

Please note: These minutes are yet to be confirmed as a true record of proceedings

**CITY OF BUSSELTON**

**MINUTES FOR THE POLICY AND LEGISLATION COMMITTEE MEETING HELD ON 11 JUNE 2019**

**TABLE OF CONTENTS**

<b>ITEM NO.</b>	<b>SUBJECT</b>	<b>PAGE NO.</b>
1.	DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS .....	2
2.	ATTENDANCE .....	2
3.	PUBLIC QUESTION TIME .....	2
4.	DISCLOSURE OF INTERESTS .....	2
5.	CONFIRMATION AND RECEIPT OF MINUTES .....	2
5.1	Minutes of the Policy and Legislation Committee Meeting held 14 May 2019 .....	2
6.	REPORTS .....	3
6.1	REVIEW OF COUNCIL POLICY - PRESENTATIONS ON TERMINATION .....	3
6.2	PROPOSED COUNCIL POLICY - PUBLIC INTEREST DISCLOURE (PID).....	8
6.3	NEW COUNCIL POLICY - AUDIO RECORDING OF COUNCIL MEETINGS.....	11
7.	GENERAL DISCUSSION ITEMS.....	15
8.	NEXT MEETING DATE.....	15
9.	CLOSURE .....	15

## MINUTES

MINUTES OF POLICY AND LEGISLATION COMMITTEE HELD IN THE COMMITTEE ROOM, ADMINISTRATION BUILDING, SOUTHERN DRIVE, BUSSELTON, ON 11 JUNE 2019 AT 2.00PM.

### 1. DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

The Presiding Member opened the meeting at 2.20pm

### 2. ATTENDANCE

Presiding Member:

Cr Grant Henley Mayor

Members:

Cr Ross Paine  
Cr Robert Reekie  
Cr Kelly Hick  
Cr Lyndon Miles

Officers:

Mr Mike Archer, Chief Executive Officer  
Mr Tony Nottle, Director, Finance and Corporate Services  
Ms Sarah Pierson, Manager Corporate and Governance Services  
Mrs Emma Heys, Governance Coordinator

Apologies:

Cr Rob Bennett

### 3. PUBLIC QUESTION TIME

Nil

### 4. DISCLOSURE OF INTERESTS

Mr Tony Nottle declared an impartiality interest in Item 6.2 'Proposed Council Policy – Public Interest Disclosure', being the City's current Public Interest Disclosure Officer.

### 5. CONFIRMATION AND RECEIPT OF MINUTES

#### 5.1 Minutes of the Policy and Legislation Committee Meeting held 14 May 2019

COMMITTEE DECISION



**PL1906/249** Moved Councillor R Paine, seconded Councillor R Reekie

That the Minutes of the Policy and Legislation Committee Meeting held 14 May 2019 be confirmed as a true and correct record.

**CARRIED 5/0**

## 6. REPORTS

### 6.1 REVIEW OF COUNCIL POLICY - PRESENTATIONS ON TERMINATION

<b>SUBJECT INDEX:</b>	Council Policies
<b>STRATEGIC OBJECTIVE:</b>	Governance systems, process and practices are responsible, ethical and transparent.
<b>BUSINESS UNIT:</b>	Corporate Services
<b>ACTIVITY UNIT:</b>	Governance
<b>REPORTING OFFICER:</b>	Manager Governance and Corporate Services - Sarah Pierson
<b>AUTHORISING OFFICER:</b>	Director Finance and Corporate Services - Tony Nottle
<b>VOTING REQUIREMENT:</b>	Simple Majority
<b>ATTACHMENTS:</b>	Attachment A Proposed Policy - Payments and presentations on termination 
	Attachment B Current Policy - Presentations on Termination 

#### PRÉCIS

This report presents a revised and expanded 'Presentations on Termination' Council Policy, proposed to be renamed 'Payments and presentations on termination' (Attachment A) (the Policy) for Council approval. The proposed changes are designed to ensure the Policy more fully responds to the requirements of Section 5.50 of the *Local Government Act 1995*, and that appropriate recognition of service is provided for employees leaving the organisation.

#### BACKGROUND

Section 5.50 of the *Local Government Act 1995* (the Act) requires the local government to have a policy in relation to payments that may be made to employees who are finishing employment which are in addition to entitlements under a contract of employment or industrial instrument, including an award or enterprise agreement. A policy in relation to the presentation of (or contribution to) a gift to an employee on termination has been in place for a long period of time, and was last reviewed in August 2017, where the method of determining the value of the contribution towards a gift was simplified.

The Local Government Amendment Bill 2019 currently before the Legislative Council, and expected to be given Royal Assent in the coming months, will result in an explicit requirement for all local governments to publish their policy in relation to Section 5.50 of the Act. The City has reviewed its current policy and recommends that it be expanded as outlined in the officer comment section of this report, improving overall governance in relation to payments made to employees on termination that are in addition to those made under the terms of a contract of employment or industrial instrument.

#### STATUTORY ENVIRONMENT

In accordance with Section 2.7(2)(b) of the Act it is the role of the Council to determine the local government's policies. The City of Busselton Council does this on the recommendation of a Committee it has established in accordance with Section 5.8 of the Act.

Section 5.50 (1) of the Act states:

- (1) A local government is to prepare a policy in relation to employees whose employment with the local government is finishing, setting out —
  - (a) the circumstances in which the local government will pay an employee an amount in addition to any amount to which the employee is entitled under a contract of employment or award relating to the employee; and

- (b) the manner of assessment of the additional amount, and cause local public notice to be given in relation to the policy.

As per Section 5.50 (4) “a reference to a payment to a person includes a reference to the disposition of property in favour of, or the conferral of any other financial benefit on, the person” and hence includes the contribution to a gift.

The value of a payment made under this section is not to exceed the amount prescribed by Regulation 19A of the Local Government (Administration) Regulations 1996 (the Regulations), being:

- \$5,000 to a CEO or senior officer in all cases;
- 12 months’ pay for all other employees where the employment ends by way of the employee accepting voluntary severance by way of resignation; and
- \$5,000 for all other employees where the employment ended for other reasons.

Importantly, Section 5.50 and Regulation 19A only relate to payments that are made in addition to an amount which the employee is entitled to under their contract of employment or an industrial instrument. Further, regulation 18B of the Regulations provides that a contract of employment for a CEO or senior officer may include a term that the employee will (in certain circumstances) receive a payment on termination of up to 12 months’ remuneration, or the balance of their contract term. As this is a payment that the senior employee is entitled to under their contract, it is not captured by Section 5.50 or Regulation 19A, or therefore the Policy.

Section 5.50 and Regulation 19A also only deals with payments that are made in relation to an employee whose employment with the local government is finishing (i.e. a termination payment). A payment that is made to a terminated employee in settlement of a legal claim (e.g. an unfair dismissal claim) is not a payment made in relation to that employee’s employment finishing, and therefore would not fall within the scope of section 5.50 or the cap provided by Regulation 19A. A severance payment however made to an employee in settlement of a dispute where they have, or are reasonably likely to, make a claim would fall within the scope of the Policy.

### **RELEVANT PLANS AND POLICIES**

In August 2017 the CEO commissioned a high level independent review of the City’s governance systems – the Governance Systems Review (GSR). The GSR made a number of recommendations with respect to the City’s policy and procedure framework. In response the City developed a policy framework which sets out the intent of Council policies, as opposed to operational documents such as Staff Management Practices and operational procedures.

### **FINANCIAL IMPLICATIONS**

The provisions of the Policy are catered for within the City’s annual budget, with a current annual allocation of \$4,000 for recognition of service and the settlement of employment related claims funded where necessary through existing salaries and wages budget.

### **LONG-TERM FINANCIAL PLAN IMPLICATIONS**

Amending the Policy will have no long term financial plan implications.

## **STRATEGIC COMMUNITY OBJECTIVES**

The Policy, and specifically the proposed amendments, aim to improve transparency and governance in relation to payments of a type outlined in Section 5.50 of the Act, therefore supporting Key Goals Area 6 – Leadership and Community Objective 6.1 – Governance systems, processes and practices are responsible, ethical and transparent.

## **RISK ASSESSMENT**

There are no identified risks of a medium or greater level associated with the officer recommendation, with the amendments to the Policy improving overall governance and compliance with the Act.

## **CONSULTATION**

A review of other local government policies referencing Section 5.50 found a fair degree of diversity in terms of scope and content. The City of Joondalup's policy for instance, in addition to payments for the settlement of employment claims, provides for payments on redundancy (over and above entitlements) and in broad circumstances relating to a voluntary severance, based on the person having been employed for a continuous period of over ten years, and having demonstrated a commendable or outstanding level of performance. The City of Wanneroo's policy provides for a severance payment in circumstances relating to settlement of a claim, plus illness or impairment or poor performance / conduct. The City of Stirling provides a payment to employees on leaving based on their years of service.

The City of Busselton provides adequate redundancy entitlements under its contracts of employment / enterprise agreement and therefore we have limited the Policy to severance payments in settlement of a dispute where there is a reasonable risk of a legal claim. External legal advice about, and review of, the Policy was sought, with the inclusion of provisions relating to such payments recommended as best practice.

## **OFFICER COMMENT**

The current 'Presentations on Termination' policy deals solely with Council's contribution (payment) in relation to a farewell gift and function for an employee on termination. Three changes are proposed in relation to this aspect of the Policy.

One, it is recommended that the threshold for eligibility be reduced from two years' of service to a minimum of one year. An employee will generally, after a year of employment, have contributed to the achievements of their team and established good working relationships with their colleagues. A farewell function in particular is considered important as it plays a role in creating positive employee relations and branding.

Secondly a change is recommended in relation to the Council contribution value for a gift where between 10 and 15 years of service has been completed. It is recommended that this be increased from \$100 to \$150. This provides for a more even increment in the contribution value with an increase of \$50 every 5 years until 20 years of service, where it then increases more significantly.

And finally it is recommended that the maximum amount for a farewell function (for those situations where the CEO feels exceptional circumstances apply) be reduced from \$400 to \$300. This is based on analysis of spend in this area.

With respect to the inclusion of provisions relating to payments made on termination, it is recommended that the Chief Executive Officer be authorised to make a severance payment in settlement of a dispute where an employee has, or is reasonably likely to, take action or make a claim under any relevant industrial relations legislation. In determining an appropriate settlement amount the Policy sets out the following factors:

- a. the amount recommended by industrial legal advisors, a court or industrial tribunal to settle the matter;
- b. the exposure or potential exposure to litigation and the strength of the respective cases;
- c. the cost or potential cost of legal services in relation to the matter; and
- d. the disruption to operations and cost to the organisation of the dispute ongoing.

Unfortunately not all employment relationships end amicably and disputes can arise that give cause for a mutual separation to be considered, generally in circumstances where the cost to the City of a matter proceeding through a court or industrial tribunal is likely to be high, or where the operational cost of a dispute ongoing is considered significant. These are enacted through a voluntary resignation and severance payment. The City's current policy does not contain specific provision for this. As a result mutual separations are required to be structured within the terms and conditions of a contract of employment. The recommended provisions will provide for improved transparency and clarity in these situations.

## **CONCLUSION**

It is recommended that the Policy be adopted as a revised and renamed Council policy 'Payments and presentations on termination', maintaining and slightly improving the current recognition of service provisions, and ensuring that the City has clear and accountable governance structures in place for the settling of employment related disputes in accordance with Section 5.50 of the *Local Government Act 1995*.

## **OPTIONS**

The Council could:

1. decide to retain the Policy in its current form.
2. decide to make additional amendments.

## **TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION**

The Policy will be implemented immediately on adoption.

## **OFFICER RECOMMENDATION**

That the Council adopts the Council Policy 'Payments and presentations on termination' as per Attachment A, to replace the current Council policy entitled 'Presentations on Termination' (Attachment B).

## **COMMITTEE RECOMMENDATION**

**PL1906/250** Moved Councillor K Hick, seconded Councillor L Miles




That the Council adopts the Council Policy 'Payments and presentations on termination' as per Attachment A, to replace the current Council policy entitled 'Presentations on Termination' (Attachment B), inclusive of the following Committee changes:

- i. Reorder paragraphs 1.1 and 1.2;
- ii. Amend the wording in paragraphs 1.1 and 1.2 respectively to the following:
  - “ 1.1 This Policy provides a framework for recognising, where relevant, the contribution of employees when they voluntarily leave the employment of the City.
  - 1.2 This Policy additionally sets out the circumstances in which the City of Busselton will pay an employee who is leaving the employment of the City a severance payment in addition to any amount the employee is entitled to under their contract of employment, Industrial Instrument or order of a court or industrial tribunal, in accordance with Section 5.50 of the *Local Government Act 1995 (WA)*”;
- iii. Reorder Paragraph 5. Policy Statement:
  - a. Move paragraphs 5.5, 5.6 and 5.7 up to commence at 5.1 (now reading 5.1 through to 5.3).
  - b. Move paragraphs 5.1, 5.2, 5.3 and 5.4 down to commence at 5.4 (now reading 5.4 through to 5.7);
- iv. Remove ‘industrial’ from paragraph 5.3 (a); and
- v. Remove symbols from the ‘Years of Service’ column within the table in paragraph 5.5 and replace with 1 to 5 years; 5 to 10 years, 10 to 15 years, and so forth.

**CARRIED 5/0**

Reason: The Committee felt that the amendments to the wording would improve readability of the policy and the reordering of paragraph 5 would provide for the more positive aspects of recognition to be considered first.

## 6.2 PROPOSED COUNCIL POLICY - PUBLIC INTEREST DISCLOURE (PID)

<b>SUBJECT INDEX:</b>	Council Policy
<b>STRATEGIC OBJECTIVE:</b>	Governance systems, process and practices are responsible, ethical and transparent.
<b>BUSINESS UNIT:</b>	Governance Services
<b>ACTIVITY UNIT:</b>	Governance
<b>REPORTING OFFICER:</b>	Executive Assistant to Council - Lisa Haste
<b>AUTHORISING OFFICER:</b>	Director Finance and Corporate Services - Tony Nottle
<b>VOTING REQUIREMENT:</b>	Simple Majority
<b>ATTACHMENTS:</b>	Attachment A Proposed Policy - Public Interest Disclosure  Attachment B City of Busselton PID Guidelines  Attachment C Public Sector Commission PID Guidelines 

### PRÉCIS

This report presents a proposed new Council policy – ‘Public Interest Disclosure’ (Attachment A) for Council to endorse. The proposed policy seeks to satisfy a recommendation from the misconduct prevention section of the Governance Service Review (GSR) conducted by John Woodhouse in August 2017.

### BACKGROUND

In August 2017 the CEO commissioned a high level independent review of the City’s governance systems – the Governance Systems Review (GSR). The GSR made the following recommendations with respect to the City’s policy and procedure framework:

- 1. There should be a review of the Council Policies with the intent that a Council Policy:*
  - a. Should deal with higher level objectives and strategies;*
  - b. Should not deal with operational matters, employee matters, or other matters which are the responsibility of the CEO; and*
  - c. Should, where appropriate provide sufficient direction to the CEO to develop OPPs which deal with the implementation of the Council Policy or other detailed matters.*
- 2. As part of that review, any existing Council Policy should be deleted where it could, more sensibly, be dealt with by an OPP adopted by the CEO.*
- 3. Consideration should be given to developing a new Council Policy which sets out the ‘framework’ for Council Policies, OPPs and other procedures. The new Policy would explain the role to be played by each level of document. It could, for example, be called a Policy Framework Policy.*

The GSR made specific recommendations in the area of Misconduct Prevention, with the development of a high level misconduct prevention strategy considered important. This is a significant undertaking and will require considerable organisational focus. The City hopes to progress this over the next twelve months. Additionally it was recommended that:

*...(6) A review should be conducted of the existing Public Interest Disclosure Policy.*

The *Public Interest Disclosure Act 2003* facilitates the disclosure of public interest information about improper conduct in public authorities including in local governments. All local governments are required to have in place a designated Public Interest Disclosure (PID) Officer, who a person wishing to make a disclosure can contact to discuss the proposed disclosure and to obtain more information about their rights and responsibilities. The City of Busselton’s PID Officer is the person holding the position of Director Finance and Corporate Services.



The City currently has a set of guidelines (Attachment B) on our website which provides information to members of the public about the making of PIDs, however, with regard to the above recommendation, officers have now prepared a Council policy to sit alongside these guidelines.

The Public Sector Commission has published a set of guidelines to assist authorities develop their own procedures and these have guided the development of the City's own set of PID guidelines, available on the City's external website.

### **STATUTORY ENVIRONMENT**

The *Public Interest Disclosure Act 2003* outlines how the Public Interest Disclosure (PID) Officer will process PIDs and contains provisions which serve to protect the people involved in making these disclosures.

### **RELEVANT PLANS AND POLICIES**

The City has a policy framework which was developed and endorsed by Council in response to the recommendations of the GSR. The framework sets out the intent of Council policies, as opposed to operational documents such as Staff Management Practices and operational procedures.

### **FINANCIAL IMPLICATIONS**

Adoption of the Policy has no financial implications.

### **LONG-TERM FINANCIAL PLAN IMPLICATIONS**

Adoption of the Policy has no long term financial plan implications.

### **STRATEGIC COMMUNITY OBJECTIVES**

The officer recommendation primarily aligns with the following Key Goal Area and Community Objective of the City of Busselton's Strategic Community Plan 2017:

Key Goal Area 6 - LEADERSHIP: Visionary, collaborative, accountable

6.1 Governance systems, process and practices are responsible, ethical and transparent.

### **RISK ASSESSMENT**

There are no risks identified of a medium or greater level associated with the officer recommendation, with the Policy addressing the recommendations made in the GSR which is one step to mitigating risks associated with misconduct.

### **CONSULTATION**

No external consultation was required or undertaken in relation to this policy.

### **OFFICER COMMENT**

While there is no statutory requirement for the City to have a PID policy, it was identified in the GSR that a policy containing a clear Council commitment to the PID regime would assist in the prevention of misconduct in the organisation.

Under the *Public Interest Disclosure Act 2003*, the City is required to do the following:

- Designate a PID Officer;
- Comply with the Code established by the Public Sector Commissioner;
- Prepare and publish procedures relating to the City's obligations; and
- Provide an annual report to the Public Sector Commissioner outlining the number of PIDs received and the results of any investigations.

The City complies with all of the requirements under the *Public Interest Disclosure Act 2003*. The Policy supports the existing PID guidelines and, as recommended by the GSR, is the first step in developing a broader misconduct prevention strategy.

## **CONCLUSION**

As recommended in the GSR, a policy has been developed to support the City's existing PID guidelines and therefore officers recommend the Policy be adopted.

## **OPTIONS**

Council may consider that the existing PID guidelines are adequate and choose not to endorse the Policy. Council could alternatively choose to make amendments to the Policy.

## **TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION**

If the officer recommendation is approved by the Council then it will be effective immediately.

## **OFFICER RECOMMENDATION**

That the Council adopt Council policy 'Public Interest Disclosure' as included at Attachment A.

## **COMMITTEE RECOMMENDATION**

**PL1906/251** Moved Councillor R Paine, seconded Councillor K Hick


That the Committee:

1. Acknowledge the progression of a Misconduct Strategy by officers as recommended in the Governance Services Review (GSR); and
2. The proposed Council policy to be deferred for consideration to the next Policy and Legislation Committee meeting, being 23 July 2019.

**CARRIED 5/0**

Reason: The Committee felt that the policy could be better worded to complement the existing guidelines and legislation.

6.3 NEW COUNCIL POLICY - AUDIO RECORDING OF COUNCIL MEETINGS

<b>SUBJECT INDEX:</b>	Council Meetings
<b>STRATEGIC OBJECTIVE:</b>	Governance systems, process and practices are responsible, ethical and transparent.
<b>BUSINESS UNIT:</b>	Corporate Services
<b>ACTIVITY UNIT:</b>	Governance
<b>REPORTING OFFICER:</b>	Manager Governance and Corporate Services - Sarah Pierson
<b>AUTHORISING OFFICER:</b>	Director Finance and Corporate Services - Tony Nottle
<b>VOTING REQUIREMENT:</b>	Simple Majority
<b>ATTACHMENTS:</b>	Attachment A Proposed Council Policy - Audio Recording of Council Meetings 

**PRÉCIS**

This report presents a new policy 'Audio Recording of Council Meetings' (Attachment A) (the Policy) for Council approval. The Policy has been developed following a request from a member of the public for a copy of a recording of an Ordinary Council Meeting taken under the City's Standing Orders Local Law 2018 for minute purposes, and following advice from the Western Australian Local Government Association (WALGA) and a review of other local government policies relating to the topic. The Policy is recommended for Council approval.

**BACKGROUND**

Clause 6.14 of the City of Busselton Standing Orders Local Law 2018 provides for the proceedings of a meeting to be recorded by or at the discretion of the CEO for the purpose of taking minutes, subject to the meeting being advised that the meeting is being recorded for that purpose. For approximately the last six months Ordinary Council Meetings have been recorded for the purposes of taking minutes.

In April the City received a request from a member of the public for a copy of the recording of a Council meeting. In the absence of a clear policy position regarding public access to the recordings taken, the City declined the request, resulting in a request for the same being made under the Freedom of Information (FOI) Act 1992. Advice from the City's FOI officer indicated that the recording would likely be released (subject to the consideration of personal information) under the FOI Act, however it was in absence of a policy determined as the most appropriate channel for the request to be considered.

In the interim the City contacted WALGA for advice who recommended that a policy be put in place governing the recording of meetings and access to such recordings. A number of other local governments were also contacted, with the following table summarising the various policy positions:

City of Cockburn	<ul style="list-style-type: none"> <li>• Tape recordings or transcripts not made available to members of the public outside of Freedom of Information legislation.</li> </ul>
City of Kalgoorlie Boulder	<ul style="list-style-type: none"> <li>• Policy states applications must be made to the CEO, and provide details of the item concerned and a reason for the request.</li> <li>• CEO position is generally that the recordings are for minute taking only and so are not available to anyone, including elected members</li> </ul>
City of Kalamunda	<ul style="list-style-type: none"> <li>• Provide copies of recordings on a disk for a \$15 fee.</li> <li>• Understand that recordings, even though generally for minute taking purposes, are still available under FOI, hence provide them for a fee.</li> </ul>

City of Wanneroo	<ul style="list-style-type: none"> <li>Public may purchase a copy of recorded proceedings or alternatively listen to recorded proceedings with the supervision of a City Officer.</li> <li>Costs charged as per fees and charges</li> </ul>
City of South Perth	<ul style="list-style-type: none"> <li>Public may purchase a copy of the recorded proceedings upon written request to the CEO and the payment of the prescribed fee.</li> </ul>
City of Albany	<ul style="list-style-type: none"> <li>Provide word for word transcripts of recordings to members of the public.</li> <li>Do not provide a media file (audio).</li> </ul>
City of Swan	<ul style="list-style-type: none"> <li>Recordings available on website following meeting free of charge.</li> <li>For the purposes of transparency and increased participation in decision-making.</li> <li>Also considered a record under FOI Act</li> </ul>
City of Vic Park	<ul style="list-style-type: none"> <li>Provide recording on website free of charge.</li> <li>Pending approval for live audio/video streaming of council meetings.</li> </ul>

All of the policies reviewed considered the recordings a record retainable under the State Records Act 2000. In light of this, and the ability for them to be accessed under FOI legislation, officers have developed a policy position similar to that of the City of Wanneroo, South Perth and Kalamunda, with the recordings available to purchase for a fee.

### STATUTORY ENVIRONMENT

In accordance with Section 2.7(2)(b) of the *Local Government Act 1995* (the Act) it is the role of the Council to determine the local government's policies. The Council does this on the recommendation of a Committee it has established in accordance with Section 5.8 of the Act.

As outlined in the background section of this report the *City of Busselton Standing Orders Local Law 2018* provides for the Chief Executive Officer to audio record meetings for the purpose of taking minutes. Any such recordings are considered a record under the *State Records Act 2000* and are required under the General Disposal Authority for Local Government to be retained for 1 year after the minutes are confirmed. It is our general understanding that they are therefore also available under FOI legislation.

### RELEVANT PLANS AND POLICIES

In August 2017 the CEO commissioned a high level independent review of the City's governance systems – the Governance Systems Review (GSR). The GSR made a number of recommendations with respect to the City's policy and procedure framework. In response the City developed a policy framework which sets out the intent of Council policies, as opposed to operational documents such as Staff Management Practices and operational procedures.

### FINANCIAL IMPLICATIONS

Adoption of the Policy will require a fee to be set for the purchase of a copy of each recording. It is recommended that this fee be set at \$15 per copy, taking into account the cost of the USB and the resourcing costs associated with the conversion of the audio file.

### LONG-TERM FINANCIAL PLAN IMPLICATIONS

Adoption of the Policy is not expected to have any long term financial plan implications.

## **STRATEGIC COMMUNITY OBJECTIVES**

The officer recommendation primarily aligns with the following Key Goal Area/s and Community Objective/s of the City of Busselton's Strategic Community Plan 2017:

Key Goal Area 6 - LEADERSHIP: Visionary, collaborative, accountable

6.1 Governance systems, process and practices are responsible, ethical and transparent.

## **RISK ASSESSMENT**

There are some low level risks associated with providing a copy of the recorded proceedings, mainly that the recording could be altered or that it could be used to try and cause reputational damage. The Policy makes it clear that the official record of the meeting will be the written minutes and additionally the City will retain the recorded proceedings as the official recorded proceedings. Council meetings are of course public meetings and so it is not expected that anything recorded would be of a high risk in terms of reputation. On balance it is felt that the interests of transparency and administrative efficiencies in not requiring requests to be considered under FOI legislation outweigh these risks.

## **CONSULTATION**

As outlined in the background section of this report consultation has been undertaken with a number of other local governments and with WALGA.

## **OFFICER COMMENT**

The purpose of the Policy is to outline the City's position with respect to the audio recording of Council meetings (both Ordinary and Special Council meetings) and access to the recorded proceedings.

The Policy sets out a clear position with respect to the recording of Council meetings, stating that all Ordinary and Special Council meetings will be recorded by the City, including where Council has resolved to close the meeting to members of the public in accordance with Section 5.23 of the *Local Government Act 1995* (the Act).

The Policy also makes it clear however that the official record of the meeting will be the written minutes prepared in accordance with the requirements of the Act and the Local Government (Administration) Regulations 1996.

Officers considered two options for providing public access to the recorded proceedings; allowing members of the public to, on written request, purchase of a copy of the recording, or for the recording to be placed on the City's website. While both options achieve the intended outcome officers felt that providing a copy of the recording on request and for a fee allowed for more oversight (accepting the risk noted above) and enabled recovery of associated costs. It was also considered a good starting point and something Council could potentially build on.

With respect to Elected Members the Policy provides for recorded proceedings to be provided to Elected Members on request from the CEO at no charge. All Elected Members will be notified of such requests.

With respect to the transcribing of recorded proceedings officers have recommended that this not be offered by the City, with the risk of error being high and it being resource intensive.

**CONCLUSION**

The Policy provides for a clear and transparent position with respect to the audio recording of Council meetings and ensures that requests for the same are dealt with in a consistent fashion.

**OPTIONS**

Council could instead decide:

1. not to adopt the Policy, with requests for access to the recorded proceedings to be managed at the discretion of the CEO.
2. to amend the Policy to provide the recorded proceedings on the City's website free of charge.
3. to require further amendments to the Policy.

**TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION**

The Policy will be implemented immediately on adoption.

**OFFICER RECOMMENDATION**

1. That the Council adopts the Council Policy 'Audio Recording of Council Meetings' as per Attachment A.
2. That a fee of \$15.00 be included in the City's 2019/2020 schedule of fees and charges.

**COMMITTEE RECOMMENDATION**

**PL1906/252** Moved Councillor R Paine, seconded Councillor K Hick

The Committee recommends:

1. That the Council adopts the Council policy 'Audio Recording of Council Meetings' as per Attachment A, inclusive of the following amendments:
  - i. Paragraph 5.8 to now read "Elected Members may request from the CEO a copy of the recorded proceedings at no charge."; and
  - ii. Add new paragraph 5.9 – "All Elected Members are to be notified when requests for recordings have been received."
  - iii. Paragraph 5.9 now becomes paragraph 5.10; and
  - iv. Paragraph 5.10 now becomes paragraph 5.11.
2. That a fee of \$15.00 be included in the City's 2019/2020 schedule of fees and charges

**CARRIED 5/0**

Reason: The Committee felt that Elected Members should be notified of all requests for recording and the additional wording reflects this request.

**7. GENERAL DISCUSSION ITEMS**

**8. NEXT MEETING DATE**

Tuesday, 23 July 2019

**9. CLOSURE**

The meeting closed at 2.25pm

THESE MINUTES CONSISTING OF PAGES 1 TO 15 WERE CONFIRMED AS A TRUE AND CORRECT RECORD ON TUESDAY, 23 JULY 2019.

DATE: \_\_\_\_\_

PRESIDING MEMBER: \_\_\_\_\_