Elected Member Entitlements* as presented.

Voting Requirements: Simple Majority Vote

Strategic Relevance

Theme 4: Our City
Goal: Civic leadership, partnerships and sound governance in delivering with and for the community
Objective 4.3: Trusted leadership and robust decision-making

Background

This policy was last reviewed by Council in October 2017, and is presented to the Committee with some proposed modifications that have been identified over the past year. A tracked change copy of the revised policy is contained at Appendix 3.

Council Policy and Legislative Compliance

The report facilitates a review of an existing Council Policy.

Officer Comments

As this policy relates directly to Elected Members, feedback was sought from Councillors during August 2018 as to potential changes to the policy document. The following changes are suggested:

1. Clause 4.5 – make provision for Elected Members to be provided with City of Bunbury embroidered jackets/blazers. Elected Members already have the ability to access City of Bunbury polo shirts, and it is considered that this could be extended to include a

jacket/blazer. The cost to supply would be small, outweighed by the benefits of projecting a professional and consistent corporate look for Elected Members when attending meetings, functions etc.

2. Addition of a new clause (4.6) that deals with general benefits to which Elected Members are entitled, ie level of administrative support, access to Marion Hudson room etc.

It is also proposed to rename the policy to *Elected Member Entitlements*, which is believed to better-reflect the content of the document.

Analysis of Financial and Budget Implications

Any costs associated with the implementation of all elements of this policy can be accommodated within the City's annual budget.

Councillor/Officer Consultation

This matter is presented to the Committee for consideration. All Elected Members were contacted on 10 August 2018 to seek their views as to any amendments they would like considered as part of this review.

Outcome of Meeting 27 September 2018

The Manager Governance indicated that some feedback from Elected Members had been received as part of the consultation process regarding the review of this policy, specifically whether or not City resources could be used by an Elected Member as part of any complaint process under Division 9 of Part 5 of the Local Government Act, or whether this was covered under the notion of an Elected Member discharging their duties. Other considerations include:

- The practicalities of having an exhaustive list of examples; and
- Potential changes to legislation in this area as part of the current review of the Local Government Act.

The executive recommendation with no further changes to the policy from what was published was moved by Mayor Brennan and seconded by Mr Seaward and was carried unanimously as follows:

That the Committee recommend that Council adopt revised Council Policy Elected Member Entitlements as presented.

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

Applicant/Proponent:	City of Bunbury
Responsible Officer:	Gary Barbour, Director Planning and Development Services
Responsible Manager:	Gary Barbour, Director Planning and Development Services
Executive:	Gary Barbour, Director Planning and Development Services
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Review <input type="checkbox"/> Executive/Strategic <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Legislative <input type="checkbox"/> Information Purposes
Attachments:	Appendix 4: Revised Council Policy: Town Planning Appeal Applications for Review

Summary

The purpose of this report is for the Committee to review current the Council’s current policy relating to town planning appeal applications.

Executive Recommendation

That the Committee recommend that Council adopt revised Council Policy *Town Planning Appeal Applications for Review* as presented.

Voting Requirements: Simple Majority Vote

Strategic Relevance

Theme 4: Our City
Goal: Civic leadership, partnerships and sound governance in delivering with and for the community
Objective 4.3: Trusted leadership and robust decision-making

Background

This policy was last reviewed by Council in May 2016, and is presented to the Committee with some minor typographical modifications only. A tracked change copy of the revised policy is contained at Appendix 4.

The policy relates to processes where a matter is referred to the State Administrative Tribunal on appeal.

Council Policy and Legislative Compliance

The report facilitates a review of an existing Council Policy.

Officer Comments

Officers have undertaken a review of this policy and propose only some minor typographical changes as reflected at Appendix 4.

Analysis of Financial and Budget Implications

Nil

Councillor/Officer Consultation

This matter is presented to the Committee for consideration.

Outcome of Meeting 27 September 2018

The executive recommendation as printed was moved by Mayor Brennan and seconded by Mr Seaward and was carried unanimously as follows:

That the Committee recommend that Council adopt revised Council Policy Town Planning Appeal Applications for Review as presented.

10.5 Proposed New Council Policy: Bunbury Wildlife Park Commitment to Animal Welfare

Applicant/Proponent:	City of Bunbury
Responsible Officer:	Isabell Evans, Manager People & Place
Responsible Manager:	Isabell Evans, Manager People & Place
Executive:	Stephanie Addison-Brown, Director Corporate & Community Services
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Review <input type="checkbox"/> Executive/Strategic <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Legislative <input type="checkbox"/> Information Purposes
Attachments:	Appendix 5: Proposed New Council Policy: Bunbury Wildlife Park Commitment to Animal Welfare

Summary

The purpose of this Report is for the Policy Review and Development Committee to consider a new Council Policy that outlines the City’s commitment to animal welfare at the Bunbury Wildlife Park.

Executive Recommendation

That the Policy Review and Development Committee recommend that Council adopt new Council Policy *Bunbury Wildlife Park Commitment to Animal Welfare* as presented.

Voting Requirements: Simple Majority Vote

Strategic Relevance

Theme 4	Our City
Goal	Civic leadership, partnerships and sound governance in delivering with and for the community
Objective 4.4	A skilled organisation, which exercises responsible asset stewardship, sound financial management, and exemplary customer service

Background

The City of Bunbury opened the Bunbury Wildlife Park (the Park); then the Big Swamp Bird Park; on 14 September 1986, acting in a management or lessor role until February 1997 when the City resumed management control up to the present day.

The Park currently opens 363 days per year offering visitors the opportunity to see and interact with over 60 different species of native Australian wildlife.

In 2016 the Park commenced an application process to become members of the Zoo Aquarium Association (ZAA), the peak body representing the zoo and aquarium community throughout Australasia. According to the organisation’s website, ZAA “manages the coordination of breeding programs and sets the level of professional standards and practice for its members. It also provides general support and advice where required to its members and governments on a range of issues such as biosecurity, wildlife release and species knowledge.”

Having completed its one year as an Institutional Subscriber, the Park is now eligible to become an Associate Institutional Subscriber, then a Full Institutional Member following another two-year period.

To become an Associate Institutional Subscriber and a Full Institutional Member, the Park is required to undergo an animal welfare-focused accreditation process; an in-depth procedure ensuring the Park and its staff are providing exemplary care to its animals and upholding the highest standards of animal welfare.

As part of the accreditation process a policy outlining the organisation's commitment and approach to animal welfare is required along with a suite of operational guidelines.

Council Policy Compliance

This Report recommends the adoption of a new Council Policy.

Legislative Compliance

Nil

Officer Comments

Officers consider conservation to be of equal importance as tourism benefit when considering the purpose of the Bunbury Wildlife Park. Through achieving Associate Institutional Subscriber and then Full Institutional Member status with the Zoo Aquarium Association, the Park is able to participate in ground-breaking breeding programs with critically endangered animals, thus making a positive contribution to the conservation of native Australian fauna.

Officers have modelled the proposed Council Policy off ZAA's Animal Welfare Position Statement, developed through substantial industry consultation and considered a best practice document focusing on the Five Welfare Domains. Staff also sought advice from Peel and Perth Zoo, who are the only other ZAA members in Western Australia.

Analysis of Financial and Budget Implications

Any financial implications relating to this Report including but not limited to accreditation fees will be absorbed into the Bunbury Wildlife Park's existing baseline budgets.

Community Consultation

The Zoo Aquarium Association, Perth Zoo and Peel Zoo were both consulted in the development of the proposed Council Policy.

Councillor/Officer Consultation

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

Outcome of Meeting 27 September 2018

The executive recommendation as printed was moved by Mayor Brennan and seconded by Mr Seaward and was carried unanimously as follows:

That the Policy Review and Development Committee recommend that Council adopt new Council Policy Bunbury Wildlife Park Commitment to Animal Welfare as presented.

10.6 Review of Council Policy: Public Interest Disclosure

Applicant/Proponent:	City of Bunbury
Responsible Officer:	Leanne French, Senior Governance and Risk Officer
Responsible Manager:	Greg Golinski, Manager Governance
Executive:	Mal Osborne, Chief Executive Officer
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Review <input type="checkbox"/> Executive/Strategic <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Legislative <input type="checkbox"/> Information Purposes
Attachments:	Appendix 6A: Council Policy: Public Interest Disclosure Appendix 6B: Revised Corporate Guideline: Public Interest Disclosure

Summary

The purpose of this report is for the Policy Review and Development Committee (the Committee) to review Council’s current policy relating to Public Interest Disclosure. The Policy and Corporate Guideline are attached at Appendices 6A and 6B respectively.

Executive Recommendation

That the Committee recommend that Council:

1. Note the review of current Council Policy *Public Interest Disclosure*, with no changes recommended.
2. Note the Corporate Guideline Public Interest Disclosure has been amended to reflect revised guidelines issued by the Public Sector Commission.

Voting Requirements: Simple Majority Vote

Strategic Relevance

Theme 4: Our City
 Goal: Civic leadership, partnerships and sound governance in delivering with and for the community
 Objective 4.3: Trusted leadership and robust decision-making

Background

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

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

- * relate to a public authority, public officer or public sector contract (“a public body”);
- * relate to the performance of a public function of the public body;

- * tend to show that the public body is, has been or proposes to be, involved in improper conduct.

The PID Act protects those who make appropriate disclosures of public interest information.

The PID Act makes provision for proper authorities to receive disclosures about certain types of wrongdoing.

In accordance with the PID Act public authorities must prepare and publish internal procedures relating to their obligations under the PID Act.

This policy was last reviewed by Council in July 2016, and is now presented to the Committee for its biennial review.

Council Policy Compliance

The report facilitates a review of an existing Council Policy.

Legislative Compliance

Pursuant to the provisions of the *Public Interest Disclosure Act 2003* public authorities are to prepare and publish internal procedures relating to their obligations under the PID Act.

Officer Comments

The Public Sector Commission has recently revised its guidelines to assist authorities fulfil their obligations under the PID Act. Accordingly, amendments to the Corporate Guideline are proposed as depicted at Appendix 6B; however it is proposed to leave the policy unchanged.

The Corporate Guideline outlines the City's internal procedures relating to our obligations under the PID Act. The Guideline also provides information on the rights and obligations of persons under the PID Act.

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

Analysis of Financial and Budget Implications

Nil

Councillor/Officer Consultation

This matter is presented to the Committee for consideration.

Outcome of Meeting 27 September 2018

The executive recommendation as printed was moved by Mayor Brennan and seconded by Mr Seaward and was carried unanimously as follows:

That the Committee recommend that Council:

- 1. Note the review of current Council Policy Public Interest Disclosure, with no changes recommended.***
- 2. Note the Corporate Guideline Public Interest Disclosure has been amended to reflect revised guidelines issued by the Public Sector Commission.***

10.7 Review of Council Policy: Publication of Information

Applicant/Proponent:	City of Bunbury
Responsible Officer:	Greg Golinski, Manager Governance
Responsible Manager:	Greg Golinski, Manager Governance
Executive:	Mal Osborne, Chief Executive Officer
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Review <input type="checkbox"/> Executive/Strategic <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Legislative <input type="checkbox"/> Information Purposes
Attachments:	Appendix 7: Revised Council Policy: Publication of Information

Summary

The purpose of this report is for the Policy Review and Development Committee (the Committee) to review Council's current policy relating to publication of information.

Executive Recommendation

That the Committee recommend that Council adopt the revised Council Policy *Publication of Information* as presented.

Voting Requirements: Simple Majority Vote

Strategic Relevance

Theme 4: Our City
Goal: Civic leadership, partnerships and sound governance in delivering with and for the community
Objective 4.3: Trusted leadership and robust decision-making

Background

Prior to this policy being adopted in July 2014, the City of Bunbury did not have a formal policy or procedure in relation to the publishing of information collected during Council submission periods or consultation processes.

This policy was last reviewed by Council in September 2016, and is now presented to the Committee for its biennial review.

Council Policy Compliance

The report facilitates a review of an existing Council Policy.

Legislative Compliance

Pursuant to the provisions of the *Public Interest Disclosure Act 2003* public authorities are to prepare and publish internal procedures relating to their obligations under the PID Act.

Officer Comments

Officers have undertaken a review of the Council Policy *Publication of Information* in accordance with the City's policy review schedule.

When the policy was originally developed, advice was sought from the Western Australian Office of the Information Commissioner (OIC), and whilst the OIC was unable to provide specific advice regarding support or restriction of making personal information publically available, it was indicated there is nothing in the *Freedom of Information Act 1992* to prevent an agency developing policies to make certain kinds of documents routinely available.

Sections 5.23, 5.94 and 5.95 of the *Local Government Act 1995* provide advice on how to deal with information that is confidential, information that may be inspected and limits on that information respectively.

Research undertaken has not been able to source any legislation that prohibits Council from publishing collected information. Additionally, Western Australian local governments are not bound by specific privacy legislation, although we can be guided by the Commonwealth 1988 Privacy Act.

It would seem justifiable that if information is disclosed for the same purpose for which it was collected (or a similar one), the individual has consented to the disclosure, and therefore Council would not be breaching the intent of the Commonwealth Privacy Act.

Following review, Officers propose some very minor wording changes as presented at Appendix 7, which do not alter the intent of the current policy.

Analysis of Financial and Budget Implications

Nil

Councillor/Officer Consultation

This matter is presented to the Committee for consideration.

Outcome of Meeting 27 September 2018

The executive recommendation as printed was moved by Mayor Brennan and seconded by Mr Seaward and was carried unanimously as follows:

That the Committee recommend that Council adopt the revised Council Policy *Publication of Information* as presented.

11. Applications for Leave of Absence

Not applicable to this committee.

12. Questions from Members

12.1 Response to Previous Questions from Members taken on Notice

Nil

12.2 Questions from Members

Nil

13. Urgent Business

Nil

14. Date of Next Meeting

22 November 2018

15. Close of Meeting

The Presiding Member closed the meeting at 10.16am.

These Minutes were confirmed as a true and accurate record by the Policy Review and Development Committee at its meeting held on _____.

Signed _____
Cr Jaysen Miguel, Chair