



## Policy Review and Development Committee

### Minutes

8 April 2021

#### 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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## Policy Review and Development Committee

### Minutes

8 April 2021

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.

#### Table of Contents

<u>Item No</u>	<u>Subject</u>	<u>Page No</u>
<b>1.</b>	<b><u>Declaration of Opening</u></b> .....	<b>3</b>
<b>2.</b>	<b><u>Disclaimer</u></b> .....	<b>3</b>
<b>3.</b>	<b><u>Announcements from the Presiding Member</u></b> .....	<b>3</b>
<b>4.</b>	<b><u>Attendances</u></b> .....	<b>3</b>
4.1	Apologies.....	4
4.2	Approved Leave of Absence.....	4
<b>5.</b>	<b><u>Declaration of Interest</u></b> .....	<b>4</b>
<b>6.</b>	<b><u>Confirmation of Minutes</u></b> .....	<b>4</b>
<b>7.</b>	<b><u>Method of Dealing with Agenda Business</u></b> .....	<b>5</b>
<b>8.</b>	<b><u>Reports</u></b> .....	<b>6</b>
8.1	Review of Council Policy: Bunbury Wildlife Park Commitment to Animal Welfare .....	6
8.2	Review of Council Policy: City of Bunbury Art Collection .....	8
8.3	Review of Local Planning Policy 2.1: Home Based Businesses & Family Day Care .....	12
8.4	Proposed Council Policy: Records Management .....	15
8.5	Review of Council Policy: Recognition of Long Serving Employees .....	18
8.6	Review of Council Policy: Development of Public Lands Fund .....	20
8.7	Review of Council Policy: Land Rationalisation and Acquisitions .....	23
8.8	Review of Council Policy: Use of Car Parking Bays for Outdoor Eating Areas in the CBD .....	25
8.9	Review of Council Policy: Temporary Appointment of CEO .....	27
8.10	Proposed Council Policy: Council Member, Committee Member and Candidate Code of Conduct Complaint Handling.....	30
8.11	Standards for CEO Recruitment, Performance and Termination .....	33
8.12	Proposed Council Policy: CEO Performance and Salary Review .....	37
<b>9.</b>	<b><u>Questions from Members</u></b> .....	<b>40</b>

9.1	Response to Previous Questions from Members taken on Notice.....	40
9.2	Questions from Members .....	40
<b>10.</b>	<b>Urgent Business.....</b>	<b>40</b>
<b>11.</b>	<b>Date of Next Meeting .....</b>	<b>40</b>
<b>12.</b>	<b>Close of Meeting.....</b>	<b>40</b>

## 1. Declaration of Opening

The Mayor declared the meeting open at 10.00am, as the Chair of the Committee (former Cr Hayward) is no longer an Elected Member following his election to the Parliament of WA on 1 April 2021.

The Mayor nominated and Cr Steck seconded Cr Kozisek as Chair of the Committee, which Cr Kozisek accepted. With there being no further nomination Cr Kozisek was elected Chair of the Policy Review and Development Committee and assumed the Chair.

## 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 Michelle Steck	City of Bunbury
Cr Cheryl Kozisek	City of Bunbury
Cr Tresslyn Smith	City of Bunbury

### *Council Observers (non-voting):*

Member Name	Representing
Cr Wendy Giles	City of Bunbury

### *Ex-officio Members (non-voting):*

Member Name	Representing
Mr Mal Osborne	Chief Executive Officer

### *Support Staff:*

Name	Title
Mr Greg Golinski	Manager Governance
Mrs Leanne French	Senior Governance and Risk Officer
Mr Dave Russell	Manager City Facilities
Mrs Sarah Upton	Manager City Services
Mrs Barbara Macaulay	TL Development Assessment and Compliance
Ms Alice Baldock	Planning Officer

**4.1 Apologies**

Nil

**4.2 Approved Leave of Absence**

Nil

**5. Declaration of Interest**

IMPORTANT: Committee members to complete a “Disclosure of Interest” form for each item on the agenda in which they wish to disclose a financial/proximity/impartiality interest. They should give the form to the Presiding Member before the meeting commences. After the meeting, the form is to be forwarded to the Administration Services Section for inclusion in the Corporate Financial Disclosures Register.

Nil

**6. Confirmation of Minutes**

Committee Decision:                      Moved: Mayor Brennan                      Seconded: Cr Steck

***The minutes of the Policy Review and Development Committee Meeting held on 12 November 2020 are confirmed as a true and accurate record.***

***CARRIED***

**7. Method of Dealing with Agenda Business**

All items were dealt with in the order they appeared in the agenda.

## 8. Reports

### 8.1 Review of Council Policy: Bunbury Wildlife Park Commitment to Animal Welfare

<b>File Ref:</b>	COB/306
<b>Applicant/Proponent:</b>	Internal
<b>Responsible Officer:</b>	Tanya-Marie Barbour, Team Leader Bunbury Wildlife Park
<b>Responsible Manager:</b>	Dave Russell, Manager Community Facilities
<b>Executive:</b>	Gary Barbour, Director Sustainable Communities
<b>Authority/Discretion</b>	<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
<b>Attachments:</b>	Appendix 1: Revised BWP Commitment to Animal Welfare Council Policy

#### Summary

The Bunbury Wildlife Park Commitment to Animal Welfare Council Policy is due for review in line with specified time frames, with minor changes recommended and simplified where appropriate (see proposed revisions at Appendix 1).

#### Executive Recommendation

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

*Voting Requirement: Simple Majority*

#### Strategic Relevance

Theme 1	Our Community and Culture
Goal	A safe, healthy and cohesive community, with a rich cultural life, and supportive social environment.
Objective 2	An active community, able to access a wide range of sporting, recreation and leisure options.

#### Regional Impact Statement

There will not be any regional impact by endorsing the revised Policy

#### Background

The Bunbury Wildlife Park Commitment to Animal Welfare Council Policy is reviewed every two years to reflect any updates and amendments to ensure its relevance as a policy of Council.

#### Council Policy Compliance

This report facilitates the review of an existing Council Policy.

### **Legislative Compliance**

N/A

### **Officer Comments**

This Policy is required due to accreditation requirements by the Zoo and Aquarium Association that the Bunbury Wildlife Park must follow to ensure continued accreditation. If it were not for this requirement then the Policy would not be required as the Bunbury Wildlife Park would still have to adhere to all legislative requirements under various legislation.

The proposed revised Bunbury Wildlife Park Commitment to Animal Welfare Council Policy has the following changes proposed as attached in the draft Policy to ensure that it is accurate and relevant.

1. **Legislation** – This has been updated to reflect the relevant legislations that the Bunbury Wildlife Park needs to adhere to.
2. **Industry** - This has been updated to reflect an accurate list of relevant industry requirements and code of practice.
3. **Organisational** – This has been updated to reflect the standing operating procedures that relate to animal welfare that are also followed in the operation of the Bunbury Wildlife Park.

### **Analysis of Financial and Budget Implications**

Nil

### **Community Consultation**

Nil

### **Elected Member/Officer Consultation**

Consultation took place with the Team Leader Bunbury Wildlife Park, Senior Wildlife Keeper Bunbury Wildlife Park and the Manager Community Facilities, with the policy now presented to the PRDC for consideration.

### **Timeline: Council Decision Implementation**

Immediate once Council have endorsed the recommendation.

### **Outcome of Meeting – 8 April 2021**

The recommendation as printed was moved Cr Steck and seconded by Mayor Brennan and was carried unanimously as follows:

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



## 8.2 Review of Council Policy: City of Bunbury Art Collection

<b>File Ref:</b>	COB/306
<b>Applicant/Proponent:</b>	N/A
<b>Responsible Officer:</b>	Dr Joanne Baitz, Bunbury Regional Art Gallery Director
<b>Responsible Manager:</b>	Dave Russell, Manager Community Facilities
<b>Executive:</b>	Gary Barbour, Director Sustainable Communities
<b>Authority/Discretion</b>	<input type="checkbox"/> Advocacy <input type="checkbox"/> Review <input checked="" type="checkbox"/> Executive/Strategic <input type="checkbox"/> Quasi-Judicial <input type="checkbox"/> Legislative <input type="checkbox"/> Information Purposes
<b>Attachments:</b>	Appendix 2: Revised City of Bunbury Art Collection Policy

### Summary

The City of Bunbury Art Collection Policy is due for review in line with specified time frames, with minor changes recommended and simplified where appropriate (see proposed revisions at Appendix 2).

### Executive Recommendation

That the Policy Review and Development Committee recommends that Council adopt the revised City of Bunbury Art Collection Policy as presented.

*Voting Requirement: Simple Majority*

### Strategic Relevance

Theme 1	Our Community and Culture
Goal	A safe, healthy and cohesive community, with a rich cultural life, and supportive social environment.
Objective 3	A welcoming community, where diverse cultures are valued, and residents have a sense of belonging.
Theme 4	Our City
Goal	Civic leadership, partnerships and sound governance in delivering with and for the community.
Objective 4	A skilled organisation, which exercises responsible asset stewardship, sound financial management, and exemplary customer service.

### Regional Impact Statement

There will not be any regional impact by endorsing the revised Policy

### Background

The Art Collection Council Policy is reviewed every two years to reflect any updates and amendments to ensure it is relevant in providing appropriate management of the City of Bunbury Art Collection.

### **Council Policy Compliance**

This report facilitates the review of an existing Council Policy.

### **Legislative Compliance**

N/A

### **Officer Comments**

The proposed revisions to the Art Collection Council Policy have been suggested to establish greater clarity and simplicity. Only the more topical or significant changes are detailed below rather than all edited mark-ups.

1. **Terminology** – Due to the organisational re-structure and period of time since last reviewed, relevant officer roles have been updated throughout the document.
2. **History of the Collection/Major Exhibitions (Section 1.3)** - This has been updated to detail the major exhibitions that the City undertakes including “The Survey”. The history section has been largely removed as this is not relevant to the application of the proposed Policy. The Art Collection Policy and the Corporate Guideline were combined in March 2020, so this is the 1<sup>st</sup> opportunity for the content to be reviewed and amended.
3. **Acquisitions (Section 2.2)** - The (2<sup>nd</sup> last paragraph) details that a deed of acquisition shall only need apply for donations, gifts or bequests and does not apply to normal purchase acquisitions for consideration. When artwork is purchased for consideration this is not required.
4. **Acquisition Approval Process and Procedures (Section 2.3)** – The acquisition panel configuration is recommended to be amended. Four members is considered appropriate for a decision of acquisition as well as providing sufficient diversity for successful acquisition. In addition to this ECU visual arts is coming to an end.
5. **Gifts and Bequests (Section 2.4)** – The 5<sup>th</sup> dot point has been recommended for removal as the intent of the information is already covered elsewhere in the document that relates to deciding on acceptance of a gifted or artwork bequest. Although unlikely to eventuate, the winding up clause is proposed for amendment to protect the intended interest of those that gift or bequest. The current wording would in the event of winding up would allow any artwork to go to any institution with a tax-deductible status. Consultation has been undertaken with the Art Gallery of WA to obtain the wording that they utilise for the gifts and bequests. The proposed wording protects the interest of the donor that their contribution remains within the donor’s original intent.

Long Term incoming or outgoing loans are considered fundamental and some additional content has been added to include this. Accepting long term loans within a specified timeframe is a way for the gallery to show works that we may not have the ability to purchase for our collection – either due to lack of funds or opportunity. The City currently have three works that we have accepted for a period of three years under a

storage agreement. In addition, we have in place an outgoing loan agreement with St John of God that for \$7,000 per annum.

6. **Deductible Gift Recipient (Section 2.5)** – The wording has been updated to include the winding up information that has already been detailed in Section 2.4.
7. **De-Accessioning and Disposal of Collection Artworks (Section 2.6)** – The six-month pending period has been removed. Council makes the decision for de-accession so once this has been made then the disposal process should follow. There should be no need for a six-month pending period. The additional paragraph referencing Council decision No. 256/12 has also been removed as this no longer applies and related to the previous governance and committee model.
8. **Method of Disposal and Documentation (Section 2.7)** – This has been amended to align with both the Local Government Act and the Council Disposal of Minor Assets Management Policy. In addition it, aligns with the recently changed Public Art Council Policy for consistency in wording.

#### **Analysis of Financial and Budget Implications**

All monies spent on the maintenance and acquisition of the art collection is done so in line with approved adopted budgets on an annual basis.

#### **Community Consultation**

Nil

#### **Elected Member/Officer Consultation**

Consultation took place within the Bunbury Regional Art Gallery (BRAG) Director Dr Joanne Baitz, BRAG staff and the Manager Community Facilities, with the matter now presented to the PRDC for consideration.

#### **Applicant Consultation**

N/A

#### **Timeline: Council Decision Implementation**

Immediate once Council have endorsed the recommendation.

#### **Outcome of Meeting – 8 April 2021**

General discussion took place in relation to this item, specifically in relation to:

- Questioning the wording “art museum quality” within the policy? The CEO advised that the wording had come from the professional staff working at BRAG, but would clarify and advise in due course.

- What happened to the \$10,000 that was set aside many years ago for the purpose of writing the history of the Bunbury Regional Art Galleries? The CEO and Manager City Facilities advised they would follow up and advise in due course.
- Why was the history component of the Bunbury Regional Art Galleries proposed to be removed from the policy? The Manager City Facilities responded by stating that the intent of the policy is to guide the management of the City's art collection, rather than being a document which details the history of the BRAG. Mr Russell did indicate that historical representations will be made for patrons and the public to access.
- It was also requested to add the words "and residents" into clause 1.1 of the policy.

The following motion was moved by Cr Steck and seconded by Mayor Brennan, and was carried unanimously:

***That the Policy Review and Development Committee recommends that Council adopt the revised City of Bunbury Art Collection Policy as presented and amended, noting that Officers will ensure that the history of the BRAG is accentuated and made accessible for Gallery patrons and the public both at the BRAG and online.***

### 8.3 Review of Local Planning Policy 2.1: Home Based Businesses & Family Day Care

<b>File Ref:</b>	COB/3150
<b>Applicant/Proponent:</b>	Internal
<b>Responsible Officer:</b>	Alice Baldock, Planning Officer
<b>Responsible Manager:</b>	Felicity Anderson, Manager City Growth
<b>Executive:</b>	Gary Barbour, Director Sustainable Communities
<b>Authority/Discretion</b>	<input type="checkbox"/> Advocacy <input type="checkbox"/> Review <input checked="" type="checkbox"/> Executive/Strategic <input type="checkbox"/> Quasi-Judicial <input type="checkbox"/> Legislative <input type="checkbox"/> Information Purposes
<b>Attachments:</b>	Appendix 3: Revised Local Planning Policy No. 2.1: Home Based Businesses & Family Day Care

#### Summary

The purpose of this report is for Council to consider the proposed amendment of Local Planning Policy 2.1: Home Based Businesses & Family Day Care (the Policy) in accordance with the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) – see Appendix 3.

The gazettal of the *Planning Regulations Amendment Regulations 2020* on 18 December 2020 introduced amendments to the Regulations which became effective on 15 February 2021. The Western Australian Planning Commission (WAPC) resolved to advise all local governments that any proposed amendments to local planning policies that are required solely to bring them into alignment with the updated Regulations are considered minor amendments and, therefore, do not require advertising under the deemed provisions.

One of the amendments to the Regulations has made ‘home occupation’ land uses exempt from requiring development approval and as such the Policy has been amended to align with the updated Regulations.

#### Executive Recommendation

That the Policy Review and Development Committee recommends that Council:

1. In accordance with the *Planning and Development Act 2005* (as amended), amend Local Planning Policy 2.1: Home Based Businesses & Family Day Care in accordance with Part 2, Schedule 2, Clause 5(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
2. Publish a notice of the amendment in a newspaper circulating in the Scheme area.

*Voting Requirement: Simple Majority*

#### 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.

### **Regional Impact Statement**

The proposal will have no regional impact.

### **Background**

The Policy was adopted by Council in 2003 and reviewed in 2011. It is noted that since 2011, both state and local planning frameworks have been extensively reviewed and updated.

### **Council Policy Compliance**

Not applicable.

### **Legislative Compliance**

The following statutory planning instruments of the state and local planning framework are applicable:

- *Planning and Development Act 2005* (as amended);
- *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations); and
- Local Planning Scheme No.8 (LPS8 or the Scheme).

The procedure for amending an adopted local planning policy is set out in clause 5 of the deemed provisions of the Regulations. Amendments to a local planning policy that are deemed to be minor amendments under clause 5(2) of the deemed provisions requires Council to resolve to proceed with the policy and a notice of the policy being published in the Scheme area.

The recommendation of the Policy Review and Development Committee will be included in the agenda item presented to Council for consideration. The amendment of a local planning policy is a statutory procedure that must be determined by Council.

### **Officer Comments**

The proposed amendments to the Policy are considered minor, including updated provisions and exemptions aligning them with the updated Regulations and updated policy format reflecting the new template.

Pursuant to clause 67(2) of the updated Regulations, a 'home occupation' is now exempt in all zones, in addition to a 'home office', provided it has no works component or meets the deemed-to-comply requirements. As such the Policy has been updated to align with the Regulations, exempting 'home occupation' land uses and removing all reference of their previous provisions.

The proposed amended Policy utilises the new policy template format and has been simplified from 21 pages to 6 pages to increase user friendliness.

### **Analysis of Financial and Budget Implications**

There are no consequential financial or budgetary implications associated with the local planning policy revocation procedure other than the costs of public advertising. On average over the past three years (2018-2020), the City has received 11 development applications for home occupations per year. The exemption of 'home occupation' land uses would result in an average loss of revenue of \$1,617 from development application fees and \$4,672 from annual renewal fees that is currently requested from the 64 active home occupations in November each year.

### **Community Consultation**

A notice of the amendment will be published in a newspaper circulating the Scheme area.

### **Councillor/Officer Consultation**

The amendment of the Policy has been referred to the City of Bunbury's Planning department for professional advice prior to the finalisation of this report.

### **Applicant Consultation**

Not applicable.

### **Timeline: Council Decision Implementation**

Once a decision has been made to amend the Policy, a notice will be placed in the newspaper in accordance with the requirements of the deemed provisions under the Regulations.

### **Outcome of Meeting – 8 April 2021**

General discussion took place in relation to this item.

With the correction of a typo on page 4 of 6 of the policy, the recommendation was moved by Cr Steck and seconded by Cr Smith and was carried unanimously as follows:

***That the Policy Review and Development Committee recommends that Council:***

- 1. In accordance with the Planning and Development Act 2005 (as amended), amend Local Planning Policy 2.1: Home Based Businesses & Family Day Care in accordance with Part 2, Schedule 2, Clause 5(2) of the Planning and Development (Local Planning Schemes) Regulations 2015.***
- 2. Publish a notice of the amendment in a newspaper circulating in the Scheme area.***

#### 8.4 Proposed Council Policy: Records Management

<b>File Ref:</b>	COB/306
<b>Applicant/Proponent:</b>	Internal
<b>Responsible Officer:</b>	Sheree McGee Senior Corporate Information Officer
<b>Responsible Manager:</b>	Greg Golinski, Manager Governance
<b>Executive:</b>	Dave Chandler, Director Strategy and Organisational Performance
<b>Authority/Discretion</b>	<input type="checkbox"/> Advocacy <input type="checkbox"/> Review <input checked="" type="checkbox"/> Executive/Strategic <input type="checkbox"/> Quasi-Judicial <input type="checkbox"/> Legislative <input type="checkbox"/> Information Purposes
<b>Attachments:</b>	Appendix 4: Draft Council Policy Records Management

#### Summary

The purpose of this report is for the Policy Review and Development Committee to consider introducing a new Council Policy regarding records management (see Appendix 4).

#### Executive Recommendation

That the Policy Review and Development Committee recommend that Council adopt the new Record Management Policy as presented.

*Voting Requirement: Simple Majority*

#### 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

#### Regional Impact Statement

This policy would only apply within the City of Bunbury.

#### Background

The City does not currently have a formal policy in relation to Record Keeping to complement the existing Record Keeping Plan (RKP).

The intent of the proposed Policy is to:

- Outline the principles, approach and rules associated with records management
- Ensure that Elected Members, employees, and contractors understand their recordkeeping roles and responsibilities; and
- Outline the City's commitment to effective, efficient, and compliant record keeping practices.



### **Council Policy Compliance**

This report proposes the introduction of a new Council Policy.

### **Legislative Compliance**

*State Records Act 2000*  
*Local Government Act 1995*  
*Freedom of Information Act 1992*  
*Evidence Act 1906*  
*Electronic Transactions Act 2011*  
*Criminal Code (s85)*

City of Bunbury Record Keeping Plan 2018 - 2023

### **Officer Comments**

Effective records and information management is vital to all Council and operational activities of the City of Bunbury. All Council and organisational decisions and transactions relating to governance, administration and operational transactions will be documented as records. All records, regardless of physical format will be managed within the City's official record keeping systems. The management of records is to meet operational informational and legislative requirements. Systems for records management will enhance retrieval and ensure integrity, physical safety and security of records and support our compliance with record keeping legislation.

Record keeping is important, and all elected members and employees share in the responsibility of ensuring significant records are kept and are retrievable.

The proposed policy complements the City's existing RKP and provides a record keeping framework to ensure that full and accurate records of all activities and decisions of Council are created, assessed, managed, and retained or disposed of appropriately and in accordance with relevant legislation.

Whilst not a statutory requirement, a policy in this regard will have tangible benefit in that it clearly illustrates the City's commitment to all aspects of Record Keeping in line with the State Records Act and City's RKP, which apply to both Elected Members and staff.

### **Analysis of Financial and Budget Implications**

Nil

### **Community Consultation**

Nil

### **Elected Member/Officer Consultation**

The Governance Department has been involved in the creation of this Policy

**Applicant Consultation**

Not Applicable

**Timeline: Council Decision Implementation**

Following Council endorsement, the policy will become effective immediately.

**Outcome of Meeting – 8 April 2021**

The recommendation was moved by Mayor Brennan and seconded by Cr Steck and was carried unanimously as follows:

***That the Policy Review and Development Committee recommend that Council adopt the new Record Management Policy as presented.***

## 8.5 Review of Council Policy: Recognition of Long Serving Employees

<b>File Ref:</b>	COB/306
<b>Applicant/Proponent:</b>	City of Bunbury
<b>Responsible Officer:</b>	Odetta Robertson, Manager People and Safety
<b>Responsible Manager:</b>	Odetta Robertson, Manager People and Safety
<b>Executive:</b>	Dave Chandler, Director Strategy and Organisational Performance
<b>Authority/Discretion</b>	<input type="checkbox"/> Advocacy <input type="checkbox"/> Review <input checked="" type="checkbox"/> Executive/Strategic <input type="checkbox"/> Quasi-Judicial <input type="checkbox"/> Legislative <input type="checkbox"/> Information Purposes
<b>Attachments:</b>	Appendix 5: Recognition of Long Serving Employees Council Policy

### Summary

The purpose of this report is for the Policy Review and development Committee to consider the revocation of the Recognition of Long Serving Employees Council Policy. A copy of the existing policy is at Appendix 5.

Under the parameters of Council's adopted Policy Framework, it is suggested this policy be implemented administratively as a Management Policy, without the need for Council intervention.

### Executive Recommendation

That the Policy Review and Development Committee recommends that Council revokes existing Council Policy Recognition of Long Serving Employees, and notes that in future the policy will be applied as a Management Policy.

*Voting Requirement: Simple Majority*

### 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.

### Regional Impact Statement

There is no regional impact in relation to this report.

### Background

This policy was originally adopted in 1990, and has seen numerous reviews in the years since, most recently in July 2019.

### Council Policy Compliance

This report facilitates the review of an existing Council Policy.

### **Legislative Compliance**

No legislative compliance is applicable to this report.

### **Officer Comments**

This policy has been reviewed by officers as part of a biennial policy review schedule. Officers are of the opinion that the policy is more suited as a Management Policy under Council's adopted Policy Framework, and as such is proposed for revocation and implementation accordingly.

### **Analysis of Financial and Budget Implications**

This policy is implemented utilising existing budget lines.

### **Community Consultation**

N/A

### **Councillor/Officer Consultation**

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

### **Applicant Consultation**

The City is the applicant in this instance.

### **Timeline: Council Decision Implementation**

Immediately following a formal Council decision.

### **Outcome of Meeting – 8 April 2021**

The recommendation was moved by Cr Steck and seconded by Cr Smith and was carried unanimously as follows:

***That the Policy Review and Development Committee recommends that Council revokes existing Council Policy Recognition of Long Serving Employees, and notes that in future the policy will be applied as a Management Policy.***

## 8.6 Review of Council Policy: Development of Public Lands Fund

<b>File Ref:</b>	COB/306
<b>Applicant/Proponent:</b>	City of Bunbury
<b>Responsible Officer:</b>	Kristen Anderson
<b>Responsible Manager:</b>	Felicity Anderson, Manager City Growth
<b>Executive:</b>	Gary Barbour, Director Sustainable Communities
<b>Authority/Discretion</b>	<input type="checkbox"/> Advocacy <input type="checkbox"/> Review <input checked="" type="checkbox"/> Executive/Strategic <input type="checkbox"/> Quasi-Judicial <input type="checkbox"/> Legislative <input type="checkbox"/> Information Purposes
<b>Attachments:</b>	Appendix 6: Development of Public Lands Council Policy

### Summary

The purpose of this report is for the Policy Review and development Committee to consider the revocation of the Development of Public Lands Fund Policy. A copy of the existing policy is at Appendix 6.

This policy has been reviewed and is recommended for revocation for a number of reasons as discussed within this report.

### Executive Recommendation

That the Policy Review and Development Committee recommends that Council revokes existing Council Policy Development of Public Lands Fund.

*Voting Requirement: Simple Majority*

### 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.

### Regional Impact Statement

There is no regional impact in relation to this report.

### Background

The Development of Public Land Fund Policy was established in 2016 to assist businesses to implement development on public land for the purpose of improving business opportunity and providing identified social and economic benefit to the wider community.

The fund was set up as a loan whereby businesses could lend from the City the up-front capital to develop physical structures on public land, such as alfresco dining areas on road reserve.

Businesses are able to apply to the City for up to \$15,000. The applicants are required to demonstrate a social and/or economic benefit to the community derived from the funds and if successful, are required to repay the loan over a three year period.

The loan has not been utilised by any other businesses since 2016, though funds have been kept aside every year should applications be received.

Since the inception of this policy, the City has offered businesses support to develop public land in other ways, including the most recent business grant that allowed businesses to use funds for façade improvements.

With these factors in mind, it is considered appropriate to revoke this Council Policy.

### **Council Policy Compliance**

The Development of Public Land Fund.

### **Legislative Compliance**

No legislative compliance is applicable to this report.

### **Officer Comments**

Since this policy was adopted, the City has implemented alternative methods of supporting our business community and this loan has not been taken up since 2016.

With interest rates at an all-time low businesses are able to access low interest loans through more traditional sources of funding.

Given the impact of COVID-19 to the City's financial position, it is considered prudent that budgetary amounts are not kept set aside in case an application is received, rather ensuring businesses are supported through meaningful channels and in ways that actually provide them with alternative assistance and support.

### **Analysis of Financial and Budget Implications**

In previous financial years, PR-4146 Development of Public Land Fund, had an allocation of \$50,000 per annum budgeted that could be loaned and repaid over a three year period.

With nearly five years since the loan option has been available and not taken up, the budget has been reduced year on year to \$10,000 in the 2019/20 financial year.

With the impact COVID-19 had to the City's operating budgets, no funds have been allocated to this project for the 2020/21 financial year.

### **Community Consultation**

Community consultation has not been undertaken for the purpose of this report.

### **Councillor/Officer Consultation**

The City's Economic Development team, who administer alternative business support initiatives, have reviewed this policy with those programs in mind.

### **Applicant Consultation**

The City is the applicant in this instance.

### **Timeline: Council Decision Implementation**

We recommend that should the Policy Review and Development Committee and subsequently Council, determine to revoke this policy, that it would be revoked immediately following a formal Council decision.

### **Outcome of Meeting – 8 April 2021**

The recommendation was moved by Cr Steck and seconded by Cr Smith and was carried unanimously as follows:

***That the Policy Review and Development Committee recommends that Council revokes existing Council Policy Development of Public Lands Fund.***

## 8.7 Review of Council Policy: Land Rationalisation and Acquisitions

<b>File Ref:</b>	COB/306
<b>Applicant/Proponent:</b>	Internal
<b>Responsible Officer:</b>	Vacant, Senior Lands Officer
<b>Responsible Manager:</b>	David Ransom, Manager Finance Felicity Anderson, Manager City Growth
<b>Executive:</b>	Dr Dave Chandler, Director Strategy and Organisational Performance Gary Barbour, Director Sustainable Communities
<b>Authority/Discretion</b>	<input type="checkbox"/> Advocacy <input type="checkbox"/> Review <input checked="" type="checkbox"/> Executive/Strategic <input type="checkbox"/> Quasi-Judicial <input type="checkbox"/> Legislative <input type="checkbox"/> Information Purposes
<b>Attachments:</b>	Appendix 7: Revised Land Rationalisation and Acquisitions Policy

### Summary

The purpose of this report is for the Policy Review and Development Committee (PRDC) to review existing Council Policy *Land Rationalisation and Acquisitions*. A copy of the proposed revised policy is **attached** at Appendix 7.

### Executive Recommendation

That the Policy Review and Development Committee recommend that Council adopt the revised Council Policy Land Rationalisation and Acquisitions as presented.

*Voting Requirement: Simple Majority*

### 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.

### Regional Impact Statement

This Policy applies only to the City of Bunbury

### Background

The Land Rationalisation and Acquisitions policy was last reviewed in December 2018 and is now presented to the PRDC for its biennial review.

### Council Policy Compliance

This report facilitates a review of an existing Council Policy.

### Legislative Compliance



There is no legislative compliance governing Council policy review.

#### **Officer Comments**

Officers' have reviewed current Council policy Land Rationalisation and Acquisitions, and only suggest some minor wording changes. It is felt that the current wording, when interpreted, would require formal reports to be presented in this regard, whereas matters of such nature are typically presented to Elected Members at informal or strategic briefing sessions. The proposed wording changes merely make this clarification.

#### **Analysis of Financial and Budget Implications**

Nil

#### **Community Consultation**

Nil

#### **Elected Member/Officer Consultation**

The revised Policy is presented to the Policy Review and Development Committee for consideration and recommendation to Council.

#### **Applicant Consultation**

Not applicable.

#### **Timeline: Council Decision Implementation**

Once adopted by Council, the Policy become effective immediately.

#### **Outcome of Meeting – 8 April 2021**

The recommendation was moved by Cr Steck and seconded by Cr Kozisek and was carried unanimously as follows:

***That the Policy Review and Development Committee recommend that Council adopt the revised Council Policy Land Rationalisation and Acquisitions as presented.***

## 8.8 Review of Council Policy: Use of Car Parking Bays for Outdoor Eating Areas in the CBD

<b>File Ref:</b>	COB/306
<b>Applicant/Proponent:</b>	Internal
<b>Responsible Officer:</b>	Sarah Upton, Manager Community Services
<b>Responsible Manager:</b>	Sarah Upton, Manager Community Services
<b>Executive:</b>	Gary Barbour, Director Sustainable Communities
<b>Authority/Discretion</b>	<input type="checkbox"/> Advocacy <input type="checkbox"/> Review <input checked="" type="checkbox"/> Executive/Strategic <input type="checkbox"/> Quasi-Judicial <input type="checkbox"/> Legislative <input type="checkbox"/> Information Purposes
<b>Attachments:</b>	Appendix 8: Revised Policy Use of Car Parking Bays for Alfresco Dining in the CBD

### Summary

The purpose of this report is for the Policy Review and Development Committee (PRDC) to review existing Council Policy *Use of Car Parking Bays for Outdoor Eating Areas in the CBD*. A copy of the proposed revised policy is **attached** at Appendix 8.

### Executive Recommendation

That the Policy Review and Development Committee recommend that Council adopt the revised Council Policy Use of Car Parking Bays for Alfresco Dining in the CBD as presented.

*Voting Requirement: Simple Majority*

### 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.

### Regional Impact Statement

This Policy applies only to the City of Bunbury

### Background

This policy has been in place since May 2015, where it was adopted by Council to establish guidelines for businesses that were interested in establishing outdoor dining opportunities within existing car parking bays immediately in front of their place of business.

### Council Policy Compliance

This report facilitates a review of an existing Council Policy.

### Legislative Compliance

There is no legislative compliance governing Council policy review.

#### **Officer Comments**

Officers' have reviewed the current policy and propose some refinement to ensure consistent language between the policy and the recently adopted City of Bunbury Local Government and Public Places Local Law. Neither the intent nor the processes within the policy have been affected.

#### **Analysis of Financial and Budget Implications**

Nil

#### **Community Consultation**

Nil, as the policy has merely been updated to reflect the wording used within the City of Bunbury Local Government and Public Places Local Law, and its intent has not changed.

#### **Elected Member/Officer Consultation**

The revised Policy is presented to the Policy Review and Development Committee for consideration and recommendation to Council.

#### **Applicant Consultation**

Not applicable.

#### **Timeline: Council Decision Implementation**

Once adopted by Council, any changes to the Policy become effective immediately.

#### **Outcome of Meeting – 8 April 2021**

General discussion took place in relation to this item, with the Manager Community Services indicating that with the agreement of the Committee she proposes to amend point 5 of the policy (Fees and Charges) to make the wording clearer and better aligned with Council's current adopted Fees and Charges.

With these changes, the recommendation was moved by Cr Steck and seconded by Mayor Brennan and was carried unanimously as follows:

***That the Policy Review and Development Committee recommend that Council adopt the revised Council Policy Use of Car Parking Bays for Alfresco Dining in the CBD as presented and amended.***

## 8.9 Review of Council Policy: Temporary Appointment of CEO

<b>File Ref:</b>	COB/306
<b>Applicant/Proponent:</b>	Internal
<b>Responsible Officer:</b>	Leanne French, Senior Governance & Risk Officer
<b>Responsible Manager:</b>	Greg Golinski, Manager Governance
<b>Executive:</b>	Dr Dave Chandler, Director Strategy and Organisational Performance
<b>Authority/Discretion</b>	<input type="checkbox"/> Advocacy <input type="checkbox"/> Review <input checked="" type="checkbox"/> Executive/Strategic <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Legislative <input type="checkbox"/> Information Purposes
<b>Attachments:</b>	Appendix 9: Revised Temporary Appointment of CEO Policy

### Summary

This report is present to the Policy Review and Development Committee for consideration of a revised Council Policy regarding the temporary appointment of a Chief Executive Officer for the City of Bunbury (Acting CEO). A copy of the proposed revised policy is **attached** at Appendix 9.

### Executive Recommendation

That the Policy Review and Development Committee recommend that Council adopt the revised Council Policy Temporary Appointment of CEO as presented.

*Voting Requirement: Absolute Majority*

### 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.

### Regional Impact Statement

This Policy applies only to the City of Bunbury

### Background

Section 5.36 of the *Local Government Act 1995* (the Act) requires a local government to employ a CEO and such other persons as the Council believes are necessary to enable the functions of the local government and the functions of the Council to be performed.

Section 5.39 (1a) of the Act states that an employee may act in the position of a CEO or a senior employee for a term not exceeding one year without a written contract for the position in which he or she is acting.

The introduced section of 5.39C of the Act has recently received commencement proclamation and requires that a local government must prepare and adopt by an absolute majority a policy

that sets out the process to be followed by the local government in relation to the employment of a person in the position of CEO for a term not exceeding 1 year.

### **Council Policy Compliance**

Current Council Policy Temporary Appointment of CEO.

### **Legislative Compliance**

Sections 5.36, 5.39 and 5.39C of the *Local Government Act 1995* apply.

### **Officer Comments**

The Council adopted its current policy on 23 June 2020 in anticipation of section 22 of the *Local Government Legislation Amendment Act 2019* coming into operation, noting that Regulations were yet to be drafted that may require the policy to be amended in the future.

The *Local Government (Administration) Amendment Regulations 2021* took effect on 3 February 2021 implementing section 5.39C of the Act. The Department of Local Government, Sport and Cultural Industries (the Department) has provided guidance materials of what might be included in a local government's policy.

Based on the provided guidance material, officers have proposed amendments to the current Council Policy to ensure Council is compliant with best practice principles.

The Department has recommended the following items be contained within the Policy:

- A methodology for the CEO to appoint an Acting CEO from the listed positions for a period of absence of up to four weeks; and
- Where an Acting CEO may be appointed for a period longer than four weeks, Council should be involved in the decision-making process because ultimately the responsibility for employing the CEO under section 5.36 of the Act is with Council.

### **Analysis of Financial and Budget Implications**

Nil

### **Community Consultation**

Nil

### **Elected Member/Officer Consultation**

Officers within the People & Safety Department have been consulted in the revision of the Policy.

The revised Policy is presented to the Policy Review and Development Committee for consideration and recommendation to Council.

### **Applicant Consultation**

Not applicable.

**Timeline: Council Decision Implementation**

Once adopted by Council, the Policy become effective immediately.

**Outcome of Meeting – 8 April 2021**

The recommendation was moved by Cr Smith and seconded by Cr Steck and was carried unanimously as follows:

***That the Policy Review and Development Committee recommend that Council adopt the revised Council Policy Temporary Appointment of CEO as presented.***

### 8.10 Proposed Council Policy: Council Member, Committee Member and Candidate Code of Conduct Complaint Handling

<b>File Ref:</b>	COB/306
<b>Applicant/Proponent:</b>	Internal
<b>Responsible Officer:</b>	Leanne French, Senior Governance and Risk Officer
<b>Responsible Manager:</b>	Greg Golinski, Manager Governance
<b>Executive:</b>	Dave Chandler, Director Strategy and Organisational Performance
<b>Authority/Discretion</b>	<input type="checkbox"/> Advocacy <input type="checkbox"/> Review <input checked="" type="checkbox"/> Executive/Strategic <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Legislative <input type="checkbox"/> Information Purposes
<b>Attachments:</b>	Appendix 10: Proposed Policy Council Member, Committee Member and Candidate Code of Conduct Complaint Handling

#### Summary

This report is presented to the Policy Review and Development Committee for consideration of a new Council Policy that outlines the process of how a complaint can be made alleging a breach of Division 3 of the City of Bunbury Code of Conduct for Council Members, Committee Members and Candidates. A copy of the proposed new Policy is attached at Appendix 10.

#### Executive Recommendation

That the Policy Review and Development Committee recommend that Council:

1. Adopt the new Council Policy Council Member, Committee Member and Candidate Code of Conduct Complaint Handling as presented.
2. Request the CEO liaise with neighbouring local governments with a view to service sharing in relation to the engagement of an independent consultant for the purpose of investigating complaints pursuant to the Council Member, Committee Member and Candidate Code of Conduct Complaint Handling Policy.

*Voting Requirement: Simple Majority*

#### 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.

#### Regional Impact Statement

This Policy applies only to the City of Bunbury.

## **Background**

Council adopted the Model Code of Conduct as contained within the Regulations as the City model, applicable to Council Members, Committee Members and Candidates at its meeting held 23 February 2021, refer Council Decision 28/2021.

Within the same decision, Council approved a Complaint Form in accordance with Clause 11(2) of the Regulations and authorised the CEO for the purpose of receiving complaints and withdrawals of complaints in accordance with Clause 11(3) of the Regulations.

Clause 11 of the *Local Government (Model Code of Conduct) Regulations 2021* (the Regulations) provides that a person can make a complaint alleging a breach of Division 3 within one month of the alleged breach occurring.

Complaints regarding alleged breaches of the Model Code in Division 3 are managed by the Council as the decision-making body of the local government. The emphasis is on education and development, rather than punitive sanctions, with the aim of establishing or restoring positive working relationships and avoiding further breaches.

## **Council Policy Compliance**

City of Bunbury Code of Conduct for Council Members, Committee Members and Candidates.

## **Legislative Compliance**

Clause 11, *Local Government (Model Code of Conduct) Regulations 2021*.

## **Officer Comments**

The guidelines produced in February 2021 by the Department of Local Government, Sport and Cultural Industries (the Department) recommend that local governments develop a complaint handling process to deal with complaints alleging breaches of the behavioural provisions.

Pursuant to clauses 11-15 of the Regulations and based on the guidance material provided by the Department and the Ombudsman Western Australia, officers have prepared a Complaint Handling Policy which outlines the processes for:

- making a complaint;
- dealing with a complaint;
- making a finding;
- action plans;
- dismissal of complaint; and
- withdrawal of a complaint.

The intent of the Policy is to ensure that any member of the local community can raise concerns about the conduct of council members, committee members and candidates by a process that is simple and accessible.



The Policy does not deal with complaints about services delivered by the City or complaints against any other employee of the City. Complaints within these parameters are managed in accordance with the Customer Service Charter and Customer Complaint Management Policy.

A copy of the Code of Conduct, approved Complaint Form and new Policy are required to be published on the City's website.

#### **Analysis of Financial and Budget Implications**

The engagement of an independent consultant to undertake investigations under the terms of the proposed policy will be funded from existing legal expense budgets. It is impossible to advise exact costs as each potential investigation will vary in scope and timeframes.

It is suggested that collaborating with neighbouring local governments in regard to appointing a consultant/s for this purpose will result in reduced costs through economies of scale.

#### **Community Consultation**

Nil.

#### **Elected Member/Officer Consultation**

Officers within the People and Safety Department have been consulted in the development of the new Policy.

The new Policy is presented to the Policy Review and Development Committee for consideration and recommendation to Council.

#### **Applicant Consultation**

N/A

#### **Timeline: Council Decision Implementation**

Once adopted by Council, the Policy will become effective immediately.

#### **Outcome of Meeting – 8 April 2021**

The recommendation was moved by Cr Smith and seconded by Cr Kozisek and was carried unanimously as follows:

***That the Policy Review and Development Committee recommend that Council:***

- 1. Adopt the new Council Policy Council Member, Committee Member and Candidate Code of Conduct Complaint Handling as presented.***
- 2. Request the CEO liaise with neighbouring local governments with a view to service sharing in relation to the engagement of an independent consultant for the purpose of investigating complaints pursuant to the Council Member, Committee Member and Candidate Code of Conduct Complaint Handling Policy.***

### 8.11 Standards for CEO Recruitment, Performance and Termination

<b>File Ref:</b>	COB/306
<b>Applicant/Proponent:</b>	Internal
<b>Responsible Officer:</b>	Leanne French, Senior Governance and Risk Officer
<b>Responsible Manager:</b>	Greg Golinski, Manager Governance
<b>Executive:</b>	Dave Chandler, Director Strategy and Organisational Performance
<b>Authority/Discretion</b>	<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
<b>Attachments:</b>	Appendix 11: Proposed Model Standards for CEO Recruitment, Performance and Termination

#### Summary

The purpose of this report is to present the recently legislated standards covering the recruitment and selection, performance review and termination of employment of local government Chief Executive Officers (CEO's). A copy of the proposed City of Bunbury CEO Standards is attached at Appendix 11.

#### Executive Recommendation

That the Policy Review and Development Committee recommend that Council adopt the new City of Bunbury Standards for CEO Recruitment, Performance and Termination as presented.

*Voting Requirement: 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.

#### Regional Impact Statement

These standards apply only to the City of Bunbury.

#### Background

The *Local Government Legislation Amendment Act 2019* included a requirement for model standards covering the recruitment and selection, performance review and termination of employment of local government CEOs. The reforms were intended to ensure best practice and greater consistency in these processes between local governments.

The Model Standards for CEO recruitment, performance and termination were included in the *Local Government (Administration) Amendment Regulations 2021* which took effect on Wednesday, 3 February 2021.

Local governments must prepare and adopt the CEO Standards within 3 months from the regulations taking effect, by 3 May 2021. Until such time as a local government prepares and adopts its own CEO standards, the model CEO standards in regulations apply.

Local Governments may introduce additional standards where appropriate, however any additional standards must be consistent with the model standards. The CEO must publish the adopted standards on the City's website pursuant to section 5.39B(6) of the *Local Government Act 1995*.

### **Council Policy Compliance**

Temporary Appointment of CEO Council Policy and Annual Performance Appraisal and Salary Review Council Policy relate to the matter.

### **Legislative Compliance**

Section 5.39B(2), (3), (5) and (6) of the *Local Government Act 1995* – Adoption of Model standards apply as follows:

#### ***Adoption of Model standards***

- (2) *Within 3 months after the day on which regulations prescribing the model standards come into operation, a local government must prepare and adopt\* standards to be observed by the local government that incorporate the model standards.*
- (3) *Within 3 months after the day on which regulations amending the model standards come into operation, the local government must amend\* the adopted standards to incorporate the amendments made to the model standards.*
- (5) *The model standards are taken to be a local government's adopted standards until the local government adopts standards under this section.*
- (6) *The CEO must publish an up-to-date version of the adopted standards on the local government's official website.*

### **Officer Comments**

The model standards provide a framework for local governments to select a CEO in accordance with the principles of merit, probity, equity and transparency.

Key features of the CEO model standards include the requirements:

- to establish a selection panel comprised of council members and at least one independent person to conduct the recruitment and selection process for the position of CEO;
- to establish a performance review process by agreement between the local government and the CEO; and
- to conduct a recruitment and selection process where an incumbent CEO has held the position for a period of ten or more consecutive years on expiry of the CEO's contract.

In addition, requirements for advertising vacant CEO positions have been updated to align with amendments to state-wide public notice provisions.

City Officers have recommended three additions to the model CEO standards, being clause 12(3), inclusion of a date at clause 13(1) and clause 23(2) as presented at Appendix 11.

Clauses 12(3) and 23(2) are processes required by Council following a recruitment or termination of a CEO as provided by Regulations 18FB and 18FC of the *Local Government (Administration) Regulations 1996*.

To facilitate the process requirements within the CEO Standards, the Department of Local Government, Sport and Cultural Industries (The Department) Guideline (February 2021) recommends that local governments develop policies to:

- a) facilitate the process of CEO recruitment, including the requirement to establish a selection panel, and
- b) guide the CEO performance review process (see item 8.12 of this agenda).

Officers are currently undertaking research to guide the development of a policy to facilitate the process of future CEO recruitment and selection, which will be presented to the Committee at a later date.

#### **Analysis of Financial and Budget Implications**

Nil

#### **Community Consultation**

Nil

#### **Elected Member/Officer Consultation**

Officers within the People and Safety Department have been consulted in the development of the City of Bunbury CEO Standards for Recruitment, Performance and Termination.

The City of Bunbury CEO Standards for Recruitment, Performance and Termination are presented to the Policy Review and Development Committee for consideration and recommendation to Council.

#### **Applicant Consultation**

N/A

#### **Timeline: Council Decision Implementation**

Once adopted by Council, the Standards will become effective immediately.

**Outcome of Meeting – 8 April 2021**

The recommendation was moved by Cr Steck and seconded by Cr Kozisek and was carried unanimously as follows:

***That the Policy Review and Development Committee recommend that Council adopt the new City of Bunbury Standards for CEO Recruitment, Performance and Termination as presented.***

### 8.12 Proposed Council Policy: CEO Performance and Salary Review

<b>File Ref:</b>	COB/306
<b>Applicant/Proponent:</b>	Internal
<b>Responsible Officer:</b>	Leanne French, Senior Governance and Risk Officer
<b>Responsible Manager:</b>	Greg Golinski, Manager Governance
<b>Executive:</b>	Dave Chandler, Director Strategy and Organisational Performance
<b>Authority/Discretion</b>	<input type="checkbox"/> Advocacy <input checked="" type="checkbox"/> Review <input checked="" type="checkbox"/> Executive/Strategic <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Legislative <input type="checkbox"/> Information Purposes
<b>Attachments:</b>	Appendix 12A: Current Council Policy Annual Performance Appraisal and Salary Review Appendix 12B: Proposed Council Policy CEO Performance and Salary Review

#### Summary

The purpose of this report is to present a new Council Policy for the Chief Executive Officer (CEO) Performance and Salary Review as attached at Appendix 12B, and request the revocation of Council Policy Annual Performance Appraisal and Salary Review as attached at Appendix 12A.

#### Executive Recommendation

That the Policy Review and Development Committee recommend that Council:

1. Revoke the current Council Policy Annual Performance Appraisal and Salary Review; and
2. Adopt the new Council Policy CEO Performance and Salary Review.

*Voting Requirement: Simple 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.

#### Regional Impact Statement

The new Policy will apply only to the City of Bunbury.

#### Background

Section 5.38(1) of the *Local Government Act 1995* provides that a local government must review the performance of the CEO if the CEO is employed for a term of more than one year.

The recently gazetted Model Standards for CEO recruitment, performance and termination (Schedule 2 of the *Local Government (Administration) Regulations 1996*) provides the Standards

for review of performance of CEOs. These performance review standards are based on the principles of fairness, integrity, and impartiality.

The minimum standard for performance review will be met if\*:

1. Performance criteria is specific, relevant, measurable, achievable and time-based.
2. The performance criteria and the performance process are recorded in a written document, negotiated with and agreed upon by the CEO and council.
3. The CEO is informed about how their performance will be assessed and managed and the results of their performance assessment.
4. The collection of evidence regarding performance outcomes is thorough and comprehensive.
5. Assessment is made free from bias and based on the CEO's achievements against documented performance criteria, and decisions and actions are impartial and transparent.
6. The council has endorsed the performance review assessment by absolute majority.

\*Reproduced from the Department of Local Government, Sport and Cultural Industries (the Department) Guidelines for Local Government CEO Recruitment and Selection, Performance Review and Termination, February 2021.

The Department recommends that Council develop a policy to guide the performance review process.

### **Council Policy Compliance**

The current Council Policy Annual Performance Appraisal and Salary Review applies.

### **Legislative Compliance**

Section 5.38(1) *Local Government Act 1995* - Annual review of employees' performance.

Section 5.39B(2), (3), (5) and (6) of the *Local Government Act 1995* – Adoption of Model standards.

Schedule 2 of the *Local Government (Administration) Regulations 1996* – Model standards for CEO recruitment, performance and termination.

*Salaries and Allowances Act 1975* and associated regulations.

### **Officer Comments**

To assist Council with facilitating the annual CEO performance review, the Council Policy Annual Performance Appraisal and Salary Review was adopted on 26 August 1998 with numerous reviews and amendments since that time, as attached at Appendix 12A. The current Policy may be considered problematic in that it lacks detail to deliver a consistent appraisal process and performance criteria setting and includes inconsistencies with aspects of the CEO's Contract of Employment, for example to CEO not being consulted in the selection of the reviewer.

In considering Council's current policy and the Departments guidelines on the matter, Officers have drafted a new policy which outlines the detailed processes to be undertaken in meeting the standard for performance reviews, pursuant to Schedule 2 of the *Local Government*

*(Administration) Regulations 1996 (the Regs.) Model Standards for CEO Recruitment, Performance and Termination.*

The Policy provides for the composition of a review panel, primary functions, the role and appointment of an independent consultant, setting performance criteria and the responsibilities of review panel members. It is a requirement of the regulations that the process by which the CEO's performance will be reviewed is documented and agreed to by both parties. Therefore, a signatory block for the CEO has also been included within the Policy document.

For the new policy to be adopted Council will need to revoke the current Council Policy Annual Performance Appraisal and Salary Review.

Council resolved at its meeting held 21 January 2020 that the 2021 CEO performance review be conducted in late September/early October 2021, and that the 2022 KPI settings be completed in November 2021 by the newly elected Council, refer decision 010/20.

#### **Analysis of Financial and Budget Implications**

Any external consultancy will need to be funded from existing budget lines for that purpose.

#### **Community Consultation**

Nil

#### **Elected Member/Officer Consultation**

The CEO and officers within the People and Safety Department have been consulted in the development of the Council Policy for CEO Performance and Salary Review.

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

#### **Applicant Consultation**

N/A

#### **Timeline: Council Decision Implementation**

Once adopted by Council, the Policy will become effective immediately.

#### **Outcome of Meeting – 8 April 2021**

The recommendation was moved by Mayor Brennan and seconded by Cr Smith and was carried unanimously as follows:

***That the Policy Review and Development Committee recommend that Council:***

- 1. Revoke the current Council Policy Annual Performance Appraisal and Salary Review; and***
- 2. Adopt the new Council Policy CEO Performance and Salary Review.***



**9. Questions from Members**

**9.1 Response to Previous Questions from Members taken on Notice**

Nil

**9.2 Questions from Members**

Nil

**10. Urgent Business**

Nil

**11. Date of Next Meeting**

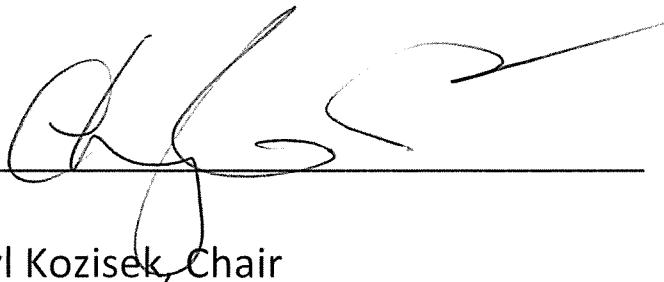
10.30am, Thursday 27 May 2021

**12. Close of Meeting**

The Presiding Member closed the meeting at 10.50am.

These Minutes were confirmed as a true and accurate record by the Policy Review and Development Committee at its meeting held on 27 May 2021.

Signed



A handwritten signature in black ink, appearing to be 'Cheryl Kozisek', written over a horizontal line.

Cr Cheryl Kozisek, Chair