

**12.2 PROPOSED REPEAL OF POLICY NO. 4.1.33 - THIRD PARTY MEDIATION – CITIZENS
ADVICE BUREAU**

Attachments: 1. **Policy No. 4.1.33 - Third Party Mediation – Citizens Advice Bureau**

RECOMMENDATION:

That Council REPEAL Policy No. 4.1.33 – Third Party Mediation – Citizens Advice Bureau at Attachment 1.

PURPOSE OF REPORT:

To seek Council approval to repeal Policy No. 4.1.33 – Third Party Mediation – Citizens Advice Bureau at **Attachment 1**.

BACKGROUND:

At its 10 May 2011 meeting, Council adopted Policy No. 4.1.33 – Third Party Mediation – Citizens Advice Bureau (Policy).

The Policy was developed in response to a high number of requests for intervention of a civil nature largely relating to dividing fences, retaining walls and alleged damage to property.

The Policy sets out the circumstances when residents should be referred to the Citizens Advice Bureau (CAB) by the City and also affirms a principle that the City will subsidise CAB services.

The requirement of provisions outlined in clause 1.3 of the [Policy Development and Review Policy](#) were presented to Council Members through the monthly Policy Paper in April 2022.

DETAILS:

The Policy notes that the City has no jurisdiction to resolve civil matters, documents the role of the CAB and affirms that the City will subsidise the mediation cost.

The City pays the CAB an annual fee to subsidise the mediation service. This expenditure is reported to Council through the statutory planning services expenditure as part of the annual budget and the availability of the service will be included in the City's Complaint Management Processes.

The elements set out in clause 1.3 of the Policy Development and Review Policy have been considered as set out below.

Requirement for a documented City position (including community need or legislative requirement):

The existing policy objective is to outline the role of the CAB in resolving issues of a civil matter between residents and/or ratepayers of the City of Vincent.

There is no legislative requirement for this policy and no major complexity in the process for referring matters to the CAB.

The cost of the annual mediation service is approved by Council through its annual budget process.

There is no requirement for a documented City position.

Examples of current/best practice:

The [CAB website](#) identifies the Town of Cambridge, City of Joondalup, City of Melville and Town of Mosman Park, along with the City of Vincent, as local governments that offer subsidised mediation through the CAB.

Administration has reviewed the policy manuals of each of the local governments listed above and identified that none are documenting a City or Town position.

The findings of Administration's review of the Third-Party Mediation - Citizens Advice Bureau Policy are as follows:

1. Civil Matters

The policy provisions note that the City has no jurisdiction to resolve matters that are of a Civil nature. Community guidance in relation to civil disputes would be better delivered through a civil disputes and mediation page on the City's website.

2. Role of the Citizens Advice Bureau

The role of the Citizens Advice Bureau is set out on the [CAB website](#). The CAB identifies the City as a local government that offers free mediation for neighbourhood disputes. The guidance set out in this clause would be better placed on a civil disputes and mediation page on the City's website.

3. Role of the City

The annual fee that is paid to the CAB is reported to Council through the statutory planning services expenditure and is approved by Council through the annual budget.

4. Guidelines and Policy Procedures for Third Party Mediation

The guidelines and procedures detailed as an attachment to the policy are administrative and if the policy was revoked these would be utilised by staff as a procedural document.

CONSULTATION/ADVERTISING:

No community consultation is required for the repeal of the policy.

LEGAL/POLICY:

There is no legislative or regulatory requirement for this policy.

Section 2.7(2)(b) of the *Local Government Act 1995* provides Council with the power to determine policies.

The [Policy Development and Review Policy](#) sets out the process for the development, review and repeal of the City's policy documents.

RISK MANAGEMENT IMPLICATIONS

Low: It is low risk for Council to repeal the policy.

STRATEGIC IMPLICATIONS:

This is in keeping with the City's *Strategic Community Plan 2018-2028*:

Innovative and Accountable

We are open and accountable to an engaged community.

SUSTAINABILITY IMPLICATIONS:

Repealing this policy does not impact on the achievement of specific sustainability outcomes in the *City's Sustainable Environment Strategy 2019-2024*.

PUBLIC HEALTH IMPLICATIONS:

Repealing this policy does not impact on the achievement of the *City's Public Health Plan 2020-2025*.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

POLICY NO: 4.1.33**THIRD PARTY MEDIATION – CITIZENS ADVICE BUREAU****OBJECTIVE**

To outline the role of the Citizens Advice Bureau in resolving issues of a civil matter between residents and/or ratepayers of the City of Vincent.

POLICY STATEMENT**1. Civil Matters**

The City of Vincent has no jurisdiction to resolve matters that are of a civil nature.

2. Role of the Citizens Advice Bureau

(a) The Citizens Advice Bureau provides a service that aims to assist parties who have conflicting views, come to an agreeable outcome/resolution. The Citizens Advice Bureau can provide mediation for a range of neighbourhood disputes including;

- Dividing fences;
- Encroaching roots and branches;
- Dog barking;
- Nuisance;
- Noise;
- Harassment; and
- Alleged property damage.

(b) The Citizens Advice Bureau's mediation process is;

- Informal;
- Confidential;
- Neutral; and
- Free of charge, where subsidised by the Local Government.

3. Role of the City

The City of Vincent will subsidise the fees involved to facilitate mediation between the parties, provided by the Citizens Advice Bureau, to an amount prescribed in the Annual Budget.

Date Adopted:	10 May 2011
Date Amended:	
Date Reviewed:	April 2018
Date of Next Review:	May 2016, April 2023

**GUIDELINES AND POLICY PROCEDURES FOR
THIRD PARTY MEDIATION – CITIZENS ADVICE BUREAU – POLICY NO. 4.1.33**

1. Issue Raised by Resident or Ratepayer

If a resident or ratepayer contacts the City and raises an issue that is considered to be of a civil nature, the Officer is to advise them that the matter is of a civil nature and not resolved by the City.

In the first instance, the Officer is to advise that resident/ratepayer, to discuss the matter with the party with the conflicting view.

2. Unresolved Matters

If the persons of conflicting views cannot reach a mutual agreement, the City's Officers may wish to suggest that the persons discuss the matter with a mediator from the Citizens Advice Bureau. The Officer is to advise that the mediation process is;

- (a) Informal;
- (b) Confidential;
- (c) Neutral; and
- (d) Free of charge (subsidised by the City of Vincent).

3. Resident Self Referral

The residents or ratepayers are to be provided with a Citizens Advice Bureau Mediation Service brochure and are advised to contact the Perth Office to discuss the matter.

4. City Referral

In some instances, conflicting matters are referred to the Citizens Advice Bureau by the Local Government. Where this occurs, the following process is to be followed:

- (i) Provide the resident with the Citizens Advice Bureau Mediation Service brochure and outline the process involved.
- (ii) With the resident's/ratepayer's consent, complete the *Citizens Advice Bureau of WA Mediation Referral Form* with the residents/ratepayers details.
- (iii) Forward the referral to the Community Mediation Service, who will then contact the residents/ratepayers to initiate a discussion regarding the mediation.